

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 16th March, 2022										
Time:	10.00 am										
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 - 8**
To approve as a correct record the minutes of the meeting of the Committee held on 16 February 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) 0591/21/FUL** **9 - 20**
Pool Farm, Frogmore
Erection of a single storey rural worker's dwelling
 - (b) 3048/21/FUL** **21 - 38**
Montgo, Maudlin Road, Totnes
Provision of single dwelling house (resubmission of 1668/20/FUL)
 - (c) 2876/21/FUL** **39 - 54**
Development Site, Tumbly Hill, Kingsbridge
- Please note that the following application will not be heard before 2.00pm**
- (d) 4024/21/FUL** **55 - 68**
Sunny Ridge, Herbert Road, Salcombe
Replacement dwelling

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7. Planning Appeals Update	69 - 70
8. Planning Performance Indicators	71 - 74
9. Update on Undetermined Major Applications	75 - 82

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in COUNCIL CHAMBERS, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 16 FEBRUARY 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

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;

DM.51/21

MINUTES

The minutes of the meeting of the Committee held on 19th January 2022 were confirmed as a correct record by the Committee.

DM.52/21

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 applications 2133/19/VAR, 3422/21/FUL, 3470/21/HHO, and 4214/18/FUL (Minutes DM.54/21 (a), (c), (d) and (e) 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;

Cllr R Foss declared a Non Registerable Interest in application 4219/20/OPA (Minute DM.54/21(6b) below refers). This was because the Member had an account with the applicant’s business. The Member left the meeting for this application;

Cllr H Reeve declared a Non Registerable Interest in application 4219/20/OPA (Minute DM.54/21(6b) below refers). This was because the Member had an account with the applicant’s business and a close relationship with an employee.

The Member spoke in her capacity as the local Ward Member and then left the meeting for the remainder of this application.

DM.53/21 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.54/21 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) 2133/19/VAR Cottage Hotel, Hope Cove

Parish: South Huish Parish Council

Development: READVERTISEMENT Application for variation of condition 2 of planning consent 46/2401/14/F

Case Officer Update: The Case Officer outlined the three reasons for the previous deferral: alternative roof safety railing, detailed landscaping scheme, and roof tiles to be more similar to those previously agreed. One late letter of representation had been received which was in support of the application. It was confirmed that the build height was between 0.58m and 0.82m higher than the previously approved application. Members' attention was brought to pages two to five of the published case officer report as the applicant had now agreed to remove the railings. The landscaping scheme had been submitted, with the landscape officer happy with the detail, however, it was noted that the drawing already differed from some of the work already carried out on site. The case officer showed examples of the tiles: one untreated and the other with one coat of the fix suggested by the applicant.

Speakers included: Supporter – Mr W Ireland; Objector – Mr N Stoop; Ward Members – Cllrs M Long and J Pearce.

One Ward Member showed slides to illustrate the differences between the approved application and the current build, highlighting the substantial increase in overbearing of the hotel, and the impact of the orange pantiles used as opposed to the originally slates authorised, Marley Eternit tiles. The Ward Member

referred to the applicant's reference to the potential closure of the hotel if the application was refused, but stated that no economic evidence of this had ever been received. As a Member of the Development Management Committee when the original approval had been granted, the Ward Member reminded the Committee that the approval had been a very finely balanced decision as it was acknowledged at the time that the plans were at the very limit of acceptability, and that the building was now substantially over and above the original approved plans, with extra additions to the front and height. Vehicle access had been constructed at the back which was not on the original plans increasing concreted elements that were to the detriment of landscaping.

The second Ward Member reminded the Committee of the three points to be discussed at this meeting. He drew Members attention to the difficulties endured by all businesses over the last two years.

During the discussion, several Members referred to the need for applications to be built according to approved plans, and that this building was contrary to all guidelines, including the Joint Local Plan (JLP), National Planning Policy Framework (NPPF) and Heritage Coasts.

Recommendation: Refusal

Committee decision: Conditional Approval

Conditions

2. In accordance with approved plans/amended plans
4. Construction phase surface water plan as previously agreed
5. Surface water scheme as previously agreed
6. Unexpected contamination
7. Lighting scheme for each phase to be submitted
8. Landscaping implementation
9. Stonework as previously agreed
10. Accord with CMP previously agreed
11. Accord with ecological mitigation
12. Materials as previously agreed, except roof tiles
13. Details of windows and doors for future phases
14. No additional windows in side elevations
15. Retention and creation of new car parking
16. Application of Liquid Weather to roof tiles within 3 months
17. Roof railing removed within 3 months
18. Lower ground floor rooms storage for hotel only

6b) 4219/20/OPA "Land at Three Corners Workshop", Moreleigh

Parish: Halwell & Moreleigh Parish Council

Development: Outline application with all matters reserved for a permanent occupational/rural worker's dwelling.

Case Officer Update: The reasons for deferral were outlined, and it was confirmed that, in principal, the required drainage, ecology and planning statement had now been received, reassessed and relevant consultees involved. Although the applicant had outlined the need for the dwelling, the case officer felt that the outlined description of rural worker dwelling was not met in this application.

Speakers included: Supporter – Ms A Burden; Ward Member – Cllr H Reeve.

The Ward Member outlined that the site consisted of a shop, barn, and workshop and, therefore, the house would not be out of keeping.

During the debate, several Members commented on the need to support local industry and the nature of the business was such that calls could be made on the service at any time, which would help with the worker being on site.

Proposed conditions would go to Chair, Proposer and Seconder.

Recommendation: Refusal

Committee decision: Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, and the Proposer and Seconder.

Conditions

1. Time limit
2. In accordance with approved plans
3. Linked residence to engineering business
4. Dev 32
5. Lighting x3 conditions
6. Landscaping including tree planting
7. Drainage

**6c) 3470/21/HHO Old Barton Barn, Wembury, PL9 0EF
Parish: Wembury**

Development: Householder application for rear extension.

Case Officer Update: There was no further update.

Speakers included: Supporter – Ms M Barrett; Ward Member – Cllr Brown;

During questions it was clarified that the curved roof was to ensure the junction between the two barns could still be seen.

The Ward Member reminded the Committee that the Parish Council had raised no objection, nor had local residents. He felt that this was a modest extension and, due to the size and siting, the scale and massing was not incongruous.

During the debate, a Member stated that as the extension was tucked away and affected no-one's view, for him the decision came down to heritage. Therefore with the structural element of heritage still visible due to the style of the extension, he was of a mind to support the application. While another Member felt that whilst the original barn alteration had been sympathetic, the new proposed extension did not fit in with the rest of the buildings around it and would be overly blatant. Members were reminded that the Barn Guide in the adopted Supplementary Planning Documents advocated a general absence of extensions on barns as it would detract from the barn form. A Member stated that he thought the modern lightweight construction and design produced a clear distinction between the original and the new, with the glazing helping to maintain the link between the two original barns.

Recommendation: Refusal

Committee decision: Conditional Approval

Conditions

1. Standard time limit
2. Accord with plans
3. Soakaway to be installed in accordance with plans submitted

**6d) 3422/21/FUL "The Barns", Fishley, Modbury
Parish: Aveton Gifford**

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

Case Officer Update: It was confirmed that the Neighbourhood Plan (NP) had been adopted in May 2021 and therefore carried weight. It was outlined that the NP stated new business developments would be welcomed if they were small and/or on the edge of the village, or an alteration of a current building. It also stated that holiday lets/second homes would be detrimental to the village, although camping would be acceptable. A previous application had approved the new access and track. It was highlighted that there was currently no disability exception policies within the Joint Local Plan, therefore although there may be a dearth of accessible holiday accommodation in Devon, currently that could not be cited as material planning. The case officer was of that opinion that there was no knowledge of need in the area and that the sustainability elements were insufficient to counter the

recommendation of refusal.

Speakers included: Supporter – Mrs C Wotton; Town Council –
Presentation read out; Ward Member – Cllr Kemp;

The Ward Member felt that the application was not as unsustainable as it might appear.

During the debate, several Members stated that there was a lack of disabled facilities in the area and that this issue should be pertinent to the review of the Joint Local Plan. The Council's Solicitor advised that if the Committee were of a mind to approve the application then conditions would need to be added to ensure the property was fitted out to be accessible for wheel-chair users, and that the new building remained as an accessible holiday venue, ancillary to the main property.

Recommendation: Refusal

Committee decision: Conditional Approval

Conditions

1. Standard time limit
2. Accord with plans
3. Marketing Strategy
4. Internal Layout
5. Landscaping
6. Drainage (foul)
7. Drainage (surface water)
8. Holiday let
9. Photovoltaic Panels
10. Low energy/carbon development

6e) 4214/18/FUL Land at Holwell Farm, St Ann's Chapel, Bigbury Parish: Bigbury

Development: Variation of Section 106 Agreement.

Case Officer Update: The Case Officer outlined that, as the Section 106 Agreement (S106) had been specifically agreed in Committee, any changes needed to be brought back to Committee for approval. The only change being sought was to alter the tenure so that all eight of the affordable dwellings would be let at an affordable rent.

Speakers included: Ward Member – Cllr Taylor

Following questions from some Members, it was clarified that rental of the dwellings would be set up in such a way as to ensure they were exempt from 'right to buy'.

During the debate, one Member stated that the project had used £4million to produce eight dwellings, which was extravagant and the Council could not follow this model again. He also stated that there had been insufficient overview by Members.

Recommendation:

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:

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

Committee decision:

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.

DM.55/21 **PLANNING APPEALS UPDATE**

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

DM.56/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted.

DM.57/21 **COUNCIL'S SOLICITOR**

The Chair and Committee Members thanked the Council's Solicitor as this was her last Committee Meeting before leaving the Council. Her expertise, professionalism, and measured approach were commended and would be missed.

(Meeting commenced at 10:00 am and concluded at 3:50pm, with a 10 minute break at 11:00am and lunch at 12:15 pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 16th February 2022

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2133/19/VAR	Cottage Hotel, Hope Cove	Refusal	Cllrs Brown, Pannell, Pringle, Rowe (4)	Cllrs Abbott, Foss, Long, Reeve, Taylor (5)	Cllr J Brazil (1)	Cllrs Hodgson, Kemp (2)
2133/19/VAR	Cottage Hotel, Hope Cove	Conditional Approval	Cllrs Abbott, Foss, Long, Reeve, Taylor (5)	Cllrs Brown, Pannell, Pringle, Rowe (4)	Cllr J Brazil (1)	Cllrs Hodgson, Kemp (2)
4219/20/OPA	“Land at Three Corners Workshop”, Moreleigh	Conditional Approval	Cllrs Abbott, Brazil, Brown, Long, Pannell, Pringle, Rowe, Taylor (8)	(0)	Cllr G Pannell (1)	Cllrs Foss, Hodgson, Reeve (3)
3470/21/HHO	Old Barton Barn, Wembury, PL9 0EF	Conditional Approval	Cllrs Abbott, Brown, Kemp, Pannell, Reeve (5)	Cllrs Foss, Long, Pringle, Rowe, Taylor (5)	Cllr Brazil – approved on casting vote (1)	Cllr Hodgson (1)
3422/21/FUL	“The Barns”, Fishley, Modbury	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	(0)	(0)	Cllr Hodgson (1)
4214/18/FUL	Land at Holwell Farm, St Ann's Chapel, Bigbury	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	(0)	(0)	Cllr Hodgson (1)

PLANNING APPLICATION REPORT

Case Officer: David Jeffery **Parish:** Frogmore & Sherford **Ward:** Allington and Strete

Application No: 0591/21/FUL

Agent:

Mr Richard Boyt - South Hams Planning
7 Manor Park
Kingsbridge
Devon
TQ7 1BB

Applicant:

Mrs T Oakley
C/O Agent

Site Address: Pool Farm, Frogmore, TQ7 2NU



Development: Erection of a single storey rural worker's dwelling

Reason item is being put before Committee

Cllr Foss has called the application before committee for the following reason: *“As a professional farmer I do not accept some of the reasons cited by our Agricultural expert. I also have always believed that each application is should be judged on its own merits and the muddying of the waters by quoting the permissions given for the Boatyard, which is a separate entity, should not work against this application”.*

Recommendation: REFUSE PERMISSION

Reasons for refusal

1. The case for the introduction of a further permanent dwelling tied to the farm and boatyard businesses in this location is not justified by exceptional or appropriate circumstances and represents an unsympathetic and unsustainable intrusion in a countryside location which is not supported by the submitted evidence. As such the proposal fails to meet policy objectives and policies SPT1, SPT2, TTV1, TTV26 and TTV27, of the Plymouth and South West Devon Joint Local Plan.
2. The proposed dwelling, by reason of its location, in a prominent position next to Frogmore Creek would adversely affect the protected landscape of the Undeveloped Coast and South Devon Area of Outstanding Natural Beauty, and neither conserve nor enhance the landscape, resulting in an unnecessary incursion into this sensitive countryside location. Insufficient information has been provided to justify the proposed location or explore the potential availability of other sites within the holding which are less prominent and less harmful to local landscape character. The proposal fails to conserve and enhance the local landscape character, visual quality and setting of the AONB, contrary to Policies DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034, and paragraph 172 of the NPPF.

Key issues for consideration

- Principle of development/Sustainability.
- Design/Landscape.
- Neighbouring Amenity.
- Highways/access.
- Other issues

Financial Implications: n/a

Site Description

The site comprises an area of agricultural land on the southern banks of Frogmore Creek. To the south and south west of the site is a cluster of large sheds associated with Frogmore Marine Services and Pool Farm, beyond which is open countryside. The edge of the built form of Frogmore lies to the east beyond an area of pasture/amenity land. The site slopes gently from the farm towards the creek. A permissive footpath currently runs along the edge of the site providing access to a public pontoon, installed by Salcombe Harbour Authority.

Pool Farm is home to three businesses including: Frogmore Boatyard, a groundworks business and a livestock enterprise. The extended family of the applicant live on site including:

- The applicant's grandmother who lives in Pool Farm house. Pool Farm House has an agricultural tie.
- The applicant's father who lives on site in what appears to be temporary accommodation behind the boatyard. There is no record of this dwelling having received planning permission. The applicant's father also has permission for a rural worker's dwelling on the site associated with the boatyard, granted in 2013. This permission may be extant as the footings have been put in place although this has not been confirmed via the submission for a certificate of lawfulness.
- The applicant lives in temporary accommodation in the grounds of Pool Farm House.

The built form of Pool Farm is arranged parallel to the Creek but is separated from it by a finger of undeveloped land that reaches into central Frogmore. The use of the sheds at Pool Farm is split between the boatyard and agricultural enterprise. The most recent addition includes a barn which received prior approval in 2020 for agricultural storage. The bulk of these buildings sit behind a planted earth bund, which provides a degree of screening when viewed from the North.

The whole of Pool Farm / Lower Pool Farm is situated within the South Devon Area of Outstanding Natural Beauty (AONB), a nationally protected landscape the core aim of which is to conserve and enhance its natural beauty. The site is also located on land designated in the JLP as Undeveloped Coast and Frogmore Creek is a Site of Special Scientific Interest (SSSI). The Grade II Listed Limekilns on Frogmore Creek are located on the opposite side of the Creek within view of the proposed site. The site is not located within a flood risk zone as identified by the Environment Agency. The land is GRADE 3 - good to moderate quality agricultural land.

The Proposal

The application proposes the erection of a single storey rural worker's dwelling.

