

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>
<b>Date:</b>	<b>Wednesday, 25th May, 2022 (Part 1 of Meeting)</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>
<b>Full Members:</b>	Committee Membership to be confirmed at Annual Council on 19 May 2022
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
<b>Committee administrator:</b>	Janice Young Specialist- Democratic Services 01803 861105

- 1. Minutes** **1 - 10**

To approve as a correct record the minutes of the meeting of the Committee held on 13 April 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) 3335/21/FUL** **11 - 130**

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

Proposed Development Site At Sx 566 494, Land West of Collaton Park, Newton Ferrers
- (b) 3837/21/FUL** **131 - 138**

Change of Use of cabins to holiday accommodation

New England Quarry, New England Hill, Plympton

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

<b>(c)</b>	<b>2369/21/FUL</b>	<b>139 - 154</b>
	Proposed residential development of two detached dwellings on vacant land. (Revised scheme of application 3262/18/FUL)	
	Land Opposite Lyndale, Onslow Road, Salcombe, TQ8 8AH	
<b>(d)</b>	<b>0865/21/VAR</b>	<b>155 - 168</b>
	Application for variation of condition 2 (drawings) of planning consent 1079/20/FUL	
	Little Shear, Hope Cove, TQ7 3HH	
<b>(e)</b>	<b>2667/21/OPA</b>	<b>169 - 184</b>
	Outline application with some matters reserved for the provision of an agricultural workers dwelling including landscaping	
	Hendham View Farm, Woodleigh	
<b>(f)</b>	<b>3295/21/FUL</b>	<b>185 - 192</b>
	Construction of 2 residential dwellings with parking	
	Restholme, Western Road, Ivybridge, PL21 9AT	
<b>7.</b>	<b>Planning Appeals Update</b>	<b>193 - 194</b>
<b>8.</b>	<b>Update on Undetermined Major Applications</b>	<b>195 - 202</b>

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in COUNCIL CHAMBERS, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 13 APRIL 2022**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long – via teams (non voting)
*	Cllr J Brazil (Chairman)	*	Cllr G Pannell
*	Cllr D Brown	*	Cllr K Pringle – via teams (non voting)
*	Cllr R J Foss (Deputy Chair)	*	Cllr H Reeve
*	Cllr J M Hodgson – from 6(d) (Minute DM.68/21(d) refers)	*	Cllr R Rowe – from 6(b) (Minute DM.68/21(b) refers)
∅	Cllr K Kemp	*	Cllr B Taylor

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

Cllr M Long; Cllr J Pearce; Cllr K Pringle;

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Senior Specialists and Specialists – Development Management; Monitoring Officer; IT Specialists; and Democratic Services Specialist;
Item 6 (a)		Highways Officer, Devon County Council

**DM.65/21 MINUTES**

The minutes of the meeting of the Committee held on 16<sup>th</sup> March 2022 were confirmed as a correct record by the Committee.

**DM.66/21 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 0647/21/FUL; 4713/21/HHO; and 3445/21/FUL; (Minutes DM.60/21 (a), (b), and (d) 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 J Brazil, being the Ward Member for Item 6d, relinquished Chairmanship of the meeting to the Vice Chairman, Cllr R Foss for the later morning session and remained in the meeting and took part in the debate and vote thereon, Minutes DM.68/21 (c) and (d) below refer.

DM.67/21 **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.68/21 **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) 0647/21/FUL                      Asherne Lodge, Strete  
Parish: Strete Parish Council**

**Development: Construction of a stone finished car park**

Case Officer Update:                      The Case Officer clarified the reasons for deferral when the application was last presented to the Committee. If approved, the application would be conditioned for both hard and soft landscaping. The heritage officer had confirmed that he was supportive of the application as it would help to make the vehicles less conspicuous. The tree survey had now been completed and the tree officer no longer had any objection to the application.

Following the presentation by the Parish Councillor, where she outlined support for the application and stated that there would be no fundamental difference to traffic movements if the parking area was approved. It was stated that it would be safer for vehicles, which currently park on the grass verge, as they would be able to turn in the carpark, aiding exit, and that there would be no further increase in vehicle journeys to the current situation. The Highways Officer from Devon County Council expressed his gratitude to hear evidence from someone local to the parish. He now reversed his objection and added his approval to the application.

During the debate, Members stated the proposal was an improvement on the extant situation, with a better fit to the landscape and no additional traffic.

Speakers included:                      Supporter – Mrs L Newman; Parish Council – Cllr K Gill; Ward Member – Cllr R Foss

**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 Secunder.

**Conditions**

3 year Time Limit  
Accord with Plans  
Adherence to Ecology Report  
Adherence to Arboricultural Report  
No external lighting  
Surface Water Drainage  
Unexpected Contamination  
Hard and Soft Landscaping  
Samples of Materials  
Access Gate to Open Inwardly  
Use of Car Park Limited to Three Properties

**6b) 4713/21/HHO                      The Willows, Bolberry Road, Hope Cove, TQ7 3HT  
Parish: South Huish Parish Council**

**Development: Householder application for ancillary annexe**

Case Officer Update:                      The application for removal of the existing shed, and replacement with annexe and car port was outlined. It was confirmed that the Parish Council was objecting to the application on the grounds of over development. Following questions from Members, the case officer confirmed that the annexe contained an extra bedroom and living area but the kitchen and bathroom were located in the main building. Further conditions relating to removal of Permitted Development (PD) rights on the site and ensuring the annexe could not be used as a holiday home could be added.

Speakers included:                      Ward Members – Cllrs J Pearce & M Long

Ward Members:                              One of the Ward Members reminded the Committee that the application had been made by a member of staff and hence had to be called to be heard by the Committee. It was her opinion that the siting of the building was situated high enough that the stream would not be impacted. The Ward Member also felt that the footprint of the annexe would be less than the current hard standing of patio, which was therefore an improvement. If the Committee was minded to conditionally approve the application, she requested that a condition be added to stop any further hard standing in the garden.

**Recommendation:**                      Conditional Approval

**Committee decision:** Conditional Approval

**Conditions**

1. Time limit
2. Accord with plans
3. Materials to match existing
4. Annexe to remain ancillary, not let, leased or separate unit of accommodation
5. Permitted development rights removed for whole site
6. Surface water drainage

The Chair of the Committee passed to the Vice Chair for the next two applications.

**6c) 1508/21/FUL “Land at Northlands”, Chittleburn Hill, Brixton  
Parish: Brixton Parish Council**

**Development: READVERTISEMENT (revised plans received) Application for proposed single storey dwelling with associated access, driveway and private garden**

**Case Officer Update:** The Case Officer clarified the position of the site in relation to the Neighbourhood Plan (NP), and outlined that there was nothing in the NP to stop building outside of the village curtilage. The Joint Local Plan (JLP) highlighted sustainability, which was applicable as this application was infill. The Highways Authority had raised the issue of an additional access point onto the highway, but as this site originally had an access point it would be re-opening an access point rather than establishing a new one.

**Speakers included:** Supporter – Mr D Bothma; Parish Council: Cllr L Hitchins; Ward Member – Cllr D Brown;

During the debate Members stated that the site visit had been useful to see the application in context. Although factually, the site was without the boundary and therefore in the countryside, the site was on waste land and not in green space, and the application was for a discrete building. The Chair thanked Brixton Parish Council for the hard work involved in developing their NP, but, on this occasion, the application could not be refused on boundary issues. It was suggested that the Parish Council could consider adding into their NP a stipulation for housing for primary/local residence as this condition could not be applied on this site as it was without the NP and the JLP did not reference this condition.

**Recommendation:** To delegate authority to the Head of Development Management to approve the application subject to completion of a Unilateral Undertaking to secure financial contribution to mitigate impacts on the



Plymouth/Tamar European Marine Site (EMS).

**Committee decision:** To delegate authority to the Head of Development Management to approve the application subject to completion of a Unilateral Undertaking to secure financial contribution to mitigate impacts on the Plymouth/Tamar European Marine Site (EMS).

**Conditions/Reasons for refusal (list not in full)**

1. Time for commencement
2. Approved plan
3. Tree protection measures
4. Parking/Turning prior to occupation
5. Landscaping scheme to include indigenous species.
6. Remove PD rights
7. Climate reduction measures to be implemented prior to occupation.

**6d) 3445/21/FUL Sunny Side, The Haybarn, South Allington Parish: Chivelstone Parish Council**

**Development: Replacement Dwelling and associated works.**

**Case Officer Update:** The Case Officer updated on the certificate of lawfulness which covered the main building and two of the out buildings, but there were other outbuildings also on site, including a building which was confirmed as being used for Airbnb rental purposes.

**Speakers included:** Supporter – Ms Sutherland; Ward Member – Cllr J Brazil;

The Ward Member outlined the planning history of the site and the issue of allowing 'house creep'. It was his opinion that this application constituted development through the back door and planning approval, if granted, should not allow for other buildings which were now on site but were not part of the Certificate of Lawfulness. It was stated that the site had been built up in the countryside and within the Area of Outstanding Natural Beauty (AONB). The Monitoring Officer confirmed that use of an ancillary building for Airbnb purposes could be challenged by Planning Enforcement.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval

**Conditions: (list not in full)**

1. Time for commencement
2. Approved plans
3. Materials details (notwithstanding submitted information)
4. Drainage details foul and surface water.

5. Landscaping details
6. No PD
7. No Ext. Lights
8. Hard and soft landscaping – including preservation of trees in screening
9. No holiday lets

**6e) 4442/21/ARM                      Land at Broom Park, Dartington, TQ9 6JR  
Parish: Dartington Parish Council**

**Development: Application for reserved matters, seeking approval of appearance, landscaping, layout, and scale for 80 dwellings and discharge of outline conditions 9, 12, 15, 16, 17, and 18, following outline approval 3842/20/OPA.**

Case Officer Update:                      Following questions at the site visit, the Case Officer showed the light spill plan, plus where the bins would be sited and massed for collection.

Following the Case Officer introduction, the Ward Member proposed deferral of the application. However, there was no seconder for this proposal.

Speakers included:                      Objector – Mr M O’Connell; Supporter – Mr G Hutton;  
Parish Council – Cllr T Turrell; Ward Member – Cllr Hodgson;

During the debate, one Member commented that a similar development in his Ward had resulted in local rpeople moving into the development and he felt the same would happen at this development, while another Member thought the development had substantial affordable and social rental properties that would be beneficial to the area. Members did express sympathy with the Local Ward Member as this area had seen a great many developments granted planning permission over recent years as it fell neither in the coastal region nor within the AONB.

**Recommendation:**                      Grant reserved matters consent for Appearance, Landscaping, Layout and Scale and confirm compliance with conditions 9, 12, 15, 16, 17 & 18 of outline consent 3842/20/OPA

**Committee decision:**                      Grant reserved matters consent for Appearance, Landscaping, Layout and Scale and confirm compliance with conditions 9, 12, 15, 16, 17 & 18 of outline consent 3842/20/OPA

**Conditions: (list not in full)**

1. Development to be carried out in accordance with list of submitted plans and documents.
2. Sample panel of materials (inc stonework) to be provided on site for approval.
3. Sample section of stone faced hedgebank to be constructed for approval.
4. Hedgehog holes to be provided in fences.
5. Landscape implementation and replacement for 5 years (in areas outside of

- the open space management programme).
6. Solar pv details to be submitted including how these will be recessed into roof slope.
  7. Removal of permitted development rights for fences, gates and walls forward of any wall that fronts onto a road.

**6f) 4443/21/ARM Land at Sawmills, North of A385, Dartington Parish: Dartington Parish Council**

**Development: Application for reserved matters, seeking approval of appearance, landscaping, layout, and scale for 40 dwellings and discharge of outline conditions 9, 12, 15, 16, 17, and 18, following outline approval 3841/20/OPA.**

Case Officer Update: There were no updates on the report.

Speakers included: Objector – Mr A Chadwick; Supporter – Mr G Hutton; Parish Council – Cllr B Reeves; Ward Member – Cllr Hodgson;

The applicant confirmed they would be happy to thrust bore the overflow pipe from the surface water attenuation tank through the opposite field to minimise any environmental impact. Therefore it was agreed that Condition 16/8 was not to be discharged at this point.

During the debate, Members expressed regret at the decision to disband the Conservation and Design Review Panel and felt that this decision should now be reviewed.

**Recommendation:** Grant reserved matters consent for Appearance, Landscaping, Layout, and Scale and confirm compliance with conditions 9, 12, 15, 16, 17 & 18 of outline consent 3842/20/OPA

**Committee decision:** Grant reserved matters consent for Appearance, Landscaping, Layout, and Scale and confirm compliance with conditions 9, 12, 15, 16, & 17 of outline consent 3842/20/OPA

**Conditions: (list not in full)**

1. Development to be carried out in accordance with list of submitted plans and documents.
2. Sample panel of materials (inc stonework) to be provided on site for approval.
3. Sample section of stone faced hedgebank to be constructed for approval.
4. Hedgehog holes to be provided in fences.
5. Landscape implementation and replacement for 5 years (in areas outside of the open space management programme).
6. Solar pv details to be submitted including how these will be recessed into roof slope.

7. Removal of permitted development rights for fences, gates and walls forward of any wall that fronts onto a road.
8. Details of retaining hedgebank and pedestrian garden access on northern side of plot 36.

**DM.69/21      UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted. It was confirmed that withdrawal of an application was the prerogative of the applicant. It was stated that a six monthly review of a Section 106 agreement, by bringing it back to Committee, would be part of the Development Management review, which was met with approval by Members.

**DM.70/21      PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. It was noted that design, and particularly weather-boarding, required policies within the JLP to be developed to cover these.

(Meeting commenced at 10:00 am and concluded at 6:20 pm, with a 10 minute break at 10:45 am and 3:50pm, with lunch at 12:25 pm.)

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Chairman

Voting Analysis for Planning Applications – DM Committee 13<sup>th</sup> April 2022

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
0647/21/FUL	Asherne Lodge, Strete	Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Taylor (7)			Cllrs Hodgson, Kemp, Long, Pringle, Rowe (5)
4713/21/HHO	The Willows, Bolberry Road, Hope Cove	Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Rowe, Taylor (8)			Cllrs Hodgson, Kemp, Long, Pringle (4)
1508/21/FUL	Land at Northlands, Chittleburn Hill, Brixton	Approval	Cllrs Abbott, Brazil, Foss, Pannell, Reeve, Rowe, Taylor (7)	Cllr Brown (1)		Cllrs Hodgson, Kemp, Long, Pringle (4)
3445/21/FUL	Sunnyside, The Haybarn, South Allington	Approval	Cllrs Abbott, Foss, Rowe, Taylor (4)	Cllr Brazil (1)	Cllrs Brown, Pannell, Reeve (3)	Cllrs Hodgson, Kemp, Long, Pringle (4)
4442/21/ARM	Land at Broom Park, Dartington	Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Rowe, Taylor (8)	Cllr Hodgson (1)		Cllrs Kemp, Long, Pringle (3)
4443/21/ARM	Land at Sawmills, North of A385, Dartington	Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Reeve, Rowe, Taylor (8)	Cllr Hodgson (1)		Cllrs Kemp, Long, Pringle (3)

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## PLANNING APPLICATION REPORT

**Case Officer:** Cheryl Stansbury  
Yealmpton

**Parish:** Newton and Noss **Ward:** Newton and

**Application No:** 3335/21/FUL

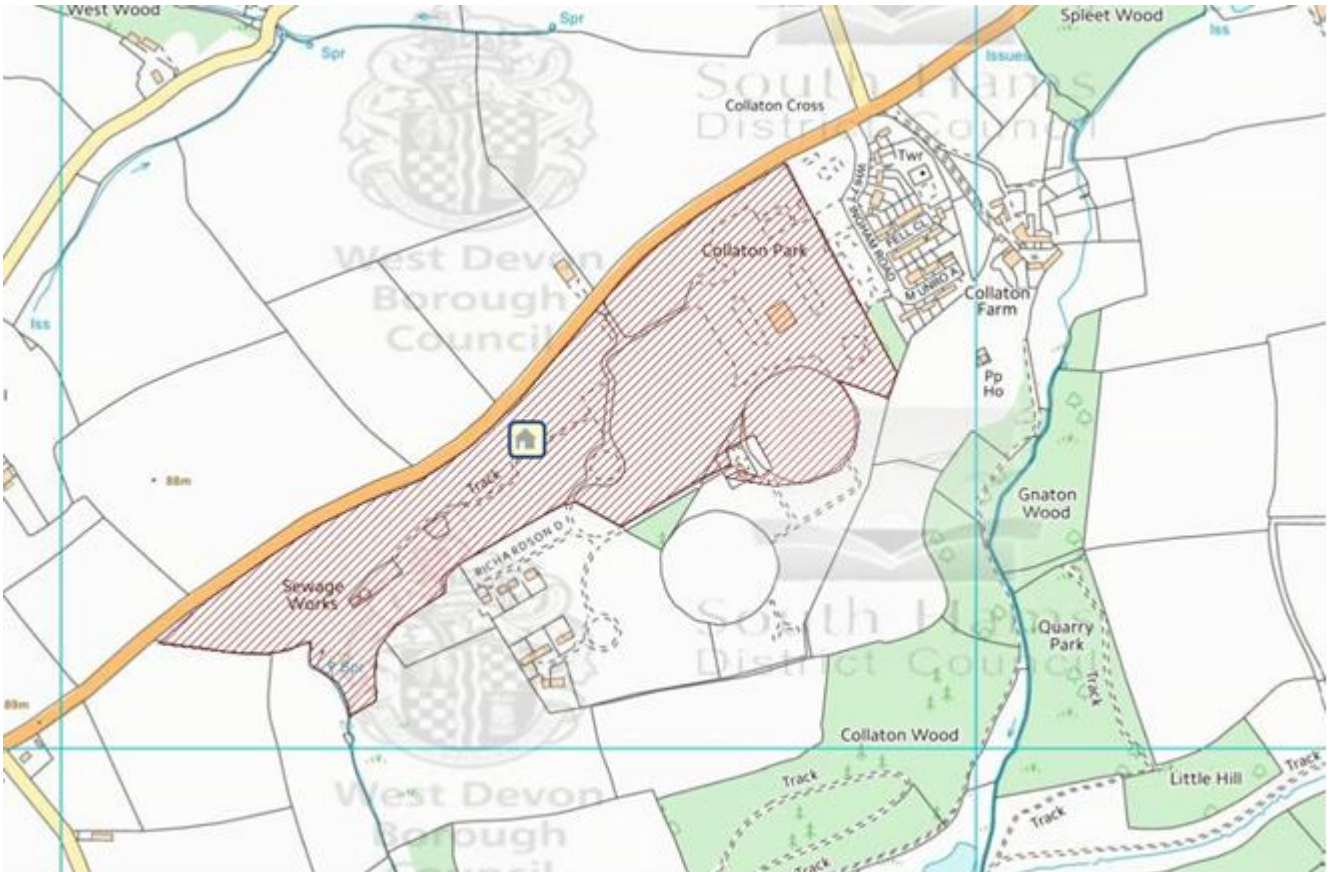
**Agent/Applicant:**

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

**Applicant:**

Pillar Land Securities (Collaton Park)  
Limited and Newton and Noss Com  
C/O Pillar Land Securities Ltd  
5 Floor 2, Studio 5-11  
Millbay Road  
Plymouth  
PL1 3LF

**Site Address:** Proposed Development Site At Sx 566 494, Land West of Collaton  
Park, Newton Ferrers



**Development:** 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.

**Reason item is being put before Committee:** At the request of the Head of Development Management due to the sensitive location of the site and significant public interest both for and against the proposal.

Furthermore, the Council's Housing and Assets Teams have held a meeting with the applicant to discuss the "A Different Approach" vision and with a view to the Council potentially acquiring some of the affordable dwellings, should the scheme be approved.

**Recommendation:** Conditional approval, subject to prior completion of s106 agreement.

**S106 Obligations:**

- Secure affordable housing (46% 57 units) and occupation in line with Local Lettings Plan
- Principal residency restriction
- Highway officer requirements (including Travel Pack, financial contributions)
- Permissive hoggin path delivery and maintenance
- OSSR contribution of £190,789
- Public access and maintenance of communal areas
- Delivery and maintenance of play areas
- Maintenance of drainage/SuDS
- Tamar EMS mitigation of £55,379.01
- School transport contribution of £54,078
- Mitigation for AONB, to include replacing existing street lighting
- Delivery and maintenance of Biodiversity Net Gain/LEMP/off-site tree planting
- Proposed lighting dimming regime
- Transfer of land to CLT
- Transfer of car park/boat store and allotments to Parish Council
- Delivery of parkland café and public car parking (timescales and maintenance)

**Conditions:**

1. 2 year time limit
2. Approved plans
3. Drainage; surface and foul (pre-commencement)
4. Construction Management Plan (CMP) (pre-commencement)
5. Construction Ecological Management Plan (CEMP) (pre-commencement)
6. Landscape and Ecological Management Plan (LEMP) (pre-commencement)
7. Accord with ecology report
8. Bat/bird/bee boxes and vegetation clearance
9. Hard and soft landscaping plan
10. No additional lighting beyond that considered
11. External materials, finish and colour (including windows and doors)
12. Parking provision
13. EV Charging 7kw point for each property.
14. Comply with Energy Statement
15. Waste Management Plan (pre-commencement)
16. Secure land remediation
17. Unexpected land contamination
18. Employment Skills Plan (prior to commencement)
19. Off-site highway works
20. Estate road/access points
21. Provision of site access
22. Stage 2 safety audit
23. Provision of bus stop
24. Removal of PD
25. Compost bins and water butts to be provided
26. Commercial unit use



27. Accord with tree reports
28. Implement WSI
29. Lockable gates
30. Sustainable Travel Plan to be agreed for each commercial unit before occupation
31. First occupant resident monitoring
32. Provision of artwork
33. Barrier and CCTV for car park/boat store – details to be submitted
34. Allotment compliance with SPD
35. Details of equipment for play areas
36. Phasing plan

**Key issues for consideration:**

Is the development acceptable in principle in the AONB, taking into account the following:

- The previous permission
- Major development in the AONB
- Housing need
- Transport and highway safety
- Landscape impacts
- Design
- Residential amenity
- Biodiversity
- Trees
- Drainage and flood risk
- Carbon reduction
- Land contamination
- Historic environment
- Infrastructure contributions

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

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

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**Site Description:**

The application site is located within the parish of Newton Ferrers, approximately 1 mile (2.3km) north-east of the existing settlement where facilities including a post office, public house, village hall, shops, primary school and so on can be found. It lies adjacent to the B3186 and consists of the former Collaton Cross RAF Station, a World War 2 barrage balloon facility (the northeast section) and an area of agricultural land (southwest section). Little remains of the RAF site and it is now characterised by concrete hardstanding, grassed areas and scrub. A large building stands on site and it is evident that the surrounding land has been used for dumping of spoil and other materials over the years. It is unkempt, but with the exception of the building, cannot be seen from the highway.

The site covers approximately 15.3 hectares, over an irregular shaped area, bisected by an existing private access road from the B3186, leading to the coastguard station and the small group of existing dwellings of Livingston Avenue and Richardson Drive (former officer's houses for RAF staff).

To the northwest, the site is bounded by the B3186, with agricultural land continuing beyond. To the northeast stands a tall line of evergreen/coniferous trees which provide screening for the residential development behind, known as Collaton Park (formerly married quarters for the RAF Collaton Cross facility). To the southwest, irregular enclosed fields continue towards Newton Ferrers. The south-east of the site is generally bounded by hedgerow and/or mature tree lines, with agricultural land beyond, dropping down a valley slope into a larger tributary valley of Newton Creek, further to the south-east. A footpath runs inside the site, along the B3186 highway, although does not appear to be a recognised Public Right of Way on any map.

The site generally appears flat, particularly where the RAF station once sat, although it does fall north-east to south-west, from 90m to 70m AOD (above Ordnance Datum); the steepest gradient falls into a dry tributary feeder valley. At the head of the valley, the ground appears to have been landscaped, to steepen the natural slope, with levelled ground at its base, where a South West Water pumping station is located.

In terms of designations, the site is within the South Devon Area of Outstanding Natural Beauty, the Newton and Noss Neighbourhood Plan Area, the Plymouth Sound SAC 12km buffer zone; it is outside of, but close to, the Heritage Coast and Undeveloped Coast. It also lies within a Site of Special Scientific Interest Risk Zone where the trigger is 25 or more dwellings outside an urban area requiring consultation with Natural England.

The National Landscape Character Assessment classifies the site as Landscape Character Area (LCA) 151 South Devon, identifying valued attributes and distinctive characteristics, including “...*predominantly dispersed settlement pattern with high concentration of scattered farmsteads and hamlets...ancient pattern of settlement is intermixed with a large amount of nucleated settlements.*” Key drivers for change are identified as: “*Increased demand for new housing and development...pressure on sensitive areas and sites on the fringes of urban areas. Opportunities for enhancement of natural assets...may also result from responsive and well-informed developments.*”

Under the Devon Landscape Assessment, the LCA is the Bigbury Bay Coastal Plateau. Distinctive settlement characteristics in this area include: “*Clustered hamlets and villages at road crossings on the plateau and within coastal combes associated with fishing and/or tourism; often centered on a square towered church...farmsteads scattered throughout nestled in dips...strong local vernacular with common use of slate on roofs as well as wall hanging, with some cob/render often thatched.*”

The site also falls within Landscape Character Type (LCT) 1B The Open Coastal Plateaux. Key settlement characteristics are “*Very low or low settlement density...settlement pattern, with isolated farms or large houses and several villages, often distinguished by their uniform appearance, and a few scattered small coastal resorts...settlements contained within dips in the land and often hidden from view ...roads generally comprise narrow rural lanes*”.

Landscape guidance also exists in the South Devon AONB Management Plan 2019 - 2024, which notes “*The area remains under intense pressure from housing development on green field sites...constraints on available land mean that areas within the AONB boundary and its*

*setting are under pressure for the conversion of business, tourism and employment land to residential use.”*

The document further goes on to note the “...*sparse but clustered settlement pattern, farmstead layouts and local vernacular building materials make a significant contribution to a distinctive sense of place...historic villages and settlements with strong vernacular architecture and use of local materials give a strong sense of time...historic villages and towns are clustered at road crossings, bridging points, tidal limits and strategic waterside locations.*”

### **The Proposal:**

This is a full planning application for:

- The construction of 125 new dwellings, of which 46% (57 units) are affordable
- The construction of 1810 Sqm of commercial units
- The creation of around 5.3 ha of publicly accessible landscaped parkland, with a parkland café and WCs, in addition to over 3 ha of other green landscaped areas throughout the dwellings themselves
- A comprehensive Sustainable Drainage Scheme (SuDS) to include permanent wet ponds
- A community boat storage/car parking area
- Community allotments and an orchard in the northern corner
- Associated works including improvements to the existing permissive pathway and public footway (on-site and off-site), enlargement and improvement of the existing vehicular access and associated infrastructure to improve road safety and reduce traffic speeds
- Significant areas of landscaping throughout the site
- Additional off-site tree planting
- Decontamination/remediation of all land within the red line site boundary
- Purpose built barn owl tower in the parkland area to replace the barn owl nest in the barn, along with other biodiversity enhancements amounting to a net gain of over 100% in hedgerows and 12% in habitats

The site is divided as follows:

- The site area (with advanced planting area to the south included) - 15.3 ha
- Parkland - 5.3 ha
- Other open space - 2.8 ha
- Orchard & Allotments - 0.3 ha
- Built area (housing, commercial, roads and parking incl. private gardens) - 6.9 ha

Two additional areas of land between the edge of the proposed built area and the parkland are to be set aside for future expansion, only if housing needs dictate; these would be subject to further full planning applications. One of these is the area where a dementia friendly care home was originally considered in the early pre-app stages but was taken out of the scheme because Officers did not feel a need could be demonstrated for it.

The development is promoted under the applicant’s “A Different Approach” vision. A detailed explanatory document is available on the planning file through this link <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213335>, but to summarise:

*“The A Different Approach (ADA) vision is to encourage, promote and actively deliver a range of new and innovative housing solutions in our rural communities...whilst also providing*

*affordable workplaces to ensure whenever possible a thriving and dynamic economic future for rural areas.*

*ADA is committed to working with local authorities and listening to the needs and voices of the communities in which we work, to drive forward a collaborative and cohesive approach towards the formulation of local housing policies, the implementation of planning considerations, and the provision of functional rural workplaces.*

*We recognise that without an adequate supply of affordable workplaces (as well as housing) it is difficult for rural workplaces to flourish, and whilst there is clearly a shortage of housing of various types and tenures, particularly for the working age population, the need for a greater focus on delivery of affordable housing in rural areas must go hand in hand with a commitment to also providing workplaces that will stimulate and sustain the local economy.*

*We at ADA believe that the delivery of this change for our rural communities should start at grass roots level, and that is why we place our focus on:*

- Community led housing: local people playing a leading and lasting role in solving local housing problems*
- Listening to the local people: using the tools available to us to design and deliver housing solutions to meet their needs*
- Supporting existing groups such as Community Land Trusts (CLTs): Locally led charities supporting small-scale new development, encouraging local participation projects designed to meet rural housing needs*
- Developing different types of housing models to help meet needs across all income brackets and generations...*

*...the design led scheme...comprises 1, 2, 3 and 4 bedroom dwellings including 46% affordable homes in a variety of models as part of the 'A different approach' pilot for rural housing delivery. This exciting vision of affordable housing and commercial space models supports Community Land Trusts, affordable self-build alongside more traditional forms of affordable housing. Shared equity does not feature in the approach, rather affordable rent and rent to buy models are included which offer better value alternatives for aspirational homeowners.*

*More than 17,000sq ft of commercial space is proposed across 12 units, with uses appropriate to a residential setting, including space for a local shop and café. In response to the community engagement feedback, public facilities including allotments, a community orchard, boat storage and seasonal car parking is proposed along with much needed transport and highway safety improvements which will benefit existing as well as new visitors to Collaton.*

*The proposal includes for the provision of significant areas of publicly accessible open space of circa 6ha, far in excess of the area required through policy. Open space includes a new parkland, Local Equipped Area for Play (LEAP) and two Local Areas for Play (LAP) alongside a woodland walk / trim trail which traverses the perimeter of the housing development. These amenities will be available to residents of the proposed development and wider community."*

A key element of ADA is the use of Modern Methods of Construction (MMC), essentially modular units where the majority of construction occurs off-site, reducing deliveries to site, construction time on-site as well as reducing waste when compared to traditional construction methods. Carbon Reduction is also linked to MMC as it results in highly efficient dwellings; the development offers a more than 70% carbon reduction through a fabric first approach and its

use of renewable technologies. By utilising battery storage, it is anticipated dwellings can be “off-grid” for up to 70% of time.

The ADA document concludes with:

*“Our legacy should be to leave a positive impact on the people and communities we interact with, by providing appropriate, high quality homes where they are needed, creating opportunities for skill-development, helping local business to remain and thrive within their communities, and supporting independence to enable our future generations to thrive.*

*For us, legacy is a gift that grows with each new experience, with each previously untested idea, with bold ideals that you are courageous enough to deploy and with inspiring others to see hopes and dreams through to fruition.*

*‘A Different Approach’ represents the outcome of the collective work carried out by the team. It focuses on delivering the types of homes that communities tell us they need; homes which meet the needs of ordinary people, young families, older generations, and those with additional needs. We hope that together we can tackle the multigenerational issues around loneliness and independence and build the sorts of communities where nobody gets left behind.”*

#### Community consultation

Significant public consultation has taken place both before application submission and since, including through a consultation website (collatonpark.com) where a feedback form was available; consultation with the Parish Council has continued after application submission. 2 presentations for local people took place on 2<sup>nd</sup> and 6<sup>th</sup> of January 2021; virtual consultations were held with the Parish Council on 28<sup>th</sup> January 2021; discussion with Yealm Energy Community took place on 21<sup>st</sup> January 2021, and a virtual presentation to existing residents adjoining the site on 25<sup>th</sup> March 2021; on site consultations were held on 23/24 April 2021; a Parish presentation was held on 20<sup>th</sup> July 2021 and to the River Yealm and District Association (RYDA) on 9<sup>th</sup> August 2021; the village hall was also used for a consultation on the final proposals on the 15<sup>th</sup> and 16<sup>th</sup> October 2021.

Of the consultation responses received (173 online forms and 182 from the various events) 90% were from people with a local connection, representing all age groups fairly evenly, although slightly higher in the 25 to 34 age bracket. The responses analysed found the majority were in support of new homes (both open market and affordable), of an appropriate mix to cater for a range of community needs, including downsizing, self-build, plus commercial uses, parkland and so on. Around 35% of respondents stated they had moved out of Newton Ferrers to find cheaper accommodation. The applicant has concluded the consultation document with 81/82 % of people supporting the development as proposed; this document is available in full on the planning file entitled “Overview of community engagement” <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213335>

Concerns have also been recorded through the consultations surrounding highway congestion, increased traffic into the village, more congestion on the river, a rise in crime for existing residents, light pollution and a lack of primary school places.

Views were also expressed that the development should provide no second homes, local people should be given priority, a rebalance of the community is needed to allow younger people to remain in the village, level access is needed, along with flexibility, community facilities, a commercial offer, decent sized gardens and large areas of green space.

As a result of the consultations and pre-application discussions, the applicant changed the original intention to submit a hybrid application (full details for 96 dwellings and outline for the remaining 44) to seek full permission for the entire scheme, to enable a thorough, detailed analysis to be made by Officers and the community, in light of the sensitive AONB location. The originally proposed 140 dwellings was also reduced down to 125.

#### Residential element

46% of the proposed 125 dwellings will be affordable and secured in a planning obligation; this amounts to 57 units. The overall housing mix provided is as follows:-

10 x 1 bed  
53 x 2 bed  
39 x 3 bed  
23 x 4 bed

Broken down into:

68 Open Market	57 Affordable
- 31 x 2 bed	- 8 x 1 bed (single storey)
- 14 x 3 bed	- 2 x 1 bed (2 storey)
- 23 x 4 bed	- 4 x 2 bed (1 ½ storey)
	- 18 x 2 bed
	- 25 x 3 bed

All dwellings meet Nationally Designate Space Standards (NDSS), although some do exceed this considerably. The majority of the open market units have a study in order to support the increase in home working since the pandemic, and the studies have been designed under NDSS bedroom size. Some of the affordable units have a study/bedroom or a study area on a landing.

The tenure of the affordable dwellings under the ADA vision is as follows:

18 x Social Rented homes: owned in a trust by Newton and Noss Community Land Trust (CLT) and let by a housing association at a Social Rent, around 50-55% of local market rent. The housing association will allocate the homes in accordance with the local lettings policy agreed by the CLT and SHDC. Due to the homes being owned in a trust, they will be protected from the Government's 'Right to Buy and Right to Acquire' and held in perpetuity; the 'Right to Acquire' allows tenants of housing associations, councils, armed services and NHS trusts the right to buy their home (at a discount) after 3 years as a public sector tenant.

22 x Affordable Rent: allocated by a housing association at an Affordable Rent (80% of local market rent including service charges) on an assured tenancy to eligible households, under an agreed local lettings policy. Applicants will have a local connection and be registered with Devon Home Choice/Help to Buy (or other relevant register). These properties will meet the definition included in Annexe 2 of the NPPF.

8 x Intermediate Homes: "Horizon". Shared ownership bungalows, restricted to over 55s. These allow people to 'right size/down size' in later life and remain in the community they have lived in, close to family and friends, reducing reliance on care services in later life. The dwellings will have built-in technology, such as Care Alert smart home monitoring, to ensure the welfare of those living alone with reduced mobility, allowing them to stay in those homes for longer.

9 x Self/Custom Build: "Vision". Plots with detailed planning permission, fully serviced with all required infrastructure and therefore suitable for a self/custom build mortgage on day one. Plots are sold to eligible households from the Council's self-build register with a local connection, at a discount of 20% on market value. The purchaser can undertake the build themselves or appoint the developer to undertake the build to a 'water tight shell' ready for the purchaser to complete the remainder of the internal fit out.

As part of the Different Approach Model, 5 of the larger 4 bed dwellings are proposed as "Intergenerational". These are open market homes, designed and built for multiple generations to live under the same roof; they contain a flexible ground floor room, labelled as "snug/playroom/intergenerational bedroom". The applicant has explained there are many factors driving this provision, including the need to provide support for older family members, a lack of retirement homes, help with childcare and increasing housing costs. However, the recent rise in multi-generational homes has been primarily driven by millennials living with parents, and with increasing house prices and worsening affordability, this is likely to continue. An ageing population will also have an increasing impact; currently there are around 11.8 million people over 65 in the UK and forecasts suggests this will rise to 18.5 million by 2040." (Source: <https://www.cbre.co.uk/research-and-reports/our-cities/multi-generational-housing>)

All of the proposed affordable dwellings will be let through a local lettings policy which will be secured through a Section 106 Agreement and agreed with the Council's Affordable Housing Officers. It is understood the CLT have already agreed a local lettings policy which prioritises those with a strong local connection and allows for those in Band E to be eligible also.

All proposed dwellings will have a principal residency restriction, as required by the Newton and Noss Neighbourhood Plan, also secured in a S106.

Private amenity areas and parking provision have been provided in line with the SPD and Newton and Noss Neighbourhood Plan.

### Commercial Units

The Different Approach Model also includes a non-standard form of commercial offer, "Focus". It is described as a new affordable way of enabling business owners to purchase a business unit on a shared ownership basis.

On day one, as a business owner, a percentage of the unit can be purchased directly into that person's pension; the percentage that can be purchased will depend on the amount of savings currently in the pension. On the part that is owned, a market rent is paid directly into the owner's pension (tax-free) and on the remaining share, rent is paid to the landlord. The purchase agreement allows staircasing (to increase the share that is owned), as and when there are adequate funds in the pension or as the company makes profit.

This model is designed to support smaller business who wish to take the next step into purpose built premises, but are not able or wanting to enter into long, commercial leases. Some units can be divided into smaller units and each has staff shower facilities to encourage non car journeys.

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. The application proposes 12 units as follows:

Unit No.	Use Class	Sqm	Parking Spaces
C1a	E (c-i,ii+g-i,ii,iii)	67	3
C1b	E (c-i,ii+g-i,ii,iii)	84	3
C1c	E (c-i,ii+g-i,ii,iii)	73	3
C1d	E (c-i,ii+g-i,ii,iii)	60	3
C1e	E (c-i,ii+g-i,ii,iii)	143	9
C2a	F2(a)	280	10
C2b	E (c-i,ii+g-i,ii,iii)	186	5
C2c	E (b)	300	18
C3a	E (c-i,ii+g-i,ii,iii)	215	5
C3b	E (c-i,ii+g-i,ii,iii)	126	3
C3c	E (c-i,ii+g-i,ii,iii)	215	5
Cafe	E (b)	61	9
<b>Total</b>		<b>1810</b>	<b>74</b>

The uses would have generally been in Class A (1, 2 or 3) or B1 (a, b or c) prior to September 2020, when these were revoked and replaced by Use Class E. For Members' benefit, the former Use Classes were:

A1 Shops - Included shops, retail warehouses, hairdressers, travel agencies, post offices, pet shops and sandwich bars

A2 Financial and professional services – Included financial services such as banks and building societies, professional services (other than health/medical), estate agents

A3 Restaurants and cafés - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes

The B1 business class, uses which could be carried out in a residential area without detriment to amenity was previously defined as:

B1(a) Offices - Other than a use within Class A2

B1(b) Research and development of products or processes

B1(c) Industrial processes

Use Classes B2 and B8 remain unchanged in the Order, but are not proposed as part of the development.

Class E comprises of:

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises \*

E(c)(i) Financial services \*

E(c)(ii) Professional services (other than health or medical services) \*

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Crèche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions \*

E(g)(ii) Research and development of products or processes \*

E(g)(iii) Industrial processes \*



(Those proposed in this development are marked with an \*)

There is no Class E(a) retail proposed. Instead, a 280 Sqm shop is proposed under Use Class F2(a), which is tightly defined in the Order as “Local community”; shops selling essential goods, including food, where the premises do not exceed 280 Sqm and there is no other such facility within 1000 m

The car parking provision across the site is as follows:

74 commercial spaces  
41 seasonal spaces (public car park)  
9 allotment spaces  
Total - 124 non-residential spaces

Residential:  
269 driveway spaces  
25 off street spaces  
89 garage spaces  
11 visitor spaces  
Total - 394 residential spaces

The site will be accessed via the existing junction off the B3186. Improvements are proposed to the visibility splays either side of the access, which is currently below standard to serve a development of this nature.

The existing bus stop outside of the site will be relocated inside the site, as well as there being financial contributions towards increasing the frequency of the local bus service; a contribution of £200,000 secured in a S106 which results in an increase from 5 buses per day to 10, over a 5 year period.

Sustainable travel vouchers are also provided for the first occupant of each dwelling, to a total sum of £20,400.

The permissive path that runs parallel to the highway inside the site frontage and emerges onto the B3816 around 600m south of the site access point, is proposed to be enhanced and connected to a new footway on the northern side of the B3816, linked with a pedestrian crossing. This new footway will run along the grass verge that is currently informally used by pedestrians and will extend for 500m, to link to the existing footway in Newton Ferrers. The path inside the site will take the form of a 3m wide “hoggin” path, to be shared by pedestrians and cycles.

Lighting has been included on the highway, the new/improved pathway and inside the site entrance, at the request of DCC Highways Officers. Discussions with Officers has resulted in a significant reduction in number and size of light columns and bollards on the pathway, operated through a dimming regime and part-night lighting strategy, including the main road. The lighting will switch on at dusk, dim down to 75% output at 20:00, and switch off at 00:30, coming on again at 05:30 until dawn; the bollards will also switch off at 00:30 until 5:30 am.

The drawings have seen several amendments following Officer feedback and the scheme now proposes a significant number of dwellings as muted colour render; brick and natural timber cladding are a feature of the non-rendered dwellings (brick for the lower half and timber at first

floor/part first floor), with natural stone and zinc cladding introduced on the commercial buildings. No dwellings stand more than 2 storey, with some being single storey or 1 ½ storey with accommodation in the roof.

Open space is provided throughout the site, to serve the development and wider local community. In total, the 14.6 ha site provides 7 ha of green space (grasslands, trees, open glades and public parkland), 3.2 ha of accessible public open space which includes usable footpaths, mown grassed areas and equipped play parks (the space not reserved for structured planting and scrub dedicated ecology habitat). The documentation submitted indicates the open space will be available to all residents and visitors, including the local community; the s106 will secure this, along with management responsibilities.

Surface water drainage is proposed to be dealt with via a comprehensive Sustainable Urban Drainage System (SuDS) comprising swales and attenuation, with a large permanently wet basin set within the parkland on the south-western section of the site. Run off from surrounding built form will also be captured and dealt with as part of the site wide drainage.

It is proposed to connect foul drainage flows to the existing South West Water sewage system.

### **Representations:**

**Representations from Internal Consultees** A summary is provided below. Full responses can be viewed on the application file through this link:

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/213335>

Tree Specialist: No objection on arboricultural merit subject to the tree reports and documents being made approved plans if consent follows

### Environmental Health:

1. Air Quality. Agree there will be negligible impact on local air quality, particularly given the move towards electric cars and low emission technology for energy supplies. No condition regarding air quality is required.
2. CEMP. A comprehensive CEMP has been provided which includes consideration of working hours, noise, dust, traffic routes and temporary lighting as well as other issues. A condition should be included on any approval for it to be implemented.
3. Contaminated Land. Reports have comprehensively investigated the whole site, supplemented by a Remedial Implementation Plan. The proposals are proportionate and appropriate. A condition should be included on any approval requiring implementation.
4. Japanese Knotweed. The remediation plan also includes an appropriate scheme to eradicate this; this should be started as soon as possible.
5. Lighting. A comprehensive lighting report has been submitted and concludes there is no potential to impact on the existing residential area, and negligible effects elsewhere. Streetlighting has been selected for low impact and is proposed to be turned off during the night. A condition should be included on any approval
6. Noise. A comprehensive noise report has evaluated compliance with the Noise Policy Statement for England and recommended mitigation measures for the housing. BS8223 with regards to windows/glazing will also be met. There may be future impacts from the proposed commercial area but as the use has not been determined it is not possible to predict these. Recommend that a condition is included relating to the control of noise from air extraction and air conditioning units.

JLP Team:

It is first essential to be clear that the framework for decision making is the adopted local plan, as required by section 38 of the Planning and Compulsory Purchase Act 2004. For clarity the adopted development plan policies applicable to this application are those contained within the Plymouth and South West Devon Joint Local Plan (adopted March 2019) and the Newton and Noss Neighbourhood Plan (adopted July 2018).

The site is not within a named sustainable settlement; under policy TTV1 of the JLP, it is in tier 4, smaller villages, hamlets and the countryside.

In terms of considering whether a site is capable of delivering sustainable development, for tier 4 locations, policy TTV1 identifies the combined requirements of policies SPT1, SPT2, TTV26 and TTV27 as an initial test of spatial suitability.

When considering the site alone, it could be considered to both accord and conflict with SPT1 and SPT2. However, when considering how it relates to the settlement hierarchy and network of rural communities it cannot be considered, on balance, to offer reasonable access to a vibrant mixed-use centre by means other than by the private car. This is not unexpected considering how the site is characterised within TTV1 as a tier 4 location.

The specific wording of policy TTV26 is not directly applicable to a proposal of this size and scale, despite it being located in the countryside. Part one of TTV26 only applies to proposal sites considered to be isolated in planning terms, and the site is not so remote from nearby settlements to be considered isolated.

TTV1 demands that proposals in tier 4 be considered against TTV27; the proposal falls short of the policy expectation of no more than 40% of housing being open market.

In summary, at the highest level of policy consideration, the proposal meets a number of the aspirations of SPT1, but fails to meet the spatial expectations of policy SPT2. Large parts of TTV26 are not engaged, but there is limited conformity with SO10 that prefaces TTV26. The proposal fails to meet the requirements of TTV27. On balance, the proposal cannot be considered to be compliant with policy TTV1, and the plan when read as a whole.

Other policies that consider the location of development are to be found within the adopted Newton and Noss Neighbourhood Plan, and specifically policy N3P-1 – Settlement Boundaries.

There are specific tests for major development within the AONB in both the JLP and the NPPF. Paragraph 8 of the NPPF is clear that the presumption in favour of sustainable development does not apply in AONBs. The JLP contains policy DEV25 - Nationally Protected Landscapes. There are a number of specific requirements, but at the highest level, it establishes the policy test which must be overcome by development proposals within AONBs.

There is no prescribed test for defining 'exceptional circumstances' or 'public interest' within the context of these policy requirements, although there is some consistency in the way that appeal inspectors use certain indicators when considering major applications in the AONB. Chief amongst these is historic under-delivery of the LPA against identified housing needs.

As such, in housing delivery terms, there is nothing exceptional about the prevailing circumstances within which the application is considered.

The Housing Crisis declaration is a material consideration that could have some bearing on the overall planning balance, although it does not override the primacy of the adopted development plan and national planning policy.

The amount of internal space within each product does vary quite significantly, with a number of larger units exceeding the NDSS by huge margins, whereas the more modest sized accommodation offering a more conservative level of exceedance. This will be reflected in the sale price of each dwelling, and as such the degree to which the housing mix on offer accords with the broader aims of policy SPT2.4.

The NP policy N3P-11 considers both local housing need and housing mix within the same policy, and introduces specific requirements for applicant to justify the number of houses that have more than 3 bedrooms. The baseline figure for the parish regarding the dwelling stock at 2011 was 35% of homes in the parish were of 4+ beds, and 55% of dwellings were detached, both of which have a direct impact on the affordability of homes in the local area.

Policy N3P-11 expresses a clear preference towards smaller homes, and requires applicants to justify the number of homes with more than 3 bedrooms.

