

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 27th July, 2022</b>										
<b>Time:</b>	<b>10.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Foss</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Brazil	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Taylor
Cllr Abbott	Cllr Long										
Cllr Brazil	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Taylor										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

**1. Minutes**

**1 - 22**

To approve as a correct record the minutes of the meeting of the Committee held on 25 May 2022 and 1 June 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) 4175/21/VAR**

**23 - 72**

"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 floor space in respect of the Sherford New Community.**

**(b) 1159/21/FUL**

**73 - 106**

"Land at West End Garage", Main Road, Salcombe

**Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)**

<b>(c)</b>	<b>1424/22/VAR</b>	<b>107 - 116</b>
	<b>"Waves Edge", Challaborough</b>	
	<b>Application for variation of condition 2 (approved plans) of planning consent 4416/17/FUL (APP/K1128/W/18/3202068) (Retrospective)</b>	
<b>7.</b>	<b>Planning Appeals Update</b>	<b>117 - 120</b>
<b>8.</b>	<b>Update on Undetermined Major Applications</b>	<b>121 - 128</b>

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE**  
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY,**  
**25 May 2022**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil	∅	Cllr G Pannell
*	Cllr D Brown	∅	Cllr K Pringle
*	Cllr R J Foss (Chairman)	*	Cllr H Reeve
*	Cllr J M Hodgson from 6(a) – (e) (Minute DM.04/22 (a) – (e) refers)	*	Cllr R Rowe (Deputy Chair)
∅	Cllr K Kemp	*	Cllr B Taylor
*	Cllr K Baldry (substitute for Cllr Kemp)	*	Cllr P Smerdon (substitute for Cllr Pringle)

**Other Members also in attendance and participating:**  
Cllr J Pearce and Cllr D Thomas

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer; IT Specialists; and Democratic Services
Item 6 (a)		Senior Affordable Housing Officer; Strategic Planning Officer; Specialist in Trees/Landscape; Specialist – Affordable Housing
Item 6 (e)		Specialist in Trees/Landscape

**DM.01/22 MINUTES**  
The minutes of the meeting of the Committee held on 13<sup>th</sup> April 2022 were confirmed as a correct record by the Committee subject to the following amendment regarding planning applications 4442/21/ARM and 4443/21/ARM. The document circulated to the Committee from a resident in Dartington in which Councillor Hodgson referred to Ms Wyatt as Dr Wyatt. This was incorrect and should have referred as Ms Wyatt.

**DM.02/22 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 6(a), (b) and (c) (minutes DM.04.22 below refer), he was a member of the

Member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon. Cllr H Reeve declared a Non Registerable Interest in application 6(e) (minute DM.04.22 below refer), by virtue of a one-off business transaction with the applicant and remained in the meeting and took part in the debate and vote thereon.

DM.03/22 **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.04/22 **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) 3335/21/FUL                      Proposed Development Site At Sx 566 494, Land West of Collaton Park, Newton Ferrers Parish: Newton and Yealmpton**

**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.**

Case Officer Update: The Case Officer provided the Committee with an update which included that this application would secure the permissive footpath for perpetuity, also this application was not classed as an Environmental Impact Assessment (EIA) Development and in the report the Barn Owl Trust did not respond however they had responded to the applicant and confirmed they were satisfied with the proposed mitigation measures. The applicant tried to engage with the Devon Wildlife Trust and confirmed that other statutory bodies were happy with what was proposed in terms of biodiversity. The Case Officer highlighted changes to proposed conditions 2, 6, 3, 21 and 36 and highlighted that the Section 106 Agreement included provision for £200,000 for bus improvements. The Case Officer reported that she had received an email from the Secretary of State, saying they had received a third party request to call in the application and would not act on it until the Committee had determined the application, however this did not stop proceedings today.

In response to questions raised by Members, it was reported that the ancient woodland did not form part of the proposals, however additional planting would take place in advance of the build. The applicant had provided a detailed study on the grade of soil and the contaminated land. The case officer's report outlined the different classification of businesses within the site. The increase provision of bus service was not a condition but formed part of the Section 106 agreement and after

5 years would then become self-sustaining. The Housing Officer reported that there were 35 people currently seeking rented accommodation in the area and housing need had significantly increased over the last couple of years and Section 106 obligations included principle residency restriction. It was reported that if the Community Land Trust (CLT) could not deliver then a new provider would be sourced and because the land was gifted opened up funding opportunities. The 50%-55% delivery of affordable homes forms part of the Section 106 agreement and self-build sold at 20% below open market would be a question for the applicant.

One member felt it was important for the Council to have undertaken a viability assessment of this development. Management of public toilets would be covered by the Section 106 Agreement as part of the operation of the café and the Council would not maintain them and there was an agreement in place for DCC to maintain the permissive path. The transport assessment was updated using the standard methodology and the officer was happy with the results and the applicant was exploring options for car sharing. The applicant did try to engage with Devon Wildlife Trust and native planting had been addressed through the landscaping scheme and DCC and South West Water (SWW) were satisfied with the drainage proposals. The officer reported that a Tree Preservation Order (TPO) was not appropriate now but could be considered later and the Member requested for TPO legislation to be investigated.

Speakers included:                      Objector - Peter Harrison-Jones (slides); Supporter - Richard Pillar; Parish Council - Peter Hinchliffe OBE; Ward Members - Cllrs Baldry and Thomas

Following questions to speakers the objector was of the view that a solar farm would be more beneficial on the site. The applicant had engaged with SWW to confirm that there was capacity within the sewage works and anaerobic solutions had not been considered. With regard to self-build to be sold at 20% open market value was a means of supporting people getting on the housing ladder and this type of home should be more affordable and there was demand for this type of build. The applicant had a comprehensive report on the contaminated land and confirmed that the site would be completely remediated for future generations. Whilst traffic from the construction site would not be without impact, this could be limited with the homes being built off site and then delivered on a lorry.

One of the Ward Councillors reported that his two pledges when he stood for Council was for increased affordable housing provision and defending the Area of Outstanding Natural Beauty (AONB) and the reality is that we could not provide affordable housing without looking at the AONB as the entire parish was located within the AONB . In listening to the views of the parishioners, the Member stated that many were against the proposals but on the other hand a large number of the community had expressed support for the scheme. This application was a balancing act and the group of objectors had made a passionate statement that Collaton was not a suitable location. In support of the scheme, if the plans achieved what they had promised to achieve then the parish would get a good scheme. With regard to the location, the local Member could not think of a suitable alternative location and the nearer that any site was located to the village centre, then the houses would not be affordable. This issue had divided the community and the

Committee had to balance the gain of the declared Housing Crisis against the AONB and to ensure mitigation to protect the AONB.

When questioned, the Ward Member said, on balance, he would have to support the officer recommendation for conditional approval on one simple factor: that he had been fortunate to buy a house in Yealmpton 10 years ago but, given the huge increase in property prices, he would not now be able to purchase a property there today. If officers could demonstrate to the Committee that there was a genuine housing need and that people could be linked to the local community then it would be on those grounds that he would support the application.

The second local Ward Councillor stated that this was the biggest and most divided scheme that he had had to consider during his time serving on the Council. 138 submissions had been received for the scheme, with 186 against. The GP surgery in Yealmpton was already overstretched yet NHS England had raised no objections to the application, however, the practice was unable to take on extra work. The good points in the proposals were the excellent public transport, contributions from CLT, mitigation on street lighting and the Parish council had worked with the applicant and made enormous progress on achieving a satisfactory scheme. However, the bad points were that the 2 neighbouring parishes: Hobelton and Yealmpton had raised objections and, other bodies and the Landscape Specialist were against the proposal. Also, it was important to give weight that, located in an AONB, the AONB Office did not support the proposals, which was not in an allocated site in the Joint Local Plan and not named as a sustainable site. This site was not an integrated part of Newton and Noss now and would not be in the future. When on the site visit, Members would have seen the lovely landscape with a nice backdrop of Dartmoor and that would be spoilt within the AONB should conditional approval be granted to this application. The Member understood the need for people to have homes and to live in their local community, however, the choice between housing need and adhering to planning policy was a finely balanced judgement call for the Committee. The Member concluded that there were still a lot of unanswered questions and he would listen to the debate before reaching a view.

Officers provided a response to a question raised by a Member regarding TPOs and it was reported that the Tree Officer had confirmed that a TPO could be made on a tree as soon as they were planted. In addition, the Council had the ability under the legislation to make a TPO from approved plans before planting.

During the debate, Members felt this was a finely balanced application to determine and there was a need to look at what might be possible. There were justifiable concerns over the impact on the AONB and whether additional planting could reduce the impact and also support long term impact on climate change and biodiversity. Concerns were raised on the contamination and asbestos and whether further advice should be sought from the Health and Safety Executive. Delivery of affordable housing did have big merits and the potential to be populated by people willing to use car schemes and eBikes was welcomed. The Committee site visit had been very useful and there were clearly a number of elements to weigh up with regard to AONB status and also the affordable housing elements, which was an attractive offer, however housing in this area is difficult. This site was



located within the AONB and was a major development and policy outlined that planning permission for major development would be only granted in exceptional circumstances and demonstrated in the public interest and this was a key consideration to weigh up. The application had its merits including: carbon reduction, the increase public realm and affordability and there were some issues and whether the £200,000 set aside for bus provision could be invested in bike hubs and car clubs. This was a large brownfield site and there were not many sites like this available and sited between two small hamlets, it was considered to be a sustainable location. However, a key consideration for Members was the the massive support received from the local parish council. Members were inspired by the first Ward Councillor's speech and hoped that this application delivered affordable housing for young people living in the area and for those slightly older that wish to downsize for this development to become a vibrant area. Members felt that it was unfortunate that the site was located within the AONB and would wish to see this mitigated through an additional condition whereby all suitable public realm trees, excluding trees in gardens on this site be subject to a TPO.

**Recommendation:** Conditional Approval delegated to the Head of Development Management (DM), in consultation with the Chairman of the DM Committee, and the Proposer and Secunder of the Motion.

**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 of the Motion. To include email received from Secretary of State and completion of the Section 106 Agreement.

**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 3
- 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

**6b) 3837/21/FUL                      New England Quarry, New England Hill, Plympton Parish:**

**Development:                              Change of Use of cabins to holiday accommodation**

Case Officer Update:                      The Case Officer reported that this application was for a change of use to holiday lets and had been called in by Cllr Thomas (in his capacity as a local Ward Member). The site was a former quarry in an isolated countryside location and development only allowed in exceptional circumstances. In a previous application in 2019 a condition had been imposed for the cabins to be solely used by visitors attending the dive school and not to be used as a place of residence.

Speakers included:                              Supporter - Neil Tugwell; Ward Members – Cllr Thomas

In calling-in the application, one of the Ward Members reported that there was an exceptional circumstance for this application and the cabins could not be changed because of an unfortunate set of circumstances and these cabins could not now be used. Mr Tugwell had followed due process and the Member asked that the Committee adopt a pragmatic approach and for these cabins to exist. This was not felt to be an unreasonable request and the ward Member appealed to Members to show some pragmatism and have these cabins occupied rather than empty.

During the debate Members, after hearing the speakers, felt that this was a matter of common sense. The cabins existed but, following exceptional circumstances because of covid, had impacted the diving school. Members felt it would be more destructive to refuse planning permission and see these cabins wither into the country side. Having these cabins in use would boost tourist trade in the area. Members requested that a condition be included on occupancy of the cabins and to ensure the cabins did not become permanent dwellings.

- Recommendation:** Refuse permission
- Committee decision:** Delegated approval to the Head of Development Management to in consultation with the Chair and Vice-Chair and proposer and seconder of the Motion to agree the precise wording of the conditions.
- 6c) 2369/21/FUL** **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)**  
**Parish: South Huish**

**Case Officer Update:** The Case Officer reported that this application site had previously been before the Committee for 3 dwellings and had been refused. In 2018, an application came back to the Committee for 2 dwellings which had also been refused and upheld at appeal. The Committee was provided with an update following the site visit regarding the heights of the finished floor levels and soakaway drainage which was incorrect and would be an attenuation tank. Also raised was the matter of principal residence for an amendment in the Salcombe Neighbourhood Plan requiring a Section 106 Agreement to secure principal occupancy and therefore the agenda report recommendation should be changed to: 'delegate to the Head of Practice to secure a Section 106 agreement to require the dwellings to be occupied as principal residences'. Biodiversity was also raised and at the site visit the area was noted as being overgrown so there would be an impact to biodiversity. A photo was shared which highlighted the site without the overgrowth and it was reported that there was a land dispute between 9 and 20 Knowle Court but that this was not a material planning consideration. Comparison drawings were provided showing the refused application in 2018 and the current proposal. The current proposals were felt to have overcome the inspectors concerns and the proposed dwellings had been reduced.

**Speakers included:** Objector - Mr Robert Smith (via teams); Supporter - Mr Rob Heard; Ward Members - Cllrs Pearce and Long.

One of the Ward Members highlighted that at the appeal, the inspector dealt with the living conditions of the neighbours and character and appearance of the buildings. The refusal decision was taken only days before the new JLP was adopted and the previous application had been determined on policies under the old plan. The inspector dealt with the problems that could incur if sat outside for the neighbours below and it was a matter for the Committee to determine whether these had been overcome. Also, it was for the Committee to consider whether or not the occupant's significant loss of privacy (by having three floors close to the boundary) would be a dominant feature and whether Members felt that the objection from the inspector had now been overcome.

The second Ward Member reported that this was a contentious development plot in the area and the Member understood the concerns of the neighbours regarding privacy and amenities Architecture was considered appropriate and, if the application was approved, the Member would wish to see a condition imposed on the restriction on height, planted vegetation at the front and side so not to exacerbate the loss of view and understanding on the tank. Finally, it was felt that Biodiversity could be clawed back by bird, bat and bee boxes.

During the debate Members raised that this application had been previously refused however this application had addressed the concerns raised by the inspector. Concerns were raised on the land dispute, landscaping, biodiversity and the proximity of the attenuation tank to the landscaping and whether the tank would be impacted by the land dispute. Members then discussed the inclusion of pre-commencement conditions on landscaping and maintaining the height of the landscaping and for conditions 11 and 13 to be in perpetuity.

**Recommendation:** Conditional Approval

**Committee decision:** Delegated approval to the Head of Development Management (DM), for officers to work on changing the conditions and to include the Section 106 principle residency in consultation with the Chairman, and the Proposer and Secorder of the Motion and local Ward Councillors.

**6d) 0865/21/VAR Little Shear, Hope Cove, TQ7 3HH  
Parish: South Huish**

**Development: Application for variation of condition 2 (drawings) of planning consent 1079/20/FUL**

**Case Officer Update:** The Case Officer raised that this was a variation of a previously approved application. The main issues related to the retaining wall, facing materials used and amenity space. The application was located in an AONB, however there was no more impact on the AONB than the previously approved dwelling. The gable frontages had slightly increased with a new balcony area proposed on the ground floor.

In response to questions raised by Members, it was reported that only the applicant could answer why this had been built in the material used and this retaining wall had not been approved by the Council. To officer's knowledge, condition 10 had not been discharged. The footprint between the two applications was not much bigger in size. Included in the amenity space was the balcony area and the area surrounding the dwelling, however the previous amenity space was steeper and much more useable. The inspectorate was allowed to make a spilt decision however the Committee could not and was only able to: approve, refuse or defer.

The Chair adjourned the meeting for 5 minutes after a Member asked whether the plans being approved depicted the wall. Following the adjournment, the Head of Development Management reported that if Members were minded to approve the

application then it would be subject to receipt of an application that accurately depicted the wall.

Speakers included: Parish Council - Cllr Jo Hocking; Ward Members - Cllrs Long and Pearce

The first Ward Member reported that, when you looked at the plans and see what had been built, there were challenges and the material used was not in keeping. Two homes created and one with a principle residence and there was question as to whether the amenity space was suitable for families. The plans had followed the property which was approved but the footprint was bigger and there were substantial changes.

The second Ward Member raised that in principle this was accepted in the first application but this was now about the consequences of having adopted a lower ground floor approach and had started this without permission. The retaining wall especially on the eastern side and at the rear elevation was extreme and the Member was not sure why there were so many retaining walls also materials used were not in keeping with the South Devon AONB. The occupants of Sunnygate now live next door to a crater and the retaining wall below is over two floors high. The engineering qualities not been tested and not sure whether they have been approved by building control. The residents had every right to worry because the land was unstable. The applicants had gone beyond the stage of no return with so many walls, hard surfaces and little room for anything green and soft. The Member questioned as to how this could be resolved.

When asked, the Ward Member responded by saying that she urged the Committee to refuse the application and for talks to take place with the Head of Development Management, Monitoring Officer, Chairman of the Committee and local Ward Members on next steps. Returning to the status quo of the original application was not an option due to the extreme excavation of the site. The Case Officer could not categorically say that the wall could be reduced, however if Members were not happy, then they had two options: refuse on planning grounds or defer and give an opportunity for the application to comeback. Of the two options, it was the view of the Ward Member, for more certainty, to refuse this application.

During the debate, one Member felt that the building is similar to the one previously approved and hard to refuse on planning grounds, however the front wall was a problem and the Member would like the applicant, having heard the debate, to come back to the Committee to confirm that they will make the change and make a softer impact. However, the Committee would be hard pressed to refuse this application. Other Members raised that the front retaining wall and materials used had an adverse impact on the street scene and neighbouring properties. Members were shocked to see the plans for a bungalow now becoming a two bedroom house and questioned the amenity space and did not believe the landscaping plan could be delivered.

**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.

**Committee decision:** Delegated refusal to the Head of Development Management to draft the reasons for refusal, in consultation with the Chair and Vice Chair of the Committee and the Proposer and Seconder of the Motion.

**6e) 2667/21/OPA Hendham View Farm, Woodleigh Parish: Woodleigh**

**Development: Outline application with some matters reserved for the provision of an agricultural workers dwelling including landscaping**

**Case Officer Update:** The Case Officer raised whether the dwelling could be elsewhere and outside the AONB. The key issues related to access, appearance, layout and scale to be submitted with reserved matters. The impact on the great horseshoe bat as well as the impact on the AONB and landscaping.

**Speakers included:** Objector - Mr Richard Hawkins (presentation read out); Supporter - Amanda Burden; Ward Members - Cllr Brazil for Cllr Kemp

The Member who was representing the local Ward Member agreed with 90% of what the agent had said in his statement but disagreed on the location of the dwelling and it was clear in policy for alternative site for this dwelling. The dwelling would have a nice view of Dartmoor but it was in the AONB and he expressed concerns with the officer's comments. If the Council was serious about protecting the AONB, then this application should be outside the designated area.

During the debate, Members highlighted that the AONB had been in place for the last 60 years and that we should not be too frightened to build within an AONB. Members also raised the importance of supporting the farming industry. It was also felt that the condition on landscaping should be raised to 10 years.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval and for condition on landscaping implementation to be amended from 5 years to 10 years.

**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

**6f) 3295/21/FUL Restholme, Western Road, Ivybridge, PL21 9AT  
Parish: Ivybridge**

**Development: Construction of 2 residential dwellings with parking**

**Case Officer Update:** The Case Officer reported that the concerns were raised on highways impacts for competition for on street parking and congestion on local road during construction. The introduction of two additional houses would not have a significant impact on local roads and recommend a condition limiting construction hours. The development is within the Plymouth European Marine site and the agent had indicated a financial contribution subject to committee approval.

**Speakers included:** Supporter - Ian Hodgson.

**Recommendation:** Delegate authority to conditionally approve subject to securing a Unilateral Undertaking for mitigation of recreational impacts on the Plymouth Sound / Tamar Estuary EMS.

**Committee decision:** Delegate authority to conditionally 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

**DM.05/22 PLANNING APPEALS UPDATE**

This item was deferred to the 1 June 2022 meeting.

**DM.06/22 UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

This item was deferred to the 1 June 2022 meeting.

(Meeting commenced at 10:00 am and concluded at 17:18 pm, with a 10 minute break at 12:20)

pm and 4:15 pm, with lunch at 1:20 pm. Adjourned for 5 minutes at 15:36 to seek legal advice)

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Chairman



Voting Analysis for Planning Applications – DM Committee 25<sup>th</sup> May 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>
3335/21/FUL	Proposed Development Site At Sx 566 494, Land West of Collaton Park, Newton Ferrers	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon, Taylor (10)		Cllr Baldry (1)	
3837/21/FUL	New England Quarry, New England Hill, Plympton	Approval	Cllrs Baldry, Brazil, Brown, Hodgson, Long, Reeve and Smerdon (7)		Cllrs Abbott, Foss, Rowe and Taylor (4)	
2369/21/FUL	Land Opposite Lyndale, Onslow Road, Salcombe, TQ8 8AH	Approval	Cllrs Abbott, Baldry, Brazil, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon, Taylor (11)			
0865/21/VAR	Little Shear, Hope Cove, TQ7 3HH	Refused	Cllrs Abbott, Baldry, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon, Taylor (10)	Cllr Brazil (1)		
2667/21/OPA	Hendham View Farm, Woodleigh	Approval	Cllrs Abbott, Baldry, Brown, Foss, Reeve, Rowe, Smerdon, Taylor (8)	Cllr Brazil (1)	Cllr Long (1)	Cllr Hodgson (1)
3295/21/FUL	Restholme, Wesdtern Road, Ivybridge, PL21 9AT	Approval	Cllrs Abbott, Baldry, Brazil, Brown, Foss, Long, Reeve, Rowe, Smerdon, Taylor (10)			Cllr Hodgson (1)

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in COUNCIL CHAMBERS, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 1 JUNE 2022**

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

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

**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;

**DM.07/22      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 Reeve declared a non-registerable interest in application 0050/22/FUL as the applicant was related to the Member. Cllr Reeve left the meeting for that application and took no part in the debate nor vote thereon, Minute 09/22 (c) refers.

**DM.08/22      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.09/21      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) 1159/21/FUL**

**Land at West End Garage, Salcombe, TQ8 8NA  
Town: Salcombe Town Council**

**Development: Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)**

Case Officer Update: The Case Officer clarified that Salcombe Town Council had submitted a revised consultation response. During questions from Members, it was clarified that the floor space and stairs accessibility in the flats complied with guidelines. It was also confirmed that the orientation changes had impacted slightly on the efficiency of some solar panels.

Speakers included: Supporter – Mr S Thompson; Parish Council – Cllr M Fice; Ward Members – Cllrs M Long and J Pearce

Following questions to the Speakers, it was confirmed that the **bun** would not be built above and it would have protection from sideways roots. Salcombe Town Council confirmed that, although they objected to the development, they had no concerns to register. However, the Town Council were concerned about the safety of pedestrian access to the site, although Devon Highways had raised no concerns, only asking for removal of the grass verge on the opposite side of the road to accommodate a footpath. The Applicants had offered to pay for a pelican crossing, but Devon Highways would not support this.

One of the Ward Members stated that she thought the access to the flats was convoluted, with insufficient lights and windows in the flats. The Member felt that the affordable housing had been relegated to the least appealing area of the development. She outlined her wish for the application to be deferred to try to improve the allocated site.

The other Ward Member agreed with his fellow Ward Member but conceded that the application would provide much needed homes and the protection of the affordable housing via the Section 106 agreement (S106) was welcomed.

During the debate, some Members stated their view that the control over residency, as outlined in the S106 and suggested conditions, was beneficial to the area. One Member requested that there should be a means of ensuring that playing, particularly of ball games, was not able to be outlawed.

A Member voiced concerns regarding the sizing of some properties which were minimal acceptance on sizing. She also outlined that the objection raised by the AONB (Area of Outstanding National Beauty) had raised an objection but there had been no attempt made to ameliorate this. The Member also questioned whether enough weight had been given to the Joint Local Plan (JLP) and Supplementary Planning Documents (SPD), and that deferral would allow a review of the site.

It was felt that deferral would also allow the opportunity for Devon Highways to revisit their decision, including potential speed restrictions on the highway, and to be invited to Committee if their decision remained the same. Members stated that the deferral could lead to achieving a better site overall.

If the deferral vote was successful, it was stated that officers would require a clear steer on what changes needed to be made and that the Ward Members should meet with the Applicant. It was then clarified that the Ward Members wished to see improvement in space standards for the affordable housing; amenity spacing and siting as child safety concerns had been raised because the amenity space for the flats was not overlooked by the flats. Access to the flats was also to be reviewed, as was the level of lighting and windows.

**Recommendation:** Conditional Approval, subject to prior completion of S106 agreement

**Committee decision:** Deferral

The Chairman acknowledged that this was the last presentation by the Case Officer as she was leaving the Council. He passed on the thanks of the Committee to the Case Officer.

**6b) 1704/21/HHO Summerleaze, Drake Road, Salcombe, TQ8 8EG  
Town: Salcombe Town Council**

**Development: Householder application for roof extension and alterations to front, side, and rear**

**Case Officer Update:** It was confirmed that this application had been sent to Planning Inspectorate (PINS) for determination, therefore this application decision would not be published but would form part of the Council's case at the PINS' hearing.

The Case Officer confirmed that the two previous appeal decisions had been upheld, with the proposed application acceptable except for the issue of daylight and sunlight impact on the neighbour. The applicant had submitted an independent report, which had been revised to reflect the proposed roof form, and the impact on the neighbouring property. The case officer clarified the changes from the previous refused application: the physical form has not changed save for the pitched roof being exchanged for a butterfly roof which the applicant stated that it improved the light to the neighbour.

**Speakers included:** Objector – Mr R Wheeler; Supporter – Ms L Davies (read out); Town Council – Cllr M Fice; Ward

Members – Cllrs M Long and J Pearce

The representative of the Town Council stated that the daylight problems to the neighbour remained, however the inclusion of a construction management plan was welcomed. Following a question from a Member, the Representative confirmed the Town Council were against the application but acknowledged PINS had approved the principal of building on the lot.