Consultations

- County Highways Authority – No implications.
- Landscape specialist - There is no objection in principle to the proposed development in landscape and visual terms subject to suggested amendments to the planting scheme.
- Frogmore and Sherford Parish Council: The Parish Council recommends refusal of this application, pending, (i) a siting review and reduction of the Rural Worker's Dwelling plot size and impact and (ii) the submission of drawings re-establishing the public permissive path access to Frogmore's public pontoon.
- Agricultural Consultant - No support provided.

The number and type of cattle present on the holding do not demonstrate an adequate functional need for a full time worker to be present at most times of the day and night for the proper management of the holding. The levels of profitability fall significantly short of the levels expected to finance the building cost of the dwelling. It is also raised why the, as yet, unbuilt dwelling for the management of the boatyard or nearby residential accommodation could not be also used for the management of the agricultural enterprise. It also seems to be the case that the existing farm building (approved under reference 3770/20/PAA, under 'prior notification') does not have the necessary permission to house livestock, which undermines the applicant's business plan.

- Natural England – No objection.
- South Hams Society. Objection.

Questions are raised as to whether existing buildings on the site have the necessary permission for agricultural use. The South Hams Society believe this proposal is harmful to the Undeveloped Coast and the Area of Outstanding Natural Beauty in a very prominent location and the internal Landscape specialist has failed to adequately assess the planning

policies that protect the designated site. If the Planning Authority was minded to approve there are less harmful alternatives available for the siting of this dwelling on the site.

- Salcombe Harbour Authority. Comments that unless public access is maintained as per the current permissive foot path along the edge of the site for the proposed bungalow (currently not allowed for on the proposed drawings) the Harbour Authority would have no alternative but to remove the public pontoon immediately and without notice.

Representations

43 letters of support have been received covering the following points:

- This applicants are a local farming family who have further extended and successfully developed business of a local boat yard & ground works company all of which are important to our local community.
- The build suggested is minimal for their living space needs and would be low level and in keeping with the local builds and so consequently would not impact the area or view.
- The applicants need to be able to live on the farm for security and animal welfare reasons and to be near family.
- The site for the dwelling is appropriately situated adjacent to existing properties and is in a sustainable location for access, amenities and services.
- Positive landscaping scheme which includes a Devon hedge.
- This business employs people from outside the family and is becoming an important employment hub in Frogmore Village.
- During the 7 years the applicant has lived in the temporary accommodation attached to Pool Farm this has proven essential to the business' day to day running, which clearly justifies their need for a permanent home.
- The development is in keeping with the area and will not affect neighbours.

21 letters of objection have been received covering the following points:

- Pool Meadow is an unbroken belt of green land in the AONB between the creek and farm site which is in keeping with the open fields to the west and the south.
- Detrimental impact on the currently undeveloped southern coastline which is of great aesthetic value to the community.
- The plans will set a concerning precedent for further development outside of the Frogmore settlement boundary.
- There are clear alternative locations for this development on the farm site, such as within the sizeable garden of Pool Farm house, which would not have such a significant impact on the Frogmore environment while providing proximity to the agricultural buildings.
- At 0.2 hectares the plot is disproportionately large for a 3 bedroom bungalow, and would leave sufficient room for a second dwelling on the site as well as taking up an un-necessary amount of agricultural pastureland.
- Inadequate justification of need. There is already planning permission (43/0352/14/F) for a rural worker's dwelling adjacent to the boatyard. This should be constructed before permission for another is granted on the same or similar grounds. Good availability of local needs housing nearby.
- Need to maintain access to the public pontoon.

Relevant Planning History

3770/20/PAA - Prior approval application for proposed erection of agricultural storage building. Prior Approval Required and Given. 16/12/2020

2036/20/PAA - Prior approval application for agricultural store for machinery and fodder: Prior Approval Required and Refused. 29/07/2020

3394/20/VAR - Variation of condition 2 (approved plans) following grant of planning consent 43/0352/14/F for amended design of house and associated layout.

43/1108/15//DIS - Approval of details reserved by conditions (3, 6 & 8) for planning consent 43/0352/14/F - Discharge of conditions approved. 28/04/2015.

43/0352/14/F - Application for construction of rural worker's dwelling (resubmission of 43/3065/13/RM) – Conditional Approval – 05/02/2014.

43/0559/13/O – outline planning application for provision of occupational dwelling for rural worker to serve boatyard. Approved 12/06/13.

43/0369/11/F – Amendment to planning ref: 43/1076/07/F to provide additional boat storage – 30/03/11

Ref: 43/2225/10/MIN – Non material minor amendment to planning permission 43/0047/09/F, amendments include changes to fenestration, addition of solar panels, clarification of position on site and clarification of eaves detail – approved 22/10/10

43/0079/10/F - Installation of concrete base, with stock proof fence and gate, for bridge access to landing pontoon - Conditional Approval 27/04/10

Ref: 43/0047/09/F – Erection of office building for use in association with Frogmore boat yard (B1 use) – 25/02/09

Ref: 43/1076/07/F – Erection of additional buildings for boat storage and maintenance approved 02/07/07

43/1517/92/4 - Change of use of redundant agricultural barns and yard to storage of boats and their equipment. Conditional Approval 09/12/1992

ANALYSIS

Principle of Development/Sustainability

At the heart of the spatial strategy of the JLP is the need to use sustainable development as the framework for growth and change. Policy TTV1 seeks to direct new development towards named settlements, which are considered to represent the most sustainable locations for new development. For the purposes of Policy TTV1, the proposal site is considered to be located within the countryside, outside a recognised settlement, within the fourth tier of the Council's settlement hierarchy; '*Smaller Villages, Hamlets and the Countryside*'. Development here will be permitted only if it can be demonstrated to support the social, economic and environmental principles of sustainable development and sustainable communities (Policies SPT1 and 2), including as provided for in Policies TTV26 and TTV27.

Policy **TTV26 'Development in the countryside'** requires that the special characteristics and role of the countryside is protected. This policy identifies that development will be avoided and only permitted in exceptional circumstances. As this site is not considered to be isolated as per the definition of such provided by the *Bramshill* ruling, part 2 (iii) of Policy

TTV26 is of particular relevance in requiring that development would need to respond to a proven agricultural, forestry and other occupational need that requires a countryside location. The applicant has applied on the basis that their role in managing Frogmore Boatyard and a farming enterprise, provide this exceptional justification.

Although Officers note that the applicant justifies need for the dwelling on their involvement with the boatyard business alongside the farming business, the existence of an extant consent for a rural workers dwelling tied to the boatyard (that has not been completed since reserved matters were concluded 6 years ago) mean that use of the boat yard to justify this application carries no weight. Accordingly, the assessment by the Council's agricultural assessor focuses on an assessment of the agricultural enterprise and whether this provides adequate justification for the dwelling when viewed against relevant criteria within the NPPF and JLP Policy TTV26.

The assessment concludes that based on the number and type of cattle present on the holding, there is not a functional need for a worker to be present for the proper management of the holding and that the agricultural enterprise does not demonstrate the requirement for a full-time worker. The assessment also notes that neither does the business generate the necessary levels of profitability to satisfy the financial test of a business to meet the requirements for a permanent rural worker's dwelling. In relation to the availability of alternative suitable accommodation, the assessment questions why the, as yet, unbuilt dwelling for the management of the boatyard or other nearby homes could not be also used for the management of the agricultural enterprise.

Lastly, it is worth drawing attention to the reliance of the farming enterprise on the use of an agricultural storage building permitted in 2020 (Ref: 3770/20/PAA). With regard to this approval, it must be noted that, the prior notification process does not require an assessment of the proposal against the permitted development criteria of Part 6 (Classes A, B and E), one of which does not allow for the housing of livestock within 400m of a protected building. In this instance the barn is within 200m of a protected building and would therefore need planning permission. The unauthorised use of this building for housing livestock is seen by Officers and the agricultural assessor as undermining the credibility of the livestock business as a justification for this permanent rural worker's dwelling.

Turning to the other considerations within Policy TTV26 (2) (i) it must be considered whether this development will impact upon any public rights of way. As raised in an objection from the Parish Council, it is noted that the site of the proposed dwelling also provides access, via a permissive track, to a public pontoon installed by Salcombe Harbour Authority under application ref 43/0047/09/F. No recognition of, or allowance has been made in the submitted plans for this permissive track, which provides pontoon access. Salcombe Harbour Authority have been consulted on the application and have advised any obstruction of this access will result in removal of the pontoon.

With regard to JLP Policy **TTV27 'Meeting local housing need in rural areas'**, this policy states that: *"Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose, may be permitted provided that it can be demonstrated that: It meets a proven need for affordable housing for local people; management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity; and that the proposal meets the requirement of all other relevant policies of the Plan"*. Given that the proposals are considered to represent an unnecessary and unsustainable incursion into the Undeveloped Coast and AONB in conflict with Policies DEV23, DEV24 and DEV25 and that the need for an additional tied dwelling has not been

adequately established in accordance with Policy TTV26, the requirements of all other JLP policies cannot be met, as required by paragraph 4 of Policy TTV27. This limits the weight that can be accorded to this policy.

Design/Landscape

The site falls within the JLP Undeveloped Coast designation, is situated within the South Devon Area of Outstanding Natural Beauty (AONB) and is also on the banks of Frogmore Creek, a Site of Special Scientific Interest (SSSI). The site is located within the 3G River Valley Slopes and Combes landscape character type (LCT). The key characteristics and valued attributes of the LCT include references to a pastoral landscape of rounded hills with steep sides, wide field boundaries and Devon Banks and a vernacular of white washed cottages, thatch or slates roofs and exposed stone.

In terms of the dwelling's size, it will provide 3 double bedrooms together with a utility providing approximately 150 m² of floor space. The plot itself measures around 55 metres in length and around 30 metres in width. It is proposed to mark the north and western boundaries of the plot with Devon hedge banks. Access would be via the existing field entrance and a double garage is proposed to provide parking.

The proposed site gently slopes towards Frogmore Creek and occupies well over half the width of this uninterrupted green finger of land that runs from the village into the open countryside between the Farm and the southern bank of the Creek. The boundary of the Undeveloped Coast designation encompasses this land as does the AONB. The site is visible from vantage points to the north including footpath no 56, bridleway number 8 and Limestone Kilns, which are Grade II Listed. The sensitivity of this estuarine setting is of significance in assessing this application and as such Officers refer to the South Devon AONB Management Plan, which states the policy objective to "*conserve and enhance the natural beauty, special qualities and natural processes of the AONB's rivers and estuaries*". **Policy Est/P1 Estuary character** goes on to state that: "*The more remote parts of the estuaries will be managed for their tranquil and unspoiled character and safeguarded from the spread of moorings and development*".

Within the JLP Undeveloped Coast designation, **Policy DEV24** requires that *'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.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests”.

JLP Policy DEV25 ‘Nationally protected landscapes’ states that *“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”.* Development proposals located within the AONB are required 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.*

Officers are in agreement with the Parish Council’s comments, that the location proposed for this dwelling along with the size of the plot is particularly insensitive. The change in character which would result from the domestication of this land including the potential introduction of garden paraphernalia will have an unacceptable adverse impact upon this important undeveloped green finger of land running alongside the Creek and into the heart of the village. Notwithstanding that the Council’s objective assessment of need does not support an additional tied dwelling at Pool Farm, alternative locations within the site are considered to offer a much more sensitive response to this highly constrained and sensitive landscape setting.

Officers consider that the exceptional circumstances needed to justify this development as required by Policies DEV24 and DEV25 have not been demonstrated and that the incursion of this development into such a sensitive location will have a detrimental effect on the undeveloped character, appearance and tranquillity of this estuarine setting. The proposals are not considered to conserve and enhance the natural beauty of the protected landscape and are not located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.

The Council’s Landscape Specialist has expressed no objections to the proposals and makes the following comments: *“Intervisibility between the proposed development and the wider landscape would be restricted. Key views would be from the north and west looking across the creek to the site. However, the proposed dwelling would not be seen in isolation but*

would be visible only in the context of existing development behind it. This back drop of existing development would reduce the perception of the proposed development encroaching into open countryside. Much of the proposed built form would be hidden from view by the proposed Devon Banks”.

Whilst the Landscape Officer's observation is accepted that the visual impact of this development would be moderated by its backdrop of agricultural development and the proposed hedge bank, Officers consider that the proposal will serve to erode and fragment a buffer of undeveloped land which is highly important to the setting of Frogmore Creek. Officers have an in principle objection on landscape grounds to the siting of this dwelling in the open field, adjacent to the Creek outside of the cluster of built form. The proposed development would undermine the key characteristics and distinctive sense of place outlined above, and lead to a deterioration of the consistent, high quality undeveloped character of this estuarine landscape. Notwithstanding the results of the assessment of need, Officers consider that there are other potential locations around the existing farm/boatyard that are less visually intrusive, which could be reviewed to identify a more suitable site for the proposal.

The proposed development fails to accord with DEV23, DEV24 and DEV25 (including the SD AONB Management Plan), as it fails to conserve and enhance the local landscape character and visual quality, and on this basis the application cannot be supported.

Neighbour Amenity

No neighbours or other uses in close proximity to the site. As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. The proposals therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

Highways/Access

With regard to vehicular access and parking, the proposed dwelling would be accessed via a gateway from the existing farm access. The proposed dwelling makes provision for a double garage and adequate parking. County Highways Officer has confirmed that there are no highways objections.

The gateway proposed to provide vehicular access to the proposed dwelling also provides access to a public pontoon on Frogmore Creek. This public pontoon was installed by Salcombe Harbour Authority and permitted in 2010 under application ref: 43/0079/10/F. This application details a 1.5 m footpath leading to the public pontoon. Concerns have been raised by the Parish Council and Salcombe Harbour Authority that the submitted plans do not show or make provision for the retention of the permissive path to the public pontoon. Being a permissive path, there are no statutory rights of access for the public and the submitted plans currently show its course blocked by a hedgebank. Salcombe Harbour Authority have been consulted and have advised that if access to their pontoon is restricted in any way, it will be removed.

Conclusion

Officers do not consider that the functional need for a rural workers dwelling to serve this agricultural enterprise has been adequately justified to warrant development in this countryside location. Given that there is already an extant planning consent for a rural workers dwelling to serve the boatyard, the use of the boatyard as justification for the current application is not considered to be of relevance. Furthermore, the proposed location of the

dwelling represents an inappropriate incursion into a sensitive countryside location within the Undeveloped Coast and South Devon Area of Outstanding Natural Beauty. For these reasons the proposals are considered to be contrary to policies SPT1, SPT2, TTV1, TTV26, DEV23, DEV25, DEV25 and TTV27 of the Joint Local Plan.

N.B.

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

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts.

Frogmore & Sherford Parish Neighbourhood Plan

The Frogmore and Sherford Neighbourhood Plan is currently at Regulation 15 stage. The Examiner's Report has been received and changes will be incorporated into the plan, before going to public referendum. Relevant policies include:

POLICY FSNP 1: THE LANDSCAPE
POLICY FSNP 2: FROGMORE CREEK
POLICY FSNP 3: HERITAGE AND CONSERVATION
POLICY FSNP 4: TRANQUILITY AND DARK SKIES
POLICY FSNP 5: SETTLEMENT BOUNDARY
POLICY FSNP 6: DESIGN AND CONSTRUCTION

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 172 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Catherine Miller-Bassi

Parish: Totnes **Ward:** Totnes

Application No: 3048/21/FUL

Agent/Applicant:
Mrs Amanda Burden - Luscombe Maye
Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:
Mr And Mrs G Ford
c/o agent

Site Address: Montgo, Maudlin Road, Totnes, TQ9 5TG



Development: Provision of single dwelling house (resubmission of 1668/20/FUL)

Reason item is being put before Committee:

Councillor Birch has stated:

The planning issues are finely balanced and there is an argument that the grounds for refusal as set out in the previous application apply.