Policy N3P-11(d) is clear that proposals of 4 or more dwellings should have at least 75% of homes that have no more than 3 bedrooms.

Whilst the mixed-use proposal offers an attractive package, it has to be considered alongside the poor spatial location, both in terms of the adopted spatial strategy and location within a nationally protected landscape. On balance it is considered that unlikely to meet the policy tests for major developments within the AONB.

The JLP and NNNP have specific policies that seek to ensure that new homes permitted are both efficient and environmentally responsible. The energy statement provided explains the fabric first approach to reducing energy demand, as well as the low carbon technology used for space and water heating, and onsite renewable energy generation. The JLP requires a minimum 20% carbon reduction against a building regulations baseline, and the energy assessment confirms that through a range of interventions the proposal reduces carbon beyond building regulation by a highly impressive 70%. This represents one of the largest savings achieved by any development since the adoption of the JLP, and will go a long way to protecting future occupants from significant rises in operating costs of the dwellings.

Should the proposal be granted planning, it would be helpful if the developer were to survey all new owners/occupiers to establish where they are moving from, the size of the household and household earnings, so that key stakeholders can grow understanding of exactly who we are building housing for, and where occupants of new rural communities are coming from, not least because of the emphasis placed on meeting 'local housing needs' within this proposal.

[Officer Note: The applicant has put forward a detailed response, summarised as follows:

- Readily acknowledge that the previous permission has expired. Given its unsuitability to meeting the needs of the local community, we welcome that it cannot be delivered. The difference between the current proposal and that permission can be summarised in terms of the way that the proposed development will:

1. Meet the need for market and affordable housing in the local area;
2. Focus on local people rather than those seeking to purchase a second/holiday home;
3. Rebalance the market; and,

4. Respond to the very significant house prices in Newton Noss Mayo which is within the top 10% most expensive LSOAs nationally.
- Acknowledge the 5YHLS but note the expired permission for 70 units is included within the sites expected to come forward within the next 5 years...indicates an expectation of such. It has the potential to be delivered within that timeframe.
  - Strategic Objective SO1 is not a JLP policy but sets out the overarching aspiration for the JLP area, focused on maximising growth in Plymouth. The supporting text makes it clear it does not preclude development in rural areas when assessed in the planning balance, as guided by the context of the JLP policies as a whole.
  - In line with the NPPF, SPT1 promotes the 3 key dimensions of sustainable development (economic, social and environmental), containing 15 criteria against which development should be assessed. In the context of the economic, social and environmental benefits delivered by the development, it can be concluded it positively aligns with SPT1.
  - SPT2 includes further criteria which are to “guide how development and growth takes place in the Plan Area.” It is disappointing that the representation selects just one criterion.
  - Supporting text cannot be treated as policy. The weight given to the distances set out in Figure 3.2 of the JLP should be measured accordingly. Focusing on the single connectivity point ignores the range of facilities that are to be provided on the site, and the fact it is within 900 m of Butts Park playing pitch.
  - The distance to Newton Ferrers primary school is the same as that from the centre of Noss Mayo, but will benefit from dedicated paths along the full distance.
  - The whole route between the site and the village is relatively level and at worst, can only be considered to very gradually slope down towards the village.
  - There is no evidence to support that claim the shop and facilities on site will not reduce the need to travel or will increase journeys for staff of the commercial units.
  - Evidence of the need for non-residential uses was submitted and has not been disputed by the Policy Officer. The draft s106 obligates marketing of the commercial units to local people in the first instance.
  - The RTP1 paper referred to is a research paper, not an adopted policy document and should not be interpreted as such.
  - Disappointing that the proposed transport improvements have not been welcomed. These have been supported by Devon Highways.
  - It is suggested that because the Housing Needs Survey is more than 5 years old, it can no longer apply as evidence, contrasting with the opinion of the Affordable Housing Officer, the housing crisis and the (undisputed) evidence of housing need that has been submitted.
  - There is a very severe need for additional housing in the Newton Ferrers area, with a waiting list and no band E homes available.
  - As the previous permission has expired, the level of need that was identified at the time of NNNP preparation was not met. Housing need is not static, and is now considerably more than 70 dwellings.
  - It is noted that the NNNP did not allocate the site but that is because it benefited from an extant planning permission at the time, and was identified as a commitment.
  - The Parish Council has been very supportive of the emerging proposals, stating “...*strongly urges SHDC to reflect upon its declared emergency in both housing and climate change and to approve this exemplary and revolutionary application.*”
  - Any inference that “*it is not the intention of [TTV27] to be used to determine proposals of such a size and scale*” is inconsistent with any reasonable reading of the policy text.
  - At no point though the pre-app process or extensive discussions that have taken place has there been any mention of the site being treated as an exceptions site. We would have expected this point to have been raised at an earlier stage in the determination process.
  - The previous permission was not granted on the basis of it representing an affordable housing exceptions scheme.

- The assessment of TTV27 is flawed and selectively interprets the policy. Criterion 2 must be read in full: “*This includes open market housing, providing it does not represent more than 40 per cent of the homes or 40 per cent of the land take excluding infrastructure and services.*” The total site area is 14.8ha; the built development is 9.08ha (61.4%) of this. The area of land to be occupied by the open market housing is 2.86ha (19.3%) of the total, well below the 40% stipulated by the policy requirement.
- It is also a material planning consideration that the development provides 57 affordable homes; 46% of the total number of dwellings which accords with DEV8.
- No evidence has been provided to refute any part of the submitted housing need evidence.
- We consider that the declaration of a Housing Emergency represents a wholly exceptional basis for consideration of the current application.
- The reference to Sherford suggests a failure to appreciate the purpose of the development; housing need that exists for villages within the AONB can only be addressed within that defined area.
- The conclusion the proposal is unlikely to meet the policy tests for major development in the AONB is a planning judgement which relies on the exercise of the planning balance. With respect, we believe that it is for the Case Officer to undertake.
- This is the only development in the local area that will be subject to the principal residence restriction, a positive solution that responds to the proliferation of second homes and the very high cost of housing. As a requirement of the NNNP, we are surprised the effectiveness of this is being questioned.]

Waste Specialist:

Originally requested further detail of vehicle swept path analysis across whole site for refuse collection. Satisfied with the additional plans provided in response, and no further comment to make.

Open Space Sport and Recreation Specialist:

For an application of this size we would normally expect:

- on site open space provision in line with policy 0.59ha/ 5940m<sup>2</sup> (1.91ha/1000 people);
- provision of on-site equipped play (Locally Equipped Area for Play);
- on-site allotments, or a contribution towards improvements/extension of local facilities;
- off-site financial contribution towards improvements to local playing pitches/sports facilities.

The accessible natural greenspace requirement will be met by the proposed parkland.

Note some areas within the development are not overlooked to provide natural surveillance.

S106 needed to secure contribution of £190,789 towards provision and maintenance of new and improved sports and recreation facilities in the parishes of Newton and Noss and Yealmpton, securing public access and the on-going management and maintenance of the open space (including the play areas) in perpetuity, the allotment land to be gifted to the Parish Council following plots being pegged out with pedestrian access and provided with a water supply.

Landscape Specialist:

Object – conflict with JLP policies DEV23 and DEV25 and the AONB Management Plan

A number of measures have been incorporated into the scheme, as a result of an iterative design process and discussions with SHDC Officers, to try to address the adverse landscape and visual effects of the proposed development.

The landscape strategy is therefore more developed in terms of mitigation measures intended to reduce adverse visual effects, and with strong Green Infrastructure proposals throughout the site offering biodiversity and amenity benefits, and new landscape features.

With established landscape mitigation (which may take 15 years to establish), the built form of the development could be relatively well screened, and the other mitigation measures adopted may further reduce the adverse visual effects of the proposals. However, what is unavoidable is that development of the site will result in a fundamental and permanent change in character locally, from open countryside to that of a relatively densely developed settlement.

The proposed buildings, roads and associated hard surfaces and domestic paraphernalia, together with the movements of vehicles, residents and visitors, would markedly change the character and appearance of a sizeable part the application site, and would intrude into the attractive rural scene and erode the pleasing countryside of the AONB, which would adversely affect the special qualities of a landscape that is recognised as being of national importance.

Updated following most recent documents: there have been further revisions to the development proposals, including the landscape design, that address the majority of issues that I raised, and which provide further enhancements and mitigation in response to identified adverse visual effects.

Additional off-site, advanced planting has also been added, which will be subject to a S106 Agreement.

Affordable Housing Team:

Support. There is a target to increase the delivery of affordable homes in our adopted Housing Strategy 2021 – 2026. SHDC declared a Housing Crisis in September 2021 due to the difficulties local people are experiencing seeking affordable accommodation.

The Plymouth and South West Devon SPD seeks a tenure split of 65% social rent and 35% intermediate housing. The application is compliant with this.

The open market homes will be subject to a principal residence covenant, to ensure they are not sold as second homes.

The 57 affordable units will go towards meeting the need which has been identified via Devon Home Choice (DHC), the Council's housing register and the parish housing needs survey 2016. We understand and have been part of the wider consultation process that has taken place in the community within the last 18 months. A number of households came forward needing intermediate home ownership due to the high average house prices in the parish. The Social Rented units will meet needs in bands A to E on DHC who meet the local lettings criteria developed in partnership with the Council and CLT.

This application addresses several of the motions detailed within the declared Housing Crisis and will also assist people in right sizing accommodation which they will own to live in on a permanent basis with or without a mortgage.

The consultation events that have taken place have shown an overwhelming response from young people who seek to remain in the village where they play an important contribution to the economy through employment, owning their own businesses or providing services locally; importantly, having family support close by to assist with child care or caring for relatives.

Young families do not want to be displaced from the village and ultimately are likely to have to commute in to Newton and Noss as they are forced to move to other locations where property is more affordable for them. The impact that this will have on those families is additional fuel costs, additional childcare costs and potentially changing their employment.

We work closely with Registered Providers to ensure the best use of properties, such as encouraging downsizing to make larger properties available for larger households. It may also be an opportunity for some of the families in the current stock to utilise the Step On scheme, enabling families to access a property through home ownership by utilizing grants of £5000, freeing up current rented stock for those in need.

## **Representations from Statutory Consultees**

### Newton and Noss Parish Council:

Support. NNPC has had a continuing series of consultations and discussions following the original vote to support the application by Pillar Land Securities and Newton and Noss Community Land Trust to build at Collaton.

We have listened to the wide range of views expressed and are now convinced that the environmental points raised in our second submission have in fact been largely addressed by the applicants. Accordingly, our second submission has been withdrawn. Perhaps the most compelling views have been expressed by the youngsters of the villages who currently have no hope of living in local properties or of getting a foot on the local housing ladder.

46% of the housing stock in Noss Mayo is now a second home or primarily for holiday letting and this has already eaten the heart out of the community. In the Parish as a whole the figure is around 25% indicating that the local community is under a severe and growing threat. That equates to over 250 dwellings that, other than employing cleaners and gardeners, contribute little or nothing to the community or local economy. Local youngsters are completely priced out of the market by the selling prices that reflect the desirability of the villages as holiday destinations for letting and second homes. NNPC is focussed on sustaining the community spirit of the Parish and a key feature of this is the need to provide affordable housing locally to retain the young of the villages.

SHDC has declared a housing emergency and the PC completely agrees that affordable housing in our Parish is woefully lacking and we call upon SHDC to support this application in order to start to address the real housing need.

A previous application for development of the Collaton brownfield site was approved yet this application was for 70 houses that would have done very little to address the local housing need. The present application, which is 80% 1-, 2- and 3-bedroom houses is a clear solution to housing need and with its focus on environmental compliance is also an answer to SHDC's declared climate emergency. The application includes Modern Methods of Construction, air source heat pumps, solar panels, low level lighting and biodiversity replacement and improvement, all of which respond to the climate emergency.

This application gets to the very heart of the need to balance the protection of the AONB with the need to protect sustainable and viable communities within that landscape. A dying community is not a good prospect for the future health of the AONB.



NNPC strongly urges SHDC to reflect upon its declared emergency in both housing and climate change and to approve this exemplary and revolutionary application.

[Officer note: The Parish originally submitted detailed comments that whilst supporting “*the application “in principle” by a very narrow margin*”, noted the serious concerns in the community and listed several issues they felt needed to be addressed, including better carbon reduction measures, highway safety concerns from increased traffic, capacity of sewage works, light pollution, water supply, loss of the proposed care home, how the principal residency restriction will be applied and S106 matters.]

Holbeton Parish Council:

Object. Holbeton Parish Council object to the planning application and raise the following points:

- Concerned there will be an increase in traffic
- Increase on the infrastructure in Yealmpton
- It sets a precedent of developing green field site in an AONB
- Increase demand on the sewage works
- Sherford was being built to take the pressures of local villages

Yealmpton Parish Council:

Object. This is entirely in response to how this proposal would affect Yealmpton. It is recognised that the proposal lies in Newton and Noss parish but is on the border with Yealmpton Parish and to that effect will have potential profound implications for Yealmpton and its community as outlined below:

Directly: Substantial Increase in local highway use and associated noise. It is a fact that access to the proposal will be predominantly through Yealmpton.

Local infrastructure (Schools, doctors, shops, parking etc) will be severely stressed by increased use due to proposal.

Indirectly but of major concern: Against AONB policy

Visual impact. A skyline development able to be seen from the National Park and far beyond

Cumulative impact

Tourism impact

Loss of open space

Light pollution

South Devon AONB:

Object for the following reasons:

- The previous permission is no longer extant and planning policies are more robust than when the previous outline was granted. It is considered that there are no exceptional circumstances in the public interest that justify this proposal;
- Notwithstanding the above, the previous permission was for a significantly lower number of units and the current proposal has a much greater impact on the special qualities and natural beauty of the AONB. These impacts include:
  - A prominent location on a high plateau where development and associated lighting will be widely seen in the landscape;
  - A dense urban form of development is proposed which is out of character with the existing sparse settlement pattern, with isolated farms or large houses.

- The scale of development amounts to a new village, which are generally located in the valleys not on top of the high plateau, making this an alien form of development for this landscape.

- It is therefore considered that the proposal conflicts with NPPF 176 and 177, Newton and Noss Neighbourhood Plan Policy N3P-1, JLP policy DEV25 and the South Devon Management Plan policies Lan/P1 and Lan/P3-5.

#### DCC Highways:

The NPPF specifies development should not be refused unless the cumulative impact on the network is likely to give rise to severe capacity or safety impacts. The Transport Assessment includes a likely traffic forecast using recognised national statistical trip rate evidence (TRICS). This does not specifically account for any trip suppression from the Travel Plan measures, which will be designed to reduce traffic generations, or for self-containment or any trip reduction impacts from residents choosing to work from home.

The presented figures are not disputed by the Highway Authority. Whilst the application has increased in size from the previously approved application, the Highway Authority would not wish to raise concerns in respect of the proposed uplift in traffic.

An independent Stage 1 safety audit and designers response has now been submitted for the S278 works scheme, which includes a new tarmac footway leading from the western extent of the site to Newton Ferrers.

Conditions and S106 requirements requested if approved.

#### DCCLLFA (Drainage and Floodrisk):

The applicant has produced two drainage strategies, one based on infiltration and the second based on attenuation in line with best practice. Two rounds of infiltration testing has been undertaken at the site and results indicate mostly favourable results. Groundwater monitoring has been undertaken at the site over the winter months, in line with our policy on monitoring of the groundwater.

In summary, the site will provide a betterment overall in terms of reducing runoff rates, provide treatment of runoff as well as biodiversity and amenity benefits. This is in line with our SuDS for Devon Guidance (2017) as well as national guidance such as the Ciria SuDS Manual C753 (2015).

#### DCC Ecology:

Conditions requested for adherence to ecology report, timing of vegetation clearance, CEMP plus additional badger survey works to be included in an updated CEMP or secured by separate condition.

Reviewed the additional information and have no ecological concerns, subject to conditions as requested.

Habitats Regulation Assessment (HRA) completed. Provided mitigation measures are secured, there will no adverse effect on the integrity of the Plymouth Sounds and Estuaries SAC alone or in-combination with other proposals or projects.

#### DCC Education:

The proposed 115 family-type dwellings will generate an additional 28.75 primary pupil and 17.25 secondary pupils which would have a direct impact on Newton Ferrers Primary school and Ivybridge Community College.

DCC has forecast that there is currently capacity at the designated primary and secondary schools for the pupils likely to be generated by this development and a contribution towards primary and secondary education would not be required.

We require a contribution towards secondary school transport costs due to the development being further than 2.25 miles from Ivybridge Community College. The costs required are: - £3.30 per day x 17.25 pupils x 190 academic days x 5 years = £54,078

#### DCC Archaeology:

The development lies in an area of archaeological potential with regard to prehistoric activity in the surrounding landscape as well as the WWII RAF Station Collaton Cross. The development will destroy structural remains associated with the military use of the site as well as archaeological and artefactual deposits associated with prehistoric activity. The impact should be mitigated by a programme of work that should investigate, record and analyse the heritage of the site.

The programme of archaeological works as described in the Written Scheme of Investigation (WSI) - Cotswold Archaeology dated: 24th January 2022) is acceptable. Works should be implemented as described in the WSI.

#### DCC Waste Planning:

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan require major proposals to be accompanied by a Waste Audit Statement. A good attempt has been made to identify the type of waste will arise from the construction phase as well as waste that will be generated once the development is occupied. However, the following points need to be addressed at this stage of the application:

- The amount of construction, demolition and excavation waste (tonnes); and
- Provide detail of the waste disposal method including the name and location of the waste disposal site.

#### Devon Wildlife Trust:

Object. Does not provide sufficient evidence to satisfy the requirements relating to biodiversity in the NPPF and the following:

- Fails to comply with SPD requirement for bird/bat/bee boxes of 1 per dwelling
- Insufficient details of the dark 5m buffer corridors. Features appear to be within residential curtilages and no fencing is provided
- Doesn't demonstrate 10% BNG is achieved
- More than the proposed 50% of planting should be native species to provide greater wildlife benefit

#### Natural England:

NE advises the LPA uses national and local policies, together with local landscape expertise and information to determine the proposal.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public

bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000).

NE is satisfied with the Green Infrastructure proposals submitted with this application and welcomes the contents of the Biodiversity Net Gain plan.

[Officer note: response made prior to additional landscaping and tree planting was included]

South West Water:

SWW is able to supply clean potable water from the existing public water main and is able to provide foul sewerage services from the existing public sewer in the vicinity of the site.

No development shall take place within 3m of the water main.

The proposed surface water disposal is acceptable.

NHS Local Planning Authority Engagement Team:

Yealm Medical Centre has a patient list size of 6300 patients and a capacity of 7400. Therefore, from the calculations that the LPAE team uses in conjunction with DCC, there is capacity for this proposed development.

D&C Police Designing Out Crime Officer:

General comments submitted regarding the standard of windows and doors (to meet Secured by Design) the need for natural surveillance, lighting, boundary treatments, details of lockable gates.

Consultees not responded:

Barn Owl Trust; DCC Public Rights of Way; Environment Agency; Forestry Commission

**Representations from Residents**

A significant number of comments (321 at the time of writing this report) have been received, in support and against, the development; several note positives and negatives, but remain undecided.

A petition naming 314 named has also been received. Whilst not giving addresses or signatures, it has been supported by emails from many of these confirming their support.

All comments can be seen in full on the file and are summarised as follows:

**Letters in support, approximately 138**

Many of these have expressed a desire to move onto the site should it be approved, stating this is the only opportunity they will have of owning their own home and moving back to the community they grew up in. Many older residents note this will enable their children and grandchildren to stay in, or return to, the community.

Housing

- Provides affordable housing for young people, children and grandchildren who work in and around the village
- Provides affordable housing for older people wishing to downsize

- Opportunity for better care facilities for older people through intergenerational living and shared ownership bungalows with technology assistance
- Addresses imbalance of number of holiday homes compared with primary residences
- Provides homes for succeeding generations who have grown up in the local area but cannot afford to stay in the area and who have no wish to move to places like Sherford; that will not meet the villages' needs
- The development will help minimise the continued external migration of young people, young families and those on low incomes
- Support for first time buyer and rent to buy schemes
- Support for Community Land Trust component
- The full development provides a good mixture of CLT social rented housing, self-build housing and Rent Plus housing along with the open market housing that makes the development possible
- Good mix of house tenures, types and sizes; including custom/self-build to ensure there is appropriate housing for all ages and demographics
- The proposal will make affordable small self-build plots available to locally based people
- Help affordability of housing in current economic climate of raising inflation and costs of living
- Support the scheme for primary residence only; this will help to reduce the amount of empty holiday homes or second homes
- This is a once in a generation opportunity and a unique opportunity to readdress the housing imbalance
- Support the proposal for 46% affordable housing (57 in total)
- In excess of 30% policy requirement – on a brownfield site in a location that has sufficient capacity and good access to assist the housing crisis declared by South Hams District Council
- Affordable homes will be given priority to those with a strong local connection
- The proposal includes 18 social rent homes for the joint applicant Newton and Noss Community Trust
- An innovative, flexible model that opens up opportunities for those who cannot normally buy or rent in the area
- Proposed development has a far higher proportion of 1, 2 % 3 bedroom homes – making up 82% of the overall mix. Our parish plan has identified the need for two and three bedroom homes within the parish. The scheme offers a unique opportunity to provide a significant number of homes of this size
- The inclusion of community land trust provision is vital and very welcome. The proposal addresses the requirement of a more balanced environment for the community, making it sustainable and appropriate for the needs of local people, as set out in the Newton and Noss Neighbourhood Plan
- Provides housing for those who have been born and bred in Newton and Noss and who have no wish to move to Sherford, children and grandchildren can be close to relatives

- The open market housing really appeals to my wife and I and the affordable housing seems to look like a great option for all age ranges
- I grew up in the villages but I've had to move out to be able to afford to buy. I really look forward to the opportunity to be able to buy a home in the area I call home

### Local Community

- The development is being steered by local shareholders who live within the community. It is not being done by a national house builder
- The project team ran an extensive public consultation, proactively engaged with the community to design a development that addresses the wide ranging needs of the rural community
- Will bring many commuters who cannot afford to live in the village closer to the village school, their work and their families, back where they grew up
- Will help community become more diverse; this is a once in a lifetime opportunity to rebalance our community
- I am a young local person who was lucky enough to grow up in these villages, and have sadly seen over the past 30 years the destruction of a community. This proposal would be a life line for many young or working class people that have been priced out of the village by an influx of second home owners, holiday homes and people retiring here
- Seeks to directly address the ageing and imbalanced demographic of the area
- This development will help strengthen the community by enabling the younger residents to remain
- New housing will support facilities in village such as school, sports clubs, pubs, churches and important events such as the Regatta
- Newton and Noss Primary School is currently undersubscribed; the development will increase the intake which will help rebalance and stabilise numbers for the future
- Yealm Medical Centre have capacity for new patients. South Devon and Torbay NHS Foundation Trust have confirmed Yealmpton Surgery has capacity for the development
- There is an opportunity for Section 106 money to support local facilities
- The development will stimulate village life/ help villages thrive/ add vibrancy to villages throughout the year
- The development will help Newton and Noss becomes a thriving, vibrant and well-balanced community enjoyed by all generations
- The overall development provides business units to allow people to work locally and open spaces for leisure time and a shop and a café to improve the community
- Collaton Park will become a place that our community can use, enjoy and be really proud of
- Having been brought up in the village of Newton Ferrers and having lived here most of my life, I have over time had concerns about the development of Collaton. However, I think the current proposals for development are beneficial to the local community. The project should offer a chance for many young adults to relocate to the area. I know of several young adults that are pinning their hopes on this project, which will enable them to return to the community they love

- The existing community is small and isolated, and the development will help to reduce this
- This development seems to be the kind of sensible measured development that aids local life
- The villages should be accessible to all people to enjoy and contribute to the community, not just the privileged
- If the proposal doesn't get full support our villages will become like many round the South West, lifeless and just another tourist destination with busy roads filled with holiday makers
- The development will reinstate a community in Newton Ferrers, the village will be able to thrive on a larger scale continuously throughout the year as opposed to only seasonally like it does now due to the majority of houses being owned by second home owners who only visit occasionally
- As long as the developers hold true to their stated commitment I believe Collaton park will be an asset to our community
- The current sky rocketing prices of homes in Newton and Noss are so far from being affordable to locals with local employment. The younger community is clearly being forced out of the village which will have a detrimental effect on the village, without younger locals how will traditions like the regatta continue? These events will be lost and are what makes this village so special

#### Local Economy

- Addresses the historic loss of commercial and marine locations for housing development
- Industrial units would benefit local companies; and increase demand for local infrastructure
- Provides local jobs and units for local businesses; welcome the employment units which will help support the growth of local businesses
- Will help businesses return to the area; will bring in new business and services to the areas and support local companies
- The development will be a very pleasant, spacious place to live and work in
- Given the diverse demographic the development will attract they will be able to enjoy village life, support local schools, pubs, clubs, shops and other businesses
- This development has the potential to benefit both Newton Ferrers and also other local villages, Noss Mayo, Yealmpton, and Brixton

#### Highways

- Traffic movements represent only an additional 17 movements at peak hours compared to previous consented scheme.
- There have been no objections from Devon County Highways
- There is a permissive footpath from Collaton to Newton Green, which isolates pedestrians from road traffic and this will be improved
- There is already a pathway that provides a link to Newton Ferrers with its playing field, school and shops.
- Footpath to access/ close proximity to village facilities to avoid reliance on car
- The bus stop will be moved from out on the road into the site entrance and will increase the uptake of bus service as well as provide more buses

- There will be an increase in the bus service offered, doubling its current offering to 10 trips per day
- Improvements to Collaton cycle path provides sustainable transport to and from the villages
- The speed limit on B3186 will be reduced to 40mph from 60mph which will improve safety, reduce road noise and reduce emissions
- All spoil will be retained on site, limiting or stopping the need for HGVs to travel through Yealmpton

#### Sustainable Development and scheme

- This will allow for the redevelopment of a current eyesore and health hazard
- The plans are very attractive and discreet and you can see that care and attention has gone into not making it look like a generic new build estate
- The current proposal represents only a 20% footprint increase from 2017 consent
- This is a sustainable development with good design, well considered infrastructure and many facilities
- Will become pleasant area of its own
- Re-use of brownfield, contaminated land; without the development the land will not be decontaminated. It makes sense to re-purpose it for development instead of green areas within this AONB
- As an ex- MOD site, and current agricultural site, the current use of the land offers very little in the way of ecology and biodiversity, while providing habitats for limited wildlife
- The original farmland was never of high quality
- The houses are well designed; attractive; have character; support carbon-neutral approach, modern methods of construction and highly sustainable
- 46% of the homes will be built in factory, off site to minimise deliveries
- The planned houses have a high environmental standard exceeding current building regulations
- Minimal landscape impact; the design is in keeping with the local area
- The overall visual impact would be minimal to surroundings, with it only really being seen from the few current houses behind the proposed development
- The developers appear to have carefully considered the view from the road and also how the landscaping around the properties feels comfortable from the visual representations provided.
- The proposal will provide 15 acres of new parkland with extensive new tree planting, hedgerows, bird boxes, a wildlife tower (for owls) and extensive blue infrastructure
- The green infrastructure suggested, would allow for even more wildlife and greater biodiversity, including more opportunities for insect life
- The development will provide community parkland, an orchard, and allotments and shared community workspace available for everybody to use
- Support provision of green space/ green infrastructure



- Well-designed open spaces and large water features
- Opportunity to increase biodiversity of site
- Provides energy efficient homes – some homes being off-grid 60% of the time
- Water feature/ attenuation pond will ease flooding across the road nearby
- Like that it would be a gas free site; using air-source heat pumps complimented by photovoltaic panels
- Electric car charging points are provided on every home and within the public parking areas
- I feel the reasons against this development are short sighted and do not consider the position of majority of the youth who wish to continue to live, contribute and bring up families here.
- The village is becoming a holiday destination more than a local village. The more affordable homes proposed would enable a local community to continue. The local developers are invested in the interests of locals which is much more beneficial than being driven by profit alone

### **Letters of objection, approximately 168**

#### Housing needs for the area

- Letters of support overlook the development on Parsonage Road that provides 15 Affordable Homes, Fairways 5 open market homes and the planned development opposite Butts Park
- Overdevelopment, new purpose built village
- With developments in Brixton / Yealmpton and 100 in Ivybridge and this is a development too far
- This provision of smaller less expensive housing can be served, at the schemes for first time buyers in Sherford and Plymstock - no public need as it is already provided at Sherford only 5 miles distance
- 5 Year housing supply met therefore this cannot be a reason to approve. Sherford providing 5500 new homes to address South Hams housing needs. Sherford surely provides the solution for not over developing our small parish with unjustified excessive developments
- Yealmpton has already provided a large number of new houses at Kitley Place
- The application of 20 houses by the Community Land trust should more than satisfy the local demand for houses
- Previous application included affordable housing with 70 units granted which meets the local need
- Subsidised housing is what is required. Is there a registered provider as per para 4.100 of Joint Local Plan 2014-2034?
- There is no evidence of demand from people with strong local connections, or with business interests in the villages, for anywhere near the numbers of new dwellings proposed
- The size of the development exceeds any requirement for additional housing in the Parish

- A proposal for an increase of 12.5% is grossly out of proportion and would change the nature of the area beyond recognition
- The CPRE housing needs assessment does not tally with the developer's housing need claims
- Very questionable proven need for such a development

Housing Needs Survey referred to in Para 4.3 states "The 'Peters Field/Glebe Meadow' development on Parsonage Road provides 15 Affordable Homes. 5 open market properties at the top of the Fairway have also been approved and the proposed building of 70 new homes at Collaton (which is outside the Settlement Boundaries) should provide sufficient housing to meet the identified needs of Newton and Noss over the next 20 years."

- Petersfield currently has 8 out of 17 homes not occupied by people with a local connection. The area already has a high percentage of second and holiday homes
- Over 55's housing, will only mean that even more houses will become second homes, or holiday lets, making the problems worse

#### Under delivery of Affordable Housing

- Site advertised nationally attracting those that are not local, difficult to know whether they will actually be affordable to locals
- Not enough of the proposed houses will be affordable to local people, where the need is greatest.

The NPPF states planning permission should be refused for major development in such designated areas other than in exceptional circumstances and where it can be demonstrated it is in the public interest. Whilst the proposal would provide affordable housing, the circumstances are not exceptional since the nature of that need, most particularly the quantity of housing, is disproportional to the community requirements and therefore has not been demonstrated. This proposal is not in the public interest

#### Impact on landscape

- A coach and horses through framework ignores South Devon AONB inclusion, will spoil the AONB, detract from the natural landscape
- Will destroy the very isolation which makes the AONB special
- Site is on high ground and very visible from local area and coast
- No image in LVIA of the site's elevated nature in AONB from footpath to the south west of Noss Mayo
- Development would be clearly visible on footpath across from Ashcombe Hill by Yealmpton towards Gnaton Hall
- Position of houses have awkward visual relationship, no boundary planting, proposed closer to boundary of open countryside meaning a soft landscaping edge will not be accomplished, urban and dense form of development, alien for of development on a hill and not in a valley
- Only a very small proportion of the site is brownfield with the rest being arable, green field, wildflower meadows and scrub which is rich in wildlife.

- Nearby woods Collaton and Gnaton referred to as screening however, Douglas fir in Collaton will be thinning in 2022/23 therefore development will be more visible
- The proposed development contains insufficient landscape and visual measures to mitigate harm caused, undermines visual impact identifies as 8th exceptional circumstance
- Development within the AONB should be avoided or at best minimised
- Introducing 18000 sq ft of commercial buildings to a beautiful area is unacceptable and out of keeping in this rural location.
- Over dominance affecting existing Collaton rural setting
- Misleading viewpoints in LVIA –support by South Devon AONB Unit assessment it underplays the impact, is based in incorrect assumptions about the visual containment of the site, degrading influence of the existing development and the lighting measures on a high site
- There should be no road or pathway lighting. It will be seen for miles once trees to the south east have been felled. The night sky will be negatively impacted
- 40 mph would require further street lights and would increase further light pollution
- Questionable landscape receptor sensitivity scores undervalued
- The proposal will contribute to land, water, air, light and noise pollution
- Natural England has not commented on the impact to the AONB
- Previous plan was dismissed in the 1990's, due to the fact it was on a Sky Line.
- The scale of the development is too large and at odds with the character of this landscape
- Will turn a quiet *cul de sac* into an overcrowded suburb and the loss of important green spaces such as the ANOB. It is a housing estate in the middle of nowhere
- The proposal is a breach of AONB requirements
- Conflicts with NPPF 176 and 177, Newton and Noss Neighbourhood Plan Policy N3P-1, N3P-4-16, N3P-5-a, N3P-9, N3P-11, Joint Local Plan DEV10, DEV25, DEV29 policies and the AONB Management Plan policies Lan/P1, Lan/P4 and Lan/P3-5
- The Neighbourhood Plan agreed by the community states that only small scale developments will supported unless there is an exceptional need
- Uncertainty as to whether any attention has been paid to Section 14 of the NPPF Meeting the challenge of climate change, flooding and coastal change
- South Hams policy was to locate new development on the periphery of existing conurbations, and not foist development on every village in the South Hams – How does a proposal of this nature fit in with the policy guidelines?
- Devon CPRE objects to the planning application

#### Impact on highways

- Country lane SX 56883 49703 which provides access to Plymouth and the A379 is marked unsuitable for HGVs. This would mean all Construction vehicles would have to pass through the village of Yealmpton.

- Construction traffic would have major impact on road safety, with deliveries, diggers etc with a long construction phase.
- Impacts on specific roads: A379, B3186 is currently dangerous as cars cannot pass in some places, B3196, junction with B3186 needs a roundabout.
- Exiting from Newton Park onto the B3186, the view either direction is limited, especially if turning right
- Transport Assessment undertaken during Covid-19 pandemic, is factually inaccurate on material points, contain omissions or inappropriate or incomplete datasets and does not give an accurate basis for the council to properly consider this application
- New residents will not walk to Newton or Noss, increase in traffic to access shopping/schools and leisure
- Against NPPF para 104/105 to promote walking, cycling and public transport and limiting the need to travel
- Contrary to Policy SPT2 in that the site is poorly connected to both Yealmpton and Newton Ferrers and therefore will not reduce the need to travel or encourage sustainable transport
- Concern for road safety for vulnerable village residents - the village will be a further discomfort and danger to old folk crossing the road.
- No traffic calming measures in the proposal apart from potential 40 mph limit introduction
- Will make the use of vehicles dangerous with no facility for cyclists or pedestrians using off road pathways. Will the developers widening the roads and providing off road pathways?
- For commercial units and public boat storage - of unsuitable roads by larger vehicles and trailers - create major hazards to all road users
- Visitors parking and boat storage facility on site is unrealistic as it is too far from the villages
- The local school users in the development will not qualify for public bus service as the distance is not far enough therefore cars will be dependent on. School drop-off and collection already creates congestion on the Green, additional cars will make this even worse
- School choices will all mean car travel. All school children will have to be ferried to school either Yealmpton or Newton Ferrers
- Public bus service passing the site provides a poor alternative for transport; delays to already meagre bus service
- Roads to Puslinch and Yealmpton have had serious accidents under the current vehicle loading; traffic demands and subsequent damage to bridge at Puslinch.
- Road between Kitley Turn to Collaton Cross and between Yealmpton and Collaton Cross not suitable for construction traffic and future increase in volume of traffic.
- Increase pressure on parking in Newton Ferrers and Noss Mayo as Collaton not in walking distance
- Impact on traffic through Yealmpton

- There are likely to be 2 cars per household which is a substantial increase in volume for what are already busy narrow lanes, plus commercial unit traffic
- Provides insufficient parking for residents; they will have to park on private communal land
- Pedestrian safety between Newton Ferrers church, The Green and The Co-op, no pavement and very narrow, meaning pedestrians already have to walk in the road
- Should incorporate a roundabout to aid traffic and minimise the risk of accidents

#### Impact on other infrastructure

- Influx of people during peak times and holiday periods puts additional pressure on infrastructure as it stands
- Sewage system dating from earlier MOD requirements is now on, or near overload; existing problems with pumping stations; regular river pollution incidents; existing overflow incidents at Kiln Quay and Bridgend
- Proposed lake will not have capacity for storm events
- The main road to Newton Ferrers has substantial surface water when it rains and this will only be exacerbated by concreting large amounts of land
- Phone and internet already near capacity/ existing slow broadband speeds
- Water supply often cuts and has been reported to have very low water pressure at times of peak demand – this will make that worse
- The infrastructure in place is inadequate for this building work to be considered and would require major changes

#### Impact on existing services

- Local services already under pressure; GP surgery and school already at capacity; dentists, local shops, pubs, open space under pressure.
- South Hams struggle to collect bin and recycling: An increase of 125 households will put further pressure on this service.
- Will the developers be providing additional school places for the extra children
- Development will result in significant population increase and impact all facilities to expand.
- Letter from Medical practice to confirm they are at capacity
- Scheme does not include community infrastructure. It is effectively a separate village

#### CEMP

- CEMP needs further information; no Schedule of Access or Egress from the site, number of anticipated lorry trips, typical size of lorries in tonnes, anticipated numbers of contractors vehicles, where the lorries would be travelling to discharge soil
- In the case of contaminated materials, certification required and the location of a suitably secure safe site, wash down facilities for contaminated vehicles
- Noise pollution during construction phase will increase to an unacceptable level

### Contamination risks

- The amount of contaminated land cannot be removed safely without harm to local residents
- Will asbestos and other toxic substances be dealt with satisfactorily? Will have large environmental impact once dug up. Has a licence been acquired?
- Concerns about the asbestos being released into the water supply.

### Unsustainable location

- Piece of rural land not really attached to any substantial existing development being built in relevant isolation
- Large development unsuitable in rural location, particularly with Sherford 5 miles away
- Brownfield land exaggerated. The proposal should be smaller and on the concrete area only
- Absence of exceptional circumstances; the lack of an alternative site does not warrant an exceptional circumstance
- Car dependant, isolated development, 2.3km from Newton and 3.5km from Yealmpton. Manual for Streets states 800m is a comfortable walking distance; roads are dangerous for walking or cycling
- Site is not adjacent to an existing village or town. There is therefore no natural expansion
- Increase of Newton Ferrers by around 12% is too much
- Too far away from major employment sites in Plymouth
- Proposed footpath is similar in distance as Brixton to Yealmpton path and this is not used. Footpath crosses B3186 twice
- A new, self-contained, hamlet should not be created without wider public consultation
- The location contradicts the JLP Policy S010: Contributing to carbon reduction measures by reducing the need to travel
- There is minimal employment in the Parish and the surrounding area. Residents will be commuting to work as public transport is inadequate and safe cycle routes are non-existent
- Disagree with applicant's statement regarding walking distances, and these demonstrate it is an isolated location
- No guarantees anybody would want to run a convenience store or café on the site

### Impact to wildlife

- Out-dated Biodiversity Net Gain Calculation
- Reports claim that apart from Bats and Owls the site was sterile. This isn't accurate, there are; Hares, Rabbits, and Birds also field mice in the hedgerow by the footpath and in summer butterflies and winged insects, and sometimes foxes.
- The site has been disused for so long that it has rewilded and become a wildlife haven. The proposed landscaping will contribute to the urbanisation of the area and is completely unnecessary; we should be preserving our wild, nature rich meadows and fields.

- Loss of hedgerows and habitats
- Disturbance impact on slowworms by domestic pet cats
- Impact on designated Bass Nursery through deterioration in water quality
- Biodiversity within the SSSI, SAC and the locally diverse wildlife further demands on the system cannot be sustained
- Increase in vehicle/foot traffic will have a significant impact on ecology
- Contractors vehicles risk damaging fragile flora and fauna on established and locally maintained verges and hedges
- Failure to enhance the natural environment as required by the NPPF
- The usage profile of the lake will have a detrimental effect on water quality and fencing will need to be erected on Health & Safety grounds, because of number of children in the vicinity
- The influx of visitors to the River Yealm negatively affecting the marine ecology and sustainability of the main attraction in the parish inclusive of the fact that Noss Mayo is a conservation area

Application should have an Environmental Statement

- The EIA screening process as identified in Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Site is 15 hectares yet criteria for EIA is anything over 5 hectares
- Creacombe Solar Farm granted permission 2.3 km east, solar farm is not visible unlike the proposal yet had to carry out an Environmental Statement
- The size of the development will impact the environment significantly (and the AONB)

Changes since previous 2006 application:

- AONBs in NPPF 2021 have stronger protection since the last approval in 2006
- The 5 Year housing supply was one of the exceptional circumstances for developing in the AONB accepted by the council at the time of the 2006 application
- The council have declared a climate change and biodiversity emergency – different to 2006
- Affordable housing is being addressed at other sites
- No fall-back permission for development for major incursion and incongruous development on a high point in the South Devon AONB

Poorly designed scheme/performance

- Density is too high. It is not comparative to the surrounding homes and area
- The approved 70 dwellings should be the maximum allowed. 125 is overdevelopment
- Should incorporate green roofs for biodiversity and use pad footings and timber frame construction rather than concrete
- The development would use vast amounts of concrete and create impermeable surfaces.

- Green technologies should be incorporated into all the new houses
- The development should be of German Passiv-Haus levels and incorporate solar upfront
- The development should include heat pumps and electric car charging points
- Contrary to NPPF Section 14 Paragraph 154, with no planning of green infrastructure and no aim to reduce greenhouse gas emissions. All the houses should have porches to minimise heat loss and with enhanced insulation

#### Other

- Loss of open space between Yealmpton, Collaton and Newton Ferrers. Newton Ferrers Yealmpton & Brixton will become a suburb to Plymouth
- It is questionable whether the Parish Council supports the scheme due to absent member
- Price of open market housing in AONB will carry a premium most locals can't afford so won't help local people
- The failure of the Council to submit a major development proposal in the AONB to the Planning Inspectorate for inclusion in the JLP is concerning. It would seem appropriate for SHDC Legal to take a view on this
- Neighbouring Parishes have not been consulted. E.g. Yealmpton for which the development will have the greatest impact
- Neighbourhood plan is out of date and carries no weight
- Will increase flood risk to off-site houses
- Unreliability of statistics used to support the application
- Will the development create a precedent for further applications on the grounds that the greater breach of AONB justifies a much smaller one?
- Concern about the use of the title Collaton Park, which is the name of the existing estate
- Noted a considerable increase in petty crime and anti-social behaviour in Yealmpton following the building of the Kitley Park estate here
- Applicants appeal references are not comparable to Collaton and do not support it
- The Council is reminded of refusals and appeal decisions in its own area where Inspectors agreed there were no exceptional circumstances; one of those directed the Council to look outside the AONB for housing

[Officer note: these points are addressed throughout the report, and by conditions and/or S106 planning obligation]

#### **Undecided letters, approximately 15**

##### Infrastructure/Community

- Attention was drawn to the Medical Centre's Facebook post noting whilst they would of course accept all new patients, the practice is already working at full capacity
- The increase to 125 houses is too many and that the local infrastructure cannot cope
- Should be a requirement that the developers install all the necessary infrastructure at the beginning of the development and don't leave it for later phases



### Housing

- A higher proportion should be available, at low cost, to those who live and work in the close surrounding area. This would be a fantastic opportunity to provide for local people
- Sensitively developed it could become a model sustainable community
- Welcome that they are to be primary residences only
- Like the mixed smaller housing proposed and think the commercial units would be beneficial
- Reduction in second homes and have local workers in local homes

### Location

- Whilst I am in favour of development at this site. I do not believe that this is the right location for meeting the needs of local housing for the village of Newton Ferrers and Noss Mayo
- Whilst the location of the site is within the parish, it is not within the boundary of the village
- Local housing and any other development here, is not an extension to the village but more of a separate development annexed away from the village
- This development is in danger of being isolated between two villages

### Landscape

- Impact of the development on the local environment

### Transport

- The T junction into and out of the development would be safer if a roundabout was installed
- More thought needs to go into connecting this location to other villages (bus routes / frequency, bike tracks, footpaths etc) such as Yealmpton
- How will the road down Puslinch and Yealmpton cope with the extra traffic?
- The traffic survey was done in January/February during lockdown, the results of which were therefore meaningless
- These roads are already not fit for purpose
- Pressure should be put on the highways authority to remove the 'pinch-points' to ease traffic flow
- Want to be assured that the current footpath running along the B3186 remains open throughout the development
- Upgrading of the current footpath into Newton is welcomed
- Serious safety issues affecting the road between Collaton and Yealmpton
- There is also hopelessly inadequate parking in Noss Mayo. This development will lead to yet more traffic/visitors
- The existing bus service of three buses a day is insufficient, so it is inevitable that most people will drive either to Yealmpton or Newton Ferrers
- Remain totally unconvinced that the current road situation is adequate

### Sustainability/Environment

- These buildings should all have solar roofs, but are they facing the right way?
- This is a prime site where local geothermal heating could have been a possibility, together with building orientation to the south to achieve the most solar gain and power for pvp
- Roof overhangs designed to shade south facing windows in summer
- They need a heating system using ground source heat pumps. Here is an ideal opportunity for a community heating system.
- There is a spring water supply to the landscaping ponds which would provide an opportunity to install a District Heating system from a Water Source Heat pump
- More serious attempt required to reduce water run-off from buildings and surfaces
- Do not seem to have addressed the serious issues of making the whole development carbon neutral, both during construction and whilst in use

- Why use high-carbon traditional masonry instead of lower impact off-site fabricated panels
- To be independent of the grid for power would be an exciting ambition
- Energy saving measures are proposed but these are inadequate
- More proactive in reducing the impact of such large developments on the environment
- Why does its sewage have to be discharged at Bridgend? Surely a local sewage treatment works would be possible
- Can South West Water cope with the extra demand at the treatment works?
- Concerns about the proposed lighting schemes, light pollution should be avoided but low level lighting on timers or motion sensors should light any new footpath
- Use of a brown field site
- Mains water pressure to this part of the parish is inadequate at present

## **Relevant Planning History**

37/2548/14/O Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land - Conditional approval 9.09.2016

2496/18/ARM; Application of reserved matters (layout, phase 1A) following outline approval 37/2548/14/O - Conditional approval 10.3.2020

2018/18/ARC Application for approval of details reserved by condition 2 of planning consent 37/2548/14/O - Approved 20.08.2018

1435/20/NMM Non-material amendment following 37/2548/14/O – Withdrawn

## **ANALYSIS**

### **Principle of Development:**

Section 38 of the Planning and Compulsory Purchase Act 2004 sets out that the framework for decision making is the adopted local plan; for clarity the adopted development plan policies applicable to this application are those contained within the Plymouth and South West Devon Joint Local Plan (JLP: adopted March 2019) and the Newton and Noss Neighbourhood Plan (NNNP: adopted July 2018).

Paragraphs 2, 10 and 11 of the National Planning Policy Framework (NPPF) establish that planning applications will be determined in accordance with the Development Plan, unless material considerations indicate otherwise; and that where a proposal is considered to be sustainable development, permission should not be withheld.

Paragraph 12 states:

*“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

However, it must be remembered that the application site lies in the South Devon AONB and in decision making terms, paragraph 8 of the NPPF is clear that the presumption in favour of sustainable development does not apply in these protected landscapes.

Spatial Policies in the JLP provide a policy steer for decision making in line with the strategic objectives, to ultimately deliver sustainable development in appropriate locations.

The proposal site is not within a named sustainable settlement in the JLP. Policy TTV1 sets out the development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the following settlement hierarchy will be used to inform whether a development proposal can be considered sustainable or not:

1. The Main Towns
2. Smaller Towns and Key Villages
3. Sustainable Villages
4. Smaller villages, Hamlets and the Countryside.