During her presentation, one of the Ward Members reiterated that the Committee were only reviewing the overshadowing on the neighbouring property directly to the north. She outlined that DEV1 implications to the application, including the potential impact of the butterfly roof to the north lower ground floor level of the neighbouring building, particularly in the winter months when the sun is lower in the sky.

The other Ward Member reiterated that the key issue for him was safe-guarding amenities for residents, and health and well-being in winter. He questioned whether anything had changed in the new application.

During the debate it was stated that Members did not see any changes to the previously refused applications, and that the issues of light to the neighbours remained an issue.

**Recommendation:** Conditional Approval

**Committee decision:** Refusal

Reasons for refusal to be clarified by the Chair, Vice Chair, Proposer and Secunder but would be based on DEV1 and the Neighbourhood Plan, covering daylight protection for the neighbour and their health and well-being.

**6c) 0050/22/FUL “Land at The Mounts”, East Allington, Totnes, TQ9 7QE  
Parish: East Allington Parish Council**

**Development: Provision of temporary agricultural dwelling (mobile home) for three years**

Case Officer Update: The Case Officer explained that this application had been called to Committee as the applicant was a relative of one of the Committee Members. It was confirmed that no objections had been received.

**Recommendation:** Conditional Approval.

**Committee decision:** Conditional Approval.

### **Conditions**

1. 3 year time limit for commencement
2. Accordance with approved plans
3. Removal of temporary dwelling within three years
4. Occupation restricted to agricultural worker
5. Unsuspected contamination
6. Foul water drainage
7. Surface water drainage
8. No external lighting
9. Prior to above level works, details of hard and soft landscaping, and a hedgerow cross section to be provided and approved by the LPA.

**6d) 1357/21/ARM                      Beacon Park, Dartington  
Parish: Dartington Parish Council**

**Development: READVERTISEMENT (Amended development description)  
Application for approval of reserved matters (appearance, landscaping,  
layout and scale) following outline approval 3631/17/OPA relating to  
Building 3, for the erection of a mix of B1, B2 & B8 employment spaces and  
associated works with a drainage scheme.**

Case Officer Update:                      The reserve matters were outlined, and the reorientation of buildings explained, which would alter the amount of available space but would still be sufficient to put in seven more trees. There was a 3% increase in the square meterage of the buildings than at outline permission. It was confirmed all the buildings were for one business and that route of the footpath clarified.

Speakers included:                      Supporter – Ms A Burden; Ward Member – Cllr J Hodgson;

The Ward Member reiterated that data used for flood modelling was outdated and more recent data was available, which she requested was to be used in any future applications. Following confirmation of receipt of Devon County Council's withdrawal of their previous objection, the Ward Member reluctantly supported the application.

The Development Management Manager was tasked to confirm which flood figures were being used and to find out why not all documents appear on the Council's webpage for Planning.

**Recommendation:**                      Conditional Approval

**Committee decision:**                      Conditional Approval

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

1. Time for commencement

2. Accordance with plans
3. Samples of materials
4. Low carbon development
5. Adherence to Arboricultural Method Statement
6. Landscaping
7. Drainage

**6e) 4701/21/FUL                      Linhay Barn, Budlake, Ermington, PL21 9NG  
Parish: Ermington Parish Council**

**Development: Erection of agricultural worker's dwelling**

Case Officer Update:                      Although 200 fruit and nut trees had been planted in the last few years, it was not deemed sufficient reason to justify an agricultural worker's dwelling. The proposed dwelling would give significant ecological gain, with the existing barn repaired as an item of heritage.

It was confirmed that the application site was outside the village envelope and that the previously approved application for converting the barn was extant, thereby potentially allowing two dwellings on this site.

Speakers included:                      Supporter – Mr M Walker; Parish Council – Cllr D Onley; Ward Member – Cllr T Holway;

Following questions from Members, the applicant clarified that there was an intention to have live stock on the site as part of the wild life meadow cultivation. Other products would be willow, hazel, hay, and apples for sale throughout the year via sustainable storage. The applicant confirmed that the existing barn was 240 years old and currently used by various wildlife, including barn owls and swallows.

The Parish Council confirmed that they were in favour of the new application as it was more beneficial than the extant one. The Parish Council had no Neighbourhood Plan but would include the new dwelling in any alteration of the planning envelope. The representative also outlined that the restoration of the Linhay barn was already underway which would make it more difficult to convert into a dwelling. He also outlined that Linhay was a much loved ancient building and the Parish would not support it being a dwelling.

The Ward Member explained that he was favour of this application as it had



strong biodiversity and climate change improvements over the extant permission, however, he understood that granting this application would give the possibility for two dwellings on this site. It was confirmed that this could not be altered by reversing the previous approval, nor through a Section 106 agreement.

During the debate, it was clarified that, as building work had started on the barn, the planning permission was now extant and could be built out in the future if there was a change of ownership or decision. There was an in-depth discussion to see if there could be a legal means to cancel the original planning permission on the barn but there were none unless the formal route was taken. Members agreed it was a very difficult decision to make.

**Recommendation:** Refusal

**Committee decision:** Refusal

DM.10/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted. It was confirmed that withdrawal of an.

DM.11/22 **PLANNING APPEALS UPDATE**

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

(Meeting commenced at 10:00 am and concluded at 4:07 pm, with a 10 minute break at 10:45 am and 3:50pm, with lunch at 12:55 pm.)

\_\_\_\_\_  
Chairman

Voting Analysis for Planning Applications – DM Committee 1<sup>st</sup> June 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>
1159/21/FUL	Land at West End Garage, Salcombe	Deferral	Cllrs Brazil, <b>Hodgson</b> <sup>s</sup> , <b>Long</b> <sup>p</sup> , Pannell, Reeve (5)	Cllrs Abbott & Smerdon (2)	Cllrs Foss & Rowe (2)	Cllr Brown, Kemp, Pringle, Taylor (4)
1704/21/HHO	Summerleaze, Drake Road, Salcombe	Refusal	Cllrs Abbott, <b>Brazil</b> <sup>p</sup> , Foss, Hodgson, Long, Pannell, Reeve, Rowe, <b>Smerdon</b> <sup>s</sup> (9)			Cllr Brown, Kemp, Pringle, Taylor (4)
0050/22/FUL	Land at the Mounts, East Allington, Totnes	Approval	Cllrs Abbott, <b>Brazil</b> <sup>p</sup> , Foss, Hodgson, Long, Pannell, Rowe, <b>Smerdon</b> <sup>s</sup> (8)			Cllr Brown, Kemp, Pringle, Reeve, Taylor (5)
<b>Page 29</b> 1875/21/ARM	Beacon Park, Dartington	Approval	Cllrs Abbott, <b>Brazil</b> <sup>p</sup> , Foss, Long, Pannell, Reeve, Rowe, <b>Smerdon</b> <sup>s</sup> (8)		Cllr Hodgson (1)	Cllr Brown, Kemp, Pringle, Taylor (4)
<b>29</b> 4701/21/FUL	Linhay Barn, Budlake, Ermington	Approval	Cllrs <b>Abbott</b> <sup>s</sup> , Brazil, <b>Hodgson</b> <sup>p</sup> , Reeve (4)	Cllrs Foss, Long, Pannell, Rowe, Smerdon (5)		Cllr Brown, Kemp, Pringle, Taylor (4)
4701/21/FUL	Linhay Barn, Budlake, Ermington	Refusal	Cllrs Foss, Long, <b>Pannell</b> <sup>s</sup> , Rowe, <b>Smerdon</b> <sup>p</sup> (5)	Cllrs Abbott, Brazil, Hodgson, Reeve (4)		Cllr Brown, Kemp, Pringle, Taylor (4)

Councillors in **bold** – <sup>p</sup> proposer and <sup>s</sup> seconder

## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

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

**Application No:** 4175/21/VAR

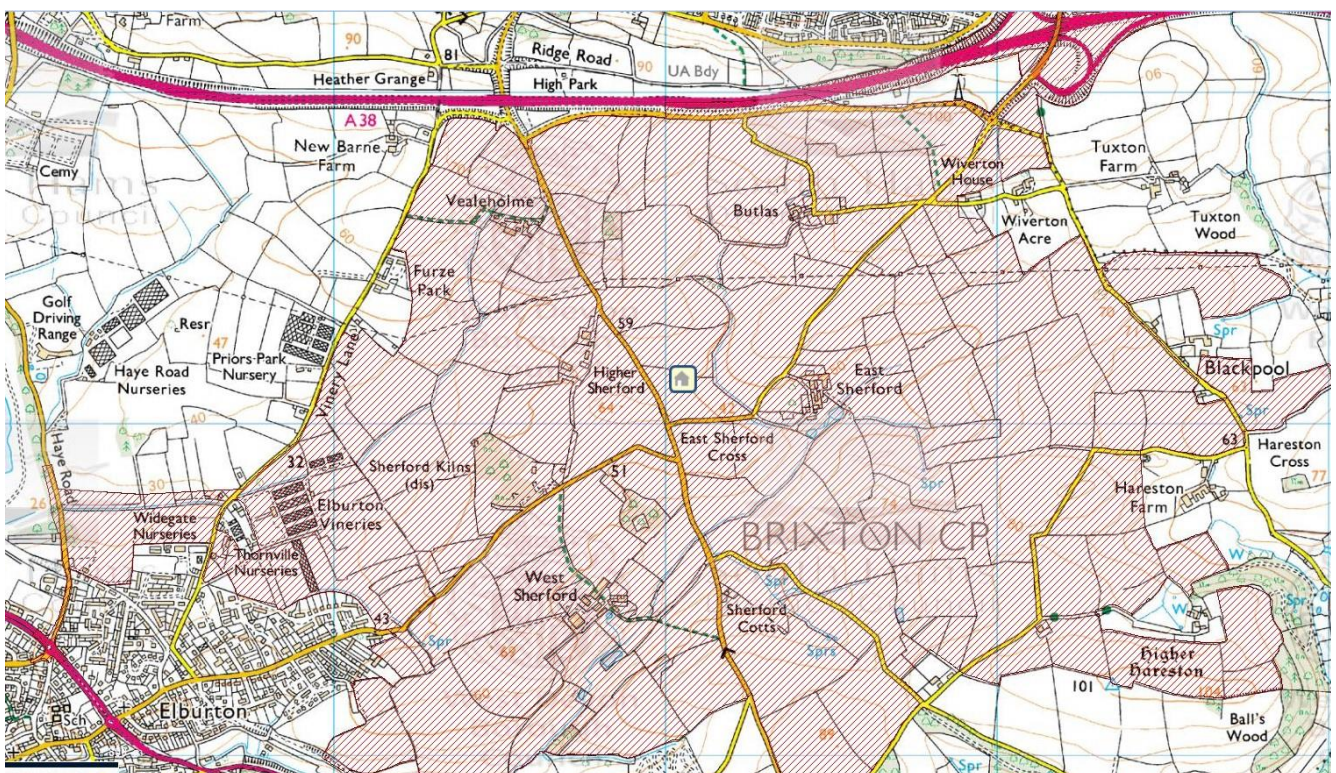
**Agent/Applicant:**

John Brindley  
6 The Gavel Centre  
Porters Wood  
St Albans  
AL3 6PQ

**Applicant:**

Sherford New Community Consortium  
C/O Agent  
St Albans

**Site Address:** Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon



**Development:** READVERTISEMENT (Additional EIA Information Received)

Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floor space in respect of the Sherford New Community.

**Reason item is being put before Committee:** At the request of the Cllr Brown due to the significance of the amendments to the Sherford scheme (which had been originally considered by the Development Management Committee)

**Recommendation:** To delegate authority to the Head of Development Management, in consultation with the Chairman of the Development Management Committee to grant conditional approval subject to a S106 with Plymouth City Council and Devon County Council, and to;

1. Make minor alterations to the planning conditions set out at the end of the report to ensure consistency and appropriate cross referencing to the S106; and
2. In the event that the S106 agreement remains unsigned six months after this resolution, that the application is reviewed by the Head of Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the Head of Development Management to refuse the application in the absence of an agreed S106 agreement.

## **Conditions**

1. The original outline conditions as imposed upon 0825/18/VAR to be reiterated, but amended as necessary to reflect the proposed amendments (included in full at the end of the report).

## **S106 Obligation**

A Deed of Variation is required to ensure the existing S106 obligations continue, there are no proposed changes to the S106 agreement resulting from this application.

### **Key issues for consideration:**

Whether the proposed amendments to conditions 48 and 50 are acceptable and in accordance with JLP policies and national planning guidance.

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

There are no direct financial implications of this application, but it is noted that the overall Sherford scheme will benefit from New Homes Bonus under the current arrangements. There is also a S106 obligation that ensures that the development is acceptable in planning terms which delivers in the region of £110m of infrastructure.

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### **Site Description:**

The outline application site relates to the development of an area of 490ha of largely agricultural land. The site is situated some 5 kilometres by road from the city centre of Plymouth to the south west of Deep Lane junction and approximately 3 kilometres to the north of Brixton and A379. The site is bound by the A38 to the north, and Vinery Lane to the west.

Sherford is a strategic development site, and naturally the site will evolve over time as the development is built out and new buildings and facilities come forward. Some 600 homes are already occupied in the western extreme of the site, known as phases 1.1 and 1A. Development recently commenced within phase 1B, and much of the land adjacent to phase 1.1 is a large building site. Planning permission was granted in 2021 for a further 700 homes in the phase known as 2D. The Main Street, which connects Haye Road in the west to Deep Lane to the far northeast of the site was recently completed ahead of the anticipated S106 trigger and now runs through the middle of the largely undeveloped parts of the site. The first primary school, which serves the western neighbourhood has been open since 2019.

### **The Proposal:**

This application seeks to amend conditions 48 and 50 of the outline permission, which relates to the delineation of commercial floor space. The amendments do not change the overall quantum of non-residential floor space that is consented, but does increase the permitted amount of E (g), B2 and B8 floor space that could be brought forward within the consented commercial area. The reason for this amendment is to reflect current market conditions and to allow for potential Freeport occupiers to come forward on land at the commercial area, which would otherwise not have been permitted under the current consent.

Since the 2018 approval, there has been an amendment made to the Use Classes Order, the conditions as proposed have also been amended to reflect the latest Use Class categorisation.

Conditions 48 and 50 of 0825/18/VAR stated;

*48. No development for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 2017 shall exceed the total maximum area of gross floor space stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this applies to the entire masterplan site including (when read together with 1593/17/VAR and 7\_49/2426/06/OUT) and development permitted by Plymouth City Council under planning permission reference 06/02036/OUT and 16/00247/OUT;*

<b>Land use</b>	<b>Gross floor space (sqm)</b>
A1	12834
A2,A3,A4,A5	3906
B1,B2,	53600
B8	13400
C1,C2	21390
D1,D2	49290
Sui Generis	930

*The delineation of land uses hereby permitted shall be as identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, but for the avoidance of doubt;*

- *The total A1-A5 permitted floor space must be situated across the three neighbourhoods and not within one single Neighbourhood;*
- *No more than 43,500sqm of the permitted B1-B8 floor space may be located within the Employment Park (as delineated on the Character Areas Plan);*
- *B1(c), B2 and B8 development shall only be permitted within the Employment Park (as delineated on the Character Areas Plan);*
- *B1(a) and (b) may only be accommodated within the Town Centre Mixed Use Centre.*

*Reason: To ensure that the development is carried out in a manner envisaged by the outline application.*

*50. Each Marketing and Delivery Strategy shall ensure that the following provisions apply;*

- a) *No one individual retailer (A Classes) shall exceed a floor space of 2500sqm;*

- b) *A minimum of 4000sqm of the permitted B1(c), B2 and B8 shall be in units of less than 235sqm; and*
- c) *No single B8 shall exceed 6000sqm*

*Reason: To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proliferation of large units are controlled in the interests of providing a balanced and mixed community within the development without undermining surrounding centres.*

Following discussions with the applicant and consultees during the consideration of the application, it is proposed that conditions 48 and 50 be amended to;

48. No development for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall exceed the total maximum area of gross floor space stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this applies to the entire masterplan site including (when read together with 0825/18/VAR, 1593/17/VAR and 7\_49/2426/06/OUT) and development permitted by Plymouth City Council under planning permission reference 06/02036/OUT and 16/00247/OUT;

<b>Land use</b>	<b>Gross floor space (sqm)</b>
E (a)	12834
E (b) (c) and Sui Generis (p, q, r)	3906
E (g), B2, B8	67,000
C1, C2	21390
E (d), (e), (f), F1 F2	49290
Sui Generis (excluding p, q, r)	930

The delineation of land uses hereby permitted shall be as identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, but for the avoidance of doubt;

- The total E (a), E (b) and Sui Generis (p, q, r) permitted floor space must be situated across the three neighbourhoods and not within one single Neighbourhood;
- No more than 46,000sqm of the permitted E (g) (i), (ii) and (iii) floor space may be located within the Employment Park (as delineated on the Character Areas Plan);
- E (g) (iii), B2 and B8 development shall only be permitted within the Employment Park (as delineated on the Character Areas Plan);
- E (g) (i) and (ii) may only be accommodated within the Town Centre Mixed Use Centre.

Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended), all development permitted by this consent, which relates to E (a) (b) (g) (i, ii and iii), B2 and B8 uses, shall be used only for the uses applied and for no other uses (including any purpose in Classes MA, G, H and U as applicable to the Town and Country Planning

(Use Classes Order) 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modifications.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application and to ensure a mix and range of employment opportunities are provided and retained.

50. The development hereby approved shall take place subject to the following provisions;

- a) No one individual retailer (Class E (a)) shall exceed a floor space of 2500sqm;
- b) A minimum of 3000sqm of the permitted E (g) (iii), B2 and B8 shall be in units of less than 500sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application to ensure a mix and range of employment opportunities are provided, in the interests of providing a balanced and mixed community within the development without undermining surrounding centres.

The report sets out the scope of this S73 application in the analysis section below. The application seeks only to amend the conditions that regulate commercial floor space provision, there are no other changes proposed in respect of the wider Sherford development.

### **Consultations:**

The assessment of the application and the submitted information has been undertaken by Officers within the Urban Fringe Team. A number of those Officers who have provided comments internally are from the City Council and Devon County Council on behalf of South Hams.

### **Brixton Parish Council:**

*Whilst there is no proposed increase in the floor space on this site for commercial activity, the proposed flexibility in the use classes may increase the volume and type of traffic accessing and leaving this location. Brixton Parish Council recommends that all traffic entering and leaving this site should access/egress via the A38 only through the Deep Lane junction and not use Main Street as access to Plymouth or other locations in the South Hams and beyond.*

*Main Street is the planned high street for the town centre of Sherford which will have shops, cafes and open spaces. A high, or increased, level of regular additional large and small commercial vehicles, will impact on the developing identity of the town centre, increase noise and disturbance (both by day and at night) and will increase the risk of polluting emissions in these residential and business areas where the health and wellbeing of Sherford residents and visitors should be paramount.*

*Walking and cycling are seen to be the key activities for people living in Sherford and heavy traffic using Main Street as a thoroughfare is contrary to the long term vision for the town of Sherford. Currently, due to road works, Main Street is being used to access the Plymstock and South Hams leading to congestion and long queues (of idling vehicles) in the occupied residential areas particularly at peak times adding to the risk of pollution.*

*This site is also close to planned residential areas and the issues of noise, disturbance, light pollution, opening hours need to be considered. Plans for the improvement of the junction at Deep Lane from Sherford triggered by the completion of 1,300 houses need to be progressed in tandem with plan for this application to ensure that Main Street is not used by traffic exiting and entering this site.*

### **National Highways:**

Previous Response:

*National Highways issued its formal response to the application on 18 February 2022. On the basis that an increase to the quantum of B8 floor space (and unit size) will result in variations to associated vehicular travel patterns against those previously assessed, we requested an updated trip generation and distribution and assignment assessment to determine the impact of the proposal on the safe operation of the A38 and its junctions.*

*Proposed Variation of Conditions 48 and 50*

*The variation of Conditions 48 and 50 will facilitate the increase in the permitted floor area of any B8 unit, a minor increase in the quantum of B1-B8 floor space permitted on the Employment Park and a likely reduction in the number of B1-B8 units of less than 235sqm across the wider masterplan site.*

Position Update:

*Subsequent to our response dated 18 February the applicant submitted a revised Technical Note to assess the variations to trip generation, distribution and assignment resulting from the proposal. On the basis of the presented assessment and our own analysis we consider the proposal unlikely to result in an unacceptable impact on the safe operation of the A38 and its junctions, as defined by NPPF. We therefore offer no objection to application 4175/21/VAR.*

### **Devon County Highways**

No objections, the following observations were offered;

Original observations dated 3rd February 2022

*From the highway authority's perspective it is understood that the employment floor space will not be varying to a noticeable extent from the permitted development on the site. The use of larger floor area buildings may, however, vary the pattern of travel to and from the site and may also have a possible effect on the trip generation and traffic patterns from the site in general.*

*In order for the highway authority to assess the suitability of this variation, it would be beneficial to have an analysis which examines the effect that larger floor space buildings may have upon those two aspects.*

*The highway authority reserve the right to comment further upon receipt of that additional and supplementary information*

Further observations following receipt of additional information, particularly Technical Note 10: Response to National Highways and Devon County Council;

*The applicant has provided the additional information required in the original response to the application and has looked in more detail at the proposed trip generation characteristics of the varied composition of development that is now applied for.*



*The highway authority accepts the details and conclusions in the technical note and is therefore in general agreement with the content of the technical note and there are therefore no objections to the application from a highway safety point of view.*

### **Plymouth City Council**

*PCC supports the delivery of the Sherford New Community. The development is included within the adopted Plymouth and South West Devon Joint Local Plan (JLP), notably at policies SPT1, SPT2, SPT3, SPT4, PLY2, PLY48, and PLY49. Sherford as a unique sustainable neighbourhood with a distinctive character providing a range of quality homes and job opportunities, educational, community, recreational and leisure facilities including a new community park, a thriving town centre and local centres meeting people's day to day needs, and so will meet the strategic objectives of the JLP at SO1, SO5, SO6 and SO11. It is noted that the application only applies to development that sits within the South Hams District Council's area so the following comments relate only to those matters that have cross border implications.*

#### **Highways:**

*No objections are raised to these proposals as the neighbouring highway authority, as B8 units result in fewer traffic movements than B1/B2. However, the rewording of the condition potentially allows for higher numbers of B1/B2 units than currently permitted, but the TA does not consider the potential impacts of that scenario. The highway authority suggest this is either included within a revised TA, or the planning authority look at rewording the condition to limit the amount of B1 and B2 to the levels currently assessed.*

#### **Economic Development:**

*The Plymouth City Council Economic Development team is supportive of the proposed S73 application to vary conditions on the Sherford permission relating specifically to the employment floor space. The Economic Development Team looks forward to this variation facilitating delivery of the Plymouth and South Devon Freeport thereby supporting economic growth for the wider region.*

### **Joint Local Plan Team**

With regard to application 4175/21/VAR, the JLP team have no objections subject to the following points being addressed:

*The proposal site falls within allocated site PLY48, which, amongst other uses, identified a need for 67,000sqm of employment floor space. This floor space contributes to the wider employment needs identified within the JLP as expressed within policy SPT4.*

*The allocation policy itself does not prescribe specific amount of floor space by use classes, but the current outline conditions do, and it is a reconfiguration of this that forms the substance of the application. The applicant is seeking to change the previous requirement of B1, B2 – 53,600sqm and B8 – 13,400sqm to a combined B1, B2 and B8 requirement of 67,000sqm.*

*There is no net loss of employment floor space proposed, and the overall figure aligns with the expectations of the allocation policy.*

*However, the proposal does raise some broader placemaking questions, B8 uses generate a lower jobs per square metre than B1/B2 and as such the proposal could result in lower overall job creation.*

*However, good placemaking should also be responsive to change, and seek to enable and promote a competitive local economy that creates opportunities that the market can respond to. In this regard, the challenges of the last two years for commercial property both within Plymouth and around the urban fringe should not be underestimated. Whilst this proposal does potentially seek to reduce the amount of B1 and B2 floor space delivered within the allocated site, the bigger picture suggests that there is already a sufficient level of vacancy (primarily as a result of short-term impacts of the pandemic) within the city to absorb any latent demand from B1 and B2 business in the short to medium term anyway.*

*There may be potential risks associated with refusing this application, should the LPA wish to retain the conditions which specify up to 53,000sqm of B1 and B2 floor space, such is the uncertainty over the level of demand for this floor space post-covid. It should not be overlooked that the original outline consent and subsequent variations can be considered to reflect the employment market at the time they were first drafted, and that those market conditions almost certainly do not prevail now. In addition, the designation of the Freeport, which includes areas of the Sherford allocation, represent opportunities for investment that cannot have been foreseen by the original 2013 outline consent and subsequent variations.*

*The proposal to allow for greater flexibility of B1/B2/B8 employment floor space at Sherford does not conflict with the wording of the allocation policy. However, the wider aims of policy SPT4 are to ensure that a broad range of employment floor space is delivered to maximise diversity of opportunity and to build resilience within local employment markets, and that is one of the reasons that the proposed rewording of the employment floor space should not be agreed without further amendment to reflect the existing aims of the condition, which require a defined quantum of smaller units.*

*The other reason that further amendment is required is that use class B1 does not exist anymore, and that the revised wording needs to create a clear expectation that use class E(g) and B2 will form part of the mix of employment opportunities for the benefit of new residents at Sherford.*

*Indeed, if the wording within the conditions is going to change to reflect a different expectation for employment use classes, it makes sense to update all of the categories to reflect the changes to the Use Class Order 2021, particularly with regard to former A uses, and to identify a clear figures for E (g) and B2.*

### **Devon County Council Lead Local Flood Authority**

No in-principle objections to the above planning application, from a surface water drainage perspective.