Recommendation: Conditional approval

Conditions:

- Time

- Approved plans
- Materials
- Landscaping – agreement from agent secured for pre-commencement condition
- Parking, electric charging, waste – agreement from agent secured for pre-commencement condition
- Drainage
- Land stabilisation – agreement from agent secured for pre-commencement condition
- Sustainable construction

Key issues for consideration:

- Principle of Development
- Design/Landscape
- Neighbouring Amenity
- Future Occupiers' Amenity
- Heritage
- Ecology
- Access, Parking and Waste
- Flooding, Drainage, Contamination and Land Stability
- Sustainable Construction
- Planning Balance

Site Description:

The application site lies on the south-west side of Maudlin Road in the JLP defined Main Town of Totnes, just beyond the Totnes Conservation Area.

The site slopes steeply down towards Maudlin Road and forms part of the former rear garden of Ashleigh, a dwelling which fronts on to Kingsbridge Hill.

The site is currently overgrown and the historic stone retaining wall aligning the highway has been removed along the north-east boundary.

Maudlin Road is generally single track but widens north of the site to allow parking and access to the dwellings opposite, namely nos. 1 and 2 Maudlin Cottages, and narrows again within the site frontage.

The site lies within the Critical Drainage Area.

Description of Proposal:

The application seeks detailed permission for the erection of 1no. detached dwelling with access off Maudlin Road and parking.

The dwelling would have three bedrooms and would be partly two and partly three storeys, with an integral single garage and parking for 1no. car on the front drive. The dwelling would be flat roofed with outdoor amenity space at roof level.

The dwelling would be built into the hillside which slopes steeply from the front (north-east) to the rear (south-west) of the site.

The materials proposed involve rendered elevations, aluminium doors and window frames, with zinc roof coverings.

Consultations:

External Consultees

Consultee	Comments
DCC Highways Authority	Comments received 20/08/2021 No objections subject to conditions
Town/Parish Council	Comments received 24/08/2021 No objection - although some concern about unsustainability of building materials

Internal Consultees

Consultee	Comments
SHWD Drainage Officer	Comments received 03/09/2021 No objections subject to conditions
SHWD Environmental Health	No comments received
SHWD Strategic Planning	Comments received 02/03/22 No objections in relation to JLP policy DEV32 subject to condition

Representations:

9no. letters from separate addresses have been received of which 8no. object and 1no. support.

The comments received in support are summarised as follows:

- The plot has gained planning permission in the past and the proposed attractive eco friendly design includes both a garden and car parking and will make a useful contribution to housing in the area. Totnes has both primary and senior schools and a full array of transport services.

The comments received in objection are summarised as follows:

- Poor state of site
- Construction vehicles accessing site via single track road will cause problems for neighbours with access and parking
- Layout will make vehicular access to proposed garage difficult
- Water and drainage issues not resolved and will affect neighbours

- Overshadowing to bungalows opposite
- Enforcement issues should be resolved first
- Development began (clearing of the site) prior to discharge of the condition on surface water drainage
- The excavation, which is about seven metres deep, is within 1-2 metres of the sewer drain serving Crosswinds, Kingsbridge Hill, and our property at 1 Ashleigh, Kingsbridge Hill. (Note that the site in question fronts Maudlin Road and is not 1 Ashleigh as described in the planning documents). South West Water has described the sewer drain as being at risk from the potential collapse of the excavation. Note the date of commencement of the works, above is approximate. The excavation began in July 2017 as far as we remember (possibly earlier).
- Likely continuing collapse puts our property at risk, as independently assessed by a structural engineer retained by ourselves and by an engineer from South West Water. Collapse is already occurring. Further collapse increases the risk to the sewer drain with potentially catastrophic results for our foul waste disposal (and that of our neighbours. It also risks sewage flooding Maudlin Road and so is a serious public health risk)
- Poor design and materials, large mass in small site
- Overdeveloped, cramped site, mitigation from soft landscaping limited
- 1.1m high balustrade to roof terraces will add to height
- Loss of privacy from roof terraces
- Roof terraces prohibit green roof for ecology
- Dwelling would be more visually prominent than shown in plans due to topography errors
- Previous approved scheme windows designed to avoid overlooking
- The use of the roof as amenity space effectively creates a four storey building with a single means of escape, in the event of a fire. This may not meet the requirements of approved document B of the building regulations
- Noise and light pollution from roof terraces affecting neighbouring amenity
- Overdominant appearance
- Not policy compliant with DEV10 part 6
- Significant lack of detail in the proposed plans and omission of sections through Maudlin terrace leave an incomplete picture as does the lack of window dimensions and incorrect land contour details
- Lacks detail on passiv haus proposals
- Challenging site will increase materials and works required and be less sustainable regarding climate change
- There is no space for storage of construction plant or materials due to restricted site
- Out of keeping with surroundings
- Requires much greater excavation into hillside than previous schemes and groundworks would be extremely expensive
- Design does not respect nearby Conservation Area or historic nature of Maudlin Road
- Living space for future occupants would be limited and relatively small for the area
- No structural engineering design strategy or calculations attached to the application to insure the adjoining properties and boundaries are properly safeguarded
- Nothing has been agreed with the adjoining neighbours to achieve the necessary engineering works required
- Insufficient parking for future occupiers or construction phase
- I could not understand how planning permission could be granted for this plot, I felt the old historic wall should have been replaced

Relevant Planning History:

1668/20/FUL

Application for single dwelling with undercroft parking space

Montgo Maudlin Road Totnes TQ9 5TG

01 September 2020

Refusal

[Officer Note: this was refused on the grounds of overdevelopment, lack of outdoor amenity space, potential harm to land stability, neighbouring amenity and lack of evidence relating to sustainable construction]

56/1893/15/F

Erection of single dwelling with an undercroft parking space (resubmission of 56/2362/14/F)

25 May 2016

Conditional Approval

[Officer Note: permission no longer extant as pre-commencement conditions not discharged and out of time]

ANALYSIS

Principle of Development:

The principle of the erection of 1no. detached dwelling on this site has been established under previous planning permissions, ref. 56/1893/15/F.

Notwithstanding the lapsed permission, it must be recognised that the Joint Local Plan has been adopted since that time and the current application must be assessed against up-to-date policy.

Since this time, South Hams District Council has declared a housing crisis and the proposal would result in 1no. new 3-bedroomed dwelling within a town centre location.

JLP policy SPT2 encourages development in areas well served by community amenities and public transport, inter alia, while policy SPT3 requires at least 7,700 new homes in the Thriving Towns, as Totnes is described.

In addition, JLP policies TTV1, TTV2 and DEV8 encourage residential development in the Thriving Towns or Main Towns, as Totnes is also described.

It is acknowledged that the site has a relatively long planning history and concerns have been raised about the current state of the site and lack of clarity regarding its future use. It is considered reasonable to apply the standard time restriction condition in this case in accordance with JLP policy DEL1 to encourage the delivery of the proposed development.

As such, the principle of the development is considered acceptable and to accord with the relevant policies of the JLP and NPPF.

Design/Landscape:

JLP policies DEV10 and DEV20 encourage high quality design and improving the built environment. In particular, DEV10.6 states:

To protect the quality of the urban environment and prevent 'town cramming', development of garden space within [...] the towns will only be permitted where it does not adversely affect the character and amenities of the area.

Paragraph 130 of the NPPF also encourages high quality design, stating:

Planning [...] decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting...*

The character of the immediate vicinity is of rear gardens bounded by a tall stone retaining wall on the south-west side of this section of Maudlin Road, with properties fronting onto Kingsbridge Hill and spanning the gap between the two roads, resulting in generous plot sizes. On the north-eastern side of this part of Maudlin Road, the plots between Conemur and Maudlin Cottages are relatively wide and well set back from the highway. Further east of the application site, there are several Victorian terraces with slightly narrower plots but which still extend substantially front to rear.

In terms of building heights, nos. 1 and 2 Maudlin Cottages are bungalows, while the Victorian terraces to the south-east of the bungalows, at Garfield Place, are three-storey. The newer semi-detached dwellings to the south-east of the application site are also three-storey, set at a higher ground level than the application site and the dwellings opposite, at Garfield Place, and have hipped roofs.

It is acknowledged that the proposed development would be out of character with the immediate vicinity of the site which generally comprises the rear gardens of dwellings fronting onto Kingsbridge Hill and by reason of the relatively small site. However, the approval of a two-storey dwelling on this site under lapsed permission, 56/1893/15/F, approved in 2016, is a material consideration in this case.

Notwithstanding this, a more recent application, ref. 1668/20/FUL, was refused in part on the grounds of overdevelopment of the site.

The currently proposed site would measure 12.2m along the front (north-east) boundary and 13.8m from front to rear (south-west) boundaries, with an approx. area of 178.3 sqm and a floorplan (at first floor level) of 95.2 sqm. As such, the proposed dwelling would occupy 53% of the site area.

The previously refused application measured approx. 12.1m along the front (north-east) boundary and 11.6m from front to rear (south-west) boundaries, with an approx. area of 147.5sqm and a floorplan (at first floor level) of 84.8sqm. As such, the refused dwelling would have occupied 57% of the site area.

The current proposal would, therefore, involve a slight increase in the length and area of the application site and a slight decrease in the proportion of the site area occupied by a

dwelling. There is some concern that the current scheme would still result in an overdeveloped appearance that could give rise to 'town cramming'.

In addition, the current proposal would have a flat roofed design whereas the majority of dwellings in the surrounding area have pitched roofs. This would again be out of character and would involve greater bulk at an upper floor level as compared with the mostly pitched roof design of the previously refused scheme and the expired permission.

Furthermore, the three-storey element of the proposed dwelling would appear to have three and a half storeys, given the solid wall to the north-eastern edge of the roof terrace, with a height above the road level to the top of the parapet wall at over 9m.

It is acknowledged that the ground levels slope steeply from the south-west to the north-east and the site would be excavated to accommodate the building towards the rear of the plot. As such, the protrusion of the dwelling beyond the sloping ground adjacent the site would be relatively limited in side views.

It is also acknowledged that the proposed dwelling would be visually sited between the row of dwellings to the rear, fronting onto Kingsbridge Hill, that lie further up the slope, and those which front onto Maudlin Road, opposite the application site and to the south-east. As noted above, some of these dwellings are of three-storeys with pitched roofs above. It should also be recognised that a number of dwellings to the rear of the site, namely nos. 1, 2 and 3 Ashleigh, are of an unusual design, with vertical timber cladding and staggered mono-pitch and waved roof designs.

The proposed elevation drawings submitted show the south-east side boundary treatment to comprise a retaining wall that would rise to the height of the top of the balustrade along the front edge of the two storey element, with timber picket fencing at approx. 1.5m high and a strip of planting in between. To the north-west boundary, there would be a short stretch of the timber picket fencing between the front elevation of the proposed dwelling and the front (north-east) boundary.

No landscaping details have been submitted. While the site is limited spatially, it is considered that there would be sufficient space to reduce the visual impact of the proposed dwelling by the use of soft landscaping. As such, a landscaping condition will be applied should the Council be minded to approve the application.

The materials proposed involve rendered elevations, aluminium doors and window frames, with zinc roof coverings. These materials would integrate with the general colour palette of the surrounding area and would be considered acceptable.

By reason of the rising land to the sides and rear of the site, together with the neighbouring three-storey dwellings and the dwellings of varying architectural styles set at a higher ground level to the rear, the proposal cannot be said to appear overly prominent or incongruous. It is considered that a meaningful planting scheme would further mitigate the visual impact of the proposed dwelling and boundary treatments.

Given the absence of buildings immediately adjacent to the proposed new dwelling, the scheme would not be considered to give rise to a cramped and overdeveloped appearance along this stretch of Maudlin Road or 'town cramming', notwithstanding the limited size of the site.

Overall, it is not considered that the flat roof design and height of the parapet wall above the three-storey element would result in sufficient harm to the visual amenity to warrant refusal in this case.

For these reasons, the scheme is considered acceptable and to accord with JLP policies DEV10 and DEV20 and the relevant paragraphs of the NPPF.

Neighbouring Amenity:

The dwellings considered most likely to be affected by the proposal include Crosswinds, nos. 1 and 2 Kingsbridge Hill and no.2 Maudlin Cottages and no.1 Garfield Place.

In terms of overbearing impact, paragraph 13.28 of the SPD states:

In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m. This distance should be increased for a three-storey development, normally to at least 15m.

It must be acknowledged that the above relates to residential extensions and not to new development.

In respect of the two dwellings mentioned above on Maudlin Road, these sit at a lower ground level than the proposed new dwelling. The distance between the dwellings at ground floor level would measure approx. 17m, while the first and second floor projection would reduce this by approx. 2.5m, which would fall slightly below the distances stipulated above.

However, in this case, the ground levels rise substantially to the rear of the application site and the proposed dwelling would be sited at a similar ground level to the highway at this point, as if excavated into the hillside. In addition, the dwelling would not be sited directly opposite either of the neighbouring dwellings in question, but in front of the gap between no.2 Maudlin Cottages and no.1 Garfield Place at a bend in the road.

For these reasons, while the separation distance would fall slightly below that recommended for residential extensions (by 0.5m), given the respective orientations of the dwellings in question together with the proposed separation distances and the local topography, no overbearing impact or loss of light would be considered to arise in respect of the occupants of no.2 Maudlin Cottages and no.1 Garfield Place.

The proposal involves roof terraces above the second and third storey elements and representations have been received regarding overlooking. The proposed terraces would have a glass balustrade to the front of the two storey element and a parapet wall to the front of the three storey element, both of an approx. height of 1.1m.

Future occupiers would have sight from the terraces onto the front elevation and roof of no.2 Maudlin Cottages, which is a bungalow, and onto the south-west corner of no.1 Garfield Place, the front elevation of which is angled away from the application site due to the bend in the road.

It is the Officer's view that the view from the proposed dwelling windows and roof terraces onto no.2 Maudlin Cottages would not be dissimilar to that available from Maudlin Road and from nearby dwellings, namely Crosswinds. Due to the height differential between the ground floor window in the front elevation of no.2 Maudlin Cottages, together with the siting of the proposed dwelling to the west of no.2, it is not considered that users of the proposed roof terraces would have direct sight into the front window of the bungalow in question.

Paragraph 13.19 of the SPD states:

Habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development, as shown below. This distance should be increased to 28 metres when one or more of the buildings are three-storeys in height or there is a drop in levels that reduce privacy.

Again, it must be acknowledged that the above relates to residential extensions and not to new development.

In this case, the proposed new dwelling would have a three storey element and would be sited at a higher ground level than no.2 Maudlin Cottages. The separation distance between the front elevations of the proposed new dwelling and that opposite would be approx. 17m, which is substantially less than 28m.

However, as shown in submitted drawing no. 1146/3, Block Plan, the front elevation of the proposed new dwelling would face onto the gap between no.1 Garfield Place and no.2 Maudlin Cottages. As noted above, the proposed front elevation would be sited to the west of the front elevation of no.2 Maudlin Cottages. As such, no habitable room windows are proposed that would face directly opposite those of a neighbouring dwelling. For this reason, the min. separation distances in paragraph 13.19 are not applicable in this case and no unacceptable loss of privacy would be considered to ensue.