The site is in tier 4, for which policy TTV1 identifies the combined requirements of policies SPT1, SPT2, TTV26 and TTV27 as an initial test.

The SPT policies provide the strategic framework within which all other policies of the plan fit, and they are prefaced by Strategic Objective SO1 – Delivering the Spatial Strategy. SO1 clearly articulates how the plan aims to manage change in the different spatial parts of the plan area. Of particular relevance is how SO1 envisages the JLP policies will manage change in countryside locations and designated landscapes:

*“6. Minimises 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.”*

Policy SPT1 then goes on to provide more detail around how the social, environmental and economic benefits of a proposal need to combine to deliver sustainable development:

*“The LPAs will support growth and change that delivers a more sustainable future for Plymouth and South West Devon. Development and change will be planned for and managed in accordance with the following principles of sustainable development:*

*1. A sustainable economy where:*

- i. Opportunities for business growth are both encouraged and supported.*
- ii. Environmentally conscious business development takes place.*
- iii. Strategically important economic assets are protected for the purpose of economic activity.*
- iv. A low carbon economy is promoted.*

*2. A sustainable society where:*

- i. Neighbourhoods and communities have a mix of local services and community assets, and accessible greenspace that meet the needs of local people.*
- ii. Sustainable and health promoting transport options are available to access local education, services and jobs.*
- iii. Important cultural and heritage assets are protected for the benefit of current and future generations.*

- iv. Resilient communities and developments are delivered, which are able to accommodate the impacts of climate change and do not cause detrimental impacts to other communities and developments, for example through increasing flood risk.*
- v. Demand for energy is reduced and opportunities for the use of renewable energy increased.*
- vi. Equality of opportunities, freedom from discrimination and fair access to facilities and services are provided for all.*

*3. A sustainable environment where:*

- i. The effective use of land is made for development through optimising reuse of previously developed sites, therefore reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes.*
- ii. Overall gains in biodiversity are achieved by protecting and enhancing species, habitats and geological sites.*
- iii. Pollution and adverse environmental impacts of development are minimised and effectively mitigated where unavoidable.*
- iv. The best and most versatile agricultural land is protected for agricultural use.*
- v. Local distinctiveness and sense of place is respected, maintained and strengthened through high standards of design.”*

Taking the above provisions that need to be satisfied, the proposal in question would meet the majority of the expectations of the policy, namely it provides business opportunities, is environmentally conscious (discussed later in this report), provides some services and significant accessible greenspace, promotes cycling and walking, includes renewable energy, uses previously developed land, provides biodiversity net gain, remediates a contaminated site, avoids the best agricultural land and promotes high design standards. This clearly weighs in favour of the proposal, although some of the policy expectations are met more readily due to the size and scale of the proposal, such as proximity to accessible greenspace, biodiversity improvements and the avoidance of building upon best and most versatile agricultural land, however, many are met because the applicant has chosen to meet them, and in some cases, exceed them.

The supporting text to SPT1 acknowledges the 3 dimensions to sustainable development:

*“An economic role – contributing to building a strong, responsive and competitive economy;  
A social role – supporting strong, vibrant and healthy communities; and  
An environmental role – contributing to protecting and enhancing our natural, built and historic environment, including moving to a low carbon economy.”*

One does not carry more weight than another and gains across each “...should be sought jointly and simultaneously” (NPPF paragraph 8)

Policy SPT2 must be read alongside SPT1 because it introduces a set of spatial considerations that need to be satisfied in addition to the high level aspirations of SPT1:

*“The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:*

- 1. 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.*

2. *Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
3. *Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better understand the area.*
4. *Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
5. *Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.*
6. *Are well served by public transport, walking and cycling opportunities.*
7. *Have a safe, accessible, healthy and wildlife-rich local environment, with well designed public and natural spaces that are family friendly and welcoming to all.*
8. *Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
9. *Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
10. *Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.*
11. *Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*
12. *Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.”*

When assessing against SPT2, it is evident there is some conflict, particularly in relation to point 1, however, there are a number of services, shops and facilities in the villages, more so than many villages in the area. It is acknowledged that the proposal does offer a broad range of housing products across different tenure types, and in this regard it can be considered to accord with the broader aims of this particular policy intention. It will promote a well-balanced demographic profile, is well designed and welcoming to all, as well as providing some level of services and facilities; this cannot be said about the previous approval.

SPT2 is supported by connectivity thresholds (Figure 3.2 below) to explain what is considered acceptable in regard to walking distances to facilities. Whilst the table should not be used prescriptively, and there is no expectation that all of the identified services and facilities will be accessible in rural areas, it is notable that the site falls beyond many walking distances. However, the site itself will provide many of the facilities referred to in the table (convenience store, accessible natural space/greenspace, play space and allotments).

**Figure 3.2. Measures of sustainable neighbourhoods and communities**

Measure	Plymouth Policy Area	Thriving Towns & Villages Policy Area - Main Towns, Towns & Key Villages	Reason for difference in standard across Plan Area
Walking distance to nearest bus stop	400m	600m	Different levels of opportunity for public transport in urban / rural contexts
Walking distance to nearest local convenience store	800m	800m	
Walking distance to nearest primary school	800m	800m	
Walking distance to nearest local accessible natural space	400m	300m	Informed by separate open space studies
Walking distance to nearest local playable space / LEAP	400m	400m	
Walking distance to nearest neighbourhood/strategic playable space	1,000m	1,000m	
Allotments / community food growing space	0.15ha per 1,000 people	0.15ha per 1,000 people	
Urban local nature reserves	1ha per 1,000 people	n/a	Urban local nature reserves have specific role in city environment
Accessible natural greenspace	5.09ha per 1,000 people	1.91ha per 1,000 people	City standard reflects urban context and need for major greenspaces to achieve liveable city
Playing pitch standard	0.79ha per 1,000 people	1.27ha per 1,000 people	City standard reflects the greater ability to achieve more intensive use of playing pitches given population densities
Access of broadband	min 25Mbps to all premises	min 25Mbps to all premises	

This has been recognised by the application and through extensive discussions with DCC Highways Officers and the Parish Council, it has sought to address the issue of connectivity as much as possible by improving bus services locally, as well as improving walking and cycling infrastructure on site (with the parkland) and from the proposal site into Newton Ferrers, linking up to existing pavements and through the mixed use nature of the development giving additional employment opportunities on site. A high proportion of dwellings also have studies to enable home working, in light of new working patterns following the pandemic, and the expectation of many people that they will not be returning to “normal” office life.

Officers welcome these contributions, and they are above what most developments of this scale would offer, but the degree to which these will reduce reliance on the private car is

uncertain, not least given the distances involved, but also the gradient coming back out of the village (although the majority of the “walk” is relatively level). Of note, is the lack of objection from DCC Highways and support for the measures proposed.

The commercial element of the proposal is supported by JLP Policies DEV14 and DEV15, and the NPPF. Paragraph 84 promotes growth and business expansion in rural areas as well as new accessible services and facilities, including local shops, meeting places and open space. The mixed-use nature of the proposal is likely to reduce some trips out of the development and the provision of a café and community shop will benefit the future occupants of the development, as well as existing residents adjacent to the site, but it is only likely to reduce a limited number of journeys when considered against the wider pattern of movements typical of modern lifestyles.

Whilst the creation of additional commercial floorspace will enable small businesses to operate in the Parish, where employment opportunities are somewhat limited, conversely, it could potentially increase journeys from staff and customers/clients into the site, creating a new pattern of movements to what is currently an undeveloped site. However, that can be balanced against the lack of available opportunities for this level of business growth in the villages themselves and in reality, Officers do not consider a business located in one of the urban areas is likely to relocate this location.

The Council's JLP Team have drawn attention to a study by the Royal Town Planning Institute,

*“The RTPI produced a [net zero transport research paper](#) in January 2021 that provided a framework for reaching net zero in transport within the legally binding UK framework as contained in the 2008 Climate Change Act. The RTPI use a Sustainability and Accessibility Matrix (SAM) for showing how best to reduce transport related emissions through good place making principles. The most effective intervention is to avoid...the trip in the first place, which is a core principle of the adopted spatial strategy within policy TTV1. By locating the proposal site in a location that is going to create a large number of new movements from a rural location, these sound place making principles cannot be met, as rather than reducing the need to travel, the proposal is creating the need to travel...*

*The second most important element of the SAM framework is to achieve modal shift, and in this regard it is acknowledged that the applicant has sought to improve modal options with an aim of encouraging use of sustainable and active travel, which is to be applauded. However, there is only so much that can be achieved in this location, and again it is a point of difference between an inherently less sustainable site, and a location that is more aligned with the adopted spatial strategy. The limited bus services that move between Yealmpton and Newton Ferrers means there is limited appeal of using the bus, as there is a limited number of destinations that can be reached directly from the proposal site. Similarly, whilst the improved walking and cycling infrastructure into Newton Ferrers will benefit people undertaking a journey with a specific purpose and destination (and as such complies with the aspirations of Neighbourhood Plan policy N3P-5.b), it is far short of linking into an established walking and cycling network that could be achieved in a more sustainable location within or adjoining one of the more sustainable settlements identified within the JLP.”*

As such, the development can be considered to both comply and conflict with policies SPT1 and SPT2. However, when considering how the proposal site relates to the settlement hierarchy and network of rural communities it is difficult to conclude the site, on balance, offers reasonable access to a vibrant mixed-use centre by means other than by the private car.

However, this is not unexpected considering how the site is characterised within TTV1 as a tier 4 location. This is recognised in the NPPF at paragraph 105 below (key line emphasised):

*“The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, **opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.**”*

Policy TTV1 also requires consideration against TTV26 – Development in the Countryside. This is prefaced by Strategic Objective SO10, which seeks;

*“To protect, conserve and enhance the natural beauty of South West Devon's countryside, and to avoid the creation of new homes development in unsustainable or inappropriate locations.*

- 1. Delivering new homes only in areas where there is an identified local need.*
- 2. Protecting and managing the landscape.*
- 3. Contributing to carbon reduction measures by reducing the need to travel.”*

The JLP team note that the *“...question of need, from an adopted development plan point of view, is not relevant to this application, because there is no identified ‘need’ figure in the JLP at parish level. The applicant makes a compelling case that the local housing market of Newton and Noss is so unaffordable that any attempt to deliver more affordable housing should be supported, but without a plan-led need figure, there is no robust baseline to suggest that the proposal meets the basic aims of SO10.*

*There is no requirement on the LPA to identify a sub-set of the JLP objectively assessed housing need figure that would apply at a parish level, and as such there is no ‘need’ figure for market housing to be met. Similarly, the neighbourhood plan used Housing Needs Survey data from 2016 to inform the drafting of their plan. As HNS have a 5-year shelf life there is no up-to-date affordable housing need figure to be considered either.”*

Officers accept the above, but based on the evidence put forward by the applicant, the community consultation events, the representations from 100s of residents across a wide demographic, the strong support from the CLT, and the clear view of the Parish Council, who will be best placed to experience “local need” coupled with other factors discussed later in more detail, most importantly the Housing Crisis declaration, and including the support of the Council’s Affordable Housing Officers, the ageing population, high number of second/holiday homes and significantly higher than average house prices, to discount the application on there being no defined need figure, is somewhat discrediting the aims of the application, and the ethos behind the Different Approach model. It is correct that no “formal” Housing Needs Survey has been carried out, but the significant steps taken by the applicant are considered likely to have achieved a similar result.

Other policies that consider the location of development are found within the adopted NNNP, specifically N3P-1 – Settlement Boundaries. This suggests that new development should be directed to within the settlement boundary, unless specific policy requirements are met, including compliance with strategic policies within the JLP, and the avoidance of specified harm; the boundary is very tightly drawn around the built area of Newton Ferrers and Noss Mayo, to such a degree that very little land is available for housing development.



JLP Officers point out that at the time of its drafting, the NNNPP assumed that the previous consent on the site for 70 dwellings would meet locally identified housing needs for the remainder of the plan period and because at that time, it benefitted from an extant planning consent, it was not put forward for allocation. However, also since that time, the Parish Council have carried out a survey of second homes which revealed over 200 are not occupied full time, and they also offer their full support to the application, recognising the housing situation in the village has changed since the NNNP adoption.

Whilst Policy TTV26 concerns development in the countryside, the majority of its text is not directly applicable to this proposal, despite it clearly being located in a countryside location. Part one only applies to sites considered to be isolated in planning terms, and whilst the proposal site is not considered to accord with the basic requirements of SPT2.1, it is not so remote from nearby settlements as to be considered isolated.

JLP Officers note that part two of TTV26 is more naturally applied to proposals of a smaller scale, and there is limited opportunity for this proposal to meet certain parts of TTV26 because it is not the intention of this policy to be used to determine proposals of such a size and scale. However, the applicant has countered this by pointing out that the text of TTV26 does not set a size limit for its application.

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

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

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

*2. Development proposals should, where appropriate:*

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

Where TTV26 is of relevance to the development, it can be seen to comply; 2.i it protects and enhances a right of way; 2.iii it prejudices no agricultural operations; 2.v it avoids the Best and Most Versatile Agricultural land and to a degree, through the comprehensive decontamination of the site and extensive landscaping, it meets 2.vi.

Policy TTV1 requires that applications in tier 4 locations be considered against the provisions of TTV27 - Meeting local housing needs in rural areas:

*“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:*

- 1. It meets a proven need for affordable housing for local people.*
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40 per cent of the homes or 40 per cent of the land take excluding infrastructure and services.*
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.*
- 4. The proposal meets the requirement of all other relevant policies of the Plan.”*

The proposal falls short of the policy expectation of no more than 40% of housing being open market, but can be seen to comply with less than “40% of the land take...”. The applicant has placed emphasis on the percentage of affordable housing being delivered, stating it to be more than the 30% required by Policy DEV8. At around 46% it was purported to be close enough to the 2016 consent, which secured 50% (albeit of a different overall mix and offer) that it was not ‘worse’ than what had previously been permitted. The proposal was not put forward as an exception site in light of earlier pre-application advice in 2020 that unequivocally supported 140 dwellings on the site under the Different Approach model and before it was evident the previous consent could not be implemented.

Housing officers and Members held early discussions with the applicant around ADA before there was a scheme specific approach as a site had not been identified at that time. The ADA model has subsequently been developed to allow others to follow this type of delivery, and it will be of particular importance to Neighbourhood Planning Groups who aspire to provide many different types and tenures of properties to meet the needs of their community. This is not possible with mainstream housebuilders.

Whilst the JLP does not define settlement boundaries, the NNNP does and the site falls outside those boundaries, resulting in conflict with policy N3P-1 which states that:

*“a) Development will be permitted within the settlement boundaries shown on the Proposals Map.*

*b) Outside the settlement boundaries development will only be permitted in exceptional circumstances and where it will meet an essential local need which cannot otherwise be met including securing a viable long term future for a valued local asset which would otherwise be lost and it complies with the relevant strategic policies of the JLP.*

*c) The scale, density and character of any development permitted under paragraphs a) and b) shall be in keeping with its site and surroundings and cause no significant adverse harm on natural or historic assets, important views and skylines, amenity, traffic parking or safety.”*

Although the plan does not define what is considered as being an ‘essential’ local need, the clear intention of the policy is to restrict development outside of the boundaries defined within the plan. However, the Parish Council support the application.

In conclusion, at the highest level of policy consideration, the proposal meets a number of the non-spatial aspirations of SPT1, but fails to meet the spatial expectations of policy SPT2. Large

parts of TTV26 are not engaged and others are complied with, but there is limited conformity with SO10 that prefaces TTV26. There is also some tension with TTV27. As a result, on balance, the proposal cannot be considered to be compliant with policy TTV1, and that carries weight against permitting the development.

With regard to the commercial/employment elements, Policy DEV15 - Supporting the rural economy, gives support to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:

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

*Development proposals should:*

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

Again, the development can be seen to conform to some aspects and conflict with others.

Affordable Housing/Housing Need:

The Council’s Affordable Housing Officers (AHOs) fully support the application, noting:

*“There is a target to increase the delivery of affordable homes in our adopted Housing Strategy 2021 – 2026. South Hams District Council declared a Housing Crisis in September 2021 due to the difficulties local people are experiencing seeking affordable accommodation. A number of factors have led to this situation the housing crisis declaration can be found here: <http://mg.swdevon.gov.uk/mgAi.aspx?ID=15655>”*

The AHOs note the application is compliant with the SPD, which seeks a tenure split of 65% social rent and 35% intermediate housing, and that all of the open market dwellings will be subject to a principal residence restriction, to ensure they are not sold as second homes.

In relation to the size of the units (10 x 1 bed, 22 x 2 bed and 25 x 3 bed) they are confident the application meets the demand on the housing needs register and the housing needs surveys that were conducted and is much more appropriate than the previous approval. Community consultation also reflects the mix of tenure and type.

The affordable housing is well integrated throughout the site and indistinguishable from the open market homes, as is required in JLP Policy DEV10.3 and reiterated in the SPD“...affordable housing, including affordable private rent, should be indistinguishable from other homes on the site and reflect the type of housing on the development as a whole.”

Guidance also requires affordable housing to not be different to the market housing in terms of build quality, materials and so on, and notes the importance for energy efficiency “...as reducing energy costs for occupants is particularly significant for those living in affordable housing and those more vulnerable to fuel poverty in addition to combating climate change.”

In this case, the application goes far above this in that all whilst they do not look different and have ASHPs which feature on all dwellings, all of the affordable units will be fitted with PV panels and be constructed using highly thermally efficient MMCs in order to ensure energy costs are as low as possible for occupants. With battery storage provision, it is expected these dwellings can be “off grid” for a significant period of the year.

The AHOs note the offer of 46% affordable housing equating to 57 affordable units in total as compliant with Policy DEV8, however, as discussed above, the location of the site means it is not assessed as a standard “30%” site.

In terms of meeting housing need, the 57 affordable units within this application will go towards meeting the need which has been identified via Devon Home Choice, the Council’s housing register and the parish housing needs survey 2016. The AHOs have been part of the wider consultation process that has taken place in the community over the last 18 months and note this process identified further needs through a number of households who came forward needing intermediate home ownership products as a result of the high average house prices in the parish. Flexibility can be written into the s106 to deliver the tenures required, but the number of affordable dwellings and the discount on market value will be fixed.

The development carries substantial benefits, and that would have been the case even before the Council declared its Housing Crisis in September 2021. In light of that declaration, those benefits must be given significant weight. The AHOs put forward that this application must also take the adopted Housing Strategy 2021-2026 into consideration, and made an assessment against the relevant motion points and how it addresses the Housing Crisis:

***“The District Council will lobby government, through MPs and the Local Government Association, to allow a Council Tax charge on housing plots with planning permission if they have not been built after a specified period. This would encourage developers to get on and build their sites without delay.*”**

*The applicants have stated a commitment to start on site as soon as possible should detailed planning consent be granted. Therefore the building out of the site would not be delayed. This will be built by developers with a track record of completing both open market and affordable housing. Furthermore, it is understood that the proposed Socially Rented properties will be handed over to a CLT. These will be managed by a Registered Provider who has agreed to the specific Local Lettings Plan to accord with the Neighbourhood Plan. This will be handed over in the earliest phase of the build and secured as ‘CLT land’ in the section 106. These properties will be Socially Rented in perpetuity as they will belong to the Community Land Trust and allocated in accordance with the allocations policy. The Allocations Policy has been agreed with the Council and Housing Provider.*

***They will also lobby Government to review all holiday accommodation. This would ensure that it is properly regulated, complying with local planning policies and taxes. This could include an extension of the 90-day short let legislation, a proper planning class for short lets and proper licencing for them. This would prevent people finding loopholes in the taxation system and prevent too many local homes being converted to holiday accommodation***

*A recent Newton and Noss Parish Council Survey (2022) identified 250 homes which are used as private holiday/second homes representing 25% of the total housing stock in the Parish. This has exacerbated a limited supply of housing and put further pressure on affordability.*

*It should be noted that this application will provide homes with a principal residence requirement. Therefore these homes will not be allowed for second homes or holiday accommodation. This is a significant change from the original application 37/2548/14/O. This principal residence requirement will be secured by S106 agreement and by restriction on the individual property title.*

***The Council should also immediately review all holiday letting in the District to ensure that the owners are paying the correct amount for the removal of waste and recycling. Businesses should not be on the normal domestic recycling and waste collection.***

*See point above. The properties will not be allowed for any holiday homes due to the principal residence requirement. Therefore there should be no impact on waste and recycling issues from this application as all houses will be on normal domestic waste collections.*

***South Hams District Council will also ask the Joint Local Plan project team to review the amounts of affordable housing in the Joint Local Plan and see if this can be increased, so that the percentage of "First Homes" on a development is in addition to the existing requirement for 30% affordable housing.***

*This application proposes above the requirement of DEV 8 in the Joint Local Plan. This application is exceeding the 30% requirement and making a significant contribution to affordable housing in the area. The Housing Needs survey stated that 25 affordable homes were required over the next 5 years. Since that time the CLT and applicants have undertaken further community consultation in the local area to establish the immediate need and have submitted an Assessment of Local Housing Need report (August 2021). Consultation events and the applicant's assessment of need have identified significant additional housing needs from people within the community who have engaged with this process. The CLT work identifies that these would be households that may have to or already have left the area due to a significant lack of affordable and private rented housing that is available. There are currently no properties available to rent on Right Move as at 8th March 2022.*

*In terms of home ownership products, there are 7 properties (\*\* at the time of responding to the application consultation\*\*) currently being marketed on Right Move. Three of these properties are priced between £1.1M and £1.5M at The Yealm. There are 2 family sized properties that are being marketed at £795k and £799k respectively. A further 2 bed barn conversion is being marketed at £360k. None of these properties will be affordable for a first time, or second time buyer on a local income in the area. Estimated calculations show that on an £800,000.00 property, using a 10% deposit you would need a mortgage of £720,000. If you were to borrow this over 25 years on an interest only mortgage you would need to repay a monthly cost of £1794.10 and have money to repay the balance after 25 years. On a repayment mortgage you would be paying £3441.83 per month.*

*On the £360,000 property an interest only mortgage would cost £807.30 per month, which may be manageable for 25 years. However, the same mortgage on a repayment term would be £1548.82. That is without additional usual household bills.*

*The figures above are clearly unsustainable for a household who has a monthly income of less than £2000. This is based on the mean household earnings for Kingsbridge £35k.*

*It is clearly identified that other intermediate home ownership products are needed in the local area.*

*The District Council works closely with Registered Providers on many housing projects across the District; they will continue to work in partnership with them to ensure the best use of properties, such as to encourage tenants to downsize where possible and make larger properties available for larger households. As a direct response to the Housing Crisis, the Council has recently raised the incentive for tenants to downsize from their rented housing association property that is larger than their needs. There may be opportunities working with our partner Registered Providers to encourage existing tenants in the area to downsize in to these properties. The housing team would commit to working with any local people wishing to downsize from their current affordable or social rented property to right size in to more appropriate accommodation, thus freeing up the larger stock for families.*

*It may also be an opportunity for some of the families in the current stock to utilise the Step On scheme which will be launched on the 1<sup>st</sup> April. This may enable families to access a property through home ownership by utilizing the new grant of £5000, again freeing up current rented stock for those in need.*

***DEV9.2 states that the LPAs will support self and custom build housing developments provided that they meet the requirements of other policies.***

*The application provides for 9 serviced self and custom build plots to be sold at a discount to market value. The eligibility criteria will be agreed with the Local Authority and secured in the S106 agreement.*

***The Council would encourage the development of an exemplar site of low carbon modular housing, to show that developments can be both stylish and great to live in.***

*The 18 CLT units are proposed to be low carbon modular build properties as well the affordable rented units and older person over 55 shared ownership/shared equity units (48 units in total). There is no gas proposed on the application and instead air source heat pumps complimented by solar photovoltaic panels will be used. This will ensure that those on lower incomes or those residents having to pay for additional care services will have more energy efficient homes with lower energy costs.*

### ***In Summary***

*This application addresses several of the motions detailed within the declared Housing Crisis. In addition to this there are other benefits:*

*These properties, should they be granted consent, will assist local people in gaining access to housing that is affordable to them. This will also assist people in right sizing accommodation which they will own to live in on a permanent basis with or without a mortgage. As mentioned above, there are very few properties that come to the market to meet those households that do not meet affordable housing requirements.*

*The consultation events that have taken place have shown an overwhelming response from young people who seek to remain in the village where they play an important contribution to the economy through various forms of employment or through, owning their own businesses*

*and providing services locally. People are facing difficulties finding properties that are affordable to them in the village that they have grown up in, have their employment on the doorstep and importantly have the family support close by to assist with support such as child care or caring for relatives. These young families do not want to be displaced from the village and ultimately are likely to have to commute in to Newton and Noss as they are forced to move to other locations where property is more affordable for them. The impact that this will have on those families is additional fuel costs, additional childcare costs and potentially changing their employment.”*

The applicant has put forward in a detailed Assessment of Local Housing Needs document that *“Newton Ferrers and Noss Mayo is characterised by large, and very expensive houses. It has the second highest lower quartile house prices in of all Lower Super Output Areas (LSOAs) in South Hams (after Salcombe) and is within the 10% most expensive LSOAs nationally. The local area, which includes Newton Ferrers and Noss Mayo, as well as Yealmpton, Mothecombe and Holbeton (see Figure 3.2) is also very expensive, with lower quartile house prices almost 40% higher than the average for South Hams. The locally imbalanced housing market has resulted in the inability of local people to afford properties and points towards a pressing need for additional housing”*.

Officers have, in the same way the AHOs have, looked at the current local housing market. In the immediate area around Newton Ferrers, only 3 properties are available for rent (4 bed terrace at Sherford £1650/month, a 3 bed at Collaton Park for £850/month and a 3 bed at Yealmpton £950/month). In terms of property for sale, there is a total of 11 properties in the same area. In terms of “family sized” accommodation, there is a 3 bed end of terrace barn conversion at £350,000 (plus £3,700 annual maintenance charge), 2 x 4 bed dwellings at £795,000, several properties are advertised over £1million. There are 2 smaller flats, both restricted to over 55s; 2 bed at £249,950 and a 1 bed at £149,950. Rightmove also details “sold” prices and again, there is very little in terms of “family” accommodation; 2 and 3 beds have sold for £380,000 up to £885,000 (the average seems to be around £540,000.) Flat sold prices range from £248,000 for 1 bed to £435,000 2 bed). 3 flats have sold for under £150,000 but there are no details in terms of bedrooms or tenure.

The CLT, as joint applicants, are collating housing needs information which will be reported verbally to Members in the Committee meeting, but have provided so far:

*“Since submitting the Application for this site, a number of things have changed, further highlighting the exceptional circumstances our communities are facing:*

- In September 2021, South Hams District Council declared a Housing Crisis. Despite being able to demonstrate a five-year housing land supply and not being subject to any sanctions under the Housing Delivery Test, it was recognised that there are insufficient homes for local people and those that want to work in the District*
- The last 12 months has seen house prices and the growth in the number of holiday lets, rocket and the effects on the households who need to rent in our community have been brutal.*
- When this application was submitted, we had 23 households (14 in Bands A-D, 9 in Band E) with a local connection registered with Devon Home Choice, that figure now stands at 43 (21 in Bands A-D, 22 in Band E)*

Households registered with Devon Home Choice March 2022 Newton & Noss		1 bed	2 bed	3 bed	Total
<i>This includes 29 households currently in residence,</i>	B	1	1		2
<i>9 who have Local Connection through family and</i>	C			3	3
<i>4 who have a Local Connection through employment</i>	D	14	1	1	16
	E	16	5	1	22
<b>Totals</b>		<b>27</b>	<b>7</b>	<b>5</b>	<b>43</b>

*This is further borne out by the Parish Second and Holiday Home surveys, updated in Nov 2021 where 46% of houses in Noss Mayo are now a second home or for holiday letting and this has already eaten the heart out of the community. In the Parish as a whole the figure is around 25% indicating that the local community is under a severe and growing threat. That equates to over 250 dwellings that, other than employing cleaners and gardeners, contribute little or nothing to the community or local economy.*

*The long-term effects of the loss of permanent residents on our villages are immense, changing the demographics and destroying our communities; this is the real cost of not building appropriate homes. The average age in Noss Mayo, with 131 'empty' homes, is now over 50yrs and we have so few families that there are no children from Noss Mayo in Newton Ferrers Pre-school and just 14 in the Primary School."*

#### Housing Mix:

As set out above, it can be considered the proposal addresses the specific local affordable need. It has been suggested in representations that Sherford, which is 5 miles away, will more than meet the need. It could be argued that is the case however, as has been put forward by the applicant and evidenced to a degree through consultation events and the recent Parish Housing survey, there is a significant number of empty/second homes in the Parish, well over 200; 18.4% of all properties were second or holiday homes with 36% in Noss Mayo. Furthermore, whilst Sherford does contain affordable housing, it was approved pre JLP and the current housing evidence, the first half of the wider site is delivering 20% of the total offer as affordable (subject to viability clawback) and it is the "standard" offer of a 20% discount on open market in line with Government affordable definitions. It will also not achieve what this application seeks, and that is to directly address the housing needs of the Parish.

All of the open market homes will, in accordance with the adopted Neighbourhood Plan, carry a principal residency restriction and this will, to some degree, be reflected in the sale price of the homes, but it is not yet known what level of discount will result. What does influence the price of a new home is the size of the dwelling itself. As described, the application comprises of a broad range of housing products, types and tenures that is broadly consistent with policy DEV8 in terms of the variety that is being sought onsite with bed numbers as follows:

10 x 1 bed (All AH) 8% of total  
53 x 2 bed (31 OM: 22 AH) 42.4% of total; 45.6% of OM  
39 x 3 bed (14 OM: 25 AH) 31.2% of total; 20.6 of OM  
23 x 4 bed (All OM) 18.4% of total; 33.8% of OM



As stated in the JLP Team's consultation response *"The unaffordable nature of the local housing market is a deficiency of the housing market in general, and not something that can or should be solved by the planning system, and certainly not by approving planning applications that are anything other than fully accordant with the adopted development plan. The LPA supports wider system change that prioritises access to housing for local people, but as long as the price paid for housing is set by the highest bidder, places like Newton and Noss will continue to be the exception, rather than the norm."*

This is not argued against by the applicant; the Housing Needs Assessment contains similar, but puts forward that this proposal will *"...make an important contribution to the achievement of positive change and will help to redistribute the market for the benefit of those seeking smaller and/or less expensive properties, including first time buyers, local families that have been priced out of the market, those in need of affordable housing and those older households that are seeking to rightsize – those that are not currently served by the market."*

Officers have questioned how the development will result in open market dwellings that are "more affordable" than those in the Parish. Through a combination of a higher proportion of smaller properties (just 18.4% of the total/33.8% of open market dwellings are 4 bed), being out of the "honey pot" area near the river and with the principal residency restriction, which will prevent second home owners/holiday lets, the applicant believes it will result in a lower price.

The sales price of the dwellings is not yet fixed, but it is envisaged the median price of open market dwellings at Collaton would be c.£420,000. The applicant's research indicates this is *"...18.5% lower than the median prices of detached properties sold in the local area in 2020 and 30% lower than the median prices of detached properties sold in Newton Ferrers and Noss Mayo in 2020; The median cost of the open market semi-detached homes at Collaton would be 20% lower than the median prices of detached properties sold in the local area in 2020 and 50% lower than the median prices of detached properties sold in Newton Ferrers and Noss Mayo in 2020."*

All of the proposed dwellings meet Nationally Designated Space Standards (NDSS), although, the amount of internal space within each product does vary, with a number of the larger units exceeding the minimum nationally described space standard by significant margins, whereas the more modest sized accommodation offers a more conservative level of exceedance. This will naturally be reflected in the sale price of each dwelling, and as a result, the degree to which the housing mix on offer accords with the broader aims of policy SPT2.4. However, it is worth noting that NDSS are not a maximum, but a minimum, and 5 of the larger dwellings are proposed as "Intergenerational", as part of the Different Approach model.

NNNPP policy N3P-11 considers local housing need and housing mix, introducing specific requirements for applicants to justify the number of dwellings that have more than 3 bedrooms:

*"Where residential development is permitted by this plan:*

- a) In order to balance housing stock across the parish the development of smaller homes will be encouraged.*
- b) Applications for new dwellings reasonably capable of accommodating more than 3 bedrooms will be required to provide evidence of local need.*
- c) Replacement dwellings should either not exceed the original gross floor area of the original dwelling by more than 50% or should not reasonably be capable of accommodating more than 3 bedrooms, unless evidence of local need for a larger dwelling is provided*

- d) *In new developments of 4 or more homes, developers will be encouraged to have at least 75% smaller units reasonably capable of accommodating no more than 3 bedrooms.*
- e) *Affordable Homes...will be required in line with the Joint Local Plan and national policies...*
- g) *Proposals for self-build, small family homes will be supported*

The application proposes a total of 81% dwellings as 3 bed or less, meeting the above policy criteria. The submitted Housing Needs Assessment report has attempted to explain, in detail, through a variety of research methods (population growth, age profiles, average earnings, Parish surveys, SHMNA, current housing stock, housing registers, sales figures, housing development and past and future development) how it addresses N3P-11b and how it is considered the proposal will deliver the NNNP vision of “... *a strong and inclusive community which benefits from a range of house types and tenures.*”

It is worth considering that the 2016 Housing Needs Survey identified a need for 25 Affordable Homes over the next five years, 15 of which were delivered at the Peter’s Field/Glebe Meadow development in Newton Ferrers, 6 at Parsonage Farm and had it been built, 35 were planned for Collaton. Many of those already delivered were restricted to over 55s, thereby not addressing family or young person’s needs.

The NNNP notes “*Between 2001 and 2011 there was an increase in new dwellings of 106. This...has felt comfortable for the residents, but has not helped to ‘rebalance’ the community...Between April 2014 and June 2017 permission has been granted for 101 new homes in the Parish, of which 49 will be Affordable and 96 are outside the Settlement Boundaries. The majority (70) are at Collaton. This should more than meet the needs of the community, especially as the JLP identifies a need for a total of just 20 dwellings...to 2034....In theory the Parish already has sufficient ‘Affordable Homes’ (as defined by the Government) to meet local need, but there are still many in the parish who need truly affordable housing to be able to live close to their work and families.*”

It is notable that the above reference includes the previous consent on this site, of which 35 were affordable; that consent has now lapsed and that need has not been addressed. The Affordable Housing Team testify that need has grown, as is the case across the Plan area. Furthermore, since that time, a Housing Crisis has been declared. This unmet need is that which the applicant is targeting with this development.

In terms of existing affordable housing stock, there are 51 Council/Housing Association dwellings, plus an additional 25 units of supported housing for the over 55s in Newton Ferrers. The NNNP states that this current stock is not meeting all local need because there are no older person’s 1 bed units, and based on the Government definition of affordable housing (capped at 80% of open market price) in such a high value area this is not affordable for those who need it...”*Affordable Homes have to be priced according to the local market and then sold/rented at a discount. Even with a discount, part purchase is unaffordable for those who qualify.*” The development seeks to achieve this, albeit not in its entirety.

The unaffordability, coupled with an aging population (the old age dependency ratio in Newton Ferrers and Noss Mayo is 75%, compared to 51% in South Hams and 36% across the JLP area) and very high levels of second home ownership in the local area (the 2011 Census showed 20% of dwellings had no usual residents, compared to 15% in South Hams and 7% across the JLP area, although a recent Parish Council survey has revealed that as many as 45% of dwellings in Noss Mayo are second/holiday homes), could, if not addressed, result in a risk to the viability and vitality of the community, with both existing housing stock not meeting elderly needs, but also pricing young people and families out of the market. This is evidenced

by the significant amount of support for the proposal, from a wide demographic and also that many children at the primary school are from out of the catchment.

However, when assessing the proposal against the development plan, the JLP team note “*The baseline figure for the parish regarding the dwelling stock at 2011 was 35% of homes in the parish were of 4+ beds, and 55% of dwellings were detached, both of which have a direct impact on the affordability of homes in the local area.*”

*Policy N3P-11 expresses a clear preference towards smaller homes, and requires applicants to justify the number of homes with more than 3 bedrooms. There is no prescribed method or format for this justification, and the applicant has provided what they consider to be justification for delivering 33% of all open market dwellings as 4-bed dwellings. Policy N3P-11(d) is clear that proposals of 4 or more dwellings should have at least 75% of homes that have no more than 3 bedrooms.*

*The applicant has provided a wealth of information as to why they consider there to be a need for the specific housing that they are offering, although this is not specifically in response to the NP policy. A lack of specific justification for the 4-bed dwellings in relation to the NP policy is a necessity to address, because the 2011 ONS baseline identifies that 60% of all dwellings within the parish are classified as ‘significantly under-occupied’, which means having two or more unused bedrooms. Again the LPA cannot restrict the occupancy levels of new homes, so there is a risk that the addition of the larger open market dwellings only exacerbate the local problem of significant under-occupancy, but it cannot be quantified or predicted at this point.*”

JLP Policy DEV9 encourages self and custom build, a mix of tenures and affordable housing types noting at point 1 “*Affordable housing could include social and affordable rent, shared ownership and innovative housing models that meet the local demand/need, such as rent to buy, starter homes and shared equity as appropriate*”. The development provides 9 custom/self-build properties, all of which are affordable and is therefore seen to comply with this policy.

DEV9 also requires compliance with M4(2) and M4(3) Building Regulations standards for accessibility and adaptability. The development achieves this by meeting M4(2) on 30 dwellings, and M4(3) on 3 others, together with the “Intergenerational” dwellings giving additional flexibility and adaptability, and the “Horizon” intermediate dwellings designed for over 55s with built in technology to facilitate supported living.

### **Major Development in the AONB:**

The site lies within the South Devon Area of Outstanding Natural Beauty, and is considered to be a major development. There are specific tests for major development within the AONB in both the JLP and the NPPF.

The JLP contains policy DEV25 - Nationally Protected Landscapes (this is discussed in more detail in the Landscape section of this report). There are a number of specific requirements, but at the highest level, DEV25.1 establishes the policy test which must be overcome by development proposals within Nationally Designated Landscapes;

*“The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs*

and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:

1. Refuse permission for major developments within a protected landscape, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.”

Policy DEV25 is aligned with the requirements of the NPPF, which in this regard contains very specific and strict tests;

“177. When considering applications for development within...Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

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

There is some consistency in the way that appeal inspectors use certain indicators when considering major applications in the AONB. Chief amongst these is historic under-delivery of the Local Planning Authority against identified housing needs, and particularly the under-delivery of affordable housing units.

At the point of determination of this application, it is worth remembering that 7 years into the JLP period:

1. The LPAs are ahead of target in terms of meeting our housing requirements (some 1,124 dwellings ahead in the TTV area and for the 6<sup>th</sup> successive year delivery has been above the policy target annualised)
2. The LPAs have passed every Housing Delivery Test since the Plan was adopted – a test which measures delivery over the last 3 years against houses needed.
3. The LPAs have been able to demonstrate a 5YLS in every year since adoption of the JLP
4. The LPAs are ahead of target in the TTV area in relation to the provision of net additional affordable housing from development – i.e. Meeting AH needs from development
5. A further 865 Affordable dwellings (net) are identified over the next 5 years in the TTV area.
6. 7,098 dwellings are identified in the TTV housing supply between 2021 and 2034 which provides sufficient flexibility and a headroom of 83% above the 3,881 dwellings required to meet the TTV policy target by 2034.
7. 4,862 of the 7,098 dwellings identified already have planning consent of which 704 were already under construction at April 2021.

As such, in housing delivery terms, there is nothing exceptional about the prevailing circumstances within which the application is considered.

*The Housing Crisis declaration is also a material consideration that could have some bearing on the overall planning balance, although it does not override the primacy of the adopted development plan and national planning policy.*

*In the same way that there is no prescribed definition of exceptional circumstances or public interest in relation to paragraph 177, neither is there certainty about what a development proposal needs to deliver in order for it to be considered in the public interest. So even if there are considered to be exceptional circumstances, it is not clear what a proposal needs to provide in order to be considered being in the public interest. The developer will be directly providing 39 (31% of all dwellings) affordable housing units onsite, as well as enabling the local Community Land Trust to deliver an additional 18 affordable dwellings (14%). In combination, the affordable housing offer is some way beyond the minimum requirement of 30%, although it is some way short of the minimum threshold of 60% AH that would be required for an exception site under policy TTV27.*

*Whilst the mixed-use proposal, when considered only in development terms, offers an attractive package, it has to be considered alongside the poor spatial location, both in terms of the adopted spatial strategy and location within a nationally protected landscape. It is not considered that the circumstances within which we consider the application are exceptional, and it is uncertain if the proposal can be considered to be of such merit as to be described as being in the public interest.”*

The definition of Major is not the same as that statutorily defined in the DMPO 2015. Instead, the relevant definition is provided at Footnote 60 to the Framework, and is consistent with that provided in the JLP SPD, stating:

*“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

Accordingly, the NPPF and JLP anticipate the decision taker exercising a planning judgement, having regard to its scale, nature, setting and whether it would have significant adverse impacts.

The applicant, as part of their supporting documentation in the Housing Needs Assessment, has quite rightly pointed out “...paragraph 74 of the NPPF is clear that the 5 year supply represents a minimum figure. Just as residential development would not be automatically approved in the absence of a 5YS, nor would the demonstration of a 5YS automatically warrant refusal...This was confirmed by the Secretary of State in his approval of planning permission for 150 homes in Long Melford, Suffolk...“The proposal would provide up to 150 new homes, including around 53 affordable homes. Although the local authority can now demonstrate a supply of housing land above 5 years, this figure is a baseline and not a ceiling...the appellant has demonstrated there is a local need in this settlement, in line with the expectations of the development plan, for both market and affordable housing. The Secretary of State recognises that there is now a five-year supply of housing land supply. However, in the light of the identified need, and the Government’s objective of boosting the supply of homes (Framework paragraph 59), he considers that the housing delivery should carry significant weight...”

In specific relation to affordable housing, the applicant has referenced a further decision “...relating to Oxford Brooks University’s Wheatley Campus, that [the] Council could demonstrate a five year supply of housing land. However...the Decision Letter states: “While

*he has concluded that the council are able to demonstrate a 5 year supply of housing land, the Secretary of State agrees that...the proposed development would contribute significantly towards the Council's affordable housing shortfall. Given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, he agrees with the Inspector...the delivery of up to 500 houses, 173 of which would be affordable, are considerations that carry very substantial weight."*

A comprehensive body of evidence has been put forward in support of the application, in recognition of the policy conflict and location in the AONB, to demonstrate the benefits and compliance with NPPF 177. Officers do not agree with the entirety of the submission, for example, it has been stated there will be no harm to the AONB, but the majority of points put forward are considered to be benefits and/or in the public interest, albeit some hold more weight than others. This must also be taken into consideration in light of the Housing Crisis, despite being able to demonstrate a 5 Year Housing Land Supply.

In response to public representations and against Officer challenge, further supporting information has been submitted including assessments of the public interest, alternative sites, an overview of the exceptional circumstances and the economic benefits the proposal would bring (all of these are available on the planning file). Whilst there is simply too much to repeat verbatim in this report it is discussed throughout, and summarised as follows:

#### Public Interest/Social benefits:

- Provision of affordable housing; 57 units amounting to 46% of a range of tenures and sizes to directly address local need
- Provision of new open market housing to meet local needs that will not be achieved through JLP site allocations, all of which will have a principal residency restriction
- Based on significant research by the applicant, 40 – 65% of overall need and 24 – 26% of affordable need is met
- Provision of community facilities, including office/commercial space, shops, café, community work hub (publically accessible with free wifi)
- Enhanced recreational value through 6 hectares of open space, publically accessible to all with new public toilets and a shower on site
- Decontamination of the entire red line site area
- A new community orchard and allotments
- Public car parking (41 seasonal spaces) as a result of a direct request from the Parish Council to alleviate some of the pressures of parking in the village
- Provision of boat parking/store to replace current storage inside the barn on site (up to 12 boats)
- Significant improvements to the permissive path and linkages to existing pavements further towards the village, linked to the car park and to provide safe pedestrian/cycle access to the village and primary school; currently a lot of this route comprises grassed highway verges
- A new bus stop inside the site to replace the current bus stop on the main road along with an enhanced bus service
- Speed limit reduced to 40MPH from 60MPH

#### Environmental Benefits:

- Regeneration of a contaminated and unattractive, partly brownfield and under-used area of land
- Decontamination of the land (costing more than £1 million) avoiding the potential risk of the contaminants breaking down and ending up in the local watercourses

- Landscape led development providing significant additional planting both on-site and off-site
- Extensive tree planting across the site, off-site planting to address the future loss of nearby woodland and replacement of the existing cypress trees on the eastern boundary which are considered incongruous within the landscape
- Biodiversity Net Gain over the 10% required by policy; 12.62% gain in habitats and 108.51% gain in hedgerows
- Low carbon measures at over 70%, significantly above the 20% reduction set out in Dev32. All affordable dwellings will be built using MMC

Economic benefits (calculated based on industry guidance and figures):

- 1800 Sqm of mixed commercial floorspace (shared ownership and affordable business units) seeking to provide low cost premises for local businesses
- 132 direct FTE construction jobs annually over the 3 year construction phase
- A further 169 indirect and induced FTE jobs during the construction phase
- Total GVA generated by the construction phase of the scheme of £21.3 million
- 140 direct FTE jobs once the proposed development is operational and 61 indirect and induced FTEs in the South West region, of which 53 indirect and induced FTEs will be based in the local area
- Between £15.5 million direct and indirect GVA per annum
- £687,500 of first occupation expenditure and a total annual household expenditure of £2.7 million that will be new to the local area, providing a significant boost to the local Economy
- Once complete, the proposed development could generate £252,000 of additional Council Tax receipts per year and a total of £975,000 in New Homes Bonus payments over a four-year period; and,
- The commercial floorspace will generate c.£87,000 business rates revenue per annum

JLP Policies DEV14 and DEV15, plus NNNP N3P-13, seek to foster rural business growth, promote start-ups and home working, and a maintenance of a flexible provision of employment sites. It could be argued the rural location of the site would lend weight against the provision of employment uses, but these have been designed as a “package” as part of the Different Approach model, to sit alongside the residential offer. They have been designed to allow small businesses in the area to set up, where otherwise they would need to commute out to a more urban area; there are no alternative sites for this provision in the village settlement boundaries. They are considered complimentary to the residential offer, and will benefit existing residents, as well as new. Taken as a “whole”, with the inclusion of carbon reduction measures and transport /access improvement measures, it is considered the proposal is broadly compliant.

The actual use of each unit has not been fixed, and can be secured by condition to ensure the uses are appropriate for the location and so as to not cause nuisance to neighbouring properties.

The relatively small scale of the units and community shop is not seen to pose a risk to the vitality and viability of existing business in the area, in accordance with DEV18. In fact, year round full time residents would support the existing businesses. Officers do not agree with some concerns noted that it would place them under too much pressure through an increase in customers.

In assessing the proposal against the above “benefits”, the applicant will be directly delivering 39 (31% of all dwellings) affordable housing units on-site, as well as gifting land to the local Community Land Trust and facilitating an additional 18 affordable dwellings (14%) which will

be held in trust, at social rent, making them truly affordable in perpetuity; a total of 46% affordable housing across the site. The affordable housing offer is some way beyond the minimum requirement of 30% which would be expected on an allocated site or site in a settlement, but falls short of the minimum threshold of 60% that would be required for an exception site under policy TTV27 when considering the number of dwellings instead of land take.

People with an identified local connection are given a 3 month advantage for registering interest in the open market dwellings, and whilst this is a welcome offer, in reality, it does not make the houses significantly more affordable, or restrict ownership/occupation to people with a local connection, which can reduce prices by up to 20%. However, all dwellings will have a principal residency restriction, meaning they must be a person's main residence and cannot be used as second homes or holiday homes. Anecdotally, it is thought this may reduce house prices by around 5%, but there is no firm evidence to corroborate that.