### **Environment Agency**

No objection subject to retention of conditions relating to watercourses and Construction Environment Management Plan (CEMP)

### **Representations from Residents**

12 Letters of representation were received and cover the following points:

General

- Clarification sought over proposal
- Residents still waiting for other facilities to be delivered, e.g. shops/leisure centre
- Concern that removing the B8 building size limit will allow for large buildings, which will dominate the commercial area
- Available commercial land at Langage
- Impact that large B8 buildings could have on the gateway to Sherford
- General objection to the Sherford development on ground of environmental damage, loss of agricultural land, loss of trees and increased air and noise pollution.

#### Highways General

- Proposal not in original plan and not within spirit of development, will result in increase traffic in a residential area, including a road that children cross to go to school
- Concern that a parcel distribution company will result in significant highway issues

#### Highways Plympton St Maurice

- Impact on Plympton St Maurice has not been adequately considered
- Plympton St Maurice Civic Association committee request that the S106 contribution for Bullers Hill traffic works be increased from £25,000, to £75,000 in order to fund the suggested options to alleviate traffic entering Plympton St Maurice
- The future of Plympton St Maurice and its Conservation Area is under threat from it being used a rat run, traffic monitoring on Bullers Hill has shown increases in traffic 15-20%

### **Relevant Planning History**

Within the application site boundary there have been a range of planning applications for agricultural and householder proposals, as well 'reserved matters' applications associated with the current phase of Sherford. None of these have a bearing on this development and are not relevant for the purposes of determining this application.

The relevant planning history for the application is as follows;

7\_49/2426/06 – Conditional Approval for “Sherford” New Community (see application for full development description).

0825/18/VAR – Variation of conditions 3 (approved drawings), 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20, 21, 26, 28, 35, 36, 45, 46, 52, 53, 54, 57, 66, 67, 68, 69, 70, 71, 99, 100, 101, 102, 104, 106, 107 and 110 and Informatives of outline planning permission ref. 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the 'Sherford New Community' – Conditional Approval

### **ANALYSIS**

#### Scope of Section 73 Application

Section 73 of the 1990 Town and Country Planning Act allows for applications to be made, which vary or remove conditions associated with a planning permission. Whilst approval of this application would renew the outline consent, the principle of the development has already been established by the extant permission in place. In order to take a proportional approach

to the consideration of this application, the scope of focus is limited to the changes being sought and not the wider Sherford development.

This application seeks to amend conditions 48 and 50, which relate to the regulation and delineation of non-residential floor space and use class mixes across the Sherford development. Whilst the conditions apply to the whole site, the specific changes being sought primarily apply to the scale and form of development which would subsequently be permitted to come forward within the commercial area.

### Principle of Development

The principle of the development that could come forward within the commercial area was established under application 0825/18/VAR, and the reasoning for the existing conditions were outlined in the report, which stated;

#### Commercial Area

*The revised masterplan includes proposals for a designated 13ha commercial area close to the Park and Ride. This is markedly different to the previous strategy that assumed a finer grain proposal where the majority of employment space was proposed to be delivered within smaller units through mixed use areas. The original plan did however envisage that larger B2 and B8 units would be permitted along the northern edge of the site, and would effectively act as a noise barrier to the A38. The proposed quantum of floor space is not changing as part of this application, however the majority of the B1-B8 floor space will now be situated within the consolidated area by the A38 rather than approximately half being integrated throughout the development. This will improve the commercial proposition of delivery whereas the previous commercial strategy required a significant market of end users willing to occupy small units within residential parcels. The location to Deep Lane junction would also improve the marketability and assist with delivery.*

*The application also seeks to vary conditions attached to the principal permission that restrict these to predominantly small premises, which was previously necessary in recognition of their residential proximity. Again, the flexibility to seek larger units will help improve the commerciality of the area, and ensure potential investors are not deterred by restrictive planning conditions. The previous conditions restricted units to very small units of approximately 235sqm, which is unattractive to most commercial tenants looking for office and manufacturing spaces. Clearly Sherford should not be competing with Langage as the strategic employment space within the Plan area, but it is considered acceptable to enable modest sized units to be situated at Sherford, should commercial operators be looking to locate there. It is recommended however that conditions are still applied to ensure maximum limits are imposed to prevent excessively large units that would not sit within the landscape and topography of the site, prevent the entire permitted floor space being taken up by just a handful of operators and thus not provide a range of employment opportunities, and undermine the strategic importance of Langage.*

*It is recognised that this approach will significantly change the dynamic of employment opportunities within Sherford. Formerly the approach concerned small units to reinforce the potential for self-reliance and local business growth from the new community itself, but initial market studies supported by Officers at both South Hams and Plymouth, suggest that the market would be slow and there would be very little take up for such units. The flexibility being sought through the application, and notably providing a higher*

*concentration by Deep Lane, offers a more dynamic response to the market particularly if a suitable business wishing to locate at Sherford turns up. Inevitably, this will be at slight odds with the original vision and would mean that Sherford as an employment offer becomes a more sub-regional asset as opposed to being very much specific to Sherford itself. Inevitably however, the JLP supports delivery of 67,000sqm of employment provision at Sherford as this contributes towards the required 312,700sqm of floor space to be delivered through the Plan period as identified at SPT4. The proposals are therefore deemed acceptable, as this will assist with the delivery of a wide range of employment opportunities.*

## Freeport

Since the grant of outline consent, South Hams District Council, Devon County Council and Plymouth City Council joined forces in a bid to unlock £35 million pounds of funding for the area by putting in a Freeport bid. It is anticipated that Freeport designation for Plymouth and South Devon will result in the unlocking of millions of pounds worth of funding for the region. It will encourage a resurgence of economic activity with businesses more inclined to open in the area, creating thousands more jobs and bringing vast investment into the local community. The Freeport designation and progression has been a key aim for the councils involved in order to aid faster local economic recovery following the difficulties of the past two years and the unprecedented challenges brought about by Covid-19.

Following legislation being laid, known as Statutory Instruments (SI), for 21 days prior to activation, Government approval of the Outline Business Case means that two of the three Freeport tax sites, South Yard and Sherford, are now designated and the Plymouth and South Devon Freeport officially active from 4 July. These sites were originally identified at the bid stage as undeveloped and under-utilised land suitable for generating new, additional productive activity. The third site, Langage within the South Hams, will likely follow with designation in the autumn.

The Freeport zone at Sherford covers an area of 7.9 Hectares within the commercial area.

## Need for Variation Application

Following the grant of 0825/18/VAR, a Commercial Board was also established to consider how the commercial area should come forward, mindful of market conditions and expressions from potential occupiers. The Commercial Board is made up of elected members, economic development officers and representatives from the Sherford consortium. Through conversations held in this board around potential occupiers that might benefit from the inclusion of the Freeport status, as well as the need for greater flexibility, a variation to the existing consent was felt to be necessary to enable the type of development being considered to come forward.

## Compliance with policy

The current JLP policies support the provision of employment floor space at Sherford, with the outline consent directing only B2 and B8 to be situated within the commercial area. This application does not change that. The application does however remove the specific caps to those individual B class uses, which as such would permit a larger quantum of one of those categories to come forward than previously allowed. Consequently fewer B1 (E (g)) or B2 uses may come forward as a result of this permission. This proposal to allow greater flexibility

between B1/B2/B8 (now E (g)/B2/B8) does not conflict with the wording of JLP policy PLY48, nor would it undermine the objectives of JLP policy STP4.

The previous permission also sought to cap B8 premises to buildings no larger than 6000 sqm. However in order to facilitate premises envisaged though the Freeport, it will be necessary to remove this cap as indicated in the proposed conditions. As it is recognised that only a limited area of the commercial area will benefit from the Freeport designation, and in recognition of the wider aims of SPT4 to ensure that a broad range of employment floor space is delivered to maximise diversity of opportunity and to build resilience within local employment markets, it would be desirable to retain the requirement for smaller units, which would allow for local businesses to start up in Sherford. Therefore in order to maintain smaller units, an allocation of 3000sqm of B1 c (now E (g) (iii)) in units of less than 500sqm has been agreed with the applicants.

Condition 48 has also been amended to remove permitted development rights afforded by Class 3 of the GPDO, which allows for various changes of use under a prior approval procedure.

### Retail

The application does not seek to alter either retail floor space provision or the approach towards the delivery of the retail provision. 16,700sqm to be provided across the three neighbourhood centres is still proposed. The amended condition reflects the amended Use Class Order, however, the provisions remain the same.

### Highways Considerations:

As outlined above the quantum of non-residential floor space remains unchanged, however with greater flexibility for development to come forward between the E (g), B2 and B8 use classes. Both National Highways, who are responsible for operating, maintaining and improving the strategic road network and Devon County Council (DCC) as the Highway Authority raised the issues that the use of larger floor area buildings may vary the pattern of travel to and from the site and may also have a possible effect on the trip generation and traffic patterns from the site in general.

The applicants submitted a revised Technical Note to assess the variations to trip generation, distribution and assignment resulting from the proposal. This technical note was considered by both National Highways and Devon County Council Highway Authority.

National Highways concluded that *'On the basis of the presented assessment and our own analysis we consider the proposal unlikely to result in an unacceptable impact on the safe operation of the A38 and its junctions, as defined by NPPF. We therefore offer no objection to application 4175/21/VAR'*

DCC Highways concluded that *'The applicant has provided the additional information required in the original response to the application and has looked in more detail at the proposed trip generation characteristics of the varied composition of development that is now applied for. The highway authority accepts the details and conclusions in the technical note and is therefore in general agreement with the content of the technical note and there are therefore no objections to the application from a highway safety point of view.'*

The submitted Transport Assessment (TA) and subsequent Technical Note has concluded that the potential trip generation resulting from this proposal does not exceed the trip generation modelling already assessed as part of the submitted TA through the outline consents. It is therefore considered that the proposal does not alter the assumptions made regarding the impacts to the surrounding highway network. Despite requests to amend the S106 agreement regarding the mitigation necessary at Bullers Hill, on the basis that the proposal will not result in significant changes to the transport impacts arising from the proposal, there would be no justification for this. Officers are aware of ongoing concerns raised by Plympton St Maurice residents, but are mindful that there are mitigation measures already outlined in the S106 agreement to be implemented by the Highway Authority's, and discussions are ongoing as to the form this might take.

Brixton Parish Council as well as public comments raised the issue of increased traffic on Main Street, the town centre and the wider Sherford community. As outlined above, it has been concluded that this amendment will not result in greater trip generation that has already been consented. Brixton Parish Council has also sought to require restrictions that only permit access and egress to the commercial area via Deep Lane only. It is however not possible to secure an enforceable mechanism through the planning system to restrict this, as it has been concluded that this amendment will not result in any greater trip generation that has already been consented. However, this would not preclude the Highway Authority, if once constructed and operational, to impose appropriate traffic management options should particular highway safety concerns be identified.

PCC Highways made comments regarding the potential for greater B1/B2 uses, which would generate higher volumes of traffic than B8 uses, and sought to impose restrictions capping B1/B2 to that which is outlined in the current consent. It is recommended however that this would be unnecessary, as has already been noted there is a lack of demand in the area for B1 (E (g)) uses.

### S106 Obligations

The proposal will require a supplementary deed to tie the new permission back to the original S106 agreement. As outlined within this report, the changes proposed under this application do not necessitate changes to the S106 obligations.

### Conditions

The current outline permission was subject to some 92 planning conditions. Some of these have already been satisfied where these relate to pre-commencement strategies or early infrastructure.

Where these have already been satisfied, it is necessary to ensure that these are reflected in any conditions attached to the variation permission to ensure the permission is conditional against those works or mitigation. Those consequential changes are as set out within the recommended conditions.

The conditions as recommended set out at the end of the report have been discussed with the applicant who are in agreement.

### Other Matters

The site falls within the Zone of Influence for the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). A Habitats Regulation Assessment (HRA) was produced by the council, supported by the Ecology Officer for 0825/18/VAR, which was agreed by Natural England and concluded that with mitigation the development would not have an adverse effect on the SAC/SPA. The HRA still applies to this proposal, and does not require amendment.

The potential impact on residential occupiers situated near the commercial area was raised by Brixton Parish Council. As the location of the commercial area remains unchanged and there are already conditions in place that ensure residential amenity are safeguarded, and such measures should be included within reserved matters applications, it is therefore considered that neighbouring residential units are not adversely impacted by the development.

### Conclusion

The proposed changes to conditions 48 and 50 of 0825/18/VAR as recommended here are considered to accord with the relevant development plan policies as set out in the report above, the application is therefore recommended for approval.

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

### **Planning Policy**

#### 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 floor space  
SPT5 Provision for retail development  
SPT6 Spatial provision of retail and main town centre uses  
SPT7 Working with neighbouring areas  
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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
PLY48 Sherford new community  
PLY49 Sherford Community Park Strategic Greenspace  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV5 Community food growing and allotments  
DEV7 Meeting local housing need in the Plymouth Policy Area  
DEV10 Delivering high quality housing  
DEV14 Maintaining a flexible mix of employment sites  
DEV16 Providing retail and town centre uses in appropriate locations  
DEV17 Promoting competitive town centres  
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  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV34 Community energy

DEV35 Managing flood risk and Water Quality Impacts  
DEV36 Coastal Change Management Areas  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Neighbourhood Plan**

The Sherford New Community falls outside the Brixton Neighbourhood Plan area.

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

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

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

### **Conditions**

1. This permission authorises amendments to planning permission reference 0825/18/VAR subject to the revised conditions below, and for the avoidance of doubt, trigger points referred to herein shall be read together and in combination across the masterplan site and not separately.

Reason: To ensure that the development is carried out as envisaged, save in relation to this amendment, and in recognition that development under the original consents have commenced.

2. All applications for the approval of all of the Reserved Matters (as required by condition 4 below) for all parts of the masterplan site (referred to as "Reserved Matters sites") shall be submitted to the Local Planning Authority for approval by no later than 14th August 2030.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) in recognition that the site will be phased over many parcels of development and to ensure that the suitability of the development may be reviewed against the provisions of the prevailing development plans.

### **Approved Drawings**

3. The development hereby permitted shall be carried out in accordance with the submitted drawings and documentation which are hereby approved, unless otherwise provided for in any other conditions attached to this permission. A schedule of the submitted drawings and documentation are set out in the "Informatives" section of this Decision Notice.

Reason: To ensure that the proposed development is carried out as envisaged by the application to which this approval relates and that there is a clear framework for the submission of any of the details as required by the following conditions.

### **Reserved Matters**

4. With the exception of development comprising the Main Street, no development pursuant to this outline permission shall commence on any part of the site until the approval of the

details of the appearance, layout and scale of the buildings, the means of access thereto, and the hard and soft landscaping (hereinafter called the “Reserved Matters”) for that part of the site has been obtained in writing from the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: The application is for outline planning permission with approval of the specified details still required in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Detailed plans and particulars of the Reserved Matters required by condition 4 above, shall be submitted together for each Reserved Matters site (unless otherwise agreed in writing by the Local Planning Authority) and shall include finished floor levels and existing and proposed ground levels in relation to a fixed datum, and scaled cross-sections through the Reserved Matters site and adjacent land. Development shall be carried out strictly in accordance with those approved details.

Reason: To ensure that full and adequate information is provided to enable proper assessment of the proposed development.

6. The submission of all Reserved Matters and the implementation of the development hereby permitted shall be carried out in accordance with the mix and disposition of land uses outlined within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, and the implementation strategies contained therein, and in broad conformity with the layout identified on the Land Use Key Fix Parameter Plan and the Parameters Plans as listed out in Informative 2, or in accordance with any Neighbourhood Design Code submitted pursuant to condition 10 (or any subsequent amendment to the Land Use Key Fix Parameter Plan or the Parameters Plans which may be subsequently approved in writing by the Local Planning Authority).

Reason: To ensure that there is a clear framework for both the development and for the submission of applications for Reserved Matters approval.

7. Unless otherwise agreed in writing by the Local Planning Authority, the Main Street, and external boundary of the urban development hereby approved shall be as shown on the approved Land Use Key Fix Parameter Plan.

Reason: To ensure that there is a clear framework for both the development and for the submission of applications for Reserved Matters approval.

## **Phasing**

8. The development hereby permitted shall be carried out in accordance with the Phasing Strategy and Phasing Plan as set out in chapter 10 of the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F, or any subsequent version of the Phasing Plan that has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, residential development shall be carried out in the sequential order as outlined within the Phasing Plan.

Reason: To ensure that there is a clear and phased framework for both the development and for the submission of applications for Reserved Matters approval so that the development is carried out in a sustainable and coherent manner.

9. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include a phasing plan for that Reserved Matters site. The phasing plan shall set out the timescale for implementation and delivery of all land uses located within that Reserved Matters site, landscaping and open space and (where applicable) adoption. No development within that Reserved Matters site shall be commenced until such phasing plan has been approved in writing by the Local Planning Authority.

Reason: To ensure that the development of sites in which Reserved Matters approval is sought is carried out in a sustainable and coherent manner.

### **Neighbourhood Design Codes**

10. All applications for Reserved Matters approval pursuant to condition 4, shall be accompanied by a design statement, which shall explain how the development within that Reserved Matters site conforms to the requirements of the design and access statement and an approved neighbourhood design code. For the avoidance of doubt, all applications for Reserved Matters approval for development within the Employment Park shall be submitted in accordance with the approved Neighbourhood Design Codes pursuant to planning references 4157/20/ARC, unless an alternative Neighbourhood Design Code for that area are subsequently agreed in writing by the Local Planning Authority. For all remaining parts of the site, a Neighbourhood Design Code and indicative masterplan shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first Reserved Matters application within that neighbourhood as defined by the Character Areas Plan contained within the Design and Access Statement June 2018 and September 2018 addendum Rev F, prior to the submission of the first Reserved Matters application for development within that neighbourhood. The Neighbourhood Design Code and indicative masterplan shall be prepared in accordance with the requirements of Principle 02 and the tables contained therein of Chapter 2 of the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented.

### **Energy**

11. The development shall be carried out in accordance with the approved Energy Strategy Review 2018 10334/RE/001 rev4 (as submitted pursuant to the requirements of 49\_7/2426/06/O), unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority. The Neighbourhood Design Codes and subsequent applications for Reserved Matters approval shall clearly demonstrate how the proposals will contribute to meeting the targets agreed therein. Detailed plans and particulars for the reserved matters shall include a statement to demonstrate how that application will deliver the required carbon reductions as set out in the approved Energy Strategy Review.

Reason: To ensure that the cumulative provision of measures to achieve the on-site carbon reduction targets can be appropriately phased and implemented throughout the construction phase, in the interests of providing a higher sustainable community that reduces the causes that result in climate change.

## **Building Standards**

12. All non-residential buildings to be built at the development hereby permitted, shall be constructed so as to achieve an 'Excellent' BREEAM rating unless a different rating is specified by the end user. Following completion of any such building, a formal assessment shall be undertaken by a licensed BREEAM assessor and a copy of that assessors report, along with the Certificate, shall be issued to the Local Planning Authority prior to the occupation of any such building.

Reason: To ensure that the development exhibits best practice in sustainable construction techniques so that its contribution to causes that result in climate change are significantly reduced.

## **Drainage**

13. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include a detailed scheme for the provision of a surface water drainage management system on and off that Reserved Matters site. The detailed scheme shall be consistent with the proposals and principles of the Flood Risk Assessment 10376/FRA/03 as contained within the Environmental Statement February 2018 and Environmental Statement Addendum June 2018 and the Surface Water Drainage Strategy as shown on the Drainage and Hydrology plan outlined in the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F and in accordance with the principles of the approved Neighbourhood Design Code for that part of the site. The surface water drainage management system shall be informed and evidenced by a programme of percolation tests carried out in accordance with BRE Digest 365 Soakaway Design (2016) across a representative number of test sites across the development area with focus on the locations and depths of the proposed infiltration devices. The scheme shall also be informed by the results of a groundwater monitoring programme, undertaken over a period of 12 months over that part of the site (unless a different period is agreed in writing by the Local Planning Authority). The details provided should also take into account overland flows, and details of exceedance routes for events where the design standard has been exceeded such that these flows will not increase the risk of flooding of properties on and off the site and or to Third Party Land including the highways outside the site, and that exceedance flows should be intercepted and contained on the site and are directed away from areas of public access unless forming part of the surface water drainage management system. The detailed scheme shall also include a timetable of works and details of how the system will be managed and maintained. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved specification and timetable. No development within the Reserved Matters site shall be occupied until the detailed scheme for that Reserved Matters site is fully implemented.

Reason: To ensure that there are satisfactory measures for disposing of surface water so to avoid the risk of flood and pollution to the water environment.

14. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include detailed proposals of the main and foul water drainage for the area to which that Reserved Matters application relates. The details shall accord with the Flood Risk Assessment 10376/FRA/03 as contained within the Environmental Statement February 2018 and Environmental Statement Addendum June 2018 and shall be fully implemented prior to the occupation of any building within the Reserved Matters site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate proposals for the treatment of the main and foul water drainage so to avoid pollution to the water environment.

15. No oils, fuels or chemicals shall be stored on any part of the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the Local Planning Authority, and until such a storage facility has been implemented in accordance with the approved details.

Reason: To ensure that the environment and amenities of the area are safeguarded against pollution.

16. No sewage or trade effluent (including cooling water containing additives, vehicle washing effluent and steam cleaning effluent) shall be discharged to the surface water drainage management system.

Reason: To prevent pollution to the water environment.

17. Vehicle loading or unloading bays and storage areas involving chemicals or other pollutants shall not be connected to the surface water management system.

Reason: To prevent pollution to the water environment.

### **Landscape and Ecological Management Strategy (LEMS)**

18. The development hereby permitted under this permission shall take place in accordance with the Landscape and Ecological Management Strategy (hereafter referred to as the LEMS), approved pursuant to planning reference 2123/19/ARC.

The LEMS shall be updated every five years or prior to the first Reserved Matters application for a subsequent Neighbourhood (whichever comes sooner) as outlined on the Character Areas Plan, which shall be submitted and approved by the Local Planning Authority.

*Any updated or amended version of the LEMS shall pull together all of the mitigation and Green Infrastructure requirements outlined within the Environmental Statement February 2018 and Environmental Statement Addendum June 2018, and the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F and shall include;*

- a) *The strategic ecological and landscape vision and management objectives for the site;*
- b) *Baseline summaries for ecology, landscape and arboriculture;*
- c) *A plan showing and naming component Green Infrastructure areas for example; the Community Park, Sherford Quarry Wood Corridor, Sherford Stream Corridor, A38 Corridor, other woodlands, and neighbourhood areas;*
- d) *A Neighbourhood and Green Infrastructure Phasing plan and delivery schedule (which outlines the action/timetable/trigger/responsibilities) identifying delivery of Green Infrastructure components to be provided as part of each Neighbourhood as defined on the Character Area Plan and Community Park Phasing Plan. For the avoidance of doubt, bat road crossings required for the Main Street and Northern and Southern Avenue should be identified separately within the delivery schedule;*
- e) *Headline Green Infrastructure Plans for each Neighbourhood and Green Infrastructure component identified in subsection d) above setting out the key aims and objectives for ecology, landscape, access, and water management;*
- f) *A Habitat Balance Sheet proposed for each Neighbourhood and Green Infrastructure phase (as outlined in the Neighbourhood and Green Infrastructure Phasing Plan above);*
- g) *A Dark Corridors Plan, based on Figure 7.18 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018, which should set clearly the extent, minimum width and light levels to be established within each identified Dark Corridor proposed. The Plan should also outline how light levels shall be achieved;*
- h) *A framework for monitoring to ensure implementation of construction avoidance, mitigation, compensation and enhancement measures and the long term delivery of the proposed green infrastructure and species-specific ecological measures. A programme and framework for the reporting monitoring outcome to the Local Planning Authority should also be defined;*
- i) *Measures to ensure that all Green Infrastructure proposals include provisions for safeguarding against the degradation of archaeological features.*

*Reason: To ensure that the Green Infrastructure and public open space envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are planned in a satisfactory manner as an integral part of the overall development.*

### **Neighbourhood Green Infrastructure Plans**

19. Prior to the approval of the first Reserved Matters Application, pursuant to condition 4 above, within a Neighbourhood, or as or as outlined within the Neighbourhood and Green Infrastructure Phasing Plan referred to in condition 18 sub d) above, a Neighbourhood Green Infrastructure Plan shall be submitted and approved in writing by the Local Planning Authority. Each Neighbourhood Green Infrastructure Plan shall be based on the approved LEMS and shall include the following details;
- a) Aims and objectives for the components of Green Infrastructure within that area (as identified in condition 18 sub c) above);
  - b) An up to date ecological baseline for that area;

- c) Details and specifications consistent with the aims and objectives outlined within the Design and Access Statement, Neighbourhood Design Codes, Earthworks Management Strategy, and Archaeology WSI, unless otherwise agreed, setting out;
  - i) Design and function of key features;
  - ii) Planting specifications, size (to HTA standards), numbers, density and establishment requirements;
  - iii) Management and use of appropriate soils;
  - iv) Access, bins, shelter and interpretation provision;
  - v) Design, creation and management of play areas and other hard landscaping;
  - vi) Creation of SUDS;
  - vii) Proposals for public interpretation and engagement with the results of archaeological work undertaken;
  - viii) Bat road crossings (culverts and/or hop overs) and associated planting with scaled plans (1:100) and cross sections. For the avoidance of doubt, the bat crossing situated to the east of Vinery Lane as indicated on the Indicative Dark Corridors Strategy Figure 7.18 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 shall be built in accordance with the details and particulars submitted to and approved pursuant to application reference 7\_49/0351/15/DIS; and
  - ix) Management of invasive species
- d) A timetable for the implementation of works to ensure the components meet the requirements of the LEMS;
- e) A Light Strategy, informed by lux contour plans, to ensure that strategic dark corridors and bat road crossings are created which include a minimum corridor width of 10m or less than 0.5lux, in accordance with the requirements of the LEMS;
- f) Other species mitigation measures;
- g) A landownership plan to define areas under private ownership, Management Company or third party control;
- h) Management prescriptions of the Green Infrastructure area for soft landscape, hard landscape (including play areas and street furniture) and species mitigation and enhancement, supported by a 12 month and 10 year schedule and responsibility matrix.