The rear gardens of the properties in question would not be overlooked by future occupiers of the proposal by reason of the intervening dwellings.

For these reasons, it is not considered that the proposed development would give rise to unacceptable overlooking that would constitute harm to the neighbouring amenity of the no.2 Maudlin Cottages and no.1 Garfield Place.

The ground levels between the above-mentioned dwellings on Kingsbridge Hill and the application site slope steeply downward from south-west to north-east. For this reason, together with the distance between these dwellings and the proposed new dwelling, no overbearing impact, loss of light or privacy would result from the proposal in respect of the occupants of these three dwellings.

In terms of noise impact during the construction phase, this would be addressed via the recommended Construction Management Plan (CMP) condition, should the Council be minded to approve the application.

For the above reasons, the proposal is considered capable of compliance with JLP policies DEV1 and DEV2 with regard to neighbouring amenity.

Future Occupiers' Amenity:

In terms of the internal area to be provided, the proposal would exceed the Nationally Described Space Standards as shown in the table below.

Type	Standards in sqm	Proposed in sqm	Standards	Proposed
3 bedroom 5 person 3 storey	99	145.5	-	-
Single bedroom Min width in m	-	-	2.15	2.2
Min area in sqm			7.5	12.2
Double bedroom Min width in m	-	-	2.75	3.2
Min area in sqm			11.5	24.4
Double bedroom Min width in m	-	-	2.55	3.2
Min area in sqm			11.5	11.9

In terms of the external amenity area to be provided, due to the limited plot size, this would comprise roof terraces above the second and third floors with the latter extending to the rear boundary.

Paragraph 4.138 of the SPD states that a detached dwelling should have a min. of 100sqm of external amenity space including all usable areas except for car parking spaces. In this case, the external amenity space proposed would measure 125sqm, as noted on drawing no.1146/1, Proposal. Bearing in mind the constraints of the town centre location, the proposal is considered acceptable in this regard.

For these reasons, the proposal would comply with criteria 5 of JLP policy DEV10.

The proposed layout would not give rise to fear of crime as it would provide a high level of active surveillance through the front facing windows with little opportunity for access to the sides or rear of the building by reason of the boundary treatments and rising ground levels adjacent. As such, the proposal would comply with criteria 2 of JLP policy DEV10.

Overall, the proposal would be considered acceptable with regard to health and amenity for future occupiers and would comply with JLP policies DEV1 and DEV2.

Heritage:

The site lies beyond the Totnes Conservation Area and the setting of any listed buildings.

As such, no harm to any nearby heritage assets is considered to result in this case and the scheme would accord with JLP policies SPT11 and DEV21 and the NPPF.

Ecology:

South Hams District Council declared a Climate Change and Biodiversity Emergency in 2019.

A Wildlife and Geology Trigger Table has been submitted with this application that notes the proposal would not result in significant impact on ecology.

The application is not for major development. By reason of the town centre location, the application site comprising residential curtilage and the modest size of the proposal, the development would not be considered to give rise to harm to protected species or habitats.

A landscaping condition is recommended in the interests of the visual amenity as noted above. It is considered reasonable for this condition to also encourage biodiversity enhancements notwithstanding the site constraints and town centre location.

As such, the proposal would be considered capable of policy compliance with regard to JLP policies SPT12, DEV2 and DEV26.

Highways, Parking and Waste:

NPPF paragraph 111 states:

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

The site lies within a town centre location that is considered accessible in transport terms with good bus and rail services nearby. The site lies in close proximity to a range of amenities that are accessible on foot.

The proposal comprises an integral single garage, off-street parking for one further vehicle, 1no. electric vehicle charging point and enclosed bin storage.

A Transport Statement dated June 2015 has been submitted in support of this application that concludes the proposal would not have a severe impact on highways safety or the network.

The County Highways Authority has been consulted and has no objections subject to conditions.

The provision of 1no. electric charging point would comply with policy DEV17.8 and DEV29.6 and the SPD. The off street parking provision for 2no. cars would comply with policy DEV29.3 and the SPD guidance for 3-bedroomed dwellings, while the accessible location would comply with DEV29.10.

The proposed waste storage would comply with policy DEV31.

Overall, the proposal would comply with policies SPT9, DEV17, DEV29, DEV31, the SPD and NPPF paragraph 111 and is acceptable in this regard.

Flooding, Drainage, Contamination and Land Stability:

The site does not lie within the medium or high risk flood zones but it does lie within the Critical Drainage Area.

A Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation report dated March 2021 has been submitted in support of this application that concludes the site does not comprise contaminated land.

A Drainage Statement report, ref. 1305w0001, has been submitted in support of this application that includes a drainage strategy following pre-application consultation with South West Water and the Environment Agency.

The Council's Drainage Specialist has been consulted and has no objections subject to a condition for the implementation of the approved drainage scheme.

In terms of land stability, the site occupies a portion of a rear garden that appears to have subsided, previously pertaining to Ashleigh, which lies much further down the slope than the original host dwelling. In addition, the Victorian wall along the south-west side of Maudlin Road appears to have failed at several points within and near to the application site.

Overall, the land adjacent to the site does not appear stable and concerns have been raised by neighbours in this regard.

The Planning Practice Guidance (PPG) requires the applicant to undertake an assessment of the site to identify the risks and whether these can be mitigated in order to:

- *minimise the risk and effects of land stability on property, infrastructure and the public;*
- *help ensure that development does not occur in unstable locations or without appropriate precautions; and*
- *to bring unstable land, wherever possible, back into productive use.*

In this case, the Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation report dated March 2021 identifies that the land within and adjacent the site is not stable and that mitigation is required prior to construction of the proposed new dwelling. The report recommends 10m long soil nails to stabilise the site and adjacent land. The proposal also involves the erection of retaining walls along three sides of the site.

For this reason, the proposal is considered acceptable in regard to land stability subject to a condition to ensure the implementation of the recommended land stabilisation method.

On balance, the proposal is considered acceptable in this regard and to comply with JLP policies DEV2 and DEV35, the PPG and the relevant policies of the NPPF.

Sustainable Construction:

As noted above, South Hams District Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP policy DEV32 supports low carbon development and use of the 'energy hierarchy'.

Paragraph 152 of the NPPF states:

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The submitted Design and Access Statement and DEV32 Checklist note that:

The dwelling will be constructed following the Passivhaus principles in that it will be a fabric first approach with carbon reducing elements embedded in the fabric, which will also adopt

the modern methods of construction using the ICF wall system. The building will also be constructed to high insulation levels of air-tightness using mechanical ventilation and heat recovery (MVHR) by reducing the energy demand of the building first, the carbon footprint proportionally reduces.

The Council's Strategic Planning Officer has been consulted on this application and is satisfied, subject to a condition, that the proposal is capable of policy compliance in this regard.

In this case, the proposed new dwelling would be constructed using Passivhaus methods, which would maximise the energy efficiency of the fabric and would also maximise natural heating, cooling and lighting, and reduce the heat loss area. As such, it is considered that the proposal would comply with the relevant policies in this regard, subject to a condition regarding the implementation of the sustainable construction methods proposed.

For these reasons, the proposal is considered to accord with JLP policy DEV32 and paragraph 152 of the NPPF.

Planning Balance:

It is recognised that previous application, 1668/20/FUL, was refused on the grounds of overdevelopment, lack of outdoor amenity space, potential harm to land stability, neighbouring amenity and lack of evidence relating to sustainable construction. For the reasons set out above in the main body of this report, it is the Officer's view that the reasons for refusing the earlier application have now been overcome and the current application is considered acceptable with regard to these considerations.

On balance, therefore, it is the Officer's view that no unacceptable harm in regard to the material considerations assessed in this report would arise from the proposed development. This would have a neutral impact.

The proposal would result in the remediation of an overgrown site that has experienced subsidence and would result in betterment in terms of localised land stability. It is the Officer's view that the scheme would enhance the visual amenity and provide a high quality amenity for future occupiers, in accordance with JLP policy SO11. These are considered benefits.

It is acknowledged that the proposed development would result in some employment opportunities during the construction phase and that the future occupiers would increase footfall to local businesses. This would have a positive impact.

The proposal would result in the addition of 1 no. new three-bedroom dwelling that would be considered a moderate benefit in light of the Council's recent housing crisis declaration.

The siting of the proposed new dwelling within an accessible location, with public transport services and a good range of local amenities within walking distance, is considered to weigh positively in favour of the scheme.

Therefore, the proposal is not considered to result in adverse impacts that would outweigh the benefits, when assessed against the policies in the Development Plan taken as a whole.

The proposal is considered, on balance, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Joint Local Plan policy SPT1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and conditional approval is recommended in line with NPPF paragraph 11 c).

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:

Plymouth & South West Devon Joint Local Plan (JLP)

(The JLP was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT9 Strategic principles for transport planning and strategy

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
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
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Plymouth & South West Devon Joint Local Plan (JLP) SPD

The Supplementary Planning Document was adopted in July 2020

Neighbourhood Plan

Totnes Neighbourhood Plan carries limited weight in this assessment due to its early stage in the adoption process.

Other material considerations

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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

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.

PRE-COMMENCEMENT CONDITIONS AGREED 24/01/22

CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the following drawings/documents:

Site Location Plan received 06/08/21

Proposed Plans 1146/1 received 06/08/21

Proposed Elevations 1146/2 received 06/08/21

Proposed Block Plan 1146/3 received 06/08/21

Proposed Site Section 1146/4 received 06/08/21

Design and Access Statement dated July 2021 paragraph commencing 'DEV32'

Drainage Statement report, ref. 1305w0001, including plans ref: 1305-0500 Rev P2 and 1305-0501 Rev P1

Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation report dated March 2021

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be carried out in accordance with the approved details.

REASON: To ensure the development harmonises with its surroundings in accordance with JLP policies DEV10 and DEV20 and the relevant paragraphs of the NPPF.

4. Before any above groundworks take place, details of a landscaping scheme shall be submitted to and approved by the Local Planning Authority, detailing measures to deliver visual screening of the development and biodiversity net gains, such as bird or bat boxes and log piles, and incorporating the planting of native species of trees, shrubs, herbaceous plants and areas to be grassed, with a focus on nectar-rich flowers and/or berries as these can also be of considerable value to wildlife. The landscaping shall be carried out in the first planting season after commencement of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

REASON: To ensure the provision and maintenance of trees, shrubs, other plants and grassed areas in the interests of visual amenity and to ensure that the proposed development will deliver biodiversity enhancements, in response to the Council's declaration of a South Climate Change and Biodiversity Emergency and in accordance with Joint Local Plan policies DEV10, DEV20 and DEV26 and the NPPF.

5. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

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

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

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site; (k) details of wheel washing facilities and obligations;

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

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

REASON: To ensure that adequate facilities are available for the traffic attracted to the site and in the interests of the neighbouring amenity, in accordance with Joint Local Plan policies SPT9, DEV1 and DEV29 and the relevant policies of the NPPF.

6. No part of the dwelling hereby approved shall be commenced until the access, parking facilities and access drainage have been provided in accordance with the approved plans.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site and in the interests of the neighbouring amenity, in accordance with Joint Local Plan policies SPT9, DEV1 and DEV29 and the relevant policies of the NPPF.

7. Prior to first occupation of the dwelling hereby approved, the electric vehicle charging point shall be implemented in accordance with the approved plans and maintained thereafter.

REASON: In the interests of carbon reduction and in response to the Council's declaration of a Climate Change and Biodiversity Emergency and to comply with Joint Local Plan policies SPT9, DEV17 and DEV29 and the relevant policies of the NPPF.

8. Prior to first occupation of the dwelling hereby approved, the enclosed waste and recycling storage area shall be implemented in accordance with the approved plans and maintained thereafter.

REASON: To encourage recycling and waste reduction in the interests of the climate emergency and the visual amenity and to comply with Joint Local Plan policies DEV31 and the relevant policies of the NPPF.

9. The drainage scheme shall be installed in strict accordance with the approved plans (Drainage plans ref: 1305-0500 Rev P2 and 1305-0501 Rev P1), 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 in accordance with Joint Local Plan policies DEV2 and DEV35 and the relevant policies of the NPPF.

10. If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority.

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 in accordance with Joint Local Plan policies DEV2 and DEV35 and the relevant policies of the NPPF.

11. No part of the development hereby approved shall be commenced until the land within and immediately adjacent to the application site has been stabilised in accordance with the recommendations of submitted Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation report dated March 2021.

REASON: To ensure that the land within and immediately adjacent to the site is stable, and in the interests of the neighbouring amenity, in accordance with Joint Local Plan policies policy DEV2, the PPG and the relevant policies of the NPPF.

12. The construction of the dwelling hereby approved shall be carried out in accordance with the details contained in the Design and Access Statement, the DEV32 Checklist and the

approved plans. All measures contained within the approved documents to limit carbon emissions and improve building efficiency shall be implemented in full and maintained thereafter. Prior to first occupation of the dwelling, an 'as built' SAP assessment, confirming the building specification as built complies with the approved details, shall be submitted to and approved by the Local Planning Authority.

REASON: In response to the Council's declaration of a Climate Change and Biodiversity Emergency, to reduce carbon emissions and to accord with Joint Local Plan policy DEV32 and paragraph 152 of the NPPF.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.
4. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.

PLANNING APPLICATION REPORT

Case Officer: Steven Stroud

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 2876/21/FUL

Agent/Applicant:

Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

G.I. Devon
11 Longdown Road
Epsom
KT17 3PT

Site Address: Development Site, Tumbly Hill, Kingsbridge



Development: Construction of 3 townhouses

Reason item is being put before Committee: Part of the site is owned by SHDC

Recommendation:

Conditional Approval

Conditions (list not in full):

1. Development time limit
2. Development carried out in accordance with approved plans and documents
3. Solar/thermal PV and ASHP details
4. Final Drainage Scheme/piped route to Estuary
5. Construction Management Plan

6. External materials samples
7. Use of natural stone
8. Landscaping
9. Unexpected contamination
10. Parking provision

Key issues for consideration:

Principle of Development/Housing Mix
Design, Character and Appearance
Heritage
Highways and Access
Residential Amenity
Flood Risk and Drainage
Energy Efficiency and Climate Change
Ecology
Planning Balance

Financial Implications:

The proposed development would result in financial gain because the developer would acquire land under the ownership of the Council. In accordance with the national Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for the local authority. Officers therefore afford no determinative weight to this consideration.

Site Description:

The application site is on the western edge of, and abutting the Quay public car park, on a parcel of land situated between that car park, Tumbly Hill, and Kingsbridge Leisure Centre. The main site frontage is east facing, with views of the head of the Kingsbridge Estuary and the town to the east and north beyond.

The site is narrow, and steps back in the centre. There is a Public Right of Way which runs across the car park at the front of the site. An element of public footpath which encroached into the site was extinguished in 2009.

The site also lies within the South Devon AONB.

The nearest listed building is the Kingsbridge and Dodbrooke War Memorial (GII), directly to the east.

The Proposal:

The Applicant seeks planning permission for the erection of 3no., attached 'Townhouses', with associated works.

The overall building would provide accommodation across four storeys, albeit with the lower ground floor level (roughly at the level of the Quay car park) to provide vehicular parking and storage areas for each dwelling. Access to that undercroft area is proposed off Tumbly Hill, on the northern elevation.

The housing mix would be as follows:

Unit 1 – 4-bed, 216sqm.

Unit 2 – 3-bed, 158sqm.