In addition, the single largest allocated site within the JLP is at Sherford, (a site that is delivering mixed use development including over 5000 new homes), and is located within 10km by road from the proposal at Collaton Cross. Some objectors have suggested that any needs in the Parish can easily be met at Sherford. Whilst technically that is correct, Sherford is delivering around 20% affordable housing, with 66.5% shared ownership and 35.5% affordable rent; there is a clawback to deliver more should the market allow this. Sherford is not currently delivering social rent or the other elements that A Different Approach delivers, and as has been pointed out in many letters of representation, it will not fulfil the Newton and Noss housing need, doing nothing to address the imbalance that has taken place and helping to create a vibrant Parish community, being more aligned to urban Plymouth, than rural South Hams.

Noting the JLP Team's response and that of the AONB Manager, having assessed the submitted documents and gained an understanding of the Different Approach model, Officers do recognise there is some policy conflict but there is also policy conformity. Taking everything into consideration, on balance, the development cannot be concluded to be anything but major development in the AONB, and in so far as the NPPF 177 tests:

*When considering applications for development within...AONBs, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

*A) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

Whilst the Council can demonstrate a 5YHLS, and is meeting its housing targets, this is not a maximum figure. The Council has recently declared a Housing Crisis, recognising the acute problem with a lack of genuinely affordable dwellings. The support from the Parish Council, CLT and Affordable Housing Officers, the increasing number of second homes in the Parish and higher than average house prices, coupled with the significant body of work behind the housing offer proposed under the Different Approach which seeks to relate directly to the local need in the Parish, indicates true local need is not being met. This application alone, will not address the Housing Crisis, but goes a way towards it, particularly with the affordable offer. As set out above, the development will bring significant economic benefits, both direct and indirect, and well as creating an additional employment offer for the Parish. Officers therefore consider the first test is met.



*B) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;*

It could easily be argued that the development could be located anywhere in the Plan area, outside of the AONB. However, given the entire Parish is in the AONB, to locate the development outside of that area would not meet the specific local need being addressed, rebalance the demographic in the Parish nor the other benefits the development will bring. Sherford, on the edge of Plymouth would be the closest “sustainable” location. No equivalent sites are expected to come forward in the foreseeable future and certainly no equivalent brownfield sites are available. The CLT’s own application for Butts Park is some way off determination, has its own significant landscape and other challenges, including objections from the Landscape Officer and AONB team, and will only go a limited way to addressing the need, providing 17 affordable units and 3 open market; it is also not a case of “either or” being considered. The Butts Park scheme will not bring the other benefits that are proposed by this application.

*C) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Officers disagree with the applicant that there will be no harm to the AONB. As discussed later in this report, the Landscape Officer confirms the harm is as a result of the change that will take place. However, the development is landscape led and proposes an extensive amount of landscaping, on and off-site which goes a long way to mitigating any harm and screening the development. Several site visits have been carried out and whilst the development will be visible, it will not be dominant. It does not harm any recreational opportunities, instead provides significant additional recreation opportunities on site and links to offsite through improvements to access routes. The site is also heavily contaminated and partly brownfield; the development will remediate the site, improving its condition.

Through the iterative process that has taken place at pre-app and since submission, it is considered that, subject to planning conditions and a S106, “Significant Adverse Impact” upon the AONB and its special qualities can be avoided, and its natural beauty at least conserved. To conclude against paragraph 177, it is considered the combination of the many benefits as discussed above, in light of the Housing Crisis and set out in more detail in the applicant’s supporting documents, amount to exceptional circumstances and development that is in the public interest.

### **Planning History**

The planning history of a site can be a material planning consideration. As noted previously in this report, the site has seen an approval for residential development under 37/2548/14/O. That application permitted 70 dwellings, 50% of which were secured as affordable in a S106; none of the dwellings carried a principal occupancy restriction. The red line site area was confined to the northern half of the current proposal site, covering a similar area to that now proposed to contain the 125 dwellings, and excluded the proposed parkland area. It was essentially restricted to what can be seen as the brownfield area, but its public benefits were much less than those now proposed.

This application was in outline form, with only access and layout being fixed. Bedroom numbers were not fixed, but described as a mix of 2, 3, 4 and 5 beds; from the approved site layout it is clear that the majority were to be large detached dwellings set in spacious amenity areas. Supporting documents noted that some of these would be 2 ½ storey in height. Some commercial units were included along with open space, a small community woodland and

allotments; landscaping was much less interwoven throughout the residential area and would have done little to screen or mitigate the development.

Approval of that application was pre JLP and pre the NNNP, influenced by the lack of 5-year supply at the point of determination and that Members gave significant weight to the brownfield nature of the site, described in the NPPF as:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

As discussed above, the Council can demonstrate a 5YHLS. Part of the site, essentially the majority of the area upon which the dwellings will sit, is brownfield land, however, to a degree, some of this has assimilated back into the landscape. Certainly, a large area of the former RAF base can be considered to be brownfield and it is also fact that the site is included in the Council's most recent 2021 brownfield register, which is available through this link: <https://www.southhams.gov.uk/article/4291/Brownfield-Land-Register>

Brownfield Registers comprise 2 parts, and every Local Planning Authority is required to complete Part 1 of the Register. To be considered for inclusion on Part 1, a brownfield site must meet the following criteria;

- (a) the land has an area of at least 0.25 hectares or is capable of supporting at least 5 dwellings;
- (b) the land is 'suitable' for residential development;
- (c) the land is 'available' for residential development; and
- (d) residential development of the land is 'achievable' (i.e. is likely to take place within 15 years of being entered onto the Register).

A phasing plan was agreed in accordance with the S106 attached to the outline approval and a single reserved matters application was then approved, which secured just Phase 1A. The approved 26 dwellings included 8 (31%) affordable 3 bed self-build and 9 (35%) 4 bed+ (4 x 4bed, 4 x 5 bed and 1 x 6 bed). That affordable offer was intermediate sale, with a 20% discount off open market value.

It is considered by the applicant that scheme was far inferior to the current scheme, offering little benefit, little landscape enhancement and not addressing local housing need, with nothing to stop the open market units being bought as holiday homes; Officers agree.

However, the previous approval can only carry very limited weight towards the current application because it cannot be implemented. Whilst some reserved matters were approved, a time limit condition was imposed on that reserved matters approval which was inconsistent with the outline time limit, and is considered unlawful because a reserved matters cannot extend an outline approval. It is considered the permission has now lapsed. However, that a large part of the area upon which the dwellings will sit is brownfield land, carries weight in favour of granting permission.

### **Landscape character:**

The site lies within the South Devon AONB, outside of, but close to the South Devon Heritage Coast and Undeveloped Coast, and is also within the Newton and Noss Neighbourhood Plan (NNNP) area. AONBs are considered to have the highest status of protection and the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty within, as discussed above, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the *Countryside and Rights of Way Act 2000* which requires that:

*“...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.*

That legal duty is another material consideration, as opposed to forming part of the development plan.

In addition to the policies mentioned previously, the need to conserve and enhance the AONB is reinforced within JLP policy DEV23. The need for high quality design which is appropriate to its context and contributes positively to it is discussed within JLP policies DEV10, DEV20, DEV23 and DEV25.

In addition to the Development Plan, the following legislation, policies and guidance are of relevance; Section 85 of the Countryside and Rights of Way (CRoW) Act; Sections 12 and 15 of the NPPF in particular paragraphs 174, 176 & 177; The National Planning Practice Guidance on Landscape; and The South Devon AONB Management Plan and its Annexes. Areas of Outstanding Natural Beauty.

DEV23, Landscape character, states:

*Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Development proposals should:*

- 1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness.*
- 2. Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area.*
- 3. Be of high quality architectural and landscape design appropriate to its landscape context.*
- 4. Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquility has been eroded.*
- 5. Restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness.*
- 6. Where necessary, be supported by Landscape and Visual Impact Assessments and landscaping schemes that enhance that proposed development.*
- 7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements.*

DEV25 concerns Nationally Protected Landscapes states:

*The highest degree of protection will be given to the protected landscapes of the South Devon AONB...The LPAs will protect the AONB...from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:*

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

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

NNNP N3P-9 Protecting the landscape states:

*Development shall not harm but conserve the landscape by:*

*a) complying with national and local strategic policies for the AONB and the Undeveloped Coast, including AONB Planning Guidance, relevant strategic policies in the development plan.*

- b) safe-guarding and conserving local features that make a positive contribution to the landscape, particularly;*
- i) the skylines above Newton Ferrers and Noss Mayo,*
- ii) the view of the creek edges as seen from Bridgend,*
- iii) long views across the estuary and creeks, valleys, fields, hedges, lanes and Important Local Views.*
- c) ensuring that new development blends into the natural landscape, without detriment to habitats on land or water, and does not adversely impact upon the irreplaceable characteristics of Special Areas of Conservation, Sites of Special Scientific Interest or Ancient Woodland.*
- d) incorporating high quality landscaping which retains existing features, reinforces local landscape character, restores degraded landscapes, and provides mitigation from harm.*

Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, where the intrinsic character and beauty of the countryside should be recognised alongside maintaining the character of the undeveloped coast (while improving access to it, where appropriate).

Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to those issues.

Paragraph 177 is set out earlier in this report.

Both the Council's Landscape Officer and the South Devon AONB team have objected to the application. Both note the development needs to be assessed against NPPF paragraph 177, with the AONB team concluding there are no exceptional circumstances and therefore the application should be refused. Several appeal decisions have been referred to in order to support this position including a proposal in outline form for 473 dwellings in the High Weald AONB where the Inspector concluded:

*"90. I recognise that the identified benefits in relation to housing matters, both directly from the proposed housing and in terms of the benefits from the new road, would clearly be in the public interest. However, the reality is that the circumstances of the housing shortfall, including challenges around providing for affordable housing, self-build, custom-build, and care home housing, are not unusual. The other benefits identified are commonplace and do not add significantly to the balancing. Overall, my view is that these considerations do not together present exceptional circumstances. I conclude that when they are balanced against the harm to the landscape and scenic beauty of the AONB that I have identified, a development of this scale in this location would not be in the public interest. Consequently, the proposal does not comply with Paragraph 177 of the Framework..."*

*95. The benefits in this case, substantial though they are, are not sufficient in this instance to outweigh the great weight to be afforded to the harm to the AONB, and the other harms set out above."*

As with the examples provided by the applicant that support the application, it is not known how comparable any of these are with the current proposal, and Officers consider they demonstrate the uncertainty around exceptional circumstances and public interest, and that it is a matter of judgement for the decision maker, based on the circumstances of each case.

The Landscape Officer notes:

*“This site is in open countryside in a prominent location within the AONB, with views at close quarters from the public highway and footpaths, and with open views from across the wider landscape. This is a highly sensitive landscape, recognised locally and nationally for its character and visual quality.*

*The site lies in an elevated and visually prominent location on high ground within the Devon Landscape Character Area of Bigbury Bay Coastal Plateau and Landscape Character Type 1B: Open coastal plateaux, with a small area to the south-west being within LCT 3G River valley slopes and combs.*

*There is very little settlement evident in the Open Coastal Plateaux of LCT1B...a few small villages, along with scattered farmsteads and isolated properties, but most villages traditionally grew up in more sheltered locations, in the valleys and away from the exposed plateau tops.*

*In recent history the site was a military base...some areas of hardstanding and bases of former structures remain visible, and the HM Coastguard Yealm is still located on the site. Visually, the site is predominantly a green field site that is agricultural in character.*

*There is existing residential development adjacent to the application site...32 existing dwellings on Whittingham Road, Fell Close and Munro Avenue to the north-east of the proposed development, and a further 8 large, detached dwellings on Richardson Drive and Livingstone Avenue, giving a total of 40 existing dwellings...These existing residential areas have limited impact on the wider character, with good levels of screening, and they are of a scale and massing which conserves the current sparsely settled wider character. They do not constitute a ‘village’ character but read as two small clusters of houses, which are reasonably well screened, all be it by a mix of deciduous trees and evergreen conifers.*

*Despite the recent history and current condition, the locality has a strong and consistent rural character, and the site and environs exhibit a number of the key characteristics and valued attributes described in the published Landscape Character Assessment for LCT 1B.*

*The published assessment notes that the character of this high open plateau landscape has been weakened by non-vernacular buildings, including large, modern agricultural buildings, prominent on the skyline. As a result, the evaluation recognises that continuing pressure for development that is in highly visible locations and that is out of keeping with the existing settlement pattern is a force for change in landscape character.*

*Consequently, the Landscape Guidelines set out a strategy that seeks to protect the open, undeveloped character of the coastal plateaux through measures that include protecting the historic settlement pattern; avoiding new development on prominent ridges and skylines, and protecting high levels of tranquillity through retaining dark night skies and the controlling and managing development.*

*The site and its surroundings contribute to the following Special Qualities of the South Devon AONB:*

- *Deeply rural rolling patchwork agricultural landscape*
- *Iconic wide, unspoilt and expansive panoramic views, with ridgelines and plateau edges forming distinctive, unspoilt and very exposed skylines.*
- *Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.*

*The special protection given to this sensitive landscape is reflected in adopted Local Plan policies DEV23, DEV25, and N3P-9.*

*Landscape Character policies of the South Devon AONB Management Plan that are particularly relevant to the proposal include:*

- Lan/P1: Character - The special qualities, distinctive character and key features of the South Devon AONB landscape and South Devon Heritage Coast will be conserved and enhanced.*
- Lan/P4: Tranquillity - The tranquillity, natural nightscapes and dark skies of the AONB will be enhanced and maintained.*
- Lan/P5: Skylines and Views - The character of skylines and open views into, within and out of the South Devon AONB will be protected.*

*In any planning application in this designated landscape, whether major or not, 'great weight' is to be given to 'conserving and enhancing scenic beauty' because these areas have 'the highest status of protection'. For major development within the AONB, the tests of 'exceptional circumstances' and 'public interest' set out in NPPF, paragraph 177, must be applied.*

*There are sensitive views of the ridgeline when seen from Brixton and the local landscape which gently slopes down into the Yealm valley, and from within the AONB. The protected landscape is a high sensitive receptor, as are a number of public footpaths within the local farmland and estuaries. The existing ridgeline is characterised by a line of mature oak trees and to a lesser degree the mature lines of conifers that screen some of the existing residential elements of Collaton Park. The mature conifers have an adverse visual effect on the natural, rural character of the wider landscape.*

*Views from the south, west and east are generally more limited, with existing dwellings, farm holdings and existing trees restricting views to the site but there are some sensitive views that will be impacted upon (both highway – low sensitivity receptor and permissive footpaths – high sensitivity receptors).*

*Development close to the ridgeline will introduce new built features in a landscape setting that is largely undeveloped and with an overriding agricultural character, and therefore changing its character by altering the current sparsely settled nature of an undeveloped, tree lined ridge.*

*The LVIA is noted and accords with best practice...Officers concur that the character within the site varies, and that some areas – particularly where the former MOD uses are evident - do not display features that are characteristic of the AONB. However, the LVIA acknowledges that some of the site does exhibit the Special Qualities of the AONB, and Officers are of the opinion that the overall character is consistent with an undeveloped agricultural landscape.*

*The current...application is for an increased quantum of development of 125 new homes, which claims to provide an improved housing mix to meet an identified local need. The overall site area is greater than the Outline approval as it incorporates land in the valley to the west, which provides opportunities for ecological enhancement and public open space. Even so, the application seeks a denser level of built form within the developed area of the site, which is similar in footprint to that of the outline application.*

*The Design and Access Statement para. 3.15 notes the development lies in the centre between the two existing housing estates, in a way joining them up visually to complete the hamlet...feel that it is misleading to refer to the development of 125 homes - in addition to the existing dwellings... as a hamlet, which is generally used to describe much smaller settlements. The*

*development will deliver what could be considered a small village, with commercial, employment and community facilities, open spaces and recreational areas to support the residential population.*

*...pleased to see that the proposals adhere to the principle of robust planting along the northern boundary of the site, with development set back from the edge of the site, to protect the ridgeline. A strong strategic approach to landscape and Green Infrastructure has been developed throughout the scheme, so that the proposals incorporate extensive tree and hedge planting and green boundary treatments throughout the site, all of which is welcomed in principle. Officers note that a number of measures have been incorporated into the scheme, as a result of an iterative design process and discussions with SHDC Officers, to try to address the adverse landscape and visual effects of the proposed development.*

*External street lighting and lighting of footpath routes is of great concern. The scheme provides new street lighting on the highway between the site entrance and Butts Park; as well as some street lighting within the site, and bollard lighting along the permissive footpath and cycle route along the northern boundary of the site.*

*It is acknowledged that efforts have been made to reduce the extent of highway and on-site lighting, and that measures have been proposed to minimise levels of lighting required, and to reduce light spill. These are noted. However, the proposals do require some new street and footpath lighting, along with highway signage and related paraphernalia, and Landscape Officers are of the opinion that the lighting requirements of the proposed development are not compatible with conserving the intrinsically dark nightscapes of the protected landscape. It is a further concern that the proposed lighting scheme along the B3186 between the site and Butts Park may give the impression of coalescence of settlements.*

*The proposed development is somewhat different to the outline consent granted in 2016, in that the revised application is for 55 more dwellings, resulting in a denser level of development due to the footprint containing built form being similar in extent to the outline permission.*

*...pleased that a fresh LVIA has been submitted, which has informed the design development and landscape approach, in recognition of the fact that the designated landscape should be protected from unnecessary, large-scale development. A number of measures have been incorporated into the scheme, as a result of an iterative design process and discussions...to try to address the adverse landscape and visual effects of the proposed development.*

*The landscape strategy is therefore more developed in terms of mitigation measures intended to reduce adverse visual effects, and with strong Green Infrastructure proposals throughout the site offering biodiversity and amenity benefits and new landscape features.*

*With established landscape mitigation (which may take 15 years to establish), the built form of the development could be relatively well screened, and the other mitigation measures adopted may further reduce the adverse visual effects of the proposals. However, what is unavoidable is that development of the site will result in a fundamental and permanent change in character locally, from open countryside to that of a relatively densely developed settlement.*

*The proposed buildings, roads and associated hard surfaces and domestic paraphernalia, together with the movements of vehicles, residents and visitors, would markedly change the character and appearance of a sizeable part the application site, would intrude into the attractive rural scene and erode the pleasing countryside of the AONB, which would adversely affect the special qualities of a landscape that is recognised as being of national importance.*



*The development plan, the NPPF and the AONB Management Plan all require great weight to be given to conserving and enhancing the landscape and scenic beauty. The proposal would adversely affect the natural beauty and character and appearance of this designated landscape and conflict with the provisions of JLP policy DEV25, SD AONB Management Plan policies Lan/P1, Lan/P4 and Lan/P5. This weighs considerably against granting planning permission.”*

A follow up response was submitted in light of additional landscape work, a Settlement Character Assessment, revised drawings and discussions:

*“The development will deliver what could be considered a small village...One of the key issues highlighted in previous comments is that the characteristics of the proposed settlement are not consistent with the existing settlement pattern of the local area.*

*The Settlement Character Study is a useful appraisal of existing settlement patterns...and the potential effects that the development proposals might have on the distinctive settlement patterns that are described in the published Landscape Character Assessments. The scope and approach for the study was agreed with SHDC Landscape Specialists.*

*The...Study recognises that the distinctive and sparse settlement pattern...includes clustered, nucleated, hamlets and villages at road crossings on the plateau and within the coastal combs. In relation to the AONB Management Plan, the study adopts the premise that the application will positively reinforce a recognised settlement attribute of clustered settlement at road crossings. Further justification relies on the application site being on previously developed land; alongside an existing residential cluster and located away from more tranquil stretches of estuary and remote coastline areas, so avoiding the most sensitive undisturbed parts of the AONB.*

*The...Study refers to the National Character Area profile for 151 South Devon. On page 26 under paragraph 8.1, Settlement pattern, the text emphasises that settlements have developed and changed gradually over time for reasons including their location, the local industry and other factors such as tourism and accessibility, which contributes to the area’s strong and clear sense of identity and place.*

*To varying degrees of success the development attempts to address many of the environmental opportunities provided in the NCA profile, and many of the Landscape Guidelines in the Devon and South Hams Landscape Character Assessments, and this is welcomed. The application describes a clear intention to create a strong sense of identity, with contemporary building designs that are broadly sympathetic in scale and form to traditional dwellings, and through the use of materials that seek to reduce any adverse visual effects on the wider landscape. The landscape strategy has been developed to provide mitigation measures to further reduce adverse visual effects, and with strong Green Infrastructure proposals throughout the site, offering biodiversity and amenity benefits and new landscape features.*

*Study concludes that the proposals are consistent with the identified settlement pattern, and that the development will therefore conserve local character...notes that the scheme includes measures to avoid and minimise effects on special qualities and distinctive characteristics related to settlement form and pattern, alongside delivering landscape restoration and enhancement, in a manner consistent with Management Plan objectives for planning and sustainable development.*

*The proposals do reflect some of identified settlement characteristics described in the study, although I do not concur with the final conclusions of the report. In relation to the settlement pattern characteristics, although this large, new development may have a similar footprint to other local settlements, and the location shares similarities with other local settlements of a similar size, it cannot recreate the strong, perceptual qualities of villages and settlements that have evolved gradually over long periods of time.*

*The proposed development has a relatively dense footprint that somewhat reflects local, clustered, nucleated settlements. However, within the site boundary the layout and the design and appearance of the buildings, roads and circulation spaces has to conform to current design standards and specifications, and respond to the site's need to accommodate high levels of vehicular use. These requirements do not fully reflect traditional settlement layouts, and although the building styles are broadly traditional in form and contain vernacular features, there is a uniform approach to detailing across the site. It is inevitable that the pattern of development within the application area will be different from the distinctive, local settlements nearby.*

*The study has demonstrated that the proposals reflect some of the characteristics of the existing settlement pattern of the Bigbury Bay Coastal Plateau, but this does not outweigh 'in principle' concern about the effects of the proposals on the character of the existing landscape. The development will introduce a substantial area of new built form and urbanising features, including external lighting, into a landscape setting that is largely undeveloped and that has an overriding agricultural character. The proposals would adversely affect the natural beauty and character and appearance of this designated landscape and conflict with the provisions of JLP policy DEV25, SD AONB Management Plan policies Lan/P1, Lan/P4 and Lan/P5. This weighs considerably against granting planning permission.*

The consultation response from the AONB team, is also one of objection:

*“- The previous permission is no longer extant and planning policies are more robust than when the previous outline was granted. It is considered that there are no exceptional circumstances in the public interest that justify this proposal;*

*- Notwithstanding the above, the previous permission was for a significantly lower number of units and the current proposal has a much greater impact on the special qualities and natural beauty of the AONB. These impacts include:*

*- A prominent location on a high plateau where development and associated lighting will be widely seen in the landscape;*

*- A dense urban form of development is proposed which is out of character with the existing sparse settlement pattern, with isolated farms or large houses.*

*- The scale of development amounts to a new village, which are generally located in the valleys not on top of the high plateau, making this an alien form of development for this landscape.*

*The NPPF 2021 has stronger protections for AONB than the 2012 version the last outline application was considered against. Paragraph 176 now requires decision-makers to give great weight to conserving and enhancing protected landscapes, which is a higher bar for development than the previous 'conserving or enhancing'.*

*Paragraph 177 is similar to the previous 116 in that it says that “permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest...In my opinion the proposal is*

*major development in the context of the South Devon AONB due to its overall scale and its significant adverse impact on the special qualities of the AONB.*

*In 2014 the grant of outline planning permission was justified on the grounds that the District Council was unable to demonstrate a five-year supply of housing land. However, the local circumstances have now changed, with South Hams now having an up to date Local Plan and a robust housing supply and delivery (as confirmed by the 2022 Housing Delivery Test).*

*There is therefore no justification under tests a-b for permitting this development.*

*The Neighbourhood Plan did not allocate additional housing sites but included Policy N3P-1 The Village Settlement Boundaries...the application site lies outside the settlement boundaries...There are no exceptional circumstances that justify the proposed development, it is not in keeping with its site and surroundings and causes significant adverse harm to the area.*

*JLP Policy TTV25 supports the provision of homes in 'sustainable villages' listed in Figure 5.8 but explains in paragraph 5.165*

*"It should be noted that Figure 5.8 does not include villages within AONBs. This is in acknowledgement of the great weight that should be given to conserving their landscapes and scenic beauty. However, neighbourhood plans may wish to bring forward positive allocations to meet local housing need where justified by an appropriate evidence base. Policy DEV25 sets out the policy approach to considering development proposals in AONBs".*

*TTV26...says that "the LPAs will protect the special characteristics and role of the countryside" and "isolated development in the countryside will be avoided and only permitted in exceptional circumstances".*

*The applicant relies on the following provision:*

*"iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use".*

*But this is subject to the following:*

*vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided".*

*The application site is only partly brownfield, existing development to be removed is limited to hardstanding and the proposals will not enhance the character or setting of the site but rather will further degrade it with an urban scale, form and design of development.*

*JLP policy DEV25 is the primary policy for development within the AONB, and the proposal has been assessed against each criterion as follows:*

***i) Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.***

*The special qualities relevant to this proposal are listed below. The proposed development would harm the iconic wide, unspoilt and expansive panoramic landscape which is valued for its tranquillity and dark skies. The LVIA submitted with the application considers that the long*

term (15 years after completion), impact of the development will be Minor adverse in the eastern area of the site; and Moderate beneficial in the western area of the site due to the provision of the community parkland. The assessment of the eastern (development) area significantly underplays the impact and is based on incorrect assumptions about the degrading influence of the existing development, the visual containment of the site and the effectiveness of lighting measures on such a high site. Critically it assumes that the proposed scale and form of development “has been designed to reflect that of the surrounding residential areas, the local character and vernacular of the locality and the sites' context within the South Devon AONB” (p20). This is clearly not the case, as explained under iii).

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

The existing development on the site is used to justify the development by saying that it currently detracts from the AONB. However, the only development to be removed is the concrete hardstanding, which can only be seen in close proximity to the site. The overall character of the site is part of an undeveloped agricultural landscape.

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

The proposed development has no relationship with the sense of place or local distinctiveness of this area but rather imposes a very urban and dense form of development on a rural area where existing development is characterised by a sparse settlement pattern, with isolated farms or large houses. Villages are generally located in the valleys not on top of the high plateau so this is a very alien form of development for this landscape.

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

The location of this site on a prominent and high plateau means that even well-designed lighting would have a wide impact on the landscape and local biodiversity and detract from the tranquillity, natural nightscapes and dark skies of the AONB.

**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 quantity of development proposed will inevitably result in a level of activity, traffic, associated infrastructure and recreational pressure which will have a significant impact on the tranquillity of this very rural area.

**vi) Be located and designed to conserve and enhance flora, fauna, geological and geographical 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.**

Devon Wildlife Trust's comments on the level of bat, bird and bee boxes, the protection of dark corridors within the site and the lack of transparency of the biodiversity net gain claims are important and should be addressed.

**vii) Retain links, where appropriate, with the distinctive historic and cultural heritage features of the protected landscape.**

*The historic use of RAF Collaton Cross and the potential for previous archaeological assets is set out in the Heritage Statement, but this heritage, rather than inspiring the design, seems to be ignored in the Design and Access Statement.*

**viii) Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.**

*The relevant AONB Management plan policies are listed below. The proposal does not further the delivery of this plan because it will not conserve and enhance the AONB, uses the existing condition of the site as a justification for development rather than a reason for enhancement, and will detract from the open views, tranquillity and dark skies of the AONB.*

**ix) Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.**

*Whilst mitigation measures are proposed in the form of landscape and ecological enhancements these do not address the harm of locating such a large and dense urban form of development in an open rural location. No compensatory measures are proposed.*

*AONBs have a single statutory purpose - the conservation and enhancement of the natural beauty of an AONB - contained within the Countryside and Rights of Way Act 2000. The South Devon AONB Management plan, required by and prepared under the same act, is a material consideration in determining this application. Amongst other things the plan sets out the policy framework for AONB management together with priorities for action. Where there is a perceived conflict between policies, the statutory purpose for AONBs overrides following the established Sandford Principle.*

*Policies of most relevance to this application and to which this proposal is not in accordance with are considered to be:*

*Lan/P1 Character The special qualities, distinctive character and key features...will be conserved and enhanced*

*Lan/P3 Landscape Condition Opportunities will be sought to strengthen landscape character by improving the condition of existing landscape features in poor condition and reinstating landscape features identified as missing or fragmented.*

*Lan/P4 Tranquillity The tranquillity, natural nightscapes and dark skies of the AONB will be enhanced and maintained...*

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

*Decision-makers should also take account of the following policy:*

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

*The special qualities of the South Devon AONB most pertinent to this application are:*

- Deeply rural rolling patchwork agricultural landscape*
- Iconic wide, unspoilt and expansive panoramic views*
- A landscape with a rich time depth and a wealth of historic features and cultural associations*

- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement...

### Conditions and Legal Agreements

*Without prejudice to the Unit's 'in principle' objection to this development, in the event that the LPA decides to grant planning permission, the following requirements are recommended:*

- *The applicant should work with officers to improve the design of the development so that it is more appropriate for its rural location, reflects the heritage value of the site and lighting is minimised;*
- *The landscape and biodiversity mitigation measures and their future management should be secured by condition or s106 agreement as appropriate;*
- *Compensatory measures to enhance the AONB in the locality should be sought and secured by s106 agreement (details of suitable projects can be obtained on request to the AONB Unit).*

### *Duty of regard for the AONB purpose*

*In considering this application, the Local Planning Authority is reminded of its overriding statutory 'duty of regard' for the purpose of conserving and enhancing the natural beauty of the South Devon AONB required by s85 to The Countryside and Rights of Way Act 2000."*

For clarity, the AONB Team's response was made in relation to an early iteration of the application and has not been updated following revised plans, additional landscaping work or the final reduced lighting scheme which will operate under a dimming regime.

Officers also note the AONB Management Plan contains policy Econ/P3 Rural business, which supports sustainable rural business initiatives where they maintain or enhance the special qualities or distinctive landscape character of the AONB and contribute to employment and prosperity; it is hard to say the employment provision does not achieve the aims of this.

The application has been subject to various revisions to deal with the serious concerns raised in relation to the design of the development and its landscape impacts. The Landscape Officer has carried out a review of the final set of landscape documents and drawings submitted (May 2022) and whilst not removing the objection, has confirmed "...further revisions to the development proposals, including the landscape design, that address the majority of issues that I raised...and which provide further enhancements and mitigation in response to identified adverse visual effects.

*Additional off-site, advanced planting has also been added, which will be subject to a S106 Agreement.*

*The lighting scheme takes account of the site's location within the AONB whilst responding to best practice and safe lighting levels..."*

It is not disputed the development will introduce built form into a largely undeveloped area with agricultural character. It is also located on a plateau, whereas settlements are traditionally set within valleys and at cross roads. However, as noted by the Landscape Officer, views from the south, west and east are limited, with existing dwellings, farm holdings and trees restricting views to the site; this is evident from driving and walking around the area where view across to the site tend to be glimpsed through gates in the hedgerows. The highways are considered less sensitive receptors but there are some more sensitive receptors in the form of permissive footpaths, but again, for the majority of these, views are glimpsed; the development will not appear as dominant within the landscape and through careful use of appropriate materials, which will assist to assimilate it in to the landscape, together with the proposed landscaping

(although it is accepted this will take time to establish) it will be less prominent than other nearby recent development.

In relation to the proposed lighting, Officers “pushed back” on this at pre-app stage and initially requested there be no lighting. The applicant was seeking to meet the requirements of DCC Highways and Street Lighting officers, but their initial requirements were akin to the lighting seen in an urban area (standard sized lamp columns and white LED lamps). What is now proposed is considered a good compromise. Additional survey work was carried out, including night time studies of existing lighting; it is clear the site is not within a totally unlit area, and can be viewed from some points with the backdrop of Plymouth’s lighting.

As a result, and without detriment to highway safety, columns have been reduced in height and spaced further apart, utilising amber coloured LEDs. The hoggin path lighting is considered essential by DCC in order to encourage as much use as possible of this link into the school and the village to reduce car journeys, and that has been negotiated to low level bollards, spaced well apart and one-directional only to minimise light spill and avoid lighting the dark corridor the hedgerows will provide. The applicant also volunteered a dimming regime which will ensure that for a significant period of the night, there will be no lighting present; the lights will switch on at dusk, dim down to 75% output at 20:00, and switch off at 00:30, coming on again at 05:30 until dawn; the bollards will also switch off at 00:30 until 5:30 am.

There is also a commitment to enable the removal of the mature coniferous trees on the site boundary with adequate and more appropriate/native replacements by additional planting on the application site; were these trees in the applicant’s ownership, they would be replaced at an early stage, but unfortunately the land is in different ownership. Given these trees are described above as being an incongruous feature, this will be of benefit.

A further commitment has been put forward to improve current lighting on the main road and of the coastguard station, which cause a degree of light pollution already. The applicant is in discussions with DCC Highways and this is welcomed.

The development does provide a greater number of dwellings than that previously permitted, and appears more dense, however, it also contains significantly more landscaped area, trees and hedgerows, all of which will reduce the impact of the proposal from both close up and long range views, and the built area is essentially confined to that previously approved, the area of brownfield land. The additional land within the red line site boundary is parkland and drainage ponds and is not being developed and any views of it from surrounding landscape will be confined to additional trees, once they have matured.

It is considered the applicant has gone as far as is possible to address the concerns mentioned in the consultation responses above and raised throughout the iterative process that has taken place. Specific measures include: significant additional planting on site; the use of climbers on boundary walls; softening of the arrival space with boundary planting; advance additional structural tree planting offsite to mitigate the eventual loss of nearby woodland; additional LVIA work; an additional Landscape Character Study; a much reduced lighting provision operating under a dimming regime; a simplification of the design and use of an earthy, muted material palette; careful consideration to the location of PV panels to avoid potentially most prominent positions; and most recently, the removal of the second temporary access point.

The tranquillity of the AONB is also recognised by Officers, however, it could be argued that due to the site being directly adjacent to the main road/cross road, which is said to be busy in many letters of representation, the presence of existing dwellings and some farm buildings in

the locality, the site is not one of the most tranquil and sensitive parts of the AONB. Furthermore, whilst appearing partly agricultural as stated above, when on the site itself, the experience is not one of remoteness or tranquillity as is the case with other areas of the AONB. That is not to underplay its importance and the contribution the site makes to the wider AONB and landscape, but it is certainly not as tranquil or remote as the more isolated and undeveloped/undisturbed areas such as the estuaries and remote coastline areas.

Recreational pressure will largely be mitigated by the extensive parkland that is part of the proposal, and also through the financial contribution towards the Tamar EMS (discussed in the biodiversity and infrastructure sections later in this report).

The site's heritage is also not being ignored, as is suggested above, and it is noted the County Archaeologist requested a Written Scheme of Investigation be agreed by condition; the applicant has already carried this out and DCC are content with it. The site, as it currently is, does nothing for the heritage of the area. As reference to the history in the arrival area, there will be a piece of artwork related to the RAF use; this will be secured by condition. Several allocation policies in the JLP reference the need to include public art. Whilst all of these are in the Plymouth urban area, that does not mean it should not be encouraged elsewhere. The applicant intends to work with the Parish to deliver this.

Members will note the AONB Team have made suggestions for mitigation and enhancement, in the event of an approval. The first point has been addressed through various iterations of the drawings; the second point is addressed by planning conditions and the S106. In relation to point 3, if Members are minded to approve the development, as part of the S106 negotiations, there will need to be a mitigation/compensation package worked up. The Team has a list of potential projects that contribution towards could be made. There will need to be an appropriate funding level commensurate with the level of harm plus net gain and a projects package can then be assembled. Examples given are: extent and condition improvements to the surrounding Devon Hedge network; Life on the Edge project; woodland creation and management; or securing action on nature recovery priorities.

Attention is drawn to the mitigation that is already on offer, including improving existing street lights, which far exceeds that required by the JLP and Contributions Evidence Base; the OSSR Officer stated 0.59ha (5940m<sup>2</sup>) of open space is required, as well as contributions towards pitch provision. The development provides, out of the whole site area of around 16ha, excluding private gardens, significantly more:

- Parkland - **5.3 ha**
- Other open space - **2.8 ha**
- Orchard & Allotments - **0.3 ha**

Assessing against local and national policy, there are again areas of conflict but also areas of conformity. The development is considered to be of high architectural and landscape quality, supported by significant LVIA and lighting assessment work, secures opportunities to improve the landscape, conserve and enhance hedgerows, seeks to improve local environmental conditions through remediation of the contaminated land as well as improving the current drainage situation from the existing dwellings, prevents light pollution as much as is possible. However, conversely it does cause harm to the landscape by the very fact it introduces built form, which is compounded by the scale of the proposal.

**Design:**



Policy DEV10 of the JLP and N3P-9 of the NNNP (reproduced above) seek to deliver high quality development that makes a positive contribution to the landscape.

DEV10, entitled *Delivering high quality housing*, states (excluding the criteria relating to Plymouth):

*“Housing development should be of a high quality in terms of its design and resilience, and provide adequate space to achieve good living standards. The following provisions will apply:*

- 1. Housing developments should be designed to be integrated with the adjacent developments and not appear to be an unrelated addition to the rest of the town, village and neighbourhood. This is to be achieved in the quality of the building design, materials and layout. The development should provide good pedestrian, cycling and public transport connectivity to existing developed areas, open spaces and local services such as schools and shops, as well as visually relating well to adjacent greenspaces to prevent hard urban edges.*
- 2. Development proposals should look for opportunities to design out crime and the fear of crime in the layout of the development.*
- 3. Affordable housing should be indistinguishable from other homes on the site, reflecting the type of housing on the development as a whole.*
- 4. Residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.*
- 5. New dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity space or private gardens should also be provided.”*

NNNPP Policy N3P-4 Development and construction states:

*“a) All new development including extensions and redevelopment, shall:*

- i. be of high design quality which is clearly derived from the site context and respects the architectural context of adjacent buildings.*
- ii. use natural materials including stone, slate and timber in keeping with the locality;*
- iii. be in keeping with its site and surroundings, in terms of scale, density and massing and not constitute over-development. Extensions must also be in proportion with the existing building;*
- iv. respect building height in the street, preserve views from public spaces, roads and paths, and protect and provide for trees, hedges and space between properties;*
- v. respond sympathetically to topography and orientation. On steep plots, consideration should be given to providing access that does not require the use of steps to access the property;*
- vi. be safe, accessible, and reduce opportunities for crime and fear of crime; and*
- vii. require dedicated bin storage areas so bins are not left on road/public space.*

*b) Sustainable construction:*

- i. All developments must meet the latest sustainable construction standards, minimising use of non-renewables and carbon emissions, maximising passive solar gain in winter, promoting rain water harvesting and grey water recycling and safeguarding against contamination, erosion or flooding.*
- ii. Proposals for housing development must demonstrate high energy efficiency and how the use of renewables and low carbon energy resources will be maximised.*
- iii. Where possible, buildings should be orientated to have a south west facing aspect and constructed so as to be able to accommodate PV solar panels for present or future use. These*

*should be incorporated in the development during construction unless it can be demonstrated by independent assessors that to have done so would have made the building non-viable.”*

Policy DEV20 of the JLP relates to place shaping and the quality of the built environment. It states that:

*“Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment, through:*

*2. Having 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.*

*3. Achieving a good quality sense of place and character through good utilisation of existing assets such as...trees and landscape features and attention to the design details of the scheme.*

*4. Delivering locally distinctive design.*

*5. Delivering landscape design that is appropriate to the location of the development, with full consideration given to its future management and maintenance and the need for landscape measures that are resilient.”*

The supporting text to policy DEV20, at 6.81 elaborates that it is not just the architecture of buildings but *“...also about the spaces within which the development sits, the quality of the relationships between the development and surrounding areas, and the appropriateness of the function of the building[s] in its context...”*

JLP Policy DEV23 requires development conserve and enhance landscape and townscape character and scenic and visual quality, implementing high quality architectural and landscape design appropriate to its landscape context. Whilst the wider landscape considerations are dealt with above, a development’s offering of both hard and soft landscaping is all part of high quality, good design.

Chapter 12 of the NPPF deals with achieving well designed places:

*“126. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*

*“130. Planning policies and 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, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

*131. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

As stated already in this report, the application has been through various design iterations following concerns raised over materials and layout. As a result the layout has been improved, taking on board comments raised by the Landscape and OSSR Officers, as well as the Police; surveillance of open space is improved, access routes are either gated or more open through lower canopy planting (whilst still maintaining appropriate levels of screening), and boundary walling has been softened

A somewhat contemporary approach to the design of the buildings has been taken, although also takes design cues from nearby built form. The use of timber was questioned, given it is not a common residential design feature, albeit is present in the locality. The applicant has reduced its use, with a significant number of dwellings now proposed to be rendered in muted, earthy colours; no white/off-white render will be permitted. This now gives some variation in the street scene, reflecting more how a settlement would organically grow and evolve over time. All the proposed timber cladding is natural timber, which will weather, unlike the composite cladding used on the most recent development nearby. The materials palette has been simplified and the roofing colours for the commercial units has been reduced down to 2 colours that are considered much more appropriate and sympathetic to the character of the area, being Copper Green (a darker green, as opposed to the traditional weathered copper colour) and Zinc Grey; this was an area of concern given its prominence upon entering the site. Full details/samples can be secured by planning condition.

NDSS space standards are met on all dwellings, as well as SPD standards in relation to amenity provision for every dwelling and parking.

Additional information was provided in relation to waste collection, identifying individual bin stores for all properties and communal storage for the commercial buildings; the Council's Waste Team have no concerns. Whilst the full information requested from the DCC Waste Officers has not been provided, it is considered this can adequately be addressed by a condition for full waste arrangements to be agreed, given that the construction and decontamination methodology seeks to reduce construction waste.

Taking the above into consideration, it is considered the development represents a high quality design, in accordance with the aforementioned policies and this weighs towards granting approval.

### **Residential Amenity:**

JLP policy DEV1 requires proposals to safeguard the health and the amenity of local communities, through ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality. DEV2 is also relevant in so far as avoiding noise, air pollution and so on.

NNNP Policy N3P- 4c requires development to not cause unnecessary noise, light or other pollution, and to provide safeguards during construction to protect against harm and nuisance, particularly from deliveries and parking.

N3P-13 b supports home working and home-based businesses, providing they are in keeping with the locality and would not cause detriment to local amenity or nuisance to neighbours.

There is a good separation distance between the application site and the existing neighbouring properties, considerably in excess of that set out in the SPD:

- Collaton Park to the northeast, the nearest dwelling sits around 44 metres from Plot no. 68, with existing intervening evergreen coniferous planting in between. Additional planting is proposed as part of the site wide landscaping scheme.
- Richardson Drive to the southwest, the nearest dwelling of which is around 117 m away. These dwellings generally have an outlook north-south and will look across to the proposed parkland. Again, additional planting is proposed between these dwellings and the site.

There can be no doubt that the experience of residents of these properties will change by the very nature of there being a development on the site, along with additional traffic and people movements. However, all of the facilities and benefits provided as part of the development will be available for those residents.

Transport impacts are considered elsewhere in this report but in direct relation to the existing properties, none of the development traffic (either during construction or whilst occupied) would pass close to them; in fact, both groups of dwellings are only accessible via private access driveways.

The use of the commercial units can all be adequately controlled to ensure uses are appropriate for this residential area and will not cause conflict in terms of noise, smells and such like.

The concerns raised by residents are noted but Officers are satisfied that the proposal will not cause any significant harm to the amenity of neighbouring residents that would justify a refusal.

No concerns have been raised by the Council's Environmental Health Officers, however, it is considered prudent to impose a condition restricting working hours as part of the CEMP to ensure construction does not happen at unsociable hours and become unneighbourly.

In relation to the proposed dwellings, they are all being provided with good levels of amenity space, in accordance with the SPD; however, permitted development rights for extensions and works to roofs are proposed to be removed by condition to ensure the affordable properties remain so and mindful of the AONB location.

The development is therefore considered to comply with the aims of the NPPF, JLP policies DEV1 and DEV2, and NNNP policy N3P-4 (c ii).

### **Highways/Access:**

JLP Policy DEV29 relates to transport, stating:

*“Development will be required to contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area. It will promote sustainable transport choices and facilitate sustainable growth that respects the natural and historic environment. Development proposals should therefore, where appropriate:*

1. *Consider the impact of development on the wider transport network.*
2. *Provide safe and satisfactory traffic movement and vehicular access to and within the site.*
3. *Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.*
4. *Limit/ control the overall level of car parking provision at employment, retail and other destination locations.*
5. *Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.*
6. *Mitigate the environmental impacts of transport, including impacts on air quality, noise pollution, landscape character and the quality and distinctiveness of urban and rural environments.*
7. *Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.*
8. *Ensure that access and infrastructure delivered as part of the development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area alongside supporting place-shaping objectives.*
9. *Contribute to meeting the wider strategic transport infrastructure needs generated by the cumulative impact of development in the area.*
10. *Locate new homes in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.”*

Section 9 of the NPPF contains the Government’s transport guidance. Key points of note for this application include:-

*“105. The planning system should actively manage patterns of growth...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes...This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

*106. Planning policies should:*

*a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities...*

*d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking.*

*110. In assessing...applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users;*

*c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance...*

*d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*111. 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.*

*112. Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements...and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards...*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

*113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."*

The Neighbourhood plan notes residents' concerns over lack of safe walking and cycling routes, especially for children and older people and loss of public transport, with one of its key objectives "Well maintained, roads and footpaths so that people and especially children can move around the villages safely. Additional parking (particularly in Newton Ferrers) so that residents can park near their homes and the shops; also visitors are able to park within walking distance of the villages".

*Policy N3P – 5 Movement and Parking states:*

*“a) Planning permission for new development will only be granted where it is demonstrated that approach roads will be capable of accommodating the volume and size of additional traffic that will be generated. Applicants will be required to demonstrate beyond any reasonable doubt that this is the case through the use of independently validated evidence. Safe access and egress must be provided.*

*b) Developments must provide adequate footpaths and cycle paths to enable good and safe access both within the developments and from it to local facilities. The provision of a “Home Zone” for any development of more than 5 dwellings will be supported.*

*c) Development that will result in the loss of public car parking will not normally be permitted unless suitable alternative provision can be made.*

*d) New developments will provide enough off-road parking spaces to ensure that pressure on existing parking is not increased;*

*i. New developments of residential properties must provide: 1 bed = 1 Space, 2 bed = 2 Spaces, 3 bed = 2 Spaces, 4 bed = 3 Spaces, 5 bed = 3 Spaces, 6 plus bed = 4 Spaces. Garages will not normally be counted as parking spaces.*

*ii. In the case of commercial developments the applicant is required to produce an off road parking plan. This must show the number of employees, the estimated number of visitors and delivery vehicles and demonstrate that adequate provision has been made to accommodate those numbers.*

*e) Development that is likely to generate a demand for additional parking should provide additional off street parking where possible and this will weigh favourably in the planning balance.”*

In terms of highways and transport works, the scheme has evolved since its submission as a result of discussions with Officers and DCC Highways to maximise the improvements and minimise landscape impacts. The development proposes to:

- Upgrade the exiting site access point to 8.5m width. A second temporary access was originally proposed for the construction period, but Officers requested it be removed as it was not considered essential and would result in additional landscape harm.
- Improvements to road signage.
- Reduce the speed limit on the B3186 between Butts Park and Collaton Park from 60mph to 40mph. Although the Transport Assessment concluded that there is not a pattern or problem of accidents on the B3186, there is an acknowledged concern regarding speeding along this section of road.
- A sensitive lighting scheme which operates on a dimming and switch off regime, designed to minimise landscape impacts. This will be less perceptible than existing older street lighting nearby and represents a significant enhancement on the design and specification of the lighting that was previously approved. The applicant is investigating improving current street lighting and that of the coastguard building.
- Enhance the existing pedestrian route between the site and the edge of Newton Ferrers to provide safe access for pedestrians and cyclists. To the south of the B3186, the route will be located within the site and will be separated from the road by the hedgerow, illuminated using small single-sided bollards, each with backshields facing the hedge.