The details above shall be provided on detailed drawings and cross sections at a scale of 1:200 scale, and 1:20 for tree pit details, or as unless otherwise required by the conditions above.

The Neighbourhood Green Infrastructure Plans should also include a Biodiversity Monitoring Strategy to ensure that ecological avoidance, mitigation, compensation and enhancement measures are delivered. Such a strategy shall include;

- i) Aims and objectives of monitoring;
- ii) Methods for monitoring (including analysis, timing and duration);
- iii) Responsible persons; and
- iv) A review and reporting regime (including to the Local Planning Authority) together with a remediation procedure.

The Green Infrastructure shall be laid out strictly in accordance with the approved details within the timeframes outlined within d) above, and shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.



Reason: To ensure that the Green Infrastructure and public open space envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are planned in a satisfactory manner as an integral part of the overall development.

## **Water Courses**

20. Details of the Neighbourhood Green Infrastructure plans which include works to or adjacent to a watercourse, shall include a strategy for the restoration and enhancement of that watercourse where appropriate. The strategy shall include;
- A review outlining which redundant structures within each watercourse shall be removed or improved to enhance the quality of the watercourses for fish and aquatic wildlife and all opportunities for re-naturalising the watercourses with natural features;
  - Plans detailing the extent and layout of a buffer zone adjacent to the watercourses including details of landscaping and any landscaping proposed, footpaths, fencing and lighting. The buffer zone shall extend a minimum of 5m from each bank of each watercourse;
  - The detailed design of all new watercourse crossings, which shall take account of flood risk and biodiversity;
  - Provisions for safe otter passage through the site, including the design of any otter fencing; and
  - The management for the continued protection of all buffer zones and provisions for the ongoing maintenance shall be included within the provisions outlined in condition 19, above.

All works shall proceed in strict accordance with the approved details retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the quality of the watercourse environment for the benefit of wildlife and people.

## **Community Park**

21. The Community Park shall be laid out in full and made available to the public in accordance with the Community Park Phasing Plan dwg no. 9716, the LEMS and respective Neighbourhood Green Infrastructure Plan for that area of the park. For the avoidance of doubt CP1 shall be laid out and made available in full for use prior to the occupation of the 2000<sup>th</sup> dwelling; CP2 shall be laid out and made available in full for use prior to the occupation of the 4000<sup>th</sup> dwelling; and CP3 shall be laid out and made available in full for use within 12 months of the commencement of the 5500<sup>th</sup> dwelling. The details and particulars provided for each phase of the Park as outlined within the Neighbourhood Green Infrastructure Plan shall include a detailed phasing plan outlining how that particular phase will be delivered such that the Phase of the Community Park will be delivered in increments or sub-phases.

Reason: To ensure that the Community Park envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are planned in a satisfactory manner as an integral part of the overall development.

22. Proposals for any Burial site to be included within the Community Park shall ensure that it will not be sited within 50m from a potable water source; 30m from a water course or spring; 10m from field drains; and not in standing water and the base of the grave must be above the local water table.

Reason: To protect the quality of controlled waters in the local area.

23. Prior to the commencement of the 4000<sup>th</sup> dwelling, a Community Park Management Plan will be submitted to the Local Planning Authority for approval. This document shall be based on the LEMS and merge all management and maintenance actions for the Community Park set out within the individual Neighbourhood Green Infrastructure Plans, and include the following;
- a) A Community Park Plan detailing all land uses and built form;
  - b) Management aims and objectives;
  - c) A Management Area Plan to identify all management zones;
  - d) Management actions for each management zone, including timetable and responsibilities;
  - e) Planning and legal requirements; and
  - f) Monitoring protocols and review and variation procedures.

Once approved, the Community Park shall be managed in accordance with the Community Park Management Plan.

Reason: To ensure that the Community Park envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are capable of being secured in the long term and their purpose and function preserved.

## **Earthworks**

24. The development hereby permitted shall be carried out in accordance with the Earthworks Management Strategy June 2018 as included at Appendix 5.3 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018, or any update to the Earthworks Management Strategy as approved by the Local Planning Authority.

Notwithstanding the details set out within the Earthworks Management Strategy, no works shall commence within each Neighbourhood as outlined on the Community Park Phasing Plan until details and particulars of the fill and soil deposition associated with that phase to be situated within the Community Park or other fill locations outlined in the Earthworks Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include;

- a) Detailed scaled drawings, cross sections and contour plans for the area of fill;
- b) Phasing and timing plans for the different fill areas within that phase which are to be prepared every 6 months outlining the type and nature of the works to be carried out within that period;
- c) Phasing and timing plans that outline how the landscape and visual amenity impact for that area of work is reduced and contained to a minimal area to ensure early release as public open space – this shall include details of advanced planting to address visual impacts, and measures to temporarily reduce the visual impact of temporary soil heaps;

- d) Details of the compaction methodology to be employed to ensure that 95% compaction (where necessary) is achieved for the placed material;
- e) Methodologies for testing and reporting on the works to demonstrate land reinstatement and end-state specification;
- f) Details and locations of all haul routes;
- g) Measures and methodologies to suppress and mitigate any identified impacts of dust and Air Quality to the surrounding area and residential properties in accordance with IAQM guidelines;
- h) Details of the measures to be employed during the fill works to create a mosaic of habitats as required by condition 19, as well as to protect, retain or mitigate habitats and species affected by the fill works (including tree and hedgerow protection), of features to be retained including any planted under this permission; and
- i) Details for the drainage arrangements associated with the fill in respect of both the end state solution but also throughout the deposition period to ensure that water courses are safeguarded from pollutants.

The development shall take place in accordance with the approved details.

Reason: To ensure that the management of soil is undertaken in a sustainable and appropriate manner, and in the interests of good planning and environmental and landscape considerations.

### **Reserved Matters Green Infrastructure Plans**

25. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include a Reserved Matters Green Infrastructure Plan, which will demonstrate compliance with the LEMS for that Reserved Matters site. Each Reserved Matters Green Infrastructure Plan shall include;
- a) Details of both hard and soft landscaping works for the Reserved Matters site. These details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, street furniture and retained historical features where relevant. All details of soft landscape works to be included within that application shall include planting plans at a scale of 1:500 indicating the proposed location, number, species, variety, stock size of planting, and density of new planting. Details shall include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detailed sections at a minimum scale of 1:20 to explain tree planting pit proposals.
  - b) Details of how and where proposals for habitats and species shall be implemented in detail on that Reserved Matters site;
  - c) Details of all wildlife protection measures to be used during construction of the Reserved Matters site;
  - d) Details for the management of all soft and hard landscape areas provided on the Reserved Matters site, including a 12 month and 10 year schedule; and
  - e) A timetable setting out the implementation of all works and confirmation of suitably qualified personnel responsible for overseeing their implementation of the Reserved Matters site, including variation procedures;

No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. Development of that Reserved Matters site shall proceed strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain satisfactory information to enable proper assessment of biodiversity mitigation, compensation and enhancement within the site.

### **Tree and Hedgerow Removal**

26. Any trees or planting comprised within any approved schemes specified in conditions 18, 19, 20, 21 and 25, or condition 4, which are not the subject of a separate prior agreement with the Local Planning Authority and which, within a period of 10 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the Local Planning Authority. All existing hedgerows and trees to be retained shall be protected during construction operations in accordance with BS5837: 2012 and shall be maintained to that standard until development has been completed unless otherwise agreed through the conditions above.

Reason: To ensure that any tree or trees of amenity value as well as the schemes overall landscaping proposals can be safeguarded to ensure that the effectiveness of the landscaping can be preserved.

### **Public Open Space/ Areas for Play**

27. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include detailed plans and particulars for any Local Area for Play, Locally Equipped Area for Play or Neighbourhood Equipped Areas for Play, including Multi-use Games Areas where necessary, Bowling Greens and Public Parks, Civic Parks and Urban Parks, to be located within that Reserved Matters site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The features shall be provided at locations broadly consistent with those identified on the Illustrative Landscape Masterplan, Green Infrastructure Plan, Play Strategy Plan and Legibility Framework Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, and delivered in accordance with the implementation and phasing requirements to be previously agreed in writing by the Local Planning Authority.

As a minimum, the detailed plans and particulars shall include cross-sections and details of hard and soft landscape materials, boundary treatments and access points, surface and path treatments, furniture (including seating, bollards, bins, and cycle stands), structures and shelters, signage, play and sport equipment, public art, trees, water features, and lighting.

The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the proposed public open space and

play areas as the application was made in outline form and approval of the details specified are still required.

## **Transport**

28. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include details of the design, layout, levels, gradients, materials, method of construction, street lighting and drainage of all roads, parking areas, cycleways, and footways forming any part of that site. No part of the development within a Reserved Matters site shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the proposed street scene as the application was made in outline form and approval of the details specified are still required so to achieve a street pattern that secures a safe and attractive environment.

## **Northern and Southern Avenues**

29. No more than 2750 dwellings shall be occupied until either Northern Avenue or Southern Avenue has been completed and has been made available for use by the public.

Reason: To ensure that the Main Street route is not over trafficked before an alternative route is available.

30. No more than 4000 dwellings shall be occupied until both Northern Avenue and Southern Avenue have been completed and have been made available for use by the public.

Reason: To ensure that the Main Street route is not over trafficked before alternatives are available.

31. Northern Avenue and Southern Avenue shall be completed strictly in accordance with detailed plans that shall have been submitted to and approved in writing by the Local Planning Authority, unless approved on applications submitted pursuant to condition 4 above.

Reason: To ensure that the alternative routes to Main Street are carried out in an acceptable manner as the application has been made in outline form and approval of the details specified are still required.

## **Northwest Expansion**

32. The development hereby approved shall include provision for a dedicated link road to the western boundary of the site leading from the Main Street. Prior to the commencement of the development within the Sherford Town Neighbourhood as shown on the Character Areas Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F, the link road shall be delineated on a plan to be submitted to and approved in writing by the Local Planning Authority. No development shall occur within the area delineated for the link road unless alternative provision is made and agreed in writing by the Local Planning Authority.

Reason: To ensure that the principles of legibility as envisaged by the outline application is maintained as the application has been made in outline form with details of the layout to Reserved Matters sites still to be provided, and to future proof this development for potential development planned to the west.

### **Road Closures**

33. All road closures associated with the development shall be carried out in accordance with the Method Statement submitted to and approved pursuant to application reference 7\_49/1408/15/DIS.

Reason: To ensure that the development is undertaken in a manner that has minimal impact upon residents and users of existing highways.

### **Cycleways and Footways**

34. No development shall commence beyond 80% of the residential units permitted within the Sherford Western Neighbourhood until the cycle route linking the development to the Cycle Route 2 through the Community Park as identified on the Recreational Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F has been completed.

Reason: To ensure that the application as envisaged is carried out in a satisfactory manner so to ensure that residents have access to suitable recreational facilities within the development at an early stage.

35. The cycle route referred to in condition 34 above, shall be delivered in accordance with the details and particulars contained within planning reference 0739/22/ARC.

Reason: To ensure that the development is carried out in an acceptable manner and to ensure that residents have access to suitable recreational facilities within the development at an early stage.

36. This permission includes the provision of cycleways that are located broadly in accordance with the Recreational Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F. Each cycle route shall be provided in accordance with detailed plans and particulars previously submitted to and approved in writing by the Local Planning Authority. Development shall not commence beyond 80% of the residential units permitted within the Sherford Eastern Garden Neighbourhood as identified on the Character Areas Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F, until all cycleways identified on the Recreational Plan are completed and available for public use.

Reason: To ensure that the development is delivered in accordance with that envisaged by the outline application and in order to promote cycling and walking as an alternative to the use of private cars.

37. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include details for any public accesses

and cycleways that connect the Reserved Matter site to the wider network of footpaths and cycleways contiguous to the Reserved Matter site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval are satisfactory to enable full and proper assessment of the proposed footpath and cycleway arrangements within which Reserved Matters site, as this application was made in outline form and approval of this detail is still required to ensure that the development is delivered in a coherent and integrated manner.

38. The stopping up of and diversion of any footpath or bridleway associated with the development shall be out in accordance with the Method Statement submitted to and approved pursuant to application reference 7\_49/1408/15/DIS.

Reason: To ensure that the development is undertaken in a manner that has minimal impact upon the recreational amenity associated with existing footpaths and bridleways within and around the site.

### **Car Parking**

39. Each Neighbourhood Design Code as required by condition 10 shall include a Car Parking Strategy which shall outline proposals for car parking within that area. The Car Parking Strategy shall detail the maximum provision of spaces for each use within that area and demonstrate how the level of car parking will be dependent upon its proximity to the High Quality Public Transport (HQPT) route and the Neighbourhood centres as delineated on the Land Use Key Fix Parameter Plan within the approved Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall demonstrate how the Reserved Matters site achieve the standards set out within the Car Parking Strategy and shall also detail provision of public car parking areas and shall show management regimes including waiting restrictions. The Development shall be carried out in accordance with the approved strategy.

Reason: To ensure that adequate levels of private parking spaces are designed into the development in the interests of visual amenity and character, whilst encouraging a shift towards sustainable modes of transport as an alternative to the private car and hence reduce vehicular trips on the highway network as envisaged by the Transport Assessment and Transport Assessment Addendum documents October 2007 and May 2009.

40. Each parking space approved through details submitted pursuant to these conditions shall be constructed, as approved, and drained, surfaced and made available for use before any unit of accommodation that it serves is first occupied, and thereafter that space shall not be used for any purpose other than the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any off-street parking that is to be provided as part of the development remains available in the interests of highway amenity and safety.

### **Cycle parking (non-residential)**

41. No building, (with the exception of residential buildings) within any Reserved Matters site shall be occupied until secure spaces for cycle parking have been provided in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The secure areas for the storage of cycles so approved shall remain available for that purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason: To ensure that there are secure storage facilities for occupiers or visitors of non-residential buildings in order to promote cycling as an alternative to the use of private cars and because the application was made in outline form and approval of this detail is still required.

### **Bus Stops**

42. Detailed plans and particulars submitted in respect of all applications for Reserved Matters approval shall include details for the locations and accesses to bus stops within that Reserved Matters site. No development approved pursuant to such application shall be occupied until all bus stops (with the exception of those located along the High Quality Public Transport route) within that Reserved Matters site have been provided to a specification which shall have been previously approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development.

### **Bus Stops (High Quality Public Transport)**

43. All bus stops that form part of the High Quality Public Transport route along the Main Street shall be provided to a specification that shall be previously agreed in writing by the Local Planning Authority, and shall be available for use at the commencement of occupation of the neighbourhood they serve.

Reason: In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development.

### **Housing**

44. The number of dwellings permitted within the site as defined by this planning permission, when taken together with 0825/18/VAR, 1593/17/VAR and 7\_49/2426/06/O, and the number of dwellings permitted within the site as defined by Plymouth City Council planning permission Ref: and 06/02036/OUT, and 16/00247/OUT shall not exceed 5500.

Reason: To ensure that the development is carried out in the manner as envisaged by the outline application.

45. No dwelling authorised by this permission shall be occupied until any garage(s) and/ or parking space(s) approved for that dwelling pursuant to condition 4, have been provided.



All garages and parking spaces, if any, shall thereafter be retained for the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate on-site garages and parking areas and access thereto are provided in the interests of public safety and the amenities of the individual property owners.

- 46. No dwelling permitted by this development shall be occupied until provision for a secure area for the storage of at least one bicycle and appropriate refuse storage units have been provided in accordance with previously approved details.

Reason: To ensure that there are adequate storage facilities for occupiers or visitors of all dwellings in order to promote cycling as an alternative to the use of private cars and because the application was made in outline form and approval of this detail is still required.

- 47. The development hereby approved shall be carried in accordance with the Clustering and Distribution Strategy submitted to and approved pursuant to application reference 7\_49/0069/15/DIS. Applications for approval of Reserved Matters shall demonstrate compliance with the approved Clustering and Distribution Strategy specifying the mix and tenure of housing, location of affordable units and how progress is made towards achieving a community wide mix as set out in the Clustering and Distribution Strategy.

Reason: To ensure the Affordable Housing element is appropriately distributed and integrated with the Market Housing.

**Commercial/Employment**

- 48. No development for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall exceed the total maximum area of gross floorspace stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this applies to the entire masterplan site including (when read together with 0825/18/VAR, 1593/17/VAR and 7\_49/2426/06/OUT) and development permitted by Plymouth City Council under planning permission reference 06/02036/OUT and 16/00247/OUT;

<b>Land use</b>	<b>Gross floorspace (sqm)</b>
E (a)	12834
E (b) (c) and Sui	3906
Generis (p, q, r)	
E (g),B2, B8	67,000
C1,C2	21390
E (d), (e), (f), F1 F2	49290
Sui Generis	930
(excluding p, q, r)	

The delineation of land uses hereby permitted shall be as identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and

Design and Access Statement Addendum September 2018 rev F, but for the avoidance of doubt;

- The total E (a), E (b) and Sui Generis (p, q, r) permitted floorspace must be situated across the three neighbourhoods and not within one single Neighbourhood;
- No more than 46,000sqm of the permitted E (g) (i), (ii) and (iii) floorspace may be located within the Employment Park (as delineated on the Character Areas Plan);
- E (g) (iii), B2 and B8 development shall only be permitted within the Employment Park (as delineated on the Character Areas Plan);
- E (g)(i) and (ii) may only be accommodated within the Town Centre Mixed Use Centre.

Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended), all development permitted by this consent, which relates to E (A) (B) (G) (i, ii and iii), B2 and B8 uses, shall be used only for the uses applied and for no other uses (including any purpose in Classes MA, G, H and U as applicable to the Town and Country Planning (Use Classes Order) 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and reenacting that order with or without modifications.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application and to ensure a mix and range of employment opportunities are provided and retained.

49. Prior to the commencement of development within any Neighbourhood within an approved Neighbourhood Design Code area, other than the Employment Area, which shall be submitted in accordance with the Marketing and Delivery Strategy approved under 0117/19/ARC, unless an alternative marketing and delivery approach is agreed through the commercial board, pursuant to the requirements of condition 10, or the Town Centre (as identified on the Character Areas Plan), a Marketing and Delivery Strategy shall have been submitted to and approved in writing by the Local Planning Authority to be applied to the E and B classes, as applicable, to be situated within that area. The strategy shall include;
- a) An up to date report on the market conditions at that point in time;
  - b) The vision, character and unique attributes which will be promoted for that area;
  - c) Details of the commercial space to be provided within that area or neighbourhood, parameters and minimum and maximum sizes of each of the units;
  - d) Identify how the commercial space will be marketed to include its unique selling point, marketing periods, reporting requirement of the marketing review, and the process of adjustment to respond to the market results;
  - e) Anticipated timeframes for delivery of the commercial spaces to ensure that the commercial spaces are delivered within a suitable timeframe in line with residential development; and
  - f) The role of the Local Authorities, or other bodies, that can be provided to support delivery.

The submission of Reserved Matters applications shall be in accordance with the provision of the approved strategy.

Reason: To ensure that there is an appropriate framework in place to deliver the commercial spaces to shape and inform the submission of Reserved Matters applications prior to the submission of Reserved Matters.

50. The development hereby approved shall take place subject to the following provisions;
- a) No one individual retailer (Class E (a)) shall exceed a floorspace of 2500sqm;
  - b) A minimum of 3000sqm of the permitted E (g)(iii), B2 and B8 shall be in units of less than 500sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application to ensure a mix and range of employment opportunities are provided, in the interests of providing a balanced and mixed community within the development without undermining surrounding centres.

### **Mixed Used Development**

51. Any application for the approval of Reserved Matters consisting of non-residential development, or residential development sited within the Neighbourhood centres as delineated on the Land Use Key Fix Parameter Plan within the approved Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, shall include details of any mitigation measures required to safeguard residential amenity against the impacts of conflicting land uses proposed in or adjacent to the area subject to such application. Such details may include methods of noise attenuation, ventilation and restrictions on delivery hours.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

52. No building or part of a building within the site which is to be used for uses within Classes E (a, b, c and Sui Generis (p, q and r) of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall be occupied for trading until fume extraction and mechanical ventilation equipment have been installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be retained and operated in its approved form for so long as the approved use of that building continues, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

53. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 for any commercial or employment premises shall include the following details; advertisements; proposed opening hours of E (b) and Sui Generis (p, q and r) units and proposed hours of operation for Class B uses; and all external lighting. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

### **Construction Traffic Management Plan (CTMP)**

54. The development hereby approved shall be carried out strictly in accordance with the "Traffic CEMP" as submitted to and approved pursuant to application reference 7\_49/1408/15/DIS, or any subsequent version thereof which has been submitted to and approved in writing by the Local Planning Authority.

Any subsequent version, which shall hereafter to be referred to as a Construction Traffic Management Plan (CTMP), prepared for each Reserved Matters site shall include construction vehicle movements, construction operation hours, construction vehicle routes to and from the site with distance details, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts and a travel plan for contractors, a detailed traffic management plan to control the volume of through traffic on minor routes during the construction phases.

The development shall be carried out in such a manner as to ensure that;

- a) no access for construction traffic shall be achieved off Sherford Road;
- b) no extra traffic (in numerical terms) is introduced on to Sherford Road or Vinery Lane;
- c) means of calming traffic in Sherford Road and Vinery Lane south of the King George V playing fields shall be introduced such that any extra traffic is avoided;
- d) access for construction vehicles shall be initially off Vinery Lane and from the north only;
- e) the link road to the north of King George V playing fields shall be constructed to a standard acceptable to the Local Planning Authority within the first 12 months following the commencement of the first dwelling of the development;
- f) the link road to the north of King George V playing fields shall be available for public traffic no later than the occupation of 170 dwellings within the site or 21 months after commencement of development whichever is sooner unless local highway conditions require that it be brought into use sooner to the reasonable requirement of the local planning authorities and highway authorities;
- g) notwithstanding the above requirements, before the occupation of more than 170 dwellings access to the dwellings shall be achievable along the proposed link road to the north of King George V playing fields;
- h) before occupation of the 170th dwelling within the site the existing Sherford Road shall be linked from a point adjacent to the Quarry to the link road north of King George V playing fields so that Sherford Road traffic is diverted on to it;
- i) traffic management measures are taken on all routes leading to the development, including Vinery Lane, Ridge Road, to accommodate the extra construction traffic;
- j) easy and direct access for public transport to the site incorporating turning facilities, and a convenient loop through the development; and
- k) convenient and safe access for pedestrians and cyclists to and from the completed blocks.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

55. The development hereby approved shall take place in accordance with the overarching Generic CEMP approved under planning reference 2124/19/ARC. Any amendments to the generic CEMP shall be pursuant to the requirements the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 has been submitted to and approved in writing by the Local Planning Authority. Any amendment to the Generic CEMP shall include aims and objectives for the protection of air, water, land, habitats, and species and shall include the following;
- a) Air Quality (including dust) management measures;
  - b) Surface water and groundwater protection measures;
  - c) Noise Attenuation;
  - d) Topsoil management measures;
  - e) Waste management measures;
  - f) Lighting control measures;
  - g) Measures to deal with contaminated land;
  - h) Tree and hedgerow protection measures.
  - i) A detailed arboricultural survey (including information about trees and hedges that are to be lost/retained/translocated/replaced which should be prepared in accordance with BS5837);
  - j) Other habitat protection measures as required by Chapter 7A of the Environmental Statement including control of invasive species;
  - k) Species mitigation measures including requirements for Natural England Licences, where required;
  - l) General hours of operation, including time limits on particular activities;
  - m) Requirements to show location of construction compounds, storage areas, and access; and

The Generic CEMP shall set out all responsibilities, monitoring and supervision measures during construction, including the role of an Environmental Clerk of Works (supported by ecological, arboricultural and landscape specialists, as required). The Generic CEMP shall also identify a reporting structure, including a reporting protocol and technical liaison with the Local Planning Authority, and the communication and complaints procedure for residents both on and off the site.

The Generic CEMP shall establish a structure for delivery of further more detailed CEMPs as follows;

- Neighbourhood Green Infrastructure CEMPs, based on the areas identified in the Neighbourhood and Green Infrastructure Phasing Plans;
- Reserved Matters CEMPs

All development and the submission of subsequent detailed CEMPs shall accord with the principles therein.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

56. Prior to the approval of the first Reserved Matters application within a Neighbourhood Green Infrastructure Phase, a Neighbourhood Green Infrastructure CEMP for that Green

Infrastructure area, permitted under this consent, shall be produced in accordance with the overarching Generic CEMP and submitted and approved by the Local Planning Authority. The CEMP shall be based on up-to-date ecological and arboricultural information as required by the Generic CEMP. Once approved, all construction work should be undertaken in accordance with this document.

Reason: To protect the residential and general environmental amenity of the area from any harmful polluting effects during construction work.

57. No development shall commence within a Reserved Matters site, permitted under this consent, until a Reserved Matters CEMP for that site has been submitted to and approved in writing by the Local Planning Authority, which shall have been prepared in accordance with the overarching Generic CEMP. The CEMP shall be based on up to date ecological and arboricultural information as required by the Generic CEMP. Once approved, all construction work should be undertaken in accordance with this document.

Reason: To protect the residential and general environmental amenity of the area from any harmful polluting effects during construction work.

58. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday. Such works shall only take place between the hours 08:00 and 18:00 weekdays, and 08:00 and 13:00 on Saturdays unless otherwise permitted in writing by the local planning authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the development site outside of these permitted hours.

Reason: To protect the residential and general amenity of the area from any harmful effects arising from construction work.

## Noise

59. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include a noise mitigation strategy. The strategy shall set proposed limits upon indoor ambient noise levels and external amenity area noise levels for each building type on the site and will include design criteria that will be employed to meet those levels.