Unit 3 – 3-bed, 146sqm.

The final bedroom of each unit is described as being appropriate as office/study space but in practice the size of such rooms are similar to the other bedrooms and are therefore treated as such.

The East elevation which faces the public car park has a number of Juliette balconies across the elevation with terraces for the three units at ground floor level (but above the level of the Quay car park), as well as corner balconies. The proposed building has a pitched roof. The car parking area is hidden at ground floor behind a natural stone-faced wall, which will reflect the stone boundary walls located in the area. The walls above the plinth area are proposed as a mixture of render and Cedral-type horizontal cladding. The external doors and windows are proposed as aluminium and the roof is proposed to be natural slate.

In order to achieve the necessary footprint, as part of the proposed scheme the developer would need to acquire land that is in the ownership of the Council. Part of that land is currently used for public car parking on the Quay car park, such that 2no. spaces would be lost. However, a land swap agreement with the Council is also proposed. The land swap would enable the public car park to be remodelled so that there is no net loss of public parking spaces/land; in fact, the submitted land transfer plan (ACL.1260.215C) indicates that 1no. space could be gained. Ultimately, this would be a matter for the Council as custodian of the car park.

Consultations:

Please note that full responses of all consultees can be found at:

<https://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/212876>

All consultation responses and representations received have been considered in full and taken into account, being summarised below:

Kingsbridge Town Council – objects:

'KTC: Recommend Refusal for the following reasons:

- *Parking. Rather than the 6 spaces proposed, 3 bed x 2 units and 4 bed x 1 unit should provide 7 car parking spaces in accordance with Supplementary Planning Document Policy DEV29.3 Parking provision: residential.*
- *Construction Management Plan.*
 1. *All deliveries will need to negotiate the busy Quay Car Park within the earmarked build window of autumn 2021 to late 2022 therefore paragraph 6. does not provide enough detail to overcome potential vehicular and pedestrian safety matters. For example, parking adjacent to the development may need to be suspended when large delivery vehicles are scheduled.*
 2. *Daily construction hours should be limited to 0800-1700 Monday to Friday (and Saturdays 0800-1300) without exception given the close proximity of Kiln House sheltered housing.*
 3. *Devon County Council Public Rights of Way should be consulted regarding the temporary diversion during construction and potential permanent realignment of Public Footpath No.1.*

4. *All construction should be halted for the duration of Kingsbridge Fair Week 16 to 23 July 2022. Contact details of the on-site manager should be provided i.e. email and mobile phone number.'*

Local Highways Authority – refer to Standing Advice/ no objection.

- Following concerns raised by officers in relation to parking provision and the practicality of manoeuvring space/ability to exit the site in forward gear onto Tumbly Hill, the Applicant provided an amended drawing making changes to storage and circulation areas, and a reconfiguration of the parking spaces.

The Local Highway Authority has confirmed in writing that it has no objection to the development.

South West Water – no objection

Representations:

1 no. public representation objecting to the development has been received and covers the following points (2 separate comments from the same occupier):

- Siting of underground drainage equipment needs to consider adjacent tide levels/leaching
- Underground crate attenuation would be extremely vulnerable to ground water flooding.
- No extant planning permission exists/the 2008 permission was not lawfully implemented.
- The development would result in the loss of existing public parking provision.
- Inadequate/unsafe access; contrary to Building Regulations
- Risk to safety of PRoW users; parking area impractical likely to lead to reversing out.
- Temporary PRoW diversion would be unsafe.
- Surface water and foul drainage concerns; exacerbate existing infrastructure problems.
- Poor design, failure to recognise the South Devon AONB.

Relevant Planning History:

28/0403/06/F

Re-development to provide 6 no. apartments.
Withdrawn.

28/1571/06/F

Resubmission of 28/0403/06/F for a redevelopment to provide 6 no. dwellings.
Conditional Approval 10.03.2008.

28/0660/11/DIS

Discharge of conditions 1 - 11 for planning approval reference 28/1571/06/F (for a redevelopment to provide 6 no. dwellings)
Discharge of Conditions Approved 16.12.2011.

0764/16/NMM

Non-material amendment for fenestration materials, windows, wall cladding and facias, soffits etc of approval 28/1571/06/F.
Approved 15.04.2016.

0256/17/FUL

Construction of 5 no. apartments.
Conditional Approval 04.05.2018.

0490/21/ARC

Application for approval of details reserved by conditions 4 and 7 of Planning Permission 0256/17/FUL.
Discharge of Conditions Approved 15.10.2021.

1652/21/ARC

Application for approval of details reserved by condition 9 of Planning Permission 0256/17/FUL
Discharge of Conditions Refused 15.10.2021.

The most recent, 2018 planning permission is considered to have lapsed without lawful implementation. This is because important condition precedent matters going to the heart of the permission had not been resolved prior to the deadline for determination of 4th May 2021.

There is some debate in relation to the 2008 permission and whether it too remains extant. On the one hand, a public representation suggests that it does not because the development was not lawfully implemented within the time limit. The interested party points to photographs taken in 2021 which ostensibly show that no works had taken place on the site previously, as claimed by the Applicant. On the other hand, the Applicant maintains that it was implemented in time. Officers are aware that material operations, as defined by s56 of the principal Act, can be broad in scope; case law has also established that the digging of a trench for foundations might amount to such an operation even where it is subsequently filled in for safety reasons. Nevertheless, officers are not in a position to gainsay either view.

Typically, such discussions can be important because if the 2008 permission were extant, and it remained a realistic delivery prospect, then it might be considered material to the current decision on the basis of being a “fallback” position for the Applicant to rely upon should the current application fail. It is also noted that the 2008 permission relates to the same site area albeit for an increased number of units and a larger building. Notwithstanding the above, and in the absence of clear evidence either way, officers consider it prudent to adopt a cautious stance. The present application has therefore been considered on its own merits and against the current planning policy framework. It remains open to the Applicant to seek to establish the legal status of the 2008 permission by making an application under ss.191/192 of the same Act should they so wish.

This does not mean, however, that it cannot be useful to consider those previous decisions taken by the Council in relation to the impacts of similar development on the site. This is because consistency in decision taking is an important public principle.

ANALYSIS

Principle of Development/Housing Mix:

The application site falls within the discernible built up area of Kingsbridge, which is a Main Town within the JLP. It follows that notwithstanding the planning history of the site, there is no

objection in principle to residential development in the location proposed and this would be consistent with decisions taken by the Council in the past.

The application proposes 3no. terraced units; 2 no. 3-bed and 1 no. 4-bed. Local housing data for the Kingsbridge area indicate that detached, semi-detached, and terraced properties are broadly in equal supply albeit with a slightly elevated proportion of terraced properties and a much higher number of flats. There is a need for/undersupply of 1 and 4-bed units, with a significant overprovision of 2 and 3-bed units.

Having regard to policy DEV8 there are aspects of the development which would accord with that policy, and others that would not, where the policy seeks to ensure that there is a range of housing to broadening choice, and supporting proposals that redress any imbalance in existing housing stock. Overall, the introduction of the proposed housing mix, whether taken as a minimum based on flexible home office space or maximum in terms of bed space, would not negatively skew said data so as to constitute a reason for refusal: the proposed development would not exacerbate an existing imbalance in the town, especially bearing in mind the minor scale of development proposed. As such, the proposal accords with JLP Policy DEV8 or, at least, would not directly conflict with it and this is considered to be a matter of neutral weight. It is also observed that the recent 2018 permission permitted 5 no. flats (3 no. 3-bed and 2 no. 2-bed). Arguably the current proposal provides a slightly better mix.

The principle of development of 3 no. terraced dwellings of the bedroom nos. proposed is therefore accepted and would overall accord with policies DEV8, STP2, TTV1, and TTV2.

Design; Character and Appearance:

Consistent with previous decisions taken by the Council, the overall scale, form, and appearance of the building is considered to be appropriate, taking into account other buildings within the vicinity and the prevailing character and appearance of the area. Whilst no “fallback” is considered to exist on the evidence available, it is noteworthy that the building now proposed is smaller than those approved by the Council previously.

The materials palette is considered to represent a positive response, with the significant use of natural stone at ground amenity level a positive introduction reflective of the area, whilst at the same time reducing the visual impact of the development and its perceived height (which would in any event sit comfortably within the environs bearing in mind the surrounding topography and development thereabouts, including Kiln House and Kingsbridge Sports Centre). Councillors’ attention is drawn to the context elevation plan in that regard.

The design of the building, with hipped roof elements and stepped levels in height, together with the use of different materials would act to reduce the visual massing of the building. The domestic appearance would be in-keeping with other development and the proposed balconies would add articulation; each elevation would have a clear, public face. As previous decisions have found, the impact on the AONB would be negligible, and of no negative effect, because it is within the built-up area of the town and would be viewed in that context; it would at least conserve the particular and perceptible qualities of the locality. With the landscaping proposed, enhancement can be secured.

The application would therefore accord with policies DEV10, DEV20, DEV23, and DEV25.

Heritage

The nearest listed building is the Kingsbridge and Dodbrooke War Memorial (GII), directly to the east approximately 120m away.

In accordance with s66 of the listed buildings Act, special regard has been paid to the desirability of keeping that identified designated heritage asset from harm; in practice this means affording considerable importance and weight/great weight to any harm identified, recognising that any such harm gives rise to a presumption against granting permission (as confirmed repeatedly through case law). Every effort must be made to at least preserve significance.

In this case there is a limited visual connection between the two sites. Even if the application site is considered to fall within the setting of that asset (on account of it falling within the surroundings in which the asset could be experienced, on a very generous view) the development would not pose harm to the significance of the asset not least because of a lack of functional or historic connection between the two sites, but also because the development would be read within its built up context.

It follows that the development would accord with policy DEV21 and the Council can be satisfied that it has discharged its duties under the listed buildings Act.

Highways and Access:

Access into and out of the site is considered to be safe and suitable for all users, and impacts on the local network would be minimal in light of the minor development proposed. The Local Highway Authority have advised that they have no objection to the development.

The applicant has worked positively to address concerns raised in relation to the arrangement of parking within the undercroft area. Amendments to that plan include reconfiguration and alignments of bin stores and storage areas and re-positioning of allocated spaces which are of the size designed to meet the standards set out within the SPD. Whilst to an extent the success of those arrangements would depend upon the considerate use and relationship between future occupiers (i.e. inconsiderate parking could very quickly lead to conflict / occupiers being forced to take more risky manoeuvres out of the site), it is on balance felt that reasonable use could ensure that vehicles could enter and leave in forward gear.

The number of parking spaces allocated to Unit 1 would not meet the standard typically expected by the SPD, providing only two spaces as opposed to the required three. On balance this is considered to be acceptable, noting that the Local Highway Authority raise no objection and in light of the highly accessible location, which offers a good range of local amenities and public transport options and where it might be expected for occupiers to be less dependent on the private car.

Members of the public would continue to have pedestrian access from Quay car park to Tumbly Hill. However, as referred to in the application documentation a diversion of a public footpath is required. An existing Public Path Diversion Order, administered by the Council under the provisions of the principal Act, exists, and has been confirmed. It has not as yet come into effect, however, as the new route has not been made available, and therefore the Council cannot as yet certify the Order. That Order was processed as part of an earlier planning application for the site, which was dependent upon the developer purchasing part of the Quay Car Park from South Hams.

A 2-metre-wide marked footway is proposed which would result in the loss of some existing parking bays. However, it has also been demonstrated that there need not be a net loss to parking overall and as part of a land swap it is possible for a net gain of 1 no. space to be secured. That would be a matter for the Council as landowner. Previous decisions have not made planning permission contingent upon the satisfactory delivery of the diverted pedestrian access. A Grampian-type condition could enforce that improvement, if Members were so minded, however, on balance, officers are satisfied with the current proposal in terms of the impact upon the adjacent car park and its provision.

A secondary issue is that, until such time as the new diversion route of the Public Footpath has been created and certified, the developer would need to apply for a Temporary Traffic Regulation Order to close the existing legal line of the footpath, prior to commencing work that would impact on the use of the Public Footpath. This is a legal matter for the applicant to ensure is carried out, but does not impact on the planning balance. In any event, officers have no reason to consider that this would not be safe or practical for the duration required.

Comments received in relation to the submitted Construction Management Plan are noted. Members are advised that is effectively the same document as that approved by the Council last year, pursuant to the 2018 permission. It is therefore felt to be unreasonable to reject that Plan on the basis that it has already been considered favourably. A condition is recommended to require compliance with that Plan.

Subject to conditions the application would accord with policy DEV29 in relation to highway and access matters.

Residential Amenity:

Due to the degree of separation involved between the proposed development and nearby occupiers (the nearest being Tumbly Hill Day Centre c.20m away, with further flatted units oriented away from the development to the west, and some 40m away to the north), the development is not considered likely to pose any detriment to the amenity of any neighbouring occupants. This is because of the distance involved, the orientation of the proposed units and their openings on the western and northern elevations of the proposed building, and the topography where land rises steeply to the west. It is recognised that similar development on the site has been approved by the Council in the past, on the same basis.

Likewise, the chance of overlooking between the proposed units has been mitigated through the orientation of property and defined breaks between built elements, alongside screening.

Policy DEV10 of the JLP seeks to deliver high quality housing with good living standards, which includes providing sufficient external amenity space and/or private gardens. Such spaces are important where they provide opportunity for storage, sitting out, recreation, and the drying of clothes.

Each unit would be provided with an external private amenity area as part of the terraces at ground floor level. In respect of terraced units the SPD sets a minimum requirement of 50sqm. Unit 1 would exceed that requirement; Unit 2 would fall short of that requirement by a modest amount (c.40sqm); Unit 3 would fall significantly below (c.25sqm). On the other hand, it is noted that each unit would be significantly in excess of the Nationally Described Space Standard and would be provided with additional storage space at the lower ground level. Recreational and play opportunities are a short walk away. On that basis and, on balance, the development is considered to be acceptable where the outdoor terrace amenity space would have some utility

and would nevertheless complement the other space available. A lawned area to the south is also proposed but due to the configuration of building and constrained nature of the site this is likely to suit Unit 1 only.

The application is considered to accord with policies DEV1, DEV2, and DEV10.

Flood Risk and Drainage:

The site is within Flood Zone 1 but careful attention has been paid to the application due to its proximity to the estuary and known flooding issues in the locality. Flood Zones 2 and 3 lie adjacent to the east.

No residential accommodation is proposed on the ground floor (as relating to that lower land level), where it is proposed as parking and storage. In light of previous favourable decisions relating to development of the site in similar circumstances, the application is considered to be acceptable in this respect.

Foul water would connect to the existing mains which is acceptable. In relation to surface water drainage, soakaways are not feasible due to limited space and proximity to the estuary. On that basis, attenuation and discharge to the estuary is proposed. South West Water raise no objection to that approach albeit where 3rd party land is involved, requisition may be required. Ultimately, this is a land ownership issue which would need to be resolved outside of the planning process. A condition is recommended to ensure that full design details including demonstration of delivery feasibility are provided by an appropriate trigger.

The application is therefore acceptable in relation to flood risk and drainage matters in compliance with policy DEV35.

Energy Efficiency and Climate Change:

In accordance with JLP policy DEV32, the applicant has completed the Council's standard checklist in order to propose measures that would limit carbon emissions and minimise the use of natural resources in the development over its lifetime, with due regard to the energy hierarchy (criteria 1., 3., and 4. of the policy). Such measures proposed by the applicant include the orientation of buildings with openings positioned to make use of solar gain, general built fabric efficiency including mechanical ventilation with heat recovery to maintain air tightness, air source heating, EV charging, and solar and thermal PV.