- Provide a new crossing point over the B3186, linking the on-site path to an enhanced three-metre wide route to the north of the road, connecting to the existing footpath at Butts Park.
- Relocate the bus stop from the B3186 into the site, providing a more convenient waiting area for passengers. It will also be used by school buses.
- Make a financial contribution of £200,000 to fund 5 additional buses in each direction per day between Monday and Saturday, effectively doubling the current service. To be paid in as £40,000 per year for five years, from the occupation of the 40th dwelling.
- Provide £250 in sustainable travel vouchers to every dwelling, secured in a S106, towards cycle purchase or bus trips.
- Provide a village parking and boat storage area on site, aimed at reducing congestion in the village at busy (summer) times and will be used for the storage of Regatta boats during the winter. This could also be linked in with a shuttle bus service if the Parish decided to run this in the future.

The Transport Assessment has included a likely traffic forecast using recognised national statistical trip rate evidence (TRICS), and predicts an additional 92 two-way vehicle movements on the local highway network during AM peak and 89 two-way movements in the PM peak period, equating to less than two trips a minute in both peaks. These figures also do not specifically account for any vehicle trip suppression through the proposed Travel Plan measures, which will be designed to reduce traffic generation, nor does it account for any trip reduction impacts from residents choosing to working from home or on-site in the commercial units.

Whilst representations have raised concerns about the validity of the predicted figures and when on-site counts were carried out, they are not disputed by the Highway Authority.

It is recognised by DCC that the proposal now exceeds levels where a right turn lane should be considered, due to the data suggesting that a high proportion of residents will turn right out and left into the site on a daily basis, it is considered the level of traffic needing to turn right will be moderately low.

DCC also note that the B3186 between Yealmpton and the site undulates in width so that in places, drivers must give and take for each other. Inevitably, extra traffic from the development is likely to increase these give and take occurrences, which will create more inconvenience for drivers. However, the accident statistical evidence over the last 3 - 5 years reported to the Police, does not indicate there is an accident cluster issue related to these types of driver behaviours. It is therefore considered, on balance, the extra traffic likely to be generated in the peak hours (worst case hourly periods within a 24 hour period) identified above are not considered to give rise to a severity objection from the Highway Authority in either capacity or safety terms. Therefore, in principle, whilst the application has increased in size from the previously approved application 2548/14/O, no objection is raised in respect of the proposed uplift in traffic.

Mitigation measures have been put forward to bring the application in line with the policy requirements of the NPPF and DCC Highways are supportive of these. They had originally requested more extensive lighting both on and off the site, but this was felt by Officers to be of detriment to the landscape, and a compromise was reached, as is now shown on the submitted documents and drawings. The lighting columns were proposed to be 8m high columns, but were reduced to 6m. The dimming and switching off regime was also agreed. The lights will utilise amber LEDs to reduce the harshness of the lights.



The preference from DCC was that all internal estate roads were lit but this has been reduced to just the initial entrance into the site and area by the commercial units.

Discussions have also resulted in the removal of the second temporary site access which would have seen further hedgerow removal and visibility splay creation, as well as preventing a large section of the new landscaping from being implemented. This additional access had been suggested by the applicant in order to separate construction traffic from existing residential traffic. Instead, the existing access is to be widened and improved to accommodate passing vehicles. Given the intention is to retain as much material on site as possible and that the construction of the affordable dwellings using MMC will reduce construction material deliveries, this is considered to be acceptable and supported by DCC. Construction vehicle movements can be limited and controlled in the CMP to minimise any disruption at peak periods.

Requirements from DCC include:

- Travel Plan with a total £250 per dwelling financial commitment, to include the appointment of a Travel Plan Coordinator who will produce a questionnaire and establish residents travel needs at 90% occupation. The travel plan should include a list of measures to be agreed that can be utilised by residents as a means of selecting mitigation measures for the development, such as E Car/Bike Hubs, sustainable travel vouchers, bike vouchers etc.

- B3186 40mph speed limit reduction through a Traffic Regulation Order and appropriate signage.

- Securing the improvements to the 94 bus service frequency to improve the service by providing additional journeys at 0706 from Yealmpton, with a connection from Plymouth, 1110 and 1540 from Plymouth and 1147 and 1617 from Newton Ferrers. The present 94 occupies part of the working day of a bus, which is also used to operate journeys on another service. The financial contribution would fully commit a vehicle to service 94 to enable the improvement, increasing the number of journeys passing the development from 5 per day to 10. This would allow travel to the proposed employment which is not presently possible, improve access to schools in Plymouth and give a much improved level of service.

- Prior to the Occupation of 90% of the dwellings, the Owner is to appoint a travel plan coordinator, and obtain the written approval of the County Council for the following:

- a travel plan questionnaire and survey of the residents
- an agreed set of travel plan measures
- apportion the financial travel plan mitigation figure to the agreed measures on the site and with the residents.

- The Owner is to provide a Welcome Pack and Travel Pack for each dwelling and shall distribute it to each dwelling prior to the first occupation.

“Travel Pack” means a package of travel information provided to residents aimed at encouraging the use of sustainable modes of transport (including a location plan of bus stops, bus timetables, bus route plan, cycle route map and any other information which is considered appropriate towards promoting sustainable transport objectives).

“Welcome Pack” means a pack for new residents containing a Travel Pack, a Sustainable Travel Voucher and any other information considered appropriate towards promoting sustainable transport objectives.

- Highway Works - Delivery of the off-site highway works and the 3m shared hoggin path prior to the occupation of any of the dwellings and completion prior to occupation of the first dwelling or commercial premises.
- Permissive Path Legal Agreement appended to S106 securing the hoggin path open in perpetuity, along with maintenance details.
- £5000 towards the internal estate road 30mph signage and traffic regulation orders, to be paid prior to commencement of any part of the site.

To further enhance to sustainable transport offer, the applicant is currently exploring additional methods to reduce reliance on the private car in the form of a car club, shuttle bus and E-bikes.

- Car Club: investigations have been made but the companies have concerns the area is not populated enough. If not provider can be confirmed, the applicant will explore including this in the site wide management company.
- Mini Bus: was an original request from the Parish. If provided in the future, it will be able to use the Bus Stop, parking and the EVCP on-site.
- E-Bikes – is being investigated and explored with DCC Highways. This could compliment/link up with a cycle repair operator who has expressed interest in setting up in one of the commercial units.

Officers recognise the difficulties in reconciling the additional vehicular movements that the development will create with the need to deliver sustainable development, and have taken on board the representations raised. It could be argued such development can never be truly sustainable, but to adopt such a rigid approach would see no development outside of main towns and villages, to the detriment of the rural areas.

It cannot be disputed that extra housing brings extra cars, and that is always a challenge in rural areas where public transport provision is poor; the development does go some way to improving the local bus service and as detailed above, does bring with it a significant package of highways improvements, some of which the applicant could have chosen to not deliver or sought to water down.

As referenced in the NNNP, given the narrow lanes and lack of pavements in the Parish, it is not surprising that parking and traffic speed figure high in the community's concerns, reflected in many of the representations received.

The NNNP is noted to require new developments to be well-linked to and by footpaths, particularly to connect up with the school; the development can be said to achieve this. The NNNP highlights the importance of new housing and employment related development to be located as close to facilities and services as possible, reducing the need for car use and contributing to the vision for a greener community; it can be argued the development fails in this regard, but through the extensive facilities on site, sustainable travel measures and increased pedestrian/cycle provision, Officers feel that it achieves this, as much as it is able to.

The NNNP notes the need for additional car parking to take the pressure off the congested village centre from visitors, tourists and walkers; although a short distance out of the village, the development provides this and creates an enhanced, much safer pedestrian route into the village. Should parents choose, they have a safe access to walk or cycle to the primary school. Covered cycle parking is to be provided to serve the commercial units, with further cycle

parking near the café, and garages/ bin stores being large enough to accommodate cycle storage for the dwellings.

Mindful of the absence of any objection from the Local Highways Authority, and that the development puts forward significant measures to increase non-car journeys and improve public transport, it is inevitable it will result in an increase in journeys by cars by the very rural nature and the limited jobs and facilities in the immediate area. There is therefore some conflict, but also some compliance with local and national transport policy, that must be weighed into the planning balance.

### **Drainage and Flood Risk:**

JLP Policy DEV35 entitled managing flood risk and water quality firstly requires a sequential approach be taken, with development directed towards the lowest areas of flood risk. DEV35.4 states:

*“Development should incorporate sustainable water management measures to reduce water use, and increase its reuse, minimise surface water run-off and ensure it does not increase flood risks or impact water quality elsewhere...surface water...should be discharged in a separate surface water drainage system...”*

In relation to foul drainage, *“Development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate or will be improved to accommodate the new development, in advance of the development taking place.”*

This policy echoes the NPPF, section 14, which seeks to avoid development on areas at risk from flooding and requires major developments to incorporate sustainable drainage systems, which *“...where possible, provide multifunctional benefits.”* Paragraph 167 requires applications to be supported by site specific flood–risk assessments and for development to not increase flood risk elsewhere.

The NNNP notes a concern that any discharge from new developments could increase foul sewer problems in the area and through Policy NP3-6 states:

*“a) Use of sustainable urban drainage schemes and permeable surfaces for parking areas and other hard landscaping will be supported.*

*b) Surface water run-off should not discharge to a public road or footpath.*

*c) Surface water from proposed developments should be discharged in a separate surface water drainage system which should be discharged according to the following hierarchy:*

*i. Infiltration.*

*ii. Discharge to a waterbody (if available and with sufficient capacity).*

*iii. Discharge to a surface water sewer, highway drain or culverted watercourse with attenuation as required.*

*iv. In exceptional circumstances, discharge to a combined sewer.*

*d) Development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate or will be improved to accommodate the new development, in advance of the development taking place.”*

The site lies in Flood Zone 1, an area at low risk of flooding. The application is accompanied by a detailed Flood Risk Assessment and Drainage strategy.

In relation to foul drainage, it is proposed to connect to the existing South West Water system; SWW have confirmed the system has capacity for this. Objectors' comments have been noted in so far as it is felt the sewage works do not have the capacity to accommodate additional flows and that existing residents in Collaton Park suffer from low water pressure. Confirmation has also been received from SWW that there is capacity to serve the development with potable drinking water.

Surface water drainage is proposed to be dealt with via a Sustainable Urban Drainage System (SuDS) comprising several elements:

- Swales adjacent to the highway to capture any highway run off to cleanse it before it enters the drainage network
- Reuse of the existing piped outfall to the existing brook to minimise vegetation disturbance
- The design also accounts for an area off-site to the east that drains onto the site; this will be discharged into underground soakaways, along with some of the eastern site highway runoff
- The remaining runoff will be directed to an attenuation basin towards the western area, via a pre-treatment basin
- It is intended the main attenuation basin will be permanently wet to increase onsite amenity and biodiversity
- Runoff from Richardson Drive will also be intercepted, cleaned and directed towards the permanent wet pools
- The design does not seek to alter flows in the far western area so as to not dramatically alter rainfall entering the brook on the western boundary

The documentation concludes *“The surface water system is based around infiltration and designed to contain all of the storm water on-site (through a series of ponds, infiltration basins and water-cascading measures), which will also provide an improvement to the natural ecology and wildlife on-site and in the immediate area.”*

In the early design stages it was suggested that the ponds could also be used for activities such as swimming. Whilst the planning system cannot prevent this, it was felt to not be practical given that some contaminants could be present, albeit the water in these ponds will be clean. It could potentially cause conflicts with the stated biodiversity benefits/enhancements the ponds would provide.

Devon County Council, as Lead Local Flood Authority (LLFA) have scrutinised the SuDS. Additional information and clarification was requested from the applicant, and that has been provided, including detailed plans and calculations, plus additional infiltration in line with BRE365; it should be noted that this was not requested prior to determination by the LLFA, but they suggested they would be likely to condition it in the event of approval, so the applicant has taken a proactive approach to this.

*“The applicant has produced two drainage strategies, one based on infiltration and the second based on attenuation in line with best practice, with 2 rounds of infiltration testing undertaken; results indicate mostly favourable results. It is acknowledged that parts of the site have contamination and the intention is for this to be remediated as part of the redevelopment. If the contamination is not fully remediated, the LLFA would not recommend any infiltration due to the risk of mobilising contaminants. Groundwater monitoring has been undertaken at the site over the winter months, in line with DCC. From the results to date it looks like groundwater will not impact on the functionality of any infiltration systems. The existing drainage from Fell Close*

*will be diverted and it is proposed to drain to a soakaway. The existing drainage from Richardson Drive to the south will be diverted and will discharge via swales into the ornamental pond downstream of the attenuation basin. The applicant has increased the factor of safety used in the design of the soakaways as per previous correspondence.*

*The second option is for all the runoff, including Fell Close drainage, to be attenuated on the site in a large basin to the west. The basin will restrict runoff to greenfield rates prior to discharge into a local watercourse. This option is required in case further geotechnical testing indicates infiltration will not work at the site...the basin should be designed for landscaping with gently sloping side slopes.*

*At this stage, the applicant has stated that highway drainage including highway swales will be offered to DCC Highways for adoption. Pipework will be offered to South West Water for adoption. A management company will be responsible for maintaining basins and bioretention areas. Homeowners would be responsible for maintaining on plot soakaways. The applicant has also indicated how any rare exceedance flows above the design standard can be safely managed at the site.*

*In summary, the site will provide a betterment overall in terms of reducing runoff rates, provide treatment of runoff as well as biodiversity and amenity benefits. This is in line with our SuDS for Devon Guidance (2017) as well as national guidance such as the Ciria SuDS Manual C753 (2015)."*

Subject to securing the conditions suggested by the LLFA and maintenance in the S106, there is no policy conflict in relation to drainage and flood risk.

#### **Biodiversity:**

Development plan policy DEV26 requires all development to support the protection, conservation, enhancement and restoration of biodiversity and geodiversity, stating:

*"4. Harmful impacts on European and UK protected species and Biodiversity Action Plan habitats and species must be avoided wherever possible, subject to the legal tests afforded to them where applicable, and unless the need for, or benefits of the development clearly outweigh the loss.*

*5. Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.*

*6. Development will provide for the long term management of biodiversity features retained and enhanced within the site or for those features created off site to compensate for development impacts."*

The SPD offers detailed guidance in relation to Biodiversity Net Gain (BNG) including a requirement for major development to deliver a 10 per cent increase in biodiversity units when applying the Defra Biodiversity Metric (the "Industry Standard" calculation tool).

Other policy and guidance is found in section 15 of the NPPF (Conserving and enhancing the natural environment), Government Circular 06/2005 (Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system), The Conservation of Habitats and Species Regulations 2017(The Habitat Regulations); Section 40 of the Natural Environment and Rural Communities Act (NERC Act, 2006), Wildlife and Countryside Act, 1981 (as amended) and the Countryside and Rights of Way Act, 2000.

The development lies in the 12.3km Zone Of Influence of the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect upon these sites from this development through recreational pressure, when taken in combination with other plans and projects.

The Habitat Regulations place a duty on the Council, as decision maker, to ensure development provides sufficient mitigation for any recreational impacts which might arise. The Council has conducted Habitats Regulation Assessment and Appropriate Assessment (the full document is attached as Appendix 1 to this report) of the format agreed with Natural England (NE), the statutory Nature Conservation body; NE have agreed a strategic approach to replace individual consultations whereby once screened, the following condition can be considered adequate mitigation:

- Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site (EMS), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.

Since the adoption of the SPD, this is dealt with as a financial contribution towards the Recreation Mitigation and Management Scheme for the EMS, calculated according to bedroom numbers, secured in a S106/Unilateral Undertaking using the below table:

Dwelling size	Av household occupancy	Contribution per dwelling
1 bedroom	1.33	£236.62
2 bedroom flat	1.86	£330.92
2 bedroom house	2.45	£435.89
3 bedroom dwelling	2.63	£467.91
4+ bedroom dwelling	2.85	£507.05
Cost per head		£177.91

The total sum for the proposed development amounts to £55,379.01. It is concluded that the proposal will not have an adverse effect on the integrity of the Plymouth Sound and Estuaries EMS subject to the contribution being secured by S106.

Protected species: The presence of protected species and consideration of impacts of a proposed development upon them is a material consideration. Protected species receive levels of protection according to their designation (European, National and Priority Species), and of potential relevance to the application site are:

- European Protected Species – bats, dormice and otters
- Nationally protected species - reptiles, Barn Owls and badgers

The application is supported by detailed ecological surveys:

A Phase 1 walkover survey was undertaken on 29/4/2020; a botanical survey was undertaken on 12/8/2020; bat activity surveys undertaken May-Oct 2020; dormouse survey Jun-Nov 2020; reptile survey Aug-Sept 2020; barn owl survey 21/10/2020. These were updates to previous surveys were carried out in 2014.

Bats have been found, largely using site boundaries for commuting and foraging, reptiles and common amphibians are also present, no evidence of badgers was found, and the barn is confirmed as a known barn owl breeding site. Other notable species found include various birds, invertebrates, reptiles and hedgehogs

The survey report notes, aside from the area associated with the former RAF Site, the red line area comprises “...scrub, young planted trees and arable land in the east (the main area to be developed) and poor semi-improved grassland fields and scrub in the south and west. Part of the latter area is within the Lakeside Unconfirmed Wildlife Site (UWS). The Site is bound by Devon hedges, conifer tree lines and fencing...was found to have evidence of a range of protected and notable species, including a low population of reptiles, breeding barn owl and other nesting birds, commuting and foraging bats and hedgehog.

*The development will result in the loss of hard standing and associated scrub, some areas of plantation woodland, the arable field and part of a species poor semi-improved grassland field. Grassland and scrub in the western part of the Site will be largely retained to create the POS, with the exception of an area to be used for material excavated from the development footprint. This will be landscaped and a series of ponds/ swales created. The agricultural shed which has regularly been used by breeding barn owl will be removed.*

*The following mitigation and compensation measures will be undertaken to minimise impacts on important ecological features:*

- *Per-dwelling contribution to mitigate recreational impacts to Plymouth Sound and Estuaries SAC*
- *Retention and enhancement of Lakeside UWS through thinning of scrub to create sunny glades*
- *Retention of majority of young plantation strips, all hedgerows and broadleaved woodland. Protected during construction in accordance with an Arboricultural Method Statement*
- *Retention of a minimum of 1ha grassland in the western area, enhanced through management to rough/tussocky grassland to support foraging barn owl*
- *5m buffer from selected boundaries to protect bat flight paths*
- *Translocation of reptiles from development footprint into western scrub/ grassland banks, prior to works commencing*
- *Creation of barn owl tower prior to works commencing (3 months prior to demolition) and additional building integrated nest box [the same provision as was agreed under the earlier approved application and with the Barn Owl Trust in 2020]*
- *Timing and sensitive working methods to protect fauna during construction.*
- *Creation of mosaic of native scrub, woodland, tall ruderals and species-rich grassland throughout site*
- *Hedgehog holes within gravel boards or walls*

- *In the residential zone, at least 50% of planting will be native or on the RHS Plants for Pollinators List*
- *Sensitive lighting scheme to protect nocturnal fauna (bats and barn owl).*
- *Habitat piles for reptiles/ invertebrates*
- *The management of new and retained habitats for biodiversity will be delivered via a 30-year LEMP.*
- *Monitoring scheme for barn owl*
- *Additional recommendations have been provided in order to enhance the Site for biodiversity post-development, including the creation of wildlife-friendly water bodies and water courses, bat, bird and bee boxes and new native hedgerow planting*

The conclusion is *“Overall, the development will result in a net gain effect on biodiversity, provided the mitigation and enhancements are undertaken in accordance with this report. A Landscape and Ecology Management Plan will be implemented to ensure that biodiversity net gains are delivered long-term.”*

The Devon Wildlife trust have objected, raising questions over the BNG calculations; it is not clear why they think there is an issue with these and they have been thoroughly scrutinised by DCC Ecologists, as the Council’s consultees in biodiversity matters. The concerns regarding bat/bird/bee box provision can be addressed by condition.

DCC requested further clarification around the use of the site by bats and the proposed lighting scheme. Additional measures have been requested, for example, the creation of “hedgehog” holes within garden fencing, reptile mitigation and the submitted CEMP to be updated to account for badgers during the construction phase. Following the submission of additional information, DCC are satisfied with the proposal subject to a series of conditions upon approval to ensure the proposed mitigation is implemented and appropriately managed.

Biodiversity Net Gain: The development will provide above the 10% BNG policy requirement, seeing an increase of 12.62% habitat units and 108.51% hedgerow units as a result of the extensive planting now proposed through discussions between the Landscape Officer and the applicant’s landscape consultants; the delivery and maintenance of this will be secured for a minimum of 30 years in a Landscape and Ecological Management Plan (LEMP), which would need to be agreed before construction commences.

Subject to conditions as required by DCC and management being secured in a S106 securing works in accordance with the measures and mitigation set out as proposed, along with the Tamar EMS financial contributions, the development is considered to accord with the relevant policies including JLP policies SPT12 and DEV26, the NPPF and wildlife legislation listed above.

### **Climate change and carbon reduction:**

Devon County Council declared a Climate Emergency on 21 February 2019, following which the Devon Emergency Response Group was formed to facilitate effective action across a broad partnership. South Hams District Council signed up to the Devon Climate Declaration and declared its own Climate Change and Biodiversity Emergency on 25 July 2019.

As set out in JLP Policy DEV32, the delivery of a low carbon future for Plymouth and South West Devon is required. Waste management is covered in DEV31, supporting the hierarchy of prevention; reuse; recycle; recover; disposal. Consideration must be given to these in the design and implementation of all developments, in support of a Plan Area target to halve 2005



levels of carbon emissions by 2034 and to increase the use and production of decentralised energy.

Developments should minimise the use of natural resources over their lifetime, by reuse or recycling of materials in construction, by making best use of existing buildings and infrastructure; major development should the aim to mitigate effects of changing climate. Layout and orientation should maximise natural heating, cooling and lighting.

The policy stipulates, amongst other criteria:

*“Development proposals will be considered in relation to the ‘energy hierarchy’ set out below:*

- *Reducing the energy load of the development*
- *Maximising the energy efficiency of fabric*
- *Delivering on-site low carbon or renewable energy systems*
- *Delivering carbon reductions through off-site measures.”*

Major development proposals are required to demonstrate carbon emission levels of 20% less than that required to comply with Building Regulations Part L, through incorporating low carbon or renewable energy generation.

The NPPF, section 14, discusses planning for climate change at paragraphs 153 to 158. Key points include reducing greenhouse gas emissions through location, orientation and design, help increase the use and supply of renewable and low carbon energy and heat. Local planning authorities *“...should expect new development to...comply with any development plan policies on local requirements for decentralised energy supply...”*

NNNP Policy N3P-4 Development and Construction, in relation to carbon reduction states:

*“Bi. All developments must meet the latest sustainable construction standards, minimising use of non-renewables and carbon emissions, maximising passive solar gain in winter, promoting rain water harvesting and grey water recycling and safeguarding against contamination, erosion or flooding.*

*ii. Proposals for housing development must demonstrate high energy efficiency and how the use of renewables and low carbon energy resources will be maximised.*

*iii. Where possible, buildings should be orientated to have a south west facing aspect and constructed so as to be able to accommodate PV solar panels for present or future use. These should be incorporated in the development during construction unless it can be demonstrated by independent assessors that to have done so would have made the building non-viable.*

*iv. New developments (5 or more houses) should consider an on-site heat network, unless demonstrated by independent assessors that this would render the development unviable, or where a lower carbon alternative has been put in place...”*

The application has been accompanied by an Energy and Sustainability Statement which demonstrates the development will result in an overall site wide reduction in CO2 emissions of 74.93%. This has also referenced the Council’s recent Climate Emergency Planning Policy and Guidance document, which went out to public consultation in March 2022, setting out how the Plan Area Authorities expect development to respond to the Climate Emergency; this document has not yet come into force, but builds on current JLP policy and includes measures such as moving away from oil and gas.

The measures proposed to address DEV32 have been increased through the lifetime of this application and the development now proposes:

- Fabric first construction approach incorporating high standards of thermal efficiency, airtightness and thermal bridging
- Efficient space and water heating and lighting, utilising Air Source Heat Pumps (ASHPs) on all units
- 130,480kWh of solar PV on the affordable dwellings (to strike a balance between generating energy and minimising landscape impacts)
- Passive design measures (orientation and site layout) to maximise useful solar gain and minimise overheating
- Electric vehicle charging points across the development; every dwelling has its own charge point; 20% of non-residential spaces served direct with passive provision/infrastructure capacity for 50% of the remaining spaces
- The use of a modular MMC for the affordable homes, which would further reduce carbon emissions from the current 74.93% reduction
- Optimal levels of daylight which meet the required minimum standards using Code for Sustainable Homes methodology
- Responsibly sourced construction materials and minimisation of waste
- Most on-site soil will be retained, waste materials reused; concrete/masonry will be crushed and recycled on-site and used in the construction of parking and road sub-bases; soils will be retained on-site and capped. Comparing to the Parsonage Road waste removal, it is estimated this will save 7000 lorry movements
- Adequate storage space for recycling receptacles and information packs detailing collection requirements
- Water efficiency through dual flush WCs, low flow showers and taps, appropriate sized baths to minimise water use

Through the range of measures detailed above, the Statement explains through using SAP and other calculations, how carbon is reduced by 74.93%. JLP Specialists have reviewed the information and have commended the development as it represents one of the largest savings achieved by any development since the adoption of the Plan, and will go a long way to protecting future occupants from significant rises in operating costs of the dwellings.

Since the report was produced, additional PV panels have been added and it has been confirmed that all of the affordable dwellings will utilise MMC, so the actual carbon saving is likely to be higher. Battery storage will enable an element of “of grid” living.

However, the development does, as is inevitable due to its location, rely somewhat on the use of the private car, which to a degree, takes away from the savings it would generate. Some weight can be given towards the commercial /employment provision on site and towards the “home office” provision in many of the dwellings. Along with significant improvements to pedestrian and cycle access, plus an increased bus service, these all go some way to reducing the carbon footprint of the development. Also weighing in favour is the provision of Electric Vehicle Charging points across the development.

The Waste Authority comments regarding waste management during construction and operation, can be dealt with by planning condition, noting that the intention of the decontamination process is to remove as little as possible; MMC also minimises construction waste. The development accommodates sufficient provisions for domestic waste, as well as compost bins and water butts; a condition is recommended to secure these.

On balance and subject to a condition to secure the implementation of the measures as set out, the proposal is considered compliant with JLP DEV31 and DEV32, NNNP N3P-4 and NPPF guidance.

**Trees:**

Policy DEV28 of the JLP precludes development that would result in the loss or deterioration of the quality of trees and woodland, requiring development to be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows.

The NPPF, at section 15, promotes landscape enhancement which includes trees and woodlands.

The application is supported by an Arboriculture Impact Assessment, Tree Protection Plan, Tree Retention Plan and Arboricultural Method Statement. The site does contain some trees which are proposed to be felled, but none are of particular note and will be replaced by more than adequate replacement planting throughout the built area, the parkland and off-site to the south-eastern area.

The line of mature conifers to the boundary with Collaton Park are to be retained as they are not on the application site, but the applicant is proposing considerable planting along this boundary which would enable those to be removed at a later date whilst maintaining good screening. Officers consider this will be of benefit, in the long term, because the current trees are non-native and whilst offer screening, are not really considered appropriate for the landscape.

The Council's Tree Specialist has offered no objections on arboricultural merits, subject to a condition ensuring that the tree protection measures and other recommendations contained within the arboricultural report are carried out is recommended.

Officers were alerted by objectors to the likelihood that nearby woodland would be felled; Gnaton Wood, a 12 acre hardwood stand to the south of the existing Collaton Park properties, which is said to be starting to fall and will need felling in the next few years and 9 acres of Douglas Fir at Collaton Wood, to the south of the built area of the site.

The owner of the woodlands has submitted documentation confirming that the crop of Douglas Fir in Collaton Wood, planted in 1953, is now reaching maturity and is extremely valuable. The Forestry Commission have agreed a Long Term Woodland Plan; this proposes thinning the crop during 2022/2023, with clear felling in 5 to 8 years' time. Due to this being a plantation on an Ancient Woodland Site, there will be replanting with native broadleaves as well as conifers.

Concern has been raised that the loss of these trees will expose the development to views from across the local area, resulting in harm to the AONB.

A request has been considered for a TPO on the woodland trees, however, in light of their condition and that a planting plan is in place, it was not felt appropriate to impose a TPO. The Tree Specialist discussed the matter with the Forestry Commission and they have confirmed no Felling Licenses are currently in place; these would be needed under Section 9 of the Forestry Act 1967. Were the owner to apply for such, and were it approved, it would be subject to restocking conditions under Section 12 of the Act to ensure long-term succession.

It would be an offence under Section 17 of the Forestry Act to clear fell the woods without a valid felling licence, thereby giving legislative control in the same manner as that if a Woodland TPO were to be served. Mindful of the importance of the woodland within the setting of the AONB, and that the Council would wish to ensure input in the continuance of the woodland cover whether by way of recommending refusal of inappropriate felling license applications or by way of proposing restocking conditions to ensure the amenities of any trees duly felled were correctly replaced, the Tree Specialist has requested the Council is set as automatic consultees to such applications.

In recognition of the potential future loss of some of the woodland, whether through disease or felling, the applicant's landscape scheme has further assessed the proposal and have included additional off-site planting to mitigate the loss of these trees. This would need to be secured in a S106 for long term management, as part of the site wide LEMP.

Subject to the above condition and planning obligation, Officers are satisfied the proposal accords with the relevant policies including JLP policy DEV28 and the NPPF.

### **Historic Environment:**

JLP Policy DEV21, Development affecting the historic environment, requires proposals to conserve and enhance, where appropriate, the historic environment, including both designated and non-designated heritage assets.

The nearest heritage assets, in this case, listed buildings, are not considered to be affected by this development, given the separation distance, intervening built form and landscaping.

In relation to underground features, the County Archaeologist requested investigations in the form of a Written Scheme of Investigation (WSI) due to the potential for there to be archaeological and artefactual deposits associated with prehistoric activity in the surrounding landscape, as well as the WWII RAF Station Collaton Cross.

A WSI has been submitted and reviewed by the County Archaeologist. The report is considered satisfactory, subject to the investigations and mitigation being secured by condition.

The proposal is therefore not seen to conflict with JLP policy DEV21, section 16 of the NPPF or NNNP Policy N3P-8.

### **Contaminated Land:**

Contaminated Land is defined in Section 57 of the Environment Act 1995 as:

*“Land which is in such a condition by reason of substances in, on or under the land that significant harm is being caused or that there is a significant possibility of such harm being caused or that pollution of controlled waters is being, or is likely to be caused.”*

NPPF section 15 in relation to the natural environment requires planning decisions to enhance the natural and local environment by “...remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraphs 183 to 188 specifically concern ground conditions and all forms of pollution, requiring, amongst other criteria, development to take place on suitable sites which take account of risks from land contamination, to remediate contaminated land, and to be supported

by adequate site investigation information, prepared by appropriately qualified persons. Paragraph 184 notes “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

JLP Policy DEV1 Health and amenity requires proposals to safeguard health and amenity of local communities, although not specifically mentioning contamination, which is discussed in DEV2, Air, water, soil, noise, land and light.

DEV2 states:

*“Development proposals which will cause unacceptable on or off-site risk or harm...will not be permitted.”*

Development should avoid harm to both new and existing development and at DEV2.5 *“Where appropriate, remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.”*

The applicant has submitted 3 reports in relation to the land contamination, a Desk Study, a Factual Ground Investigation Report and Remediation Report. The reports have assessed the geology and carried out intrusive ground investigations across the entire site including geotechnical testing and chemical analysis of soil samples from across the site, plus gas and groundwater monitoring. These investigations informed a detailed Remedial Implementation Plan that includes Japanese Knotweed eradication and confirmation that once remediated, a verification report would be produced.

The Council’s Environmental Health Officers have reviewed the reports and are satisfied that the entire site has been comprehensively investigated, noting that as would be expected for a historical RAF base, made ground has been found across the site to a depth of up to 1m. *“Localised levels of elevated heavy metals have been encountered. The report is supplemented by a comprehensive Remedial Implementation Plan and we agree that the proposals are proportionate and appropriate. A condition should be included on any approval requiring this implementation plan to be put in place.”*

It could be argued that to do nothing, i.e. do not develop the site would maintain the current status and not result in any contaminants being released into the environment, but this cannot be guaranteed. Even “just” agricultural use could result in the release of contaminants which would potentially enter the downstream watercourse. To do nothing would not remove the risk and due to the significant costs involved to remediate the land, it is not likely to happen without a development to finance it.

It is therefore considered that adequate investigations have taken place and whilst it is never possible to identify 100% of potential risks at this stage, sufficient information is before Members to conclude compliance with JLP DEV2 and the NPPF. Conditions can adequately secure remediation and treatment of any unexpected contamination, should it be discovered once construction commences.

### **Loss of Agricultural Land:**

JLP Policy TTV26.2 notes:

*“Development proposals should, where appropriate ...avoid the use of Best and Most Versatile Agricultural Land”*

JLP Policy DEV2.6 also contains a similar requirement to “*Protect soils, safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources.*”

A detailed Agricultural Land Classification report was submitted in support of the application following objections received regarding the loss of valuable agricultural land.. This made an assessment of site conditions, noting “*The Site comprises four whole fields and the northern portion of a fifth. The east of the site is designated as Brownfield Land, associated with the former Ministry of Defence (MoD) use. Large areas of the site are surfaced with hardstanding, a barn is present on the east of the site, and a sewage works on the west. The remaining ‘agricultural’ areas of the site are used as rough grazing pasture for sheep, although previous site investigations have identified soil contamination within the Made Ground on the eastern portion of the site.*”

The current grading of the land is Grade 3 under the Agricultural Land Classification (ALC), which places agricultural land into one of five grades, with Grade 3 land divided into 3a and 3b, ranked from excellent (Grade 1) to very poor (Grade 5). Grade 3a is classed as good; 3b as moderate.

The submitted report contains a detailed analysis of the site using intrusive soil investigations, assessment of topography, climatic conditions and historic data. It concludes the soils are Grade 3b and therefore are not classified as Best and Most Versatile agricultural land. In addition, the east of the site is designated as brownfield land with a large portion of this area currently non-agricultural land due to historical use.

#### **Infrastructure contributions/S106/planning conditions:**

JLP policy DEV30 (Meeting the community infrastructure need of new homes) requires that the development of new homes should contribute to the delivery of sustainable communities with an appropriate range of community infrastructure, such as schools, primary health care infrastructure, sports/recreation and community facilities. Where necessary, impacts will be mitigated through s106 contributions.

Policy DEL1 provides the framework for the approach to planning obligations, as well as delivery.

Of particular note is the applicants offer to reduce the time limit to commence works down to 2 years, from the standard 3, in recognition of the commitment to deliver as soon as possible (supported by DEL1.1). Members’ attention is drawn to the fact that at no time throughout the application process has there been any challenge to the sums requested, as is often the case for larger developments.

The AONB team have stated that a mitigation and compensation package will be required, with a financial contribution. Whilst no firm details have been provided and would be agreed through further S106 discussion, it should be noted that the landscaping provided to date goes above and beyond what would generally be provided for a scheme of this scale. Plus, since the AONB Team’s comments, further planting has been offered, including up-front off-site tree planting to mitigate the eventually loss of the nearby woodlands.

The applicant is also exploring the possibility of replacing existing street lighting in the village and that of the Coastguard building, both of which cause significant light pollution.

NNNP N3P-7 and N3P-14 require appropriate consideration and provision of necessary infrastructure. N3P-7 in particular:

*“Commuted sums generated through planning obligations for developments...will be spent within the Parish to benefit the local community. The priorities identified in 2017 are:*

- 1. Community housing*
- 2. Sports facilities*
- 3. Facilities for young people and play areas*
- 4. ‘Getting Around’ e.g. footpaths, cycle paths, road safety, parking*
- 5. Telecommunications - Broadband enhancement and extension to areas without coverage*
- 6. Appropriate measures to avoid and reduce potential recreational impacts to ensure there is no adverse effect on the integrity of the European Marine Site (Special Area of Conservation) and where possible improve facilities at the European Marine Site.”*

As set out throughout this report, any approval would be subject to the developer entering into a S106 planning obligation. A draft agreement is being worked up between the Council’s legal team and the applicant.

Sport and recreation: JLP Policy DEV3 supports opportunities for sport, leisure and physical activities, and of particular note, encourages the enhancement and creation of new public rights of way.

Policy DEV5 encourages the provision of new allotments.

DEV27 supports a diverse and multi-functional network of green space and the improvement and enhancement of existing accessible green and play space, both on-site and through off-site contributions.

NNNP N3P-14 supports additional facilities as well as improvements to public toilets.

Paragraph 98 of the NPPF notes the importance of high quality open spaces for sport and recreation, also noting additional benefits for biodiversity and mitigating climate change.

The development contains significantly more open space than is required by policy through the creation of parkland, as well as areas woven in amongst the built form. Allotments and a community orchard are to be provided in the north-eastern corner, which whilst being of benefit to the residents and wider community, provide an additional buffer of undeveloped land in that area.

As set out in the Open Space Officer consultation response, a sum of money is requested towards the provision and maintenance of new and improved sports and recreation facilities in the parishes of Newton and Noss and Yealmpton which is considered entirely reasonable and acceptable, given the nature of the site, along with a requirement to maintain onsite open space.

The development is seen to comply with DEV3 and N3P-14, plus the aims of the NPPF, although it is noted that it is proposed to deliver additional public toilets (and a shower) on site, rather than improve existing facilities.

Connectivity: The applicant has had early discussions with Gigaclear and BT who are the local network in Newton and Noss. Both are keen to provide their fibre infrastructure to the new homes and commercial units (allowing up to 900mb). Gigaclear have confirmed their network

currently runs roughly as far as the new proposed pedestrian crossing point, so could easily be extended into the site and this would also likely benefit the existing residents of Collaton who are currently only able to receive a maximum of 65mb. The villages of Noss & Newton already benefit from high speed fibre (up to 900mb) as part of the EU/government funded 'connecting Devon and Somerset' roll out in 2020.

Education: objectors claim the local schools are at capacity and cannot accommodate the new pupils that this development would generate. The applicant has carried out research into school capacity and submitted that Newton Ferrers Primary School and Yealmpton Primary School are both under capacity, with 74 spare places between them. Birth rates have been analysed and are shown to be in decline, suggesting there is likely to be less demand on local schools. Whilst Officers cannot corroborate this, there is equally nothing to suggest that it would not be the case and the decline of small rural schools is well known.

Newton Ferrers School have confirmed in a statement to the developer that the school has capacity for school age and nursery age children, referencing the decline in numbers of children in the villages over the last 25 years; there are significantly less children in the school's catchment area than the school has capacity for, resulting in a greater percentage of pupils coming from out of the catchment area to maintain pupil numbers, due to the ethos and reputation of the school. Currently, around 300 traffic movements a week occur as a result of children from outside of the catchment being driven in to attend NF Primary School; the development will, with time, reduce this.

This is supported by DCC Education, who have confirmed in their consultation response that there is capacity at the designated primary and secondary schools. A financial contribution is only being sought towards transport because the development is further than 2.25 miles from Iybridge Community College; the applicant is agreeable to pay this.

Health Provision: The closest GP surgery is Yealm Medical Centre. As of June 2021, publically available information indicated there were 7.3 FTE doctors at the Centre caring for 6,451 patients, equating to 1 FTE doctor per 893 patients, much less than the national average of 1,759 patients per FTE doctor. However, the surgery have clarified they actually have 4 FTE doctors, equating to 1625 per FTE. They do have concerns, highlighting this is a rural population with a high number of elderly patients, but state they can accommodate the additional patients.

Based on the average household size of 2.16 in South Hams, the proposed development would accommodate a population of 270. Assuming all of these people were new to the area it would increase the ratio of FTE doctors to patients at Yealm Medical Centre by 5.5% to 1 FTE doctor per 1692 patients which would remain 7.5% below the national average. This calculation is a worst case basis and it is expected a large proportion of new residents would already be living in the catchment; certainly, the local connection requirement for the affordable dwellings ensures this.

Officer's attention has been drawn to a statement published at the end Of April 2022 by the Centre on its website and Facebook page, in relation to letter circulating that confirms there is "*...plenty of capacity. The Centre wishes to make it clear it was not approached by any of the authors of this letter and the statement in the letter is incorrect. Whilst they would accept all new patients from the development, they are already working at full capacity to provide healthcare to 6,500 patients. Noting the national shortage of GPs, additional patients would stretch the ability to provide the high standard of care that we strive to achieve.*"



The Case Officer has contacted the NHS Local Planning Authority Engagement Team direct and they have stated the “*Yealm Medical Centre has a patient list size of 6300 patients and a capacity of 7400. Therefore, from the calculations that the LPAE team uses in conjunction with DCC, there is capacity for this proposed development.*” No financial contribution has been requested.

The concerns raised are noted however, in light of the comment from the NHS, it is not considered the medical centre is oversubscribed nor would the development place it under unacceptable pressure. To refuse on what is essentially an anecdotal basis, would not be a sustainable reason likely to be upheld at appeal.

In conclusion, Officers are satisfied that the above measures are sought in accordance with the policies of the JLP and would meet the CIL 122, NPPF paragraph 57 tests.

### **Planning Balance and Conclusion:**

Section 38 of the Planning and Compulsory Purchase Act 2004 sets out that the framework for decision making is the adopted local plan. Paragraphs 2, 10 and 11 of the NPPF establish that planning applications will be determined in accordance with the Development Plan, unless material considerations indicate otherwise; and that where a proposal is considered to be sustainable development, permission should not be withheld.

Paragraph 12 states:

*“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

However, it must be remembered that the application site lies in the South Devon AONB and in decision making terms, paragraph 8 of the NPPF is clear that the presumption in favour of sustainable development does not apply in these protected landscapes.

The spatial policies in the JLP are the starting point, providing a steer for decision making to ultimately deliver sustainable development; SPT1 - delivering sustainable development and SPT2 - sustainable communities, are key to every development decision, although other policies also have relevance.

It has long been recognised that it is not unusual for development plan policies to pull in different directions, as evidenced throughout this report where the development can be seen to accord and conflict with some policies. The Local Planning Authority, as the decision maker, 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. It is not simply the case that development which complies with a significant number of individual policies but conflicts with some elements should automatically be refused.

It is not disputed that the site lies in the countryside, in a Tier 4 location under Policy TTV1 of the Joint Local Plan, and that itself makes it more challenging to deliver sustainable development through the need to travel. However, this is recognised in the NPPF “...opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

Officers have given significant weight to the declaration of a Housing Crisis by the Council; to simply “do nothing” and “carry as normal”, whilst seeking to only meet identified housing needs figures in the JLP, would not address the acute need in the Newton and Noss Parish; the Parish Council have acknowledged there is an acute need, the high proportion of second/holiday homes, and that things have moved on since the Newton and Noss Neighbourhood Plan was adopted; the Council’s Affordable Housing Team endorse the proposal.

Whilst both object to the development, the Council’s Landscape Officer and AONB Manager have recognised the efforts made to present a high quality landscape led proposal. A significant body of supporting evidence and background documentation support the application and its Different Approach model. This is not, as is clear from the submitted drawings, a “standard house builder” approach to development. It seeks to be an exemplar for rural housing development.

Officers have, in this report, assessed the development against the NPPF paragraph 177, and whilst agree with others that it is Major development in the AONB, have come to the conclusion that sufficient exceptional circumstances and public interest exist, for it be approved.

To recap, the development proposes the following benefits:

- Tenure blind, high quality affordable housing of a mix and tenure to address local need
- Facilitating social rent in perpetuity with the CLT; gifting them the land to do so
- Enabling an element of custom/self-build housing
- High quality open market housing with principal residency restriction
- Decontamination and site restoration across the entire red line site area
- Utilises a partly brownfield site
- Provides a large area of publically accessible parkland on low grade agricultural land
- Improvements to on and off-site pedestrian and cycle pathways, to link to the existing footpaths
- Secure the sustainability of the village school which currently brings in children from out of the catchment
- Relocation of the bus stop inside the site and £200,000 towards doubling the bus service over 5 years
- Speed reduction from 60 MPH to 30 MPH
- Significantly more than the required 10% Biodiversity Net Gain
- Upfront off-site tree planting
- A public car park to be used for boat parking in the winter
- A range of small commercial units and community shop to support the residential element and create rural employment
- Direct and indirect economic benefits
- Over 70% carbon reduction, far in excess of the 20% set out in DEV32
- All affordable units have full PV provision and built using MMC
- Exploration of a car club and provision of E-bikes to further reduce car reliance
- Deals with runoff from existing properties as part of the comprehensive SuDS
- A commitment to improve existing street lighting

This package must be set against the dis-benefits which can be seen as:

- A degree of policy conflict as set out in this report
- Inevitable change to the landscape and AONB, resulting in harm
- Some additional lighting in a dark sky area
- By virtue of the location, a dependence on travel by private car
- Limited opportunity to control sale prices of the open market properties
- Some pressure on the GP surgery (although it can accommodate extra patients)
- Some impact on existing residents, but they will also benefit from the above measures

There is significant local support, including that of the Parish Council and Community Land Trust, but equally, significant local objection. Approval will also not set a precedent for further residential development in the AONB as each case must be considered on its own merits. It could, in fact, relieve pressure to build in other more sensitive and isolated locations.

It is recognised that there is some policy conflict and as is inevitable with any large development, there is a degree of harm. This is a very finely balanced judgement. However, it is considered that the exceptional circumstances, the benefits in the public interest and the Housing Crisis declaration are in combination, sufficient material considerations to outweigh those conflicts and that subject to conditions and a S106 obligation, planning permission should be granted.