For the avoidance of doubt, the noise mitigation strategy shall include provisions that as a minimum the following shall apply:

Internal and external noise levels for new noise sensitive premises should not exceed the following noise limits (NB: all time intervals are 1 hour, time weighting is fast unless stated otherwise):

Dwellings, including houses in multiple occupation, hostels, and hotels:

Bedrooms (23:00 to 07:00 hours): 30dB LAeq, 45dB LAmax (slow)

Living rooms (07:00 to 23:00 hours): 35dB LAeq

Kitchens, bathrooms, WC compartments and utility rooms (07:00 to 23:00 hours): 50dB LAeq

External amenity areas:

The allocated amenity areas for each dwelling shall be acoustically protected so that ambient noise levels are as low as practicable and no greater than 55 dB(A)  $L_{Aeq}$ , 1 hour 07:00-23:00 hours.

The application for Reserved Matters shall include details that set out the proposed measures to attenuate noise created outside of individual buildings to the levels identified in the noise mitigation strategy.

For all non-residential development, a noise mitigation strategy shall be prepared and submitted with the application for reserved matters setting any mitigation required to ensuring neighbouring residential units continue to achieve the standards set out above.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties are safeguarded.

60. Prior to the occupation of any dwelling that requires the provision of the Noise Attenuation Bund to the south of the A38 (as outlined within the Design and Access Statement) to comply with the maximum noise levels specified in condition 59, details and particulars of the bund shall have been submitted to and approved in writing by the Local Planning Authority. Those dwellings shall not be occupied until such a bund has been installed in accordance with the approved details.

Reason: To ensure an acceptable level of residential amenity is achieved.

61. No building hereby permitted shall be occupied until the necessary noise mitigation measures as proposed at condition 59 and approved by the Local Planning Authority have been fully implemented.

Reason: To ensure that the development is delivered in an acceptable manner so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

### **Noise Impact Assessment – B2 Uses**

62. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 for any building hereby permitted which is to be used for uses that fall within the Class B2 of the Town and Country Planning (Use Classes Order) 1987 (as amended) shall include a Noise Impact Assessment. The assessment shall identify the potential impact generated by that use on residential premises and specify measures to assimilate the building into the mixed use neighbourhood. No development within that Reserved Matters site shall be commenced until such assessment and proposed measures have been approved in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

## **Contamination**

63. No development shall take place on any Reserved Matters site unless a scheme that deals with the risks associated with contamination of that site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority.
- a) A preliminary risk assessment/desk study identifying:
    - i) all previous uses
    - ii) potential contaminants associated with those uses
    - iii) a conceptual model of the site indicating sources, pathways and receptors
    - iv) potentially unacceptable risks arising from contamination at the site
  - b) A site investigation scheme, based on a) to provide information for an assessment of the risk to all receptors that may be affected;
  - c) The site investigation results and the detailed risk assessment b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented strictly as approved.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

## **Contaminated Land: Remediation**

64. Where the risk assessment identified at condition 63 above, identifies risks deemed unacceptable by the Local Planning Authority, a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants and/or gases when the Reserved Matters site is developed shall be prepared and submitted to the Local Planning Authority for approval. Any remediation scheme for contamination approved pursuant to this condition shall be fully implemented before the development within that Reserved Matters site commences. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

## **Contaminated Land: Verification Report**

65. Prior to the occupation of any part of the development in which Reserved Matters approval is sought, a verification report demonstrating completion of the works set out in the approved remediation strategy required at condition 64 (if applicable), which shall include detailed reports outlining the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the remediation criteria for that Reserved Matters site have been met. It shall also include, where relevant, any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.



Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

### **Unsuspected Contamination**

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

Prior to the occupation of any part of a Reserved Matters site in which contamination not previously identified is found present, a verification report demonstrating completion of the works as specified in the approved remediation strategy (as required by this condition), and which outlines the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the remediation criteria for that Reserved Matters site have been met. It shall also include, where relevant, a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action for the reporting of this to the Local Planning Authority.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

### **Air Quality**

67. No dwelling hereby permitted under this consent shall be occupied until a scheme for monitoring air quality has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for monitoring of oxides of nitrogen and particulate matter and shall include measures for monitoring the construction phases of the Earthworks Management Strategy and shall specify the time period the monitoring scheme will be applied. The scheme, as approved, shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupants of the residents.

### **Infrastructure**

68. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include details for serving each building with High Bandwidth communication infrastructure. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in a satisfactory manner.

69. Unless otherwise agreed in writing by the Local Planning Authority, all pipes, meter boxes, fibre wires, and cables required by statutory undertakers and all other appropriate bodies, including telephone cabling, shall be placed underground or in suitably concealed locations that are not visually prominent.

Reason: In the interests of visual amenity.

70. No dwelling hereby permitted shall be occupied until a Sign Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall detail how destinations within and external to the site are to be signed to vehicular, pedestrian and cycle traffic, including Street Naming, and how Sherford as a destination is to be signed from outside the site. The approved Sign Strategy shall be implemented in accordance with the timetable contained therein. The development shall proceed strictly in accordance with the approved Strategy.

Reason: To ensure that unnecessary journeys resulting from misdirection, air pollution and street clutter due to sign proliferation, can be reduced.

### **Gas Pipeline**

71. No part of the development, which falls within the Inner and Middle consultation distances of the existing Gas Pipeline, shall be occupied until the pipeline rerouting has taken place in accordance with HSE report Kenn Wixenford (D1011): Second Bite Pipeline Assessment, and the existing pipeline which crosses the development site has been terminated and confirmation of completion of the necessary work has been obtained by the Local Planning Authority.

Reason: To ensure that no development that falls within the HSE consultation zones are occupied until the gas pipeline has been rerouted and therefore poses no risk to public safety.

### **Archaeology**

72. The development shall be carried out at all times in accordance with the Written Scheme of Investigation approved pursuant to planning reference 2438/21/ARC or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

73. If, during the course of the works of development, archaeological features not previously identified are found to be present, work shall immediately stop until the Local Planning Authority has approved the means of the retention or recording of those features.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

### **Public Toilets**

74. No development shall commence beyond 4000 dwellings within the site until at least two public toilet facilities have first been made available for public use, such public toilet facilities to be located as follows:

- a) at the Park and Ride facility; and
- b) in the town centre

The facilities shall not be constructed until details and particulars pursuant to condition 4 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include its size, capacity, lighting arrangements, and will also provide separate facilities for male and female disabled users as well as for baby changing. Details of maintenance arrangements, including the times of the day it is available for public use shall also be provided. The development shall proceed strictly in accordance with the approved details, and maintained in that manner thereafter.

Reason: To ensure the development is carried out in a satisfactory manner and because the application has been made in outline form and approval of these details is still required.

### **Local Materials**

75. The development hereby approved shall wherever practicable be constructed with materials sourced as follows;

- a) Up to 65% of bulk materials (by mass) and in any event no less than 35% of bulk materials (by mass) shall be derived from local sources (within 50 miles by road) of the development;
- b) The materials used in the construction of road and external hard surfaces within the development hereby approved shall utilise a 30% recycled content from local (within 50 miles by road) reclaimed or recycled sources;
- c) All bulk building materials to be used within the construction of the development hereby approved shall include 15% (as a percentage of the value of materials used) recycled content;
- d) 100% of construction timber used in the construction of the development hereby approved shall be Forest Stewardship Council certified or equivalent and preference shall be given to renewable locally sourced and milled timber from within the Devon or South West area.

Reason: To reduce the distance building materials to the site are required to travel in the interests of sustainability, and also the local economy

### **Minerals Buffer**

76. A Minerals Buffer Zone as shown on details submitted to and agreed pursuant to application reference 7\_49/1117/15/DIS shall be provided, and development shall not be located within the Buffer Zone unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the amenities of future users of the development are safeguarded from impacts associated with Moorcroft Quarry, and to set a framework for future reserved matters applications.

### **Habitats Regulations**

77. Prior to the occupation of any reserved matters site, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site shall be submitted

to and approved in writing by the Local Planning Authority. Such a scheme shall have regard to the extent of green infrastructure and the Community Park provided as part of the development where it can be demonstrated to the satisfaction of the Local Planning Authority and Natural England that this will provide alternative mitigation to the recreational impact of the development. The agreed scheme(s) shall be implemented in full prior to the first occupation of that reserved matters site.

Reason: The development lies in the Zone Of Influence of the Tamar 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 SHDC adopted policy and DEV28 of the proposed JLP

Main Street Conditions (Conditions 78 to 88) below refer specifically to development within the Main Street application)

78. The development of the Main Street, unless stated otherwise by the following conditions, shall be carried out in accordance with the details set out within the Main Street: Deep Lane Junction to Stanborough Cross January 2008 book, and the Main Street: Deep Lane to Stanborough Cross Addendum May 2009 as amended by the Main Street: Book Addendum – June 2018, with the exception of the following drawings;

BARTON WILLMORE 25142\_BRL\_PL003\_Rev B Landscape General Arrangement, S73 Application; 25142\_BRL\_PL004\_Rev B Landscape Proposals Plan Colour, S73 Application; 25142\_BRL\_PL202\_Rev B Planting Plan and Schedule, S73 Application; 25142\_BRL\_PL005\_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142\_BRL\_PL006\_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142\_BRL\_R001\_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report, May 2016 25142\_9906\_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 CDM Responsibilities; 10334-100-201\_C School Access General Arrangement; 10334-100-211\_A School Access Vehicle Tracking Sheet 1; 10334-100-212\_A School Access Vehicle tracking Sheet 2; 10334-120-201\_C School Access Location Plan; 10334-150-201\_A School Access Standard Details Sheet 1; 10334-150-202\_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201\_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201\_A School Access Catchment Areas; 10334-700-201\_B School Access Paving & Kerbing; 10334-800-201\_A School Access Long Sections; 10334-1400-201\_B School Access Lighting Design; 10334-SK-213\_A School Junction Arrangement; 10334-SK-214\_A School Junction Arrangement; C151321-S-L-13 T2; 10334TN06Rv0 – Technical Note: Response to Highway Comments; 10334TN07Rv0 – Technical Note: Primary School Entrance; 10334TN08Rv0 – Technical Note: The Square Operation; Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1; Stage 1 RSA Sherford with design response comments; 10376 FRA-ADD01 Rev 2

Flood Risk Assessment with Appendices; 10376 TS01 Rev3 Transport Statement; 10376 Rev 1 Construction, Environmental and Management Plan (CEMP); 10334 TN03 Rev 1 Lighting Statement

Reason: To ensure that development of the Main Street sections of the application is carried out in accordance with the submitted details.

79. Development in respect of Stage 1 of Main Street, as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 7\_49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, details for its hard surfacing, including footways that are included within this detailed approval, shall have been submitted to the Local Planning Authority for approval in writing. Such details shall include proposals for all guard-railing, stone walling, iron work, street lighting, tree grills, pavers, kerbing, details and dimensions of kerb up stands, gutter sets, channel types, measures to assist visually impaired pedestrians, verge materials and markings. The Main Street shall be completed strictly in accordance with the approved details prior to the occupation of 1300 dwellings.

Reason: To ensure a sense of place is achieved for the Main Street by the careful use of materials and layout.

80. Development in respect of Stage 1 of Main Street, as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 7\_49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, details of all soft landscaping works to be located within that section of the Main Street detailed area, shall have been submitted to the Local Planning Authority for approval in writing. These details shall include planting plans at a scale of 1:500 and will indicate the proposed location, number of species, variety, stock size at planting, density of new planting, and phasing of new planting. Details shall also include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detail sections at a minimum scale of 1:20 to explain tree planting pit proposals. A timetable for the implementation of each of the proposed planting specified by this condition shall also be submitted with the detailed plans and particulars referred to in this condition. The landscaping shall be set out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sense of place is achieved for the Main Street by careful use of soft landscaping and appropriate planting.

81. Development in respect of Stage 1 of Main Street, as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 7\_49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, detailed plans and particulars for the street furniture to be located in that section of the Main Street, including dimensions of pedestrian refuges

and bus platforms together with adjacent carriageway widths, bus stops and shelters (including provision for Real Time Information) seating, litter bins, cycle stands, cycle parking facilities, carriageway markings, bollards and signs shall have been submitted to Local Planning Authority for approval in writing. A timetable for the implementation of the features specified by those details shall also be submitted with the detailed plans and particulars referred to in this condition. The development shall take place strictly in accordance with the approved details.

Reason: To ensure a sense of place is achieved for the Main Street by careful use of street furniture as this detail is not known at this stage.

### **Deep Lane east bound on and off-slip traffic signals**

82. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing traffic signals and junction layout at the Deep Lane east bound on and off slip road junction that are necessary to accommodate construction traffic at the development shall be carried out in accordance with the details and particulars submitted to and agreed pursuant to application reference 7\_49/1440/15/DIS.

Reason: To ensure adequate construction access for the development in its initial phases.

The pre-commencement condition is required to ensure that construction vehicles may safely and conveniently access the site via Deep Lane junction and that this is in place before its use by construction vehicles

### **Deep Lane Junction 'north' – Stage 1 and 2 works**

83. Notwithstanding the details shown on submitted drawing D108 875 – 702B as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, the works shall be carried out in accordance with the details approved pursuant to application reference 1792/16/ARC and shall be completed strictly in accordance with the drawings approved pursuant to this condition prior to the occupation of 1300 dwellings.

Reason: To ensure adequate highway provision for phases of the development to the east of Brixton Road. Deep Lane west bound off-slip traffic signals

84. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing west bound on and off slip road junction, that shall include the provision of traffic signals, as set out in the details and particulars submitted to and approved pursuant to application reference 7\_49/0502/15/DIS shall be completed and made operational.

Reason: To ensure adequate construction access for the development in its initial phases.

The pre-commencement condition is required to ensure that construction vehicles may safely and conveniently access the site via Deep Lane junction and that this is in place before its use by construction vehicles

### **Deep Lane Junction 'south' – Stage 1 and 2 works**

85. Notwithstanding the details shown on submitted drawing D108 875 – 703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, no work to Stage 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall commence until full details of the proposed highway improvements in the area covered by this drawing have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, the submitted drawings shall detail how Stage 1 and 2 works to Deep Lane Junction as identified on Figure: 3.1 GENERAL ARRANGEMENT SHOWING PROPOSED IMPROVEMENTS TO DEEP LANE INTERCHANGE, dated Aug 2007 as contained in the appendix “Technical Note 1 (v2) ref: D115162 MDCR” to the Transport Assessment Addendum October 2007, shall be carried out. The junction improvement shall be carried out prior to the occupation of 1300 dwellings and strictly in accordance with the drawings approved pursuant to this condition.

Reason: To ensure adequate highway provision for phases of the development to the east of Brixton Road.

86. Development of the Stage 3 section of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall not commence until detailed plans and particulars of the design and construction of the proposed culvert and stream crossing in the location shown on 10376-105-104B and 10376-1100-104 as set out in the Main Street: Book Addendum – June 2018, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that details and particulars of this landmark feature are provided to enable a proper assessment of this element of the Main Street which have not been provided as part of the detailed element of this application.

87. A landmark feature shall be designed and erected in accordance with plans submitted to and approved by the Local Planning Authority in the 'Lozenge' shown on drawing 10376-105-104B and 10376-104 as set out in the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018. The landmark feature shall be erected within a timescale previously agreed with the Local Planning Authority. The details of the 'Lozenge' shall be submitted to and approved by the Local Planning Authority to accommodate the landmark feature and including pedestrian friendly features to the satisfaction of the Local Planning Authority.

Reason: To ensure that details and particulars of this landmark feature are provided to enable a proper assessment of this element of the Main Street which have not been provided as part of the detailed element of this application.

88. Notwithstanding details submitted on the Main Street drawings and chapter 7 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018, details of all bat crossing structures both under and over-ground and associated tree planting shall be submitted to and approved by the Local Planning Authority in respect of each Phase of the Main Street Development hereby authorised prior to commencement of any construction on that Phase of the Main Street. For the avoidance of doubt, the bat structure associated with Stage 1 of the Main Street Development that is situated to the east of Vinery Lane has been agreed, and shall be carried out in accordance with the details submitted to and approved pursuant to application reference 7\_49/0351/15/DIS.

Reason: To ensure a satisfactory provision is made for bats in harmony with highway integrity and safety.

**As Directed by the Secretary of State for Transport**

89. No more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT and 16/00247/OUT and South Hams District as defined by Planning Application 7\_49/2426/06/O, 0484/16/VAR, 1593/VAR and 0825/18/VAR) until a Park and Ride facility comprising of at least 500 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority. The Park and Ride facility shall be sited broadly in the location identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018.

Reason: To ensure that the development is phased appropriately in association with neighbouring development to reduce the highway congestion in the interests of public safety, convenience and amenity.

90. No more than 4000 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT and South Hams District as defined by Planning Application 7\_49/2426/06/O, 0484/16/VAR, 1593/17/VAR and 0825/18/VAR) until a park and ride facility comprising of at least 1000 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is phased appropriately in association with neighbouring development to reduce highway congestion in the interests of public safety, convenience and amenity.

91. Notwithstanding the details shown on submitted drawings D108 875-702D and D108 875-703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, no residential or non-residential development shall commence until the Deep Lane Westbound Signals are installed and operational to the satisfaction of the Local Planning Authority and the Highway Agency in the location shown on the Scott Wilson drawing D108 875-763A (received by the Highways Agency on the 10<sup>th</sup> November 2011), or an acceptable alternative.

Reason: To ensure that the development is phased appropriately with neighbouring development in the interests of highway safety.

The pre-commencement condition is required to ensure that construction vehicles may safely and conveniently access the site via Deep Lane junction and that this is in place before its use by construction vehicles.

92. Notwithstanding the details shown on submitted drawings D108 875-700D, D108 875-702B and D108 875-703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009 no more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT and South Hams District as defined by the Planning Application 7\_49/2426/06/O, 0484/16/VAR, 1593/17/VAR, 0825/18/VAR and 4175/21/VAR) until the highway works to



A38 Deep Lane junction as shown on the Scott Wilson drawing D108 875-SK-H200B (received by the Highways Agency on the 10<sup>th</sup> November 2011) or an acceptable alternative, are in place, are operational and have been confirmed as being so by the Local Planning Authority and the Highways England. In addition to the details shown on the drawings referred to in this condition, the highway works to A38 Deep Lane junction mentioned in this condition shall also incorporate appropriate facilities for pedestrians to cross the west bound A38 (T) on-slip at its junction with the B3416 and such shall be installed concurrently with the highway works to the written satisfaction of the Local Planning Authority and Highways England.

Reason: To ensure that the development is phased appropriately in association with neighbouring development in the interests of highway safety.

## INFORMATIVES

1. This Decision Notice refers to the plans and documents; Site Boundary Plan 9000; Site plan showing extent of area covered by application 9010; Illustrative Masterplan 9970; Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F; Land Use Key Fix Parameter Plan; Building Heights Key Fix Parameter Plan; Density Plan, Legibility Framework Plan; Street Hierarchy Plan; Green Infrastructure Plan; Play Strategy Plan; Phasing Plan; Main Street: Deep Lane Junction to Stanborough Cross January 2008 as superseded and supplemented by Main Street: Deep Lane to Stanborough Cross Addendum May 2009; Main Street: Book Addendum - June 2018 and 103676-105-110 Main Street Central Parking; Transport Assessment November 2006 as superseded and supplemented by Transport Assessment Addendum October 2007 and Transport Assessment Addendum 2 May 2009; Environmental Statement February 2018 and Environmental Statement Addendum June 2018 (which includes the Earthworks Management Strategy and updates to the Flood Risk Assessment and Transport Assessment); and the following drawings;

BARTON WILLMORE 25142\_BRL\_PL003\_Rev B Landscape General Arrangement, S73 Application; 25142\_BRL\_PL004\_Rev B Landscape Proposals Plan Colour, S73 Application; 25142\_BRL\_PL202\_Rev B Planting Plan and Schedule, S73 Application; 25142\_BRL\_PL005\_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142\_BRL\_PL006\_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142\_BRL\_R001\_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report, Feb 2016 (updated May 2016); 25142\_9906\_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 F10 CDM Responsibilities; 10334-100-201\_C School Access General Arrangement; 10334-100-211\_A School Access Vehicle Tracking Sheet 1; 10334-100-212\_A School Access Vehicle tracking Sheet 2; 10334-120-201\_C School Access Location Plan; 10334-150-201\_A School Access Standard Details Sheet 1; 10334-150-202\_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201\_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201\_A School Access Catchment Areas; 10334-700-201\_B School Access Paving & Kerbing; 10334-800-201\_A School Access Long Sections; 10334-1400-201\_B School Access Lighting Design; 10334-SK-213\_A School Junction Arrangement; 10334-SK-214\_A School Junction Arrangement; C151321-S-L-13 T2; 10334TN06Rv0 – Technical Note: Response to Highway Comments; 10334TN07Rv0 – Technical Note:

Primary School Entrance; 10334TN08Rv0 – Technical Note: The Square Operation; Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1; Stage 1 RSA Sherford with design response comments; 10376 FRA-ADD01 Rev 2 Flood Risk Assessment with Appendices; 10376 TS01 Rev3 Transport Statement; 10376 Rev 1 Construction, Environmental and Management Plan (CEMP); 10334 TN03 Rev 1 Lighting Statement

2. The Parameter Plans and Plans referenced in this decision notice are:

Land Use Key Fix Parameter Plan dwg 9600 Rev J  
Building Heights Key Fix Parameter Plan dwg 9602 Rev K  
Illustrative Street Hierarchy Plan dwg 9707 Rev E  
Green Infrastructure Plan dwg BRL\_102 Rev A  
Character Areas Plan dwg 9700 Rev H  
Site Boundary Plan dwg 9000  
Site plan showing extent of area covered by application dwg 9010  
Community Park Phasing Plan dwg 9716  
Illustrative Masterplan dwg 9970 Rev C

As per the Design and Access Statement June 2018;  
Density Plan  
Legibility Framework Plan  
Recreational Plan  
Play Strategy Plan  
Phasing Plan  
Illustrative Landscape Masterplan

3. This permission is to be read in conjunction with the Section 106 Obligation dated 10<sup>th</sup> January 2019, 19<sup>th</sup> October 2017, 15<sup>th</sup> August 2017, 4<sup>th</sup> January 2017, 26<sup>th</sup> October 2016, and 12<sup>th</sup> November 2013 between Plymouth City Council, South Hams District Council, Devon County Council, Red Tree (2004) LLP, and others AND for the avoidance of doubt the 'commencement of development' defined in the S106 Obligation refers to the requirements of that S106 Obligation and not to the requirements of this Decision Notice.
4. In this permission, reference to the "Sherford Western Neighbourhood", "Sherford Town Neighbourhood", and "Sherford Eastern Garden Neighbourhood" refer to the areas so named and delineated on the Character Areas Plan attached to this permission. References to "Neighbourhood" or "Neighbourhoods" shall be read as referring to any one or more of them as the context requires.
5. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended, in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
6. Condition 77 can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the current advice (or any subsequent SPD

approved at the time the contribution is sought minus an approved unit-based sum to reflect the mitigation benefits provided by the proposed green infrastructure and the Sherford Community Park to be provided as part of the development hereby permitted where this can be satisfactorily demonstrated) once the dwelling mix is formalised. At that time the Applicant should contact the Council's Development Management team for approval of the contribution and to arrange payment of the contribution. The scheme should also outline how information leaflets would be provided to all new residents to detail the importance of areas of the development for wildlife, and also the importance of surrounding habitats such as the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

7. The application was accompanied by an Environmental Statement (ES) and Environmental Statement Addendum made in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (now replaced by the Town and Country Planning (Environmental Impact Assessment Regulations 2017), including a non-technical summary. The ES and supporting information comprises a comprehensive set of documents in which the Council is satisfied that all the environmental information relevant to the proposal has been addressed. The decision has been reached having taken into consideration all of the environmental information and identified mitigation, along with all related representations on environmental matters in accordance with these Regulations.

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## PLANNING APPLICATION REPORT

**Case Officer:** Pat Whymer  
Thurlestone

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

**Application No:** 1159/21/FUL

**Agent/Applicant:**  
Clifton Emery Design  
Hems House  
84 Longbrook Street  
Exeter  
EX4 6AP

**Applicant:**  
Mr Stephen Thompson - Park Green  
(South West) Ltd  
Onslow Hall  
Little Green  
Richmond, Surrey  
TW91QS

**Site Address:** Land at West End Garage, Main Road, Salcombe, TQ8 8NA



### UPDATE

Members will recall that this application was considered at your meeting held on the 1 June. During the debate concern was raised that the proposed development was 'only just good enough' on a number of matters including room sizes in the apartment building, some of the garden sizes and the level of renewable energy provided. Members were of the opinion that these elements when combined meant that the development was not satisfactory. The application was deferred to allow further discussions with the applicant to seek changes to improve the proposal. Members also sought further clarification from the Highways officer on why a new pedestrian crossing at the site on the main road was not supported.

A meeting has taken place with the applicants, Head of Development Management, the Ward Members and a Town Council representative and the following revisions have been provided to the scheme.

#### Renewal Energy Production:

Two additional solar panels have been added to each dwelling unit giving a total of 8 PVs on each dwelling with the exception of the one bed houses due to limited roof area and they will have six PVs

#### Floor Area of the Apartment units:

Floor areas increased by increasing building footprint and raising roof/eaves. Dormer windows have been introduced to the West elevation, these help to increase the usable floorspace in the first-floor apartments and increase the sense of openness within the building. The floor Area of the apartments is now as follows:

Ground Floor (1Bed): 52.2Sqm (Previously 50 Sqm)

Ground Floor (2 Bed): 72.6 Sqm (Previously 70 Sqm)

First Floor (1 Bed): 58 Sqm (Previously 51Sqm)

First Floor (2 Bed): 77 Sqm (Previously 70Sqm)

#### Other Alterations to the Apartment Building

The South end of the building has been lowered by 200mm and a 200mm step introduced between apartments. This better manages the level change across the site and provides easier access. The Ridge, eaves, windows and doors have been kept level across the building

In conjunction with the changes to the apartments above, the footprint of the building has been amended and moved marginally closer to Main Road. The changes allow the ramp access to be rationalised and shortened and rotary driers moved to the east of the building to maximise the area of usable garden available. The usable garden area excluding the bin store, bike store, ramp and area to the east of the building now exceeds policy requirements.