Subject to the development being carried out in accordance with those measures, which can be secured by condition, the application is acceptable in this respect and would accord with the policy.

At present the submitted drawings do not identify the siting and/or arrangement of external measures such as PV and air source heat pumps. Amended drawings are awaited in that respect and are anticipated to be received prior to Committee, which will necessitate an amendment to the approved drawings condition accordingly.

Ecology:

The Applicant has completed the Council's standard checklist for wildlife and geological triggers. Due to the nature of the site and development proposed, the development is unlikely to pose any adverse impact in relation to priority and/or protected species. The landscape

scheme proposed would offer some benefit and a net albeit minimal gain to biodiversity versus the existing situation. The submitted DEV32 checklist also proposes the inclusion of bird, bat, and bee boxes/bricks in the build. The application is therefore considered to accord with policy DEV26.

Planning Balance:

The recent case of *Corbett*¹ has re-emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

The development would be sited in a sustainable location, in one of the Main Towns of the JLP. The massing of the proposed building is considered to be appropriate given its location and the scale of neighbouring buildings. The eastern elevation will be open to public view from the Quay car park, the estuary, Embankment Road, as well as residential roads on the eastern side of the estuary. Viewed from the east elevation, the new building would not appear as an overly dominant building within the landscape, given its position adjacent to other buildings of similar scale.

The natural stone plinth, in contrast to the timber clad and rendered walls, would have the effect of breaking up the visual mass of the building and would reinforce local distinctiveness. The building would appear to be three storeys from the east elevation on top of the stone plinth. The proposal is considered to be appropriate in terms of scale, design and materials. The landscape approach is also considered to be positive and would offer some relief at ground amenity level. The development would result in an acceptable relationship with the adjacent properties. The building would not appear overly dominant and overbearing and there would not be detriment to the amenity of neighbouring occupants.

The limited amenity areas afforded to Units 2 and 3 are, on balance, considered to be acceptable bearing in mind the overall size of the properties and the additional storage space provided at the lower ground level. Likewise, whilst the development would not particularly improve upon any existing housing imbalance in local stock, it would not materially exacerbate any such imbalance either.

Overall and in the round, the application is considered to accord with the development plan as a whole.

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

Planning Policy

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

¹ *R (Corbett) v Cornwall Council* [2020] EWCA Civ 508.

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 14th January 2022 DLUHC published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
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 Kingsbridge Neighbourhood Plan has reached 'Reg 15' stage and consultation is ongoing, due to close 11th March 2022. As a matter of judgement, and in the absence of examination on the submission draft of the plan, the Kingsbridge NP is a consideration of limited weight such that it plays no determinative role in the application at the present time.

Other Considerations:

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Regard has also been paid to the JLP SPD.

The development complies with the policies of the NPPF when considered as a whole. That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c) of the NPPF), planning permission should be granted without delay.

There are no material considerations which indicate that the direction of the plan should not be followed in this case.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions:

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

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

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

- Site Location Plan ACL.1260.001 A
- Existing Site Survey ACL.1260.219
- Site Works Plan ACL.1260.215 C
- Proposed Drainage Strategy ACL.1260.216 B
- Proposed Block Plan ACL.1260.218
- Proposed Site/GF Plan ACL.1260.212 A
- Proposed Floor Plans ACL.1260.209 C
- Car Parking Plan ACL.1260.220 A
- Proposed Elevations 1260.210 B
- Proposed Hard and Soft Landscaping Plan ACL.1260.214 A
- Policy DEV32 Checklist / Sustainability Measures

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

3. No dwelling shall be occupied until the sustainability measures identified within the policy 'DEV32 Checklist/Sustainability Measures' document including solar/thermal PV

panels and air source heat pump to serve that dwelling have been fully implemented and installed.

Reason: To ensure that the proposed development is carried out in accordance with the details and DEV32 checklist forming part of the application to which this approval relates. This condition is required to meet the requirements of policy DEV32.

4. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Design steps as below:
 - i. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.
 - ii. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
 - iii. Full design details and sectional drawing showing the specification, routing, and make up will be required.
 - iv. A scaled plan showing the full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
 - v. In case drainage network needs to cross third party land then third-party permission will be required.
 - vi. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development to meet the requirements of policy DEV35.

5. The development shall be carried out at all times in accordance with the submitted Construction Management Plan (Rev A – Feb 2022). There shall be no deviation from the measures/controls within the Construction Management Plan unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure an orderly development in the interests of safeguarding amenity, highway safety and access to meet the requirements of policies DEV1, DEV2, and DEV29.

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

Reason: In the interests of visual amenity and the character and appearance of the area to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.

7. All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel or not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.

8. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details on Proposed Hard and Soft Landscaping Plan ref. ACL.1260.214 Rev A shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of works above slab level or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing to be retained) which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.

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

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

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during

remediation or other site works is dealt with appropriately to meet the requirements of policy DEV2.

10. No dwelling shall be occupied until the vehicle parking provision for that dwelling as shown on the approved drawings has been laid out and made available for use, thereafter not being used or precluded from being used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and in order to provide sufficient parking to meet the needs of the development to avoid on-street parking, or prejudice to the wider public operation of the car park adjacent to meet the requirements of policy DEV29.

Informatives:

1. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
2. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. The current fee chargeable by the Local Planning Authority is £116 per request. Application forms are available on the Council's website.
4. Until such time as the new diversion route of the Public Footpath has been created and certified, the developer would need to apply for a TTRO to close the existing legal line of the footpath, prior to commencing work that would impact on the use of the Public Footpath.
5. It should be noted that if the route of the drainage is within land owned by others, the agreement of the landowner to undertake the works should be sought.

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PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

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

Application No: 4024/21/FUL

Agent/Applicant:

Mr Michael Stopher - Stopher Design
Partnership Ltd
Unit 4 Kings Market
Fore Street
Kingsbridge
TQ7 1PR

Applicant:

Mr & Mrs P Lawrence
C/O Agent
TQ7 1PR

Site Address: Sunny Ridge, Herbert Road, Salcombe, TQ8 8HN



Development: Replacement dwelling

Reason item is being put before Committee

Officer's recommendation of approval is contrary to that of the Town Council, and there has been LORs objecting to the proposal.

Councillor Ward Members wish to bring to Committee for the following reason/s:

- The size and massing of the proposal is out of place with the development site and the surrounding street scene along Herbert Road.
- The proposal will be oppressive to neighbouring properties.
- Inappropriate level of glazing on rear elevation.
- External staircase inappropriate.

Recommendation:

Approval subject to conditions

Conditions:

1. Standard time condition
2. Development built in accordance with plans
3. External cladding shall be of natural timber
4. Flush fitting roof lights to be installed
5. Built in accordance with drainage scheme
6. Removal of Permitted Development Rights
7. No external lighting to be installed without prior agreement by the LPA
8. No side elevation windows to be installed
9. Garage to be used solely as ancillary to the main dwelling known as Sunny Ridge and for purposes of storage/keeping of motor vehicles
10. Development to follow the Construction Management Plan submitted in the DAS
11. Retention of off-street parking
12. Follow the recommendations of the Ecological Report by Green Lane Ecology
13. Development to be built in compliance with Policy Dev 32
14. Electric vehicle charging point to be installed, and no less than 7kw

Pre-commencement conditions:

Agreed by Agent via email correspondence on 4th February 2022.

15. Sample of stone material to be provided prior to start of the development
16. Landscaping scheme provided prior to above slab level works

Key issues for consideration:

The main considerations in determining this application are the principle of development, design, scale and appearance, development impacts upon the AONB, landscape and visual impacts, drainage, highways, and that of ecology.

Site Description:

Sunny Ridge is located to the far eastern end of Herbert Road, adjoining with St Dunstons Road, on the edge of the centre of Salcombe. The site is approximately 974m² in size, with a detached dwelling house, detached garage, driveway, and rear and front gardens. The existing 1 ½ storey house is of a construction date of mid-20th Century. The property has a gable ended design towards the street. It has a tall bungalow appearance, with red tiles on the roof, and gable apex wall and rendered walls. There have been various additions to the property over the years, including a rear conservatory extension. There are residential properties either side of the site, and along the opposite the side of Herbert Road. The development site is within a built up residential area of Salcombe.

The site is located within the South Devon AONB. It is located within the Landscape Character of 7. Main Towns and Villages.

The Proposal:

This application seeks full planning permission to demolish the existing dwelling at Sunny Ridge, and replace with the erection of a new dwelling house at the site.

The proposed dwelling will be of a two storey height, and be in the same position as the existing dwelling, albeit slightly larger to the rear of the property. The new building will present to the street on relatively the same building line at the front as the current house and garage. The proposed integral garage will be behind the building line of the existing garage. The proposed front elevation of the main property will be 0.7 metres in front of the existing main building line of the front elevation. The rear elevation is designed to be in line with neighbouring properties, and will extend approximately 1.8 metres beyond the original rear elevation of the existing property. The height of the ridge line of the roof will be 11.7 metres which is the same height as the overall ridge height of the existing property, and will be a low roof of 2 storey scale. An integral garage is proposed with two further side by side parking spaces on the driveway, and a turning space. The proposed ground floor footprint is 190.2 m² and first floor footprint 168.75m².

The proposed front elevation, will feature two forward facing gable ended designs at either side of the property, with a flat roof front porch feature, using a mixture of render and stone detailing. On the rear elevation will also be two gable ends, with a stone featured chimney and rear balcony with 1.8 metre high privacy screens. There will also be a lower terraced area providing access to the rear garden. The flat roof section at the rear of the property, will feature solar panels, although these will be disguised due to the slope of the roof.

Consultations:

- County Highways Authority: No highway implications.
- Drainage Specialist:
Based on the information provided we would support the current proposal.
- Town/Parish Council: **Objection**

Objection as although the application stated that the footprint and the proximity to the boundary would be the same, the mass and scale of the proposed dwelling was much larger. This would have a significant impact on the neighbouring property Strathmore as instead of a gently sloping roof, they would be faced with a solid wall twice the height of the existing garage just 2-3 feet from their property. This was unneighbourly and would impact on the light amenity of Strathmore.

Representations:

Representations from Residents

Comments have been received and cover the following points:

3 letters of support for the proposal. Commenting on the improved design, high quality appearance and materials, size does not dominate the plot and there is acceptable levels of parking.

2 letters of objection. Commenting on the negative impact upon the street scene by way of unacceptable bulk and massing to the property, enlargement of the footprint, enlarged rear terrace, change of living spaces cause noise and light pollution, proposal is tripling in size and disproportionate to the plot, height will impact the neighbouring property.

Relevant Planning History

Planning Application Ref: 5272/2003/OKE

Description: Addition of conservatory to side elevation.

Decision Date: 07 January 2004

Approval

ANALYSIS

Principle of Development/Sustainability:

Strategic Objective 1 of the JLP sets the overarching principles for meeting and distributing development and other needs within the Plan Area. The objective 'provides for levels of development in the towns and larger rural villages sufficient to enable them to continue as important local service centres for the surrounding areas', and seeks to 'minimise[s] development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments'.

At the heart of the spatial strategy of the JLP is the need to use sustainable development as the framework for growth and change. Policy SPT1 guides development that is planned for and managed in accordance with the principles of sustainable development, including the effective use of land through optimising previously developed sites, and respecting local distinctiveness and sense of place. Policy SPT2 guides how development and growth will take place in the Plan Area.

Policy SPT2.1 notes that development should:

'Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.'

Also relevant to this application, is Policy SPT2.6: which requires development that is:

'well served by public transport, walking and cycling opportunities.'

And Policy SPT2.9: 'have the appropriate level of facilities to meet the identified needs of the local community'.

The site relates to an already developed site, with an existing dwelling existing at the site, so the proposal is considered to comply with parts 1, 6 and 9 of Policy SPT2.

The site is located within Salcombe, which is classed as a smaller town and key village in the JLP under Policy TTV1. Within Salcombe, a proportionate amount of new growth is appropriate.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 177, due to the one-for-one replacement nature of the proposals, and the context of built form within an area characterised by residential development within Salcombe. Therefore, there is no in principle policy objection with the replacement of the existing dwelling. The site relates to an already developed site, with an existing dwelling.

Policy Dev 8 of the JLP, notes that the 'LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities'. The proposal will not see an increase in bedrooms so the proposal is not considered to imbalance the overall housing mix of Salcombe as a whole.

Climate Emergency

The application has been supported by an Energy Statement. This shows that the proposal complies with the development checklist of Policy Dev 32. Dev 32 is a Policy which aims to reduce carbon emissions, increase energy security, including through the deployment of decentralised energy, minimise resource use and ensure new developments mitigate and are adapted to climate change.

The floors, walls and the roof will be highly insulated, and the windows will be triple glazed. The orientation of the building will allow for natural sun to heat the property. The proposal includes the use of an air source heat pump, and solar panels will be installed on the roof. These are illustrated on the proposed plans '2101-03B' and '2101-05A'. There will be ventilation and heat recovery methods put in place to provide fresh air. Where possible, the existing fabric of the building, will be recycled and/or reused. There will be space provided for the installation of an electric vehicle hook up. A condition will be issued to ensure that an electric vehicle hook up is installed with a minimum of 7kw.

With the above considerations, the proposal is considered to comply with Dev 32. A condition will be issued to ensure compliance.

Design:

Policy Dev 20 requires development to have a 'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations'. The Policy also states that development should achieve 'a good quality sense of place and character through good utilisation of existing assets such as quality buildings, heritage assets, trees and landscape features and attention to the design details of the scheme'.

The existing properties which are featured along Herbert Road, and within the context of the site, are of a mixture of vernacular styles, ages and designs. There have been some more modern additions to the street scene, through approved replacement dwelling schemes. The existing property at Sunny Ridge is not considered to be of architectural merit, or respond to a specific style of dwelling featured along this road, or within Salcombe itself.

The proposed design of the replacement dwelling has considered the street scene and the wider surroundings of the development site because the proposed design of the dwelling corresponds to the scale and size of surrounding properties and the context of the site. The proposed dwelling does not exceed the overall ridge height of the existing dwelling. Furthermore, as illustrated on the proposed elevation drawing no. 2101.04 A, the proposed ridge height is in keeping with the height of the adjacent neighbouring properties, and will not greatly exceed the height of the neighbouring properties. The proposal extends the built form beyond the existing built form line of the front elevation by less than 1 metre. The proposal

does not extend beyond the rear elevations of the adjacent neighbouring properties. In this way, the layout, siting and proposed massing of the proposal is considered acceptable.

It is noted that the proposal will be adding bulk to the façade of the front and rear elevation, by way of the property being two storey in height. This will result in larger elevations than the existing dwelling. This is considered to be acceptable and able to be accommodated at the site, without it appearing as over development, because of the proposed position of the dwelling within the existing built form of the site. The introduction of the flat roof element, especially on the front, is considered to break up the visual mass and bulk of the building.

The proposed building will alter the street scene from the existing, but this is not considered to be of detriment, and the proposed design, through use of suitable and complimentary materials, and the high quality design of the proposed scheme, which takes note from surrounding properties by incorporating a pitched slate roof, will enhance the street scene.

