

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 16th February, 2022										
Time:	10.00 am and 2.00pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="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										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Janice Young Specialist- Democratic Services 01803 861105										

1. Minutes

1 - 6

To approve as a correct record the minutes of the meeting of the Committee held on 19 January 2022;

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) 2133/19/VAR

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Cottage Hotel, Hope Cove

READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F

(b) 4219/20/OPA

35 - 46

"Land at Three Corners Workshop", Moreleigh, Devon

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

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

	Page No
(c) 3422/21/FUL "The Barns", Fishley, Modbury Erection of inclusive holiday letting unit as ancillary facility to 'The Barns' (Resubmission of 2807/20/FUL)	47 - 58
(d) 3470/21/HHO "Old Barton Barn", Wembury Householder application for rear extension	59 - 64
(e) 4214/18/FUL Land at Holwell Farm, St Anns Chapel Change to S.106, change to affordable element from discounted purchaser to rented	65 - 68
7. Planning Appeals Update	69 - 70
8. Update on Undetermined Major Applications	71 - 78

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in THE REPTON ROOM, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 19 JANUARY 2022

Members in attendance * 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 B Taylor

Other Members also in attendance and participating:
Cllr J Pearce via Teams

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 Manager;
Item 6 (b)	0942/21/FUL	Heritage Officer
Item 6 (c)	3705/21/FUL	Devon County Council – Highways Officer

DM.45/21 **MINUTES**
The minutes of the meeting of the Committee held on 16th December 2021 were confirmed as a correct record by the Committee.

DM.46/21 **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 an Other Registerable Interest in application 0942/21/FUL (Minute DM.48/21 (b) below refer), as he was a Member of the South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon;

DM.47/21 **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.48/21

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) 2369/21/FUL “Land opposite Lyndale”, Onslow Rd, Salcombe

Town: Salcombe Town Council

Development: Proposed residential development of two detached dwellings on vacant land. (Revised scheme of application 3262/18/FUL).

This application had been deferred before the start of the Committee meeting.

6b) 0942/21/FUL The Thatches, Thurlestone, TQ7 3NJ

Parish: Salcombe Parish Council

Development: Replacement detached garage/store.

Case Officer Update: It was confirmed that the site was outside the boundary of the Neighbourhood Plan area for Thurlestone, but was within the boundaries of both the Area of Outstanding Natural Beauty (AONB) and Heritage Coastal Area (HCA). Although the building was considered to be worthy of local heritage status, the Heritage Specialist had confirmed that it did not meet the criteria necessary to attain Non Designated Heritage Asset (NDHA) status. It was also confirmed that there was nothing to stop the current owners demolishing the building if they so wished. An outbuilding there had established the principle for a replacement outbuilding. It was confirmed that the Heritage Specialist had made a suggestion to record the building photographically before demolishing as the building was an example from the first wave of incomers coming into the South Hams area with increased car travel in the 1930s.

Speakers included: Supporter – Mr M Fairbrass (statement read); Parish – Cllr S Crowther; Ward Members – Cllrs M Long and J Pearce.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions

1. Time limit
2. In accordance with approved plans
3. Details of weatherboarding material for walls and roof materials to be agreed prior to installation on building;
4. The frame for the window on the south-west elevation and the door on the south-east elevation shall be constructed of hardwood;
5. Prior to commencement on site including any demolition or earthworks Tree Protection Plan to be submitted and agreed.
6. No external lighting on the building or site unless first agreed in writing by LPA prior to installation;
7. Removal of permitted development rights for insertion of windows, glazed doors and roof lights on building;
8. Recommendations of ecology report to be followed including the provision of bat and bird boxes as set out in the report.
9. The building shall only be used as a private garage/store and shall not be used, let, leased, or otherwise disposed of, for any other purpose including for commercial use.
10. Surface water disposal to be provided by means of connection to soakaway to BRE Digest 365 standard prior to first use of the replacement garage/store
11. Recording of building to be demolished.

6c) 3705/21/FUL Land at SX 633555, Ermington Road, Ivybridge

Town: Ivybridge Town Council

Development: Change of use of land from storage to lorry parking in association with Ivybridge Waste Transfer Station.

Case Officer Update: Devon County Council Highways had originally not objected to the application but had recently raised an objection as they now requested that pedestrian access be included as part of the application. The Highways Officer confirmed that the previous application, made to Devon County Council, for the waste transfer facility had had the same objection from Highways, and the County Council Development Management Committee had approved the application nonetheless.
The Case Officer confirmed that the mix of traffic to the proposed site and to the recycling centre would have very little overlap.

Speakers included: Supporter – Mr N Baston; Town Council – Cllr S Hladkij; Ward Members – Cllrs Pringle and Abbott;

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions

1. Standard time limit
2. Accord with plans
3. Accord with parking statement
4. Unsuspected contamination
5. Details of external lighting
6. Accord with drainage
7. Fence to be a black finish
8. Access to be restricted to the main access only
9. Use restriction- parking only (no maintenance, etc)

DM.49/21 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. In so doing, reference was made to a recent certificate of lawfulness appeal in Dartmouth, which had been decided in the Council's favour. Full costs had been awarded by the Inspector despite the Council having not applied for them. The Chairman reiterated that the Council should advertise that full costs had been awarded on this appeal to possibly impact on the number of speculative appeals in the future, and that the Council should apply for costs more frequently. The Lawyer confirmed that, following recent comments from Committee Members, costs had been sought on more appeals, where appropriate.

DM.50/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted.

(Meeting commenced at 10:00 am and concluded at 12:09pm, with a 10 minute break at 10:58am.)

Chairman

Voting Analysis for Planning Applications – DM Committee 19th January 2022

<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>
2369/21/FUL	Land opposite Lyndale, Onslow Road, Salcombe, TQ8 8AH	Deferred before Committee				
0942/21/FUL	The Thatches, Thurlestone, TQ7 3NJ	Refusal	Cllrs Hodgson, Long (2)	Cllrs Abbott, Brazil, Brown, Foss, Kemp, Pannell, Pringle, Reeve, Rowe (9)	Cllr Taylor (1)	
0942/21/FUL	The Thatches, Thurlestone, TQ7 3NJ	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe (8)	Cllrs Hodgson, Kemp, Long (3)	Cllr Taylor (1)	
3507/21/FUL	Land at SX 633555, Ermington Road, Ivybridge, PL21 9ES	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	Cllr Hodgson (1)		

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PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury
Thurlestone

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

Application No: 2133/19/VAR

Agent/Applicant:

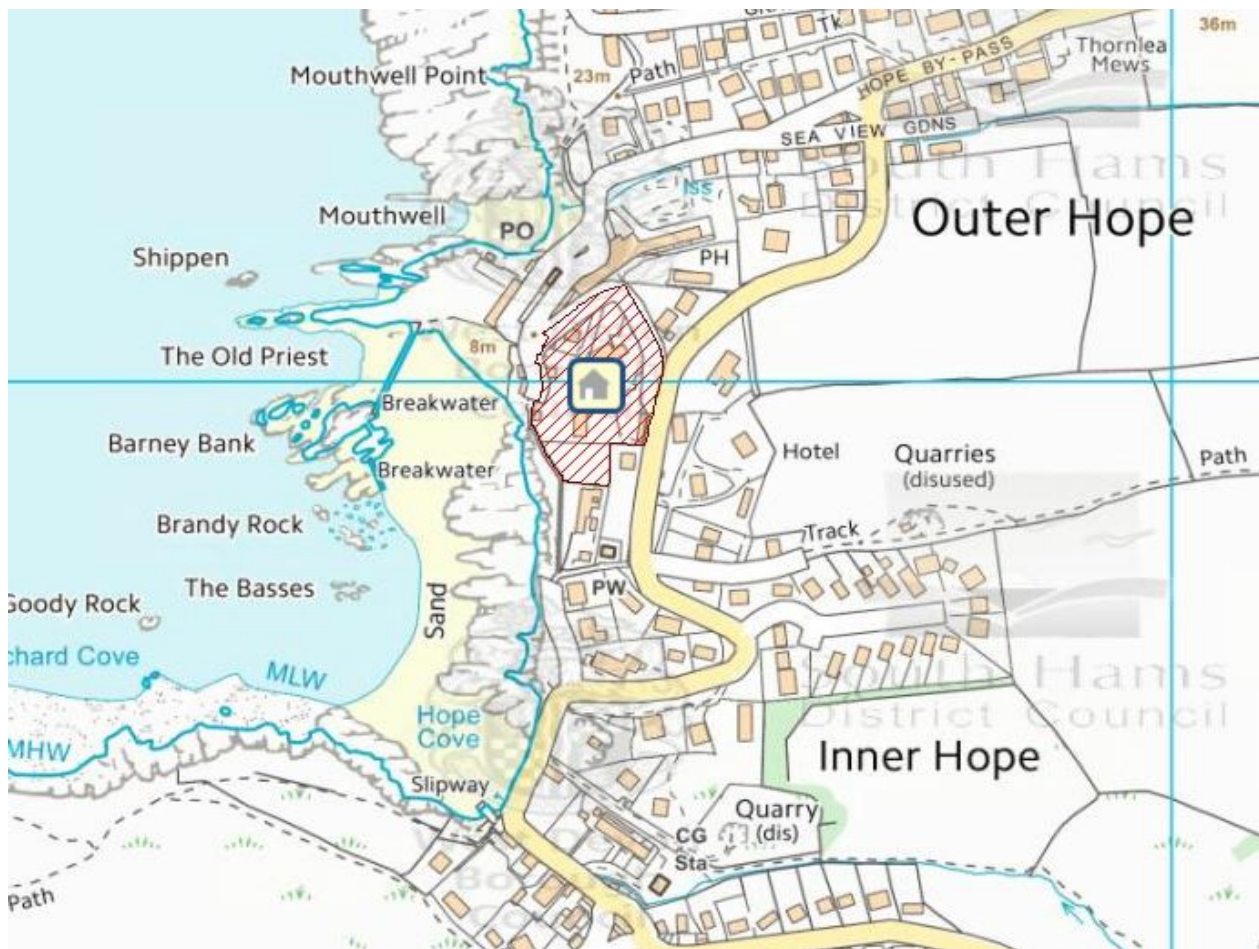
Mr Mark Puddicombe - Hart-Ireson
Limited
6 Yeo Business Park
Clyst St Mary
Exeter
EX5 1DP

Applicant:

Mr William Ireland
The Cottage Hotel
Hope Cove
TQ7 3HJ

Site Address: Cottage Hotel, Hope Cove, TQ7 3HJ

Development: READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F



Update following deferral from Committee on 6th October 2021

Members will recall this application was discussed at great length at the meeting on 6th October and as recorded in the minutes for that meeting, the decision was deferred:-

“During the debate Members stated that this was a difficult decision to make with some Members feeling that the economic impact on the business was paramount while other Members felt that the increase in mass, size, and loss of amenity to the neighbours had a significant impact, with the Council’s Landscape Specialist and the AONB both raising concerns. Members also commented on the colour of the roof tiles. Members deferred the application so that mitigation could be explored as follows:-

- 1. Alternative roof safety railings*
- 2. Detailed landscaping scheme*
- 3. Roof tiles to be more like those agreed under conditions discharge*

Members also reiterated that when the remaining phases were built, they must be at the ridge height and size as approved in 2015.”

Letters of Representation

2 further letters of objection have been received raising the following points:

- The owners have knowingly contravened their planning permission. These violations of the planning rules are not insignificant.
- Fail to understand why this application has not been formally rejected by the planning committee given that it was submitted over two years ago.
- If the committee is serious about retaining the integrity of our country’s planning regulations, it must reject this application ASAP.
- Overdevelopment.
- Totally unsympathetic to Hope Cove and the AONB status

Applicant’s Response

The applicant has now confirmed the following:

1. Roof railings are to remain as existing
2. Landscaping drawing has been submitted
3. Roof tiles are to be sprayed with Liquid Weather

1. Roof railings: The applicant has stated he wishes to retain the current railings which surround the flat roofed area. Other systems have been investigated such as a harness line, a weighted Man Anchor with harness or a folding railing system. These alternatives have been discounted by the applicant as being a retrograde step; he has been advised by an engineer:

“...we understand that as part of your routine maintenance programme, quarterly access is required to the timber flat roof, for which the proprietary guarded edge protection was provided.

As the frequency of the access requirements is less than once a month; clause 3.4b of Approved Document K, states ‘it may be appropriate to use temporary guarding or warning notices’, citing both the CDM and Work at Height Regulations, which is in line with the guarding that has been provided.

As the frequency of the access is both low and controlled, the use of the adopted proprietary guarding system enabled a reduction in the loadings applied to the timber roof structure, for which it is designed to provide sufficient strength to support the guarded system. This eliminated the need to locally strengthen the roof to receive the guard rail posts. The installed

system also avoids the puncturing and dressing of the water proof roof membrane, and any associated increased potential for leaking and water ingress into the building.

There are a number of innovations currently on the market, which would provide an alternative to the installed proprietary guard rails, such as portable roof anchors, which can provide fall protection for a maintenance worker; such as those suggested by Kee Anchor. These are of the form of a weight, but are in the order of 250kg each, (and not very portable) that can be positioned on the roof; acting as an anchor to which a life line can be attached to the maintenance worker, via a harness. Alternatively, the life line can be attached to a safety line running between multiple weights or anchor points.

In each case these systems safely support the loading in arresting any fall or during any foreseeable rescue. It is important to note that the Work at Height Regulations state that any safe guard or personal fall protection system should normally only be used, if no other safer work equipment cannot be reasonably provided, so going between a guarded situation to a fall protection system is really a backward step, with correctly fitted harnesses attached to trained personnel now being required for the required occasional maintenance.”

Whilst compliance with Building Regulations is not a planning matter, for Members' information, Approved Document K can be found at this link https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996860/Approved_Document_K.pdf

3.4b, as referred to above, states:

Guarding of areas used for maintenance

For all buildings

- 3.4 Where people will use the stairs or ladders to access areas for maintenance they should comply with one of the following.
- a. If access will be required frequently (e.g. a minimum of once per month): follow provisions such as those suggested for dwellings in this Approved Document (see Diagram 3.1).
 - b. If access will be required less frequently than once a month: it may be appropriate to use temporary guarding or warning notices. The Construction (Design and Management) Regulation 2007 and the Work at Height Regulations 2005 give provisions for such measures.

The Work at Height Regulations 2015 can be viewed at this link <https://www.legislation.gov.uk/ukxi/2005/735/contents/made>

The Regulations do not dictate exactly what must be provided and the relevant extracts are pasted below:

Schedule 1: Access or egress at height.