#### Changes to Plots 15 & 16

Minor amendments to the position of the boundaries and parking have enabled the garden of the 1 bedroom house on plot 15 to achieve 50sqm within a rectangular shape, while also maintaining policy compliant gardens on the adjacent plots.

#### Visitor parking

Visitor parking has been relocated to enable parking for apartments (plots 19 and 21) to be located at the head of the village green shortening the distance between car parking and the building.

#### Bin collection arrangements

The bin collection point to the south of plot 15 has been resized to accommodate 8 bins or a combination of bins and boxes up to the footprint of 8 bins (more space is available if needed).

#### Drainage crate


It is confirmed that the drainage crate is outside the footprint of the bund.

#### Pedestrian Crossing

The Highways officer was asked for the reason for not supporting a pedestrian crossing as his response was as follows.

Under the Crossing Regulations Pelican Crossings must be located 20m from a junction. That won't fit here due to the right turn lane that is needed and the site frontage available. Zebra crossings can be sited 5m from the side road junctions, but this number of dwellings will leave the crossing well underutilised. The national guidance advises against this approach due to statistical evidence indicating that more accidents occur at formal crossings that are underutilised and therefore other factors come into play such as how difficult it is to cross the road based on an assessment of vehicle flows.

I tend to follow PV<sup>2</sup> guidance for this reason. We can't undertake a pedestrian survey in this case as people aren't making the crossing currently, but TRICS evidence indicates that for 21 dwellings around 11 people per day will cross the road. We have to look at things like topography and distance to amenities and in this case, I just don't see that evidence being exceeded. At its peak Main Road carries around 250 two-way vehicle movements per hour. This is the PV<sup>2</sup> graph below and as you can see it clearly recommends no formal crossing.

 This image cannot currently be displayed.

## Conclusion

Officers consider that the revisions provide have improved the scheme from that last presented to the Committee and that the changes are not so significant overall that they require the application to be re-advertised.

The original Officer report is below, and the recommendation remains unaltered. Condition 2 has been amended to refer to the recently submitted plans.

## **ORIGINAL COMMITTEE REPORT (With revised Condition 2)**

**Reason for Committee:** Cllr Pearce requested a Committee determination for the following reason “A long and difficult gestation and changes right up to the last minute. Bare compliance with affordable housing requirements”

**Development:** Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)

**Recommendation:** Delegate to the Head of Planning to approve conditionally subject to the conditions below and subject to prior completion of an acceptable s106 agreement.

### **S106 Obligations:**

- Principle residence requirement as policy SALC H3
- 7no. units secured as affordable homes (4no. social rent, 3no. intermediate)
- Provision, management and maintenance of open space in perpetuity, including the strategic landscape buffer/habitat and drainage
- Secondary school transport contribution – £8,550
- OSSR inc. play contribution – £43,382
- Cirl Bunting mitigation – financial contribution for one breeding territory – £70,000

### **Conditions:**

1. Time Limit
2. Approved plans
3. Construction Management Plan (pre commencement)
4. Drainage; surface and foul (pre commencement)
5. CEMP (pre commencement)
6. LEMP (pre commencement)
7. Accord with tree survey
8. Accord with ecology report
9. Bird/bat/box provision
10. Repeat badger survey
11. No clearance in nesting season
12. Landform/Engineering Plan (clearly showing the details of levels and design of any retaining feature on the western boundary) (pre commencement)
13. Hard and Soft Landscaping Plan (inc. boundary treatments/enclosures) (pre commencement)
14. Exceptional planting contract
15. External materials, finish and colour (including windows and doors)
16. EV Charging inc. 7kw point for each property
17. Comply with Energy Statement
18. Waste Management Plan (pre commencement)
19. Unexpected Land Contamination
20. Parking provision
21. Highway details
22. Off-site highway works
23. Provision of site access
24. Road survey (pre commencement)
25. Employment and Skills Plan (pre commencement)
26. Removal of PD



- 27. Locked gates
- 28. No additional lighting

**Key issues for consideration:**

- Principle of Development and Housing Mix
- Landscape Character and Visual Amenity (inc. AONB / Undeveloped Coast):
- Design (inc. Space Standards)
- Residential Amenity
- Highway Impacts/Access
- Biodiversity
- Flood Risk, Drainage, and Water Quality
- Infrastructure
- Climate Change and Carbon Reduction
- Planning Balance and Conclusion

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

As part of the Spending Review 2020, the Chancellor announced that there would be a further round of New Homes Bonus allocations under the current scheme for 2021/22. Provisional allocations for the 2022/23 financial year were announced in December 2021. The Government has stated that they will soon be inviting views on how they can reform the scheme beyond 2022/23.

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**Site Description:**

The site is an open, green field of 0.89ha outside of the discernible built-up area of Salcombe, located on an area of prominent, elevated land. There are currently extensive views of the surrounding landscape from the site, and clear views of the site from the surrounding landscape. The site is outside of the settlement boundary for Salcombe as defined in the Salcombe Neighbourhood Development Plan (SNDP).

From a small plateau on the eastern part of the site, the land falls steeply to the south and also notably to the west and northwest. A high hedgebank separates the site from the main road to east.

An existing garage/petrol station lies to the immediate north of the site, where the main road into Salcombe town runs, forming the northern/north-eastern site boundary. The garage part has now closed and is a butcher's shop, with a small convenience store where the petrol station kiosk used to be.

The southern boundary comprises of mature, but fairly sparse, trees/hedgerow which divides the site from the rear gardens of existing properties in Little Hill; as noted, this boundary sits on land much lower than the majority of the site. To the west lies open countryside, again on lower ground than the site.

Salcombe Bridleway 17 is around 100m to the west.

The site sits within the South Devon AONB, Undeveloped Coast and the following landscape designations also apply:

- National Landscape Character Area: South Devon (151)

- Devon Landscape Character Area: Salcombe to Kingsbridge Estuary
- South Hams Landscape Character Type: 5A Inland elevated undulating land.

This is a landscape that is recognised for its high scenic quality and strong sense of place. Recognised forces for change include *'Growth of main settlements (Kingsbridge and Salcombe) onto higher land, becoming more visually prominent from surrounding landscape and from the water.'*

Landscape Guidelines include *'Protect the landscape setting of Kingsbridge and Salcombe, ensuring new development enhances and restores features such as hedgerows and woodlands.'*

The majority of site is allocated for housing development in the Joint Local Plan (JLP) under policy TTV24.18, Land West of West End Garage, Salcombe. The policy estimates a provision of 20 dwellings and includes the following considerations/requirements:

- a. Strategic landscaping to address the sites prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. The scale, design and density of the development should ensure that it is not overly prominent when viewed from the surrounding countryside.
- b. A lighting strategy, which minimises the impact of light spill to the surrounding countryside.
- c. No exacerbation of water quality issues within the Salcombe to Kingsbridge SSSI.
- d. Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.

The western edge of the site, which includes a new grass hedgebank and drainage feature (attenuation crates with controlled discharge), falls wholly outside of the site area allocated under policy TTV24; the rest of the of the development, including housing provision, entirely falls within the allocated area.

### **The Proposal:**

Planning permission is sought for the erection of 21 dwellings, with associated infrastructure and landscaping; 7 dwellings (c.33%) would be affordable homes, consistent with the definition provided in the JLP Glossary.

The proposed housing mix is as follows:

#### Market (14)

- 1 x 1b 2-person house, 89.6sqm
- 1 x 2b 4-person house, 79sqm
- 1 x 2b 4-person house, 83.1sqm
- 3 x 2b 4-person houses, 99.1sqm
- 5 x 3b 6-person houses, 135sqm
- 3 x 4b 7-person houses, 135sqm

#### Affordable (7no.)

- 1 x 1b 2-person apartment (gf), 50sqm
- 1 x 1b 2-person apartment (ff), 54.5sqm [including stair/lobby space]
- 1 x 2b 4-person apartment (gf), 70sqm

1 x 2b 4-person apartment (ff), 72.6sqm [including stair/lobby space]  
1 x 1b 2-person house, 60sqm  
1 x 2b 4-person house, 79sqm  
1 x 3b 5-person house, 99.5sqm

The mix of the affordable units would be split between social rent (the 4 apartments) and intermediate (the 3 houses) tenures, generally clustered together to the east of the site albeit with one unit (plot 2) located on its own to the south of the estate road.

All market dwellings except for plot 16 would be detached. One affordable dwelling (plot 2) would be detached, the other units being semi-detached/end terrace (plots 15 and 17) or apartments (plots 18-21).

Space standards are considered under the residential amenity section of this report, but all units would technically meet the NDSS.

The development takes the form of a simple *cul de sac* arrangement served from a single estate road and access point. A central area of open space would be framed and overlooked by properties to the north and south; further areas of open space are located to the west and an 'orchard' area to the northeast.

The materials palette features use of natural stone walling and slate roof, with concrete sills and flush uPVC windows for the apartment block; and rough cast render/ hanging slates and slate roofs, with concrete sills and flush uPVC windows for the dwellinghouses.

Parking is proposed in accordance with the SPD, with a total of 4 visitor spaces and garages/car ports meeting the required dimensions of 6.5m x 3.5m. Each plot has been provided with its own bin and cycle storage point.

Surface water drainage would be dealt with via attenuation crate(s) with controlled discharge to the watercourse to the west of the site. Foul water would be disposed of via connection to the existing sewer. SWW have confirmed that capacity is available and no objection is raised in respect of connection.

As set out in the history section, the application follows a previously withdrawn submission for a greater number of dwellings. Pre-app discussions did take place following that application being withdrawn, but the applicant chose to resubmit the current application before those discussions had concluded. Consequently, the proposal has undergone an iterative design process during the life of the application; many discussions have taken place and drawings amended in various ways.

It is noted that the landscape buffer that is required under point (a) of TTV24.18 sits outside of the allocation site boundary, along with the underground drainage attenuation tank; officers have accepted this as a compromise in order to allow the maximum site area possible to secure a more responsive development, mindful of the topographical difficulties. Therefore, any black letter breach of the policy, in so far as the development area being greater than that allocated, is a matter of neutral weight and is not determinative overall; the underlying aim and objective of the landscape buffer requirement of the policy otherwise being satisfied.

**Consultations:**

Salcombe Town Council – Objects:

Objection – there are no concerns about the design and layout of the site. There is a major problem with the pedestrian access to the site as the proposed crossing place does not give clear visibility of traffic leaving Salcombe on the A381 and there is no traffic control. The suggestion of STC is that this pedestrian access should be controlled by a Pelican crossing, and this has been confirmed as being acceptable by the developers. However, STC have been advised that Devon Highways will not support such a crossing.

There is also a concern about the size of the trees being planted to screen the development as the landscape and ecological management plan refers to trees being planted which are just 30-40 cms high, this will take a long time to screen the development and protect the AONB and the locally important views as set out in Neighbourhood Plan policy ENV6, and with the prevailing windy conditions at this site, a lot will not survive.

Neighbourhood Plan policy H3 re Principal Residence will apply and with a development of this size must be covered by a S106 agreement.

The S106 agreement re the contribution to Open Spaces appears to be very low in the context of the value of this site and STC would ask that this is reviewed particularly in respect of ongoing maintenance.

STC would also like to see the S106 agreement re affordable homes tightened up so that they are all covered by a Devon covenant in perpetuity.

DCC – Local Highway Authority – No objection, subject to conditions.

DCC – Lead Local Flood Authority – No objection, subject to condition.

DCC – Historic Environment – No comments to make.

DCC Ecology – No objection, subject to conditions including revised CEMP and s106 obligations regarding mitigation for Cirl Bunting and nearby European Site.

DCC Waste – Comments:

- Waste Audit Statement requires revision/is not in accordance with policy W4.

[Officer Comment: In the absent of revised details, this is a matter which could be secured by condition.]

DCC Education – No objection, subject to s106 obligation:

- £8,550 toward secondary school transport.

Open Space, Sport, and Recreation – No objection, subject to minor design revisions and s106 obligations to provide:

- Ongoing maintenance and management of open space in perpetuity.
- £43,382 towards improvements to (including the purchase of additional land), and maintenance of, Open Space, Sport and Recreation facilities for the benefit of the residents of Salcombe.

Waste Specialist – No objection; a 30m drag distance is acceptable.

Environmental Health – No objection subject to conditions.

Tree Specialist – No objection subject to condition.

Affordable Housing – Support, subject to s106 obligation/terms to their satisfaction.

Natural England – No objection subject to CMP/CEMP condition (inc. measures to avoid SSSI harm).

Police DOCO – Comments:

It is welcomed that the majority of dwelling frontages are overlooking each other, providing a good level of neighbourly surveillance. However, as Plot 1 is not so well overlooked by any other properties future occupants may be vulnerable to unscrupulous cold callers or criminal activity. This could be mitigated if it were possible for the dwelling to be repositioned so that the front entrance door is better overlooked.

Should planning permission be granted, ask that a condition is imposed to ensure that gates to rear gardens are capable of being locked from both sides, for example by means of a key. This is to ensure rear gardens remain secure regardless of access or egress.

South Devon AONB Unit – Objects:

- It is considered that the proposed development constitutes major development under paragraph 177 of the NPPF and therefore should be refused planning permission other than in exceptional circumstances and where it is demonstrated to be in the public interest. This assessment must be carried out at application stage even where the site is allocated in a Local Plan.
- Without prejudice to this assessment, this is an elevated, exposed site visible from the public path network, open countryside and combe to the west. If the development is considered acceptable in principle it will be critical to effectively mitigate and, if necessary, compensate for, the landscape impact of the development on the AONB.
- The AONB Unit supports the concerns of the Council's Specialist in Natural Environment about landscape impacts and additionally raises concerns about the proposed use of pale render for much of the development. The use of light-coloured materials on this elevated and exposed site will increase its prominence in the landscape and reduce the effectiveness of the proposed mitigation.
- Unless the above matters are addressed, the proposed development will be contrary to the Development Plan (Salcombe Neighbourhood Plan SALC Env1a-c; Plymouth & South West Devon Joint Local Plan TTV24(18) a & d and DEV25 1-4 and 8i-iii; viii and ix) and Management Plan policies Lan/P1 and P5.

[Officer comment: Whilst it is agreed that it is conceptually possible for an application for development on an allocated site to be considered "major" for the purposes of NPPF 177, officers respectfully disagree that the development meets that threshold in this instance for reasons that will be set out. Landscape and visual amenity considerations are considered later in this report. The AONB Unit comments also reflect a previous iteration of the development, which was unacceptable; substantial amendments have since been secured.]

**Representations from Residents:**

2 letters of objection have been received and taken into account, summarised as follows:

- Does the application accord with the allocation policy?
- Are the drainage plans sufficient to deal with sewage flows?
- Are the buildings of a sufficiently high quality?
- Do they conform to the highest ecological standards?
- Are the affordable homes of equally high standard?
- Local architects/builders should be used in order to boost local employment.
- Improvements to density and proximity to neighbouring properties is welcomed.
- Development will be detrimental to the approach into Salcombe.
- Would intrude on the privacy of neighbouring occupiers.
- Dispute the applicant's claim that Cirl Buntings are not present.
- They are regular visitors to the garden of 1 Little Hill [and it is assumed neighbouring gardens].
- Increased hedge planting should be incorporated to the lower end of the boundary.
- An additional bank to aid privacy to neighbouring properties and increase wildlife habitat should be provided.

A video link was received but could not be opened by officers. It is understood that it depicted a bird singing in the rear hedge of 1 Little Hill. A photograph of similar was also provided; a Cirl Bunting in a water bath.

The owner/occupier of the West End Garage also made representations objecting to any foul water being piped across their land ("Option 1" of the submitted drainage strategy). This is ultimately a civil matter which does not typically form a material planning consideration. It is however observed that the proposed drainage strategy includes a secondary option for foul water disposal which would not cross that land. In any event, a condition is to be imposed to ensure that a suitable, final strategy is secured before development commences. There is no reason to consider that there is no prospect of such a strategy being secured within the lifetime of the permission.

#### **Relevant Planning History:**

3320/20/FUL - Proposed residential development comprising 27 dwellings with associated amenities and infrastructure. A report was being drafted by officers with a recommendation of refusal, but the application was withdrawn before a decision was taken.

#### **ANALYSIS**

##### **Principle of Development:**

The application site is within the South Devon AONB and Undeveloped Coast. It adjoins built development and whilst classed as countryside (being beyond both the discernible built up area and settlement boundary for Salcombe), is allocated in the JLP under Policy TTV24.18.

The allocation policy estimates a provision of 20 dwellings and includes the following considerations/requirements:

- a. Strategic landscaping to address the sites prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. The scale, design and density of the development should ensure that it is not overly prominent when viewed from the surrounding countryside.
- b. A lighting strategy, which minimises the impact of light spill to the surrounding countryside.

- c. No exacerbation of water quality issues within the Salcombe to Kingsbridge SSSI.
- d. Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.

Policy TTV24 refers to an estimated provision of 20 homes; this is neither a minimum nor maximum figure, but an indication at the allocation stage as to what was likely to be acceptably accommodated within the site. There is nothing inherently wrong with an application proposing 21 dwellings because that sits within a reasonable approximation of the allocation number.

It will be demonstrated that all of the policy criteria are satisfied by the current application.

In accordance with policy DEV8 of the JLP and policy SALC H2 of the SNDP, the mix and type of housing proposed is acceptable. This is because, having regard to ONS data, the SHMNA, and the results of the more recent Salcombe Housing Needs Survey, there is an identified need for smaller dwellings including 1 and 2-bedroom properties and the proposed housing mix is predominantly made up of such units. A mix of detached, semi-detached/terrace units and affordable flats is also welcome.

Policy DEV9 requires that at least 20% of the units should meet the accessibility/adaptability requirements of Part M4(2) of the Building Regulations. The applicant has confirmed that 5no. plots (24% of the total) would meet the requirement (both ground floor apartments, and plots 1, 15, 16) thereby according with the policy.

Further in accordance with policy DEV8 and SALC H2, the application would provide more than the minimum requirement of 30% affordable housing (c.33%). Considering the very real local housing and affordability crisis, the provision of 7 affordable homes is a matter of substantial weight. Through the necessary s106 agreement to secure the affordable homes, a clause would be added to prevent shared ownership staircasing to 100% ownership as requested by the Affordable Housing officer. The units would also follow the requirements set under policy SALC H1.

Policy SALC H3 of the SNDP imposes a "Principal Residence" requirement for new market housing in the Salcombe plan area due to the significant number of second/holiday homes. Such an occupancy restriction can be secured through imposition of a planning obligation that would bind the relevant properties in perpetuity. The application is therefore capable of meeting this policy requirement.

Putting aside other matters and policy considerations that are discussed later in this report, the principle of residential development of the site is therefore considered acceptable and the type and mix of housing, including affordable housing and market housing for principal residence, are supported.

Paragraphs 12 and 47 of the NPPF reiterate the importance of decisions being plan led; that planning decisions should normally be taken in accordance with the development plan.

**Landscape Character and Visual Amenity (inc. AONB / Undeveloped Coast):**

The policies of the development plan recognise the intrinsic character and beauty of the countryside and through the application of policies DEV20, DEV23, DEV24, DEV25, and SALC policies Env1 and Env6, generally seek to secure development that is compatible with it.

In accordance with policy DEV24, development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast will

not be permitted except under exceptional circumstances. Development will only be permitted where among other matters it protects, maintains and enhances the unique landscape and seascape character and special qualities of the area. It must also be demonstrated that the proposed development either requires a coastal location or reasonably cannot be located outside of the designated area.

Policy DEV25 also states that the highest degree of protection will be given to the protected AONB landscapes, with *great weight* being afforded to conserving landscape and scenic beauty in the protected landscapes. Development proposals within the AONB are therefore required to conserve and enhance the natural beauty of the protected landscape with particular reference to its 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) but it has the force of statute and must be followed.

The South Devon AONB Management Plan explains that it seeks to ensure that the AONB is conserved, managed and enhanced to support and benefit present and future generations. It goes on to identify ten special qualities that summarise the unique natural beauty for which the South Devon AONB is designated as a nationally important protected landscape, alongside various policies to meet the stated purpose of the Management Plan which include policies Lan/P1 Character, Lan/P5 Skyline and Views, and Plan/P2 Decision-taking. In response to the current application the AONB Unit states that the most pertinent special qualities 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.

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.

Both policy DEV25(1) and paragraph 177 of the NPPF state that permission for major developments within a protected landscape such as an AONB should be refused, except in exceptional circumstances and where it can be demonstrated that they are in the public interest. NPPF 177 goes on to state that 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.

In light of the comments of the South Devon AONB Unit, officers have carefully considered the question as to whether, in accordance with NPPF 177 (and the first point of policy DEV25), the application proposes *major development* ('Major') in the AONB.

In such circumstances 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. They require decision-takers, when coming to that planning judgement, to have regard to four specific considerations in relation to the proposal, namely:

- its nature;
- its scale;
- its setting; and,
- whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Apart from the fact that development for the site has already been found to be sound as part of the examination process of the JLP, with the examining Inspectors stating that the allocation for development in the AONB for Salcombe was justified as it would bring local economic and community benefits to the area<sup>1</sup>, Officers nevertheless acknowledge that it is conceptually possible for the Major test to engage in consideration of an application for development of an allocated site. The relevant considerations are taken in turn below, supported by the judgements undertaken relating to landscape character and visual amenity impacts. In so doing it is important to keep in mind the ordinary, common sense, meaning of the word “major”<sup>2</sup> whilst viewing the application development within its local context.

As noted above, the application has followed an iterative process and has been subject to various revisions to deal with the serious concerns raised by officers regarding the design of the development and its related landscape/visual impacts. This is especially the case noting the Locally Important Views identified through policy SALC Env6 of the SNDP, where the site falls within the sight line of viewpoint V16, Horscombe Cross to Batson. The site is clearly in an elevated, prominent position that serves as a gateway to the town.

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<sup>1</sup> *Report on the Examination of the Plymouth and South West Devon Joint Local Plan 2014-2034* (March 2019), p.77.

<sup>2</sup> The term “major development” is to be given its ordinary, natural meaning, rather than applying any rigid or precise criteria: *Ashton v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin), at §93-94.

In relation to the “Nature” of the proposed development, there are at least three important considerations to take into account. Firstly, the proposal does not involve any use of the site that has not already been accounted for in the development plan; and the principle of residential development in some configuration or other, for an estimated 20 dwellings, has been accepted. Secondly, and related to that, the development provides for the crucial structural landscaping buffer that forms an express requirement of the allocation policy. Thirdly, the only new building proposed is residential in nature and is related to other residential development, including commercial development, adjacent and thereabouts. It would not in that regard appear to be, or be perceived as being, alien.

The “Scale” of the development has been worked to ensure that it is compatible with the surrounding area and landscape character; dwellinghouses are restricted to being two storeys only, reflective of other development in the vicinity, and are arranged perpendicular to the estate road so as to present narrower, punctuated “fingers” of built development into the countryside to the west, as presenting to the Bridleway. The footprint of the apartment building is also now longer and narrower than previously proposed, and at 1.5 storeys/accommodation in the roof space in order to limit the overall ridge height. The scale of the proposal should also be viewed in the local context of the existing site and broader area of built development: the application does not propose development of a particularly significant quantum; on the contrary, despite meeting the statutory definition for major development the proposed number of dwellings is relatively modest and takes up less than a hectare of land, on the edge of a town. The scale and extent of development is limited/minor, as required by NPPF 176.

It is necessary to view the proposed development in its “Setting” and local context in order to come to an informed view on whether it constitutes Major development. There is in this case an overlap with issues highlighted under “Nature” and “Scale” above. That context is particularly important in this case, given that apart from the immediate landscape setting to the west (which itself features some development at the bottom of the valley), the environs comprise of various forms of built development, residential and commercial. The setting is one of an edge of town location and in respect of the site it forms the transition from the built-up area to the open countryside beyond, where the site is framed by built form to the south and north and would sit between the two, thereby corresponding to settlement pattern. It is however recognised that creep of development into visually prominent elevated sites around the town has been an ongoing issue, albeit relating to other, *unallocated*, development.

Through the iterative process that the application has followed, it is considered that, subject to planning conditions, “Significant Adverse Impact” upon the AONB and its special qualities can be avoided, and its natural beauty at least conserved; it is noteworthy that the Council’s landscape specialist no longer objects to the development (albeit residual concerns remain that could be dealt with by condition, where for example render colour can be controlled to ensure that more conspicuous, lighter shades are avoided – white will *not* be accepted and the developer accepts this). The landscape specialist originally objected to the application based on likely detrimental effects to the landscape and AONB, also determining that the application was Major development. Officers reach a different conclusion regarding Major development notwithstanding that the landscape specialist now takes no issue with the development and its likely effects, subject to conditions. That the application would not pose an adverse impact reinforces officers’ view that the application should be treated as a minor, as opposed to Major, development.

The application would accord with criterion a. of the allocation policy where the included strategic landscaping would address the site’s prominence, help to prevent adverse visual

impacts on the AONB and soften the transition of the development from the town into the open countryside.

The site sections now show the western strategic screen planting on a 1:3 banked landform that is more gently graded than previous versions. Potentially, with the robust planting proposals some 10m wide, the bank as illustrated will assimilate into the surrounding rolling topography of the landscape more readily. The landform, which will be densely planted with trees and shrubs, is also above the garden levels of the plots, which will enhance the screening effect to the wider landscape. However, further clarity is required to explain all of the levels and contours in this part of the site; this can be secured by condition.

A lighting strategy has also been included and is accepted, thereby according with criterion b. of the allocation policy. A condition is recommended to require the implementation of that strategy and the prior approval of any other lighting to be installed.