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

## **Planning Policy**

### Relevant policy framework

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

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

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

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the

Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT4 Provision for employment floorspace  
SPT5 Provision for retail development  
SPT6 Spatial provision of retail and main town centre uses  
SPT8 Strategic connectivity  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the historic environment  
SPT12 Strategic approach to the natural environment  
SPT13 Strategic infrastructure measures to deliver the spatial strategy  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV5 Community food growing and allotments  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV14 Maintaining a flexible mix of employment sites  
DEV15 Supporting the rural economy  
DEV16 Providing retail and town centre uses in appropriate locations  
DEV18 Protecting local shops and services  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan

Following a successful referendum, the Newton & Noss Neighbourhood Plan was adopted on 19 July 2018. The following policies are of relevance:

- Policy N3P-1: The Village Settlement Boundaries
- Policy N3P-4: Development and Construction
- Policy N3P-5: Movement and Parking
- Policy N3P-6: Drainage and Flooding
- Policy N3P-7: Planning Obligations and Commuted Sums
- Policy N3P-8: Heritage and Conservation
- Policy N3P-9: Protecting the Landscape
- Policy N3P-11: New Housing - Balanced housing stock and local needs housing
- Policy N3P-12: Second Homes and Principal Residence Requirement
- Policy N3P-13: Business Premises
- Policy N3P-14: Community Facilities and Infrastructure

**Other Material Considerations:**

- The National Planning Policy Framework
- National Planning Policy Guidance
- The Plymouth and South West Devon Supplementary Planning Document
- Developer Contributions Evidence Base
- Devon Waste Plan
- South Devon AONB Management Plan
- Countryside and Rights of Way Act
- Habitat Regulations
- Natural Environment and Rural Communities Act

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

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

**Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of two 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/be retained strictly with the following drawings:

**Submitted 13.05.22**

Cut & Fill Analysis 20-319-90 005-1 Rev A  
Typical Devon Hedge Bank Detail 3360LVX01 Rev A  
Landscape off-site planting 3360\_L\_X\_S\_0\_01 Rev A

**Submitted 10.05.22**

Masterplan MP01\_Rev AN  
Location Plan 1928 PL17\_Rev C  
Affordable House Types (Type A to F) Rev F  
Open Market House Types (OM1 to OM10) Rev F

Commercial Buildings – drawings binder Rev B  
Boundary Treatments PL06\_Rev E  
Building Materials Key PL03\_Rev F  
ASHP & Solar PV Locations PL11\_Rev D

Landscape General Arrangement Whole Site Rev I 3360\_L\_GA\_0\_01\_Rev I  
Landscape General Arrangement Plan 1 Rev I 3360\_L\_GA\_1\_01\_Rev I  
Landscape General Arrangement Plan 2 Rev I 3360\_L\_GA\_1\_02\_Rev I  
Landscape General Arrangement Plan 3 Rev I 3360\_L\_GA\_1\_03\_Rev I  
Indicative Planting List Rev A

**Submitted 06.05.22**

Biodiversity Net Gain Plan – Layout Y Version 5 6/5/2022  
Proposed Site Access P20-0881 Figure 4.1 Rev C

**Submitted 11.04.22**

Site Levels 20-319-90002-1 Rev D  
Site Levels 20-319-90002-2 Rev D  
Site Levels 20-319-90002-3 Rev E  
Site Levels 20-319-90002-4 Rev C  
Site Levels 20-319-90002-5 Rev C  
Tracking 20-319-90-004-1 Rev D  
Tracking 20-319-90-004-2 Rev D  
Tracking 20-319-90-004-3 Rev D  
S38 plan 20-319-90-009-1 Rev C  
S38 plan 20-319-90-009-2 Rev B  
S38 plan 20-319-90-009-3 Rev C

**Submitted 11.04.22**

Detailed Drainage Design (Sheet 1) 20-319-90008-1 Rev B  
Detailed Drainage Design (Sheet 2) 20-319-90008-2 Rev B  
Detailed Drainage Design (Sheet 3) 20-319-90008-3 Rev C  
Detailed Drainage Design (Sheet 4) 20-319-90008-4 Rev B  
Non-infiltration option – Detailed SW layout 20-319-90070-1  
Non-infiltration option – Detailed SW layout 20-319-90070-2A  
Non-infiltration option – Detailed SW layout 20-319-90070-3  
Non-infiltration option – Detailed SW layout 20-319-90070-4A  
Non-infiltration option – Detailed SW layout 20-319-90070-5  
Non-infiltration option Surface Water Drainage 20-319-90071  
Exceedance Flow Paths 20-319-90015 Rev B  
Proposed Soakaway and Groundwater Monitoring Locations and Results 30-319-90-50

Kerbing and Surfaces 20-319-90-17-01 Rev B  
Kerbing and Surfaces 20-319-90-17-02 Rev A  
Kerbing and Surfaces 20-319-90-17-03 Rev B  
Proposed Footway Layout P20-0881 Figure 4.2 Rev D  
Signing layout at pedestrian crossing P20-0881\_SK01\_R03 17/03/2022

Site Block Plan 1 of 2 PL02\_Rev H  
Block Plan 2 of 2 PL16\_Rev A  
Refuse Store Plan PL04\_Rev C  
Parking Layout PL05\_Rev E

House Types Key PL08\_Rev F  
Visitor Parking PL09\_Rev E  
EV Charging Locations PL10\_Rev F  
Outbuildings Drawing Binder OB1, 2, 3, 4 Rev B  
GI Strategy Rev C  
Landscape Phasing Plan Rev C

**Submitted 21.09.21**

Ecological Constraints and Opportunities Plan 1081-EcIA-F3 13/08/2021  
Tree Pit in Open Space 3360\_L\_SW\_1\_01  
Tree Pit with Root Barrier 3360\_L\_SW\_2\_01  
Landscape Initial Opps & Cons & Thoughts 15.01.21  
Mitigation and Enhancement Plan 1081-EcIA-F3  
Site Location, Local Highway and Facilities Plan P20-0881 Figure 2.1

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. PRE-COMMENCEMENT: No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) Soakaway test results in accordance with BRE 365, in the vicinity of TP4, to inform the design of on plot soakaways in the area and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.
- (b) A detailed drainage design including network model outputs, based upon the approved Flood Risk Assessment & Drainage Strategy 20-319 revision 00 dated 16th August 2021 and the results of the information submitted in relation to (a) above.
- (c) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

4. PRE-COMMENCEMENT: Prior to commencement of any part of the development the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) The timetable of the works;
- (b) Daily hours of construction;
- (c) Any road closure;

- (d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am 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 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, 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, 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 tonnes;
- (m) Details of the amount and location of construction worker parking;
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) Details of the internal compound details (including the route to the compound from the point shown on Figure 4.1 Rev C) including any necessary width amendments and signage and lineage details.

Development shall take place in accordance with the agreed CMP, unless amendments have been agreed in writing by the Local Planning Authority.

Reason: To ensure the development proceeds with minimal disturbance to local highways and residents. This is needed prior to commencement to ensure it is adequately planned for at an appropriate stage.

5. PRE-COMMENCEMENT: Notwithstanding the submitted Construction Ecological Management Plan (CEMP), a revised plan shall have been submitted to and approved in writing by the Local Planning Authority before works commence. Construction of the development shall not be carried out other than in accordance with the approved Plan.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. A reptile mitigation strategy.
- c. Details of hedgehog holes and their implementation.
- d. Identification of “biodiversity protection zones”.
- e. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- f. The location and timing of sensitive works to avoid harm to biodiversity features.
- g. The times during construction when specialist ecologists need to be present on site to oversee works.
- h. Responsible persons and lines of communication.
- i. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.



- j. Use of protective fences, exclusion barriers and warning signs.
- k. Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). And in accordance with policy DEV26. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before implemented.

6. PRE-COMMENCEMENT: A 30-year Landscape and Ecological Management Plan (LEMP) will be submitted to and agreed in writing by the Local Planning Authority before works commence. The LEMP shall include long term design objectives; management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens; details of habitat creation, management and maintenance and protected species mitigation; compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policy DEV26

7. The development shall be carried out in accordance with the recommendations, mitigation, and enhancement measures contained within the approved Ecological Impact Assessment by GE Consulting dated September 2021, the Ecological Constraints and Opportunities Mitigation Plan 1081-EcIA-F3 and Biodiversity Net Gain Plan.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policy DEV26.

8. The details of the bird nesting/bat roosting boxes/bee bricks in the design of the buildings are to be submitted and agreed with the Local Planning Authority prior to their installation, in accordance with SPD requirements. The development shall be carried out in accordance with the approved details with the approved nesting/roosting boxes installed prior to the first occupation of the building to which they relate. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this submitted to the Local Planning Authority.

Reason: To secure further net gains to biodiversity and ecology, and in accordance with policy DEV26.

9. PRE-COMMENCEMENT: Notwithstanding the submitted details, no development shall take place until full details of the hard and soft landscaping have been submitted to and approved in writing by the local planning authority, to include timeframe for implementation and details of maintenance.

All soft and hard landscaping proposals shall be carried out in accordance with the approved details and with the programme agreed with the local planning authority. Any planting which,

within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interest of public amenity and the conservation, enhancement of the local landscape character and the natural beauty of the AONB.

10. Lighting on and off-site shall accord with the Lighting Impact Assessment by Illume Design dated 18.03.2022, together with the drawings listed below. No additional lighting shall be installed at the site or for any property without the express written permission of the local planning authority, other than the lighting hereby approved under the following:

Street Lighting Strategy 4174-ID-DR-3001  
Street Lighting Strategy 4174-ID-DR-2001  
Street Lighting Strategy 4174-ID-DR-2002  
Street Lighting Strategy 4174-ID-DR-2003

Reason: In the interests of amenity and the character and appearance of the AONB.

11. Prior to their installation, details/samples of all facing materials, windows, doors, and roofing materials to be used in the construction of the proposed development, including colour and finish, methods of fixing, any mortar/pointing, shall be submitted to and approved in writing by the Local Planning Authority; this shall include the electricity substations, for which the expectation is they are of an appropriate high quality design to reflect the materials in use on the development. Slate shall be natural and of UK or EU origin. The development shall then be carried out in accordance with those details/samples as approved, being retained in the specified form thereafter.

Reason: To secure a high-quality finish, in the interests of visual amenity and the character and appearance of the area.

12. Prior to the first occupation of any part of the development, its associated car parking shall have been laid out, surfaced and drained to accord with Drawing PL05 Rev E, and that land shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: In the interests of air quality and to ensure adequate on-site parking.

13. No dwelling/building/car parking area shall be occupied until its electric vehicle charging has been provided and is operational. Charge points shall be of sufficient capacity to meet the minimum supply needs of an electrical vehicle charging point of at least 7kW.

Reason: To future-proof the development by allowing for charging points to be installed without the need for undertaking works that require breaking ground to install cabling retrospectively.

14. The low carbon measures identified in the Energy and Sustainability Statement by AES dared Match 2022 shall be implemented prior to the first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

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.

15. PRE-COMMENCEMENT: Notwithstanding the submitted details, no development shall commence until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate how the construction and operational phases of the development will minimise the generation of waste, having been prepared in accordance with the provisions of Policy W4 of the Devon Waste Plan. The development shall be carried out in accordance with the approved Plan.

Reason: To minimise and properly manage waste arising from the development. The document provided with the application was insufficient and requires revision/amplification. This condition must be agreed prior to commencement in order to ensure construction and remediation waste is adequately dealt with.

16. Development shall take place in accordance with the Remedial Implementation Plan by IDOM dated August 2021. Details of any deviation from this shall be submitted to the Local Planning Authority. Upon completion of the development, a verification report shall be submitted to the Local Planning Authority. This shall include the eradication of Japanese Knotweed.

Reason: To ensure the site is appropriately remediated to make it safe for future occupants and avoid off-site risks, in accordance with policy DEV2.

17. 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; and in accordance with policy DEV2.

18. PRE-COMMENCEMENT: Prior to the commencement of development an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the construction phase. The approved Plan shall be implemented and adhered to during the construction of the development and in accordance with those details approved.

Reason: In accordance with policy DEV19 this condition is required on the basis that to properly provide for the required plan-led growth it is necessary to ensure a commensurate growth in

the area's employment base, where it is recognised to require investment both in job growth and skills. This condition must be agreed prior to commencement in order to ensure that local construction employment and skills opportunities are maximised from the site and construction preparation stage before development commences.

19. All off site highway works and provision of the 3m hoggin path shown on the following drawings shall be complete prior to occupation of the first dwelling or first occupation of the commercial premises:

- Proposed Footway Layout Figure 4.2 Rev D
- Signing Layout at Pedestrian Crossing P20-0881\_SK01\_R03
- Proposed Site Access Figure 4.1 Rev B

Reason - To ensure safe and suitable access is available for all users.

20. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, it should include plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals.

21. No other part of the development hereby approved shall be commenced until:

- a) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 30 metres back from its junction with the public highway
- b) The ironwork has been set to base course level and the visibility splays required by this permission laid out
- c) The footway on the public highway frontage required by this permission has been constructed up to base course level
- d) A site compound and car park have been constructed.

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.

22. Prior to commencement of the S278 works a Stage 2 safety audit and designers response shall be submitted for the off-site highway works and approved by the Local Planning Authority and Highway Authority.

Reason - In the interests of highway safety.

23. The bus turning circle and associated infrastructure shall be completed in accordance with details, to include timescales for implementation, which shall have previously been submitted to and agreed in writing by the Local Planning Authority and Highway Authority.

Reason - To ensure the bus turning facility and associated infrastructure are complete in a suitable time frame for the bus to enter the site and turn around.

24. 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:

Part 1, Class A (extensions and alterations)

Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)

Part 1, Classes B and C (roof addition or alteration)

Part 2, Class A (means of enclosure)

Reason: To safeguard the visual amenities of the AONB and in order to ensure the limited amenity space for each dwelling remains.

25. Prior to its occupation, each dwelling shall be provided with a compost bin and water butt, in accordance with details which have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of carbon reduction and waste/water minimization.

26. The Commercial units hereby approved shall only be used for the following uses of The Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provisions equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order, and for no other purposes.

C1a	E (c-i,ii+g-i,ii,iii)
C1b	E (c-i,ii+g-i,ii,iii)
C1c	E (c-i,ii+g-i,ii,iii)
C1d	E (c-i,ii+g-i,ii,iii)
C1e	E (c-i,ii+g-i,ii,iii)
C2a	F2(a)
C2b	E (c-i,ii+g-i,ii,iii)
C2c	E (b)
C3a	E (c-i,ii+g-i,ii,iii)
C3b	E (c-i,ii+g-i,ii,iii)
C3c	E (c-i,ii+g-i,ii,iii)
Cafe	E (b)

Should any extraction or ventilation be required, prior to its installation, details shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: It is considered that the use of the premises for the purposes specified is acceptable, in light of the rural location and nearby residential properties.

27. The development shall be carried out in accordance with the following documents:

- Tree Constraints Plan: 1081-TCP-SB 1 & 2 of 2
- Arboricultural Impact Assessment: 1081-AIA-AE August 2021

- Tree Protection Plan: 1081-TPP-MU
- Arboricultural Method Statement: 1081-AMS-MU August 2021
- Tree retention Plan: 1088-TRP-AEetention

Reason: To ensure that existing trees are adequately safeguarded, in accordance with policy DEV28.

28. Development shall take place in accordance with the Written Scheme of investigation by Cotswold Archaeology dated January 2022.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

29. Details of gates and locking mechanisms for private gardens and pathways shall be submitted to and agreed in writing by the Local planning Authority before they are fitted. Development shall then take place as agreed.

Reason: To ensure that gates are capable of being locked from both sides, allowing rear gardens to be secured regardless of access or egress in order to design out crime.

30. Prior to the first occupation of each of the commercial units, a Sustainable Travel Plan (STP) shall be submitted to and agreed in writing by the Local Planning Authority. This shall detail all measures taken to reduce transport related carbon emission for both staff and customers/visitors. On the anniversary of the first occupation of the development hereby approved, or when occupants change, a monitoring report shall be submitted to the Local Planning Authority detailing how the STP has been implemented and followed, or any deviations which have been necessary.

Reason: In the interests of sustainability and reducing the use of the private motor car.

31. Once all dwellings are occupied, a report shall be submitted to the Local Planning Authority detailing all first owners and occupiers to establish where they are moving from, the size of the household and household earnings.

Reason: To enable key stakeholders to grow understanding of where occupants of new rural communities are coming from and to assess the success, or otherwise, with meeting local housing needs.

32. Details of the public artwork to be provided in the "arrival" area shall be submitted to and agreed in writing, to include a timeframe for its implementation and details of maintenance.

Reason: To ensure the artwork is appropriate for the rural area and is delivered/maintained as necessary.

33. Prior to its first use, details of any gates/barriers/CCTV to secure the car park/boat store shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then take place in accordance with those details and retained thereafter.

Reason: To reduce opportunities for crime.

34. Prior to the creation of the allotments, details of pathways, and fencing, benches, structures, water supply and so on shall be submitted to and agreed in writing by the Local Planning Authority. This shall accord with the JLP SPD.

Reason: To ensure the allotments are fit for purpose to encourage their use.

35. Prior to their installation, full details of all play equipment, waste bins, fencing, benches and any other equipment shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with these details, and retained/maintained as such thereafter.

Reason: To ensure play provision accords with policy and is available for all residents.

36. PRE-COMMENCEMENT: Prior to the commence of works (excluding land remediation) a phasing plan for the development of the site shall be submitted to and agreed in writing by the Local Planning Authority. Development shall then take place in accordance with this plan, unless any deviation from it is agreed in writing.

Reason: To ensure the site is developed in an appropriate manner, to provide affordable housing and community facilities at an early stage.

## Appendix 1

<b>Habitats Regulations 2017</b>	
<b>Stage 1: Habitats Regulations Assessment - Screening of likely significant effect on a European site</b>	
<b>Part A: The proposal</b>	
1. Type of permission/activity:	Full Planning Application
2. Application reference no:	23335/21/FUL
3. Site address:	Land West Of Collaton Park, Plymouth, PL8 2NE
4. Brief description of proposal:	Remediation of existing site contamination and construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive

	pathway and public footway, enhancement of existing vehicular access and associated infrastructure and landscaping.
<b>Part B: The European site</b>	
5. European site names, Qualifying Features and Conservation Objectives:	<p><b>Plymouth Sound and Estuaries SAC</b></p> <ul style="list-style-type: none"> <li>- Sandbanks which are slightly covered by sea water all the time</li> <li>- Estuaries</li> <li>- Mudflats and sandflats not covered by seawater at low tide</li> <li>- Large shallow inlets and bays</li> <li>- Reefs</li> <li>- Atlantic salt meadows</li> <li>- Shore dock</li> <li>- Allis shad</li> </ul> <p><b>Tamar Estuaries Complex SPA</b></p> <ul style="list-style-type: none"> <li>- Internationally important populations of Avocet and Little Egret</li> </ul> <p><b>Conservation objectives</b> common to each site with regard to the natural habitats and/or species for which the site has been designated (“the Qualifying Features”) are listed below;</p> <p><b>Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.</b></p> <p>Subject to natural change, to maintain or restore:</p> <ul style="list-style-type: none"> <li>- The extent and distribution of qualifying natural habitats and habitats of qualifying species;</li> <li>- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;</li> <li>- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;</li> <li>- The populations of qualifying species;</li> </ul> <p>The distribution of qualifying species within the site</p>
6. Ecological characteristics associated with the features (including those associated with the site, and information on general trends, issues or sensitivities associated with the features if available).	<p><b>Plymouth Sound and Estuaries SAC</b></p> <p><u>Site vulnerabilities</u></p> <ul style="list-style-type: none"> <li>- Increased pressure for recreational moorings and facilities, port development, dredging</li> <li>- Sensitivity to oil pollution</li> <li>- Allis shad vulnerable to noise, vibration and degraded water quality</li> </ul>



	<p><u>Effects from development (general)</u></p> <ul style="list-style-type: none"> <li>- Increased physical damage from visitor and recreational pressure on shoreline habitats associated with new development</li> <li>- Increased recreational use and potential for oil pollution and disturbance of allis shad</li> <li>- Waterside development including coastal defences, boat ramps, pontoons</li> </ul> <p><b>Tamar Estuaries Complex SPA</b></p> <p><u>Site vulnerabilities</u></p> <ul style="list-style-type: none"> <li>- Disturbance to Avocet and Little Egret</li> <li>- Habitat loss - water quality, acid and nitrate deposition in important wetland areas</li> </ul> <p><u>Effects from development (general)</u></p> <ul style="list-style-type: none"> <li>- Increased recreational pressure associated with development - visual and noise disturbance of Avocet and Little Egret</li> <li>- Additional housing in vicinity of cSAC increasing discharge of pollutants from waste water treatment works (non-toxic contamination)</li> </ul>
<b>Part C: Screening assessment for likely significant effect</b>	
7. Is this application necessary to the management of the site for nature conservation?	No
If the answer to Q7 is 'Yes' then go directly to the end of the form. Permission may be granted.	N/A
8. The identified ways in which the Qualifying Features of the European site could be affected by the proposal	Increased visitor and recreational pressure (terrestrial and marine) associated from new residents associated with the proposed development.
9. Assessment of risks without avoidance or reduction measures	Increased recreational pressure could have direct (trampling) or indirect (pollution/disturbance) impacts on shoreline and marine habitats, and disturb avocet and little egret activity within the shore and marine environments.
10. Conclusion of Screening stage (Is the proposal likely to have a significant effect 'alone' or 'in combination' on a European site?)	<p>In the absence of consideration of mitigation measures, it is considered that the proposal is likely to have a significant effect in combination on the SAC and SPA (collectively referred to as the Plymouth Sound and Estuaries European Marine Site, or PSEEMS).</p> <p>An Appropriate Assessment of the proposed project is therefore necessary.</p>

<b>Stage 2: Habitats Regulations Assessment - Appropriate Assessment</b>			
<b>Part D: Appropriate Assessment</b>			
<p><b>NB:</b> In undertaking the appropriate assessment, the LPA must ascertain whether the project would adversely affect the integrity of the European site. The Precautionary Principle applies, so to be certain, the authority should be convinced that no reasonable scientific doubt remains as to the absence of such effects.</p>			
11. Assessment of effects taking account of avoidance or reduction measures included in the proposal			
<b>Aspect of project which will be potentially damaging</b>	<b>Avoidance and mitigation measures included in the proposal (and any additional measures required for inclusion in the proposal) at both Construction and Operational Phases</b>	<b>Secured by</b>	<b>Residual effects</b>
<p><i>Increased visitor and recreational pressure (terrestrial and marine) associated from new residents associated with the proposed development.</i></p>	<p>The identified potentially damaging impact is a non-direct impact (i.e. one which does not require onsite construction/operational avoidance or mitigation measures).</p> <p>The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries EMS (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, namely the study completed to consider recreational pressure of residents from new development upon the Plymouth Sound and Estuaries EMS (<i>EMS Recreation Study Document 04. Survey of recreational use within the Plymouth Sound and Estuaries European Marine Site: Scoping report and survey results</i>, MBA, March 2017).</p> <p>The Study clarified and confirmed a 12.3km ZOI around the Plymouth Sound and Estuaries EMS. The proposed development site within this ZOI, and accordingly the recreational pressure of new residents associated with the development will require mitigating to ensure they do not have a significant effect on the Plymouth Sound and Estuaries EMS (as without mitigation the new residents in combination with other development could have a significant effect).</p>	<p><b>Condition:</b></p> <ul style="list-style-type: none"> <li>- Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries EMS, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.</li> </ul>	<p>None/negligible</p>

	<p>This is considered in more detail in the Habitats Regulations Assessment of the Joint Local Plan (July 2017) which notes that:</p> <p><i>'In order to address the impacts arising from the increased recreational pressure, a single mitigation strategy will be agreed with Plymouth City Council, South Hams District Council and West Devon Borough Council and also with Cornwall Council and a mechanism for securing the funding through planning obligations will be set out and agreed in a Supplementary Planning Document (SPD). Using evidence from the Plymouth Sound and Tamar Estuaries Recreation Study (Marine Biological Association, 2017), a single mitigation strategy will identify the interventions required and the SPD will then set out the charge that will be applied to all new dwellings and tourist developments within a 'Zone of Charging' as set out in Policy SPT13 'European Protected Sites - mitigation of recreational impacts from development'.</i></p> <p>The Marine Recreation and Management Scheme has been finalised and agreed through the Duty to Cooperate and with Natural England and informs the JLP SPD - this being a costed list of management actions that are required to mitigate impacts of new residents, and towards which commuted sums from development are required to contribute towards delivering.</p> <p>The Marine Recreation and Management Scheme is available at <a href="http://www.plymouth-mpa.uk/home/managing-the-mpa/documents/">http://www.plymouth-mpa.uk/home/managing-the-mpa/documents/</a></p>		
<p>12. Does the proposal have potential for in-combination effects with other plans or projects individually or severally</p>	<p>The impacts from increased visitor and recreational pressure identified within this HRA (and as reflected within the 12.3km ZOI, and the HRA of the JLP) is an in-combination impact - i.e. it is unlikely that any one development would have a likely significant effect alone, however when developments within Plymouth, South Hams, West Devon and Cornwall are consider in-combination there is potential for a likely significant effect.</p>		
<p><b>Part E: Conclusion</b></p>			

<p>13. Natural England consultation response</p>	<p>Natural England issued advice on 17<sup>th</sup> April 2019 for all planning applications falling within the Zone of Influence for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA to act as Natural England's formal representation on Appropriate Assessment given under Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), and on which LPAs were advised to have regard in undertaking Appropriate Assessments. Natural England advised the advice replaced the need to be consulted individually on each Appropriate Assessment where the agreed strategic solution is applied.</p> <p>The advice anticipates that new residential development within the ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European site(s) due to the risk of increased recreational pressure that could be caused by that development and therefore require an Appropriate Assessment, and that measures agreed through SAMMs lists to prevent harmful effects on the European site(s) from occurring as a result of increased recreational pressure, should be applied to proposed residential developments at the Appropriate Assessment stage including appropriate financial contributions to the Tamar Estuaries Consultative Forum (TECF),</p> <p>Natural England expressed the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing the harmful effects on the European site(s) for the duration of the development, and that these measures should be secured by planning conditions or obligations to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by the Appropriate Assessment, Natural England is satisfied that the LPA can conclude its Appropriate Assessment and ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives</p>																					
<p>14. List of mitigation measures and safeguards to be covered by planning obligations (conditions or S106)</p>	<p><b>Condition:</b></p> <ul style="list-style-type: none"> <li>- Prior to first occupation of any residential unit, a scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to first occupation.</li> </ul> <p><b>Informative:</b> This condition can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Plymouth Sound and Estuaries European Marine Site (informed by the Marine Recreation and Management Scheme) calculated in accordance with the following table. When the Applicant is ready to make the contribution, they should contact the Council's Development Management team to arrange payment</p> <table border="1" data-bbox="443 1697 1519 1991"> <thead> <tr> <th>Dwelling size</th> <th>Av household occupancy</th> <th>Contribution per dwelling</th> </tr> </thead> <tbody> <tr> <td>1 bedroom</td> <td>1.33</td> <td>£236.62</td> </tr> <tr> <td>2 bedroom flat</td> <td>1.86</td> <td>£330.92</td> </tr> <tr> <td>2 bedroom house</td> <td>2.45</td> <td>£435.89</td> </tr> <tr> <td>3 bedroom dwelling</td> <td>2.63</td> <td>£467.91</td> </tr> <tr> <td>4+ bedroom dwelling</td> <td>2.85</td> <td>£507.05</td> </tr> <tr> <td>Cost per head</td> <td></td> <td>£177.91</td> </tr> </tbody> </table>	Dwelling size	Av household occupancy	Contribution per dwelling	1 bedroom	1.33	£236.62	2 bedroom flat	1.86	£330.92	2 bedroom house	2.45	£435.89	3 bedroom dwelling	2.63	£467.91	4+ bedroom dwelling	2.85	£507.05	Cost per head		£177.91
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	<p><b>Reason:</b> The development lies in the Zone Of Influence of the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of policies SPT12, SPT14 and DEV26 of the Plymouth and South West Devon Joint Local Plan.</p>
<p>15. Will the proposed development have an adverse effect on integrity?</p>	<p>It is concluded that the proposal will not have an adverse effect on the integrity of the Plymouth Sound and Estuaries EMS subject to the measures listed in part 14 being secured by S106.</p>

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## PLANNING APPLICATION REPORT

**Case Officer:** David Jeffery

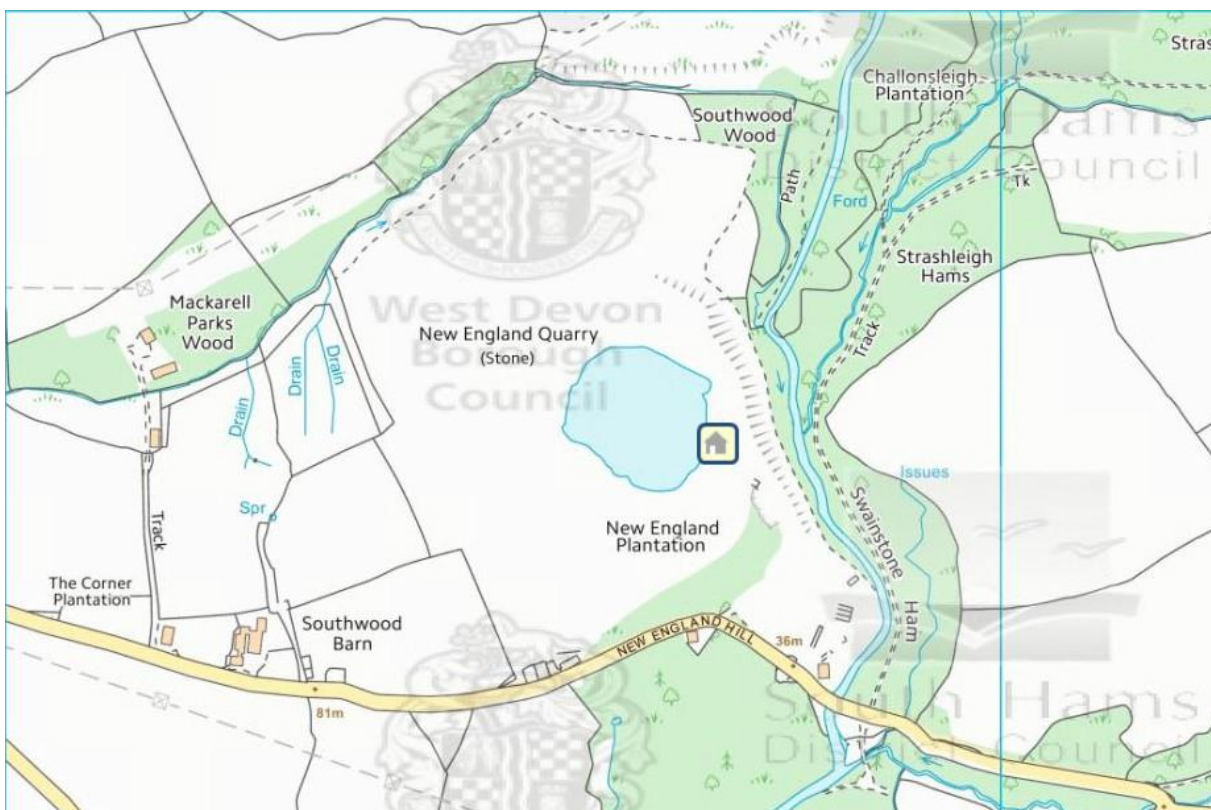
**Parish:** Yealmpton **Ward:** Newton and Yealmpton

**Application No** 3837/21/FUL

### **Applicant**

Mr Neil Tugwell  
Oakhill Barn  
Winsor Cross To Swainstone Coombe  
Worston  
Yealmpton  
PL8 2LN

**Site Address:** New England Quarry, New England Hill, Plympton



**Development:** Change of Use of cabins to holiday accommodation

### **Reason item is being put before Committee**

Cllr Dan Thomas has called the application before committee for the following reason:  
*“Notwithstanding appropriate application of planning policies, I will be requesting the Development Management Committee to consider adopting a pragmatic approach to this application, acknowledging that it seeks to vary conditions on existing buildings and might therefore be considered a suitable exception site, through its extant permissions and de facto existence.”*

**Recommendation:** REFUSE PERMISSION

## Reasons for refusal

1. The proposed change of use allowing unrestricted holiday lets, by virtue of their isolated countryside setting would result in a development that is removed from services, promote an over reliance on private vehicles and as such constitutes an unsustainable development that does not require this countryside location. As such, the proposal fails to accord with JLP Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15.

## Key issues for consideration

- Principle of Development
- Design/landscape
- Neighbour amenity
- Highways/access

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

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

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## Site Description

The application relates to two cabins used as holiday lets located off the track leading to New England Quarry. New England Quarry is located north of New England Hill, which is approximately 2.5 miles north east of Yealmpton. It is a disused quarry which has been partly restored and is surrounded by mature woodland. The site occupies a countryside location and is accessed from New England Hill. There is a pontoon on the eastern edge of the lake which is used by divers.

## The Proposal

The current application seeks permission for the unrestricted holiday use of two existing cabins. These cabins were previously granted permission (Ref: 0158/19/FUL) subject to a condition restricting their use solely to visitors attending the adjacent dive school.

## Consultations

- County Highways Authority - Standing advice.
- Town/Parish Council – Support. *"We understand that "the dive school" is no longer included in this application. Yealmpton Parish Council are not concerned with his change".*
- Drainage – No comment
- Devon County Minerals – The site lies outside of the consultation area.
- Forestry Commission – Standing advice.

## Representations

No letters of representation have been received.



## Relevant Planning History

0158/19/FUL: Erection of 2 eco cabins to support all year diving facilities. Permission granted

0474/18/CLE: Lawful Development Certificate for Existing use of quarry as dive school for diver training courses; Certificate issued.

2171/17/PRE: Pre application enquiry for proposed erection of 2 eco holiday cabins; Positive advice given in letter dated 17th November 2017

## ANALYSIS

### Principle of Development/Sustainability

The development of these holiday cabins was granted under (Ref: 0158/19/FUL). In granting permission, the Officer's report for the 2019 application judged that the holiday lets were considered to be appropriate in this countryside location due to the presence of the existing commercial diving use, which requires the natural features of the disused quarry to operate. Also weighing in favour of the application was that the site was considered to be brownfield land due to the previous quarry use and that the proposals will provide additional support for the dive centre and help to diversify the rural economy. The application was thus considered to be in accordance with policies TTV26 'Development in the Countryside' and DEV15 'Supporting the rural economy' of the adopted JLP and was accordingly granted permission subject to the following condition:

*"The cabins hereby permitted shall be used solely by visitors attending the dive school only and shall not be occupied as any person's sole or main place of residence. The owners /operators shall maintain an up- to-date register of the names and main home addresses of all occupiers of the cabins hereby permitted and shall make this information available at all reasonable times to the Local Planning Authority".*

From the analysis included on the Officer's report it is clear that the inclusion of the above condition was crucial in justifying this development in a countryside location (TTV26) and in association with the existing dive centre business (DEV15). The reason provided for the inclusion of the above condition acknowledged that *"the development proposed is in an area where there is a presumption against new residential development except where a specific need has been established or identified"*.

The applicant now maintains that due to COVID 'The dive school is inoperable, not least because the availability and affordability of liability insurance associated with Covid-19' and wants the condition removed.

As was the case for the 2019 application, the principle of a permanent holiday let in this location (albeit now unrestricted), must first be considered against the strategic policies within the Plymouth and South West Devon Joint Local Plan (JLP), which promote sustainable development. Policies SPT1 and SPT2 provide details of the principles of sustainable development and the provisions which would be expected of a sustainable settlement.

Policy TTV1 sets out the principles to be used to distribute new employment and housing across the Thriving Towns and Villages Policy Area. This policy 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 is considered in the context of Policy TTV26 'Development in the countryside' and is strictly controlled. This policy is divided into 2 parts, the first relating to isolated development and the second relating to development generally in the countryside.

In deciding whether a site is considered to be 'isolated' the *Bramshill* ruling provides the following guidance: "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."

The application site is located around 2 miles from Ivybridge or Yeamlpton and nearly 1.5 miles from Smithaleigh. The cabins themselves are nestled within a wooded valley representing part of a former quarry. Given that the cabins are undeniably physically separate and remote from a settlement, Officers conclude (as was the case in the 2019 application) that it should be considered as *isolated development* for the purposes of TTV26. Part 1 of the policy therefore applies. This states that: "*Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings".*

The 2019 application considered that some justification was provided for these chalets under the provisions of policy TTV26 part 1 (iii) by securing the re use of redundant or brownfield sites for an appropriate use. This '*appropriate use*' was to serve a dive centre for which 'there are no other sites locally that provide the unique natural features that make this site suitable for use as a diving facility'.

Officers consider that the appropriateness of holiday lets in this isolated location was and continues to be inextricably linked to the operation of the Dive Centre. Without this association, the proposed holiday lets are contrary to JLP Policy TTV26.

A further justification for the development of these holiday cabins was provided by JLP policy DEV15 (Supporting the rural economy), which provides support for employment and tourism uses in rural areas. This policy states that:

*"Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:*

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

2. *Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
3. *Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
4. *Support will be given to the reuse of suitable buildings for employment uses.*
5. *The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*
6. *Development will be supported which meets the essential needs of agriculture or forestry interests.*
7. *The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.*

The Officer's report for the 2019 application considered that the proposed holiday lets accord with part 2 of this policy *"as they help facilitate the expansion of an existing small business in a rural area. The proposed cabins are required in order for the diving business to continue and provide an improved experience for customers and to respond to market demand and there are no other locations where this niche use could be provided"*.

The above assessment of the acceptability of holiday lets in this location against DEV15 is again dependent upon their association with the Dive School. Without this formal association with the dive school as an existing rural business, the use of Policy DEV15 provides no support for holiday lets in this location. With the lifting of COVID19 restrictions Officers consider that current circumstances should not differ fundamentally to those under which the 2019 application was made when the cabins were required to service the Dive School.

#### Precedent

It is noted that the applicant's supporting statement refers to a development for unrestricted holiday units at "Sunridge Lodge" PL8 2LN as a precedent for the current application. Of relevance here are two applications. Application 1701/18/FUL for the provision of two new holiday rental units granted permission on 16 July 2018. This application was not considered under the currently adopted Joint Local Plan and is therefore considered to be of limited relevance. However, even if it were considered under the current JLP it would represent a proposal that supports the success of a pre-existing rural business, which gains support through policy DEV15 – similar to how the dive school was used to provide an exceptional justification for allowing the holiday lets in question as part of the original application. Another application (Ref: 3355/20/FUL) 'Change of use from holiday let unit to residential unit as managers accommodation' was considered under the current Development Plan. However, similarly to the units at New England Quarry, this was also tied to the business, therefore mitigating the inherent unsustainability of its countryside location. These precedents is not considered to offer support for the current application.

## **Design/Landscape**

As the current application relates for a change of use to allow unrestricted holiday letting of existing cabins, no physical changes are proposed. The design and landscape impact of these cabins was considered to be acceptable as part of application ref: 0158/19/FUL.

## **Neighbour Amenity**

The site is set in a rural location with no immediate or nearby neighbours. There are thus no residential amenity impacts arising from the proposals and the application is in accordance with DEV2 (Air, water, soil, noise, land and light) of the JLP.

## **Highways/Access**

No new paths or roads will be created as the application proposes to utilise existing tracks. Any highways and access implications associated with the use of these cabins was considered to be acceptable as part of application ref: 0158/19/FUL. The change of use proposed as part of the current application is not considered to materially affect this judgement. The application is compliant with policy DEV29 'Specific provisions relating to transport' of the JLP.

## **Conclusion**

Allowing unrestricted holiday lets in such an isolated location would undermine the JLP's spatial strategy to use sustainable development as the framework for growth and change. Although Officers recognise that circumstances have shifted due to COVID19 over the preceding two years, with the lifting of restrictions and the recommencement of leisure activities the original circumstances used by the applicant to justify the development of holiday cabins in this location should still be relevant.

Officers consider that the acceptability of locating holiday lets on this isolated site was and continues to be inextricably linked to their association with the Dive Centre. As such, the proposed change of use of these cabins to unrestricted holiday lets fails to accord with JLP Policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15

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

## **Planning Policy**

### Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the

Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

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

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

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
Thurlestone

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

**Application No:** 2369/21/FUL

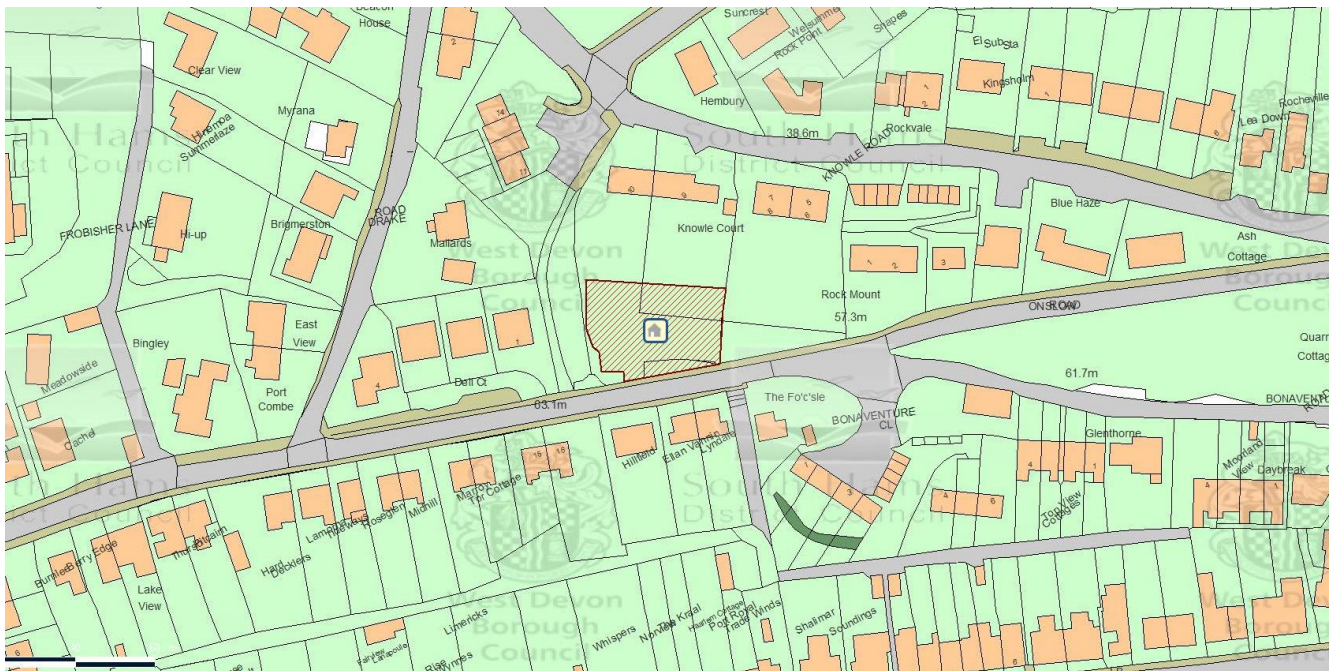
**Agent/Applicant:**

Mr Nigel Keen - DRA Architects  
The Studio  
105 Southbroom Road  
Devizes  
SN10 1LY

**Applicant:**

King, Cooper, Payne  
Land Opposite Lyndale, Onslow Road  
Salcombe  
TQ88AH

**Site Address:** Land Opposite Lyndale, Onslow Road, Salcombe, TQ8 8AH



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

### Reason item is being put before Committee

The local Ward members requested it for the following reasons:

- Previous applications for the site have been considered by Committee and have been subject of Appeal decisions which the report indicates have been addressed.
- There would need to be a Committee site visit for context and setting.
- The conditions do need to be tightened and clarified within the report, areas of concern as indicated being; the removal of PD rights given how tight and constrained the site is; restrictions on dividing or creation of separate units within; clear and specific restriction on the use or changes to the roof areas.
- The ward members request a committee site visit.

**Recommendation:** Approval

### Conditions (list not in full)

1. Time limit for Implementation

2. Principal residence condition.
3. Approved plans
4. Landscaping (retention and new and species to be planted which reach a height of at least 3 metres.) Indigenous species.
5. Drainage in accordance with approved plans
6. Removal of permitted development (roof, terraces and garden buildings)
7. Submission of materials for approval
8. Ecology adherence
9. Unexpected contamination
10. Tree condition as approved plan
11. Prior to commencement carbon reduction measures
12. Dwellings not to be subdivided.
13. Roofs not to be used as roof terraces.
14. Construction Management Plan
15. Land stability survey pre construction
16. Climate change measures in accordance with policy dev32

**Key issues for consideration:**

Principle of the development; design; impact on neighbours; drainage; access.

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

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

**Site Description:**

The site lies within the development boundary of Salcombe and is within the South Devon Area of Outstanding Natural Beauty (AONB). The land, an area of approximately a little under 0.07 hectares (673 sq. m as advised in the Design & Access Statement) lies on the north side of Onslow Road. Currently undeveloped, the land appears to have been garden land in the past, in part for some period in connection with the bungalow 10 Knowle Road to the north and in part in connection with the property Lyndale to the south, the latter being physically separated from the application land by Onslow Road.

The frontage has a hedge, within which there is a gap for pedestrian access and appears to have historically been used for parking, with a car and boat present at the time of the site visit, though no formal dropped kerb arrangement exists. Behind this relatively flat area, the land slopes sharply away northwards such that there is a fall in levels across the site, from the lowest point to the pavement in Onslow Road, of between 6.5m at the eastern end to 8.22m at the western end.

The land is irregularly shaped [narrower to the front (south abutting Onslow Road)/wider to the rear /north abutting neighbouring gardens] with an area towards the western part of the site not directly fronting Onslow Road, having an intervening area of landscape planting between the road and the application site (some within the Council's ownership and some apparently unregistered land – which the applicants advise they have maintained in the past). A small public seating area occupies part of this land to the west of the site, adjacent to the public steps



(known as Piggy Lane) with planting, which abuts the western boundary of the site and which is a pedestrian link between Onslow Road and Knowle Road.

There is a pavement along Onslow Road, on the north side which runs broadly west to east in the immediate vicinity of the application site, with street lighting and double yellow lines. The northern and eastern site boundaries border residential gardens, serving properties set at a lower level, fronting Knowle Road, comprising bungalows immediately behind the application site and two storey apartments to the north-east.

The topography of the area generally is steeply sloping, much of Salcombe being built on sloping valley sides and the site is not untypical in this regard. Properties on the south side of Onslow Road are set at a level elevated above the highway. The bungalows behind the site to the north and two storey flats in Knowle Road are set at a much lower level, though set higher than the level of Knowle Road. To the west, properties in Dell Court are two storey with additional accommodation in the roof and basement levels. The ground floor entrance level is set at a lower level than the public highway, served by an access parallel with Onslow Road.

Set at a lower level below Dell Court, Mallards is a detached property to the north-west. Locally, there is a wide range of building ages and styles, which is a positive feature of the area, as are the glimpsed public views of distant shoreline and green ridges, a result of the undulating topography. Salcombe is a town, predominantly urban and suburban in character, where the built form does dominate, though there is a greenery locally, with green spaces and many properties having front and rear gardens and trees visible in public views as a result of the topography.

Along this section of Onslow Road, properties on the south side are raised up above the level of the road behind front gardens. On the north side, Dell Court has a hedge fronting the road, with properties set at a lower level. Planting at Piggy Steps is in the public realm, which together with the application site and combined gardens of the properties fronting Knowle Road currently provide a green break in the built form as Onslow Road runs east where it narrows and falls downhill. Views can be had from along this section of Onslow Road and as it falls eastwards out to the coast and hills of the AONB towards Batson Creek. The entirety of the application site and its frontage is undeveloped and in conjunction with neighbouring vegetation to the north and east, forms a green wedge across this northern valley slope towards the coast, which provides welcome relief from the built form and makes a positive contribution presently to local character. This impact is particularly apparent in some views from the north.

Looking north across the valley from Onslow Road, properties on the upper valley slopes opposite have by and large been developed comparatively sympathetically, with space for planting and which do not break the tree line on the ridge above. To the north-west, where the land appears higher, buildings appear more densely developed, developed comparatively less sympathetically, with less greenery visible and which break the skyline, sometimes in a jarring manner.

The principal character views along Onslow Road are to the north east, towards Batson Creek. A public seat at the top of the steps takes advantage of these views when management of the vegetation permits.

The site lies within Flood Zone 1, the lowest risk of flooding. However, having regard to the steep topography and extent of built development including hard surfacing, the potential for increased risk of flooding elsewhere as well as linked land stability issues needs to be considered.

Some concerns have been expressed by objectors that the site location is not clear. Notwithstanding these concerns, the application has been advertised three times and it is evident to the LPA, supported by the number of responses received, that the site address is properly and adequately described. There is also reference to a 'listed' bench but the Conservation Officer confirms that is no listed bench or the setting of such a feature close to the site.

### **The Proposal:**

The proposal is for the erection of 2 detached flat roofed 3 bedroom dwellings, with access and car parking at the front off Onslow Road.

Because of the sloping nature of the site, the property is split level with a single storey visible onto Onslow road and 3 stories at the rear.