Every existing place of work or means of access or egress at height shall—

- (a) be stable and of sufficient strength and rigidity for the purpose for which it is intended to be or is being used;*
- (b) where applicable, rest on a stable, sufficiently strong surface;*

- (c) be of sufficient dimensions to permit the safe passage of persons and the safe use of any plant or materials required to be used and to provide a safe working area having regard to the work to be carried out there;*
- (d) possess suitable and sufficient means for preventing a fall;*
- (e) possess a surface which has no gap—*
 - (i) through which a person could fall;*
 - (ii) through which any material or object could fall and injure a person; or*
 - (iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk;*
- (f) be so constructed and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—*
 - (i) the risk of slipping or tripping; or*
 - (ii) any person being caught between it and any adjacent structure;*
- (g) where it has moving parts, be prevented by appropriate devices from moving inadvertently during work at height.*

Schedule 2 – Guard rails, barriers and means of protection

1. *Unless the context otherwise requires, any reference in this Schedule to means of protection is to a guard-rail, toe-board, barrier or similar collective means of protection.*

2. *Means of protection shall—*

- (a) be of sufficient dimensions, of sufficient strength and rigidity for the purposes for which they are being used, and otherwise suitable;*
- (b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that they do not become accidentally displaced; and*
- (c) be so placed as to prevent, so far as is practicable, the fall of any person, or of any material or object, from any place of work.*

3. *In relation to work at height involved in construction work—*

- (a) the top guard-rail or other similar means of protection shall be at least 950 millimetres or, in the case of such means of protection already fixed at the coming into force of these Regulations, at least 910 millimetres above the edge from which any person is liable to fall;*
- (b) toe-boards shall be suitable and sufficient to prevent the fall of any person, or any material or object, from any place of work; and*
- (c) any intermediate guard-rail or similar means of protection shall be positioned so that any gap between it and other means of protection does not exceed 470 millimetres.*

4. *Any structure or part of a structure which supports means of protection or to which means of protection are attached shall be of sufficient strength and suitable for the purpose of such support or attachment.*

5.—(1) *Subject to sub-paragraph (2), there shall not be a lateral opening in means of protection save at a point of access to a ladder or stairway where an opening is necessary.*

(2) *Means of protection shall be removed only for the time and to the extent necessary to gain access or egress or for the performance of a particular task and shall be replaced as soon as practicable.*

(3) *The task shall not be performed while means of protection are removed unless effective compensatory safety measures are in place.*

Schedule 4 - Arresting Falls

2. A safeguard shall be used only if—

- (a) a risk assessment has demonstrated that the work activity can so far as is reasonably practicable be performed safely while using it and without affecting its effectiveness;*
- (b) the use of other, safer work equipment is not reasonably practicable; and*
- (c) a sufficient number of available persons have received adequate training specific to the safeguard, including rescue procedures.*

Schedule 5 - Fall Protection Systems

1. A personal fall protection system shall be used only if—

- (a) a risk assessment has demonstrated that—*
 - (i) the work can so far as is reasonably practicable be performed safely while using that system; and*
 - (ii) the use of other, safer work equipment is not reasonably practicable; and*
- (b) the user and a sufficient number of available persons have received adequate training specific to the operations envisaged, including rescue procedures.*

2. A personal fall protection system shall—

- (a) be suitable and of sufficient strength for the purposes for which it is being used having regard to the work being carried out and any foreseeable loading;*
- (b) where necessary, fit the user;*
- (c) be correctly fitted;*
- (d) be designed to minimise injury to the user and, where necessary, be adjusted to prevent the user falling or slipping from it, should a fall occur; and*
- (e) be so designed, installed and used as to prevent unplanned or uncontrolled movement of the user.*

3. A personal fall protection system designed for use with an anchor shall be securely attached to at least one anchor, and each anchor and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of supporting any foreseeable loading.

4. Suitable and sufficient steps shall be taken to prevent any person falling or slipping from a personal fall protection system.

2. Landscaping: The Council's Landscape Specialist viewed the submitted drawing and requested further detail be submitted because there was a lack of detail for the planters to show the planted medium and space would be sufficient to provide suitable growing conditions for any plants to establish well.

A further drawing was submitted, 327/01 Rev A, and it is considered this addressed previous concerns:

“Phase 1 planting plan and details by Redbay Design are an improvement, with confirmation that there will be a 1m wide planting bed to the front of the gabions, and better quality specification for planting implementation and maintenance. No further concerns about this phase of the planting proposals.”

It should be noted that this only refers to phase 1, and not the other phases of the build.

3. Roof tiles: As a reminder, the decision notice discharging the construction materials under application 3667/17/ARC referred to a materials schedule which stated the roof would be finished using Marley Eternit Red Smooth tiles. Instead, orange pantiles have been used.

The applicant has confirmed that he will apply a single coat of Liquid Weather to the tiles fitted on the roof using a long arm sprayer at the original strength i.e. not diluted. Officers will have a sample of the original tiles and a tile treated with Liquid Weather which the applicant has provided for Members to view at the meeting.

Liquid Weather is described on the company website as a product to:

- “
- ...solve the common problem of unsightly mismatching masonry.
 - Matches and blends new and old surfaces in one easy application to give a natural, aged appearance that is otherwise only achieved by years of weathering.
 - Permanently tones down Brick, Stone, Tile, Render, Mortar, Concrete and Earthenware in Walls, Paths, Roofs and Gardens.
 - Easy to use with a brush, spray, sponge or roller. Dilution with water gives a lighter shade, while a darker effect is readily achieved by applying more than one coat.
 - A safe water-soluble formula with no dangerous chemicals.”

Further information can be viewed through this link <https://masonryclinic.com/product/liquid-weather-brick-stone-tile-tinting/>

Other matters

Email discussions have also taken place in regards to conditions imposed upon the granting of application 46/2401/14/F, which the Council has no record of discharging, and although not strictly being sought agreement for under this applicant, are of some relevance.

The conditions are:

3. The development hereby permitted shall not be commenced until a programme of trial holes and percolation tests (BRE digest 365 standard tests) are carried out in accordance with a scheme to be prior agreed in writing with the Local Planning Authority. SUDS to be designed for a 1:100 year event plus 30% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

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

It is considered this condition has been addressed by agreement to 2 other surface water drainage conditions (4 and 5) under which adequate details were submitted and agreed. No further details are required.

7. Prior to the commencement of use of any phase of the approved development a lighting management policy shall have been submitted to and agreed in writing by the Local Planning Authority and shall thereafter be implemented in perpetuity. The lighting policy shall include details of;

(i) low level and low energy lighting to all terrace and balcony areas;

(ii) internal circulation areas to be operated by PIR motion sensors with timer controls to reduce energy and light pollution;

(iii) all glazing to windows, doors and balconies to be non-reflective glass to reduce solar reflection and the amount of artificial light emitted from the building.

Reason: In the interest of visual amenity of the area and to safeguard the residential amenities of occupiers of nearby properties.

The applicant has submitted a report, dated 2015, in an attempt to satisfy this condition but due to there not being adequate information as required by the condition and it referring to lights which were discontinued in 2017 owing to increased energy conservation measures, should permission be granted, this condition will need to be re-imposed.

13. Full details of all window and door design and the type of glazing to be installed shall have been submitted to and agreed in writing by the Local Planning Authority prior to any installation. Such agreed details shall be thereafter implemented and so maintained.

Reason: To ensure that there is sufficient information to enable the detailed design to be agreed in the interests of promoting good design build in a sensitive area.

The drawings submitted for this application provide sufficient detail for Phase 1. Should permission be granted a further condition would be needed to secure similar details for the remaining phases.

Other conditions would also need re-imposing as follows, should Members be minded to approve this application (no time limit condition is required for commencement given works have commenced):

- Accord with plans (plans submitted for this application and original plans where not superseded
- Implementation of previously agreed drainage scheme, unless amended and further agreed in writing
- Standard unexpected contamination
- Implementation of landscaping as agreed and amended by this permission
- Use of previously agreed stonework
- Adherence to previously agreed Construction Management Plan
- Adherence to previously agreed ecological mitigation and enhancement measures
- Adherence to agreed materials schedule, except where amended by this permission
- No additional windows or doors to the side elevations facing 'Atlantic Lodge' and 'Old Colonial House' without prior written agreement
- Retention of existing parking, completion and phasing of additional parking

As well as an additional informative to remind the applicant that the other phases of the build should remain at the originally agreed height, and not the height of Phase 1, additional conditions would be required as follows:

- Application of treatment to roof tiles for all phases; to be carried out within 3 months of the date of permission for Phase 1
 - Lower ground floor rooms to be used as storage only for the hotel and not as additional bedrooms or any other purpose
-

ORIGINAL REPORT

Reason item is being put before Committee: Given the sensitivity of the site's location within Hope Cove, the South Devon AONB and Heritage Coast that this application relates to a previous application that was determined by Committee, and in light of significant public interest it is considered Committee determination is necessary.

Recommendation: Refuse.

Reasons for refusal

1. The development, by reason of its size, massing, increased height and use of orange roof tiles has an overbearing and bulky visual impact upon the character and setting of Hope Cove village. Whilst it is recognised that permission has been granted for the redevelopment and a significant expansion of the hotel, as a result of the multitude of changes made during the construction in comparison to the approved scheme, the proposal is considered to have a significant adverse impact on this sensitive, protected landscape, failing to demonstrate it will conserve and enhance the natural beauty of the South Devon Area of Outstanding Natural Beauty and the special character of the Heritage Coast. The development is therefore considered contrary to policies DEV15, DEV20, DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan, the National Planning Policy Framework including, but not limited to, paragraphs 11, 176, 177 and 178, South Devon Area of Outstanding Natural Beauty Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and South Huish Neighbourhood Plan policies EC01, ENV2 and HBE3.

2. The development, by reason of its scale, form, increased height, extent and close proximity, would have an unduly overbearing and unneighbourly impact on the adjoining dwelling 'West View', further emphasized by the orange tiles and railings on the roof. As such the development is contrary to policies DEV1, DEV15 and DEV20 of the Plymouth and South West Devon Joint Local Plan, the National Planning Policy Framework paragraph 11, 176, 177 and 178, South Devon Area of Outstanding Natural Beauty Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and South Huish Neighbourhood Plan policies EC01, ENV2 and HBE3.

Key issues for consideration:

Is the development (Phase 1, as constructed and not in accordance with the approved plans) acceptable in terms of landscape/AONB impacts, and impacts upon nearby residential properties.

Site Description:

The Cottage Hotel first opened as a small guest house in 1927. It has since been much altered and extended over the years; the applicant's family have run the business since 1973.

The hotel occupies a prominent location in Outer Hope Cove, in an elevated position above the immediate old village to the north and west. More modern development adjoins the link road to Inner Hope Cove to the east and south. The South West Coastal footpath adjoins the western site boundary.

The hotel enjoys panoramic views of the coast and as a consequence of its relatively elevated position, the site is also open to views from much of the surrounding coastal area and footpaths.

The site lies wholly within the South Devon Area of Outstanding Natural Beauty and Heritage Coast; it is outside the Undeveloped Coast. A Scheduled Ancient Monument, the Iron Age cliff castle known as Bolt Tail Camp, lies approximately 350m to the south west.

The site lies within the settlement boundary of Hope Cove, as defined in SHNP Policy SH Env 1.

The hotel is accessed from the road to the east. The hotel car park is located on the upper part of the site adjacent to the road. The whole site is generally open with little landscaping. Work has started on Phase 1 of the previously approved scheme (46/2401/14/F), appearing near complete externally.

The closest residential properties not in the ownership of the hotel, are 'Atlantic Lodge' approximately 27m to the north east and directly adjoining the vehicular access to the hotel and harbourside; 'West View' approximately 16m to the south east, sharing a boundary with the site and directly overlooking it to the north and west; and 'Old Colonial House' immediately to the south, also sharing a boundary with the site.

The Proposal:

This application seeks, via Section 73 of the Town and Country Planning Act, to vary condition 2 (approved plans) of the previously approved application 46/2401/14/F, in order to regularise works that have taken place on Phase 1; the approved scheme comprised of 4 phases, relating to the entire hotel building. Phase 1 represents an extension to the southern end of the building.

For the benefit of Members, the approved application was detailed as follows in the Officer's report:

The proposed development relates to extensions and alterations to The Cottage Hotel to provide 56 bedrooms, 3 staff and owners' accommodation, new parking facilities, new restaurant bar, lounge and function room. A new two storey car parking decks is to be constructed to the rear of the hotel, in the position of the existing car park. 38 spaces are located at ground floor and 40 spaces at first floor. The upper parking level is open and no higher than the existing car park.

A proposed phasing plan has been put forward, following in depth conversations with both the owners and operators of the hotel and construction specialists, to ensure that the hotel itself can be maintained and run during the individual construction phases. This is central to the applicant's business plan.

The phasing of the proposed extension and internal alterations to hotel are to be broken down into approximately four phases.

Drawing no. 6634/320 comprises an existing and proposed identification drawing showing the proposed extensions and alterations together with an outline of the existing hotel area and footprint. This drawing is able to show that two extensions are to be constructed on both sides of the existing structure together with extensions to the rear of the existing hotel. The area indicated to the front of the hotel is the restaurant and lobby area only together with a conference centre at lower ground floor and does not extend up to the full height of the overall building. This is clearly indicated on elevational and floor plan drawings included within this application.

The existing car parking arrangements will be retained during phases 1 and 2. The new two storey parking decks will be constructed as part of phase 3 and completed prior to occupation. The new hotel servicing arrangements will also be included in phase 3.

PHASE ONE

Phase One of the proposed works will not require the demolition or alteration to the existing as this will be a new extension to the East side of the existing hotel that will be interconnected to the inner corridors by a temporary weathered and covered walkway. The proposed phase will offer three lettable rooms at ground floor level and an owners apartment at both first floor and second floor level, this having a separate access from the rear of the hotel and integral parking within the unit.

PHASE TWO

This phase will require the demolition of the end East wing of the hotel and allow for Phase One to be connected to the main hotel, this incorporating four bedrooms at ground floor level together with the increase in the restaurant capacity and enhancement to the main internal kitchens and lounge entrance lobby area to the restaurant.

Rear stairs and service corridors will also be created in this phase, this incorporating the tunnelling out for the lower ground floor level conference centre.

At first floor level there will be an additional three bedrooms together with all of the laundry and rear storage areas for the hotel.

This proposed phase will also include the rear fire escape staircase and secondary lift shaft for use by hotel guest in the East wing.

Two additional bedrooms and three stores will be created at roof level.

To the underside of the new restaurant extension the shell will be constructed and finished with windows and glazing doors.

PHASE THREE

This phase will incorporate the alteration to the existing hotel and the creation of the new main feature staircase and bank lifts, the retention and alteration to the existing front lounge and demolition and removal of the existing reception and Cove Room at ground floor level.

At first floor level a steel frame will be erected over the existing hotel and the creation of eight new bedrooms at first floor level together with ancillary staff accommodation, binstorage and snooker rooms, arcade and gym will all be constructed.

At second floor level eight new bedrooms will be created together with the new main entrance lobby and reception/offices for the running of the main hotel, this including the entrance lounge and luggage stores.

At roof level an additional eight bedrooms will be created with interconnection between Phases Two and Three.

PHASE FOUR

Phase Four is the West extension to the main hotel and will create at ground floor level four new rooms.

At first floor level five rooms together with the main fire escape to the end of this section of the building.

Second floor level will have seven new rooms together with ancillary stores and storage for staff use.

At roof level an additional three rooms will be created again with storage.