In light of the above, whether the four considerations are taken individually or cumulatively together, it is not necessary to consider the matters set out under a) – c) of NPPF 177, or the first point of policy DEV25, in the context of an “exceptional circumstances/public interest test”. Officers do not consider that the application represents Major development in the AONB.

Even if that were the case, and the development were as a matter of precaution treated as Major despite the foregoing assessment, circumstances in this instance are *exceptional* in the sense that the site is already allocated for the quantum and nature of development proposed; the application accords with the allocation policy and its objectives; and it is in the *public interest* to take planning decisions in accordance with the development plan – the planning system should be genuinely plan-led.

As set out at paragraph 5.144 to the JLP, the new homes allocated within Salcombe are of an appropriate scale of growth that will help to deliver much needed affordable housing whilst respecting its sensitive location within the AONB to support the future sustainability of the settlement. In the circumstances of this application, it is also the case that the applicant has proposed a proportion of affordable housing that is in excess of the minimum 30% required by policy DEV8, and where the mix of housing would help to address imbalances in local housing stock.

Furthermore, apart from requiring the development to fulfil the objectives of the plan in meeting its housing requirements over the plan period, and where no other sites exist for housing development in the local area (the JLP also recognising, as above, that there are very few available and suitable sites in Salcombe on which to provide homes that are affordable for local people), adverse impacts would be moderated due to the structural landscaping proposed and the approach taken to limit character and visual amenity impacts through design.

The test under Paragraph 177 of the NPPF, and the first point of policy DEV25 would therefore otherwise be satisfied.

It follows that the application accords with criteria a., b., and d. of the allocation policy, TTV24.18.

The application also accords with policies DEV20, DEV23, DEV25, and SALC Env1 more generally in light of the above assessment, where careful consideration has been paid to the extent, scale and appearance of development so as to minimise landscape impacts. There are no arboricultural concerns arising, in compliance with policy DEV28.

It is accepted that development of a greenfield site brings with it a degree of harm and to that extent makes it difficult to conserve *and* enhance the protected landscape. However, in this case it has been satisfactorily demonstrated how the development could assimilate into its setting and fulfil the objectives of the allocation policy as well as conserving the special qualities of the AONB. The development is justified, and it is in the public interest to support it due to its status as a sound allocation in the up-to-date JLP.

For similar reasons the application accords with policy DEV24 because, whilst falling within the designated area of Undeveloped Coast, the development is otherwise suitably located at the edge of the town, adjoining existing built development where it would be read as such. The development would not pose a detrimental effect on the undeveloped and unspoilt character, appearance, or tranquillity of the Undeveloped Coast, and cannot be reasonably located somewhere different because it is submitted pursuant to a land allocation in the JLP.

The application is therefore acceptable in respect of its impacts upon visual amenity and the landscape character of the area including the special qualities of the AONB and Undeveloped Coast, having regard to local and national policy.

**Design (inc. Space Standards):**

Policy DEV10 of the JLP and SALC B1 of the SNDP seek to deliver high quality housing and this includes providing good living standards through meeting the Nationally Described Space Standard (NDSS) and delivering adequate private amenity space.

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...”*

Policy DEV23 requires that developments conserve and enhance landscape and townscape character and scenic and visual quality, implementing high quality architectural and landscape design appropriate to its landscape context. Broader landscape considerations are dealt with

earlier in this report; however, it is no less important to judge the quality of the development through its treatment of landscape, both hard and soft, within the site as a matter of good design.

Chapter 12 of the NPPF deals with achieving well designed places. In particular, it is stated that 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, which includes securing a high standard of amenity for all occupiers and where crime and disorder, and the fear of crime, should not undermine quality of life or community cohesion and resilience.

The application has been through various design iterations following ranging concerns raised by Officers pertaining to matters including layout, landscaping, appearance, and space standards. The layout is now improved in many respects. Open spaces would be adequately surveyed and would assist in providing a more verdant feel to the site entrance. The road layout is simplified to a 'V' shape, rather than allowing full circulation around the central dwellings and open space. Compared to previous layouts proposed, this allows a better south-facing, shared space for the apartments.

The apartment block has been through multiple iterations to reach a point where officers are, on balance, satisfied from a design perspective, albeit the reliance on rooflights at first floor is disappointing. The apartment building has been rotated 180 degrees so that it faces onto that communal space with direct access available to it, for three of the units; the final unit being accessed via the side, but the distance is short and not inadequate in practical terms. Two entrances are now available either side of that communal space, with separate access for the bins store. Ramp and stair access is provided.

Parking bays have been relocated to the west of the central open space area and also to the north of the site, near the boundary with the garage's workshop, which is an improvement on previous layouts which had parking close to the entrance to the site. Access to allocated parking is also practical.

The appearance of the dwellings has also improved over time and at least includes some variation in street scene perspective. Across the scheme, the more extensive use of slate hanging to first floor elevations is welcomed, as are the more balanced window arrangements and smaller apertures to bedrooms. The use of high-quality materials can be secured by condition.

Subject to further details that could be secured by condition, the boundary treatments proposed are acceptable and generally positive, in the main comprising of hedgerow planting and stone-faced walling (rendered in private areas). Close-boarded fencing would feature only sparingly and would appear at the rear of the cluster of properties and apartment building to the east.

Following review by the Police Architectural Liaison Officer, changes have been made to access arrangements, natural surveillance, and layout. Plot 1, however, remains with its front entrance facing away from other dwellings and within an enclosed garden effectively taking it out of sight, posing a small risk as highlighted by the police, as occupants may be vulnerable to unscrupulous cold callers or criminal activity. This is not an ideal situation but is not of itself a justifiable reason for refusal when viewed in the round.

The submitted Bin Collection Strategy drawing identifies individual bin stores and presentation arrangements for all properties. The approach taken is logical and in general collection is taken

from the frontage of each property, on the estate road. The treatment of apartment waste is less than ideal because it involves a 30m walk out of the block, past other housing plots, and onto the kerb. It is otherwise and on balance, acceptable and the Waste team have accepted the proposed arrangements.

### Space Standards

Following discussion with the applicants, and revisions regarding the amount of calculable space to be used for the purposes of meeting the NDSS, it has been confirmed that all units meet the technical standard (albeit borderline in relation to the flats). For the first-floor flats this requires use of installed storage space under the eaves. Save for such provision those units would not have met the required standard, but under the NDSS a 50% allowance is made for floorspace within those restricted height areas. This means that, notwithstanding the tighter nature of the units in general terms, they nevertheless technically meet the national standard. On that basis they accord with policy DEV10(5).

Garden sizes generally meet the required standard which is provided by the SPD and although include some awkwardly shaped areas that in practice would be of little use, compounded by a sloping landform, would otherwise provide sufficient space for sitting out, children's play, and the drying of clothes.

The application is, on balance, considered to accord with policies DEV10, DEV20, and SALC B1; any conflict with those policies is not of such magnitude that it would indicate conflict with the development plan overall and would be outweighed by the benefits of the development.

In respect of the NPPF, viewed as a whole, the development is of an acceptable design standard albeit with a minor shortcoming in keeping all residents free from an apprehension of crime. Such a shortcoming would need to be weighed against the local and national need to significantly boost housing supply, on a site which is allocated for development in order to assist meeting housing need.

### **Residential Amenity:**

Policies DEV1 and DEV2 require new development to safeguard the health and the amenity of local communities. In practice this means providing for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Development proposals that would cause unacceptable harm to living conditions will not be permitted. It is stated that unacceptable impacts will be judged against the level of amenity generally in the locality.

Due to the siting and orientation of the proposed dwellings, and the arrangement of fenestration, there would be no adverse impacts arising from the relationship between dwellings and the apartment block within the site. Amenity areas are predominantly south facing and would not suffer from excessive overshadowing. That is except for plots 15-17, where the only garden space is to the rear, northern/north-eastern prospect. Given the more constrained nature of the plot 15 garden, the more intimate amenity area to the rear doors/patio area would be in shade for much of the year. This is unfortunate but not on balance considered to be unacceptable noting that through amendment plot 15 now has a garden size to meet the standard set out in the JLP SPD.

Back-to-back distances are acceptable and would accord with the standard set under the JLP SPD, even accounting for the significant variation in topography where the ground level of the southern line of dwellings would be around 8m higher than those on Little Hill. The application

proposes additional planting along the southern boundary to strengthen the existing landscaping and has removed the raised decking that was originally proposed to plots 1-4. Whilst the proposed planting will take some time to mature, which could be secured by condition, it is not considered the development would present a loss of privacy for the occupiers of those dwellings on Little Hill and adjacent to the site.

An acoustic fence is proposed along the north-eastern boundary, adjacent to the garage. Supported by a noise assessment, this has been accepted by the Council's EHO and would mitigate against adverse impacts/emissions arising from that adjacent commercial use.

In relation to the apartment block, concerns were raised with the applicant relating to excessive heat gain and ventilation due to the prevalence and angle of rooflights used. Following amendments to reduce the amount of glazing proposed, the applicant has since confirmed that the units have been designed to comply with future Part O of the Building Regulations in relation to cross-ventilation:

*"...any potential overheating risk can be managed through several methods once a SAP assessment or thermal model has been developed...Velux have confirmed that they supply a 3-layered glazing product which filters out heat. Velux windows have an additional option to incorporate internal blinds with low transmittance, which can help to further reduce the heat gains approx. 30-40%."*

Officers are inclined to accept the arrangement as proposed, although Members may consider it necessary to require the future agreement of a strategy to minimise risks associated with overheating via condition (which, for example, might enforce the use of triple layer glazing and installation of internal blinds).

The development is broadly acceptable when assessed against policies DEV1 and DEV2, and broadly accords with the NPPF because a reasonable standard of amenity would be secured for nearly all existing and future occupiers save for shortcomings in relation to a small number of plots on matters of shading only.

#### **Highway Impacts/Access:**

Access into and out of the site is considered to be safe and suitable for all users, and impacts on the local network and its capacity would be acceptable in light of the nature and scale of the development proposed; cumulative impacts would not be severe. The Local Highway Authority have advised that they have no objection to the development.

A seven-day radar covert speed survey has been undertaken along with a topographical survey of the A381 near the site, which confirms there is adequate visibility in both directions and the proposed refuge island crossing south of the junction on the A381 also provides adequate visibility in both directions. The applicant will also undertake improvements to the existing cycle facilities on the A381 leading towards Onslow Road, where the existing Primary School is located. This generally involves widening the existing footway on the eastern side of the A381 to 2.5m width. A Stage 1 and 2 independent safety audit and designers' response has been provided for the design and confirms there are no issues in respect of the proposed layout.

The Highway Authority have investigated improving the cycle facilities towards the Park and Ride Facility, but, the land required for this is not within the applicant's control. The applicant has agreed to widen the footway opposite the site, as shown on the highway layout drawing.

The relevant off-site highways works can be secured by condition, to be completed prior to occupation of the first dwelling.

The application therefore complies with policy DEV29, and paragraphs 110 and 111 of the NPPF.

**Biodiversity:**

Policy DEV26 states that development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area, including providing for net gains to biodiversity on major developments. The SPD explains that the minimum biodiversity net gain for a major development is 10% consistent.

Chapter 15 of the NPPF, and in particular paragraph 174, states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity; paragraph 179 states that planning decisions should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

The open space will be sown with a wildflower seed mix to create neutral grassland, with broadleaved woodland planting occurring along the southern and western site boundaries; the longer, western boundary forming a robust landscape buffer. New sections of hedgerow will be planted both within and bounding the site; an “orchard” features to the north-east.

Following the Defra Biodiversity Metric 3.0, it has been demonstrated that the development would provide a 35% gain, along with a 121% gain in hedgerow biodiversity units. It is noted that a significant portion of the calculation is reliant upon the creation of the landscape buffer (which is in turn of crucial importance in mitigating adverse impacts to the AONB); a planning obligation can secure ongoing arrangements for the management of this space and its implementation.

More generally, the submitted ecological information allows for it to be concluded that adverse impacts to protected/priority species can be avoided subject to the measures specified and further planning conditions including the need for a revised CEMP and LEMP.

In relation to Cirl Bunting, the development would result in the loss of foraging habitat, and it is unlikely that the proposed landscaping would suitably compensate for that. It is also considered that Buntings are likely to have established breeding territories on the site. Instead of undertaking further surveys, the applicant has agreed to compensate for the loss of one breeding territory; this is in line with the Cirl Bunting – Wildlife and development guidance note (RSPB et al. October 2017). The new breeding territory can be secured by financial obligation, in accordance with the requirements the of 'Cirl Bunting Development Guidance Note' produced by DCC, Teignbridge District Council, Torbay Council and the RSPB. It has been confirmed by officers that the required sum is £70,000.

The application can therefore accord with policy DEV26 and SNDP policy SALC Env2, where adequate consideration has been paid to wildlife corridors, which can be reinforced through the revised CEMP to provide for hedgehog holes.

On that basis the application is also consistent with the requirements of the NPPF, including paragraphs 174, 179, 180, and 181.



### **Flood Risk, Drainage, and Water Quality:**

The site is within Flood Zone 1 where there is a very low risk of flooding. Likewise, EA mapping does not indicate that the site is vulnerable to surface or groundwater flooding.

Surface water drainage would be dealt with via attenuation crate(s) with controlled discharge to the watercourse to the west of the site. Foul water would be disposed of via connection to the existing sewer. SWW have confirmed that capacity is available and no objection is raised in respect of connection. A condition is to be imposed to ensure that a suitable, final strategy is secured before development commences. There is no reason to consider that there is no prospect of such a strategy being secured within the lifetime of the permission.

The LLFA raises no objection to the application and is satisfied with the proposed strategy in principle, subject to planning condition to secure the detailed design.

On that basis, where development would be kept safe for its lifetime and flood risk would not be increased elsewhere the application accords with policy DEV35. This would also be consistent with the requirements of the NPPF, including paragraph 169.

It is a specific requirement of the allocation policy (criterion c.) that water quality in the Salcombe to Kingsbridge Estuary SSSI be safeguarded. The NPPF also advises that which is likely to have an adverse effect on an SSSI, either individually or in combination with other developments, should not normally be permitted (para. 180).

In respect of water quality, Natural England raise no objection to the application and have confirmed that risks to the SSSI can be avoided subject to revisions to the submitted CMP/CEMP; this can be secured by planning condition. There is no other reason to consider that the uses and emissions associated with the allocated residential development would damage or destroy features of interest relating to the SSSI or its water quality, whether individually or in combination. As noted above, the final design of the drainage scheme for the development is subject to condition where matters of run-off and outfall remain carefully controlled.

The application therefore accords with SNDP policy SALC Env5 and the remaining criterion under the policy TTV24.18 allocation. The relevant test in the NPPF would also be satisfied.

### **Infrastructure:**

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 / village halls. SNDP policy SALC HW1 provides a similar expectation in respect of OSSR, play, and community provision.

The Education Authority forecast that there is enough spare capacity at the local primary and secondary school for the pupils. A contribution towards secondary school transport costs due the development being further than 2.25 miles from Kingsbridge Community College is required.

There is no proposed play provision on site. An off-site contribution towards improvements at existing play areas would be the Council's preferred option, rather than a token provision on site. The nearest play areas are at Jubilee Gardens, opposite the site, and at The Berry on St Dunstons Road, c.490m walking distance from the site.

The development is also unable to incorporate playing pitches/sports facilities as required by policy on site. The South Hams Playing Pitch Strategy has recently been updated, and the key projects in the local area are as follows:

- Requirement of land for football pitches and changing.
- Requirement for improvements to facilities at the rugby club, including floodlighting.
- Requirement for an all-weather football pitch in Kingsbridge to help meet training needs for local clubs, including Salcombe.

In order to mitigate the impact of new residents, a contribution of £43,382 is required towards Open Space, Sport and Recreation facilities for the benefit of the residents of Salcombe.

The above measures are sought in accordance with the policies of the JLP and would meet the CIL 122, NPPF para. 57 tests. The application would therefore accord with policies DEV30/DEL1, and SALC HW1. The contributions are a means to mitigate the impacts of the development and are not of themselves true benefits.

### **Climate Change and Carbon Reduction:**

New development is expected to meet sustainability aims in relation to policy DEV32 and waste management through policy DEV31. Developments should identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure.

Consideration should also be given to the “energy hierarchy” and developments should reduce the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting, and reduce the heat loss area.

Following the previous application, further work has been undertaken by the applicant in order to attempt to comply with the requirements of the policy. The submitted Energy Statement establishes that through savings due to passive and energy efficiency, and the inclusion of solar PV, a carbon saving of 23% less than that required by Building Regulations can be achieved. It is regrettable that further measures will not be taken, for example, the use of Air Source Heat Pumps instead of gas boilers, but under current JLP Policy, Officers cannot insist on any further measures.

Evidence has been provided to show that regard has been paid to the energy hierarchy where the development would incorporate low u values fabric, high air tightness, efficient glazing, and wastewater heat recovery.

Concerns remain regarding waste management during construction and operation, but this can be dealt with through planning condition. No EV charging details have been provided, which is unfortunate. This can also be remedied by planning condition.

On balance, the application accords with policies DEV31 and DEV32, and the requirements of national planning policy.

### **Planning Balance and Conclusion:**

It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative

importance of the policies which are complied with or infringed, and the extent of the compliance or breach.

The principle of residential development on the site is established through allocation policy TTV24.18. The proposed development accords with the allocation policy in all respects. Great weight has been given to the principle of conserving and enhancing the protected landscape; the approach taken to landscaping for the development, including the robust strategic landscape buffer, will ensure that harm can be adequately mitigated even if the landscape would not be enhanced *per se*. The development is not Major development in the AONB and is otherwise justifiable in principle in any event.

Whilst there remains some residual concern regarding some aspects of the development and its design, including security risks associated with plot 1, and the waste arrangements for the apartments, overall and in the round, the application is considered to adhere to the development plan when taken as a whole.

The development also complies with the policies of the NPPF when considered as a whole, despite those identified failings regarding design/living standards, and fear of crime (as Chapter 12, 'Achieving well-designed places'). That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c), planning permission should be granted without delay.

There are no material considerations which indicate that the direction of the plan should not be followed in this case, and even accounting for the design and amenity shortcomings of the development the benefits of bringing the allocation forward, bearing in mind local housing needs, are considered to remain decisive and outweigh the adverse impacts.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and Section 85 of the Countryside and Rights of Way Act 2000.***

## **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 were “None”. On 14th January 2022 DLUHC published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon’s joint HDT measurement as 128% and the consequences are “None”. Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level.

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

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

The relevant development plan policies are set out below:

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

- SPT1 Delivering sustainable development
- SPT2 Sustainable linked neighbourhoods and sustainable rural communities
- SPT3 Provision for new homes
- SPT12 Strategic approach to the natural environment
- TTV1 Prioritising growth through a hierarchy of sustainable settlements
- TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
- TTV3 Strategic infrastructure measures for the Main Towns
- TTV24 Site allocations in the Smaller Towns and Key Villages
- DEV1 Protecting health and amenity
- DEV2 Air, water, soil, noise, land and light
- DEV3 Sport and recreation
- DEV4 Playing pitches
- 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
- DEV20 Place shaping and the quality of the built environment
- DEV23 Landscape character
- DEV24 Undeveloped Coast and Heritage Coast
- DEV25 Nationally protected landscapes
- DEV26 Protecting and enhancing biodiversity and geological conservation
- DEV27 Green and play spaces
- DEV28 Trees, woodlands and hedgerows
- DEV29 Specific provisions relating to transport
- DEV30 Meeting the community infrastructure needs of new homes
- DEV31 Waste management
- DEV32 Delivering low carbon development
- DEV35 Managing flood risk and Water Quality Impacts
- DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

**Salcombe Neighbourhood Development Plan:**

Following a successful referendum, the SNDP was made on 19<sup>th</sup> September 2019.

Relevant policies:

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.  
SALC ENV2 Green Infrastructure throughout the Parish.  
SALC ENV5 Maintaining the character and environmental quality of the estuary.  
SALC B1 Design Quality and safeguarding Heritage Assets  
SALC H1 Affordable Housing  
SALC H2 Market Housing  
SALC H3 Principal Residence requirement for new housing  
SALC HW1 Community Facilities

Salcombe Town Council have proposed to modify the SNDP insofar as it pertains to policy SALC H3, where the proposed modification is to require the principal residence requirement to be secured by legal agreement only. That modification is currently at examination but has no bearing on the determination of this application noting that officers have elected to secure the policy requirement by s106 obligation anyway.

**Other Material Considerations:**

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document
- Developer Contributions Evidence Base
- Waste Management and Infrastructure Supplementary Planning Document
- South Devon AONB Management Plan

Other material considerations include the policies of the NPPF and guidance in the PPG.

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

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

**Proposed Conditions:**

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

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

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

- [Those approved drawings under 180604 Drawing Issue Sheet 12-07/2022]
- Proposed s38 and s278 Highways Layout: 110 Rev O
- Street Lighting Strategy: 4239-ID-DR-1001 P01
- External Lighting Strategy: 4239-ID-DR-2001 P01
- Street Lighting Strategy: 4239-ID-DR-1001 P01
- Jakoustic Fence Drawing: J7/01043

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: Before the development hereby permitted is commenced a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved CMP. No burning shall take place on site during the site clearance/demolition or construction phases of the development.

The CMP shall include the following matters:

- a. haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- b. compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,
- c. overburden/topsoil storage areas, fuel storage, hazardous materials storage
- d. provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting
- e. details of proposed means of dust suppression
- f. details of equipment/plant noise suppression
- g. full piling details (if proposed)
- h. details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management
- i. details of deliveries times to the site during construction phase
- j. details of provision to ensure pedestrian and cycle safety
- k. programme of works (including measures for traffic management and operating hours and hours of construction)
- l. parking and turning for vehicles of site personnel, operatives and visitors
- m. loading and unloading of plant and materials
- n. storage of plant and materials
- o. maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the CMP throughout the construction period.
- p. Measures to avoid adverse impacts upon the Salcombe to Kingsbridge Estuary SSSI by virtue of silt and surface water runoff among any other potential risks.
- q. Reference and adherence to the most up to date pollution prevention guidance.

Reasons: In the interest of residential amenity, highway safety, to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase and to safeguard the SSSI. This 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.

4. PRE-COMMENCEMENT: No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
  - a. A detailed surface and foul water drainage design based upon the approved Flood Risk Assessment ref. 18015 (Trace Design, 2021) and Drainage Strategy (200 Rev E).
  - b. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

- c. Proposals for the adoption and maintenance of the permanent surface water drainage system.
- d. A plan indicating how exceedance flows will be safely managed at the site.
- e. Evidence of the condition of the watercourse which the site proposes to drain into. This evidence could include photographs.

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: 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, and to safeguard the water quality of the Salcombe to Kingsbridge Estuary SSSI. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to the SSSI and to ensure that a suitable detailed drainage strategy is agreed before development commences because such a strategy is necessary in order to make the development acceptable.

5. PRE-COMMENCEMENT: Before the development hereby permitted is commenced a Construction Ecological Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. 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: No development shall commence until a 30 year Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a. Habitat creation in accordance with the Biodiversity Impact Assessment: Losses and Gains document (Ecological Surveys Ltd, dated 24th February 2022).
- b. Description and evaluation of features to be managed.
- c. Ecological trends and constraints on site that might influence management.
- d. Aims and objectives of management.
- e. Appropriate management options for achieving aims and objectives.
- f. Prescriptions for management actions.
- g. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h. Details of the body or organisation responsible for implementation of the plan.
- i. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To 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 ensure that adequate plans and measures are put into place for habitat creation and management at the point that development first takes place.

7. The development shall be carried out in accordance with the retention and protection measures included within the approved Arboricultural Impact Assessment: TH/A432/0920.

Reason: To ensure that existing trees are adequately safeguarded, in accordance with policy DEV28.

8. The development shall be carried out in accordance with the recommendations, mitigation, and enhancement measures contained within the approved Ecological Appraisal (Ecological Surveys Ltd, March 2017) and Bat Activity Report (Ecological Surveys Ltd, October 2017).

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policy DEV26.

9. 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 the



development proceeding above slab level, 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.

Reason: To secure further net gains to biodiversity and ecology, and in accordance with policy DEV26.

10. PRE-COMMENCEMENT: Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures if required, shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation as may be required.

Reason: To safeguard protected 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 the carrying out of development.

11. 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 safeguard ecology/nesting birds, and in accordance with policy DEV26.

12. PRE-COMMENCEMENT: No development shall commence until a detailed Landform/Engineering Plan (LEP) has been submitted to and approved in writing by the local planning authority. The LEP shall include existing and all proposed levels for the site, including finished floor levels for buildings; and provide details of any landscape retaining features, their form and appearance.

Reason: In the interests of residential and visual amenity, and the character and appearance of the area, noting the existing topography and likelihood of landform changes especially along the western site boundary. In accordance with policies DEV20, DEV23, DEV24, DEV25, SALC ENV1 and B1. This condition must be agreed prior to commencement because of the site constraints and sensitive landscape setting where land re-profiling will form part of the construction works undertaken.

13. PRE-COMMENCEMENT: No development shall commence until a precise 'hard' and 'soft' Landscaping Scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The 'hard' landscaping details shall include details of all hard surface materials and boundary treatments to be used within the development with a timetable for implementation, including all means of enclosure and boundary treatments (including any gate details and means of security for private external areas), residential screen walls and fences (including material, design, finish, and colour). The 'hard' landscaping details shall be accompanied by appropriate design justification as to their suitability for their setting.

The 'hard' landscaping details shall be implemented and completed in accordance with the approved details and agreed timetable. The approved boundary treatments shall then be retained in the approved form.

The 'soft' landscaping details shall include details (including species, size of stock at time of planting, location) of all new shrubs/plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.

The 'soft' landscaping details shall be implemented and carried out as approved, with new planting undertaken in the first planting season (October - March inclusive) following the commencement of development.

Any trees, hedges, shrubs or turf identified within the approved Landscaping Scheme (both proposed planting and existing within the site) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 10 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

All elements of the approved hard and soft landscaping 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 in accordance with the timetable agreed as part of this condition.