### **Consultations:**

- County Highways Authority: Standing Advice
- Town Council: No comment on the proposal but due to the position of the site on a main access route into Salcombe there needed to be a Construction Management Plan prior to work commencing. Neighbourhood Plan policy H3 re Principal Residence would also apply to this proposal and in the light of the recent unanimous decision of the full South H District Council to support the proposed amendment to the Neighbourhood Plan Town Council would request a S106 agreement in respect of this policy.
- Tree Specialist: No objection on arboricultural merit subject to the noted document being made approved plans if consent follows.
- Drainage: Based on the information provided we would support the current proposal. Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site

### **Representations from Residents**

Comments have been received and cover the following points:

Object: 12 letters

- Loss of view of town bench which is listed
- The roof terraces will result in overlooking
- The design does not fit into the street scene
- The access is dangerous
- Vehicles crossing the access compromises pedestrian safety
- The inclusion of a further bathroom suggests an additional dwelling may be created
- This is not affordable housing
- Design is inappropriate
- Question over the stability of the land

- Will the drainage be appropriately installed and not impact on others.
- Landownership issues The rear boundary with

Support: 6 letters

- Access for construction traffic needs to be considered carefully.
- Onslow road already has a lot of traffic pressure.
- Happy to see this redundant piece of land developed for housing
- 2 flat roofed bungalows will not affect my outlook.
- The limited height of the dwellings results in no problems
- All previous refusal points have been addressed
- This land in the middle of a built up area is ideal for housing
- Due to the gradient every neighbouring house is overlooked.
- The houses are moderately sized and appropriate for principle residence.

Landownership issues:

There is currently a dispute ongoing between the applicant and the owners of No.'s 9 and 10 Knowle Court. Landownership issues are not a planning consideration. Therefore if the planning application is considered taking into account, the Development Plan and all other material considerations, including in this case the recent Inspectors decision then a decision can be made. Whether or not the planning consent can be implemented because of the land dispute, is a separate civil matter.

### **Relevant Planning History**

1240/16/FUL

Land Opposite Lyndale Onslow Road Salcombe TQ88AH  
Proposed residential development of three detached dwellings  
Refused 30/01/2018

3262/18/FUL – Proposed residential development of two detached dwellings on vacant land. Refused 25 March 2019, Dismissed on appeal. The Inspector concluded that the development would be harmful by reason of loss of privacy and overdominance on 9 and 10 Knowle Road. The Inspector also considered that the proposals would be harmful to the character and appearance of the area.

### **ANALYSIS**

Principle of Development/Sustainability:

The site lies within the development boundary of Salcombe. The adopted Joint Local Plan sets out the vision and framework for the area. Policy SPT1 sets out how development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and sustainable environment. Policy SPT2 provides more guidance on achieving sustainable rural communities indicating that these should be well served by public transport, walking and cycling opportunities, should have a safe and accessible local environment and an appropriate level of services and facilities to meet local needs. These matters are expanded in Policies TTV1 and TTV2 which set out the development strategy for the Thriving Towns and Villages. Inter-alia these policies make it apparent that development will be focused in the main towns, smaller towns and key villages.

Salcombe is identified as one of the smaller towns and is therefore a settlement where some sustainable growth will be focused. The proposals are acceptable in principle and are in accordance with the settlement hierarchy established in the JLP.

Policy DEV8 in the JLP seeks to ensure that all new residential development meets a local housing need. In Salcombe the housing need as defined by ONS data indicates that the town is roughly in accordance with the South Hams average in terms of house sizes, but in terms of house type there is an undersupply of semidetached housing and detached housing. The Salcombe Neighbourhood plan supports the need for smaller housing units because of the number of larger homes in the area. The proposal indicates two detached houses with 3 bedrooms, which whilst not 1 or 2 bedroom properties is a medium sized house and therefore is considered to accord with the current housing needs for the area.

Policy SALC H3 (NP) also seeks to ensure that new housing is utilised by those who live and work in the area. The policy requires a planning condition, or Section 106 agreement to ensure that the property is the owner's principal residence.

The NP is currently going through a re consultation to make an amendment to the NP such that the only means to secure the principal residence is via a Section 106 legal agreement. However this has not been approved yet. Therefore as it currently stands a condition or Section 106 agreement could be used to secure the principal residence requirement.

Policy DEV10 in the JLP relates to quality of housing and stipulates that new residential development should meet the National Design Standards as well as meeting reasonable gardens (this is further discussed in the SPD where there is a table of minimum sizes). The proposed dwellings meet the National Space Standards. The SPD requirements for gardens for a detached house is 100 square metres of amenity space. In this case using the boundary as submitted both units can provide more than the 100 square metres of outside garden area. If the land is measured, not including the disputed land, the figure is much closer to the 100 square metres on unit 2 (unit 1 still has more than enough). The outdoor amenity spaces therefore meet the guidance in the SPD. Additionally the slope in the rear garden areas has been reduced to enable useable garden space.

A further consideration in relation to amenity space should be the slope of the land in the locality. Whilst other nearby properties may appear (on a block plan) to have larger garden areas, because of the sloping nature of the land in this locality much of the area is unusable space. The difficulty with the properties along the northern side of Onslow road is the very steep terrain, which does mean providing sufficient amenity space is more difficult. The fact that Salcombe is an estuarine and coastal settlement as well as having the benefit of many small parks means that there are plenty of outdoor spaces within the area to complement the garden spaces.

The principle of development on this site as well as the housing need and the requirements of Policy DEV10 in the JLP are considered to carry considerable weight in the Planning balance.

#### Design/Landscape:

The site lies within the South Devon AONB. The Countryside and Rights of Way Act 2000 provides a statutory framework for all policy, plan making and decision taking affecting the AONB by all public bodies including local planning authorities and government agencies. Section 85(1) is relevant to decision making and prescribes a duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The site lies outside of the Salcombe Conservation Area. There are no listed buildings or Ancient Monuments nearby whose setting could potentially be affected by the proposals and no significant heritage impacts are considered to arise. The site is within the town and is not within the undeveloped part of the AONB. It is a suburban location with no overall dominant character. Policy SalcEnv1 in the NP provides a number of criteria which must be met by development in the AONB. The proposal, with only two dwellings on the site is not considered to be overdeveloped and there is adequate space for landscape and curtilage for both properties. It is not considered that the development negatively affects the overall character of the AONB or the surrounding landscape.

The most recent application on the site was for the two dwellings – much larger; with little space between the proposed dwellings and the rear gardens of the properties behind and the fact that windows overlooked the top of the gardens of the properties to the rear of the site. That application was taken to appeal and the Inspector dismissed the appeal, with the primary concerns being: the limited set back from Onslow Road; greener edge to Onslow Road on the north side and the effect of the development on the living conditions of the occupants of 9 and 10 Knowle Court.

In response the new proposals set the development further back and respects the set-backs of other dwellings on this side of Onslow Road. In response to the need for a greener edge to the site, the applicant has proposed a stone wall to the edge of the site onto Onslow road but with a green hedge closer to the road with the aim of retaining that softer greener feel on the north side of the road. Officers acknowledge that the complete area of green which is the overgrown nature of the whole of the site will be lost, but with the measures proposed and the number of properties already off Onslow Road, and the single storey nature of the elevation to Onslow Road, it is not considered to cause significant harm to this side of the road.

The steep sided valley upon which most of the properties in this part of Salcombe lie results in properties tumbling down the valley sides. The proposal will achieve the same approach once established. It is therefore considered that the proposals are in keeping with the established pattern of development in the area.

There are no prevailing design characteristics in the current built form in this part of Salcombe and in this regard the contemporary approach is considered appropriate and indeed there are other examples of modern design locally including at Bonfire Hill and Frobisher Lane which is close to the site and indeed visible from it. The buildings proposed step down the slope with only the single storey onto Onslow road which would result in a low impact to the street scene and the rear of the building whilst if seen in isolation may seem to be tall, but set within the context of the area would be similar to many of the houses stepped across the hillside. The houses would also be seen within the wider context of other dwellings and associated landscaping. Overall the design delivers a good standard that is appropriate to the site and the surrounding area. The development is in accordance with Policies DEV10 , DEV20, DEV23 and DEV25 of the JLP and Policy SALC B1 of the Neighbourhood Plan.

The compliance of the application with the Development Plan policies cited will have significant weight in the planning balance.

Neighbour Amenities:

Development of this site has given rise to objections from neighbours concerning potential adverse impacts, in particular overlooking of properties to the north which was one of the reasons for refusal of the previous application and which was upheld on appeal.

To the west dwellings are separated by a public access way and of similar overall scale to the proposals. They have a north-south facing aspect and there is a reasonable level of planting. No material loss of amenity by reason of loss of privacy, overbearing impact or loss of light is considered to arise.

There is no adjacent development to the east and there is also significant screening.

The properties to the north, numbers 9 and 10 Knowle Road are single storey dwellings. They have deep rear gardens, of rising land towards the north and the application site and planting along the boundary. In the case of the previous appeal proposals (3262/18/FUL) the Inspector concluded that the boundary screening varied across the site but nonetheless the window to window distance from Unit 1 to 10 Knowle Road would be in the region of 30 metres and that even without screening privacy would be maintained. Similarly it was concluded that there would be no loss of privacy between Unit 2 and 9 Knowle Road. However, the Inspector concluded that the relationship with the gardens of the Nos 9 and 10 would be harmful by reason of a significant loss of privacy due to the proposed raised terraces and the proximity to the garden terraces in properties 9 and 10 Knowle Road.

This submission includes tree surveys which demonstrate that the existing screening would be unharmed by the development and indeed a condition requiring retention and enhancement will be imposed. Importantly, the terraces on the proposed dwellings have been removed and a condition to prevent the flat roofed areas of the proposed dwellings to be used as roof terraces has also been indicated. The building form has been set back from the rear boundary and there is now 9 metres between the rear of unit 2 and 11.50 metres from unit 1 to the proposed rear boundary. That figure reduces if a measurement is taken to the edge of the proposed tree planting along that boundary. In this case the distance to the boundaries is 6.3 (unit 1) and 7.9 (unit 2). The distance to the rear walls of the properties 9 and 10 Knowle Court is 33.5metres to No. 9; 30.6m to No. 10 and 22.7 m to the rear extension wall of No 10. These distances are more than is required by the JLP SPD and indeed acceptable to the previous Inspector.

It is considered that the impact of the current proposals on the neighbours to the rear are significantly less than on the previous application and as such it is considered that whilst the appeal decision is a material consideration, the current scheme has overcome the issues outlined above.

The sectional drawings submitted with the application indicate that the higher level windows have been reduced in number and they are at a height such that the aspect is more out and over the properties behind rather than down into the gardens. Any views are at high level over the roofs of Nos 9 and 10 Knowle Road.

The Inspector in his decision indicated his concern about the proximity of the proposed dwellings to the upper terraces of the two properties on Knowle Road. Cross sections have been submitted which indicate that the buildings have been moved back from the boundary – to 9 metres and 11.5 metres. And the height of the proposed dwellings has been reduced by 3.2 metres. The impact of the proposed dwellings on the upper terraces has therefore been significantly reduced and even though the sectional drawings assume the tree planting is already mature, there is still some existing planting and the change in levels between the

application site and the terrace which is approximately 2metres means that the impact with a double bank of trees will be far less on the properties to the rear.

As well as the set back the elevations of the proposed dwellings have also been altered such that there are now no roof terraces; and a condition will secure this for this application and the lower floor windows will be (ultimately screened by trees and the upper floor windows will look out over the trees and well above the terrace level of the gardens of the properties at the rear

No material loss of privacy is likely to arise with the current scheme, either to the dwellings or the upper garden terraces. The concerns in relation to policy DEV1 and DEV2 have been overcome. This current proposed development is considered acceptable in terms of neighbouring amenity and accord with Policy DEV1 and DEV2 of the JLP.

Policy SALC Env6 in the NP provides for locally important views. V15 is a view from Onslow road and has a green foreground with the more distant views of the houses on the other side of the estuary and parts of the estuary. The NP describes the views from all of Onslow road (not specifically the bench) as "*Onslow Road on the main approach to the town that offers extensive views out across Coronation Road, Shadycombe Creek, Batson Creek and across to the Crofts, Snapes and the countryside beyond the parish. This view is possibly one of the most regularly enjoyed in Salcombe, a regularly walked route that leads up and over to Beadon.*" The Inspector in his decision makes reference to this view and concludes the previous proposals would impact on this view. The view from the bench is identified as a locally important view.

However the view from the bench is not the specifically described view whilst it is the photo used in the NP, the view is from all of Onslow road where different parts of the view materialise through gaps in the built form. The views are of: "*The setting of Salcombe and Batson in the open countryside, their separate conservation areas, AONB, County Wildlife sites includes the Salcombe to Kingsbridge SSSI*"

Parts of these views are still visible from points along Onslow Road. In addition the bulk of the new proposal is significantly reduced from the one the Inspector commented upon (see drawing number 1810 CL PL-303-1 Rev A). As a result the impact on the view from this point will be significantly reduced albeit there will still be an impact. This is considered as having a small impact on the planning balance.

The Inspector also indicated that the proposal would also be contrary to policy SALC B1 which seeks to ensure setbacks match adjoining buildings. The current proposal has set the buildings back so as to accord with the adjoining dwellings. And the lower single storey flat roofs of the proposed dwellings would reduce their visual impact on V15, albeit the frontage of the development would be visible in the right hand part of the view, where a road sign already impinges on that view. Officers therefore consider that the changes made overcome the Inspectors concerns with the previous proposals in relation to SAL B1 and SALCEnv6.

#### Highways/Access:

No objections have been raised by the Highway Authority. There is adequate manoeuvring space within the site for all vehicles to enter and leave in a forward gear and there are adequate visibility splays. It is considered that the development is acceptable in Highways and car parking terms

#### Drainage:

The site is in Flood Zone 1, the lowest level of potential risk but due to the topography this matter has been considered. A drainage report has been submitted with the application by Nijhuis Limited and the drainage officer has no objection subject to an appropriate condition to ensure installation. The soakaways proposed are quite close the proposed tree planting. However additional supporting information from the applicant's tree specialists and drainage experts confirm that the proximity will not be an issue and have also confirmed the depth at which the soakaways will be constructed. These matters are also matters which are normally dealt with by Building Regulations. The proposal complies with policy DEV35 in the JLP.

#### Ecology

A wildlife survey by Butler Ecology has been submitted with the application. The submission indicates only limited impact on ecology and a condition is recommended to ensure compliance with the Ecology survey.

#### Climate change:

The planning statement submitted with the application indicates *"The proposals include a number of measures to meet this policy requirement, such as; installation of high performance internal water saving fittings and rainwater harvesting; natural ventilation with heat recovery MVHR on the extract ventilation to the kitchen and bathrooms; insulation of walls and roof exceeding the requirements of part L of the Building Regulations."*

Whilst the measures identified will make the dwellings more efficient, reducing lost heat, which will have a very small impact on the carbon footprint of the two dwellings. It is normally anticipated that further measures such as the use of heat pumps for hot water and heat and/or photovoltaics on the roof, which would add to the use of heat which is not derived from fossil fuels. It is therefore proposed to place a condition on the planning consent which asks for further measures to be included on the two dwellings.

#### Objections to the development:

There is currently an ongoing land ownership dispute on the northern most land between the application site and the properties 9 and 10 Knowle Road. Whilst this is not a planning matter and a civil matter, there is some concern that the trees in this area may be owned by the properties at 9 and 10 Knowle road and therefore are not within the applicant's ownership and thus the applicant cannot ensure their retention. As a result of the landownership issues, the measurements for aspects of the scheme such as amenity space have been taken using the smaller site area and a landscaping condition has been included so that the boundary treatments can be assured into the future.

Objections have also focussed on the impact on a listed bench, which having investigated the Historic England mapping is not listed; Overlooking. As discussed earlier, the set back of the dwelling and the change in levels plus the intervening vegetation and loss of the high level terraces prevents overlooking of the garden areas of Knowle Road.

The design has been questioned as not fitting into the area. In reviewing the area, as stated above there is an eclectic mix of dwelling types and ages and as such there is no real overall character. More contemporary dwellings of the 21<sup>st</sup> century are therefore not considered harmful to the area. The use of the flat roofs prevents visual impacts on the hillside and protects properties from overlooking. The access has also been identified as dangerous. The space for parking at the front of the two units is approximately 5.8metres by 13.6 metres. This indicates on the plans provision for 4 parking spaces, plus an additional area for turning so that the cars can leave in a forward direction. The space is quite tight, however there is space



sufficient to accommodate the number of spaces and a car to leave in a forward direction. This would meet with parking standards and so there is no justification for refusing the development on highway safety issues.

There is some suggestion also that the internal layout could be subdivided to create additional dwellings. There is insufficient parking to allow for a further dwelling, but in order to prevent this happening it is proposed to place a condition on the consent.

A further issue has been raised with regard to the stability of the land and whether the development of the site would impact on the land stability. Whilst this is an issue which needs to be considered the Building Regulations will require that the buildings are constructed in accordance with the state of the site. However in order to ensure that the stability of the land will not impact on other properties it is proposed to place a condition on the consent to require a land stability survey take place prior to the construction works taking place.

The final issue with regard to the objections relates to the fact that it is not affordable housing. It is accepted that the development is not providing affordable housing, however for scheme of less than 11 there is no requirement, in the JLP for affordable housing to be provided. The size of the proposed dwellings with permitted development restricted would mean that they will remain as medium sized dwellings which will in itself limit the value into the future.

#### Conclusion and planning balance

The site has recent planning history not least the decision of the appeal inspector which fell broadly into two areas, loss of residential amenity by reason of material overlooking and harm to the character of the area by reason of impact of the proposals, most notably from Onslow Road. The applicant has responded to these matters, by amending the design including removal of the roof terraces and adding further landscaping and setting the development further back from the frontage and the rear boundary. It is considered, on balance that these changes have successfully addressed the reasons for refusal and the Inspectors comments and the proposals meet the relevant policies in the JLP, the NP and the NPPF 2021. Approval is recommended.

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

#### **Planning Policy**

##### Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the

Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV32 Carbon reduction  
DEV35 Drainage

### **Neighbourhood Plan**

The Salcombe Neighbourhood Plan is a made plan (September 2019) and is a material planning consideration. The following policies are relevant:-  
SALC B1 Design Quality and safeguarding Heritage Assets  
SALC H2 Market Housing  
SALC H3 Principal residence

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

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

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

## **Proposed planning 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):

1810 NK L-000-1 Site Location Plan;

1810 CL PL-001-1 Proposed site Plan;

1810 CL PL-101-1 Proposed floor plans- Main entrance / Upper level;

1810 CL PL-102-2 Proposed floor plans - Middle level;

1810 CL PL-103-1 Proposed floor plans - Lower level;

1810 CL PL-201-1 South / front elevation;

1810 CL PL-202-1 North Elevation;

1810 CL PL-203-1 West elevation unit 1;

1810 CL PL-204-1 East elevation Unit 1;

1810 CL PL-205-1 West elevation Unit 2;

1810 CL PL-206-1 East elevation Unit 2;

1810 CL PL-207-1 Context Elevations south and north;

1810 CL PI-302-1 Proposed section B-B

1810 CL PI-303-1 Proposed section C-C, received by the Local Planning Authority on 24/6/2021.

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 building works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots; the retention of any of the existing boundary treatments and details of the species to be used in the northern boundary which shall be capable of reaching a height of at least 3 metres.

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.

4. 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. The attenuation scheme should be installed so as to avoid flood water ingress to keep it functional during the flooding situation. 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, prior to the occupation of the dwellings hereby approved.

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.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H and Part 2, Class A of the Order, including: the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity.

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

Reason: In the interests of visual amenity.

7. The recommendations, mitigation and enhancement measures of the Ecological Reports, by Butler Ecology on (original report 28/1/2016) updated report 29/8/20180, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

8. If, during development, contamination (not previously identified) is found to be present at the site, 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.

9. The development hereby approved shall be carried out in strict accordance with the following documents:

Arboricultural Statement: DTS18.30.1.AS (with addendum dated 24.5.21)

Reason: To ensure protection of the trees on the site.

10. Prior to the commencement of the development hereby approved, plans and details of the carbon reduction measures to be used on the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to the occupation of the dwellings hereby approved.

Reason: To ensure the development makes appropriate contribution to the target carbon reduction measures as outlined in Policy DEV32 in the Plymouth and South West Devon Joint Local Plan.

11. Notwithstanding the Town and Country Planning General Permitted Development Act 2015 (as amended), the two dwellings hereby approved shall not be subdivided into additional residential units of accommodation without the prior written consent of the Local Planning Authority.

Reason: The site is of insufficient size to allow for further residential units in relation to parking and amenity provision.

12. The dwellings hereby approved shall not be occupied other than by:

- i. a person or persons as their principal home;
- ii. persons living as part of a single household with such a person or persons;
- iii. persons who were living as part of a single household with such a person or persons who have since died;
- iv. non-paying guests of any of the persons listed in (i)

The occupant(s) shall at any time supply to the Local Planning Authority such information as the Authority may reasonably require in order to determine that this condition is being complied with, within one month of the Local Planning Authority's written request to do so.

Reason: In accordance with policy H3 of the Neighbourhood Plan in order to achieve sustainable communities.

13. The flat roof area of the dwellings hereby approved shall not be used as roof terraces /outdoor space for ancillary uses without the prior written consent of the Local Planning Authority.

Reason: To protect the residential amenities of nearby properties.

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

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

- (g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present on the site;
- (i) the means of enclosure of the site during construction works;
- (j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;
- (k) details of wheel washing facilities and obligations;
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) details of the amount and location of construction worker parking; (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: In the interests of Highway Safety.

15. Prior to the construction of the dwellings hereby approved a land stability survey shall be submitted to and agreed by the Local Planning Authority. Once agreed the scheme shall be built in accordance with the details.

Reason: To ensure the development does not impact negatively on the surrounding area.

16. Prior to the construction of the dwellings beyond slab level, the carbon reduction measures for the site (to accord with Policy DEV32 in the Joint Local Plan) shall be submitted to and approved by the Local Planning Authority. The agreed measures shall be installed prior to the occupation of the dwellings hereby approved.

Reason: To ensure the development makes an appropriate contribution to the carbon reduction measures identified in Policy DEV32 of the Joint Local Plan and as a result of the Climate emergency.

17. The bedroom accommodation on the top floor of the dwellings hereby approved shall be retained on the top floor unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the privacy of the neighbouring properties to the rear of the site.

## PLANNING APPLICATION REPORT

**Case Officer:** Darren Henry

**Parish:** South Huish

**Ward:** Salcombe and Thurlestone

**Application No:** 0865/21/VAR

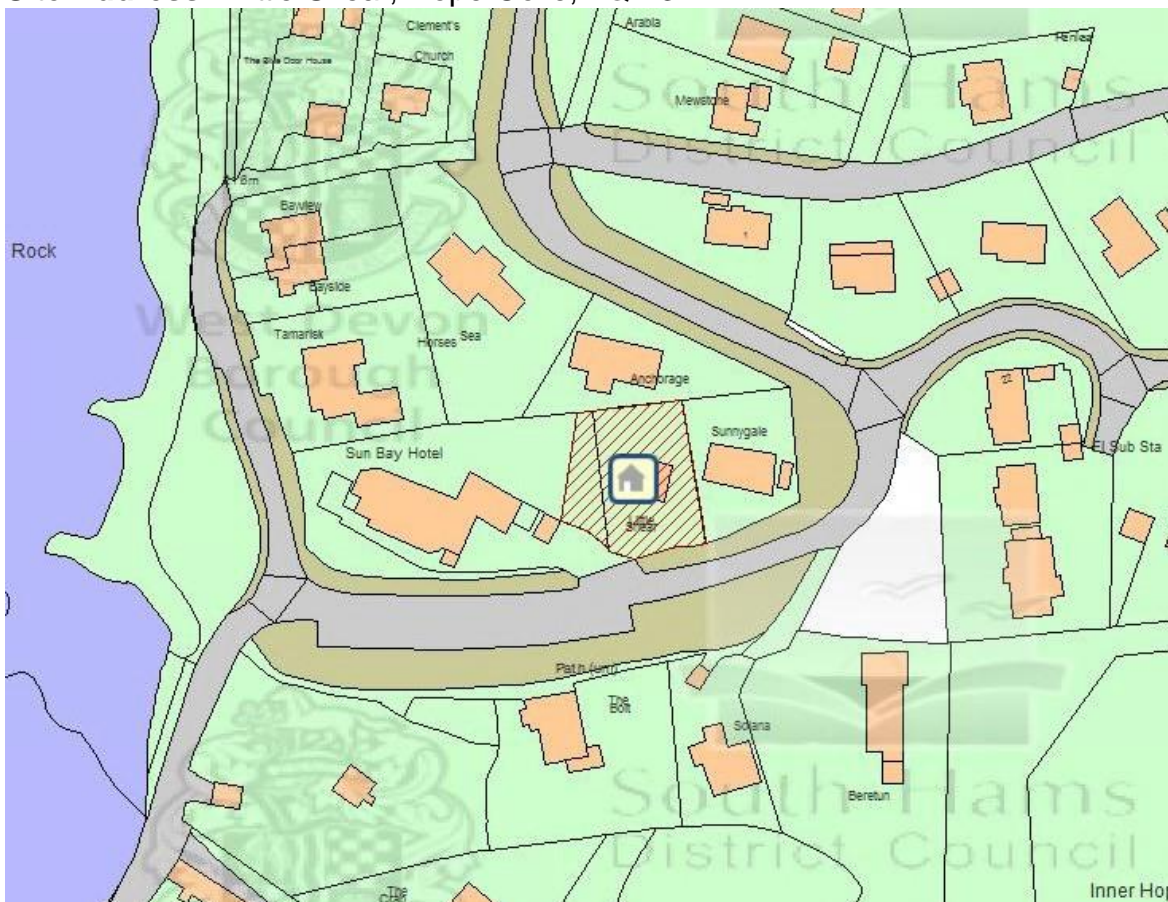
**Agent:**

Mr Tim Provost - BBH Chartered  
Architects  
9 Duke Street  
Dartmouth  
TQ6 9PY

**Applicant:**

Mr & Mrs Coleman  
The Olde Barn  
The Square  
Hope Cove  
TQ7 3HR

**Site Address:** Little Shear, Hope Cove, TQ7 3HH



**Development:** Application for variation of condition 2 (drawings) of planning consent 1079/20/FUL

**Reason For Going to Committee:** Requested by the Ward Members due to design concerns relating to the retaining wall, facing materials, insufficient amenity space and impact on the AONB.

**Recommendation:** To delegate to the Head of Development Management to grant planning permission subject to conditions and a deed of variation to secure principal residency.

## **Conditions:**

1. Time Limit to implement 3 years from date of decision for 1079/20/FUL
2. Approved Revised Plans
3. Removal of PD (gates, fences, walls etc)
4. Removal of PD (outbuildings, extensions)
5. Landscaping
6. Drainage surface water
7. Drainage foul
8. Adherence to Ecology Report
9. Samples of External Materials
10. Low Carbon Development

## **Key issues for consideration:**

Is the development still acceptable in light of the proposed changes?

## **Site Description:**

The site is located within the Hope Cove settlement, and is within the settlement boundary as defined in the South Huish Neighbourhood Plan. It is considered a brownfield site, which currently includes the existing dwelling and its reasonably large domestic curtilage.

The site located on the main road between Outer Hope and Inner Hope and, more widely, within the South Hams AONB and Heritage Coast.

The application site is located between a hotel to the West (Sun Bay Hotel) and two larger bungalows, one to the North of the application site (Anchorage) and one to the East (Sunnygale).

The application site is located on the side of a shallow valley, with the land falling from the North-East to the South-West.

Works on the dwelling have begun.

## **The Proposal:**

Planning consent was granted under 1079/20/FUL for the demolition of the existing dwelling on the site and construction of two new dwellings with associated external works which was a resubmission of 3005/19/FUL.

The approved new dwellings were designed to replicate the existing bungalow in terms of external appearance at the request of the previous case officer and contained rooms in the roof space and to respect the existing ridge level the bungalows were approved to be lowered on the site with some cut required.

This application now seeks some amendments to the approved plans and the application is made to vary the approved plans. Please note that development has commenced.

The changes proposed as listed in the supporting statement are:

- Keeping the 'bungalow on a terrace concept' of the approved design, the terrace has been extended to allow the installation of a lower ground floor within it.



- The layout of the dwellings has also slightly shifted. With respect to the original western elevation, there is a slight shift to the south; whereas in relation to the original eastern elevation, it has moved to the north, as shown on drawing 3881 23 Rev L.
- 3881 23 Rev L also shows an additional wall to the front (the grey wall line around the parking bay is as shown on Rev J) and the wall that was previously directly in front of the house is now removed (as previously shown on Rev J).
- The ground floor level has been amended, but the roof pitch has been lowered to keep the overall height the same. The revised Street Scene, drawing 3881 32 Rev D, shows that there is no increase in the height of the two dwellings, in context of the street scene, whilst showing the revised scheme is set deeper into the ground. This is highlighted by lower positioning of the car in relation to the wall behind it and Sunnygale.
- The revised floor plans, as shown in drawing 3881 21 Rev E, show that depth to the rear has been slightly extended, as it has been squared off. Similarly, the two front gables have also been squared off to the sides. The ground floor consists of utility and w.c., kitchen/dining area and living space to the front. At first floor level, additional space has been created in the roof area to create larger bedrooms and space for plant.
- The junction between the two front gables and the main roof has been amended to a hip to provide a simpler construction detail. The south/east elevations, as shown in drawing 3881 30 Rev H, shows several changes, including the removal of the velux roof windows to the front, a change from side gable roof to hipped roof, the introduction of a lower floor level, additional elongated windows in place of the original entrances, a balcony extending across both dwellings and wider front gables. The side elevation clearly shows where the proposed scheme is sunk deeper into the ground. The front lower ground floor elevation/terrace now contains the front door and bedroom windows.
- The north/east elevations, as shown in drawing 3881 31 Rev G, also shows how the revised scheme is excavated deeper into the ground, particularly from the east elevation. The revised plan also shows new openings to the rear and the hipped roof and an element of timber weatherboarding.
- The first floor within the roof space previously proposed has been omitted along with the previously approved rear dormer;
- The material of the terrace has been amended to stone, with the aim of providing a clear distinction between it and the main house/ground floor;
- The landscaping, as shown in new drawing 2021/102/01, to the rear has been redesigned to reflect the additional spoil removed during excavation works. It should however, be noted that the terrace concept of the approved design, including some of the levels, is retained.

#### **Consultations:**

- |                                |                         |
|--------------------------------|-------------------------|
| • County Highways Authority    | No highway implications |
| • Environmental Health Section | No response             |
| • South Huish Parish Council   | Object                  |

#### Parish Council comments:

Object to the application for the following reasons:

1. Having spoken with neighbours there are strong concerns that the roof pitch will cause loss of amenity (specifically light).

2. The Councillors considered the variation application to be so significantly different to the original application they believe this should have been dealt with as an entirely new submission and not a variation.

### **Representations:**

Eight objections received. These objections are summarised as follows (see case file for full representations):

- It seems a completely new application and not a revised design application;
- Concern with regard to outlook from Sunnygate looking out onto a solid roof and wall (east elevation of property);
- Concern proposal is similar to first withdrawn application 3005/19/FUL;
- Concern retaining wall on boundary has not been built according to plans and concern no party wall agreement;
- Proposal does not reflect existing local vernacular in design and will impact on visual amenity;
- Overlooking concerns to closest properties;
- Concern proposal no longer of similar scale and appearance;
- Concern proposal not in keeping with street scene;
- Proposed building would be overbearing and overdevelopment of the site;
- Proposal would result in overshadowing to neighbouring property, Sunnygate, creating a loss of light, privacy and visual amenities;
- Building line extends too far towards the roadway south impacting the landscape and visual amenity on the approach road;
- Works carried out on retaining wall to date adjacent to Sunnygate do not reflect approved plans or those submitted in this application;
- No construction plans are provided;
- Concerns with regard to structural stability particularly of retaining walls and as a result of extent of excavation undertaken

### **Relevant Planning History**

1079/20/FUL Demolition of existing dwelling and construction of two new dwellings with associated external works (resubmission of 3005/19/FUL). Conditional Approval Granted

3005/19/FUL Demolition of existing dwelling and construction of two new dwellings with associated external works. Withdrawn

### **ANALYSIS**

#### Principle of Development/Sustainability:

Permission was granted in 2020 for two new dwellings and work has commenced on-site whilst the permission was still extant. Therefore the principle of two new dwellings, a principal residence occupancy and the sustainability of the development have already been established and are not under consideration.

#### Design/Landscape:

The layout of the scheme has been designed to respect the established pattern of development, whilst ensuring that adequate car parking is provided in an accessible location

that utilises the existing access at the site. A shared parking area immediately off the roadside is therefore proposed. The proposed houses are located in roughly the same location as the existing dwelling with identical orientation, facing south to take advantage of the views in this direction.

With regards to scale, the units are of an appropriate scale to their context. The revised scheme has lowered the ground floor to ensure the ridge height is similar to the dwelling that is to be replaced.

The creation of the lower ground floor has also enabled the omission of the first floor accommodation previously proposed within the roof space and has enabled the accommodation to be provided without the need for the previously proposed first floor dormer.

The external appearance of the proposal is contemporary but is not assessed to be out of keeping with the character of the existing dwellings in this part of Hope Cove. The use of high quality materials will complement the vernacular.

The proposed dwellings have been designed to reflect the existing local vernacular with regards to scale and massing, whilst presenting a more contemporary appearance that uses a high quality palette of materials that is appropriate given the use and location. Compared with the previously approved materials this variation application proposes to introduce stone to the ground floor to break up the façade and to provide a clear distinction between the main house and the terrace and an element of timber weatherboarding to rear.

There is an additional wall to the front. This is in response to the steepness of the site and to enable the proposed landscaping, as shown on the Landscaping Plan. Whilst the stone wall has a darker and more natural appearance to the majority of the housing in the area, it is not completely out of character as The Sunny Bay Hotel, adjacent to the application site, has a similar retaining wall, which has a mixture of natural stone, unpainted render and plain block walls. Such walls require less maintenance to retain their appeal, particularly when compared to rendered walls. Once fully established, it is considered that the frontage will be in-keeping with the locality.

Please note that whilst it is considered unnecessary by officers, the applicant has stated that if required by Members, then they would accept a condition to render the front retaining wall.

Going back to the Landscaping Plan, reference 2021/102/01 Rev 1, whilst the initial scheme has changed, it remains relevant. All that has changed is, rather than the landscaping being planted on a steep slope, the landscaping will be spread over two terraces. It is expected that over time the landscaping will cover the upper wall and start to tumble down over the lower wall creating an attractive area, similar to the dwellings to the east, and will be in accordance with JLP Policies DEV23 (Landscape), DEV24 (Undeveloped Coast) and DEV25 (Protected Landscapes).

The footprint of the proposal is virtually the same as the extant permission, so there is no material change in the provision of amenity space. The dimensions are given below.

Proposed now (drawing 3881.23L)

- Total site area 790sq.m.
- Footprint of both the dwellings (taken at First Floor level as there is a terrace at first floor) 162sq.m.
- Area of car parking / turning 117sq.m.

- Remaining amenity area 511sq.m. (or 255.5sq.m. per dwelling)

Previously Approved (drawing 3881.23F)

- Total site area 790sq.m.
- Footprint of both the dwellings (taken at First Floor level as there is a terrace at first floor) 160sq.m.
- Area of car parking / turning 135sq.m.
- Remaining amenity area 495sq.m. (or 247.5sq.m. per dwelling)

The new proposal results meets the standard required within the JLP Supplementary Planning Document (SPD) and provides more amenity space than that previously approved. Furthermore, the use of retaining walls to terrace the garden / amenity areas actually makes the garden area far more useable than the significant slopes that were previously approved.

The proposal includes provision for two car parking spaces per property, in accordance with that required in the JLP Supplementary Planning document. However, the dimensions of the parking spaces do not meet the standard 2.5m by 5.5m, as they measure 2.4m by 4.7m.

Whilst there is a discrepancy with the size of the parking spaces, they are the same size as those previously approved under application 1079/21/FUL, which would be considered as a fall-back position and therefore it would not be a justification for a refusal.

If minded to approve the application a condition can be imposed to limit the height of the boundary hedges and planting, where these should be limited to a maximum height of 1.2 metres so as not to impact neighbouring amenity.

Overall, the changes do not detract from the high quality design of the proposed dwellings, thereby retaining the quality of the building design and sustainability credentials in terms of layout, window configuration, materials, colour palette, scale, massing and landscaping and is therefore still in keeping with the overall form (including consented schemes) and layout of the surrounding properties within the area.

#### Neighbour Amenity:

The proposals have been sited and oriented so that significant additional over-looking of the closest existing properties is not created. The sloping topography helps to ensure that the majority of views to the south of the proposals will be straight over the roof of the nearest dwelling, which is also separated by a road and mature natural hedge. Landscaping and boundary treatment conditions will secure appropriate landscaping improvements and restrict impact upon the nearest existing dwellings. The application is thus in accordance with policy DEV1 (Protecting health and amenity) of the JLP.

#### Highways/Access:

Access to both units, vehicular and pedestrian, is from the existing access at the site. Pedestrian access at the front of the site is via a wheelchair compliant level paved area.

A shared driveway with parking space for 2 cars per dwelling is proposed which provides adequate turning provision so that cars can enter and exit in forward gear. The erection of one additional dwelling in this location will not result in significant additional vehicular trips and will not have a significant impact upon the local highway network.

The County Highways Officer has raised no highway implications and no conflict with policy DEV29 (Specific provisions in relation to transport) is anticipated.

No changes have been made to the access.

#### Drainage:

The proposed changes will not impact how drainage will be dealt with. The previously approved application submitted sufficient foul and surface drainage details to confirm an 'in principle' scheme can be accommodated on site. The previous application also submitted testing and calculations to support the scheme and a condition was imposed. The proposals are for roof water to be discharged into the existing surface water sewer and hard surfaced areas will be permeable. No conflict with policy DEV35 (Managing flood risk and Water Quality Impacts) is identified.

The proposed changes will not detract from this and the same conditions will be imposed, if minded to approve.

#### *Planning Obligations*

The applicant previously agreed to sign a Section 106 legal agreement limiting the occupation of the property to a principal residency for perpetuity, and for it to be used only as a primary residence and not a holiday home. The changes submitted as part of this planning application require new contract through a Deed of Variation. Subject to this being once again agreed the proposal would be in accordance with policy DEV24 (Undeveloped Coast and Heritage Coast) of the JLP.

#### Parish Council comments:

The Parish Council have objected to the application on two grounds as follows:

1. Having spoken with neighbours there are strong concerns that the roof pitch will cause loss of amenity (specifically light).
2. The Councillors considered the variation application to be so significantly different to the original application they believe this should have been dealt with as an entirely new submission and not a variation.

With regard to the first ground for objection with regard to perceived loss of amenity specifically light to neighbours. The proposal does not significantly increase massing, does not raise ridge height or alter roof pitch significantly as a result the proposal could not be deemed to result in a significant loss of light to neighbours as a result of the proposed amendments in this scheme.

With regard to the second ground for objection variation applications do allow for alteration to plans and these do not need to be non-material to be accepted under a variation application. Therefore, the proposal submitted under this application form is the most appropriate form to consider the proposed amendments. As such, an entirely new planning application is not required.

#### Neighbourhood Plan Considerations:

The site is within the settlement boundary defined in the Neighbourhood Plan and therefore the proposal for an additional dwelling is considered acceptable in principle. The additional dwelling will be restricted to support the housing needs of local people and bring greater balance and mixture to the local housing market and create new opportunities for people to live and work here and strengthen the community and local economy. Consequently, the dwelling will be regulated for the principal use of a local person(s) as their principal residence. The proposal is thus in accordance with the housing based policies in both the Neighbourhood Plan and Joint Local Plan.

#### Ecology:

The original application which this application seeks to vary was accompanied by a Preliminary Ecological Appraisal that has revealed that there were no signs of use by any bats, birds or protected wildlife at the time of the survey and the proposals are therefore in accordance with policy DEV26 (Protecting and enhancing biodiversity and geological conservation).

#### DEV32 Compliance:

In order to comply with policy DEV32 (Delivering Low Carbon Development), the Design and Access Statement submitted with the original application confirmed that the proposals will be built to exceed the requirements of the Building Regulations, Approved Document L1A. Photovoltaic cells are proposed for the roof and these measure will ensure that the dwelling has a low carbon footprint.

#### Other Matters:

Some of the representations received make reference to the proposal resulting in an overdevelopment of the site. The proposal put forward in this application provide two floors of accommodation the same as the previous application albeit this application proposes to provide the accommodation by the provision of a lower ground floor and ground floor rather than ground floor with first floor accommodation in the roof space and only results in a marginal increase in footprint on the site through a slight increase in the width of the proposed gables as such compared with the previous approval it is not considered that a refusal on overdevelopment grounds for these revised plans could be justified.

One of the representation also makes reference to the proposal resulting in a change of outlook from Sunnygale whilst this is noted this is not a reason to refuse consent. The separation distance is such that whilst clearly the alterations to the site will change the outlook from Sunnygale the proposal is not considered to result in an unacceptable overbearing impact or sense of enclosure to this property.

Some of the representations received also raise concern with regard to building regulations checks for works undertaken and party wall matters. Whilst, these concerns are noted that are not planning matters and our dealt with under the party wall act and building regulations and are separate matters to the consideration of this planning application.

Concern has also been raised that the retaining wall being built adjacent to the property known as 'Sunnygale' does not reflect the previous approval or the details for the wall shown on this revised application. Whilst, this concern is noted the developer must implement the permission in accordance with the plans approved if they deviate from these that what they are building does not benefit from consent and this is an enforcement matter requiring further investigation and consideration.

Concern has also been raised with regard to lack of construction plans provided however this is not a requirement for the consideration of a planning application. Construction drawings would be required as part of a building regulation application.

*Planning Balance:*

The changes now proposed are essentially minor in nature and do not have any significant bearings upon the considerations that led to the previous approval.

Subject to the applicant securing a Deed of Variation to the S106 and the re-imposition of conditions, or securing details where conditions have already been agreed, approval is recommended.

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

## **Planning Policy**

### Relevant policy framework

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

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

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22<sup>nd</sup> December 2020).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV27 Meeting local housing needs in rural areas

TTV28 Horse related developments in the countryside

DEV1 Protecting health and amenity

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

DEV3 Sport and recreation

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

DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing

DEV23 Landscape character

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

DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

The South Huish Neighbourhood Plan forms part of the Development Plan for the South Hams Area. The site is located within the settlement boundary as identified in the South Huish Neighbourhood Plan. With regards to residential use, under Theme 3 Housing and Homes, para 6.4.1 states the purpose of this theme is *“to support the delivery of truly affordable, low cost housing in the parish. The introduction of a principal residence requirement for all new homes. The promotion of further homes for the elderly. New housing development is contained within the settlement boundaries and exception sites”*.

In order to ensure new homes are built for local people, policy SH H2 (Principal Residence) states that:

- a) *New open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a principal residence guaranteed through a planning condition or legal agreement.*
- b) *New unrestricted second homes will not be supported at any time.*
- c) *A principal residence is defined as one occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.*
- d) *Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and will be obliged to provide this proof if and when SHDC requests this information. Proof of Principal Residence includes but is not limited to residents being registered on the local electoral register and being registered for and attending local services including healthcare, and schools.*



The proposals are compliant with this policy, the site is located with the existing settlement boundary and occupation of the additional home will be subject to principal residence clauses, secured by a Deed of Variation, as agreed previously under 1079/20/FUL.

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

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

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

### **Conditions:**

1. The development to which this permission relates must be begun not later than three years from the date of the original permission i.e. 12/11/2020.

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) Proposed Site Plan 3881 23 Rev L, received by the Local Planning Authority on the 23/02/2022; Proposed Landscape Plan 2021/102/01 Rev 1, received by the Local Planning Authority on the 29/09/2021; Proposed Floor Plan 3881 21 Rev E; Proposed Elevations 1 of 2 3881 30 Rev H; Proposed Elevations 2 of 2 3881 31 Rev G; Proposed Section A-A\_B-B 3881 40 Rev F; Proposed Street Elevation 3881 32 Rev D, all received by the Local Planning Authority on the 29/09/2021; Site Location and Block Plans 3881 23 Rev B, received by the Local Planning Authority on the 28/09/2021.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting, or further amending that Order), no gate, fence, wall or other means of enclosure shall be erected or constructed between the buildings and the (estate) road(s) unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

4. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.  
Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

5. Prior to occupation of the dwellings, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall include full details of the design and appearance of the retaining wall and an updated landscape Masterplan to reflect the latest site layout.

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.

6. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soak-aways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soak-away should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

3. If infiltration is not suitable then an offsite discharge can be considered. 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.

4. 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.

5. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

6. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soak-aways/attenuation features, within the private ownership.

The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.

7. 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

7. Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA). Please note that a treatment plant should be used rather than a septic tank.

Reason: In the interests of the prevention of pollution.

8. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N Wills dated 23.7.2019, shall be fully implemented prior to the occupation of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

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

Reason: In the interests of visual amenity.

10. Prior to the installation of facing materials and roof tiles, a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated into the development prior to the occupation of the dwellings to which this permission relates and thereafter shall be retained and maintained in perpetuity

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Darren Henry  
Gifford

**Parish:** Woodleigh **Ward:** Loddiswell and Aveton

**Application No:** 2667/21/OPA

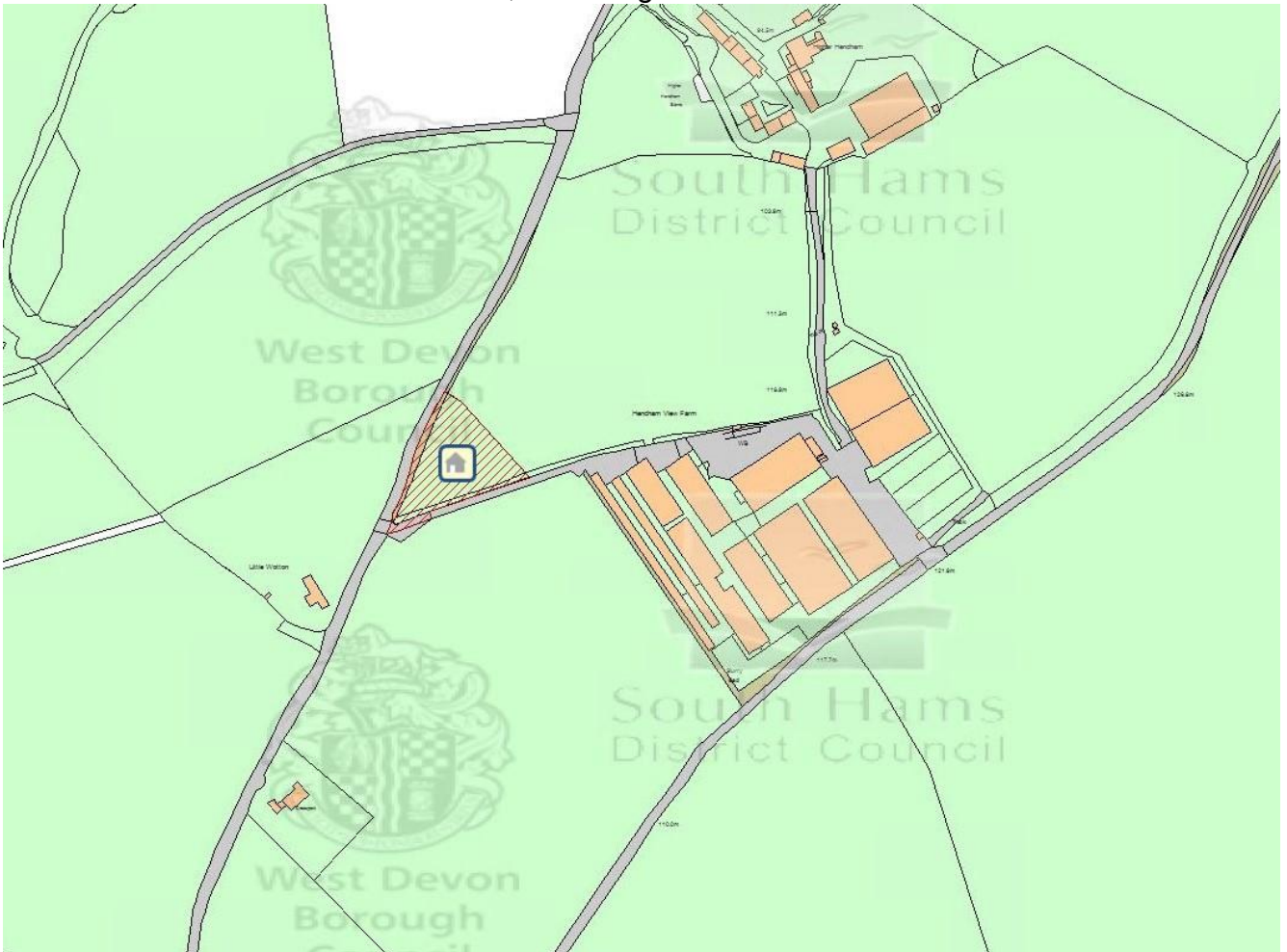
**Agent/Applicant:**

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

**Applicant:**

Messrs DJ & J Merrin  
Hendham View  
Woodleigh  
TQ7 4DP

**Site Address:** Hendham View Farm, Woodleigh



**Development:** Outline application with some matters reserved for the provision of an agricultural workers dwelling including landscaping

**Reason item is being put before Committee**

Requested by the Ward Members due to design concerns relating to the retaining wall, facing materials, insufficient amenity space and impact on the AONB.