The application was originally submitted in order to include the 4 additional rooms that have been constructed at lower ground floor levels. These were designed as bedrooms, but in light of Parish concerns, have been changed to “storage”. During consideration of the application it was discovered that several elements that have been constructed did not accord to the approved plans. To avoid any possible misunderstanding of the proposal, an additional drawing was requested to clearly illustrate the differences, particularly the differences in height.

The following are the elements that differ to the approved plans:

- Height increase of approximately 0.58m to the ridge of the southern end, and 0.82 to the ridge of the gable; this excludes the railings that have been fitted around the roof
- A lower floor has been installed comprising of 4 rooms
- Gabion baskets have been placed to the front of the building, below the additional rooms
- Windows are of different sizes/positions and additional windows have been installed
- The balcony/screening differs to that approved
- The internal layout has been reconfigured (does not materially affect the application)
- The roof covering was approved via conditions discharge as Marley Eternit Smooth Red; orange pantiles have been fitted

Following the Case Officer’s site visit, it is apparent that works to the car park at the rear have not been carried out in accordance with the approved plans in so far as the car park being bound by wire fencing; the approved plans showed timber boarding with planting around the car park, providing a good degree of screening; this does not form part of this planning application however and the applicant has stated works have not yet commenced on this part of the approved scheme. The approved landscaping scheme appears not to have not yet been implemented across the site, and in light of the changes made during construction, it is likely this could not be implemented as approved.

Furthermore, several conditions attached to the original permission requiring details to be agreed prior to commencement or installation appear to remain outstanding, those being condition 3 - details of drainage, condition 7 – details of lighting and condition 13 – details of windows (prior to their installation.) This application does not seek to include those details or address the conditions.

Consultations:

County Highways Authority: No highways implications

SHDC Landscape Specialist: Objection. Will have harmful effects on this sensitive, protected landscape. Has not demonstrated it will conserve and enhance the natural beauty of the AONB, nor the special character of the Heritage Coast, and therefore considered contrary to policies DEV23, DEV24 and DEV25 of the JLP.

AONB Manager: Objection. Concurs with SHDC Landscape Specialist

South Huish Parish Council:

9th April 2021 - South Huish Parish Council reviewed this application in their April meeting and unanimously approved to support the Variation of Condition 2

16th June 2020 - Object. If approved, the following conditions are essential:

1. The rooms are to be used for storage only and will not, at any time, be allowed to be converted to hotel or ancillary accommodation
2. All windows in the storage rooms must be permanently screened
3. The gabion wall must be conditioned to ensure it is planted to allow natural vegetation to grow

20th September 2019 - SHPC have reconsidered their response. We withdraw previous comments and have no objection

15th August 2019 - strongly object due to the following:

If the storage area is converted to bedrooms there will be no storage available and due to the size of the hotel, storage will clearly be required. It is not acceptable to lose this storage area only to seek to build an alternate storage area at a later date. Has it been ascertained where the items for storage will be kept and why there is no longer a need for such a sizeable storage area? These answers need to be provided prior to any decision being made.

The additional bedrooms will put further strain on an already struggling sewage system. No further accommodation is acceptable at this location.

The increase in bedrooms will have a further negative impact on the parking situation. There is already insufficient parking at this site. Additional bedrooms will cause a further detrimental impact leading to vehicles parking and blocking the busy road to the property.

Negative impact on the environment and to the AONB.

This application supports no essential needs, is not complimentary to the surrounding area and SHPC unanimously OBJECT.

Representations from Residents

All representations can be viewed in full on the Council's website at:
<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/192133>

14 objections (from 9 individuals) have been received following 3 consultation periods and cover the following points:

- Consent was granted against officer advice. The Exceptional Circumstances to do so are not clear
- The original approval should have been “called in”
- No business case has been put forward for damaging the AONB or Hope Cove
- The extra height and extra floor should be rectified; there is no good reason for such errors
- Panoramic views across Bigbury Bay are about to be destroyed
- Phase 1 is part of a larger project and any increases now will continue for the rest of the development, inflicting further damage on the AONB. Construction of Phase 1 began with a clear breach of planning
- The view from Bolt Tail is now dominated by the hotel
- Lighting to the pathways is too bright and at waist height rather than foot level, causing considerable light pollution
- Question how the development has been able to proceed with more than 30 amendments
- Disproportionate to the character of the original hotel and not in keeping with the village
- The height is anti-social and unnecessary; more overbearing than originally agreed
- Reduces light to neighbouring properties
- Significant impacts on immediate full time residential properties, including bank slippage
- Dust and noise pollution; windows have to be kept shut throughout the year
- Works often take place on Sundays and Bank Holidays, and no warning is given
- The roof tiles were never agreed as bright orange pantiles; they are inappropriate and further dominate views and harm the AONB
- The roof is even higher than approved (0.58 and 0.82m, plus the additional height of the railings) and also includes railing that are ugly and higher than approved; why are railings necessary?
- The lower floor has been changed into bedrooms without approval
- Impacts upon views from properties
- Hope Cove is a small, picturesque fishing village which tourists flock to for its quaintness. Now it is witnessing the most monumental destruction on a grand scale
- Inconstant planning decisions – residential properties are not allowed to extend or improve, but this overdevelopment has been allowed
- If allowed, the height should be reduced by 1 storey to account for the extra rooms built at lower ground floor level
- Illustrations that supported the original approval were misleading, showing a smaller, grey building with grey roof tiles
- Additional windows have been installed and views can be gained from the balconies into neighbouring properties because the screening is now much lower
- An arguably over-dominant 3 storey building has become a definitely dominant 4 storey building, dwarfing the rest of the village

Comments also made concerning the lighting of the Lobster Pod area, that it is intrusive at night; those do not form part of this application

147 letters of support have been received, summarised as follows:

- As a regular visitor over a number of years it is a real shame to read some of the objections being put forward from what appear to be non-permanent residents of Hope Cove
- The family have one goal, to improve the hotel and amenities for the benefit of all
- The hotel is the heartbeat of the village and whilst staying, guests use other village businesses
- Out of season, hotel guests keep income coming in to Hope Cove.
- Hope Cove will still be very beautiful, hopefully more people will come to visit more regularly and everyone will benefit in the uplift the hotel will provide

- Consider it is a sensible outcome to allow the extra 4 bedrooms created from the store rooms in the new part of the Hotel
- In a village where at least 5 hotels have closed, extra rooms would be a great tourism asset
- The Cottage Hotel is a major employer in the district and one of the only two hotels left in the village. Allowing this development would help to ensure the long term viability of the Hotel
- Note the landscape objection has only been carried out from an office
- The objections are subjective and changes marginal
- SHDC has not been proactive and the delays are costing money
- Change is inevitable

Relevant Planning History

The hotel has been subject to many planning decisions over the years relating to alterations and extensions to the property. Of particular significance by reason of the nature and size are the following:

46/1012/80/3: Remodelling and extensions of The Cottage Hotel. Refused and subsequently dismissed on appeal, decision letter dated 22/12/1982

46/909/81/O: Alterations to The Cottage Hotel and new staff accommodation. Refused and subsequently dismissed on appeal, decision letter dated 22/12/1982. The Inspector found the central consideration to these appeals to be the economy and visual impact and effect on neighbour amenity. The proposals related to extensions comprising a 62 bedroom hotel and not dissimilar scale to the approved proposal. The general massing and scale was considered to have an unacceptable impact on the AONB.

46/0936/83/3: Alterations and extension to hotel including indoor swimming pool. Approved August 1983

46/340/87/3: Alterations and extensions to The Cottage Hotel. Refused April 1987

46/2401/14/F - Development and extension of hotel to provide 56 bedrooms, 3 staff and 1 owner's accommodation, new parking facilities plus new restaurant, bar, lounge and function room. Approved by Committee against Officer recommendation

It is worth mentioning here that prior to the submission of 46/2401/14/F, pre-application discussions were held (1490/13/PREMAJ), which included presentation to the Council's Design Review Panel on two occasions. The letters may be viewed in full on the Council's website.

The Panel's conclusions were:

- The proposed building would harm the village and its setting, in part to its excessive size (the justification for which remains unconvincing) but also to the client-led design approach which, in turn, is a result of the requirement to preserve and build around the existing structure.
- The suggested 7-year building programme would likely cause immense and protracted disruption to this small, relatively inaccessible community due to noise and heavy traffic.

It is understood some design amendments were made prior to the application submission, but these were not considered sufficient enough to enable Officer support.

ANALYSIS

Principle of Development/Sustainability:

The approved application, 46/2401/14/F, was judged against the previous development plan, being South Hams Local Development Framework Core Strategy (2006), South Hams Rural Areas Site Allocations Development Plan Document(DPD) 2011 and 'Saved' policies from the South Hams Local Plan (1996). This new application must be judged against the current policies and development plan, which is the Plymouth and South West Devon Joint Local Plan (JLP) and the South Huish Neighbourhood Plan (SHNP). The NPPF has also been updated, and it should be recognised that additional weight has been placed on conserving and enhancing protected landscapes such as AONBs; this has been reinforced through the recent (2019) Glover Review.

Paragraphs 2, 8 and 11 of the NPPF establish that applications will be determined in accordance with the Development Plan (documents listed above) unless material considerations indicate otherwise; and that where considered to be sustainable development, permission should be granted.

NPPF paragraphs 81 and 84 are of particular relevance, requiring significant weight to be placed on supporting economic growth, including sustainable rural tourism that respects the character of the countryside.

Spatial Policies in the JLP provide a policy steer for decision making in line with the sustainability objectives.

Policies SPT1, "Delivering sustainable development" and SPT2, "Sustainable communities" are key to every development decision. These support sustainable economic growth, require development to utilise low carbon technology and building methods, support service provision in and the assets of communities, including accessible greenspace, that meet the needs of local people (discussed in more detail later in this report).

SPT12, "Strategic approach to the natural environment" is also of relevance, noting that development will conserve and enhance the landscape and scenic beauty of the South Devon AONB, protect and enhance within the South Devon Heritage Coast. Paragraph 1 requires development to avoid harmful impacts, and where these are unavoidable, to adequately mitigate or, as a last resort, fully compensate.

The next level in the policy hierarchy is the Thriving Towns and Villages Policy Area, the TTV policies.

Policy TTV1, "Prioritising growth through a hierarchy of sustainable settlements", stating growth will be distributed in a hierarchy of settlements as follows:

...enabling each town and village to play its role within the rural area:

- 1. The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area.*
- 2. Smaller Towns and Key Villages - which will receive support for growth commensurate with their roles in supporting the small villages and hamlets.*
- 3. Sustainable Villages - where development to meet locally identified needs and to sustain limited services and amenities will be supported.*

4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.

The adopted JLP does not include any AONB villages within the list of sustainable villages referenced in Policy TTV25 (Development in the Sustainable Villages) as insufficient evidence was made available to the local plan Inspector to demonstrate that the impact on the AONB of development in these villages would be acceptable. However, this does not preclude all development in the AONB; the principle of development in AONB villages needs to be assessed on a case by case basis against relevant planning policies

As Hope Cove is not a listed village under TTV1, it falls under Tier 4, as a smaller village.

Policy TTV2, “Delivering sustainable development in the TTV Policy Area” states:

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

- 3. The growth and expansion of rural businesses and enterprise.*
- 5. The delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.*

The final policy tier to consider is “Development Policies”. The most applicable to the principle of the development is DEV15. Whilst supporting the rural economy, it is considered applicable to this situation. DEV15 notes:

Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.

Development proposals should:

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

This proposal does not raise any issues in terms of points i, ii or iv above, but point iii must be considered; this is discussed later in this report.

In terms of the South Huish Neighbourhood Plan (SHNP), it is noted that one of the key objectives is to safeguard the local economy and tourist industry. Policy SH EC01 relates

specifically to tourism related employment, but seeks to retain hotels by preventing the change of use, so is not strictly relevant to this proposal.

Another key objective of the SHNP of great relevance to this proposal is :

Respecting the unique setting and qualities of the parish within the South Devon AONB.

Taking the above into consideration, and together with the previous approval, it is clear that the principle of the expansion of the hotel, that is, development for the purposes of tourism in this location, is compatible with the general objectives of the NPPF, the JLP and the SHNP.

The development is wholly contained within the hotel grounds, will naturally have some social and economic benefits, albeit these have not been quantified; environmental impacts are considered later in this report. The principal of introducing additional accommodation is acceptable, however, the acceptability of what has been built must be judged against all other policies and guidance, with clear demonstration that any benefits outweigh the harm.

Major Development in the AONB

Paragraph 176 of the National Planning Policy Framework (NPPF) states that “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.*”

Paragraph 177 follows on that planning permission should be refused for major developments in these designated areas “*...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. ”*

The NPPF makes it clear that whether a proposal amounts to 'major development' is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not synonymous with the definition of a 'major planning application', that is in terms of floor/site area or the number of dwellings, but whether the development could be construed as major development in the ordinary meaning of the word, having regard to the character of the development in its local context.

The application concerns an extension to an already sizeable building, seeking retrospective consent via a variation of the approved plans condition for the changes listed in the proposal section above. The building is not considered to be small-scale. In fact, it is the opposite, and the largest in the village. Whilst development is contained within the existing site boundaries, the hotel is highly apparent when viewed from public vantage points in all directions. The

building is particularly visible at its full extent (now appearing as 4 storey given the under build that has occurred) from the beach/harbour, and the coastal footpath.

Having regard to the character, nature and scale of the proposed development, and taking the local circumstances and context into account, the Council considers the proposal is paragraph 177 major development in the context of the South Devon AONB.

This application has not been accompanied by any supporting information or justification, which makes it difficult for Officers to assess it against the criteria above and conclude there are exceptional circumstances that justify approval, and that development is in the public interest (criterion a), particularly when mindful there is already a consent in place which provides for the expansion of the hotel at a level which was deemed sufficient by the applicant at that time.

Clearly the development cannot take place outside of the designated area (criterion b).

As discussed later in this report, the increase in height, massing and use of orange roof tiles are considered to be harmful to the character and appearance of the protected landscape, and these cannot be moderated in any way (criterion c).

Therefore, it is considered there is a clear conflict with paragraph 177 and this directs that development should be refused in the absence of exceptional circumstances or public interest.

Design/Landscape

In considering this application, the Local Planning Authority must give due regard to the overriding statutory duty of conserving and enhancing the natural beauty of the AONB (set out in the Countryside and Rights of Way Act 2000, s85) as well as policies in the NPPF, the JLP and the management plan for the South Devon AONB. It is not a case that an approval already exists, so that duty is set aside.

JLP Policy SPT1 “Delivering sustainable development” requires development, amongst other criteria, to meet the needs of local people, avoid environmental impacts and respect, maintain and strengthen sense of place and local distinctiveness through high standards of design.

SPT2 “Sustainable linked neighbourhoods and sustainable rural communities” requires development to provide a positive sense of place, through good design and protection and enhancement of the natural and historic environment.

TTV2 “Delivering sustainable development in the TTV Policy Area” supports the growth and expansion of businesses, and sustainable rural tourism which benefit communities, visitors, and respect the character of the countryside and historic settlements

JLP Policy DEV15 supports:

Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment,

requiring development to:

iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.