The proposed materials are considered to be complimentary of the surrounding residential development, utilising a pitched slate roof and rendered walls. A sample of the stone work proposed on features of the external walls will be requested, should any grant of permission be permitted on site, in order to assess the suitability of the material, and to ensure it does not have an adverse impact on the visual amenity of the locality. A condition will also be attached to ensure that natural timber cladding is used. The architect has provided supporting evidence with examples of cladding in the local area, to evidence that this type of timber cladding is seen within the locality of the development site, and along Herbert Road in particular, and that the proposed use of this cladding will respond to the local vernacular, and will not be introducing a new style or design to the area.

Concern about the amount of glazing that is proposed on the rear elevation was expressed by Ward Members, but in the context of the wider site, and the settlement area, the level of glazing is not considered to be of detriment to the overall design and appearance. The impact of the glazing will also not be as significant once the dwelling is constructed, owing to the fact that the upper and lower floors on this rear elevation are staggered. The level of glazing on the rear elevation has also been reduced in the latest amended plans. This will now see a similar level of glazing to the rear elevation of the existing dwelling.

The proposal complies with the standards prescribed in Policy Dev 10.5, for outdoor amenity space.

Officers consider that the building will sit comfortably within its context, and is acceptable in design and appearance, complying with the relevant local plan policies, including Policy Dev20.

Landscape Visual Impact and development impacts on the AONB

The application site is located within the South Devon AONB (JLP policy DEV25 Nationally Protected Landscapes). The location is within the defined settlement boundary of Salcombe, as defined in the Salcombe Neighbourhood Plan (Figure 1B Settlement Boundary for Salcombe Parish). Consideration of the landscape, townscape and seascape character and scenic and visual quality of the development is covered by JLP Policy DEV23 Landscape Character.

JLP policies DEV23 and DEV25 require development proposals to conserve and enhance the character, scenic quality and natural beauty of the AONB. Policy SALC Env 1 'Impact on the South Devon Area of Outstanding Natural Beauty (AONB)' of the adopted Salcombe

Neighbourhood Plan (SNP) requires development to successfully demonstrate that they maintain the intrinsic character of the landscapes, townscape and seascape. This proposal is considered to be in keeping with the scale and form of the existing dwelling, and neighbouring dwellings. By way of use of sympathetic materials, the dwelling would not interrupt or dramatically change the view and visual quality of the locality. The proposal is considered to better respond to the local distinctiveness through the use of materials more in keeping with some of the local vernacular.

The proposal will conserve and enhance the views of the area and not be of detriment to existing site features such as trees and hedgerows. Due to the location of the site, nestled amongst residential development, and in a developed part of Salcombe, the replacement of a dwelling at this site, is not considered to be harmful to the AONB. The dwelling is not captured within any key viewpoints noted in the Salcombe Neighbourhood Plan Policy ENV6.

A landscaping scheme will be requested to be submitted and approved at the site, in order to maintain and enhance the setting.

Also, Policy Dev 25 of the JLP which specifically relates to designated areas, requires development, among other things, to:

‘ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.

iii. Be located and designed to respect scenic quality and maintain an area’s distinctive sense of place, or reinforce local distinctiveness.

iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.

v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded....’

The proposal is not considered to add any incongruous features to the application site. The proposed built form will remain within largely the same footprint as the existing building. The material palette chosen at the site is considered to maintain the area’s scenic quality, because it will reinforce some of the local vernacular such as rendered walls and slate roof. The proposed level of glazing, although is considered to be on the large side, in the context of the site, and owing to the position of the site within the residential developed area, is considered acceptable. The proposal is also surrounded by residential development of a similar size and density, so will not appear out of character of this developed residential area.

As such, with the above considerations, the proposal is considered to be compliant with the relevant policies of the JLP, including Dev 25.

Drainage

The Drainage Specialist has been consulted on the scheme and has no objections to the proposal, because full drainage details for a Suds compatible scheme have been provided. This comment is subject to the addition of a condition, requiring the development to be built in accordance with the provided drainage plan. With the use of this condition, the proposal is not considered to increase flood risk, and is considered to manage water appropriately on site.

Highways

The proposed site plan shows that off-road parking will remain at the site, the driveway will be slightly extended, and the entrance to the site made wider. The width of the access to the site is within the guidance of Highways standing advice, being over 3 metres. There is enough space for a vehicle to turn off of the road, and within the curtilage of the site, in order for the vehicle to enter the main highway in forward gear. Highways Officers have been consulted on the application and have advised that there are no highways implications as a result of the proposal. The proposal is therefore considered to comply with relevant local plan policies and Highways Standing Advice.

Neighbour Amenity:

A site visit has been conducted in order to assess potential impacts on the existing amenity enjoyed by surrounding residential properties. Some letters of objection have been received, expressing concerns over the residential amenity impacts for neighbouring properties.

A proposed floor plan has been provided by the agent, and received on the 21st December 2021, drawing number: 2101-03A, which shows the existing and proposed layout and orientation of the property Sunny Ridge and neighbouring properties. As aforementioned, and shown on the proposed floor plan, the building line of the proposed dwelling will not greatly extend forward of the existing front elevation building line. It will be brought away from the boundary line to the east of the site, between the site and the property known as 'Strathmore'. The proposal is not considered to be of detriment to the amenity of Strathmore because of the orientation of the properties. On 'Strathmore', it is an obscure glazed window serving a bathroom, which runs along the boundary line facing the development site. There is also an existing fence running along the boundary. The space between the sides of the property at Strathmore, is not likely to be used as a private outdoor seating area, or space which the resident of Strathmore would be likely to be using as outdoor amenity space, and is more of a walk way/path, and the use of this is not considered to be impacted by the proposal. Also, no windows are proposed on the side elevation of the proposed development which would face Strathmore.

In regards to the property on the other side of the site, to the west, there is not considered to be any amenity impacts owing to the orientation of windows and layout of the site.

On the rear elevation, 1.8 metre balcony privacy screens are proposed on either side, which will improve the existing amenity relationship at the rear of the property, where it is possible to see into gardens.

Owing to the steep topography at the rear of the site, and the distance between the site and the property to the rear, the proposed dwelling is not considered to effect the amenity of properties located to the rear of the development site.

In light of the above, the proposal is not considered to impact the existing amenity enjoyed for residential properties surrounding the site. The layout of the site does not allow for the proposed dwelling to allow for overlooking, or impacts of privacy, or loss of light on neighbouring properties.

Ecological Considerations

A PEA and further survey were carried out by Green Lane Ecology at the site, and they did not observe any bats emerging from the property, or protected birds, so it was concluded in the report by the Ecologist, that no further surveys are required to prove their presence/likely absence.

The recommendations noted in the Ecologist report will be issued as a condition on any grant of planning permission, and as such it is reasonable to conclude that the proposed demolition will not contravene the legislation which protects bats and the conservation status of the local bat population will be maintained, alongside all protected species.

The amended plans show reference to bat boxes. In addition, a landscaping scheme will be required to show how wildlife is going to be respected at the site. This is in line with Policy SALENV2 of the SNP, which requires development to consider wildlife corridors.

Other Matters

The Town Council have objected to the application. It is considered that the objection points from the Town Council have been addressed in this report. The amenity impacts of the scheme on neighbouring properties has been fully assessed in earlier sections of this report, and are evidenced on the floor plan drawing number 2101-03A.

It is considered appropriate for this site, for Permitted Development Rights, usually afforded to residential properties, to be removed from the site by way of a planning condition. This is considered appropriate in the context of the site, where the property is closely related to neighbouring residential dwellings, and of a site with constraints such as being located in a designated landscape, where incremental changes can be of detriment to the appearance and character of the local area and setting.

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
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The Salcombe Neighbourhood Development Plan is adopted.

Policy SALC Env 1 requires development proposals to consider the impacts of development upon the AONB. Policy SALC Env 6 notes locally important views.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 195 and 130, and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan 2019-2034.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed list of conditions:

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

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

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

- 2101-03B. Proposed floor plans
- 2101-04A. Proposed elevation plans
- 2101-05A. Proposed roof plans

Received on 22nd February 2022

And drawing numbers:

- 2101-01A. Site location plan

Received on 9th November 2021.

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

3. The cladding hereby approved shall be natural timber. This cladding shall not be stained, colour washed, or otherwise treated in a manner which would obscure the natural finish.

Reason: In the interests of the character and appearance of the building and the local vernacular.

4. The proposed roof light(s) shall be fitted so as to be flush with the existing roof profile.

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

5. The drainage scheme shall be installed in strict accordance with the approved plans and the report titled 'Storm Percolation and Soakaway Design', written and prepared by JMC Drain Consultants, dated January 2022, and maintained and retained in accordance with the agreed details for the life of the development, unless agreed in writing by the Local Planning Authority.

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.

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

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Classes B and C (roof addition or alteration)
- (d) Part 1, Class D (porch)
- (i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

7. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties

and the dark sky qualities of the AONB.

8. No side elevation openings shall be constructed on the proposed development.

Reason: In the interests of privacy and amenity impacts of adjoining residential properties, and in line with Policy Dev 1 of the JLP.

9. The proposed integral garage, hereby approved as part of the scheme, shall be used solely as ancillary to the main dwelling known as 'Sunny Ridge', for the purposes of storage ancillary to the main dwelling of Sunny Ridge and/or as storage for the private motor vehicles. The proposed integral garage shall not be separated, and not be used for commercial, business, or separate residential related purposes.

Reason: In the interests of the traffic generated to the site and the amenity of the locality, and commercial development would not be supported at this site location.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

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

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

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

12. The development hereby approved shall be carried out in accordance with the submitted Protected Species Survey by Green Lane Ecology, in September 2021.

Reason: To safeguard the welfare of a protected species of wildlife.

13. The development hereby approved shall take place in accordance with the approved details of JLP Policy Dev 32: Delivering Low Carbon Development, prior to the occupation of the dwelling/building to which they relate.

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

14. Provision shall be made for the installation of an electric vehicle charging point within the red line outlined on plan number 2101-01A, and the electric vehicle charging point shall be a minimum of 7KW.

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

Precommencement Conditions – agreed by Agent via email on 4th February 2022.

15. Prior to installation, a schedule of the stone facing material, and sample of the stone facing material, to be used in the construction of some of the external surfaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials and to ensure the materials compliment the local area and surrounding vernacular.

16. Notwithstanding details shown on plan 2101-06, above slab level building works shall not be implemented until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, indicating the boundary treatment of the proposed development, and should detail management and maintenance of existing and new landscape, wildlife and open space features, reflecting recommendations of ecology reports.

The Landscape Management Plan will incorporate a Green Infrastructure Plan and will include clear enhancement, avoidance and compensation measures showing how impacts on wildlife will be avoided / minimised and how a net gain for biodiversity at the site will be achieved. The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality, and in the interests of biodiversity and environmental protection.

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South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 16-Mar-22

Appeals Update from 11-Jan-22 to 1-Mar-22

Ward Charterlands

APPLICATION NUMBER: **2750/21/HHO** APP/K1128/D/21/3288202
APPELLANT NAME: Mrs Margie Markwick
PROPOSAL: Householder application for retention of existing external staircase
(Retrospective)
LOCATION: Lincombe Barn Bigbury TQ7 4BD **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 06-January-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 15-February-2022

Ward Kingsbridge

APPLICATION NUMBER: **2878/21/HHO** APP/K1128/D/21/3288709
APPELLANT NAME: Mr Ben Matley
PROPOSAL: Householder application for amendment to approved plans
under reference 0062/21/HHO for horizontal weatherboard cladding
(Retrospective)
LOCATION: Top Acre 12 Higher Warren Road Kingsbridge **Officer member delegated**
TQ7 1LG
APPEAL STATUS: Appeal decided
APPEAL START DATE: 07-January-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 16-February-2022

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **3908/21/HHO** APP/K1128/D/22/3292226
APPELLANT NAME: Mr Peter Smith
PROPOSAL: Householder application to create on site parking at front of property to allow an electric
car to be safely parked and charged off road
LOCATION: Matford Fore Street Aveton Gifford TQ7 4JH **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 24-February-2022
APPEAL DECISION:
APPEAL DECISION DATE:

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 **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 17-January-2022
APPEAL DECISION:
APPEAL DECISION DATE:

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 **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 17-January-2022
APPEAL DECISION:

APPEAL DECISION DATE:
APPLICATION NUMBER: **3723/21/HHO** APP/K1128/D/22/3292080
APPELLANT NAME: Mr Wayne Neale
PROPOSAL: Householder application for loft conversion, dormer window and interior alterations
to

existing detached dwelling
11 Old Rectory Gardens Thurlestone TQ7 3PD
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 23-February-2022

Officer delegated

APPEAL DECISION:
APPEAL DECISION DATE:

Ward Stokenham

APPLICATION NUMBER: **1978/21/VAR** APP/K1128/W/21/3287618
APPELLANT NAME: Mr & Mrs Matthew Needham
PROPOSAL: Variation of condition 2 (drawings) of planning permission
53/2876/11/F (resubmission of 0437/21/VAR)
LOCATION: Old Cotmore Farm Cotmore Kingsbridge TQ7 2LR
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 31-January-2022

APPEAL DECISION:
APPEAL DECISION DATE:

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 decided
APPEAL START DATE: 17-January-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 18-February-2022

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

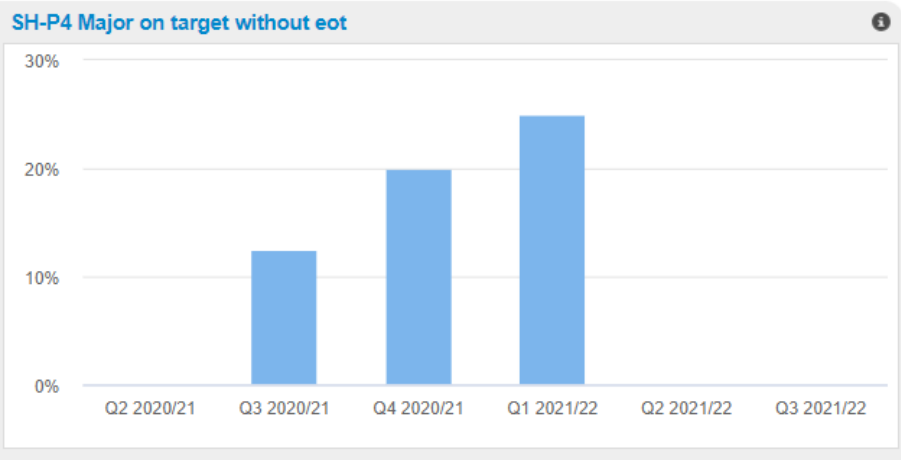
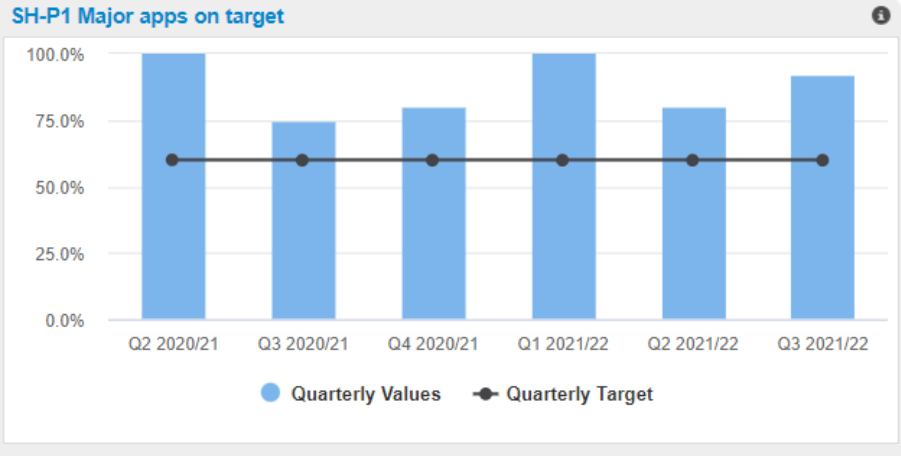
Ward West Dart