**Recommendation: Approval**

## **Conditions**

Reserved Matters Details  
Reserved Matters (Time)  
Development (Time)  
Agricultural Tie  
Surface Water Drainage  
Landscaping implementation and replace if dies within 5yrs etc  
Boundary Treatment  
Details of Materials  
Visibility Splays/Parking etc  
PD Removed (extensions/garages etc)  
Contamination  
Special Area of Conservation Mitigation Measures  
Ecology,  
Biodiversity net gain  
EVCP  
Low Carbon Development

## **Key issues for consideration:**

Principle of development, landscape, neighbour amenity, drainage and ecology

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## **Site Description:**

The application site is within the larger existing agricultural farming business at Hendham View Farm, Woodleigh. The farming enterprise is run by David and Jenny Merrin and their two sons, Jeff and Jon. The enterprise specialises in producing beef and is contracted by a major supermarket.

The holding are comprises of:

- 500 acres of land
- 3000+ head of cattle
- A range of farm buildings and various livestock facilities.

There is a farmhouse occupied by the applicants but this is located approximately 800m away from the farm buildings.

Jeff Merrin is responsible for Hendham View whilst Jon runs the dairy site at Woolston. The dwelling would be occupied by Jeff Merrin, who is head herdsman at Hendham.

The application site is a triangular shape within an agricultural field and is located next to the entrance to the holdings, with the northeast boundary adjacent to the highway, the southeast boundary runs along the access track into the farm and to the east the site is bounded by an open field, beyond which is the caravan that has a temporary permission.

The site is located within the South Devon Area of Outstanding Natural Beauty and the Great Horseshoe Bat Special Area of Conservation.

## **The Proposal:**

This is an outline application, with landscaping included, for a permanent dwelling on-site for an agricultural worker. All other matters relating to appearance, layout and scale are reserved;

it is, however, stated that any surface water will be disposed of via a soakaway within the application site.

Planning approval was granted in August 2017, reference 0292/17/FUL, and again in November 2020, reference 2591/20/FUL, for the provision of a temporary agricultural dwelling. The most recent permission runs out in November 2022.

### **Consultations:**

- Town/Parish Council—No comments submitted
- Agricultural Consultant—In support

### **Representations:**

#### **Representations from Residents**

Five letters of objection were received with the following comments:

- Object to the dwelling being located in the AONB.
- Impact on the visual amenity and sensitive AONB landscape.

Five Letters of support have been received, stating:

- There is need for an agricultural dwelling on site to be occupied permanently for the welfare of the animals and for security of machinery.
- We need agricultural workers to remain in the countryside. If they do not have house they are not going to be able to do this.
- Although the proposed site lies within the Avon valley AONB, it is on the fringe and if it were to be moved outside of the AONB, it would involve the dwelling being on the other side of the road. This would incur the family having to cross the road which is potentially unsafe for children.
- The site is adjacent to the temporary residence that has been on site for around 2 years, this has caused us no visual impact or had any other impact on us or any of our neighbours as far as we are aware.

#### **Representations from Consultees**

Landscape Officer—No objection subject to conditions

Natural England—No objection subject to appropriate mitigation

DCC Highways Authority—Standing advice applies.

#### **Relevant Planning History**

Ref: 2591/20/FUL - Provision of temporary agricultural dwelling (mobile home) for 2 years – conditional approval 02/11/2020.

Ref: 0292/17/FUL - Provision of temporary agricultural dwelling (mobile home) – conditional approval- 16/08/2017.

Ref: 61/0882/13/F - Field At Sx 745 506 Hendham View Farm Woodleigh Kingsbridge TQ7 4DP - Conditional Approval – 08/08/2013.

Ref: 61/0554/02/F Higher Hendham, Woodleigh, Kingsbridge, Devon, TQ7 4DP, Erection of grain store N 23/05/2002 WDT

Ref: 61/2285/05/CU Higher Hendham, Woodleigh, Kingsbridge, Devon, TQ7 4DP Change of use of 2 no. barns to commercial B1/B8 use and access changes N 23/01/2006 WDT

Ref: 61/1935/07/F Field at SX743504, Hendham View Farm, Woodleigh, Kingsbridge Erection of agricultural livestock building N 18/09/2007 WDT

Ref: 61/2054/07/F Field at SX743504, Hendham View Farm, Woodleigh, Kingsbridge Erection of agricultural livestock building - No 2 N 21/11/2007 APC

Ref: 61/2055/07/F Field at SX743504, Hendham View Farm, Woodleigh, Kingsbridge Resubmission of application

Ref: 61/1935/07/F for the erection of agricultural livestock building and provision of access track / yard area - No 1 N 21/11/2007 APC

Ref: 61/0538/08/F Field at SX743504, Hendham View Farm, Woodleigh, Kingsbridge Erection of agricultural livestock building N 23/04/2008 WDT

Ref: 61/1225/08/F Field at SX743504, Hendham View Farm, Woodleigh, Kingsbridge Resubmission of planning application

Ref: 61/0538/08/F for erection of agricultural livestock building N 22/08/2008 WDT

Ref: 61/1233/08/F Building No 3, Hendham View Farm, Woodleigh, Kingsbridge Agricultural general purpose building N 22/08/2008 WDT

Ref: 61/0104/09/F Field at SX743504, Woodleigh, Devon, Construction of general purpose agricultural livestock building - building No. 1 N 06/04/2009 APC

Ref: 61/0105/09/F Field At SX 744 505, Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP - READVERTISEMENT Construction of general purpose agricultural building - Building No. 2 N 06/04/2009 APC

Ref: 61/0106/09/F Field at SX744 505, Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP – READVERTISEMENT Construction of general purpose agricultural building - building No. 3 N 06/04/2009 APC

Ref: 61/0960/09/F Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Amendment to planning approval

Ref: 61/0104/09/F for construction of a general purpose livestock building (reduction in height of building No.1) N 29/07/2009 APC

Ref: 61/0961/09/F Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Amendment to planning approval

Ref: 61/0105/09/F for construction of a general purpose livestock building (reduction in height of building No.2) N 29/07/2009 APC



Ref: 61/0962/09/F Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Amendment to planning approval

Ref: 61/0106/09/F for construction of a general purpose livestock building (reduction in height of building No.3) N 29/07/2009 APC

Ref: 61/1468/09/F Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP General purpose agricultural building - building no. 4 N 26/11/2009 APC

Ref: 61/1469/09/F Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP General purpose agricultural building - building no. 5 N 26/11/2009 APC

Ref: 61/1631/10/F Field at SX7450 5670 Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural livestock building (6 of 7) N 13/09/2010 APC

Ref: 61/1632/10/F Field at SX7450 5670 Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural livestock building (5 of 7) N 13/09/2010 APC

Ref: 61/1633/10/F Field at SX7450 5670 Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural livestock building (4 of 7) N 13/09/2010 APC

Ref: 61/1634/10/F Field at SX7450 5670 Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural livestock building (3 of 7) N 13/09/2010 APC

Ref: 61/1635/10/F Field at SX7450 5670 Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural livestock building (2 of 7) N 13/09/2010 APC

Ref: 61/1636/10/F Field at SX7443 5057, Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural livestock building (1 of 7) N 13/09/2010 APC

Ref: 61/1637/10/F Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Retrospective planning permission for the retention of works associated with the construction of a silage clamp N 13/09/2010 APC

Ref: 61/1630/10/F Field at SX7443 5057, Hendham View Farm, Woodleigh, Kingsbridge, TQ7 4DP Erection of proposed agricultural building (7 of 7) N 14/09/2010 APC.

## **ANALYSIS**

### *Principle of Development/Sustainability:*

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 elaborates further on achieving sustainable rural communities, indicating support for the development of rural based business and enterprise, specifically agriculture.

These matters are further addressed by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable

development and sustainable communities or provide suitable justification, such as business or agriculture support. Policy TTV2 indicates that the delivery of sustainable rural development will be supported if it would benefit rural businesses, enterprise, agriculture, and respect the character of the countryside and historic settlements.

The site is in open countryside but would be associated with agricultural activities. Policy TTV26 states that: *The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:*

1. *Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*
  - i. *Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
  - ii. *Secure the long term future and viable use of a significant heritage asset; or*
  - iii. *Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
  - iv. *Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
  - v. *Protect or enhance the character of historic assets and their settings.*

With regards to determining whether the application site is isolated in planning terms, the Local Planning Authority is applying the Braintree Ruling (Braintree District Council v Secretary of State for Communities and Local Government & Ors (2017) EWHC 2743 (Admin) and the subsequent Court of Appeal Judgement). The JLP establishes a settlement hierarchy and a spatial strategy that are considered robust basis from which to assess the suitability of development proposals across the TTV policy area. As such, a proposal site in the countryside will not be considered suitable for development if it does not accord with the wider aims of TTV26 and paragraph 5.169. In terms of isolation, in applying the Braintree ruling, the LPA will consider if the proposal site 'is far away from other places, buildings or people' as required by case law.

The application site would be located in close proximity to other existing agricultural buildings to the south east, with Hendham View Farm to the north east. As such, the proposal is not considered to constitute isolated development. Whilst the site is not considered to be isolated, it does, nevertheless meet the first criterion in that the proposal is considered relevant with regard to an agricultural workers dwelling.

The second part of the policy states that:

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

In this instance, the proposal asserts there is a *proven agricultural, forestry and other occupational need that requires a countryside location (iv)*.

With regards to the rural economy the National Planning Policy Framework 2021 (NPPF) states that "Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings" (84). The NPPF continues by saying that sites outside of rural settlement may even need to be considered so long as the development is sensitive to its surroundings, although it is still preferable to use previously developed sites well related to existing settlements should such opportunities arise (85).

With regards to the JLP, Policy DEV15 is also relevant which seeks to support the rural economy, specifically DEV15.6 states that development will be supported which meets the essential needs of agriculture or forestry interests. The applicant wishes to live on-site on a permanent basis so he has access to the livestock in order to protect their welfare and as a means of security against any theft of the farming machinery. The enterprise is successful and appears that it will continue to be successful long in to the future.

The Agricultural Consultant was consulted and visited the site in order to provide professional advice on this application in terms of the proposal's ability to respond to JLP Policy TTV26. The consultant concludes that "*it is [his] opinion that all the necessary criteria in relation to the relevant policies as stated above have been satisfied in this instance for [him] to be able to support the application.*"

It is, therefore, considered that the principle of the proposal is acceptable subject to meeting other relevant planning considerations and is accordance with SPT1 and 2, TTV1 and 2, TTV 26 and DEV15. With regards to this application the relevant material matter is that of the impact on the landscape.

#### *Design/Landscape:*

No details are provided with regards to access, appearance, layout or scale. As such, these matters cannot be assessed presently.

The application is located within a nationally designated landscape, the southwest Devon Area of Outstanding Natural Beauty and in the 5a Inland Elevated Undulating Land landscape character type (LCT). The National Planning Policy Framework (NPPF) is clear that Areas of Outstanding Natural Beauty have the highest status of protection in relation to landscape and scenic beauty, and that great weight should be given to conserving these qualities. Whilst it is arguable the application site only forms a small portion of development in a much larger area of the AONB, the site still, nonetheless, contributes positively to the landscape and scenic beauty of the AONB by reason of its picturesque location.

Policy DEV25 of the Plymouth and South West Devon Joint Local Plan (the JLP) requires development proposals which are located within the AONB, to conserve and enhance the natural beauty of the protected landscape with particular reference to its special qualities and distinctive characteristics or valued attributes. The policy reflects paragraph 176 of the NPPF. Notwithstanding the above, and the applicant's view that the proposal will not be visible due to screening, paragraph 176 of the NPPF requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the site.

The Landscape Officer has been consulted and considered there was a need for a more comprehensive scheme. The applicant has submitted revised Landscape Plans, which the Landscape Officer has commented on, stating the approach that Greenearth have indicated would be acceptable, and note that the Natural England's response is also supportive of the concept. The Officer further states that *"There are larger copses of trees in this landscape, usually 'tethered' to field margins, and the scattered tree that they have indicated are orchard trees, which would have been characteristic around farmsteads in the past. In addition, established farmsteads and residential dwellings in this landscape do tend to have small clusters of trees around their curtilage, so these proposals are not out of keeping with that characteristic.*

*Notwithstanding the above, the changes in levels around the new dwelling are a bit of a concern and, as such, how these are designed and detailed will be an important consideration so as to avoid anonymous features of unsympathetic detailing. Overall, the Officer has no concerns about this proposed approach, although the reserved matters should provide fully detailed site plans with hard and soft landscape details so that the design and detailing of the new building, the proposed levels and cut and fill, any ancillary elements, and the new landscape features of the whole site are all appropriate to the local landscape character".*

Whilst it is arguable that the holding has enough land to accommodate an agricultural dwelling, the quality of the landscape does not just deteriorate at the boundary. Moreover, it is arguable that it continues to have an equal level of scenic beauty and sensitivity. The applicant states that they have considered several other locations within the holding and states that the chosen site was considered the least sensitive as the proposed agricultural dwelling needs to be located within sight and sound of the farm buildings and the large numbers of livestock that they contain. The site is considered to be within close proximity to the livestock, albeit further away from the farmstead than the existing the temporary dwelling, so that the farmer can quickly deal with any emergencies that arise. The site is also adjacent to the farm access and therefore provides an additional level of security to the site.

An alternative site on the opposite side of the farm track to the south is also in the AONB and has overhead electricity cables running through it and would use up good agricultural land, whereas the site chosen is in the corner of the field with access from the farm track.

The fields to the south-east of the farm buildings are outside the AONB but are also on the opposite side of the road and therefore the dwelling would be separated and away from the buildings that it is meant to serve.

The field to the north-east is in the prevailing wind from the buildings and therefore is unsuitable but is also away from the livestock buildings which are on the western side of the site.

Given that there is need for an agricultural dwelling, which makes it compliant with TTV26, and there has been support from the Council's Agricultural Consultant and no objection from Natural England and there is reasonable justification for the site's location, it is considered that the proposed mitigation measures will contribute to conserve the natural beauty of the protected landscape.

*Neighbour Amenity:*

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

Whilst there is no layout plan, the red line application is sited away from any neighbouring dwellings whereby the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

#### *Highways/Access:*

Whilst this is an Outline Application with the only matter for consideration being landscaping, the proposal states it will utilise an existing and approved access to the wider application site and would be deemed acceptable for the proposed use.

The Highways Authority were consulted but only provided standing advice. Nevertheless, proposals must meet the HA's standing advice standards as set out in sections 3.10, 3.11 and 7.4 of Highways in Residential and Commercial Estates Design Guide to ensure the proposal will not result in any highway safety issues. If minded to approve the application, a condition will be imposed requiring full details with regards to access, access drive, visibility splays, turning area, parking spaces, hardstanding and access drainage to be submitted with the Reserved Matters. With such a conditions in place, it is envisaged that sufficient detail can be gained to ensure the development will accord with policy DEV29 of the Joint Local Plan and DEV29.3 of the JLPSPD.

#### *Flood Risk and Drainage*

The site is within Flood Zone 1, the least area at risk of river or coastal flooding. The Design and Access Statement confirms that a new water treatment plant will be installed to provide foul drainage. Surface water will be drained to a soakaway installed within the red line as indicated on the Block Plan with Drainage Plan.

If minded to approve, a condition will be imposed requesting details be submitted to and approved by the LPA with the Reserved Matters.

#### *Ecology*

The application is accompanied by a Wildlife Trigger Table which confirms that a Wildlife, Geology and / or Invasive Species Report is not required.

The applicant has also submitted an Ecology Appraisal Report. The report states that "Provided efforts have been made to reduce light spill at source, it is highly unlikely that the proposal will have a negative impact on a network of commuting routes for Greater Horseshoe Bats as new boundary features and maturing green landscaping will provide alternative dark routes and the increase in biodiversity created by the proposed orchard will offset the loss of a small area of grazed pasture which will nonetheless be seeded with a wildflower mix, supporting a range of different invertebrates than the Italian Rye Grass ley".

In minded to approve the application conditions will be imposed so the recommendations and precautions with the Ecology Report will be followed and a restriction will be imposed with regards to external lighting.

As such, the proposal accords with JLP Policy DEV28.

### *Planning Balance*

The site already has an established character with regards to the existing farm buildings on-site and is relatively self-contained and operates a successful agricultural enterprise and the proposal for a permanent on-site dwelling for an agricultural worker is justified. Furthermore, the proposed justification for the location of the dwelling and the landscape mitigation measures proposed are considered acceptable to conserve the natural beauty of the protected landscape

It is therefore recommended that the application is approved, subject to conditions.

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

### **Planning Policy**

#### Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
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  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts.

**Neighbourhood Plan:** None.

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

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

**Conditions:**

1. Details of the access, appearance, layout, and scale, hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates (i) the expiration of three years from the date of the grant outline planning permission or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or a widow or widower of such a person (including any dependents of any such person, residing with them).

Reason: The development proposed is in an area where there is a presumption against new development except where an agricultural or horticultural need has been established.

#### Pre-commencement

5. Full details of a hard and soft Landscape Scheme shall be submitted with the Reserved Matters to be approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:
- i. a concept statement explaining how the proposed landscape treatment, both hard and soft, conserves and enhances the special qualities of the AONB and responds to the landscape character of the area;
  - ii. if relevant, details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;
  - iii. materials, heights, levels and extent of hard landscape treatment, including access and hardstanding areas;
  - iv. arrangements for stripping, storage and re-use of top soil;
  - v. if relevant, arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
  - vi. materials, heights and details of fencing and other boundary treatments;
  - vii. the location, number, species, density, form and size of proposed tree, hedge and shrub planting, most of which should be native;
  - viii. the method of planting, establishment and protection of tree, hedge and shrub planting;
  - viiii. a timetable for the implementation of all hard and soft landscape treatment.

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed by the end of the first planting season following practical completion of the development hereby approved. Any trees or plants that, within an establishment period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonable, practicable with other species, size and number as originally approved, unless the Local Planning Authority gives consent to any variation.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and the natural beauty of the AONB, taking account of the particular landscape characteristics of the site and its setting. Pre-commencement condition is necessary to ensure the landscaping scheme is fully commensurate with and to avoid irreversible impact to the AONB.

6. Details of the proposed boundary treatment shall be submitted with the Reserved Matters and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use. The development then shall be carried out and permanently retained and maintained thereafter in accordance with the approved details.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

7. Details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted with the Reserved Matters and approved in writing by the Local Planning Authority. The development then shall be carried out and permanently retained and maintained thereafter in accordance with the approved details.



Reason: In the interests of visual amenity.

8. Surface water drainage details shall be submitted with the Reserved Matters to be approved in writing by the Local Planning Authority (LPA), and shall include the following:
  1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
  2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
  3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
  4. 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.
  5. If discharging surface water to the main sewer, then written permission from SWW will be required.
  6. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
  7. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
  8. 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.

The approved surface water drainage shall be installed and connected prior to commencement of the dwellings. The development then shall be carried out and permanently retained and maintained thereafter in accordance with the approved details.

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.

9. The details of the visibility splays, turning area, parking space and garage / hardstanding, access drive and access drainage shall be submitted with the Reserved Matters and approved in writing by, the Local Planning Authority. The development then shall be carried out and permanently retained and maintained thereafter in accordance with the approved details.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

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. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

12. The recommendations, mitigation and enhancement measures of the Ecological Appraisal (EA) by Colin N Willis, dated the 23<sup>rd</sup> of August 2021 shall be fully implemented in accordance with the EA and adhered to at all times.

In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

13. The mitigation measures identified in the Appropriate Assessment shall be submitted with the Reserved Matters and approved by the Local Planning Authority and shall include the following:

No light spill within 5m of the retained or created hedges to ensure that a dark (<0.5lux) corridor is maintained and can continue to provide greater horseshoe bat commuting and foraging habitat. The 5m dark strip should be maintained as vegetation. The hedges should be maintained to benefit bats and should be at least 3m tall and a minimum of 3m wide. Cutting and trimming should only take place once every 2 to 3 years. To help achieve the dark corridor the following are also required to be adhered to:

- No external lighting shall be installed on, or in association with, the new building, except for low intensity, PIR motion-activated lights on a short timer (maximum 1 min), sensitive to large objects only (to avoid triggering by bats or other wildlife). The lights should produce only narrow spectrum, low-intensity light output, UVfree, with a warm colour-temperature (3,000K or less).
- All internal lighting shall be designed to have low illuminance output, no UV component, maximum colour temperature of 3000 Kelvin. Lighting units should be directed/cowled away from windows and glazed doors.
- Glazing on all elevations shall be treated to have low light transmission properties, i.e. with Visible Light Transmission of 40% or less. No skylights shall be installed.
- Compliance monitoring is required one year after construction to ensure that a dark corridor is in place.
- New Devon hedgebank and tree planting as detailed within the submitted Landscape Section, drawing number GE-HH-03, with further details provided in a LEMP.

The development then shall be carried out in accordance with the approved details and maintained permanently.

Reason: In order to mitigate the impact on the South Devon Special Area of Conservation and for the benefit of the Great Horseshoe Bat.

14. Details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted with the Reserved Matters and approved in writing by the Local Planning Authority. The development then shall be carried out in accordance with the approved details and maintained permanently thereafter.

Reason: To demonstrate that the development can deliver low carbon through the life of the development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

15. Full written and illustrative details of the type and location of an Electric Vehicle Charging Point (EVCP) shall be submitted with the Reserved Matters to be approved in writing by the local planning authority. The EVCP shall then be installed prior to occupation and thereafter shall then be maintained and kept in good working order as specified by the manufacturer.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations.

16. Full details with regards to bats and birds boxes shall be submitted with the Reserved Matters to be approved in writing by the Local Planning Authority. The approved details shall then be installed, maintained and retained thereafter in perpetuity.

Reason: To encourage a biodiversity net gain.

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## PLANNING APPLICATION REPORT

**Case Officer:** Charlie Bladon

**Parish:** Iybridge **Ward:** Iybridge West

**Application No:** 3295/21/FUL

**Agent/Applicant:**

Mr Ian Hodgson - DMR Design  
The Acorn Centre - Lee Mill Industrial  
Estate  
Oak Court  
Pennant Way  
Iybridge  
PL21 9GP

**Applicant:**

Mr & Mrs Pearce  
Restholme  
Western Road  
Iybridge  
PL21 9AT

**Site Address:** Restholme, Western Road, Iybridge, PL21 9AT



**Development:** Construction of 2 residential dwellings with parking

**Reason item is being put before Committee** *This case is brought before the committee at the request of Councillor Austen to consider whether the proposal constitutes 'over-development' and also highways concerns.*

**Recommendation:** Delegate authority to approve subject to securing a Unilateral Undertaking for mitigation of recreational impacts on the Plymouth Sound / Tamar Estuary EMS.

**Conditions:** (list not in full)

Time for commencement

Approved plans

Construction and delivery hours

Provide parking prior to occupation

Provide foul and surface water drainage prior to occupation

Remove PD rights

Unsuspected Contamination

**Key issues for consideration:**

Principle of development, design / visual impacts, amenity impacts, ecology, drainage, highways implications

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**Site Description:**

The application site comprises part of the garden of a detached dwelling set in a large corner plot on the southern edges of Lybridge. The site is located within an established residential area and is surrounded by existing residential development. There is a mixture of housing types and architectural styles present in the local vicinity. The site is within the catchment area for the Plymouth / Tamar European Marine Site (EMS). The site is not within the AONB and is not within a Conservation Area or other designation. There are no listed buildings or other heritage assets in close proximity to the site. The land within and surrounding the site is fairly level, with no significant changes in ground levels. The land slopes very gently downhill to the south and west.

**The Proposal:**

Full planning permission is sought for the construction of a pair of semi-detached dwellings with associated parking and outdoor amenity space. The dwellings would offer two double bedrooms and two parking spaces each and would be of a typical contemporary design, finished in materials to match the appearance of the existing modern housing to the rear of the site, including painted render walls, a natural slate roof with concrete ridge tiles and upvc double glazed windows and doors.

**Consultations:**

- County Highways Authority - standing advice applies.
- Tree Officer - No objection on arboricultural merit

- Town/Parish Council – no objection, offers support.

## **Representations:**

### **Representations from Residents**

Comments have been received and cover the following points: [Objections]

- Development would increase pressure for parking and congestion on local roads
- Loss of parking on Bowdens Park
- Disruption to local residents during construction
- Proposal adds to existing over development of Iybridge in general
- Loss of privacy and light to dwellings opposite (south)

## **Relevant Planning History**

27/1890/07/F: FUL Extension and alterations to dwelling Restholme Western Road  
Iybridge PL21 9AT Conditional approval: 22 Oct 07

## **ANALYSIS**

Principle of Development/Sustainability:

The site is located within Iybridge which is noted as a main town within Policy TTV1 of the JLP. Policy TTV1 notes that growth will be prioritised in the main towns to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area.

The site is located within a location within close proximity to goods and services in line with Policies SPT1 and SPT2 of the JLP and the principle of residential development in this location is therefore accepted.

The application would seek to provide for a pair of 2-bedroomed, semi-detached properties. In response to the housing market data for the Iybridge Parish Area, the proposed development would contribute to the housing mix available in the settlement and provide housing appropriate to young families and older people seeking to retain self-sufficiency. As such, the proposal accords with JLP Policy DEV8.

Design/Landscape:

The two dwellings would be positioned towards the southern edge of the site, fronting onto Bowden Park with driveway parking to the front and side, a small garden to the front and larger gardens to the rear. The proposed development is not considered to result in overdevelopment of the site, and the scale, architectural style and finishing materials are in keeping with the existing modern housing development on Bowden Park, for which permission was granted circa 2006.

JLP Policy DEV10 requires, amongst other things, both new and converted dwellings to have an acceptable amount of internal space that meets national space standards. In addition, a sufficient amount of external amenity space is also required. In this case, having regard to the proximity of local public park amenities, the proposed garden areas are considered to be of sufficient size to serve the proposed dwellings.

After some initial concerns regarding the dimensions of the internal space, the floor plans were reconfigured to offer fewer but larger bedrooms and the development is now considered to meet the requirements of the National Space Standards, the requirements of the SPD and JLP Policy DEV10

There are a mix of housing types and styles in the local area, the most prevalent being a modern development around 15 years old, which comprises mostly two-storey terraced and semi detached properties, finished with coloured/painted render walls and tiled roofs. It is considered that the size, scale and visual appearance of the proposed dwellings are appropriate for the location and the surrounding streetscene, with the materials and design of the dwellings considered to fit comfortably within the existing streetscene.

The tree officer has reviewed the development site and the proposed development and did not wish to raise any objection on arboricultural grounds. There were some large conifers at the southern boundary of the site which were removed, however it is considered that they did not make a significant contribution to the character or appearance of the site or surroundings.

#### Neighbour Amenity:

The proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

There have been some concerns raised by residents on Bowden Park regarding a potential loss of privacy arising from the development. The proposed dwellings would be positioned at the edge of the site, fronting onto the road. This would be in keeping with the established pattern of development on Bowden Park and the window to window distance would be compatible with other adjacent development on Bowden Park. It is considered that the development would result in an acceptable relationship between the development site and surrounding properties.

There have been some concerns raised regarding the potential for disturbance of nearby residents during construction. It is considered reasonable to add a condition relating to construction/delivery hours to restrict this to 08.00 to 18.00 Mondays to Fridays, 09.00 to 13.00 on Saturdays and at no time on Sundays or Bank Holidays to safeguard the amenities of the adjoining residential properties.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

#### Highways/Access:

There have been some concerns raised regarding the impact of traffic attracted to the new dwellings on local traffic congestion and competition for on-street parking. The provision within the site of parking for 2 vehicles per dwelling area meets the requirements set out in policy DEV29 of the Joint Local Plan and the guidance in the JLP Supplementary Planning Document and this will be secured by condition to be provided prior to first occupation of the dwelling and retained thereafter to ensure adequate on-site parking is available to serve the development.

The DCC Highway Officer has not raised an objection to the proposal, instead requiring



Officers to consider the standing DCC Highways advice issued to the Council. The proposal would create a new access for each of the new dwellings from the adjacent minor estate road called Bowden Park. It is considered that the access and parking arrangements are acceptable and comply with DEV29 of the JLP and DCC Highways standing Advice guidance document.

**Other Matters:**

The site is not within a flood risk area and would provide adequate solutions to handle both foul and surface water drainage.

The proposal includes a statement within the design and access statement to address the sustainability objectives of the proposal and the compliance of the proposal to DEV32 of the JLP. The dwellings would be constructed to a high thermal efficiency, would take advantage of solar gain through the orientation and layout, and would provide solar photovoltaic panels on the roof.

Given the constrained nature of the site it is considered appropriate to remove some permitted development rights to ensure the preservation of both the amenities of nearby residents and also the character and appearance of the site and the surrounding area.

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 legal agreement, 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***

## **Planning Policy**

### Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

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

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

Iybridge Neighbourhood Plan

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: SPD2020.

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

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

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

**Name and signature:** CBladon

**Date:** 20/04/22

## **Proposed Conditions:**

1. The development hereby approved shall in all respects accord strictly with drawings:

Received 08/03/22:

2005 P01 Rev.B Proposed Block Plan and Floor Plans

2005 P01 Rev.A Proposed Elevations

Received 15/09/21:

2005 L01 Site Location Plan

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

2. 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.

3. Foul and surface water drainage shall be provided in accordance with approved plans '2005 P01 Rev.B Proposed Block Plan and Floor Plans' and 'Design and Access Statement Rev.B' prior to first occupation of the hereby approved dwellings.

Once installed the foul and surface water drainage schemes shall be maintained and retained for the life of the development.

Reason: To ensure a satisfactory and sustainable foul and surface water drainage system is provided to serve the development.

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

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwelling house and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hard surfaces)

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.

5. Prior to the occupation of the dwellings hereby approved, the parking areas shall be laid out in accordance with approved plan '2005 P01 Rev.B Proposed Block Plan and Floor Plans', and made available for use by occupants of the dwellings and retained as such in perpetuity.

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

6. The delivery of goods and building materials during the construction period for the approved development and construction/building works on the site shall not take place outside the hours of 08.00 to 18.00 Mondays to Fridays, 09.00 to 13.00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of adjoining residential properties

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

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

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

**South Hams District Council** Agenda Item 7  
**DEVELOPMENT MANAGEMENT COMMITTEE 25-May-22**  
Appeals Update from 29-Mar-22 to 10-May-22

**Ward Charterlands**

APPLICATION NUMBER: **4075/20/TPO** APP/TPO/K1128/8459  
APPELLANT NAME: Kelly Crompton  
PROPOSAL: T1: Ash - Lateral reduction by 1.5m on North East side to give 2m clearance from building, reduce and reshape crown by 1.5m on North West limb only, and deadwood removal (exempt)  
LOCATION: Land to the West of 4 Westentown Kingston TQ7 **Officer delegated**  
4LU  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 17-December-2021  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 28-April-2022

**Ward Dartmouth and East Dart**

APPLICATION NUMBER: **4212/21/HHO** APP/K1128/D/22/329643  
APPELLANT NAME: Mr & Mrs A Langford  
PROPOSAL: Householder application for removal and replacement of existing rear and side extensions and main roof and alterations to front drive and access (Resubmission of 0141/21/HHO)  
LOCATION: Beggars Roost 32 Vicarage Road Stoke Gabriel **Officer delegated**  
TQ9 6QP  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 03-May-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **1588/21/FUL** APP/K1128/W/21/3288159  
APPELLANT NAME: Mrs T Prust  
PROPOSAL: READVERTISEMENT (Revised plans received) Application for change of use from private dwelling into two private homes  
LOCATION: Crosse House Mill Hill Stoke Gabriel TQ9 6RB **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 28-January-2022  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 29-April-2022

**Ward Kingsbridge**

APPLICATION NUMBER: **3181/21/ARC** APP/K1128/W/22/3290753  
APPELLANT NAME: Blakesley Estates (Kingsbridge) Ltd  
PROPOSAL: Application for approval of details reserved by conditions 9, 10, 11 and 13 of Planning Permission 28/1560/15/O (APP/K1128/W/16/3156062)  
LOCATION: Land at Garden Mill Derby Road Kingsbridge TQ7 1SA **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 12-April-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **1083/21/FUL** APP/K1128/W/21/3289674  
APPELLANT NAME: Mrs Miranda Gardiner  
PROPOSAL: Retrospective change of use to holiday accommodation  
LOCATION: Bowcombe Boathouse Embankment Road Kingsbridge **Officer member delegated**  
TQ7 1LA  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 12-April-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 decided  
APPEAL START DATE: 17-January-2022  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 06-May-2022

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER: **4277/20/FUL** APP/K1128/W/21/3287234

APPELLANT NAME: Trinity Square Developments  
PROPOSAL: Amendment to previously approved 2101/19/FUL for additional installation of 2 no. concealed gas tanks below lawn

LOCATION: Lantern Lodge Hotel Grand View Road Hope Cove TQ7 3HE

**Committee**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 06-April-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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 decided  
APPEAL START DATE: 17-January-2022  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 07-April-2022

APPLICATION NUMBER: **2457/21/FUL** APP/K1128/W/21/3285350

APPELLANT NAME: Mrs Sally Jenks  
PROPOSAL: Change of use of lower ground floor space into short-term holiday let and retrospective retention of small side window

LOCATION: 5 Walton Leigh Devon Road Salcombe TQ8 8HQ

**Officer delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 11-January-2022  
APPEAL DECISION: Split decision  
APPEAL DECISION DATE: 29-April-2022

APPLICATION NUMBER: **2609/21/TPO** APP/TPO/K1128/8804

APPELLANT NAME: Mr Clive Jacobs  
PROPOSAL: T103: Quercus Ilex - Crown raise to 2.5m from ground level to allow light. T104: Fagus Sylvatica - Remove to favour Scots Pine. T711: AcerPseudoplatanus - Remove to favour Beech. T109: Quercus Ilex - Crown raise to 2.5m from ground for safety reasons. T110: Acer Pseudoplatanus - Remove to favour adjacent trees. T114: Quercus Cerris- Crown raise to 3m from ground level to provide clearance. T115: AcerPseudoplatanus - Crown raise to 3m from ground level to provide clearance. T116: Acer Pseudoplatanus - Remove for safety reasons. T145: Acer Pseudoplatanus - Remove Western limb from base due to decay. T146: Quercus Ilex - Crown raise on West, North & East sides to

LOCATION: Bridleway House Moulton Hill Salcombe TQ8 8LF

**Officer member delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 18-April-2022

APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **3133/21/HHO** APP/K1128/D/22/3296197

APPELLANT NAME: Mr & Mrs A Fisher  
PROPOSAL: Householder application for alterations and reconstruction of first floor (resubmission of 2779/20/HHO)

LOCATION: Hillsbrook Herbert Road Salcombe TQ8 8HN

**Officer member delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 13-April-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

## Undetermined Major applications as at 10-May-22

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

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

	Valid Date	Target Date	EoT Date
<b>3704/16/FUL</b> Charlotte Howrihane Creek Close, Frogmore, Kingsbridge TQ7 2FG	22-Nov-16	21-Feb-17	<b>31-May-22</b>
Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)			

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

	Valid Date	Target Date	EoT Date
<b>3749/16/VAR</b> Charlotte Howrihane Development Site Of Sx 7752 4240, Creek Close Frogmore, Kingsbridge TQ7 2FG	23-Nov-16	22-Feb-17	<b>31-May-22</b>
Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F			

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

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

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

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

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

	Valid Date	Target Date	EoT Date
<b>4158/19/FUL</b> Cheryl Stansbury Development Site At Sx 734 439, Land to	17-Jan-20	17-Apr-20	<b>6-Feb-21</b>
READVERTISEMENT (Revised Plans Received) Residential			

Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kingsbridge Devon

development comprising of 15 modular built dwellings with associated access, car parking and landscaping and playgrounds

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
<b>3752/19/OPA</b> Jacqueline Houslander	11-Feb-20	12-May-20	<b>6-Apr-21</b>
Former School Playing Ground, Elmwood Park Loddiswell, TQ7 SA		READVERTISEMENT (Amended description) Outline application with some matters reserved for residential development of 17 Dwellings	

Comment – Draft revised proposal received. Reviewed with applicants. Expecting a new pre app and withdrawal of existing planning application imminently.

	Valid Date	Target Date	EoT Date
<b>0761/20/OPA</b> Steven Stroud	5-Mar-20	4-Jun-20	<b>29-Apr-22</b>
Vicarage Park, Land North of Westentown, Kingston, TQ7 4LU		Outline application with some matters reserved for 12 new houses. Alterations to existing access and construction of access road. Realignment and creation of new public rights of way, provision of public open space and strategic landscaping (Resubmission of 4068/17/OPA)	

Comment – Application to be sent to Ward members in the next week.

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

Comment

	Valid Date	Target Date	EoT Date
<b>3623/19/FUL</b> Cheryl Stansbury	14-Apr-20	14-Jul-20	<b>15-Apr-22</b>
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. Further revisions expected.

	Valid Date	Target Date	EoT Date
<b>0868/20/ARM</b> Jacqueline Houslander	29-Apr-20	29-Jul-20	<b>28-May-21</b>
Development Site at SX 612 502, North Of Church Hill, Holbeton		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 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: Amended plans received and application re-advertised. Currently in re-consultation period.

	Valid Date	Target Date	EoT Date
<b>2508/20/FUL</b> Anna Henderson-Smith	12-Aug-20	11-Nov-20	<b>6-Jan-21</b>
Moor View Touring Park, Modbury, PL21 0SG		Proposed expansion and development of holiday lodges and associated works to existing touring and holiday park	

Comment

	Valid Date	Target Date	EoT Date
<b>4254/20/FUL</b> Jacqueline Houslander	23-Dec-20	24-Mar-21	
Springfield, Filham, PL21 0DN		Proposed development of redundant nursery to provide 30 new	



dwellings for affordable and social rent, a new community hub building, conversion of existing barns to provide ancillary spaces and landscaping works providing communal areas and

Comment – Amended plans received. Currently being re-advertised.

	Valid Date	Target Date	EoT Date
<b>0544/21/FUL</b> Jacqueline Houslander	15-Feb-21	17-May-21	<b>3-Dec-21</b>
Land at Stowford Mills, Station Road, Ivybridge, PL21 0AW		Construction of 16 dwellings with associated access and landscaping	

Comment – Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement. Deed of Variation progressing and should be agreed within the next few weeks.

	Valid Date	Target Date	EoT Date
<b>1490/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>13-Aug-21</b>
Sherford New Community Commercial Area, North of Main Street, Elburton, Plymouth		Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 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
<b>1491/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>13-Aug-21</b>
Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street, Elburton, Plymouth, PL8 2DP		Application for approval of reserved matters for Green Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)	

Comment - Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>1557/21/VAR</b> 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
<b>1558/21/VAR</b> 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 and 16 (surface water) of planning permission 0105/20/VAR	

Comment – reviewing issues with applicant

	Valid Date	Target Date	EoT Date
<b>2817/21/ARM</b> Anna Henderson-Smith	29-Jul-21	28-Oct-21	<b>24-Mar-22</b>
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	

Comment – awaiting further information from agent re drainage and lighting

	Valid Date	Target Date	EoT Date
<b>3053/21/ARM</b> Anna Henderson-Smith	5-Aug-21	4-Nov-21	<b>24-Mar-22</b>
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 – officer meeting with applicant and architect to look at revisions and redesign

	Valid Date	Target Date	EoT Date
<b>3054/21/ARM</b> Anna Henderson-Smith	5-Aug-21	4-Nov-21	<b>24-Mar-22</b>
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 – awaiting further information from agent re drainage and lighting

	Valid Date	Target Date	EoT Date
<b>3118/21/ARM</b> Bryn Kitching	9-Aug-21	8-Nov-21	<b>31-May 22</b>
Proposed Development Site Sx856508, A3122 Norton Cross To Townstal Road, Dartmouth		Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 143 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA and approval of details reserved by conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 17 and 21 of that consent.	

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

	Valid Date	Target Date	EoT Date
<b>3078/21/VAR</b> Bryn Kitching	9-Aug-21	8-Nov-21	<b>31-May 22</b>
Proposed Development Site Sx856508, A3122 Norton Cross To Townstal Road, Dartmouth		Variation of condition 4 of outline planning permission 3475/17/OPA (for 210 dwellings, public open space, green infrastructure, strategic landscaping and associated infrastructure) to revise approved parameter plan A097890drf01v4 to 180304 P 01 02 Rev C.	

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

	Valid Date	Target Date	EoT Date
<b>1393/21/VAR</b> Cheryl Stansbury	9-Aug-21	8-Nov-21	
Development Site At Sx 794 614, Ashburton Road To Clay Lane, 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. Ext of time has been requested.

	Valid Date	Target Date	EoT Date
<b>3119/21/FUL</b> Bryn Kitching	10-Aug-21	9-Nov-21	<b>31-May 22</b>
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road, Dartmouth			Full planning application for the erection of 32 residential units (situated within both phases 1 and 2) and associated works

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

	Valid Date	Target Date	EoT Date
<b>3120/21/FUL</b> Bryn Kitching	10-Aug-21	9-Nov-21	<b>31-May 22</b>
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road, Dartmouth			Planning application for attenuation basins, pumping stations, public open space, landscaping and associated works in connection with the residential and employment development of land to the north/ east

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

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

Comment – Extension of time agreed. Revised plans being prepared to address consultee objections

	Valid Date	Target Date	EoT Date
<b>4175/21/VAR</b> Tom French	8-Nov-21	7-Feb-22	<b>29-Apr-22</b>
Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4 Brixton, Devon			READVERTISEMENT (Additional EIA Information Received)  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
<b>1303/21/FUL</b> Catherine Miller-Bassi	16-Nov-21	15-Feb-22	<b>30-Jun-22</b>
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
<b>3915/21/ARM</b> Jacqueline Houslander	23-Nov-21	22-Feb-22	
Land At SX 651 560, Filham, Ivybridge			Application for approval of reserved matters (appearance, scale, layout and landscaping) of Phase 2 (up to 106 dwellings) of outline approval 3703/18/OPA

Comment –EOT agreed. Amended plans received – minor changes made. Meeting organised with applicant to review outstanding issues.

	Valid Date	Target Date	EoT Date
<b>3122/21/VAR</b> Cheryl Stansbury	23-Nov-21	22-Feb-22	<b>24-Mar-22</b>
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 and variation of condition 1 of reserved matters application 0826/20/ARM to allow for revised landscaping

Comment – Received notification of non-determination appeal

	Valid Date	Target Date	EoT Date
<b>4021/21/VAR</b> 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 – waiting on legal decision if the application is valid. Uncertainty if the works that began on site, constitute a meaningful start and if the development began in time, before expiration of 3 years.

	Valid Date	Target Date	EoT Date
<b>4129/21/FUL</b> Verity Clark	25-Nov-21	24-Feb-22	<b>12-May-22</b>
Bridge House Farm, Portford Lane, South Brent South Bren, TQ10 0PF		READVERTISEMENT (Amended development description and revised plans received) Change of use of agricultural land and dwelling house to outdoor educational facility (Use Class F1(a), formation of ancillary structures and associated works	

Comment: Awaiting consultation responses following re-advertisement and changes under review by officer.

	Valid Date	Target Date	EoT Date
<b>4031/21/FUL</b> Jacqueline Houslander	1-Dec-21	2-Mar-22	
Sand Pebbles Hotel, Inner Hope To Outer Hope, Hope Cove TQ7 3HY		READVERTISEMENT (Revised plans) Redevelopment of the existing hotel with owners accommodation to 7-holiday lets and 5 residential units	

Comment: EOT agreed. Amended plans received and re-advertised. Changes under review by officer and consultees.

	Valid Date	Target Date	EoT Date
<b>4317/21/OPA</b> Catherine Miller-Bassi	5-Jan-22	6-Apr-22	<b>6-May-22</b>
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
<b>4538/21/VAR</b> 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: Under consideration by officer.

	Valid Date	Target Date	EoT Date
<b>4774/21/FUL</b> Jacqueline Houslander	7-Feb-22	9-May-22	
Burgh Island Hotel, Burgh Island, Bigbury On Sea, TQ7 4BG		READVERTISEMENT (Revised plans) 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: Regular meetings being held with applicant and architect to seek revisions to the scheme. Currently concerns raised from the AONB unit and Landscape Specialist.

	Valid Date	Target Date	EoT Date
<b>0303/22/OPA</b> Anna Henderson-Smith	4-Mar-22	3-Jun-22	
Land off Moorview, Westerland, Marldon, TQ3 1RR		READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and Four bedroom sizes with associated roads, paths, landscaping and and drainage 30% of which would be affordable housing	

Comment - Under consideration by officer

	Valid Date	Target Date	EoT Date
<b>0070/22/VAR</b> David Jeffery	9-Mar-22	8-Jun-22	
Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE		Application for variation of condition 2 (revisions to refuse store) of planning consent 2101/19/FUL	

Comment

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>0934/22/FUL</b> Lucy Hall	14-Mar-22	13-Jun-22	
Land At Sx 499 632, Tamerton Road, Roborough		Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation and service yard.	

Comment. Application recently validated and under consideration by officer.

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>1059/22/FUL</b> Cheryl Stansbury	8-Apr-22	8-Jul-22	
Car Park off Leonards Road, Leonards Road, Iybridge, PL21 0RU		Delivery of a new A1 food retail store circa. 1950m2 (shell only), associated 2-tiered carpark, highway works, pedestrian, cyclist and public realm enhancements	

Comment. In consultation period. Committee anticipated 6<sup>th</sup> July

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>1220/22/FUL</b> PI Officer	4-May-22	3-Aug-22	
Land At Sx 567 545, Deep Lane, Plympton, PL8 2LF		Installation of a Battery Energy Storage Facility, substation, underground cabling, access track, landscaping, biodiversity enhancements and ancillary infrastructure, and equipment to include security fence, CCTV & gates	

Comment

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