DEV20 “Place shaping and the built environment” requires development to meet good standards of design, contributing positively to townscape and landscape giving proper regard to the wider development context, visual impact, scale massing height, landscaping and character

DEV23 “Landscape character” requires development to conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Adverse effects should be avoided, mitigated or compensated.

DEV24 “Undeveloped Coast and Heritage Coast” states :

Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

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

DEV25 “Nationally protected landscapes” states:

The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 3. Give substantial weight to other natural beauty criteria, including the conservation of wildlife and cultural heritage in the AONBs and great weight to the conservation of wildlife and cultural heritage in Dartmoor National Park.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*
- 5. Encourage small-scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore the protected landscapes.*
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape’s special qualities and distinctive characteristics or valued attributes.*

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

South Huish Neighbourhood Plan Policy SH ENV2 "Impact on the South Devon Area of Outstanding Natural Beauty" requires development;

In addition to National and Development Plan policies and guidance controlling development in the South Devon AONB, Undeveloped Coast and Heritage Coast, development within the Parish should, where necessary due to the size and scale of the development must demonstrate:

- a) how it maintains the intrinsic character of the landscapes affected;*
- b) why it cannot be accommodated reasonably outside the Heritage Coast and Undeveloped Coast designations;*
- c) How the natural assets and constraints of a development site have been assessed. Substantial harm to or loss of irreplaceable habitats such as ancient woodland and within historic boundary features, banks and ditches should be wholly exceptional;*
- d) how opportunities for improving public access to and the enjoyment of the coast have been included.*

Policy SH HBE 3: "Design Quality within the Parish" states:

Development proposals in South Huish Parish should demonstrate high quality design and will be supported where:

- They are innovative and locally distinctive using a palette of materials that respond to and integrate with the local built surroundings, landscape context and setting. The use of local stone is supported and imported stone from outside the South Hams discouraged. A contemporary design solution will be supported providing it respects the context and setting.*

Regard must also be paid to the South Devon AONB Management Plan, mindful that AONBs have a single statutory purpose, that being the conservation and enhancement of the natural beauty of an AONB, which is enshrined in the Countryside and Rights of Way Act 2000. The South Devon AONB Management plan, required by and prepared under the same act, is a

material consideration in determining this application. Amongst other things the plan sets out the policy framework for AONB management together with priorities for action. Where there is a perceived conflict between policies, the statutory purpose for AONBs overrides following the established Sandford Principle:

Where irreconcilable conflicts exist between conservation and public enjoyment, then conservation interest should take priority

This principle was updated in the 1995 Environment Act, to say;

If it appears that there is a conflict between those purposes...attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.

Support is given to this application through Policy Acc/P1 "Sustainable Tourism" which seeks a sustainable, year-round tourism industry which benefits from and contributes to the environmental quality of the area. Activities and initiatives to extend the main tourism season and to assist in promoting the area to overseas visitors will be supported, and Policy Econ/P1 "Rural economy" which states the growth of the area's economy will be supported where sustainable economic growth and the health of natural resources sustain each other. Employment sectors having a traditional association with the AONB and which conserve or enhance the AONB's special qualities will be promoted and supported.

However, these policies cannot be taken in isolation and must be read together with the remainder of the Management plan, where strong policy conflicts exists:

Lan/P1 Character - The special qualities, distinctive character and key features of the landscape and Heritage Coast will be conserved and enhanced

Lan/P2 Technical Assessments - The use of Landscape Character Assessments will continue to be advocated so that decisions respect, maintain and where possible enhance landscape character contributing to the special qualities of the AONB.

Lan/P5 Skyline and Views - The character of skylines and open views into, within and out of the AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought with improvements to reduce visual impacts of unsightly past development.

Plan/P1 Plan-making - Planning policies will give great weight to the purpose of conserving and enhancing the natural beauty and special qualities of the AONB, while supporting limited development that is appropriate to its setting, is in keeping with its character, and meets the economic and social needs of local communities.

Plan/P2 Decision-taking - Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the AONB, supporting development that is appropriate and proportionate to its setting, seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB.

The Council's Landscape Officers had previously observed that the overall height of the building would not be increased, commenting that the front elevation, with additional stonework on the lowest storey and glazed openings, would increase the overall massing and

dominance of the seaward elevation when seen from highly sensitive viewpoints to the south-west (including Bolt Tail), and at closer quarter from the SW Coast path. With the belief that there would be no increase to the overall height above the approved proposal, the margin of increased harm was deemed not significant and an objection was not raised.

However, following the receipt of additional drawings which enabled a thorough comparison to be made between approved and “as built”, it is now evident there is an increase in the roof height from that approved of between 0.58 and 0.82m (excluding the additional height of the railings), affecting the majority of the ridgeline of the redeveloped building (Phases 1, 2, 3 and 4); this raises legitimate concerns that the higher, cross wing gable sections in Phases 2 and 3 will therefore increase in height by an equivalent amount.

In light of the identified increase in height of Phase 1 and possible equivalent increase in height of subsequent phases of the build, the margin of harm identified is now deemed significant. The subsequent phases of development will need to tie in with the as-built Phase 1 roof and the likely ‘knock-on’ effects of the increased roof height in Phase 1 must be taken into consideration.

The Landscape Officer is of the opinion that the increased height of the proposal is unacceptable as it increases the overall massing and dominance of the seaward elevation. It will also increase the adverse visual effects on views experienced from the neighbouring property, West View. The Case Officer and AONB Manager concur with this view.

To elaborate on the concerns raised, the creation of a new, lower ground floor to include four rooms with glazing creates a significant amount of additional under-build to the development. The use of these can be conditioned to prevent them being bedrooms, but their use makes little difference in terms of visual impacts. This underbuild effectively turns a 3 storey building into 4 storey, resulting in a significant increase in massing and therefore additional visual impacts, particularly when viewed from the beach and coastal footpath from Bolt Tail direction. This increased amount of under-build, combined with the hard gabion retaining features rather than the originally approved soft landscape surrounding the southern extension to the building, results in further adverse visual effects.

The gabion basket wall appears filled with randomly sized, grey stones, not very well packed or finished, and visually not particularly attractive. These gabions did not feature on any approved plans, nor on the landscaping plans, and only appear on the plans submitted for this current application. However, this element could be dealt with by way of a planning condition for more appropriate stone to be used, if approved.

The Landscape Specialist also noted the drawings indicate a list of climbing plants for the base of the baskets, although confusingly also indicate that the proposed plants may trail down over the gabions. There is insufficient detail submitted to indicate how this will be achieved and no indication of how the wider site layout and landscaping will be amended to respond to these new features.

Concern is also raised in relation to the approved Landscape Strategy and detailed planting plans. The external layout illustrated on the Proposed Site Plan for the application now under consideration and the layout of the external areas illustrated on the approved landscaping plans are very different. What has now been constructed for Phase 1 will affect the approved landscaping, and possibly make it undeliverable, at least in the southern part of the site, so revised plans would be required for approval; this could be conditioned.

A further concern is also noted in that the orange tiles used on the as-built are not what was agreed through conditions discharge (Marley Eternit Red Smooth), and are uncharacteristic of the local area. These tend to draw the eye towards the building, and further add to its dominance. Attention is drawn to references in the approved scheme mentioning that grey clay tiles or slates might be more attractive; the illustrations indicated muted red/grey roofing, which blended in with surroundings. What exists now is very different to that previously shown.

Even though it was granted permission, the previous development was acknowledged to result in adverse harmful impacts on the landscape character and visual amenity, and to the protected landscape in particular, due to the form, scale and massing of the proposal. Approval was given by Members because the benefits were deemed to outweigh the harm.

Whilst it is recognised that permission has been granted for the redevelopment and a significant expansion of the hotel, and that is a material consideration lending weight in support, Officers are unable to support any further increase in the form, scale and massing of the scheme above that approval, which would occur if this retrospective application is approved. As a result of the multitude of changes made during the construction in comparison to the approved scheme, the proposal is considered to have a harmful effect on this sensitive, protected landscape. Overall, the application has not demonstrated that the proposals will conserve and enhance the natural beauty of the AONB, nor the special character of the Heritage Coast, and would therefore be considered contrary to policies DEV15, DEV20, DEV23, DEV24, and DEV25 of the adopted JLP, NPPF 11, 176, 177 and 178, AOB Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and SHNP EC01, ENV2 and HBE3.

Neighbour Amenity:

As previously detailed, there are a handful of directly adjoining neighbouring properties.

‘Atlantic Lodge’ sits approximately 27m to the north east of the hotel, directly adjoining the vehicular access point. This is at the opposite end to Phase 1 where works have taken place and it is not considered the proposal would have any detrimental impacts upon its occupiers.

‘West View’, a modest sized detached bungalow lies approximately 16m to the south east of the original hotel building, shares a boundary with the Hotel, to the north and west, but now the Phase 1 extension has taken place, is set directly behind it, just under 13m distant; the boundary of the dwelling is around 5m from the hotel rear elevation. This property is set on higher ground than the ground floor of the hotel, although due to the land rising up to the rear, the hotel car park is on a similar level to the property.

‘Old Colonial House’ immediately to the south, also shares a boundary with the Hotel, and is set at a similar level to the ground floor.

Objections have been received from West View and Old Colonial House.

The previous approval must be taken into consideration when determining what the impacts are upon all residential properties, and not just those who have made representations. There can be no doubt that the scheme, as approved, would have resulted in detrimental impacts upon residents, and in fact, this formed one of the 2 proposed refusal reasons:

The proposed extensions, by reason of their scale, height, extent and close proximity, would have an unduly overbearing and unneighbourly impact on the adjoining dwelling 'West View'. As such the development would be contrary to the provisions of South Hams Development Policies DPD policy DP3.

Members considered the resultant harm was outweighed by the benefits the proposal would bring, although it does not appear these were quantified and nothing has been put forward to support the current application.

However, the development, as built, stands higher than approved, as well as there being an extra lower ground floor through underbuild. Railings have also been installed on the roof, and together with the bright orange pantiles, which differ from the agreed red roof tiles, further emphasising and drawing attention to the imposing nature of the building in relation to neighbouring properties.

The entire view from West View, both inside the property and on its seaward facing terrace (its immediate garden area) is now dominated by the roof and rear elevation of the hotel, reducing its outlook to what Officers consider to be harmful and unacceptable. The carpark boundary treatments, which also do not accord to the approved plans in that it is not fenced or screened, also results in an unneighbourly impact and the ability for car headlights to shine directly into the side of West View. However, this is not part of the current application and as the applicant has stated is part of a later phase, is not a factor to weigh into the balance for this application.

Given the levels in relation to Old Colonial House, whilst there can be no doubt this property has been impacted, the height increase above the approved scheme is not so significant, and matters raised in relation to overlooking from balconies and additional windows could be controlled by way of a planning condition, were a scheme to be approved.

The overarching aim of the NPPF, in section 2, is achieving sustainable development; this includes a social objective meeting present and future needs of all. Section 12 of the NPPF seeks to achieve "well-designed places" requiring applicants to take account of community views, demonstrating active engagement (paragraph 132).

JLP Policy DEV1 "Protecting health and amenity" requires development to safeguard the health and amenity of local communities. Paragraph 1 is of particular relevance and states:

"Ensuring that development provides for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents..."

Furthermore, given Hope Cove is not a named settlement in TTV2, it is considered appropriate to refer to Policy DEV15, "Supporting the rural economy". Paragraph 1 supports business growth where there are no adverse impacts on neighbouring uses, and paragraph 8 *iii. requires development to demonstrate a positive relationship with existing buildings, including scale, design, massing and orientation.* The application fails to do this.

As set out above, the increase in height, rooftop railings and use of bright orange pantiles, result in an overbearing and incongruous development and one which significantly reduces the outlook from West View to unacceptable levels, which is in clear conflict to the aims of the NPPF and Policies DEV1 and DEV15.

Highways/Access:

The application, given it just relates to changes to the building, raises no highways implications. There are no conflicts with DEV29 or NPPF Section 9.

Other Matters:

- Site drainage and ecology are not affected by this application.
- A question has been raised regarding a possible “call in” by the Secretary of State (SoS), to enable consideration as to whether the application should be referred to him for determination under s77 of the Town and Country Planning Act 1990. It is noted that a referral request was submitted to the SoS when application 46/2401/14/F was being considered, and in that case, the Council were directed to not issue permission until the SoS had considered the proposal and it was eventually decided that the Council could go ahead and make the decision. In that instance, however, the letter noted “This direction does not, of course, prevent your Council from considering the application, forming a view as to the merits or, if they are so minded, refusing permission.”

No such direction from the SoS has been received at the time of writing this report and Officers have contacted the Planning Casework Unit (PCU) to establish if a call-in request has been submitted to the SoS. The response from the PCU is:

The Secretary of State does not act on a third party request to call in a planning application, until or unless the relevant Planning Committee have resolved to approve the application. The decision to approve or refuse should be taken by the Council under normal due process regardless as to whether or not a request to call it in has been made.

A premature request was made to call in this application by a third party. That third party was advised...to make a request via PCU only if the Council is minded to approve the application and their concerns remain.

To my knowledge no further request has been made.

Given the Officer recommendation is one of refusal, should Members be minded to agree, there is no prohibition to issuing the decision.

- Objectors comments referring to how the applicant has been allowed to build not in accordance to the approved plans and not relevant to the determination of the application. However, Officers do believe that some of the plans originally approved did not accurately reflect existing ground levels as cross section drawings appear to show the hotel building set lower than it is now in relation to neighbouring properties.
- Whilst some conditions imposed on approval of 2401/14/FUL were agreed, Officers can find no record of conditions 3, 7 or 13 being agreed; these required details of glazing, lighting and drainage. However, that in itself is not a matter for this planning application, but for an application to discharge those conditions or enforcement.

Planning Balance:

As set out in the AONB Management Plan under Policy Part/P1 “Legal duty of regard”, local planning authorities must have regard for the purpose of AONB designation in the conduct of their functions and decision making, as required by Section 85 of the Countryside and Rights of Way Act 2000.

Officers recognise that permission has been given for a substantial extension and redevelopment of the hotel, albeit approved by Development Management Committee against Officer recommendation. That is a material consideration which lends weight towards approval of this application. The scheme will also, undoubtedly, provide benefits in terms of employment and the local economy, although it is noted that no supporting documentation has been put forward to support that.

However, the NPPF has an overarching aim of sustainable development, which includes economic, social and environmental objectives, and decisions must be taken in accordance with the development plan as a whole. As identified in this report, the development conflicts with many local and national policies.

The increase in height, additional lower floor and the use of orange pantiles for the roofing push the development beyond what can be considered acceptable, to the point where it fails to conserve and enhance the protected landscape as required by local and national policy.

Further harm is caused to the neighbouring property directly at the rear, in that the building is now so overbearing and unneighbourly in that it dominates the outlook from that property, resulting in significant harm to the amenities and living conditions of its occupants.

Therefore, the recommendation is one of 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 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).

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

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
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The South Huish Neighbourhood Plan was adopted by the Council on 20th May 2021, after referendum on 6th May 2021. Relevant policies include:

- EC01 Tourism related employment and retention of hotels
- ENV1 Settlement Boundaries
- ENV2 Impact on the South Devon AONB
- ENV5 Locally important views
- HBE3 Design quality within the Parish

Other material considerations include the policies of the National Planning Policy Framework (NPPF and guidance in Planning Practice Guidance (PPG)). Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and SW Devon Supplementary Planning Document
- South Devon AONB Management Plan 2019-24
- Part IV Countryside and Rights of Way Act 2000 (particularly s84 and s85)
- Glover Review of England's Designated Landscapes (Sept 2019)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Blackawton and Stoke Fleming

Parish: Halwell & Moreleigh **Ward:**

Application No: 4219/20/OPA

Agent/Applicant:

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

Applicant:

Mr And Mrs Martin Pears - 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 item is being put before Committee: The application was previously at Committee recommended for refusal, however Committee requested that additional information be presented with regard to drainage for the site; ecology and the planning justification and then be re-presented once this had been assessed.

Previously, Councillor Reeve asked for the application to be heard by the Planning Committee for the following reason: 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 essential occupational need and therefore fails to meet policy TTV26 in the Plymouth and South West Devon Joint Local Plan (Development in the countryside). In addition the location is unsustainable when assessed against policies SPT1, SPT2 and TTV1 of the Plymouth and South West Devon Joint Local Plan and paragraphs 11, 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 paragraph 78 in the NPPF 2021, as such it would promote further the housing imbalance in the parish to the detriment of those requiring smaller more affordable housing.
3. The proposed dwelling would be located in an open field within an undulating and open landscape, highly visible from public viewpoints and harmful to the character of the landscape contrary to Policy DEV23 in the Plymouth and South west Joint Local Plan and para. 174 of the NPPF 2021.

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

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

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 application site).

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. This is confirmed by information presented in the Planning Statement. The application site is described in the sensitive development questionnaire as being agricultural. It does however appear to be being used for the parking of vehicles and agricultural equipment.

There is an agricultural building on the field, part of 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 livestock present.

Consultations:

- County Highways Authority – Standing advice
- Town/Parish Council – No response received
- Natural England - No comments to make on this application.

- Archaeology – 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.
- Devon County Historic Environment – No objection, refer to standing advice.

Representations:

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

- 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

Application Ref	Address	Proposal	Decision	Decision Date
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, Tier one being the main towns and the 4th tier being the countryside and hamlets; the application site is in the 4th tier. The policy promotes new development in accordance with the hierarchy with the main towns being the most sustainable locations.

The text for the 4th 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. Access to facilities is therefore 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.

In considering the three arms of sustainable development (economic, environmental and social benefits), 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.

Policy TTV26 relates to development in the countryside and is in two parts. The first part relates to isolated development in the countryside and the second part to all sites in the countryside. The application site is 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 thus 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.

The application description is as follows: *"Outline application with all matters reserved for a permanent occupational/rural workers dwelling"*

Policy TTV26.1(i) indicates that

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

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

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity;"

The NPPF and the JLP policies are slightly different in regard to the exception for rural workers, with the NPPF specifically referring to a farming business, when looking at exceptions for isolated homes. The JLP referring to rural workers only. There is no definition of a rural worker in the JLP, however the SPD provides clarification as follows: *the term 'Rural Worker' is used to describe someone employed in an activity typically associated with an enterprise requiring a countryside location, such as agriculture, forestry or other land-based enterprises.*

The issue to be considered is the type of dwelling being applied for. The application form indicates that it is for a rural worker (as in the description of development); the Planning Statement states... *"Outline consent for an agricultural dwelling to be sited opposite the site access at Three Corners on land owned by the Applicants to provide on-site accommodation for Mr and Mrs Martin Pears who are directors of the company and work full time within the business."* (Planning Statement, Luscombe Maye).

If it were an agricultural dwelling, the Council would request an assessment by our agricultural consultant. He would use a functional and financial assessment as to whether the farm generated sufficient activity and finance to warrant an agricultural workers dwelling. This approach is based on the approach taken in PPS7 which was deleted (as legislation) in 2012 when the NPPF became the means of providing National Government advice on such planning matters.

There is no such guidance either nationally or locally to assess whether there is justification for a dwelling for someone who runs a rural business. The decision maker must therefore be guided by the definition of rural workers (NPPF: *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;* and the JLP SPD, *'Rural Worker' is used to describe someone employed in an activity typically associated with an enterprise requiring a countryside location, such as agriculture, forestry or other land-based enterprises.*)

The proposal in this case is for a dwelling to support an agricultural engineering business for farm vehicles. This is not a land based business, and the business could be located on an industrial estate for example. It is therefore considered that the proposed dwelling does not fall within the definitions as indicated above and therefore cannot be considered to be appropriate under TTV26.1(i).

With regard to the other criteria in part 1 of TTV26, the development is not securing the re use of a heritage asset; or a redundant or disused building or brownfield site; it is not a building of outstanding or innovative sustainability or design and there are no nearby historic assets.

Neither would the proposal meet the criteria in part 2 of the policy which refers more generally to development in the countryside. Some of the criteria are not relevant, but in this case, the proposal would not re-use a traditional building; it would not be complementary to the agricultural operations in the field as it takes valuable grade 3 land away from such a use; as stated above it does not respond to a proven agricultural, forestry or occupational need; it utilises grade 3 agricultural land which is the best quality agricultural land (according the Natural England guidance) and it will not enhance the immediate setting, as it is in an open field with far reaching views to it. That together with the unauthorised use of the land for the storage of agricultural machinery, is unacceptable in this rural location where the countryside is valued for its own sake.

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 applicant has identified in the Planning Statement the reasons why a dwelling next to the business is required.

Functional need (Security; less travelling; receiving deliveries; health and safety); full time work; established for 3 years; no other nearby accommodation available; other planning requirements. Whilst these issues are clearly important to any business, the decision maker needs to assess whether they are of sufficient material weight in the planning balance to warrant going against the Development Plan (which we are reminded in the NPPF is the starting point for any development proposal, particularly an up to date plan which the JLP is).

In considering the issues raised in the planning report, many of the issues referred to relate to any business operation in any location, such as the need for security, for which there are other measures; the proposed dwelling is across the road and set down in the field such that there is no direct overlooking of the business premises. Therefore there would still need to be a reliance on CCTV, alarms and other such security measures. Being on an adjacent site may result in quicker response to a security breach, but the reliance on normal security measures would still prevail. Even if there were to be a quicker response time that is not to say that the applicants should attempt to deal with the matter, it is surely a matter for the police to deal with.

Secondly, there are undoubtedly many businesses located in rural areas, which could present security as a reason for locating their home in a countryside location, however doing so would result in the countryside being littered with housing, severely impacting on the role and value we place on countryside for its own sake.

Less travelling: The applicants currently live in Kingsbridge (approximately 10 km away from the business). The planning statement suggests by locating adjacent to the business the on call aspect of the business could be more successfully operated. The statement also suggests that the applicant could see his children more often if the dwelling were next to the site when he is working late (he could pop home for supper)

This reasoning is however flawed because a response to on call would be no different if a person were to be living in Kingsbridge, Totnes or adjacent to the site. They would still need to travel to farms anywhere in the district in order to collect vehicles or repair them. Many jobs have on call service, (including some people who work for this Council) but they do not live at their place of work. Whilst it would be more convenient for the owners to live next to the site, this is not a matter which is considered to carry significant weight in the planning balance.

The Planning Statement suggests that deliveries of parts etc. can happen at any time between 7 a.m and 8 p.m. and someone needs to be there to receive the deliveries. Again this is something which occurs with all businesses. The applicant has a number of staff, with whom the receiving of deliveries can be shared. If the applicant personally has to stay at work for the long hours suggested that is a matter of choice rather than necessity.

The planning statement refers to issues with regard to the firm's reputation and the dangerous activities and the need for a quick turnaround for the farming community. The ability of the business to respond to such issues is not reliant on the location of the business owner's home. It is about business management processes and ensuring that the business site complies with all relevant health and safety legislation. These are all matters which are relevant to the running of a business, but are not justification for the erection of a dwelling adjacent to the business.

Full time work: The planning statement indicates that both of the applicants work full time in the business and that the business is viable and has been so for 3 years. The applicant's agent is seeking to apply the PPS7 functional and financial tests to this proposal, but these are specifically designed to assess an agricultural/ forestry businesses. The business is clearly viable because of its long history but that does not justify a dwelling is needed to support that business; it has worked for the last 25 years without a dwelling.

No alternative accommodation locally: Again this is a test applied to agricultural workers dwellings, which this business is not. If considering this issue, however, the applicant's agent states that there are no affordable dwellings in the locality. However there may be properties located in the some of the surrounding villages which could accommodate the applicant and family if an extended search over a longer period of time were to be carried out.

Having considered the planning statement, it is concluded that the reasons put forward do not provide a justification that there is an essential need for a dwelling to be located adjacent to the business; the Development plan policies seeking to promote development in sustainable locations far outweigh the proposal in this case. The proposal does not meet the requirements of TTV26 part 1 and 2.

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.

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 need:

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 small 2 bed dwelling or a couple of dwellings smaller in nature would meet the local need. However because of the rural location, 2 dwellings would be even less justified.

In addition, detached properties within the Parish stand at 61%, with the South Hams Average being at 38%. Detached properties are therefore almost double what is needed in

the Parish or District to try to address that imbalance. The site layout plan indicates a large detached property and this 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 is not considered there any material planning considerations to override this.

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. 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.

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 Local Plan, the NPPF, paragraph 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.

In landscape terms therefore, this site is not supported. The open and slightly undulating nature mean that it is visible from many public viewpoints and as such is detrimental to the landscape character of this part of the South Hams countryside.

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.

Drainage:

A drainage plan was submitted after the last Planning Committee and has been reviewed by the drainage engineer. The plan indicates a soakaway measuring 11m x 4.8m in the south west corner of the application site, within the red line boundary.

No information was provided about foul drainage on the plan or application form. In considering the size of the application site, it is likely that a treatment plant could be incorporated within the red line boundary.

Ecology:

A Preliminary Ecological Assessment was submitted which has been reviewed by the County Ecologist. The development site lies within the sustenance zone for South Hams SAC with respect to greater horseshoe bats. The County ecologist is content with the report subject to the imposition of planning conditions.

Climate Change:

No information has been provided to demonstrate how the proposal could comply with the need for carbon reduction measures, however, this is more appropriate to be provided at the reserved matters stage, when more detail about the orientation, layout, suitability for

Photovoltaics and so on can be given due consideration. A specific planning condition would be required should the application be approved.

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, as outlined in both National and Local Planning policy. The planning statement does not provide sufficient justification to demonstrate that there is an essential need for a dwelling to be located adjacent to a business which is not traditionally one which needs to be located in the countryside.

It could easily be located on an industrial estate in a town or village. The business has been in existence, successfully, for more than 25 years without a dwelling. The use is not a land based one and as such does not meet the criteria as set out in Policy TTV26 in the JLP or paragraph 80 of the NPPF.

The dwelling would not meet a locally identified housing need and would also impact negatively on the current landscape, with no conservation or enhancement of the landscape. Whilst the additional information submitted has resulted in no objections from the ecologist and the drainage engineer, the principle of a dwelling in this location fails the assessment against current planning policy and therefore the application must be 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 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

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

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

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV15 Supporting the rural economy

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 NP in place for this area.

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Darren Henry
Aveton Gifford

Parish: Aveton Gifford **Ward:** Loddiswell and

Application No: 3422/21/FUL

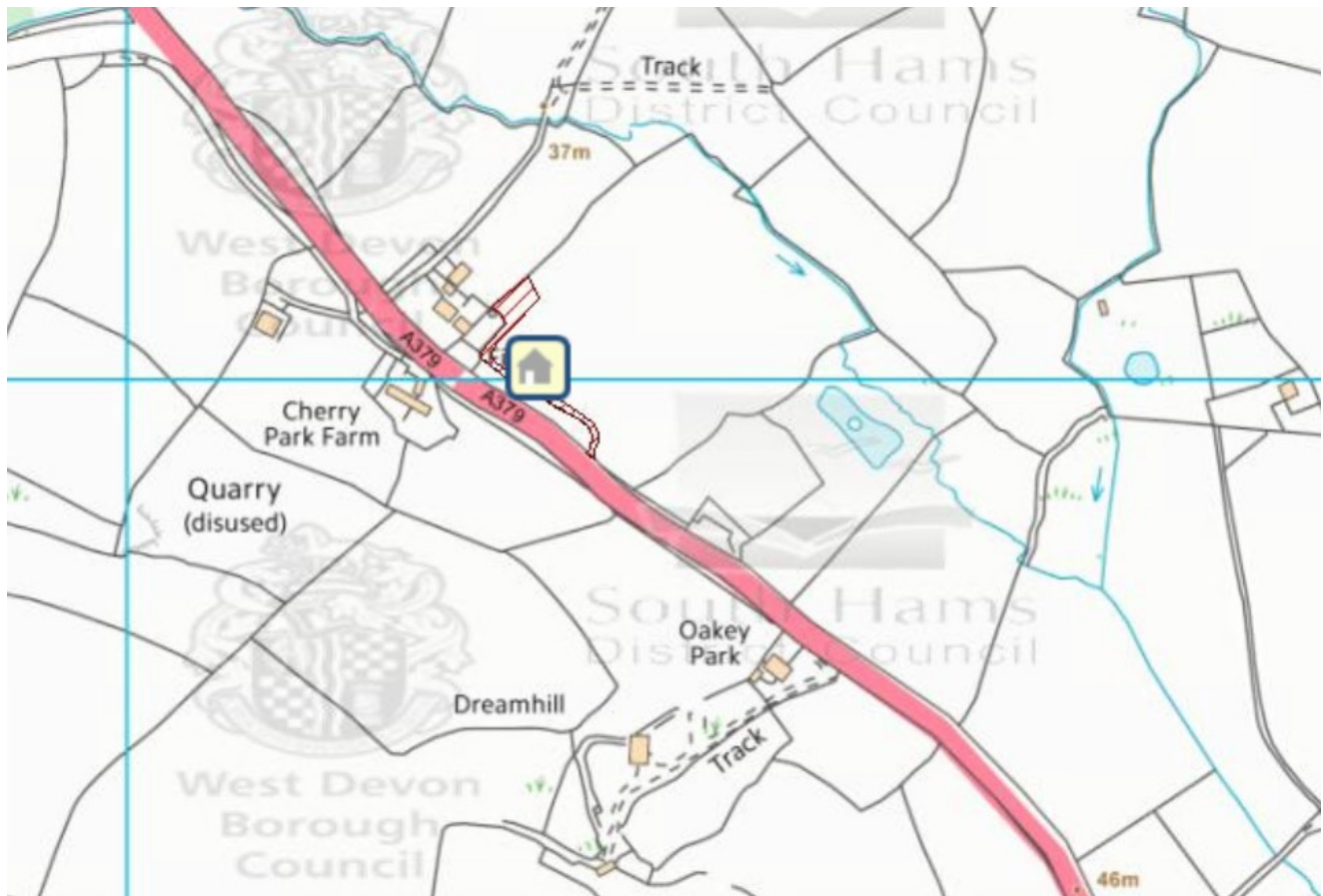
Agent/Applicant:

Mr Garry Dimeck - Mark Evans Planning
Ltd
Cedar House
Membland
Newton Ferrers
Nr Plymouth
PL8 1HP

Applicant:

Mr & Mrs A Wotton
The Barns
Fishley
A379 Fishley To Ashford Cross
PL21 0SX

Site Address: The Barns, Fishley, Modbury, PL21 0SX



Development: Erection of inclusive holiday letting unit as ancillary facility to 'The Barns' (Resubmission of 2807/20/FUL)

Reason item is being put before Committee:

Cllr Kemp has requested the application to go before Committee on account that the application will contribute to rural diversification and meets an unmet need for disabled tourism

Recommendation: To refuse the grant of planning permission

Reason for refusal

1. *The proposed development would be in an inappropriate, isolated and unsustainable location within the open countryside with limited access to services and amenities, poor accessibility and over reliance on the private motor car. It is contrary to policies 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) and DEV15 (Supporting the rural economy) of the Adopted Joint Local Plan and the guidance contained within the National Planning Policy Framework (NPPF).*

Key issues for consideration:

- Principle of Development
 - Highways
 - Design/Landscape Impact
 - Neighbour Amenity
 - Highways/Access
 - Carbon Reduction
 - Ecology
 - Drainage
-

Site Description:

The site occupies a countryside location between Aveton Gifford and Modbury, within but on the very edge of the South Devon AONB. It is accessed directly from the A379. The existing building at the site, The Barns, comprises of one of a cluster of converted residential properties with various associated outbuildings and agricultural buildings. The surrounding landscape is characterised by rolling rural fields.

The Proposal:

Erection of inclusive holiday letting unit as ancillary facility to 'The Barns', specifically for use by disabled visitors.

The proposed building will be constructed in timber with metal sheeting for the pitched roof and will have a veranda to the front with steps leading down to ground level. Disabled access is from the side. The holiday let will measure 11m x 5m and will be sited in the same location as previously refused application 2807/20/FUL with the same internal layout of a single bedroom with ensuite and a lounge/kitchen/dining area.

The main difference with this application and 2807/20/FUL is that the access has been re-sited approximately 100 metres to the east of the main entrance.

Consultations:

- Parish Council—Aveton Gifford parish councillors have visited this site, and are happy to support this application on the following grounds:
 1. This proposed application site is not within the AONB or any conservation zone.

2. The site is outside the settlement boundary as defined by the AGNP. However Policy AG1 states that rural development can be supported where it will meet a proven local need which cannot be met inside the settlement boundary. In this particular case the parish council considers that this purpose built cabin is tailored to disabled needs from the outset, rather than much existing holiday accommodation with disabled adaptations, and will fill a need which is not available elsewhere within the village. AGPC notes the supporting information from page 23 and 4 of the Design and Access Statement with this application, which demonstrates just how poor these provisions are within AG village and the wider S Hams. A pertinent material consideration of a local lack of specifically disabled accommodation could be applicable here, and the government's National Disability Strategy 2021 which aims to provide a better standard of opportunities including tourism facilities would support this.
3. The site for the cabin already has recreational and amenity status.
4. The proposed cabin would be ancillary to the main property and would provide an extra income stream for an existing local family with local business.
5. The holiday accommodation would support local tourist amenities and the rural economy.
6. The proposed cabin has a low impact footprint, so no lasting damage to the rural environment.
7. There are three clauses in the previous refusal document that AGPC would like to dispute:
 - i. On the grounds of inadequate visibility of the access. SHDC's recently approved application (0076/21/FUL; Creation of new safe access track to property) has now addressed that problem to give a much better line of sight for entrance/exit.
 - ii. On the grounds of a likely increase in the volume of traffic. It is most unlikely that this small one bedroom holiday unit would generate significant extra traffic.
 - iii. On the grounds of Over reliance on the private motor car in the open countryside. The greater proportion of visitors to use this suitable accommodation would be by the nature of their conditions already be heavily reliant on their own private transport wherever they take their holidays. AGPC does not believe that refusal in this particular situation for such a very small volume of essential car use is either relevant or fair.

Representations from Residents

No representations have been received from residents

Representations from Internal Consultees

- Drainage Engineer: No objection
- Planning Policy: Objection

Officer comments on the travel plan are made within the context of Policy TTV1 with regards to the settlement hierarchy and with respect to this site being located within Tier 4.

Due to the location of the site and lack of close facilities and activities, I do not consider the development to constitute sustainable rural tourism as it will likely instead act as a base for wider car travel across the South Hams rather than offer sustainable linkages to services, facilities and activities.

Representations from Statutory Consultees

- County Highways Authority
No objection subject to conditions

Relevant Planning History

2807/20/FUL Mr A Wotton

Erection of holiday letting unit as ancillary facility to 'The Barns'. The Barns, Fishley, Modbury, PL21 0SX. Refused on the 23th November 2020.

Reasons for Refusal:

1. The proposed development would be in an inappropriate, isolated and unsustainable location within the open countryside with limited access to services and amenities, poor accessibility and over reliance on the private motor car. It is contrary to policies 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) and DEV15 (Supporting the rural economy) of the Adopted Joint Local Plan and the guidance contained within the National Planning Policy Framework (NPPF).
2. The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class A County Road through an access, which does not provide adequate visibility from and of emerging vehicles, contrary to paragraphs 108 and 109 of the National Planning Policy Framework and Dev29 of the JLP.

0232/20/CLE Mr and Mrs A Wotton

Certificate of Lawfulness for existing use of land as recreational/amenity land (resubmission of 1022/19/CLE) Land at SX 682 500 East of The Barns Fishley, Modbury, PL21 0SX. Certificate of Lawfulness (Existing) Cerfied: 23rd January 2020.

1022/19/CLE Mr A Wotton

Certificate of Lawfulness for existing use as garden ground and retention of ancillary structures on former agricultural land at SX 682 500 East of The Barns, Fishley, Modbury, PL21 0SX. Certificate of Lawfulness (Existing) Refused: 28th March 2019.

02/0218/14/F Mr & Mrs Wotton

Household application for proposed alteration and extension. Fishley, Modbury, PL21 0SX. Conditional Approval: 23rd January 2014.

02/0550/13/F Mr A Wotton

Proposed agricultural building to house tractor, topper, twin axle trailer, ride on motor and agricultural tools. Fishley, Modbury, Ivybridge, Devon, PL21 0SX. Conditional Approval: 26th February 2013.

ANALYSIS

Principle of Development/Sustainability:

The proposal seeks to erect a holiday lodge at the site, stated to be specifically for use by disabled people. The application therefore raises issues of development in the countryside, in particular with regards to the provision of a tourism use. The site is a considerable distance from the nearest settlements, although it is served by a busy A-road, which has no footways or street-lighting.

This application seeks to address the refusal of 2807/20/FUL by (add in how)

With respect to the existing planning policy framework, sustainable development lies at the heart of the spatial strategy of the adopted JLP, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 provides more guidance on achieving sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities; should have a safe and accessible local environment; and should have an appropriate level of services and facilities to meet local needs.

These matters are further built upon by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities. Policy TTV2 indicates that the delivery of sustainable rural tourism will be supported if it would benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements.

Tourism development is referred to in Policy DEV15, which sets out measures through which the rural economy will be supported. In particular it explains that chalet or similar facilities that respond to an identified local need will be supported, provided they are compatible with the rural road network and have no adverse environmental impact. This policy also indicates that development proposals should demonstrate a safe access to the existing highway network, and avoid a significant increase in the number of trips requiring the private car.

A main element of the policy justification under DEV15 concerns the 'need' for additional tourism facilities. Policy DEV15 (7) is clear that proposals of a tourism nature will be required to justify the use of the countryside location in responding to an identified local need.

The applicant/agent state that the justification and need stems from an identified gap in the current provision of appropriately designed, accessible / disabled tourist accommodation in the area. The agent's statement confirms that people are increasingly holidaying in the UK, and that tourism contributes significantly to the British economy. Brexit and the Covid 19 pandemic are referred to as contributing towards this.

With regards to demand, it is stated that whilst there are holiday premises within the South Hams which have been adapted for disabled access, choice is limited, premises are few and the extent to which accommodation fully meets the needs of disabled visitors varies. Attached to the report are details of current holiday companies which provide for the needs of disabled visitors, with relatively few of the properties available being suitable for disabled guests. There is limited further information to justify an accessible holiday unit in this location.

The agent cites that the National Disability Strategy July 2021 states that the UK Government is committed to make the UK the most accessible tourism destination in Europe. Additionally, underpinning the strategy are the findings of a UK Disability Survey. Respondents included disabled people, their families and carers. One of the findings in the study notes that 57% of those taking part stated that activities which disabled people have the most frequently been unable to take part due to accessibility issues is going on holiday.

Whilst this may be concerning, especially so for the disabled and their families, friends and carers, from a planning perspective sustainable development is at the heart of the Council's Development Plan. Consequently, development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and a sustainable environment. In this instance the site does not accord with the locational and accessibility requirements detailed above, and is considered to be located in an unsustainable location, only really accessible by private car.

Moreover, in getting to local services by foot or by bicycle would involve negotiating reasonably long, generally unlit and sometimes narrow stretches of highway with no separation from traffic. Walking or cycling to and from the site would therefore be neither particularly appealing nor safe and is likely to discourage occupiers from walking or cycling to local services and facilities, tourist sites and attractions. In addition, the development cannot be described as being well served by public transport, walking and cycling opportunities. Accordingly, the site's situation is not conducive to accessing the development and surrounding area except predominantly by private car.

The National Planning Policy Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas and sets out that sites meeting local business and community needs in rural areas may, amongst other aspects, have to be found beyond existing settlements and in locations that are not well served by public transport. Specifically, the NPPF states that "*In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)*" (paragraph 85). It also seeks to support prosperous rural economies by seeking planning policies and decisions which, amongst other things, enable sustainable rural tourism (paragraph 84). However, in this instance, the limited alternative transport options available mean that occupiers of the proposed development would likely be highly reliant on, again, the private car for a significant majority of their journeys and to serve their daily needs. As such, there are no clear benefits of the proposal that will generate significant benefits to outweigh the clear policy conflict with the over reliance on the private car.

And whilst vehicle movements would only be associated with a single unit of accommodation in this instance and, therefore, may not be particularly significant, the site and proposal cannot reasonably be described as sustainable in relation to accessibility considerations. With the lack of realistic transport alternatives and occupants of the development thus having little choice other than to rely on driving to and from the site. As such, the development cannot be regarded as promoting sustainable transport choices and having no adverse environmental impact.

In conclusion, the application has not addressed the first reason for refusal under the previously refused application. Consequently, it is still considered that the site does not represent an appropriate location for new ancillary/holiday accommodation. It lies in an unsustainable location and has poor accessibility, such that the holiday accommodation would be reliant on the private car. As such, the proposed development would be at odds with the aforementioned

JLP policies. Moreover, the unsustainable nature of the proposal means that it would also be at odds with paragraph 83 of the Framework which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.

Major Development in the AONB

Paragraph 177 of the National Planning Policy Framework (NPPF) states that *“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development”*.

The proposal is not a major development as it is a small development for one holiday unit measuring significantly less than 1000 square metres.

Design/Landscape:

The proposals are relatively simple with regards to design and fenestration detailing. The accommodation will have the appearance of a simple log cabin and given the location amongst other development, will not appear unduly prominent within the landscape and will not be visible from the highway to the south, due to the position of existing buildings between the site and highway. New planting will also ensure that there is a natural screen that will contain the development and further limit landscape impact.

With regards to the holiday let being wheelchair compatible, all doorway widths; ramp access, veranda and doorway thresholds will be wheel chair Building Regulation Part M compliant as stated in paragraphs 7.39 & 7.40 of applicant’s Planning Report. The Agent has confirmed that an amended Floor Plan will be submitted with annotations to this effect prior to Committee.

Whilst the site is within the AONB, no landscape harm is anticipated and the proposals do not conflict with policies DEV23 (Landscape Character) or DEV25 (Nationally Protected Landscapes) of the JLP.

Neighbour Amenity:

The site is sufficiently self - contained and no significant amenity impacts are anticipated, should the additional landscaping be provided. The application is considered to be in accordance with DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

Vehicular access to the proposed cabin will be accessed from a new access point approximately 100 metres from the main entrance with a new track leading to the proposed development. The parking space will also include an Electric Vehicle Charging Point; a condition would be imposed to secure this if a scheme were to be approved.

The highways Officer has requested conditions be imposed, if minded to approve, relating to the closure of the original access, which can then be used for pedestrians only and the installation of a pedestrian gate prior to occupation; A further condition would require the new track to be surfaced in tarmac or concrete along with the installation of a vehicle crossing kerb,

Carbon Reduction

Whilst the proposed holiday let is quite small, the applicant has provided a list of measures the building will contribute to the Council’s 50% reduction target to 2034 in accordance with policy

DEV 32. These measures include the installation of an Electric Vehicle Charging Point on-site and installation of solar panels to the south east elevation of the roof, as shown on drawing Proposed Elevations 2511 / 01 Rev A, so as to provide electricity for cooking.

The building would be a timber frame construction with timber cladding to external walls. The timber and other materials are proposed to be sustainably sourced from the local supply chain, where practical, and the timber would have lower embodied carbon than concrete or fabricated steel. As the timber will be larch it will have high levels of natural oils, minimising the need for chemical preservatives will minimise the need for chemical preservatives.

The building is orientated in such a way as to sufficient exposure to Sunlight to run the solar panels. The layout and design seeks to achieve rural outlook without giving rise to significant night/evening light dispersal, whilst installing large double-glazed areas to south-east and north-east elevations will capitalise on the movement of the Sun across site, by way of passive solar gain. The roof overhang will also provide climate change benefits by providing shade, whilst a moveable screen to south-east elevation provides a shutter, providing a cooling mechanism without reliance on air conditioning.

The site is set far enough away from the watercourse to minimise the risk of flooding and uses the landscape to provide protection from prevailing winds. The proposal will also benefit from the use of rainwater butts to collect roof water to be used for watering plants.

The applicant also proposes to use biomass space heating utilising air-dried fuel sourced from applicant's own landholding. This will be further enhanced by the proposed super insulation, further reducing the need for carbon

The Sustainable Travel Plan has set out a number of actions to reduce impacts. These will be positively promoted both within the accommodation itself, and via the booking web site:

- Accessibility to the site from the public transport network to be actively highlighted;
- Transport route maps/ timetables to be made available within the accommodation, with links also via the booking web site;
- Sustainable Travel technology links to be promoted via booking site – ie You. Smart. Thing. Travel smartphone app;
- Pre-arranged pick-up, and drop-off at arrangements for arriving and leaving from Plymouth, Ivybridge and Totnes train/coach stations to be offered for those seeking to travel by public transport;
- The proximity of the site to the bus stop at Fishley and the convenience and accessibility of local services which can be accessed from the local bus network to be promoted;
- A pre-arranged shopping delivery service for those seeking only a short-stay visit will be offered;
- Secure, covered cycle storage, and e-bike charging, to be made available within the applicant's own garage;

In order to realise these carbon reduction and climate change mitigation measures, a condition will be added to the consent to secure any carbon reduction measures possible for a small project

Other Matters:

Ecology

The waters of the Tamar Estuary (and Plymouth Sound) contain some of the richest marine habitats and provide important feeding and roosting grounds for wintering birds. Consequently the area is designated as a Special Protection Area. The application site is located within the catchment area whereby development must make a financial contribution towards mitigating the impact of the development to the estuary to ensure that the underwater habitats remain undisturbed, the water remains clean, fish are able to swim undisturbed and the migratory birds are able to feed and rest undisturbed.

The applicant has been advised of the contribution towards safeguarding this important ecological site and has agreed to pay the required contribution of £236.62 in full prior to occupation, as required.

Drainage

A Drainage Strategy has been submitted with the application. This confirms that foul drainage will be disposed of via an existing septic tank at the site. Storage butts are proposed for the surface water run-off and the Councils Drainage Engineer has stated support for the proposals subject to conditions.

A separate report addresses landscaping and biodiversity and it is considered that appropriate mitigation is proposed to ensure the application brings a biodiversity gain, in accordance with policy DEV26 (Protecting and enhancing biodiversity and geological conservation).

The Drainage Engineer Officer notes that Whilst the use of water butts to provide all of the surface water drainage is not ideal, it is, nonetheless, a rural location and there is lots of space for runoff to naturally disperse if the system was full during a storm event. And concludes that given the location and low risk, the proposed drainage is sufficient.

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

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).

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Not yet significantly advanced so can carry no weight in this decision.

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Planning Balance

The applicant has submitted evidence that there is a shortage of purpose built holiday accommodation across Britain and has demonstrated that the holiday accommodation will contribute to the Council's carbon reduction target of 50% by 2034, as well as setting out measures to reduce the need to use the private car.

Nevertheless, the fact of the matter is that the application site is not located within the countryside, defined as a tier four settlement in the JLP's settlement hierarchy, where there are no allocations for development. It follows then that the site is within an unsustainable location. Moreover, the site has poor accessibility and would be reliant on the private car. As such, the proposed development would be at odds with the relevant policies in the JLP policies, particularly SPT1, TTV1, TTV 26, DEV15 and DEV29. Moreover, the unsustainable nature of the application proposal means that it would also be at odds with paragraph 84 of the Framework which explains that planning policies and decisions should enable sustainable rural tourism and leisure developments.

With regard to all other matters raised, and the proposed benefits of the proposal, they are not sufficient to outweigh the considerations which have led to the recommendation for refusal.

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PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 3470/21/HHO

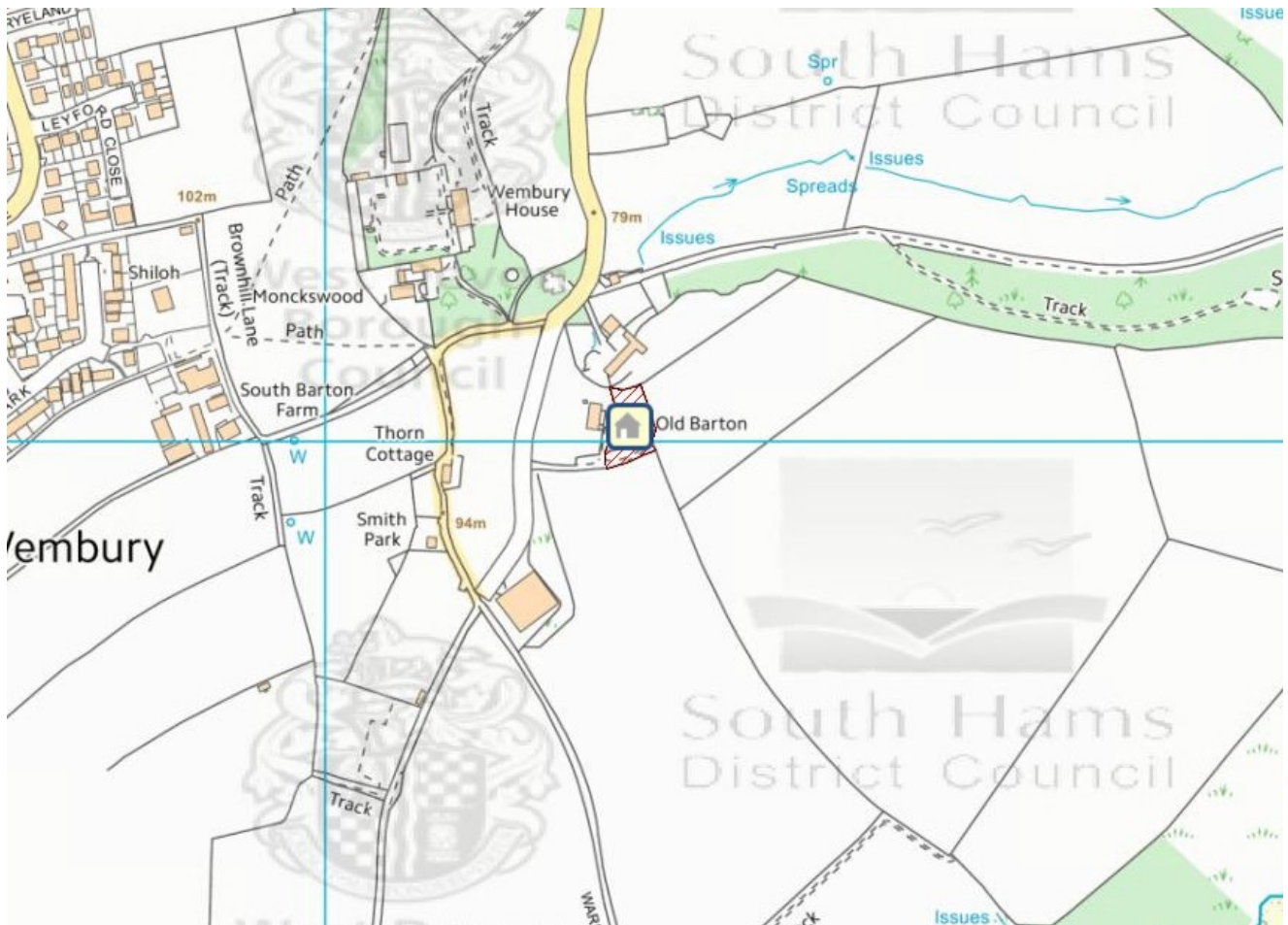
Agent:

Mr Lee Ferris
Studio Agora Architects
Office 18
The Business Centre
Cattedown, Plymouth
PL4 0EG

Applicant:

Mr Barrett
Old Barton Barn
Wembury
PL9 0EF

Site Address: Old Barton Barn, Wembury, PL9 0EF



Development: Householder application for rear extension

Reason for call in: Cllr Brown has stated that; "I am mindful that there have been no letters of objection from either the parish council, and neighbouring properties have indicated their support for this application. I would request that the application is put before the Committee in order that they can consider the planning merits and the impact of the extension to the property and within the landscape".

Recommendation: Refusal

Reasons for refusal:

The proposed extension to the dwelling, by reason of its design, scale and siting would appear incongruous and overly domestic in the context of the host dwelling. As a result, the proposal would result in harm to both the character and appearance of Old Barton Barn, a Non-Designated Heritage Asset. As such, the proposal is considered contrary to adopted policies; TTV29, DEV20, DEV21, DEV23, DEV24 and DEV25 and the guidance contained within, but not limited to, paragraphs 130, 134, 176, 178, 189 and 203, of the National Planning Policy Framework (2021), and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020) including the Barn Guide (2020).

Key issues for consideration:

Design, scale and massing, impact on a Non-Designated Heritage Asset, impact on South Devon Area of Outstanding Natural Beauty, the Heritage Coast and Undeveloped Coast.

Site Description:

The site is located within the open countryside, c. 0.5km south east of the edge of Wembury. The site hosts a single residential dwelling, which forms part of a converted barn complex associated with the main farmhouse of Old Barton. The site is accessed via a single track metalled road, Brownhill Lane, which serves an area of dispersed development in this part of Wembury. The drive leading to Old Barton Barns ends within the courtyard of the barns, which serves as both parking and turning for the occupants. The barns are arranged in an "L" shape, with a detached barn to the north east and a garden area to the north. The site is in an elevated position with long views to Dartmoor to the north east.

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

The Proposal:

The applicant wishes to construct a single-storey extension on the north elevation of the main barn building, within the south westernmost corner of the courtyard. The extension connects to the existing kitchen/dining space via a single door and would also enclose the standard height window serving this space within the north elevation of the main barn. The extension proposed is of a distinctive and contemporary design, with an oak frame supporting a glazed exterior and a curved metal roof. The extension measures c. 3.0 m x 4.7m with the maximum height of the curved roof set at the eaves height of the main barn (c. 2.9 m above the existing patio level).

Consultations:

- County Highways Authority No highways implications
- Parish Council No objection
- MOD No safeguarding objection

Representations:

None received.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
58/0336/88/4: COU	Change of use from agricultural to residential	Old Barton Farm Wembury.	Conditional approval: 30 Mar 88
58/1431/01/F: FUL	Conversion of south linhay to residential accommodation	Old Barton Wembury Plymouth Devon PL9 0EF	Conditional approval: 18 Oct 01
58/0688/02/F: FUL	Slate hanging on south gable end	Old Barton Wembury Plymouth Devon PL9 0EF	Conditional approval: 24 May 02
58/0566/08/F: FUL	Retrospective application for conversion of South Linhay to residential accommodation	Old Barton Farm Wembury Plymouth PL9 0EF	Conditional approval: 15 May 08
58/1948/08/F: FUL	Amendment to planning consent 58/0566/08/F for conversion of barn to residential use as one dwelling	Barns east of Old Barton Old Barton Farm Wembury Plymouth	Conditional approval: 12 Jan 09
58/1409/11/DIS : ARC	Discharge of conditions 1 - 8 for planning approval reference 58/1948/08/F for (amendment to planning consent 58/0566/08/F for conversion of barn to residential use as one dwelling)	Barns east of Old Barton Old Barton Farm Wembury Plymouth	Discharge of condition approved: 01 Sep 11
58/2697/12/F: FUL	Full application for erection of car port tack room and log store.	Old Barton Farm Thorn Wembury PL9 0EF.	Withdrawn: 08 Jan 13
58/0151/13/F: FUL	Resubmission of planning ref 58/2697/12/F for erection of timber carport tack room and log store with stone gable walls	Old Barton Barn Thorn Wembury PL9 0EF	Conditional approval: 01 Mar 13
58/2259/15/F: FUL	Householder application for proposed glass link room	Old Barton Barn Thorn Wembury Plymouth PL9 0EF	Withdrawn: 03 Dec 15

ANALYSIS

Principle of Development/Sustainability

The site is located within the open countryside and hosts a single residential dwelling; the principle of extending dwellings within this context is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

The applicant was advised that the application could not be supported; the applicant confirmed that they wished the application to be determined on the basis of the plans as submitted.

Design, Heritage and Landscape:

The barns are recognisable on the First Edition of the Ordnance Survey map (1880-1899) and whilst they were converted into residential use in the late 1980's, they retain much of their historic character and are clearly discernible as an historic farm grouping. In light of the guidance set out in the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020) (SPD) within paragraphs 6.75 to 6.79, the barns have been assessed as a Non-Designated Heritage Asset.

While a contemporary approach to development is not unacceptable in principle, the proposal would appear incongruous, overly domestic and would clutter the otherwise simple form of the barn complex, contrary to the guidance within the Barn Guide. The siting of the extension within the corner between the two barn buildings serves to disrupt the way in which the buildings have been physically linked; the smaller barn is set below the main barn with its ridge set under the eaves of the main barn. This in turn erodes the historic legibility of the barn complex and diminishes the visual harmony between the existing grouping. The form of the extension is at odds with the pitched roof, rectangular theme of the complex and the materials palette challenges the robust character of the barns derived from the stone walls with limited fenestration and removes a substantial section of the existing historic material to form openings. The proposal would also be likely to appear visually prominent within the complex, particularly at night when the highly glazed space is lit. In this regard, the proposal is considered contrary to the provisions of TTV29, DEV20, DEV21 and DEV23. However, it is noted that neither the Parish Council nor the MOD have objected to the proposal.

The proposal is located within the South Devon AONB, Heritage Coast and Undeveloped Coast, protected by JLP policies DEV24 and DEV25. 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". Policy DEV24 follows a similar theme and confirms that development will only be supported where it;

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

In the context of the site as a Non-Designated Heritage Asset and its contribution to cultural heritage as part of the AONB and Heritage Coast, Officers consider that the harm to the character and appearance of the asset, would contravene policies DEV24 (3, 5) and DEV25 (8).

The proposed extension to the dwelling, by reason of its design, scale and siting would appear incongruous and overly domestic in the context of the host dwelling. As a result, the proposal would result in harm to both the character and appearance of Old Barton Barn, a Non-Designated Heritage Asset. As such, the proposal is considered contrary to adopted policies; TTV29, DEV20, DEV21, DEV23, DEV24 and DEV25 and the guidance contained within, but not limited to, paragraphs 130, 134, 176, 178, 189 and 203, of the National Planning Policy Framework (2021), and the Plymouth and

South West Devon Joint Local Plan Supplementary Planning Document (2020) including the Barn Guide (2020).

Neighbour Amenity

Due to the scale, character and siting of the proposal, it is very unlikely to give rise to any detrimental impact on neighbour amenity through overlooking or increased noise and disturbance. In this context, the proposal is considered acceptable with regards to the provisions of DEV1 and this does not form a substantive reason for refusal.

Surface Water Drainage

The applicant has proposed the use of an existing soakaway to dispose of surface water from the proposed scheme. This approach is considered acceptable in principle and the details could have been secured by condition to ensure surface water runoff did not increase to the detriment of the public highway or other local properties as a result of the development, were the development otherwise acceptable. On this basis, the proposal is considered to accord with the provisions of DEV35 and this does not form a substantive reason for refusal.

Highways/Access

The proposal does not include any changes to access or parking arrangements and the DCC Highways Engineer has not raised any concerns with regards to the scheme. On this basis, the proposal is considered to accord with the provisions of DEV29.

Conclusion

The proposed extension to the dwelling, by reason of its design, scale and siting would appear incongruous and overly domestic in the context of the host dwelling. As a result, the proposal would result in harm to both the character and appearance of Old Barton Barn, a Non-Designated Heritage Asset. As such, the proposal is considered contrary to adopted policies; TTV29, DEV20, DEV21, DEV23, DEV24 and DEV25 and the guidance contained within, but not limited to, paragraphs 130, 134, 176, 178, 189 and 203, of the National Planning Policy Framework (2021), and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020) including the Barn Guide (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 March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
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

A Neighbourhood Plan is currently under preparation for the Parish of Wembury but it has not yet reached a stage where it can be considered material to the decision making process.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 130, 134, 176, 178, 189 and 203 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, Barn Guide (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.

Report to: **Development Management Committee**

Date: **16 February 2022**

Title: **Variation of Section 106 Agreement – Land at St Ann’s Chapel**

Author: Cassandra Harrison Role: **Specialist – Affordable Housing – Place Making**

Contact: **Telephone/email: 01803 861317
cassandra.harrison@swdevon.gov.uk**

Recommendations:

1. The Head of Development Management is authorised to vary the section 106 agreement dated 13 August 2020 to give effect to the variation of the tenure of the affordable housing set out in paragraph 2.3 of the report.

1. Executive summary

- 1.1 Following the resolution to grant planning permission for the development of land at Holwell Farm, St Ann’s Chapel (Min DM.04/19 refers) a planning agreement was completed to secure the provision of affordable housing. Following the Council declaring a housing crisis due to the shortage of housing let at an affordable rent, the Council now wishes to vary the planning agreement so that up to all eight of the affordable dwellings would be let at an affordable rent, rather than the mix of low-cost discounted dwellings for sale and a single affordable rented dwelling that had been proposed and secured by the planning agreement. Apart from any consequential drafting amendments, all other terms of the planning agreement would be unchanged.
- 1.2 This report is being brought to the Committee as the Council is the applicant for the variation.

2. Background

- 2.1 On 22 May 2019, the Committee resolved to grant planning permission for 13 dwellings with associated access, car parking, public open space and landscaping on land at Holwell Farm, St Ann’s Chapel (Planning Ref: 4214/81/FUL. As applied for, the Council, as the applicant, had proposed that the Affordable Housing would be largely comprise low-cost discount purchase dwellings with one dwelling let at an affordable rent. The remaining plots would comprise three open-market sale properties to cross-subsidise the development and two serviced plots.

- 2.2 The grant of planning permission was subject to the completion of a planning agreement under section 106 of the Town and Country Planning Act 1990. The planning agreement, which was completed on 13 August 2020, secured, among other things, the provision of the Affordable Housing as proposed.
- 2.3 One of the key reasons for the Council declaring a housing crisis last year was the acute shortage of affordable rented accommodation throughout the District, particularly in coastal areas such as St Anns Chapel. In recognition of this, the Council has resolved that it would wish to see up to all eight of the dwellings that comprise the Affordable Housing on this site, being let at an affordable rent (Min CM.55/21 refers). Whilst the planning agreement is not prescriptive as to the mix of affordable rented or low cost housing, it prevents an increase of all eight dwellings being let at an affordable rent.
- 2.4 The Committee will recall that the officer report to the meeting May 2019 reminded members that Policy TTV1 of the JLP states that development within villages such as St Ann's Chapel will only be permitted 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 (Development in the Countryside) and TTV27 (Meeting Housing Need in Rural Areas). The report also referred to Policy BP1 of the Bigbury Neighbourhood Plan, which was at that time at an advanced stage and has since been adopted. The report concluded that the "development meets all of [the Policy TTV27] criteria in that:
- It meets a proven need for affordable housing for local people;
 - It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, of no more than 40% of the homes or 40% of the land take excluding infrastructure and services.
 - Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.
 - The proposal meets the requirement of all other relevant policies of the Plan
- 2.5 While no further housing need survey has been undertaken since the grant of planning permission, the shortage of dwellings let at an affordable rent within the South Hams is well-established and in the coastal regions in particular. The proposed affordable housing will be made available for rent at the Plymouth Local Housing Allowance (LHA) for the relevant property type within the Administrative Area. This rate is significantly lower than the South Hams LHA rate. On this basis, the rent will be £134.63 per week (£583/month) for a 2-

Bedroom house and £159.95 per week (£693/month) for a 3-bedroom house. Combined with the low running costs of the new energy efficient housing and high open market rents in the area, the rent is considered to be significantly affordable.

- 2.6 The Parish Council has been kept informed of the progress of the development scheme and has been advised of the proposed change to the tenure mix. It is understood, that the Parish Council is happy so long as the scheme meets local housing needs. Any update will be provided to Members at the Committee meeting.
- 2.7 Overall, the proposal to vary the planning agreement is considered to be consistent with the reasons why the original development proposal was considered to be acceptable in planning terms and would ensure that the development still met the Policy TTV27 criteria.

3. Options available

- 3.1 The Committee may decide that the planning agreement should:
 - 3.1.1 continue to have effect without variation;
 - 3.1.2 be discharged in whole or part eg because it no longer serves its intended purpose; or
 - 3.1.3 be varied to enable the Affordable Housing to be let at an affordable rent, but otherwise continuing to have effect as previously agreed

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>A planning agreement may be modified or discharged by agreement between the local planning authority and the person against who it is enforceable against at any time (Section 106A(1) Town and Country Planning Act 1990).</p> <p>The Committee should consider the planning reasons for securing the affordable housing through the planning agreement and whether those reasons still exist. If those reasons do still exist, the Committee should consider whether the proposed variation serves the same purpose.</p> <p>As explained in paragraph 1.2 as the Council is the applicant, the request for the variation is being considered by the Committee.</p>

Financial implications to include reference to value for money	N	
Risk	N	
Supporting Corporate Strategy	Y	Improving homes and delivering local homes for local people that meet their needs and are affordable is a key priority for the Council.
Climate Change - Carbon / Biodiversity Impact	N	
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	
Safeguarding	N	
Community Safety, Crime and Disorder	N	
Health, Safety and Wellbeing	N	
Other implications	N	

Background Papers:

There are none.

South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 16-Feb-22

Appeals Update from 12-Jan-22 to 31-Jan-22

Ward Newton and Yealmpton

APPLICATION NUMBER: **0663/21/FUL** APP/K1128/W/21/3285450
APPELLANT NAME: Mrs Lorna Talbot
PROPOSAL: Change of use from B8 to C3 and redevelopment to a single dwelling
LOCATION: Land at SX 5820 50520 Yealmpton PL8 2HS
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 17-January-2022
APPEAL DECISION:
APPEAL DECISION DATE:

Officer delegated

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **0612/21/CLP** APP/K1128/X/21/3289504
APPELLANT NAME: Mr Nick Teague
PROPOSAL: Certificate of lawfulness for proposed use of existing garage as temporary accommodation
LOCATION: Plot 29, Highfield Eddystone Road Thurlestone
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 17-January-2022
APPEAL DECISION:
APPEAL DECISION DATE:

Officer delegated

Ward Totnes

APPLICATION NUMBER: **2662/21/HHO** APP/K1128/D/21/3287405
APPELLANT NAME: Mr & Mrs Richard & Sally Walker
PROPOSAL: Householder application for proposed single storey extension
LOCATION: 2 Barn Court Road Berry Pomeroy TQ9 6GS
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 17-January-2022
APPEAL DECISION:
APPEAL DECISION DATE:

Officer delegated

APPLICATION NUMBER: **4198/19/FUL** APP/K1128/W/20/3255832
APPELLANT NAME: Churchill Retirement Living Ltd
PROPOSAL: Demolition of existing building and redevelopment of the site to form 2no retail units, public car park and 41 retirement apartments including communal facilities, access, car parking and landscaping.
LOCATION: Former Budgens Store Fore Street Totnes TQ9 5RW **Officer member delegated**
APPEAL STATUS: Appeal Withdrawn
APPEAL START DATE: 08-February-2021
APPEAL DECISION: Withdrawn
APPEAL DECISION DATE: 13-January-2022

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Agenda Item 8

Development Management Committee 16th February 2022

Undetermined Major applications as at 1st Feb 2022

	Valid Date	Target Date	EoT Date
0612/16/OPA 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
3704/16/FUL Charlotte Howrihane	22-Nov-16	21-Feb-17	4-Jan 2022
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
3749/16/VAR Charlotte Howrihane	23-Nov-16	22-Feb-17	4-Jan 2022
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
3628/17/FUL Patrick Whymer	20-Nov-17	19-Feb-18	28-Feb-21
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
2133/19/VAR Cheryl Stansbury	12-Jul-19	11-Oct-19	30-Apr-21
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 on agenda for this meeting

	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	18-Dec-20
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
4185/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	18-Dec-20
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
4158/19/FUL Cheryl Stansbury	17-Jan-20	17-Apr-20	6-Feb-21
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
3752/19/OPA Jacqueline Houslander	11-Feb-20	12-May-20	6-Apr-21
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA		Outline application with some matters reserved for residential development of 20-25 dwellings	

Comment – Draft revised proposal received. Being reviewed by officer and Local Ward member

	Valid Date	Target Date	EoT Date
0761/20/OPA Jacqueline Houslander	5-Mar-20	4-Jun-20	20-Aug-21
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 – Viability assessment received, Officer to review and respond to applicant.

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

Comment: Awaiting information from agent

	Valid Date	Target Date	EoT Date
3623/19/FUL Cheryl Stansbury	14-Apr-20	14-Jul-20	18-Apr-22
Land off Godwell Lane Ivybridge		Full planning application for the development of 111 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure	

Comment: On-going discussions with applicant. Amended plans received and re-consultation underway with extension of time agreed

	Valid Date	Target Date	EoT Date
0868/20/ARM Jacqueline Houslander	29-Apr-20	29-Jul-20	28-May-21
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. Outstanding drainage issue with SWW. Awaiting revised plans.

	Valid Date	Target Date	EoT Date
2508/20/OPA Anna Henderson-Smith 12-Aug-20	11-Nov-20		6-Jan-21
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
4254/20/FUL 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
0544/21/FUL Jacqueline Houslander 29-Mar-21	28-Jun-21		17 June 2021
Land at Stowford Mills Station Road Ivybridge PL21 0AW			Construction of 16 dwellings with associated access and landscaping

Comment – Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement.

	Valid Date	Target Date	EoT Date
1490/21/ARM Tom French 20-Apr-21	20-Jul-21		13 Aug 2021
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
1491/21/ARM Tom French 20-Apr-21	20-Jul-21		13 Aug 2021
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
1159/21/FUL Cheryl Stansbury 23-Apr-21	23-Jul-21		20-Dec-2021
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
1503/21/FUL Cheryl Stansbury 19-May-21	18-Aug-21		

Comment – change in officer. Revised plans received, re-consultation is underway and S106 being drafted. Extension of time being sought

	Valid Date	Target Date	EoT Date
1557/21/VAR Catherine Miller-Bassi	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
1558/21/VAR Catherine Miller-Bassi	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
2817/21/ARM 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
3053/21/ARM 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
3054/21/ARM Anna Henderson-Smith	5-Aug-21	4-Nov-21	

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 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 and additional information received 23/11/21. Currently being reconsulted upon

	Valid Date	Target Date	EoT Date
1393/21/VAR 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
3118/21/ARM Bryn Kitching	9-Aug-21	8-Nov-21	31-Jan-22

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
3078/21/VAR Bryn Kitching	9-Aug-21	8-Nov-21	31-Jan-22

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
3119/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	31-Jan-22

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
3120/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	31-Jan-22

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
2982/21/FUL Cheryl Stansbury	13-Oct-21	12-Jan-22	03-Mar-22
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 – Extension of time agreed. Revised plans being prepared to address consultee objections.

	Valid Date	Target Date	EoT Date
3335/21/FUL Cheryl Stansbury	14-Oct-21	13-Jan-22	16-Feb-22
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 March 2022 committee meeting

	Valid Date	Target Date	EoT Date
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	
"Sherford Housing Development Site" East Sherford Cross to Wollaton Cross Zc4, Brixton, Devon		Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community	

Comment -

	Valid Date	Target Date	EoT Date
1303/21/FUL Catherine Miller-Bassi	16-Nov-21	15-Feb-22	
Land At SX 680402 east of Thornlea View Hope Cove TQ7 3HB		Erection of 10 dwellings (to include 6 affordable), associated new highway access, service road and landscaping	

Comment:

	Valid Date	Target Date	EoT Date
3915/21/ARM Jacqueline Houslander	23-Nov-21	22-Feb-22	
Land At SX 651 560 Filham Ivybridge		Application for approval of reserved matters (appearance, scale, layout and landscaping) of Phase 2 (up to 106 dwellings) of outline approval 3703/18/OPA	

Comment – application under consideration

	Valid Date	Target Date	EoT Date
3122/21/VAR Cheryl Stansbury	23-Nov-21	22-Feb-22	
Land at Garden Mill Derby Road Kingsbridge		Application for variation of condition 7 of outline application 28/1560/15/O (appeal ref: APP/K1128/W/16/3156062) to allow for revised dwelling design and layout	

Comment – application under consideration

	Valid Date	Target Date	EoT Date
4021/21/VAR Amy Sanders	24-Nov-21	23-Feb-22	
Development site at SX 809597 Steamer Quay Road Totnes		Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL	

Comment

	Valid Date	Target Date	EoT Date
4129/21/FUL Verity Clark	25-Nov-21	24-Feb-22	
Bridge House Farm Portford Lane South Brent TQ10 0PF		Change of Use of agricultural land and dwellinghouse to outdoor educational facility (Use Class F1 (a))	

Comment: Under consideration by officer who is in discussions with applicant to secure revised plans as application does not accurately reflect proposal (works have already begun on site). Re-advertising is likely needed.

	Valid Date	Target Date	EoT Date
4031/21/FUL Jacqueline Houslander	1-Dec-21	2-Mar-22	

Sand Pebbles Hotel Inner Hope To Outer Hope Hope Cove TQ7 3HY

Redevelopment of the existing hotel with owners accommodation to 7-holiday lets and 5 residential units.

Comment – application under consideration

	Valid Date	Target Date	EoT Date
4441/21/ARM Tom French	1-Dec-21	2-Mar-22	
Land South of Langage Business Park Beaumont Way Langage South Plympton PL7 5FL 1878/19/FUL		Application for reserved matters, seeking approval of appearance, landscaping and layout following outline approval	

Comment

	Valid Date	Target Date	EoT Date
4442/21/ARM Bryn Kitching	21-Dec-21	22-Mar-22	
Land at Broom Park Dartington TQ9 6JR		Application for reserved matters, seeking approval of appearance, landscaping, layout and scale for 80 dwellings following outline approval 3842/20/OPA	

Comment:

	Valid Date	Target Date	EoT Date
4443/21/ARM Bryn Kitching	21-Dec-21	22-Mar-22	
"Land at Sawmills", North of A385, Dartington		Application for reserved matters, seeking approval for appearance, landscaping, layout and scale for 40 dwellings following outline approval 3841/20/OPA	

Comment

	Valid Date	Target Date	EoT Date
4202/21/FUL Jacqueline Houslander	22-Dec-21	23-Mar-22	
Ribeye Ltd Collingwood Road Townstal Industrial Estate Dartmouth TQ6 9JY		Proposed erection of upgraded/replacement production facility	

Comment: - application under consideration

	Valid Date	Target Date	EoT Date
4317/21/OPA Catherine Miller-Bassi	5-Jan-22	6-Apr-22	
Land at SX 5515 5220 adjacent to Venn Farm Daisy Park, Brixton		Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)	

Comment:

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