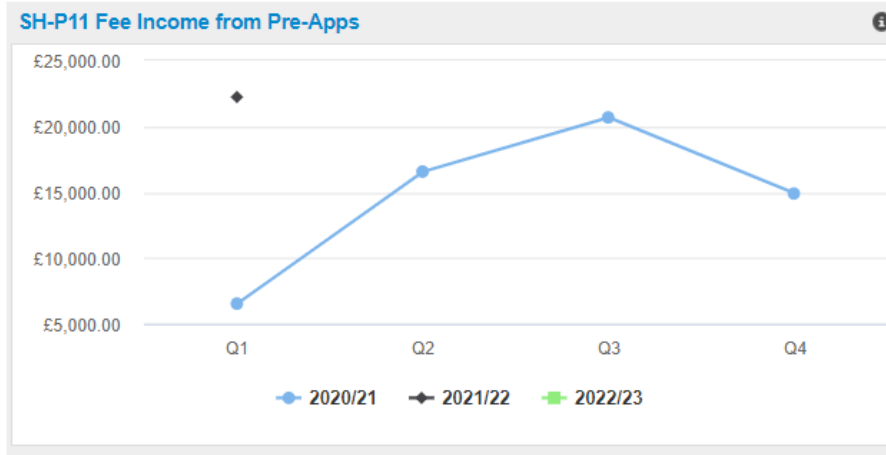
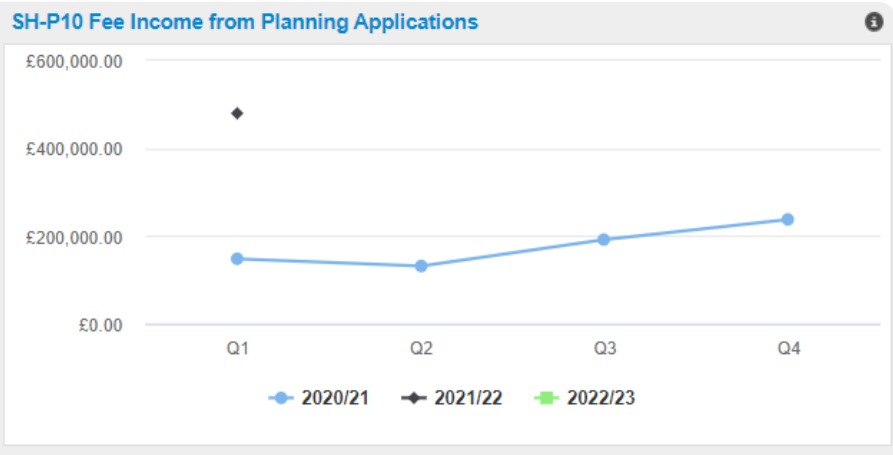
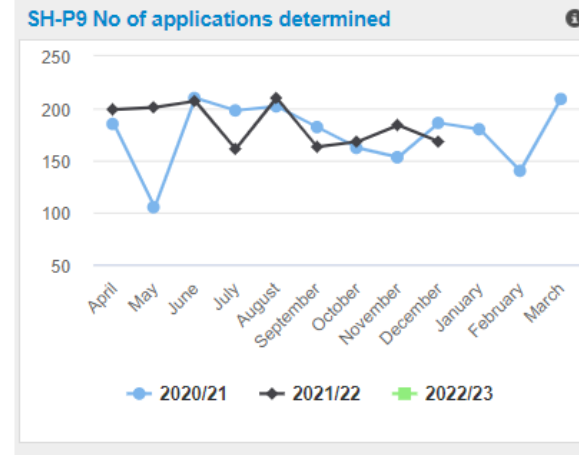
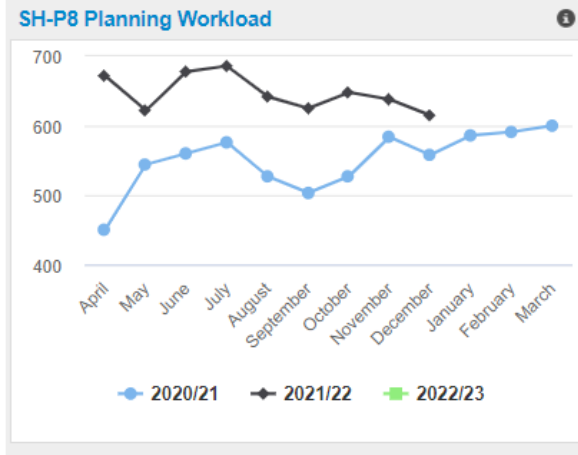
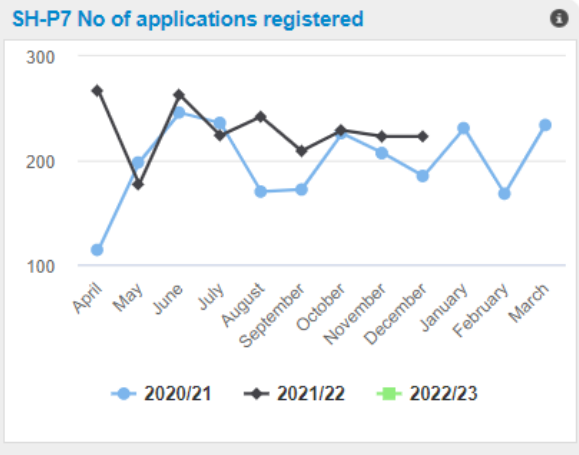
APPLICATION NUMBER: **4146/21/CLP** APP/K1128/X/22/3291595
APPELLANT NAME: Mrs Helen Vinnicombe
PROPOSAL: Certificate of lawfulness for proposed repair work to jetty
LOCATION: Vipers Quay Dittisham TQ6 0HE **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 08-February-2022

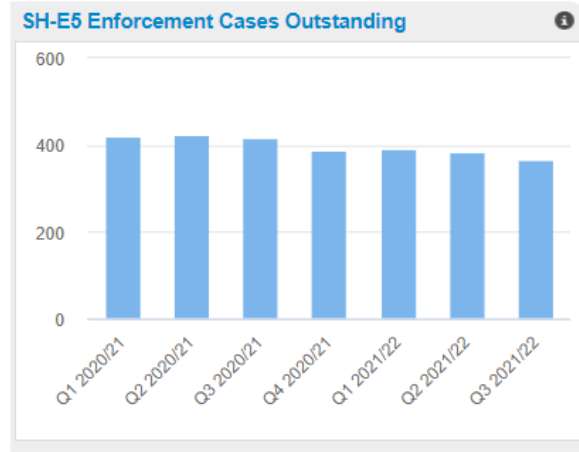
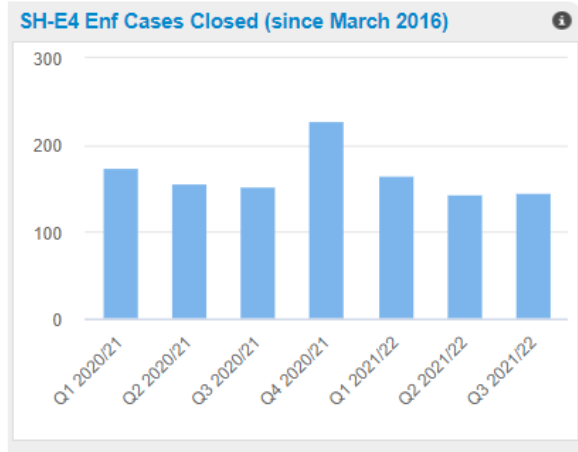
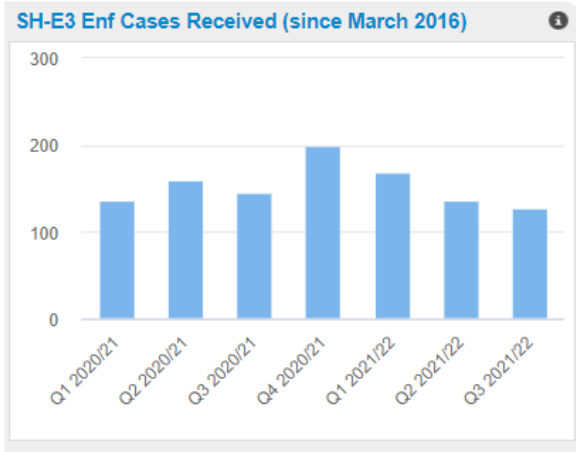
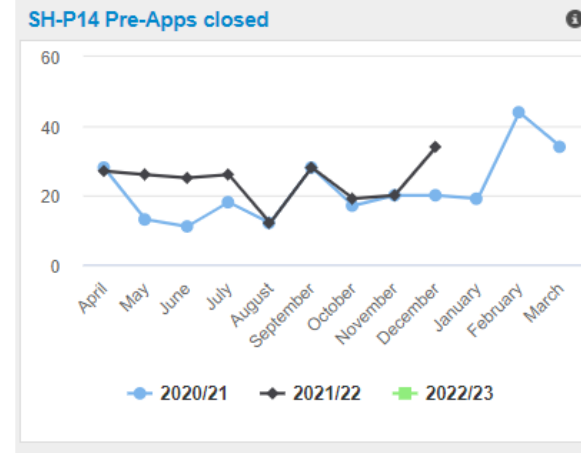
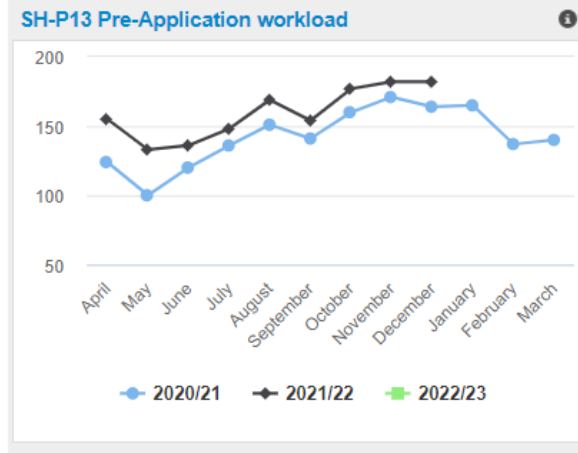
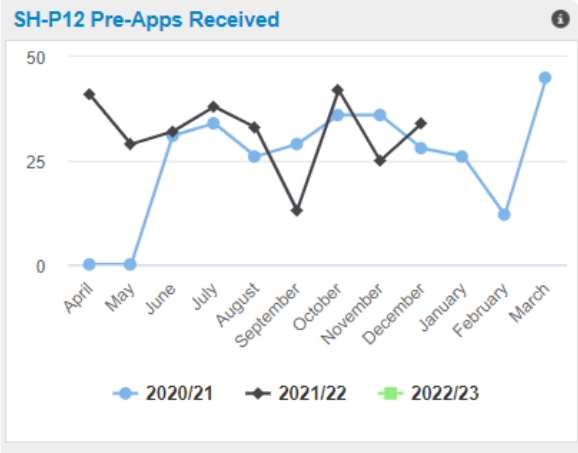
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **0791/21/FUL** APP/K1128/W/21/3284914
APPELLANT NAME: Mr Richard Symons
PROPOSAL: Proposed single storey extension including demolition and replacement
of existing roof structure, demolition of existing utility, storage and outbuildings.
Replacement with single storey structure, extension to form new utility and garage spaces,
new access to existing track and other associated landscaping works
LOCATION: Woodcourt Farm Woodcourt Road Harbertonford TQ9 7TY **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 10-February-2022

APPEAL DECISION:
APPEAL DECISION DATE:







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Development Management Committee 16th March 2022

Undetermined Major applications as at 2-Mar-22

	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	31-Mar-22
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	31-Mar-22
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
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 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		READVERTISEMENT (Amended description) Outline application with some matters reserved for residential development of 17 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 4LU TQ7		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 Charlotte Howrihane	1-Apr-20	1-Jul-20	19-Feb-21
Hartford Mews Phase 2 Cornwood Road Iybridge		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	15-Apr-22
Land off Godwell Lane Iybridge		READVERTISEMENT (Revised plans received) Full planning application for the development of 104 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. Potentially May Committee

	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		READVERTISEMENT (Revised plans received) 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/FUL Anna Henderson-Smith	12-Aug-20	11-Nov-20	6-Jan-21
Moor View Touring Park Modbury PL21 0SG		Proposed expansion and development of holiday lodges and associated works to existing touring and holiday park	

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 Springfield Filham PL21 ODN	23-Dec-20	24-Mar-21	
		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 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 Land at Stowford Mills Station Road Ivybridge PL21 0AW	15-Feb-21	17-May-21	3-Dec-21
		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 Sherford New Community Commercial Area North of Main Street Elburton Plymouth	20-Apr-21	20-Jul-21	13-Aug-21
		Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 Drive through 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 Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street Elburton Plymouth PL8 2DP	20-Apr-21	20-Jul-21	13-Aug-21
		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 Land at West End Garage Main Road Salcombe TQ8 8NA	23-Apr-21	23-Jul-21	31-Jan-22
		Erection of 22 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)	

Comment – Revised plans received and re-advertisement carried out

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

Comment – Application progressing and S106 being drafted. Extension of time being sought

Valid Date	Target Date	EoT Date
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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 & ecological management plan) and 16 (surface water) of planning permission 0105/20/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
Noss Marina	Bridge Road Kingswear	TQ6 0EA	Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 17 - Hillside (Residential Hillside) of the redevelopment of Noss Marina comprising the erection of 8 new homes (Use Class C3), provision of 21 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR 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
3118/21/ARM	Bryn Kitching	9-Aug-21	8-Nov-21

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	

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
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 – Application progressing. S106 being drafted. Consultee concerns being addressed. Ext of time will be granted.

	Valid Date	Target Date	EoT Date
3119/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	

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	

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	3-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	17-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 May 2022 committee meeting

	Valid Date	Target Date	EoT Date
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	29-Apr-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 - Under consideration by Officer, ext of time agreed

	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 Iybridge			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. Meeting with applicant wk of 7/3/2022 to discuss outstanding issues. EOT agreed.

	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	31-Mar-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). Readvertising is likely needed and agent has agreed EOT.

	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. Meeting wk beg 7/3/2022 with applicant. EOT agreed.

	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: - application currently in consultation period

	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: - application currently in consultation period

	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: - Will be issued before the Committee meeting. Approval.

	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:

	Valid Date	Target Date	EoT Date
4538/21/VAR Jacqueline Houslander	20-Jan-22	21-Apr-22	
Fort Bovisand Bovisand PL9 0AB		Application for removal or variation of condition 2 (Drawings) following grant of planning permission 3814/20/VAR	

Comment: within consultation period

	Valid Date	Target Date	EoT Date
0320/22/VAR Verity Clark	28-Jan-22	29-Apr-22	
Tesco Central Avenue Lee Mill Industrial Estate Lee Mill PL21 9PE		Application for variation of condition 1 schedule 3 (removal of reference to DIY materials) and removal of condition 3 (permitted products for retail) of planning consent 3997/17/VAR	

Comment: Currently in consultation period.

	Valid Date	Target Date	EoT Date
4774/21/FUL Jacqueline Houslander	7-Feb-22	9-May-22	
Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG		Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements	

Comment: within consultation period

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