Reason: In the interests of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of development to ensure that the landscaping is appropriately designed and implemented in conjunction with construction phasing. An extended aftercare period is required in light of the importance of the strategic landscape buffer and the need for the development to successfully assimilate into its landscape setting. In accordance with policies DEV20, DEV23, DEV24, DEV25, SALC ENV1 and B1. This condition must be agreed prior to commencement because of the site constraints and sensitive landscape setting where protective measures and suitable plans for planting must be in place before development first takes place so as to avoid harm and provide suitable mitigation.

14. PRE-COMMENCEMENT: No works or development shall take place until written evidence of a contractual agreement for the supply, planting, maintenance of all the landscaping agreed under condition 13, and a replacement guarantee over that same period by the same contractor, has been approved in writing by the LPA.

Reason: The landscaping is an essential part of the development to make it acceptable and comply with the allocation policy. It needs to be agreed prior to commencement to give assurance it will be carried out as appropriate.

15. Prior to their installation details / samples of all facing materials, windows, doors, and of 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. The development shall then be carried out in accordance with those details/samples as approved, being retained in the specified form thereafter. All slate shall be natural, of UK or EU origin, fixed with nails and not hooks. White render will not be acceptable.

Reason: To secure a high-quality finish, in the interests of visual amenity and the character and appearance of the area, in accordance with policies DEV10, DEV20, and SALC B1.

16. PRE-COMMENCEMENT: No development shall commence until details for the provision and implementation of electric car charging points for all properties to be constructed has been submitted to, and approved in writing by, the Local Planning Authority, to accord with the JLP SPD. The approved measures shall be provided and made available for use prior to first occupation/use of the parking space it relates to. For the avoidance of doubt, each charging point must be at least 7kw.

Reason: To ensure that the development is securing appropriate net gains for the environmental objective of sustainability and transition to a low carbon economy. This is required before commencement to ensure compliance with DEV32.

17. The low carbon measures identified in the approved report 'Energy Statement (Base Energy)' shall be implemented in order to achieve regulated carbon emissions levels of at least 20 per cent less than that required to comply with Building Regulations Part L. 2013. Development shall take place in accordance with the approved details 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; and in accordance with policy DEV32.

18. PRE-COMMENCEMENT: Notwithstanding the submitted details, no development shall commence until a Waste Management Plan ('WMP') has been submitted to and approved in writing by the Local Planning Authority. The WMP 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 and its supporting Supplementary Planning Document.

The development shall be carried out in accordance with the approved WMP.

Reason: To minimise and properly manage waste arising from the development, in accordance with policy DEV31, and policy W4 of the Devon Waste Plan. The document provided with the application was insufficient and requires revision/amplification. This condition must be agreed prior to commencement in order to ensure that from a waste management perspective such works are appropriately planned and agreed before implemented.

19. 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.

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

Reason: In the interests of highway safety and in order to provide sufficient parking to meet the needs of the development to avoid on-street parking, in accordance with policy DEV29.

21. 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, accesses, car parking 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, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and suitable highway infrastructure is provided to serve the development in accordance with policy DEV29.

22. The off-site highway works shown on drawing 110 Rev O shall be completed in full prior to occupation of any of the units on site.

Reason: In the interests of highway safety and connectivity, and in accordance with policies SPT2 and DEV29.

23. 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 20 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/cycleway 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 in accordance with details that have previously been agreed by the Local Planning Authority.

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 in accordance with policy DEV29.

24. PRE-COMMENCEMENT: Prior to commencement of development on any part of the site, including any site clearance works or machinery is brought onto site, a road condition survey shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of road integrity and highway safety, and in accordance with policy DEV29. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and occupation and to ensure that such works are appropriately planned and agreed before implemented.

25. PRE-COMMENCEMENT: Prior to the commencement of development an Employment and Skills Plan ('ESP') shall be submitted to and approved in writing by the Local Planning Authority. The ESP 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 ESP 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, with both Science, Technology, Engineering and Maths (STEM) and construction jobs/skills being of primary importance. 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.

26. 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 1, Class D (porch)

Part 1, Class E (a) buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

Part 1, Class F (hardsurfaces)

Part 1, Class G (chimney, flue or soil and vent pipe)

Part 1, Class H (microwave antenna) and;

Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and in order to ensure the limited amenity space for each dwelling remains.

27. All gates to private gardens and pathways should be at least 1.8m high and capable of being locked.

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.

28. No lighting shall be installed at the site or for any property, other than the lighting hereby approved under condition no.2 of this permission, without the express written permission of the local planning authority.

Reason: In the interests of amenity and the character and appearance of the area, and in accordance with policies DEV20, DEV23, DEV24, DEV25, SALC ENV1 and B1.

## PLANNING APPLICATION REPORT

**Case Officer:** Amy Sanders

**Parish:** Bigbury **Ward:** Charterlands

**Application No:** 1424/22/VAR

**Agent/Applicant:**

A Brown - A B Design (Poole) Ltd  
Unit 43 19b Moor Road  
Broadstone  
Poole  
BH18 8AZ

**Applicant:**

Mr & Mrs Long  
Waves Edge  
Challaborough  
TQ7 4JB

**Site Address:** Waves Edge, Challaborough, TQ7 4JB



**Development:** Application for variation of condition 2 (approved plans) of planning consent 4416/17/FUL (APP/K1128/W/18/3202068) (Retrospective)

**Reason item is being put before Committee:**

Cllr Taylor has concerns regarding the neighbouring amenity and the design of the scheme.

**Recommendation:**

Conditional Approval

**Conditions**

In accordance with plans

Compliance with approved landscape scheme – planning reference. 0485/21/ARC

Compliance with construction management scheme – planning reference. 0485/21/ARC

Submission of drainage details – foul water

Submission of drainage details – surface water

Removal of PD rights

**Key issues for consideration:**

Design and appearance, development impacts upon the AONB and heritage coast, and neighbouring amenity.

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**Site Description:**

The application site is located on the south-east edge of Challaborough. The site is positioned on the slopes of a hillside which overlooks the bay, beach and South West Coast Path. The site is located within the South Devon AONB and Heritage Coast. The site is within a cluster of dwellings, set away from the holiday park, and is accessed via a narrow lane. Access to the site is from the highway located to the north east of the property.

At the site is a detached single storey dwellinghouse.

**The Proposal:**

The planning history of the site shows that planning permission was granted through an appeal decision, reference APP/K1128/W/18/3202068, and planning application reference 4416/17/FUL, for the erection of a replacement dwellinghouse.

This application proposes to retrospectively vary condition 2 (approved plans) of the parent planning permission Ref: 4416/17/FUL, seeking the following changes:

- Repositioning of external cladding
- Addition of some external cladding
- Insertion of 2no. Roof lights on the north facing elevation – the originally approved scheme showed 1no. Roof light in a lower position, this has been removed.
- Insertion of 1no. Roof light on the east facing elevation pitched roof.
- Amendment to design of window openings and patio doors on the west facing side elevation.
- Removal of larger window on the north facing elevation and change in design of circle shaped window to rectangular.
- Insertion of additional triangular design window in gable, above existing window on the rear elevation.

**Consultations:**

- County Highways Authority: No highways implications



- Town/Parish Council: Object

## **Representations:**

### **Representations from Residents**

3 letters of objection have been received and cover the following points:

- Objection to the application on the grounds that when permission was granted for a larger single storey dwelling, there was no indication of roof windows. They have been installed without permission.
- No consultation with neighbours regarding the windows in the roof and the reflection of light when the sun hits is obtrusive to property "Garston".
- At night, there is light pollution from within the property.
- The much-enlarged Waves Edge is in the view of the field when looking southeast into Challaborough Bay.
- How was a small bungalow allowed to be enlarged to such a degree? It is one of the front line sea facing houses.
- Waves Edge is meant to be single storey but the current high roof has 5 roof windows which is not like a single-storey building.
- The five roof windows are all very visible from Cheldon. No other houses along the sea-side of Cliff Lane have roof windows.
- Neighbouring amenity is impacted from the roof windows reflecting sunlight and providing glare.
- There is anger and dismay at the lack of open dialogue, and at the installation of roof windows prior to planning permission, and at there being roof windows at all.

## **Relevant Planning History**

Planning Application Ref: 1621/16/FUL

Description: READVERTISEMENT (Revised Plan Received) Erect replacement dwelling

Decision Date: 13 April 2017

Refusal

Appeal Date: 27 July 2017 Appeal Determination Date: 02 November 2017

Appeal Ref: APP/K1128/W/17/3176134 Appeal Result: Dismissed (Refusal)

Planning Application Ref: 4416/17/FUL

Description: Erect replacement dwelling (re-submission of 1621/16/FUL)

Appeal Date: 18 July 2018 Appeal Determination Date: 23 October 2018

Appeal Ref: APP/K1128/W/18/3202068 Appeal Result: Upheld (Conditional approval)

Planning Application Ref: 0485/21/ARC

Description: Application for approval of details reserved by conditions 3, 9 and 11 of planning consent 4416/17/FUL (APP/K1128/W/18/3202068)

Decision Date: 04 February 2022

Discharge of condition Approved

## **ANALYSIS**

### **Principle of Development:**

This application relates to a parent permission where the principle of the development has been assessed and permission awarded for the erection of a replacement dwelling.

## Design/Landscape:

The proposed design changes are considered to be minor changes which do not alter the overall aesthetic or vernacular of the approved scheme at the site.

The use of the cladding western red cedar was approved under application ref. 0485/21/ARC. The proposed additional use of cladding on the front facing elevation is considered to be acceptable in amount and quantity. It does not extend across the entire gable front. The front elevation was going to have a level of cladding as approved on the previously approved scheme, so the proposal is not introducing a new material to this elevation. The front elevation is more discrete, in that it faces away from the coast line, and the land levels of the highway are significantly higher, making the additional cladding not an obvious addition when looking from the street scene.

In regards to the insertion of the extra roof lights, Officers are aware that roof lights formed part of the previously approved scheme. The addition of the roof lights on the north facing elevation (addition of one, and replacement of the roof lights higher up the roof slope), is not considered to alter the vernacular of the property from what was previously approved. The roof lights are minimal in scale, and do not exceed a large expanse of the roof slope.

The additional roof light on the side elevation roof is also considered to be a minimal change in design from the originally approved scheme.

The rearrangement of the windows and openings on the west facing elevation, are considered to still be commensurate to the overall window design as approved. The property itself is not of historical merit, so the proposed modern design of the windows and openings are not considered to be of detriment to the character of the property.

There is a minimal level of additional glazing, including the addition of the triangular window in the gable on the rear elevation. This will mirror the existing window on the rear elevation, and appears appropriate in scale.

The proposal will not see an increase in the overall scale, massing, bulk or layout of the proposed dwelling, from the previously approved scheme.

In light of the above considerations, the proposed design changes are not considered to significantly harm the character and appearance of the property at the site, and the proposal is considered to comply with Policy Dev 20.

The site is located within the AONB and Heritage Coast. The highest degree of protection is offered to this designated site. In the appeal decision, ref. APP/K1128/W/18/3202068, the Planning Inspector found that: *'the proposal does respond positively and sensitively to the wider landscape character, and that therefore no harm to the AONB arises by virtue of the proposed development'*.

In addition, the Planning Inspector found that:

*'Whilst the design features of the proposed scheme may be different than that of its neighbours, I do not find that it would necessarily draw the eye or be overly prominent when viewed in the context of this part of Challaborough. Further the proposed replacement dwelling would represent an update and remodelling of a tired structure, and would give the site a more modern appearance in line with the surrounding properties. As such the proposed replacement*

*dwelling would enhance the appearance of the site, and therefore would not result in harm to the character and appearance of the area.'*

As discussed above, because the overall aesthetic of the design of the property is not greatly altered in this revised scheme, and the changes that are proposed are considered to be in keeping with the approved scheme, and are commensurate in scale with the property, the proposal is not considered to harm the special qualities of the AONB or Heritage Coast. The alterations to the elevation that is most visually prominent within the AONB, from the coast path and beach, has not altered greatly, and sees the small increase in glazing to the triangle gable. The proposed materials have been agreed as part of the discharge of condition application 0485/21/ARC. As part of application 0485/21/ARC, an assessment was made of the materials and details upon the impacts upon the AONB and landscape character, and these were considered acceptable.

It is noted that within the AONB dark night skies should be protected, especially from intrusive light pollution and light spill. The proposal would see the addition of 2 no. roof lights which is not considered to significantly increase the level of light spill from what was previously approved on the scheme, therefore there is not considered to be harm to the dark night sky of the AONB. Also, Officers reference the surrounding land uses, including residential development and the tourist park, which will already result in some light pollution, so the proposed application site is not considered to be introducing light into a dark area.

In respect of the above, the proposal is considered to meet the aims and objectives of Policies Dev 23, Dev 24 and Dev 25.

### **Neighbour Amenity:**

2 letters of objection have been received which express concerns about the neighbouring amenity arising from the roof lights, and the glare and shine these cause upon residents.

The positioning of the property, in relation to the neighbouring properties is shown on the site location plan. The position of the property at the development site is on a slight angle, so is not directly parallel with the neighbouring properties. As such, the roof light on the side east elevation, is not directly facing toward the property at 'Idle Rocks', and 'Idle Rocks' is set further back from the highway and the property, to not be facing the roof light. The ridgeline height of Waves Edge is approximately 1.5 metres lower than the ridgeline height of Idle Rocks. As the roof light is out of the perimeter, and not within the same level, of the neighbouring property at 'Idle Rocks', there is not considered to be a detrimental impact on amenity of the property 'Idle Rocks'.

In relation to the roof lights on the front facing elevation, these are also not considered to be of detriment to the neighbouring amenity for the following reasons- the neighbouring property known as 'Seacliff' is approximately 27 metres distance from the development site, and the neighbouring property known as 'Garston' is approximately 43 metres distance. These are considered to be suitable distances away to not receive direct reflection from the roof lights. In addition, the topography of the site is such that the land levels rise significantly towards the south and the east, so the neighbouring properties to the south are set on a higher ground level than the development site.

There is mention of the unacceptability of the scale and height of the scheme, and how this has been of detriment to the views afforded from properties to the south of the scheme. This

proposal does not alter the height or the scale of the approved scheme, and Officers consider it is acceptable in this regard.

In accordance with Policy Dev 1, residential amenity has been considered, and the proposal is not considered to substantively alter amenity levels such that refusal could be justified on this basis.

**Highways/Access:**

The Highways Officer has commented there to be no highways implications.

**Other Matters:**

An ecological survey was not a validation requirement for this application. On the parent permission an ecological survey was conducted and found there to be no bats, or birds at the site, and the proposed erection of a replacement dwelling, was not considered to harm protected species.

The parent permission (4416/17/FUL) was issued with a condition relating to drainage. The same condition will be issued on any subsequent grant of planning permission because the details of the site drainage have not been supplied and approved in writing as of yet.

**The Planning Balance:**

The application proposes amendments to an existing permission (which could still be implemented in full). For the reasons set out above Officers consider the proposed amendments to the existing permission are acceptable and the application is recommended for approval subject to conditions as detailed above.

***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  
SPT12 Strategic approach to the natural environment  
TV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV26 Development in the Countryside  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
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) including but not limited to paragraphs 126, 130, 134 and 176 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan.

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

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

### **Conditions**

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

Site location plan drw.no. 15;  
Proposed floor plan and elevations 015/001/14;

received by the Local Planning Authority on 13 May 2022

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 hereby approved shall in all respects be built and developed in accordance with the approved landscaping scheme, under application ref. 0485/21/ARC.

Reason: To protect and enhance the landscape character and visual amenity.

3. The development hereby approved shall be carried out at all times, in accordance with the construction management plan, approved under application ref. 0485/21/ARC.

Reason: To protect neighbouring amenity, and the safety of highway users.

4. Within three months of the date of this decision notice, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and to ensure the developed is adequately drained.

5. Within three months of the date of this decision notice, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of the maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to installation on site. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SUDs Manual and CIRIA C698 Site Handbook for the construction of SUDs.

Reason: To safeguard the amenities of the locality and environment and to ensure the development is adequately drained.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority, other than those expressly authorised by this permission:-
  - (a) Part 1, Class A (extensions and alterations)
  - (b) Part 1, 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 dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
  - (e) Part 1, Class F (hardsurfaces)
  - (f) Part 1, Class G (chimney, flue or soil and vent pipe)
  - (g) Part 40, class A & B (Installation of domestic Microgeneration Equipment)
  - (h) Part 1, (h) including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order)
  - (i) Part 2, Class A (means of enclosure) and;

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.



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**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 27-Jul-22**  
**Appeals Update from 18-Jun-22 to 11-Jul-22**

**Ward Charterlands**

APPLICATION NUMBER: **4584/21/HHO** APP/K1128/D/22/3299801  
APPELLANT NAME: Mr and Mrs Robert and Marina Blackler  
PROPOSAL: Householder application for demolition of existing glazed conservatory and terrace and replace with new terrace and extensions to rear, entrance porch extension and revised parking arrangements and removal of chimney and introduction of flue  
LOCATION: Bramleys Cleveland Drive Bigbury On Sea TQ7 4AY **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 21-June-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Kingsbridge**

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 decided  
APPEAL START DATE: 12-April-2022  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 05-July-2022

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**Ward Loddiswell and Aveton Gifford**

APPLICATION NUMBER: **3801/21/HHO** APP/K1128/D/22/3298501  
APPELLANT NAME: Mr & Mrs Angus and Andrea Scanoln Lugsdin  
PROPOSAL: READVERTISEMENT (Revised plans received) Householder application for alterations and extensions to existing dwelling (resubmission of 2536/21/HHO)  
LOCATION: 3 Elston Cottages Churchstow TQ7 3QS **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 27-June-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Salcombe and Thurlestone**

APPLICATION NUMBER: **1704/21/HHO** APP/K1128/W/22/3298629  
APPELLANT NAME: Ms Lucinda Davie  
PROPOSAL: Householder application for roof extension and alterations to front, side and rear  
LOCATION: Summerleaze Drake Road Salcombe TQ8 8EG  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-June-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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APPLICATION NUMBER: **3268/21/OPA** APP/K1128/W/22/3297083  
APPELLANT NAME: Mrs Christine Cottle  
PROPOSAL: Outline application with all matters reserved for erection of single dwelling  
LOCATION: Land at Fairhaven Sandhills Road Salcombe TQ8 8JP  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-June-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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APPLICATION NUMBER: **4452/21/FUL** APP/K1128/W/22/3296981  
APPELLANT NAME: Mrs Wendy Pearson  
PROPOSAL: Conversion of loft to additional living accommodation and provision of 3 new dormer windows to rear elevation  
LOCATION: 2 Moulton Moor Moulton Road Salcombe TQ8 8LG **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-June-2022  
APPEAL DECISION:

APPEAL DECISION DATE:

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APPLICATION NUMBER: **1204/21/FUL** APP/K1128/W/22/3294075  
APPELLANT NAME: Mr & Mrs M Hill  
PROPOSAL: Resubmission of planning application 3399/20/FUL for proposed storage/machinery shed for existing business use  
LOCATION: Langworthys Barn West Alvington TQ7 3GZ **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 24-June-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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APPLICATION NUMBER: **2682/21/HHO** APP/K1128/D/22/3298556  
APPELLANT NAME:  
PROPOSAL: Householder application for proposed alteration and extension to provide extended front porch/balcony, new bay window and replacement lean-to kitchen and store, replacement existing garage for new double garage with office over and associated external works  
LOCATION: Cliff House Grand View Road Hope Cove TQ7 3HE **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 28-June-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Totnes**

APPLICATION NUMBER: **2673/21/CLP** APP/K1128/X/21/3282827  
APPELLANT NAME: Ms Katherine Trenshaw  
PROPOSAL: Certificate of lawfulness for proposed erection of garden building (Resubmission of 1962/20/CLP)  
LOCATION: 6 Broomborough Drive Totnes TQ9 5LT **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 04-October-2021  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 28-June-2022

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**South Hams District Council**  
**DEVELOPMENT MANAGEMENT COMMITTEE 27-Jul-21**  
**Appeal Hearings/Public Inquiry from 18-Jun-22**

**Ward Kingsbridge**

APPLICATION NUMBER : **3122/21/VAR** APP/K1128/W/22/3296573  
APPELLANT NAME: Blakesley Estates (Kingsbridge) Ltd  
PROPOSAL : 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  
LOCATION : Land at Garden Mill Derby Road Kingsbridge  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 08-June-2022  
TYPE OF APPEAL **Informal hearing**  
DATE OF APPEAL HEARING OR INQUIRY: 04-August-2022  
LOCATION OF HEARING/INQ: Follaton House  
APPEAL DECISION:  
APPEAL DECISION DATE:

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### Undetermined Major applications as at 11-Jul-22

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

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

	Valid Date	Target Date	EoT Date
<b>3704/16/FUL</b> Charlotte Howrihane	22-Nov-16	21-Feb-17	<b>31-July-22</b>
Creek Close, Frogmore, Kingsbridge TQ7 2FG		Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)	

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

	Valid Date	Target Date	EoT Date
<b>3749/16/VAR</b> Charlotte Howrihane	23-Nov-16	22-Feb-17	<b>31-July-22</b>
Development Site Of Sx 7752 4240, Creek Close Frogmore, Kingsbridge TQ7 2FG		Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F	

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

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

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

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

	Valid Date	Target Date	EoT Date
<b>4158/19/FUL</b> Patrick Whymer	17-Jan-20	17-Apr-20	<b>6-Feb-21</b>
Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kingsbridge Devon		READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, car parking and landscaping 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- all variations acceptable and agreed by relevant consultees, but applicant advised that a Deed of Variation would be required as the original permission was subject to a S106. Applicant considering whether to do this, or to withdraw the application			
	Valid Date	Target Date	EoT Date
<b>3623/19/FUL</b> Jacqueline Houslander	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: Amended plans received and re-consultation underway. Report partially written.			
	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. Awaiting additional information from applicant.			
	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.

	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>1159/21/FUL</b> Cheryl Stansbury	23-Apr-21	23-Jul-21	<b>31-Jan-22</b>
Land at West End Garage, Main Road Salcombe TQ8 8NA			Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)

Comment – Deferred by Members at May Committee for revisions to design

	Valid Date	Target Date	EoT Date
<b>1557/21/VAR</b> Steven Stroud	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> Steven Stroud	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 planning permission 0504/20/VAR

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>30<sup>th</sup> July 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 waiting for completion of Deed of Variation on 3078/21/VAR (below) to be completed. Reserved matters application can not be determined until after the variation of condition 4 has been decided. 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>30<sup>th</sup> July 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 Deed of Variation being completed to ensure that original S106 contributions and requirements from original consent are carried over. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
<b>3119/21/FUL</b> Bryn Kitching	10-Aug-21	9-Nov-21	<b>30<sup>th</sup> July 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 S106 being completed to ensure contributions are being made in line with phases 1 and 2. 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 – Revised plans now received and reconsultation underway

	Valid Date	Target Date	EoT Date
<b>3335/21/FUL</b> Cheryl Stansbury	14-Oct-21	13-Jan-22	<b>17-Feb-22</b>
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers		Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.	

Comment – Approved by Members, subject to S106 agreement (now with legal)

	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 – Going to DM committee, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>1303/21/FUL</b> Steven Stroud	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>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 – Non-determination appeal. Hearing fixed for 4<sup>th</sup> August 2022

	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>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>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. Sent to Ward members

	Valid Date	Target Date	EoT Date
<b>4317/21/OPA</b> Steven Stroud	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. Meeting to be held with applicant to review proposed changes 23/6/2022

	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. Additional information awaited from applicant.

	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>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.

	Valid Date	Target Date	EoT Date
<b>1059/22/FUL</b> Jacqueline Houslander	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

	Valid Date	Target Date	EoT Date
<b>0510/22/VAR</b> PI Officer	3-May-22	2-Aug-22	
Bovisand Harbour (Fort Bovisand) PL9 0AB	Bovisand Wembury	Application for variation of condition 2 (approved plans) of planning consent 3814/20/VAR	

Comment – meeting with applicant to discuss the issues. 23/6/2022

	Valid Date	Target Date	EoT Date
<b>1220/22/FUL</b> Chloe Allen	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: In consultation period, under consideration by officer.

	Valid Date	Target Date	EoT Date
<b>1178/22/ARM</b> Bryn Kitching	11-May-22	10-Aug-22	
Land Off Townstal Road Townstal Road Dartmouth		Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR relating to access, appearance, landscaping, layout and scale for the construction of 46No. apartment extra care/assisted living scheme (Class C2) with provision of parking, gardens, access and associated works	

Comment – application recently submitted and consultation period underway.

	Valid Date	Target Date	EoT Date
<b>1836/22/FUL</b> Tom French	25-May-22	24-Aug-22	
Langage Energy Park, Kingsway Plympton		Application for proposed green hydrogen production facility	

Comment –

	Valid Date	Target Date	EoT Date
<b>1614/22/VAR</b> Chloe Allen	10-Jun-22	9-Sep-22	
Brutus Centre, Fore Street, Totnes		Application for variation of condition 2 (approved plans) of planning consent 2560/21/FUL	

Comment:

	Valid Date	Target Date	EoT Date
<b>1523/22/FUL</b> Jacqueline Houslander	20-Jun-22	19-Sep-22	
Proposed Development Site West, Dartington Lane Dartington		Construction of 39No. two-storey dwellings with associated landscaping	

Comment|:

	Valid Date	Target Date	EoT Date
<b>1629/22/ARM</b> Jacqueline Houslander	20-Jun-22	19-Sep-22	
Dennings, Wallingford Road Kingsbridge	TQ7 1NF	Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings)relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions	

Comment:

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2243/22/FUL</b> PI Officer	7-Jul-22	6-Oct-22	
Land at SX 784 583 Harberton		Stable block, hardstanding & change of use of field for the grazing of horses	

Comment: