

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 5th October, 2022										
Time:	9.30 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Foss</p> <p style="text-align: center;">Vice Chairman 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										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

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

To approve as a correct record the minutes of the meeting of the Committee held on 7 September 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) 3027/21/FUL** **11 - 28**

"Vineyard North of Lower Aunemouth" Bantham
READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks
 - (b) 1614/22/VAR** **29 - 42**

"Brutus Centre", Fore Street, Totnes
Application for variation of condition 2 (approved plans) of planning consent 2560/21/FUL
 - (c) 2013/22/FUL** **43 - 52**

20 Buckwell Road, Kingsbridge
READVERTISEMENT (amended plans) Erection of new dwelling (Re-submission of 0536/22/FUL)

	Page No
(d) 3503/21/ARM "Gerston Gate Barn", Gerston Lane, West Alvington Application for approval of reserved matters following outline approval 1655/19/OPA (for provision of an agricultural worker's dwelling)	53 - 64
(e) 3235/21/FUL "Harwood Farm", Salcombe Road, Malborough New Residential Dwelling	65 - 76
7. Planning Appeals Update	77 - 78
8. Update on Undetermined Major Applications	79 - 84

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

Members in attendance * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott (for 5(a),(b),(c),(d) and (e) only (Minute DM.27/22 refers)	*	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

Other Members also in attendance and participating:

Cllrs K Baldry; H Bastone and J Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Principal Planning Officers; Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer; IT Specialists; and Democratic Services Officer

DM.24/22 MINUTES

The minutes of the meeting of the Committee held on 6 July and 27 July 2022 were confirmed as a correct record by the Committee subject to the following amendments to the 6 July minutes (DM.13/22 and DM.15/22 refers) underlined below.

- Cllr B Taylor declared an Other Registerable Interest in applications 5(a), (b), (c) (d) and (f) (minutes DM.15/22 below refer), he is a member ~~of the Member~~ of the South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.
- The Ward Members thanked Members for attending the site visit, they said that this is not just a commuter town, it was their home.
- An Aldi built on the significant car parks in towns like Totnes, Kingsbridge, Salcombe or Dartmouth would take away from each town.
- Experts were saying two different things regarding the veteran tree and it is crucial to understand whether the tree is veteran before development

takes place.

- Members, when stood by the Co-op store, saw green landscape and this will be replaced by a two-storey building.
- Iybridge has regenerated; do not take away the livelihood of retailers and there will be a significant impact on the loss of car park for the Breast Screening Unit and the Thursday market.
- Speakers included: Objector – Jo Burgess (slides); Supporter – Martin Simpson; Parish Council – Cllr Hladkij (slides); Ward Members - Cllrs Abbott (slides) and Pringle

DM.25/22 **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), (c), (d) and (e) (minutes DM.27/22 (a), (c), (d) and (e) below refer) because he was a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr K Pringle declared an Other Registerable Interest in application 6(f) (minute DM.27/22(f) below refers), by virtue of being a member of Iybridge Town Council. The Member remained in the meeting and took part in the debate and vote thereon.

DM.26/22 **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.27/22 **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) 4318/21/FUL Shelter 21m From Station Restaurant, South Embankment, Dartmouth
Parish: Dartmouth**

Development: Change the use of parts of the South Embankment Promenade to facilitate 9 discrete 'pitches' which can be used by hospitality businesses to provide outdoor seating.

Case Officer Update: The Case Officer reported that SHDC was the applicant and shared images showing the outline of where the pitches would be located across the promenade. An objection had been received from Devon County

Highways and a condition had been recommended to ensure that each business supervised crossings. It was proposed that, if granted, a temporary consent would be appropriate in order that the situation could be monitored.

In response to questions raised by Members, the Case Officer informed that:

- all of the canopies would be the same colour and the pitches set back to allow people to continue to walk along by the edge of the water; and
- there would be a requirement that, when not in use, the pitches would be removed and stored away.

Speakers included: Supporter – Mark Readman; Ward Member – Cllr R Rowe

Members felt that the proposed condition 3 was very onerous for the businesses and questioned whether it was the responsibility of each individual business to ensure the safety of the public. Members felt this condition was to satisfy Devon County Council's objections and were minded to remove it. It was also highlighted that the supervised crossing was for the public and staff.

The Ward Member reported that traders worked together to co-ordinate the pitches and there was space for the public to walk alongside the riverside. Instances of the public crossing the road would happen regardless of the pitches and there had been no accidents during the last 3 years of operation. This had created a great ambience in this part of Dartmouth and the Member was confident that, if approved, the pitches would thrive over the next three years.

During the debate, Members questioned whether it was necessary for a temporary application and moved for this application to be made permanent and for the removal of condition 3. Members felt strongly that it was not the responsibility for the businesses to oversee supervised crossings.

Having been proposed, Members sought advice from the Monitoring Officer on the alternative proposition. In so doing, the Monitoring Officer informed that Members were entitled to grant planning permission with conditions subject to the conditions passing the usual tests. If Members view that a proposed condition was not necessary to make the proposal acceptable in planning terms, then it was within their gift to not impose that condition. The Monitoring Officer also stated that it was clear that Members had considered the view of the County Highways Authority and had debated that view. Having done so, the Monitoring Officer was of the view that Members would not be acting unreasonably.

Recommendation: Conditional Approval.

Committee decision: Conditional Approval subject to inclusion of the following additional changes:

- Time limit (temporary 3 year consent) – this condition to be made permanent.

- Use of 'banks person' – this condition to be removed.

Conditions: Accord with plan
Hours of operation 9.00 am – 10.00 pm

**6b) 3931/21/FUL Little Acres, Yealmpton
Parish: Yealmpton**

Development: Conversion of existing garage and store to create annex with habitable accommodation (part retrospective).

Case Officer Update: The Case Officer reported that this application was retrospective and sought approval of the already constructed residential annexe. The key issue for the Committee to consider was whether the principle of the annexe as ancillary habitable accommodation to the main dwelling was acceptable. At the site visit, Members had questioned the planning history for the site. The Case Officer proceeded to provide Members with the planning history for this site which included previous applications, enforcement and subsequent appeals quashed by the planning inspector.

Speakers included: Supporter – Jessica Duff; Parish Councillor – Cllr Craddock; Ward Members – Cllrs K Baldry and D Thomas.

Members questioned the holiday homes raised by the applicant and whether the annexe was elderly friendly.

One of the Ward Members stated that he was not convinced by the highways officer report and felt that access into the property would cause a highway issue. The Member also felt that this accommodation was not sustainable and water drainage not adequate and was contrary to planning policy TTV26. As a result, the Member asked the Committee to refuse the application.

The Ward Member raised the concerns that the proposed condition restriction occupation could be varied later and for the annexe to evolve from ancillary to a separate dwelling. The Ward Member highlighted that there were chalets in close proximity from Little Acres and this was a separate application and urged Members to take account of the policy points raised and that this could very soon become a separate dwelling.

In response to the Ward Member, Members highlighted the issues with social care and that this annexe would support the family. The Ward Member responded that this site did not support an ancillary dwelling.

During the debate Members sought clarification on the definition of an annexe as opposed to a house and questioned the potential for garages to be turned into a separate dwelling. In conclusion, Members stated that they had sympathy with the views of the Parish Council and local residents but felt that the Planning Inspectorate had overruled previous decisions and the majority of Members

therefore felt that they had to support the proposal.

Recommendation: Conditional Approval.

Committee decision: Conditional Approval.

Conditions: In accordance with plans;
Restriction on use – ancillary to main dwelling known as Little Acres;
Drainage scheme installed in accordance with plans;
Unilateral Undertaking to secure Plymouth Sound and Estuaries EMS contribution has been completed and signed.

6c) 3026/21/FUL **Vineyard North West of Buckland", Buckland, Bantham Parish: Thurlestone**

Development: Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks.

Case Officer Update: The Case Officer reported that this application was for the temporary installation of paraweb for a period of 5 years and key planning considerations for the Committee to determine related to the justification for the wind breaks and landscape impacts.

Members questioned the temporary condition and whether there was a possibility for an extension and asked why the Landscape Officer's opinion had changed.

Speakers included: Objector – Jon Wigg; Supporter – David Hares; Ward Members – Cllrs J Pearce and M Long.

In response to questions from Members, the objector felt that this application constituted a retrospective planning application and the vines had been planted with the knowledge that fencing would need to be built. The objector also had no faith that planning enforcement would be followed through.

In response to questions from Members, the supporter reported that the biodiversity related to the additional planting and that, in his view, this would clearly be an improvement on an arable field. The beech trees would ultimately grow to a height of 45 metres and the overgrown hedge bank would be more characteristic to the area. It was further reported that the long term benefits of the proposals would outweigh the adverse impacts on the landscape.

One of the Ward Members stated that they were content for this application to have been determined by officers as a delegated decision and that no objections had been raised by the Parish Council. The application fell within the policies of the Neighbourhood Plan and would be an innovative project for the parish. The vines had been planted last year and would take five years to

grow. Therefore, the vines would need protection when flowering. Having researched other vineyards that were located near the sea, all were found to have windbreaks to protect them from the wind.

The second Ward Member informed that they had requested for this application to be determined by the Committee in response to concerns that had been raised in respect of the use of paraweb on the landscape and visual impact on the countryside and the AONB. The Ward Member informed that, if approved, would like to see a condition imposed on the maintenance of the orchard, currently a 5 year maintenance plan, to be increased to 10 years.

During the debate, Members felt that this was a fair proposal which would provide new jobs for the local area and increase biodiversity but acknowledged that the local community felt let down by SHDC on planning enforcement matters. Some Members were concerned over the use of the introduction of paraweb and wanted assurances that the paraweb would be removed after 5 years. Members then requested an increase to the maintenance plan to 10 years and for the wording to be changed in condition 6 to ensure that the paraweb was removed after 5 years. Members then debated the use of glyphosate and the impact on the environment and it was recognised that it was not a planning issue and that this subject should be debated further outside of this meeting.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided

Committee decision: Conditional Approval, subject to condition 5 being changed to require landscaping to be maintained for 10 years instead of 5 and also for the reason for condition 6 to be changed to remove the last sentence.

Conditions:

- 1) Time limit
- 2) Approved drawings
- 3) Ecology recommendations
- 4) Nesting birds
- 5) Planting
- 6) Temporary condition / removal after five years

6d) 3027/21/FUL Vineyard North of Lower Aunemouth, Bantham Parish: Thurlestone

Development: Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks.

Case Officer Update: The Case Officer reported that an additional objection had been received from the South Hams Society.

In response to questions from Members, it was reported that there would be more of a visual impact on the AONB due to the positioning of the footpaths

and the use of glyphosate was outlined within the landscaping plan under maintenance.

Speakers included: Objector – Jon Wigg; Supporter – David Hares; Ward Members – Cllrs J Pearce and M Long.

In response to questions from Members, it was reported that herbicide applications took place in April, June and August and were used during the first year for planting to establish and plantation A1 west of the fencing was included in the landscaping scheme as part of a condition.

One of the Ward Members highlighted that, due to the very few objections that had been received, this application could have been delegated to officers. It was stated that a previous application relating to the Bantham Estate had received over 90 objections.

The second Ward Member again raised concerns on the paraweb, the visibility impact and expressed the view that these proposals would have a higher impact.

During the debate, Members raised the maintenance schedule on landscaping to be increased to 10 years as opposed to the 5 years and to include plantation at area a1.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided

Committee decision: Conditional Approval

Conditions:

- 1) Time limit
- 2) Approved drawings
- 3) Ecology recommendations
- 4) Nesting birds
- 5) Planting
- 6) Temporary condition / removal after five years

**6e) 1332/22/HHO Netton Farmhouse, Noss Mayo Householder application for single storey side extension to kitchen.
Parish: Newton and Noss**

Development: Householder application for single storey side extension to kitchen.

Case Officer Update: The Case Officer provided Members with images outlining the measurements for the extension following comments made on the site visit. The application was recommended for refusal with the key issues related to the siting of the structure, the proposed design and Policy N3P not relevant to this particular site.

Speakers included: Supporter – Dr Philip Hughes; Parish Councillor – Cllr Kevin Thomas; Ward Members – Cllrs D Thomas and K Baldry.

The Ward Members reported that this application had been called in in response to the contents of the parish neighbourhood plan and they strongly urged the Committee to consider this application which was entirely in keeping and had widespread parish support. Finally, the Members were of the view that the proposals were an improvement on the current building and therefore asked the Committee to grant approval of the application.

Having been informed by the Monitoring Officer that the merits of the application were subjective, Members took into consideration what had been said and the proposed building materials being in keeping with the existing property, a number of Members proceeded to express their support for this application being conditionally approved.

Recommendation: Refusal.

Committee decision: Delegated Approval with the final wording of the conditions being delegated to the Head of Development Management in consultation with the Committee Chairman and the Proposer and Seconder of the Motion.

6f) 2264/22/FUL Cemetery, Woodland Road, Ivybridge Proposed extension of existing cemetery Parish: Ivybridge

Development: Proposed extension of existing cemetery.

Case Officer Update: The Case Officer reported that this was a SHDC application to extend the area for burials.

Members debated whether a condition could be added to allow the development of wild flowers across the site and it was highlighted that this would be covered by the community team on the management of the cemetery. It was also reported that there was a management plan in place separate to the planning application regarding burials at this cemetery.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Tree protection plan (pre-commencement)
4. Siting of burials
5. Accord with ecological mitigation

6g) 2453/22/HHO 36 Furze Road, Totnes

Parish: Berry Pomeroy

Development: Householder application for proposed single storey front extension.

The Committee noted that this application had been deferred for further consultation.

DM.28/22 PLANNING APPEALS UPDATE

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

DM.29/22 UPDATE ON UNDETERMINED MAJOR APPLICATIONS

Members noted the update on undetermined major applications as outlined in the presented agenda report.

DM.30/22 PLANNING PERFORMANCE INDICATORS

Members noted the planning performance indicators outlined in the agenda report.

(Meeting commenced at 10:00 am. Meeting concluded at 14:33 pm, with a 10 minute break at 11:20 am, with lunch at 13:25 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 7th September 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>
4318/21/FUL	Shelter 21m From Station Restaurant, South Embankment, Dartmouth	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (11)			Cllr Kemp (1)
3931/21/FUL	Little Acres, Yealmpton	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Pannell, Reeve, Rowe and Taylor (10)	Cllr Pringle (1)		Cllr Kemp (1)
3026/21/FUL	Vineyard North West of Buckland", Buckland, Bantham	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe and Taylor (9)	Cllr Long (1)	Cllr Hodgson (1)	Cllr Kemp (1)
3027/21/FUL	Vineyard North of Lower Aunemouth, Bantham	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe and Taylor (9)	Cllr Long (1)	Cllr Hodgson (1)	Cllr Kemp (1)
1282/22/HHO	Netton Farmhouse, Noss Mayo	Approved	Cllrs Abbott, Brazil, Brown, Hodgson, Long, Pannell, Pringle, Reeve and Taylor (9)		Cllrs Foss and Rowe (2)	Cllr Kemp (1)
2264/22/FUL	Cemetery, Woodland Road, Ivybridge	Conditional Approval	Cllrs Brazil, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (10)			Cllr Abbott and Kemp (2)
2453/22/HHO	36 Furze Road, Totnes	Deferred				

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen
Thurlestone

Parish: Thurlestone **Ward:** Salcombe and

Application No: 3027/21/FUL

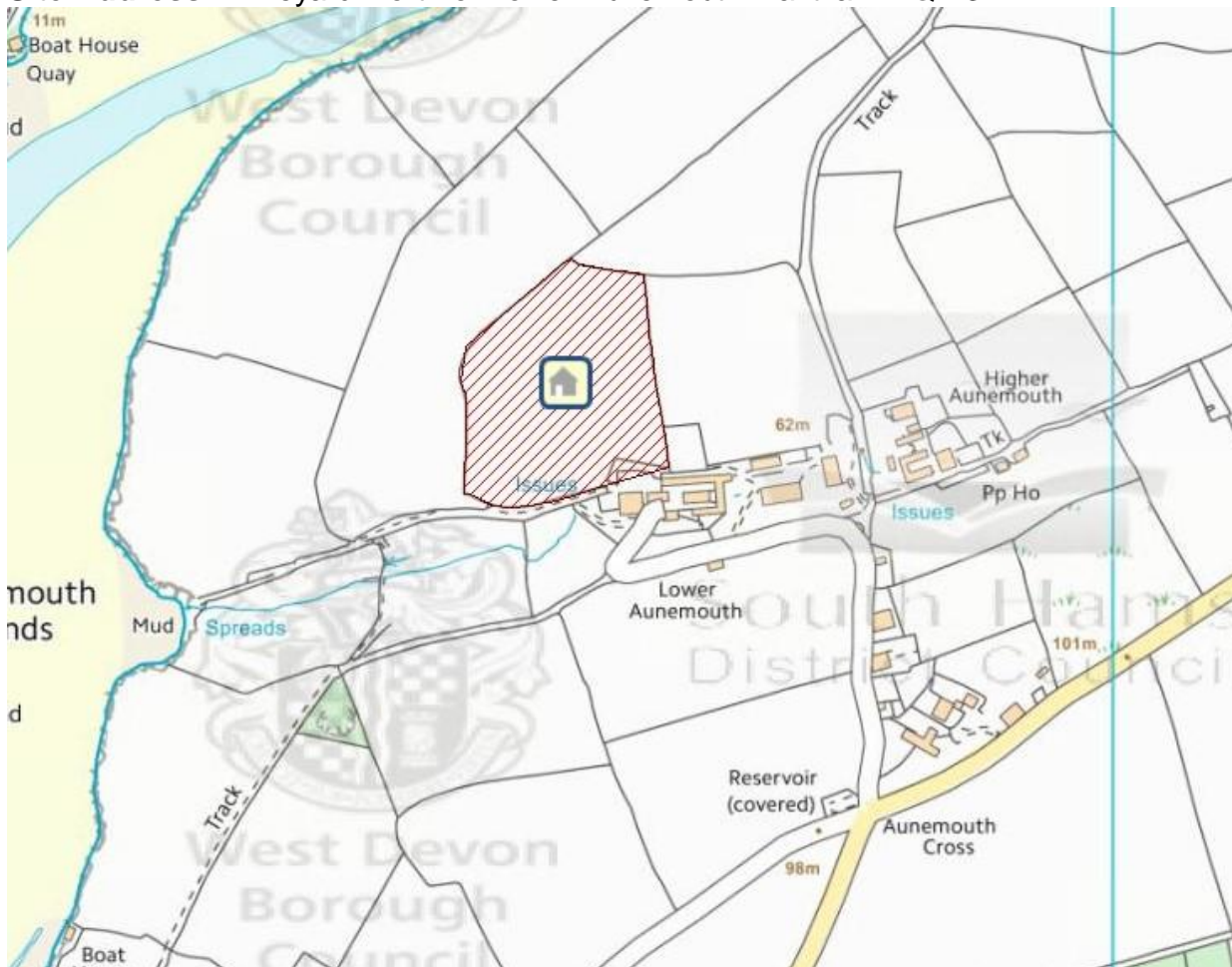
Agent/Applicant:

Mr. C. Wojtulewski - Parker Dann Ltd.
S10 The Waterside Centre
North Street
Lewes
BN7 2PE

Applicant:

Bantham Estate Ltd .
Bantham Estate Office
Bantham
Kingsbridge
TQ7 3AN

Site Address: Vineyard North of Lower Aunemouth Bantham TQ7 3AD



Development: Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

Reason item was put before Committee on 07.09.2022:

The application was approved by the Committee on 7th September 2022. However, member's agreement to amend the wording of the reason for condition 6 was not secured.

The purpose of bringing the application back to committee is to secure such approval.
The condition would be amended as follows:

6. The upper section of the fencing and fence posts hereby permitted, labelled as 'A' on drawing number: 377-01-06, shall be completely removed no later than five years following the date of this Decision Notice such that the height of any remaining fencing does not exceed a maximum height of 2m above ground level.

Reason: Temporary permission is given in this case by reason of the special circumstances pertaining to the proposed scheme, that is to allow the existing and proposed natural windbreaks to become fully established to provide shelter for the vineyards and associated planting, and only on a strictly limited basis. ~~so that the position may be reviewed in the light of circumstances prevailing at the expiry of the permission.~~

Additionally, the committee approved the application subject to condition 5 being amended to require the landscaping scheme to be maintained for ten years, rather than five.

Reason item was put before Committee on 07.09.2022:

Called in by Cllr Mark Long who commented in an email dated 03/05/22:

I would want these two applications to go before the Development Management Committee for consideration given the objections and comments of the SHDC Landscape Officer relating to impact on the AONB and UDC, as well as other similar representations.

Following receipt of additional landscape plans and details, and additional comments from the Landscape Officer, Cllr Mark Long confirmed he would like the applications to still be heard at Development Management Committee for consideration of justification, planting and landscape comments.

Cllr Judy Pearce was agreeable to the application being a delegated decision for approval.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided.

Conditions

- 1) Time limit
- 2) Approved drawings
- 3) Ecology recommendations
- 4) Nesting birds
- 5) Planting
- 6) Temporary condition / removal after five years

Key issues for consideration:

- Principle
- Design and Landscape
- Neighbouring Amenity
- Heritage
- Ecology
- Highways
- Flooding
- Planning Balance

Site Description:

The application site comprises agricultural land accessed via the unclassified, Lower Higher Aunemouth Service Road, leading northwards from the crossroad on the Class C road, Bantham to Aunemouth Cross. It lies on the north side of Lower Aunemouth, to the north-east of Bantham village and to the north of Buckland, and is located in proximity to Thurlestone Public Footpath no.6.

The site lies within an Area of Outstanding Natural Beauty (AONB), Heritage Coast, Undeveloped Coast and the 3G. River Valley Slopes and Combes Landscape Character Area.

The site lies at a distance of over 1.2km from the nearest ancient monument, Four Bowls Barrows, to the south-east and at a distance of over 600m from the nearest Listed Building, Grade II Myrtle Cottage and Cob Cottage, to the south, and beyond the West Buckland Conservation Area.

Description of Proposal:

The application seeks temporary permission, for five years, for the top section of two rows of proposed fencing which run north-south alongside the west and east field boundaries, which are lined with existing hedgebanks. The eastern site boundary is actually in the middle of the vineyard, with the fields to the east also being used for such, being within the applicant's ownership.

The proposed fencing comprises 4m high timber posts, with the first 1.8 metre section consisting of permanent deer fencing, and the 2.2 metre section above this consisting of paraweb polyester webbing. The purpose of the temporary paraweb fencing is to protect natural windbreaks, comprising double rows of saplings that have already been planted, adjacent to hedgebanks that are approximately 3m high. This temporary protection would allow the planting to mature sufficiently to both withstand the wind and provide adequate shelter for the vines.

At the end of the temporary five year period the paraweb would be removed and the timber posts would be reduced to 1.8m, leaving only the deer fence and natural windbreaks in situ. This would result in the deer fence then falling within the height limitations for permitted development for gates, fences and walls as set out in Class A, Part 2, Schedule 2 of the Town and Country (General Permitted Development)(England) Order 2015 (as amended).

A swathe of trees have recently been planted adjacent to the proposed western fence, beyond the application site to the west, within the blue outlined area under the applicant's ownership.

Consultations:

External Consultees

- DCC Highways - No highway implications
- Town/Parish Council - Thurlestone Parish Council supports this application for the temporary installation of two rows of 2.2 m high Paraweb fencing provided a condition is imposed to ensure that within 5 years, the Paraweb is removed and the timber posts are cut down from 4m to 1.8m high permanent deer fencing, which it is understood benefits from permitted development rights.

Councillors were satisfied that the temporary Paraweb fencing is necessary to protect the new trees and Devon hedge banks from the prevailing coastal winds in order to help establish the newly planted vineyard, which will provide opportunities for local employment and contribute towards the sustainable future of the local economy (NP Policy TP8.1).

Internal Consultees

- SHWD Landscape Officer - Initial Objection: Proposed section of Paraweb fencing would be unnecessarily high, visually prominent against skyline and uncharacteristic. Would be detrimental and fail to conserve and enhance the landscape/AONB

Officer Note: Further landscaping details and a response to the original comments have been provided by the applicant. Following review of such the Landscape Officer commented as follows:

'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant. The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'

- SHWD Tree Officer - No comment
- Drainage - No comments

Representations:

x2 letter of support has been received; comments as follows:

- I feel the vineyard and associated works should be supported because the local neighbourhood plan, Policy TP8 New Economic Proposals states that we need to be providing opportunities for local employment and helping to contribute to a year round working community.
- By helping to establish the trees to grow, the application supports a new business venture and will help it succeed.
- I personally know of 3 local people who have been working on this venture.
- TP22 in the Thurlestone neighbourhood plan 'Natural Environment' states that the character of the skylines, seascapes etc should be protected and enhanced.
- The temporary webbing is dark green in colour and see-through which I believe has no negative impact. I live next door at Higher Aunemouth Farm and look out these fields every day. The webbing has very little negative visual impact and I believe outweighs the positive impact the new venture will have in the area.
- I notice that some people have noted that a vineyard is not viable here but I have noticed that there are 3 successful vineyards in the Scilly Isles which are open to much more wind than here.

x3 letters of objection from separate addresses have been received.
The comments received are summarised as follows:

The Bantham Estate vineyards are more exposed than Sharpham Vineyard where natural high windbreaks are used

- Natural high windbreaks should have been planted and allowed to grow before planting the vines
- The enhanced employment claims are dubious and the employees who planted the vineyard were not local
- The applicants are installing the windbreaks before having received the planning decision
- The applications show the permanent deer fencing would only be installed on two sides of each vineyard so would be pointless
- If the plants can't grow without a temporary windbreak then the windbreak is pointless as the plans would not survive long term following removal of the temporary windbreak
- these proposals would have a detrimental effect on the highly sensitive AONB, Undeveloped Coast, and Heritage Coast, and are contrary to planning policies PT11, DEV23, DEV24, and DEV25
- Site is unsuitable for vineyards due to exposure to salt laden air
- Once the temporary windbreaks are removed, the natural windbreaks they would protect will break or blow over
- The windbreaks will not be temporary
- The windbreaks will be on a prominent skyline and contrary to SPT11
- The benefits promoted such as public events, leisure and retail are inappropriate for the village location and rural roads
- Application fails to mention visual impact to the east from public right of way
- The artificial shelter will cause a weak and uncharacteristic hedge to grow that will not be an enhancement in the AONB
- This will only serve the economic wellbeing of an estate based in Oxfordshire
- The run off from agrichemicals required to prevent mould etc will end up in the Marine Conservation Zone

Relevant Planning History

30273026/21/FUL

Vineyard North West of Buckland, Buckland, Bantham

Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks
UNDER CONSIDERATION

ANALYSIS

Principle of Development

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. The policy seeks to, amongst other things: encourage and support opportunities for business growth; promote environmentally conscious business development; promote a low carbon economy; protect and enhance biodiversity; protect the best and most versatile agricultural land for agricultural purposes; and strengthen, respect, and maintain local distinctiveness and sense of place through high standards of design.

Policy SPT2 elaborates further, supporting the creation of sustainable neighbourhoods and sustainable rural communities. The policy requires developments to support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other things; have safe, accessible, healthy and wildlife rich local environments; and provide a positive sense of place and identity, including through the recognition of good quality design, and protection and enhancement of the natural environment.

Policy TTV1 of the JLP sets out how the LPA will distribute growth and development in accordance with a hierarchy of settlements, enabling each town and village to play its role within the rural area. In this case, the application site would fall within tier 4 of TTV1, being within the countryside. TTV1(4) states that development will only be permitted in the countryside if it can be demonstrated to support the principles of sustainable development and sustainable communities (SPT1 and SPT2), including as provided for in Policy TTV26. Policy TTV2 indicates that sustainable rural development will be supported if it involves the growth and expansion of rural businesses and enterprises and the diversification of agricultural and other land-based rural businesses.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, with part 1 applying to development proposals considered to be in isolated locations only. Given the proximity of development in the surrounding area and the proximity of Buckland to the site, part 1 is not considered to be relevant in this case. Therefore, only the second part of the policy, which is applied to all development in the countryside, is of relevance, stating that:

‘Development in the Countryside:

2. Development proposals should, where appropriate:

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

In respect of TTV26(iii) and (iv) the wider site owned by the applicant is used as a vineyard, being a lawful agricultural use which requires a countryside location. A letter from Vinescapes consultants, dated 19/07/2020 confirms that an assessment of the climatic, soil and topographic suitability of the land at Bantham Estates was undertaken, the conclusion being that there was *‘cool-climate viticulture potential for a range of grapevine cultivars (selected because of their climatic suitability and for specific wine styles)’*. However, this conclusion was caveated by their advice that the viability of commercial viticulture would be restricted unless windbreaks were established to protect the vineyards from westerly winds.

A Wind Mitigation Strategy, dated 18/06/21 by Vinescapes Consultants, has been submitted in support of this application. This report sets out the need for the proposed Paraweb temporary

fencing and its design, and explains why such is considered to be critical to the sustainability and success of the vineyard, stating that:

'Windbreaks in and around the vineyard sites at Bantham are essential to protect the significant investment in hedges, trees, vines and native vineyard floor plants from coastal winds. Exposure to wind in a vineyard can disrupt flowering (leading to yield loss), reduce temperatures (resulting in reduced ripeness), physically damage the vine canopy (resulting in yield and quality losses) and cause operational challenges. A breeze is beneficial in a vineyard as it will help reduce disease pressure. The Bantham vineyards are exposed to sea winds and breezes from the south-west and west. To protect against the negative impacts these may cause it has been recommended that windbreaks be established around and within the vineyards...'

'In total 2,000 trees and 2,400 hedging plants have been established to form natural windbreaks for the vineyard (~25,000 vines).'

'To ensure the best chance of hedge and tree establishment and to speed up their growth as much as possible, and to protect the young vineyard (planted in May 2021) Vinescapes have recommended that temporary Paraweb windbreaks (Figure 3 below) are established in the locations shown in Figures 4a and 4b, to a height of 4m.'

'After 4–5-years the windbreak trees, and hedges on top of the Devon Banks, should be mature enough to withstand the sea breeze and coastal winds and the Paraweb can then be removed.'

Given the above, it is considered that the proposed development complies with TTV26(iii) and (iv). The development also complies with DEV15(6) which supports the rural economy providing, amongst other things, that development meets the essential needs of agricultural or forestry interests.

Additionally, Natural England's Agricultural Land Classification Map for the area identifies the site to be Grade 3 land, which is described as 'good to moderate'. Grade 3 land is split into two categories being Grade 3a and 3b, with only Grade 3a falling within the definition of 'the best and most versatile agricultural land'. Whilst it is not clear which category of Grade 3 the site falls within, the proposal seeks to support the continued use of the applicants land for agricultural purposes, which is supported by policy TTV26(v).

Considerations relating to site enhancement and impacts on the landscape, natural environment and public footpaths are set out in further detail below. However, the proposal is for a temporary period of five years only, with the upper section of the fence being removed at the end of such duration. Whilst the development will temporarily have some impact on the landscape, as a condition can be imposed to ensure the fencing is reduced in height after five years, it is not considered that the proposed fencing would result in long term degradation of the landscape or the natural environment, thereby complying with TTV26(vi). The proposed development is also likely to enhance the natural environment by supporting the establishment and growth of a significant amount of existing and proposed planting which will provide wildlife corridors and net gains in biodiversity.

Furthermore, the submitted supporting statement, dated 30/07/21, notes that the wider site under the ownership of the applicant, Bantham Estates Ltd, measures 303ha., of which, 6ha. have been planted with vines to assist with diversification of the estate. The letter from Vinescapes, dated 19/07/21, submitted in support of this application also notes that the

vineyard is expected to result in economic benefits involving a minimum of 2no. full time staff and approx. 20no. seasonal staff for harvesting and other activities. The letter, authored by Dr Alistair Nesbitt, a Viticulture Climatologist, also notes that vineyards are more intensively managed than arable farming and present opportunities for a wider range of skilled workers. He also refers to a recent Viticulture Impact Study for the South Downs National Park that found vineyards contribute positively to local economies through employment and tourism spending of £62 on average per visitor. The proposed development will facilitate the diversification of an existing agricultural/land-based business which will provide economic benefits, according with the requirements of TTV2(3) and (4), and the aims of DEV15 which seeks to support proposals in suitable locations which improve the balance of jobs within the rural areas and diversify the rural economy. Policy TP8.1 of the Thurlestone Parish Neighbourhood Plan (TPNP) also provides support for proposals for economic development and new commercial or business premises providing such meets the requirements of Policy TP1 and other relevant policies within the plan, which is discussed in further detail throughout this report.

For the reasons above, the principle of the proposed development is considered to accord with JLP policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15, as well as TP8 of the TPNP. Furthermore, the development accords with the aims of Paragraph 84 NPPF, which requires planning decisions to support a prosperous rural economy by enabling, amongst other things; the sustainable growth and expansion of all types of business in rural areas; and the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 is also of relevance, stating that '*Planning...decisions should recognise that sites to meet local business and community needs in rural areas may have to be found...beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.*'

Design/Landscape:

The site is within the open countryside, the undeveloped coast, the heritage coast, the South Devon AONB, and the 3G. River Valley Slopes and Combes Landscape Character Area.

Reflecting the aims of Paragraph 174 of the NPPF, JLP policy DEV23 supports development that conserves and enhances landscape character and visual quality, resisting adverse landscape or visual impacts.

JLP policy DEV24 seeks to protect the undeveloped and heritage coast, stating that:

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

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

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

Reflecting national planning policy set out in Paragraph 176 of the NPPF, JLP policy DEV25 affords the highest degree of protection to the protected landscapes of the South Devon AONB and requires the LPA's to protect the AONB's from potentially damaging or inappropriate development either within the protected landscape or their settings. Policy TNP1(5) and TP22 of the TPNP aligns with the aims of DEV23 and DEV25, seeking to conserve and enhance the natural beauty of the AONB and the character of the areas skylines, seascapes and riverscapes.

The most relevant sections of DEV25 are as follows:

'In considering development proposals the LPA's will:

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape's special qualities and distinctive characteristics or valued attributes.*
- 8. Require development proposals located within or within the setting of a protected landscape to:*
 - i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*
 - ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
 - iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
 - vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
 - ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects*

The proposal comprises the temporary installation of a 2.2m high section of fencing, above a permanent 1.8m high deer fence, formed of black polyester webbing between 4m high timber poles. The fencing would form two rows, following the existing field boundaries in a north-south direction.

The proposed section of fencing would lie parallel to existing hedgebanks that have been enhanced by additional planting, and a double row of proposed tree saplings. The purpose of this upper section of fencing as set out in the submitted documents is to provide a windbreak

for a temporary period of five years. This would enable the saplings and hedgebanks to grow sufficiently to serve as a natural windbreak to protect the vines that were planted in May 2021.

The submitted covering letter notes that the establishment of the vineyard has involved a significant investment in new hedges, trees, vines and native ground cover, including:

- c.2,700m of young trees planted in 2020;
- c.1,200m of hedging mostly on top of new or repaired Devon banks;
- 200no. salt resistant pine trees;
- 800no. additional trees (Alder and Beech) to be planted as windbreaks;

A fully detailed landscaping scheme has been submitted which clearly sets out the proposed and existing planting along with a maintenance schedule.

It is acknowledged that the synthetic black webbing would be out of character with the surrounding landscaping and that, due to its height, stretching from 1.8 to 4m above ground level, it would be visible from public viewpoints.

This visual prominence, however, would be slightly reduced by the dark colour of the proposed material, its permeable nature, and its position alongside linear landscape features (hedgebanks and trees/hedge plants). Additionally, the site is screened from some public vantage points, mostly to the east, south and north, by the topography and existing landscaping/built development. Visual impacts of the most eastern line of fencing will be limited to gaps in the hedgebanks (i.e. entrance gates), and long distance views where the fencing will be seen within the context of the existing vineyard, existing landscaping, planting and development. The most western line of fencing will also be seen from long distance views, within the same context. However, it is acknowledged that this line of fencing is more visually prominent, being visible from the River Avon and the public footpath which lies to the west of the site. The longevity of the visual impacts of the development would also be reduced by the temporary duration of its installation, whereby the upper part of fencing would be removed completely at the end of the five year period.

A Landscape and Visual Appraisal (LVIA) has been submitted in support of the application, which notes:

The proposed temporary shelter fencing works will introduce a feature which is not characteristic into the landscape for a period of 5 years. It is necessary to help establish the vineyard, and to restore associated existing Devon Hedge banks. Whilst there will be adverse landscape character and visual effects, these are relatively minor in nature and of a temporary nature. The associated longer term landscape and conservation benefits that have been described will provide compensation and help mitigate for the temporary adverse effects.

The Council's previous Landscape Specialist was consulted on this application and raised an objection on the grounds that the proposed section of Paraweb fencing would be unnecessarily high, visually prominent against the skyline and uncharacteristic, and that it would be detrimental to and fail to conserve and enhance the landscape and AONB for the 5 year period it is proposed for. However, the application has been reviewed by the current Landscape Officer following submission of a detailed landscaping scheme and a response from the applicant. The objection from the Landscape Officer has now been withdrawn, with comments being as follows:

'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.

'The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'

The Tree Officer was consulted on the application and raised no objections, and the AONB Unit have not commented.

Whilst a degree of visual harm would ensue from the scheme in respect of the AONB, Heritage Coast and Undeveloped Coast, the proposed fencing is required to protect the young plants for a temporary period and could not reasonably be relocated. Notwithstanding the temporary harm to the landscape resulting from the proposal, it must also be recognised that the purpose of the upper section of fencing is to protect the vineyards and associated new and proposed planting from harsh weather conditions. The submitted documents demonstrate that the proposal would allow natural windbreaks to establish that would remove the need for artificial windbreaks after the temporary period.

It is recognised that the additional planting, listed above and shown on the detailed landscaping plan, would serve to enhance the natural beauty of the landscape and special qualities of the AONB over the long term. The planting would strengthen the existing field boundaries and wildlife corridors, as well as creating new areas of planting, thereby conserving and enhancing the natural environment and providing biodiversity net gains, in line with the aims of DEV25(8)(vi) and DEV26 of the JLP. The development also aligns with the aims of DEV28 of the JLP and TP22(2-4) of the TPNP, which supports the retention of existing trees and hedgerows, including Devon hedgebanks.

The success of the planting, including the natural windbreaks and vineyard, would be dependent on the proposed temporary measure to allow the young plants to become established. In addition, as the planting matures, some degree of screening to the fencing would be provided in the interim.

The proposed development would temporarily harm the landscape and the character of the AONB, and the heritage/undeveloped coast. However, it will also provide long term benefits, including biodiversity enhancements, the strengthening/restoration of existing landscaped boundaries and Devon hedgebanks, and economic benefits.

It is also important to consider the requirements of Paragraph 177 of the NPPF, which states the following:

'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major

development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. ‘

‘For the purposes of Paragraphs 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.’

The assessment for major development is therefore not based on the major development definition set out in Part 1(2) of the Town and Country (Development Management Procedure)(England) Order 2015. In this case, given the limited scale/impacts of the proposed development, as discussed above, and its temporary nature, the development is not considered to be a major Paragraph 177 type. The Landscape Officer also concluded in their comments that the development is not considered to constitute major development.

Neighbouring Amenity:

JLP policies DEV1 and DEV2 and TPNP Policy TP1 require development to safeguard the health and the amenity of local communities and to avoid unacceptable harm to living conditions.

The nearest residential properties to the application site include Lower and Higher Aunemouth Farms to the south and south-east respectively.

Given the separation distances between the area of development and the neighbouring dwellings, together with the limited scale, agricultural nature and perforated webbing material involved, the scheme is not considered to give rise to harm in respect of the neighbouring amenity.

As such, the proposal is considered capable of compliance with JLP policies DEV1 and DEV2, and Policy TP1(1) of the TPNP in this regard.

Heritage:

The site lies at a substantial distance from the nearest heritage assets, and there is existing built form and significant landscaping between the site and such. Therefore, intervisibility between the site and surrounding heritage assets is extremely limited.

For these reasons, it is not considered that the scheme would result in harm to the Conservation Area, Ancient Monument and Listed Building or their settings.

The scheme would, therefore, be capable of policy compliance in this regard; thereby complying with DEV21 of the JLP and Policy TP1(6) of the TPNP.

Ecology:

The Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP policy SPT1.3.ii supports development that delivers:

Overall gains in biodiversity [that] are achieved by protecting and enhancing species, habitats and geological sites.

JLP policies SPT12 and DEV26 seek to enhance the natural network, providing multiple benefits both to people and wildlife while protecting and enhancing biodiversity and geological conservation, while policy DEV2 limits light pollution.

JLP policy DEV28 requires net gains to compensate for any loss of trees, woodlands and hedgerows.

TPNP policy TP22 resists harm to species and habitats and encourages the use of Devon hedgebanks, biodiversity enhancement, and the protection and enhancement of the visual amenity and AONB.

NPPF paragraph 174 d) states:

... decisions should contribute to and enhance the natural and local environment by ...providing net gains for biodiversity...

NPPF paragraph 180 d) states:

..opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

An Ecology Statement, dated 08/07/21, has been submitted in support of this application. The report confirms that, due to the scale of the proposal, no impacts on designated sites are predicted. No other negative ecological impacts are predicted providing best practice pollution control measures are employed during installation of the fencing, and providing the installation of the fencing takes place outside of cirl bunting breeding season (March-September inclusive) to prevent disturbance. The report acknowledges that the temporary fence will allow the hedgebank planting and tree lines to establish into dense structures that are able to withstand the coastal wind, and will also provide good quality wildlife corridors across the site and additional foraging and shelter for a range of species, including bats, breeding birds, reptiles, dormouse and invertebrates; thereby providing net gains in biodiversity. A condition can secure compliance with the actions set out in the ecology report. Furthermore, no external lighting is proposed as part of the application, ensuring the development does not harm the intrinsically dark landscape.

A further document, titled 'Hedges and shelter in Devon and Cornwall', has been submitted in support of this application that notes how the existing field boundary hedgebanks in the vicinity of the site have been reduced in terms of the height and growth of vegetation over recent years and that in the past, the vegetation would have been allow to grow much taller and thicker to improve the microclimate of the adjacent fields. The planting and works carried out on the existing hedgebanks will help to restore their original height and vegetation growth, and the temporary fencing will support such.

Given the above, it is the Officer's view that the proposal would be acceptable and accord with JLP policies SPT1, SPT12, DEV2, DEV26 and DEV28, TPNP policy TP22, and paragraphs 174 d) and 180 d) of the NPPF. The temporary Paraweb would allow the establishment of the planting, both recent and proposed, and in turn would provide good quality wildlife corridors and result in a net gain for biodiversity across the wider area under the applicant's ownership.

Highways, Parking:

JLP policies SPT1.2.ii, SPT2.6, SPT9 and DEV29 encourage sustainable travel and development to be sited in accessible locations.

NPPF paragraph 111 states:

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

The County Highways Authority has been consulted and has raised no objections.

The proposal forms part of an agricultural use which would not give rise to any highway changes over the existing situation.

As such, the proposal is acceptable in this regard and compliant with the relevant policies.

Flooding, Drainage and Contamination:

JLP policy SPT1.2.iv supports climate change resilient development that avoids increased flood risk and point 3.iii seeks to minimise or mitigate environmental impacts.

JLP policies DEV2 and DEV35 require the prevention of water and soil contamination, reduction of water consumption and reduction of flood risk.

A Flood Risk and Drainage Assessment has been submitted in support of this application, which notes that the proposal does not involve any buildings such that there would be no change in terms of foul or surface water drainage.

The application site lies within Flood Zone 1 and does not form part of a Critical Drainage Area.

Given the nature and scale of the proposal, no change of the existing situation would be considered to arise regarding flooding, drainage and contamination.

For these reasons, the proposal would be acceptable in this regard and would accord with JLP policies SPT1, DEV2, DEV35 and the relevant policies of the NPPF.

Planning Balance:

It is acknowledged that the Council's previous Landscape Specialist has objected to the proposal on the grounds of visual harm to the surrounding landscape, which forms part of the Heritage Coast and Undeveloped Coast, and failure to conserve and enhance the AONB.

It is also the Officer's view that the proposed upper section of fencing would be relatively high and out of character with the prevailing field boundaries, mostly hedgebanks, and would, therefore, result in some degree of visual harm. However, this harm would be reduced or compensated by the following:

- the material would be of a dark colour and perforated, rather than solid, which would reduce the visual impact to some degree;
- the fencing would be installed for a temporary five year period only
- the rationale for the fencing is to allow the establishment of natural windbreaks to shelter the recently planted vineyards;
- the enhanced planting including a high quantum of trees and hedgebanks would improve the appearance of the surrounding area in the long term;

- the increased vegetation would provide biodiversity net gains in the long term;
- the vineyards would result in diversification of the rural economy and provide a range of skilled employment opportunities in the short and long term.

Overall, the long term benefits of the scheme, in terms of visual impact on the landscape, biodiversity and the rural economy, are considered substantial and to outweigh the short-term and limited harm of the proposal. Additionally, the Landscape Objection has been withdrawn and the current Landscape Officer, following review of the additional plan/information submitted, confirmed that such provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.

On balance, the proposal is considered, for these reasons, to result in benefits that would outweigh the adverse impact, when assessed against the policies in the Development Plan taken as a whole.

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

The development would, therefore, accord with the Development Plan and the policies of the NPPF and approval is recommended subject to the conditions below.

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).

The relevant development plan policies are set out below:

Plymouth & South West Devon Joint Local Plan (JLP)

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT11 Strategic approach to the historic environment

SPT12 Strategic approach to the natural environment

DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped Coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the countryside

Neighbourhood Plan

Thurlestone Parish Neighbourhood Plan 2015-2034
TP1 – General Development Principles
TP8 – New Economic Proposals
TP22 – The Natural Environment

Other material considerations

National Planning Policy Framework (NPPF)
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

7. 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.

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

377/01/15 Site Location Plan, received 26/08/21
377/01/26 Location Plan Red line areas North Site, received 19/08/21
377/01/04 Layout to Aunemouth Vineyard, received 26/08/21
377/01/06 Temporary Shelter Fence Detail, received 26/08/21
377/01/27, dated 15th July 2022 Planting to Aunemouth Vineyard, received 28/07/22

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

9. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecology Statement, carried out by ge consulting, dated 8th July 2021.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

10. 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 kept.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

11. The planting/landscaping scheme shown on drawings: 377/01/04 - Layout to Aunemouth Vineyard (received 26/08/21), 377/07/27 – Planting to Aunemouth Vineyard (received 28/07/22), and 377/01/06 Temporary Shelter Fence Detail (received 26/08/21), including gapping up of the existing hedge banks, shall be carried out within the first planting season following the date of this decision notice. All planting/landscaping, including that shown as ‘existing - to be retained’ on the approved drawings, shall be maintained by the owner or owners of the land on which they are situated in accordance with the maintenance details set out on drawing 377/01/27 and for a minimum of five years beginning with the date of completion of the scheme. During that period all losses shall be replaced with planting of the same species.

REASON: To ensure the provision and maintenance of trees, hedgebanks and other plants in the interests of visual amenity and biodiversity in accordance with JLP policies SPT12, DEV2, DEV23, DEV24, DEV25, DEV26 and DEV28, TPNP policies TP1 and TP22 and the NPPF.

12. The upper section of the fencing and fence posts hereby permitted, labelled as ‘A’ on drawing number: 377-01-06, shall be completely removed no later than five years following the date of this Decision Notice such that the height of any remaining fencing does not exceed a maximum height of 2m above ground level.

Reason: Temporary permission is given in this case by reason of the special circumstances pertaining to the proposed scheme, that is to allow the existing and proposed natural windbreaks to become fully established to provide shelter for the vineyards and associated planting, and only on a strictly limited basis so that the position may be reviewed in the light of circumstances prevailing at the expiry of the permission.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is

a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Totnes **Ward:** Totnes

Application No: 1614/22/VAR

Agent:

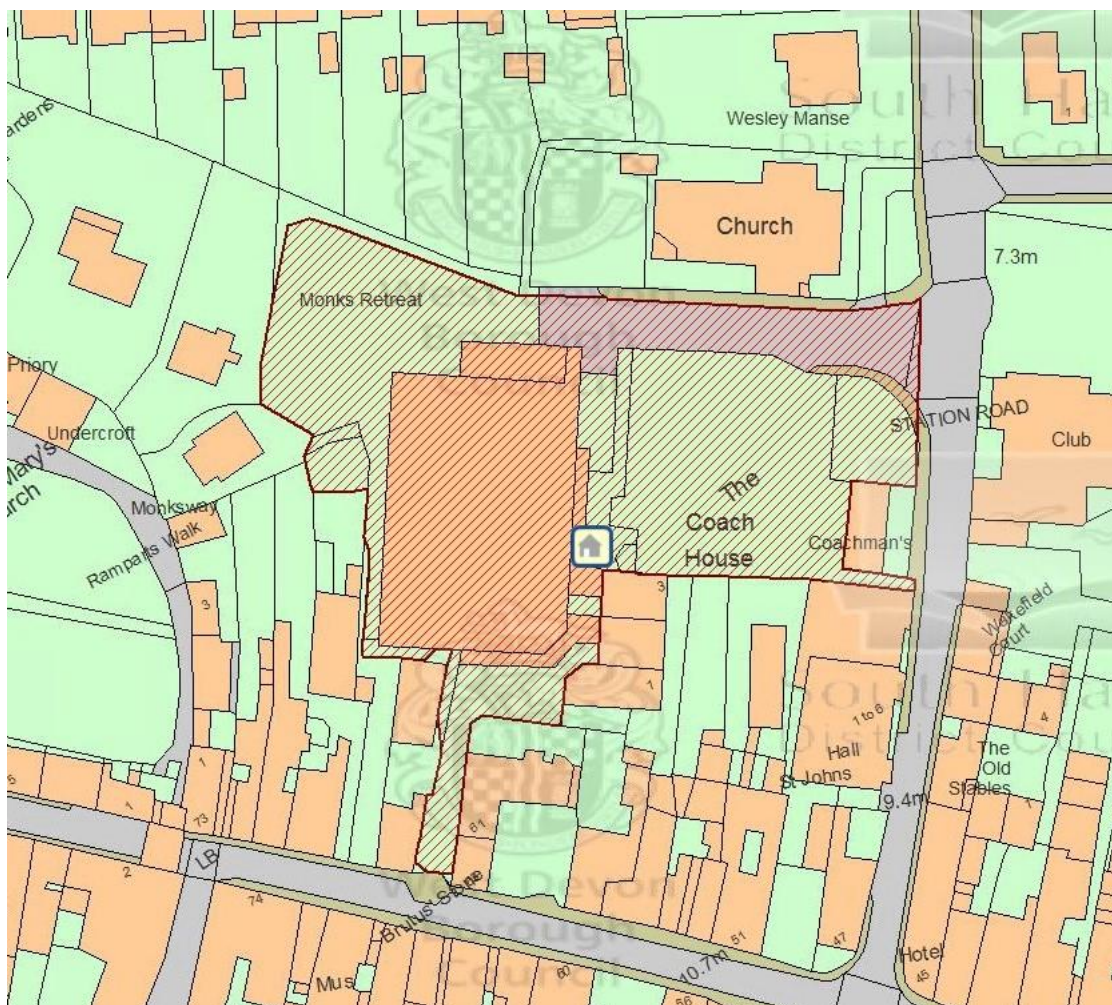
Miss Laura Baker - Planning Issues Ltd
Churchill House
Parkside
Ringwood
BH24 3SG

Applicant:

Churchill Retirement Living
Churchill House
Parkside
Ringwood
BH24 3SG

Site Address: Brutus Centre, Fore Street, Totnes

Development: Application for variation of condition 2 (approved plans) of planning consent 2560/21/FUL



Reason application is at Committee: Cllr Birch has called the application to committee, citing concerns about policies DEV1, DEV2, and DEV32.

Cllr Rose has called the application to committee due to concerns raised by local residents

Recommendation: Conditional approval

Conditions:

1. Accord with plans
2. Any vegetation removal outside of nesting season
3. WSI as agreed by 4577/21/ARC
4. Unexpected contamination
5. Schedule of materials
6. Construction management plan as agreed by 4578/21/ARC
7. Details of access/parking/vehicle facilities
8. Landscaping and biodiversity
9. External lighting strategy as agreed by 4579/21/ARC
10. LEMP
11. CEMP as agreed by 4578/21/ARC
12. Landscaping and Public Realm Management and Maintenance Plan prior to occupation
13. 1:20 shop front plans
14. Junction of materials
15. Location and type of plant to be agreed
16. Location of PV panels to be agreed
17. Roof specification to be agreed
18. Natural stone sample required, and laid on natural bed
19. Details of boundary treatments
20. Tree protection measures
21. Details of external attachments
22. Details of public realm
23. Protection measures for Redwood Tree as agreed by 0970/22/ARC
24. Details of bat/bird boxes and bee bricks
25. Details of parapet walls and balconies
26. Waste Statement as agreed by 4580/21/ARC
27. Retention of public car park
28. Drainage

Section 106 informative

Key issues for consideration:

Whether or not the proposed amendments to the original scheme are acceptable when assessed against relevant policy, and any other material planning considerations.

Site Description:

The application site, comprises the former Budgen's store in the centre of Totnes. The site included the supermarket site (which has been empty for some time); the pay and display car park and two small independent retail stores. Since the grant of the original approval, the supermarket building has been demolished.

The site area is approximately 0.49 hectares. It is directly behind Fore Street, the primary shopping street and is accessed off Station Road. To the north of the site is inter war residential development and the rebuilt St Mary and St Georges Catholic Church (mid1980's). To the south east and west is mixed commercial, retail development - Fore Street and to the east is a mix of mid-19th century and more recent development and mixed commercial and residential development. The floor area of the current proposal is 1,378 square metres and the overall floor area of the proposed development is 3,127 square metres.

The site lies within the Fore Street and the Plains Conservation Area. There are a number of listed buildings and significant non-designated heritage assets within the vicinity of the site, including the

Little Priory (grade II listed); No 61 Fore Street (Grade II listed); St Marys Church, the Guildhall and the East Gate are all Grade 1 listed. The Old Coach House is adjacent to the southern site boundary. It is not listed but recognised in the Totnes Conservation Area Appraisal as historically important. It is natural stone built with a natural slate roof, set back from the road edge.

The site slopes gently from west to east. There is a small grassed area next to the existing entrance to the site, which has a large redwood tree, which has significant townscape value.

The red line for the site does not include the tree, but car parking is proposed within the canopy area.

The Proposal:

Planning permission was granted in December 2021 for the demolition of the existing building and redevelopment of the site to form 2 no retail units, public car park and 42 Retirement Living apartments, including communal facilities, access, car parking and landscaping.

This application now seeks to make the following amendments to the approved scheme:

- Addition of an electricity sub-station within retirement parking court.
- Reconfiguration of the retirement lodges parking court (there is no loss in spaces) as a result of the substation.
- Amendments to the entrance area. The size of the lobby and entrance door have altered and the windows either side.
- Introduction of gated access for maintenance and gate to the fire escape stair for security purposes.
- Removal of low wall and opening up the recessed area to provide litter bin. The recess has been reduced.
- Introduction of brick plinth in place of stone in isolated locations (AAP Lepus Brick).
- Cladding altered to Timber (as per discharge of condition submission).
- Alteration to stone and slate to the north elevation to increase the amount of stone

Consultations:

- County Highways Authority- no objection, condition recommended
- Trees- recommend approval
- Environmental Health Section- no objection
- Ecology- no further ecological changes as a result of the amendments
- Historic England- no comments to make
- Landscape- no landscape issues arising from the amendments, no objection
- Lead Local Flood Authority- an updated drainage strategy should be provided
- Town Council- comment: *'The Committee would want to ensure that the substation has adequate acoustic protection, and to confirm that there is no removal of any trees and the tree root protection zone is not affected by the foundations for the proposed sub-station'*

Representations:

Eight letters of objection have been received. These representations can be seen in full on the Council website, but can be summarised as follows:

- Potential noise impact from the proposed substation on neighbours
- Potential impact of electromagnetic radiation from the substation
- Not enough biodiversity enhancement

Relevant Planning History

- 56/0497/83/3- Proposal Demolition of existing buildings construction of supermarket and retail shopping development with ancillary car parking together with new Roman Catholic Church Site Address Land behind 61 Fore Street and car park together with The Crichel Station Road Totnes. Decision Conditional approval: 03 Jul 84
- 56/1624/84/3: Proposal Upgrading 61 and change of use to Presbytery upgrading 59 Fore Street Erection of Supermarket Shops and 4 Flats together with associated parking and landscaping Site Address Nos. 59 & 61 Fore Street site of former Council Offices r/o 59-65 Fore Street. Decision Conditional approval: 17 Jan 85
- 56/0546/05/F: Proposal Refurbishment of existing store including external alterations and new refrigeration plant Site Address Somerfield Store The Brutus Centre Fore Street Totnes TQ9 5RW Decision Conditional approval: 13 Jun 05
- 56/0860/10/AD: Proposal Advertisement consent for 5 x fascia signs and car park signage. Site Address Co-op / Somerfield Store Fore Street Totnes TQ9 5RW Decision Conditional approval: 18 Jun 10
- 56/1367/13/TCA: Proposal Leylandii Hedge - Reduce by 2.5m in height and trim both sides Site Address Co-Operative Retail Services Ltd Unit 4 Brutus Centre Station Road Totnes (Car Park) Decision Tree Works Allowed: 22 Jul 13
- 0627/20/TCA T2: Giant Redwood - Stabilisation of deadwood, crown lift existing canopy to establish 4m clearance above car park area, pruning of canopy extents (limited to tertiary branches and foliage only) on Southern canopy extents to establish 2m clearance between foliage and The Coach House, installation of Cobra tree bracing system to establish flexible control to movement extents of primary lateral branches in close proximity to The Coach House. "Former Budgens", Station Road, Totnes Decision: Approval 3/4/2020
- 4198/19/FUL Demolition of existing building and redevelopment of the site to form 2 no. retail units, public car park and 41 retirement apartments, including communal facilities, access, car parking and landscaping. Refused 24/6/2020
- 2560/21/FUL Demolition of existing building and redevelopment of the site to form 2 no retail units, public car park and 42 Retirement Living apartments including communal facilities, access, car parking and landscaping (resubmission of 4198/19/FUL). Decision: Conditional Approval 06/12/2021

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The principle of the development has been established through the previous grant of planning permission 2560/21/FUL. There has been no change in policy or other material considerations which would now alter this.

2.0. Design:

- 2.1. The design and external appearance of the site would largely remain unchanged by the proposed amendments. Considering each amendment in turn:

- The substation would be a modest, brick-built structure, sited in a corner of the site, to the western boundary, alongside the existing retaining wall. The substation would be of small scale, and a utilitarian appearance which would be expected of this type of structure, but given its obscured position, is not considered to impact upon the overall appearance of the site.

- The reconfiguration of the parking spaces within the previously approved car park raises no design concerns.
- The amendments to the entrance lobby are minor and do not have a significant impact on the design of the proposal.
- The introduction of a maintenance gated, and gate to fire escape stair are small-scale additions to the site. A condition is proposed for details of these gates (materials, height, etc) to be submitted for agreement to ensure that the gates are of an appropriate design for the site.
- The removal of a low wall and addition of a litter bin raises no concerns with regard to design.
- The introduction of the brick plinth is limited to more obscured elevations, and as such, is not considered to significantly impact on the overall appearance of the site.
- The timber cladding is considered to be a minor alteration and acceptable in terms of design
- The increase in stone cladding to the north elevation is acceptable in design terms. The previous conditions regarding stone quality and construction would be reimposed to ensure a high quality finish.

2.2. As such, the proposed amendments are considered acceptable in design terms, and therefore accord with policy DEV20 and DEV23 of the JLP.

3.0. Landscape/Heritage:

3.1. The site is within the Totnes Conservation, and close to the historic main street, and numerous listed buildings. The original permission was considered acceptable following negotiation with heritage specialists, subject to various conditions, and these conditions will all be reimposed on any subsequent permission granted.

3.2. The proposal amendments are not considered to be so significant that they would have an additional impact on the setting of the historic environment or nearby listed buildings. Whilst Officers are disappointed that some of the stone plinths are proposed to be amended to brick, it is not considered that this amendment is significant enough to warrant a refusal of the proposal as this amendment is only proposed to less publically-visible parts of the building.

3.3. The Council's Landscape Specialist has confirmed no landscape objection to the proposal. Overall, the amendments are not considered to be so significantly different from the approved scheme that they would result in harm to the landscape setting of the site or the historic environment. The proposal therefore accord with policies DEV21 and DEV23 of the JLP, the associated paragraphs of the NPPF, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.0. Neighbour Amenity:

4.1. The majority of the amendments proposed are aesthetic, and therefore not considered to have any additional impact on the amenity of neighbouring residents.

4.2. The most significant alteration is the impact of the proposed substation on nearby properties. This issue has been the source of the vast majority of the seven objections received, due to concerns about the potential noise impact of the substation and the effect of electromagnetic radiation from the proposed substation.

4.3. Policy DEV2 of the JLP relates to air, water, noise, land and light. DEV2.7 states that development should '*maintain and where appropriate improve the noise environment*'.

4.4. The Council's Environmental Health Specialists have been consulted on the application, with particular reference to the substation. They have raised no objection on noise grounds, commenting as follows:

Thank you for consulting Environmental Health on the above application.

We have considered the documents submitted and have the following comments:

The applicant has identified a need to add a sub-station to this site. Some residents are understandably concerned about the potential for unreasonable noise. However the sub-station will be situated within a brick built structure and this is the best form of noise mitigation. Furthermore the structure will be adjacent to a boundary wall, which will provide further mitigation, and the nearest residences are beyond this. We do not anticipate that any unreasonable noise from the sub-station will impact on any new or existing residents in this area. Should there be noise impacts in the future it is likely that they would be caused by an operational fault and in this case the residents should contact the Environmental Health team for assistance.

- 4.5. In light of the comments from Environmental Health colleagues, and the assurance that any potential noise nuisance could be dealt with if it became an issue in the future under separate legislation, Officers conclude that a refusal on the grounds of noise impact could not be defended, and no concerns have been identified by Officers in terms of radiation. The proposed amendments are therefore considered to have an acceptable impact on residential amenity, as per policies DEV1 and DEV2 of the JLP.

5.0. Highways/Access:

- 5.1. There are no changes proposed which would impact upon the previous approved highways arrangement. Although some of the spaces for the retirement lodges would be relocated, they would remain within the previously-approved parking area, and there would be no change in the number of spaces as a result of the proposed amendments.
- 5.2. The Highways Authority has no objections to the amendments and has recommended a condition, which has been included in the list of conditions detailed above.

6.0. Drainage:

- 6.1. The previous approval was subject to conditions relating to drainage. The Lead Local Flood Authority has suggested that an updated drainage scheme will be required to address the proposed amendments, and so these conditions would be reimposed on any subsequent planning permission granted.

7.0. Ecology:

- 7.1. The previous approval was considered to represent a 35% increase in biodiversity as a result of the development, which exceeded the 10% target indicated in the JLP Supplementary Planning Document (SPD). There are no changes proposed which would impact upon the development's ability to meet this previous level of biodiversity net gain, and the previous conditions regarding submission of landscape and biodiversity details would be reimposed on any subsequent permission granted.

8.0. Low Carbon Development:

- 8.1. The previous permission included a condition to agree the location of the proposed solar PV panels. This condition will be reimposed on any subsequent permission and as such, the proposed amendments remain compliant with policy DEV32.

9.0. Trees:

9.1. The Town Council sought confirmation that the addition of the substation would not result in the removal of trees. The Council's Tree Specialist has reviewed the new site plan and recommends approval of the application.

10.0. Summary:

10.1. The proposed amendments are largely small-scale, aesthetic alterations which, subject to the listed conditions, are considered acceptable. The most contentious amendment is the addition of the substation, which has been reviewed by Environmental Health Specialists due to the objections received from residents. The details have been considered acceptable by Environmental Health, and future issues can be monitored and dealt with if necessary.

10.2. As such, the application is considered to accord with all relevant local and national planning policies, and is therefore recommended for approval, subject to conditions.

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

Planning Policy

Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

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
 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
 DEV1 Protecting health and amenity
 DEV2 Air, water, soil, noise, land and light
 DEV3 Sport and recreation
 DEV4 Playing pitches
 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
 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
 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

Neighbourhood Plan

The neighbourhood plan is not yet at a stage where it can be given significant weight, however the relevant policies of the emerging neighbourhood plan are:

The relevant policies are:

Policy En1: Sustainable development and the settlement boundary

Policy En2: Development and Design

Policy En3: Historic and Built Character

Policy En6: Enhancing local environmental capacity

Policy En8: Domestic and small scale waste management

Policy E3: The Town Centre

Policy E6: The Green Economy

Policy E7: Sustainable Transport

Policy E8: Walking and Cycling

Policy E10: Car parking

Policy C1: The Public Realm

Policy C2: Public Open Spaces

Policy C4: Housing

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

**Totnes Conservation Area Appraisal (Fore Street and The Plains)
 Joint Local Plan Supplementary Planning Document (2020)**

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

1. The development hereby approved shall in all respects accord strictly with drawing Numbers XXX, received by the Local Planning Authority on XX.
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. Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young bird have fledged.
Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.
3. The development shall be carried out at all times in accordance with the Written Scheme of Investigation approved by the Local Planning Authority on 14th December 2021 under application reference 4577/21/ARC, or such other details as may be subsequently agreed in writing by the District Planning Authority.
Reason: To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 205 of the National Planning Policy Framework (2021) that an appropriate record is made of archaeological evidence that may be affected by the development.
4. 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.
5. No development beyond slab level shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.
Reason: To enable the Local Planning Authority to consider the details of the materials.
6. The development hereby approved shall strictly accord with the Construction Management Plan agreed by the Local Planning Authority on 16th February 2022, under application reference 4578/21/ARC.

Reason: In the interests of residential amenity and highway safety.

7. No part of the development hereby approved shall be occupied until detailed plans indicating the improvements to the access, parking facilities, commercial vehicle loading/unloading area and turning areas, for both the public and private parking areas have been provided and approved in writing by the Local Planning Authority. The parking and access provisions shall be provided in accordance with the agreed details and plans.
Reason: To ensure that adequate facilities are available for the traffic attracted to the site.
8. Prior to any development extending beyond slab level, a detailed landscaping scheme to include the biodiversity measures indicated in the Biodiversity plan and matrix shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented in the first planting season following completion of the development and shall be retained and maintained for a period of 5 years from the implementation of the scheme.
Reason: To ensure the landscaping scheme is implemented and established on the site.
9. The lighting strategy for the development hereby approved shall accord with the details agreed by the Local Planning Authority on 14th January 2022, under application reference 4579/21/ARC.
Reason: To protect wildlife from intrusive levels of light
10. Prior to development above slab level, a Landscape and Ecological Management Plan will be submitted to the Local Planning Authority which will include details relating to habitat creation, species specification and management. This will need to be agreed in writing with the Local Planning Authority. The details agreed shall be implemented on the site in accordance with the LEMP.
Reason: to ensure the protection and proper management of protected species.
11. The development hereby approved shall strictly accord with the Constructional and Environmental Management Plan agreed by the Local Planning Authority on 16th February 2022, under application reference 4578/22/ARC.
Reason: To ensure the construction of the development does no impact on any protected wildlife.
12. Prior to first occupation of any of the apartments hereby permitted, a Landscaping and Public Realm Management and Maintenance Plan setting out long term design objectives, management responsibilities and maintenance schedules for all residents and visitors parking spaces, vehicular turning areas, footpaths, drainage facilities, bin collection areas, landscape and communal spaces, indicated as public realm areas on the approved drawing no.'s 12551 P04 Rev E residential landscape strategy; 12551 P05 Rev C Courtyard hard landscape Plan, and 12551 P06 Rev E Landscape Sheet 1 and 12551 P06 Rev E Landscape Sheet 2, but excluding small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The Landscaping and Public Realm Management and Maintenance Plan shall include:
 - (a) Soft landscape maintenance details, including the frequency of site visits and timings of general operations, such as plant inspections, weed control, watering, fertiliser application, mulching, grass cutting, etc;
 - (b) a management and monitoring plan, to include details of how the boundaries and hedgerows and boundary trees to be retained and enhanced would be cared for during and after the implementation of the development hereby approved;
 - (c) schedules for the repair or, if necessary, replacement of any approved hard surfacing materials forming access routes, footpaths, parking and turning areas, bin collection areas and drainage facilities;
 - (d) name, address and contact details of any Management Company or similar set up to administer such management responsibilities and maintenance schedules.

The development shall be implemented in full accordance with the requirements of the approved Landscaping and Public Realm Management Plan, or any variation so approved in writing by the Local Planning Authority, and the details within the Landscaping and Public Realm Management Plan shall be adhered to in perpetuity thereafter.

Reason: To ensure the provision, establishment, management and maintenance of residents and visitors parking spaces, vehicular turning areas, footpaths, drainage facilities and landscaped and communal spaces in order to ensure that the character and appearance of the area are suitably protected and to safeguard the setting of the nearby Listed Buildings and to ensure the wellbeing of any retained trees.

13. Prior to its construction detailed drawings and sections at 1:20 scale of the shopfront shall be submitted to and agreed in writing by the Local Planning Authority. The shopfront shall be installed in accordance with the agreed drawings.

Reason: To ensure the detailing of the shop front respects the historic character of the area and provides a high quality of finish.

14. Prior to commencement above slab level detailed drawings (at a 1:20 or 1:50) scale of all areas on the building where different materials adjoin (the junctions) shall be submitted to and approved in writing by the Local Planning Authority. Works will be carried out in accordance with the agreed details.

Reason: To ensure the detailed junctions are satisfactorily resolved, in the interests of visual amenity.

15. Details of any plant to be placed on the roof of the building shall be provided to the Local Planning Authority and agreed in writing prior to its installation. Any plant shall be installed in accordance with the agreed details.

Reason: To protect the historic assets from any development which would impact on the setting.

16. Prior to the installation of the photovoltaic panels on the roof, details of the angle of the panels to the roof shall be submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details.

Reason: To ensure the panels are in appropriate locations and angles in relation to the position of the sun and that they do not impact on the historic assets in the area.

17. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles and the detailed finish of the flat roof elements of the building shall be submitted to and approved in writing by the Local Planning Authority. The slates on the roof shall be fixed in the traditional manner with nails rather than slate hooks.

Reason: To ensure that the development displays good design practice in respect of the historic context.

18. The natural stone to be used shall be submitted to and approved by the local planning authority in writing, prior to its installation. The stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. The stonework shall be carried out using the agreed stone and in accordance with the construction details of this condition.

Reason: To ensure that the finishes are appropriate to the locality.

19. Prior to its installation, details of the boundary treatments to be installed around the periphery of the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenity and neighbour amenity.

20. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown to be on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:
- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence.
 - (ii) No fires shall be lit within the spread of the branches of the trees
 - (iii) No materials or equipment shall be stored within the spread of the branches of the trees
 - (iv) Any damage to the trees shall be treated with an appropriate preservative.
 - (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.
- Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.
21. Prior to their installation details of the locations of rainwater goods, flues, ducts, vents and any other external attachments shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details and in the agreed locations.
- Reason: In the interests of visual amenity.
22. Prior to its installation detailed plans and materials shall be agreed in writing with the Local Planning Authority of all new areas of public realm, including the car park, security gates, pavements in the site and the public route through from the site to Fore Street. The works shall be carried out in accordance with the approved plans.
- Reason: To ensure it is appropriate for its purpose and in the interests of visual amenity.
23. The development hereby approved shall accord with the protection measures for the Redwood tree agreed by the Local Planning Authority on 18th May 2022, under application reference 0970/22/ARC.
- Reason: To ensure that the tree is protected during construction works.
24. The bird and bat boxes and the bee bricks shall be provided on the site in accordance with plans to be submitted and agreed in writing by the Local Planning Authority, prior to the occupation of the building hereby approved.
- Reason: To ensure adequate provision on the site for bats and birds and to ensure biodiversity across the site is maintained.
25. Prior to development proceeding beyond slab level details of the parapet walls and the balconies and how they will be fixed to the building shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed plans and details.
- Reason: To ensure the quality of the detailing across the site in the interests of visual amenity.
26. The development hereby approved shall be carried out in accordance with the Waste Statement agreed by the Local Planning Authority on 16th February 2022, under application reference 4580/21/ARC.
- Reason: To ensure appropriate recycling and reuse of materials in the interests of the climate.
27. The public car park located to the south of the building hereby approved shall be retained in use as a short stay public car park for members of the public in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: In the interests of the viability and vitality of the town centre
28. Within three months of the date of this decision, an updated surface water drainage strategy shall be submitted to, and agreed in writing by the Local Planning Authority. No building

hereby permitted shall be occupied until the works have been approved and implemented in accordance with the agreed details.

Reason: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG.

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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 2013/22/FUL

Agent:

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

Applicant:

Mr And Mrs Gidley
C/O Agent Luscombe Maye

Site Address: 20 Buckwell Road, Kingsbridge, TQ7 1NQ



Development: Erection of new dwelling (Re-submission of 0536/22/FUL)

Reason the application is at Committee: Cllr O'Callaghan has called the application to committee due to concerns about the impact of the dwelling on neighbouring properties and, to a lesser extent, the extent of parking provision.

Recommendation: Conditional approval

Conditions:

- Standard time limit
- Accord with plans
- Tree protection measures (pre-commencement)
- Construction Management Plan (pre-commencement)
- Removal of permitted development rights
- Natural slate
- Details of external lighting to be submitted

Accord with recommendations of ecology survey
Drainage details to be submitted
Parking area to be installed prior to occupation of dwelling

Key issues for consideration:

Principle of development, design, landscape impact, neighbour amenity

Site Description:

The site is currently part of a large rear garden at 20 Buckwell Road, a semi-detached dwelling in Kingsbridge. The site is not within any special areas of designation.

The Proposal:

The application seeks permission to construct a single dwelling in the rear garden of the existing dwelling, for the family of the current occupants of no.20. A two-storey, four-bed dwelling is proposed.

The original application was submitted with a red line encompassing the whole site, including the existing dwelling at 20 Buckwell Road. The application has since been readvertised with a revised location plan which removes the existing dwelling from the red line, so that the proposed dwelling would become a separate planning unit.

Consultations:

- County Highways Authority- standing advice
- Trees- no objection subject to condition
- Town Council- objection: *'There are 4 parking spaces proposed to be shared between 2 properties at the site however, given the number of bedrooms, in accordance with Supplementary Planning Document (July 2020) paragraph 8.7, 5 in number parking spaces should be provided and nil justification has been offered for not meeting the identified provision.'*

Representations:

Seventeen letters of support have been received, including from immediate neighbours, along with six letters of objection. All representations can be seen in full on the Council website, but can be summarised as follows:

Objection:

- Proximity to neighbouring property
- Differing levels between the site and neighbour at Allotment Gardens
- Contravenes SPD Guidance
- Overdominance
- Design emphasises lack of flat space to build such a dwelling
- Impact on amenity, privacy, and enjoyment of neighbouring property
- Access path is intrusive to neighbour in Allotment Gardens
- Boundary hedge referenced belongs to the neighbour
- Planting schemes will not disguise the development
- High roofline will be imposing to neighbouring properties
- Overbearing impact on neighbour in St Marco Gardens
- Trees referenced are managed and owned by neighbour

- Proximity of the soakaway is a concern as the garden is built on a hill

Support:

- House prices in the area are forcing local families out
- Providing a local family with the opportunity to build their own house should be supported
- When considering other developments recently approved in the area, there is no reason to refuse this application
- The proposed house fits in with the surrounding area
- Families should be encouraged for the good of the community
- The application will not impact on the enjoyment of neighbours properties
- No disruption to neighbouring properties
- The applicant has been considerate of neighbours and made adjustments accordingly
- Building a house within the town presents an opportunity to reduce car travel
- Scale of development is in keeping with the area
- Important to increase housing stock within the town
- Permitting the application would free up another family home
- The applicants work within the community, and permitting them to live near their parents would allow them to care for them, reducing pressure on local services

Relevant Planning History

- 0536/22/FUL- provision of new residential dwelling- withdrawn
- 1548/21/PR4- Pre-application enquiry for provision of new residential dwelling- partial support
- 28/1253/86/3- Extension- conditional approval

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. Policy TTV1 of the Joint Local Plan (JLP) provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The aim of the policy, which is reinforced within Strategic Objective SO6 is to steer new development towards the most sustainable locations. Kingsbridge is within Tier 1 of the settlement hierarchy, as one of the Main Towns within the Plan Area.
- 1.2. The emerging Kingsbridge, West Alvington & Churchstow (KWAC) neighbourhood plan (which has reached regulation 17 stage and has been to an examination and therefore carries some weight on the decision making process) also identifies a settlement boundary, within which the principle of development is supported. The site is within the designated settlement boundary for Kingsbridge as part of policy KWAC Env1.
- 1.3. Policy DEV8 seeks to provide housing which meets local needs, and prevent development which would exacerbate an existing imbalance in housing stock. ONS data for Kingsbridge shows that there is no current imbalance in the provision of 4-bed dwellings, and the proposed dwelling therefore complies with DEV8
- 1.4. As such, the site is within a location where the principle of residential development is supported.

2. Design/Landscape:

- 2.1. Both the adopted JLP and emerging neighbourhood plan support the subdivision of existing plots providing it is undertaken sympathetically and does not result in an overdevelopment of the plot or harm to neighbours. JLP policy DEV10.6 states *'development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods'*. NP policy KWAC BE3.2 states *'The subdivision of existing plots will only be supported where there is no loss in character or environmental quality of the surroundings, there is suitable highway access on at least one boundary, plot and unit sizes are comparable with adjacent properties, adequate amenity space is provided and the amenity of adjoining properties is not compromised.'*
- 2.2. No.20 currently benefits from a large garden to the rear, and Officers are satisfied that the site can accommodate the proposed dwelling whilst retaining sufficient external amenity space for both dwellings, proportional to other nearby properties. The dwelling would have a footprint of 149.16m², and therefore meets the space requirements set out in the Nationally Described Space Standards.
- 2.3. The dwelling would be of a traditional design, with rendered walls and a slate roof. The design and materials are therefore considered to be in keeping with the local vernacular, and complies with policy DEV20 of the JLP and policy KWAC BE3 of the emerging neighbourhood plan in this regard.
- 2.4. The site is within a residential part of Kingsbridge, and not within any special areas of designation. Due to its location to the rear of no.20, the dwelling would be largely obscured from wider viewpoints and the street scene, and the traditional form and materials of the dwelling proposed leads Officers to conclude that the dwelling would not have a detrimental impact on the local landscape, and therefore accords with policy DEV23 of the JLP.

3. Neighbour Amenity:

- 3.1. Letters of representation have been received from immediate and surrounding neighbours to the site, some in support of the application, and some objecting to the proposal.
- 3.2. Objection has been raised from residents of Allotment Gardens, to the north, and St Marco Gardens, to the west. Officers have visited a number of these properties as part of their assessment of the proposal.
- 3.3. A key concern in relation to Allotment Gardens is the height of the proposed dwelling, and its proximity to the nearest neighbour, no.15.
- 3.4. The Supplementary Planning Document (SPD) which provides additional guidance to policies within the JLP includes a section on residential amenity, including outlook:

13.27 *While views from a private house or garden are not safeguarded by planning legislation, an extension should not be constructed in close proximity to either a habitable room window of a neighbouring property or its private garden where it would have an unacceptable overbearing effect on a household's outlook.*

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

13.29 *Where there is a difference in ground levels these should be taken into account and the distance increased, normally by an extra 3 metres for every 2 metres increase in height.*

- 3.5. The north elevation, which would be the closest to no.15 Allotment Gardens, is approximately 13m from this neighbour. Whilst this is within the acceptable range stated in 13.28 (above), Allotment Gardens is at a lower ground level than Buckwell Road, meaning that the proposed dwelling would be elevated above Allotment Gardens. Whilst Officers are therefore mindful of paragraph 13.29, which states that a difference in ground levels should be taken into account, this is guidance only, and the SPD is clear that the site context should also be taken into account, as per paragraph 13.18:

13.18. *The levels of privacy expected from a residential environment will differ depending upon the location. For example, within densely developed contexts such as city, town or neighbourhood centres, or areas with a medieval street pattern, it is reasonable to assume that privacy might be less than in lower-density neighbourhoods.*

- 3.6. Policy DEV1 of the JLP, which relates to residential amenity, notes that '*unacceptable impacts will be judged against the level of amenity generally in the locality.*' The site is within a densely-populated residential area, within one of the main towns in the district. The sloping topography of this part of Kingsbridge means that many properties experience mutual overlooking, and neighbours at varying ground levels, and properties are sometimes closer to one another than set out in the SPD guidance.
- 3.7. Officers are also mindful that the proposed site is currently a residential garden, with opportunities for overlooking towards 15 Allotment Gardens currently possible for occupants of the garden. Whilst the impact of the built form of the proposed dwelling would clearly be greater than that of people simply using the garden, the dwelling has been orientated so that the ridge runs north-south, minimising the impact on Allotment Gardens, as the bulk of the property would be further south within the site.
- 3.8. There is an existing boundary hedge between the site and Allotment Gardens. Supplementary planting is proposed to provide additional screening between the two, and the only window proposed to the north elevation is a high-level window to the ground floor, to prevent any concerns regarding overlooking, or privacy impact. It is proposed to remove permitted development rights for the dwelling, if approved, so no additional windows or openings could be installed without a further application for planning permission.
- 3.9. Concern has also been raised from no.15 about the impact on their amenity of the access path which runs from the site entrance, along the northern boundary to the proposed dwelling. Whilst gravel would be laid to create a formal path, there is already an existing grass access path along the northern boundary. The ground level of this path would not be altered by the proposal. Officers would also note that by its nature, an access path is used in a transitory manner, and not somewhere that people stop and stay. As such, the path is not considered to have a harmful impact on the amenity of the neighbours when compared to the existing situation.
- 3.10. As such, when considering the additional planting, the orientation and design of the dwelling, which has been designed to minimise neighbour impact, and when assessing against the existing levels of amenity in the local area, Officers conclude that the proposed dwelling would not have an unacceptable impact on the amenity of the neighbouring dwellings in Allotment Gardens, subject to aforementioned conditions.
- 3.11. Objection has also been raised with regard to neighbour amenity at St Marco Gardens, to the west of the site. Again, these properties are on a lower ground level than Buckwell Road, so the proposed dwelling would be elevated above these properties. However, these properties are over 25m from the proposed dwelling, which exceeds the guidance in the SPD. Officers also noted during the site visit, that the application site is almost completely obscured from St Marco Gardens by tall, thick trees, which, according to her

objection letter, are owned by one of the residents in St Marco Gardens. Given the extent of this vegetation screening, Officers do not consider that the proposal would have a harmful impact on the neighbours to the west.

- 3.12. The adjoining neighbour to 20 Buckwell Road, at no.18, has written in support of the application.
- 3.13. For the reasons stated above, Officers consider that the proposed dwelling would not impact neighbouring dwellings to such an extent that it would be considered harmful to the amenity of these neighbours, in terms of outlook, privacy, light, or overdominance. As such, it is considered to accord with policies DEV1 and DEV2 of the JLP, as well as policy KWAC BE3 of the emerging neighbourhood plan.

4. Highways/Access:

- 4.1. The proposal includes the removal of an old outbuilding to the front of the existing dwelling, to allow for the creation of four off-road parking spaces, to be shared between the two dwellings (no.20 and the proposed dwelling). The Town Council has noted that this does not meet the parking requirements noted in the SPD, which provides indicative parking requirements according to bedroom numbers. For 4 bedroom dwellings the indicative number is 3 spaces. However, Officers are mindful that the parking provision referred to is indicative; the site is within a main town, with services and facilities accessible without reliance on a car in the same way that it may be in more rural areas. In this instance, Officers therefore consider that four spaces between two properties, as well as a turning area is acceptable. The Highways Authority has raised no objection to the proposal, but referred to Standing Advice.

5. Ecology:

- 5.1. A Preliminary Ecological Appraisal has been submitted with the application, which confirms that the development would not impact upon any protected species of wildlife.
- 5.2. The Preliminary Ecological Appraisal also includes an Ecological Mitigation & Enhancement Scheme to provide for habitat creation, increased habitat connectivity and biodiversity, new opportunities for roosting and nesting, and mitigated lighting to reduce potential impacts on the Special Area of Conservation.
- 5.3. Whilst the erection of a dwelling in an existing residential garden has limited scope for biodiversity net gain, the EMES provides some opportunity for biodiversity net gain within the site. A condition is recommended to ensure that the development is carried out in accordance with the recommendations contained within this report.

6. Drainage:

- 6.1. The site is within a Critical Drainage Area, as identified by the Environment Agency, and surface water drainage concerns have been raised by some objectors. The application includes additional soakaways to manage additional surface water run-off, and the foul drainage would connect to the existing mains drainage system. The Council's Drainage Engineer supports the application subject to a condition requiring surface water drainage details to be submitted prior to the commencement of the development, and the development is therefore considered to accord with policy DEV35.

7. Low Carbon development:

- 7.1. The Council has declared a climate emergency and JLP seeks to help in delivering a more sustainable future for the area, whilst at the same time supporting national and

international efforts to respond to the challenge of climate change and build more resilient communities. Carbon reduction is also detailed in policy KWAC Env7 of the emerging neighbourhood plan.

- 7.2. The application includes renewable energy sources, such as solar panels to the roof, and the installation of an EV charging point. Local materials are proposed, and the dwelling would be highly insulated. Officers therefore consider the proposal to contribute towards the aims of policy DEV32 and KWAC Env7 respectively.

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

Planning Policy

Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The Kingsbridge, West Alvington, & Churchstow neighbourhood plan is currently out for consultation. Moderate weight can therefore be given to the relevant emerging policies:

KWAC Env1 Settlement Boundaries and the avoidance of coalescence
KWAC Env 5 Prevention of light pollution
KWAC Env 6 Prevention of Flooding and the impact on water quality
KWAC Env7 Carbon Reduction
KWAC Env8 Encouraging renewable energy
KWAC H2 Market Housing
KWAC H4 Principal Residence
KWAC BE3 Design Quality
KWAC T3 Car Parking

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

Plymouth & South West Devon JLP Supplementary Planning Document (2020)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) XXX received by the Local Planning Authority on 30th June 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.

3. Prior to the commencement of any development, including demolition or earthworks, a Tree Protection Plan and measures for tree protection during the course of development, shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To protect trees of amenity value.

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

- (a) the timetable of the works;

- (b) daily hours of construction;
- (c) any road closure;
- (d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) a site plan showing the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations
- (l) Details and location of any construction worker welfare facilities, site office, etc.
- (m) Details of the amount and location of construction worker parking.

Reason: In the interests of public amenity and highway safety.

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

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
- (c) Part 1, Classes B and C (roof addition or alteration)
- (d) Part 1, Class D (porch)
- (e) 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)
- (f) Part 1, Class F (hardsurfaces)
- (g) Part 1, Class G (chimney, flue or soil and vent pipe)
- (h) Part 1, Class H (microwave antenna) and;
- (i) Part 2, Class A (means of enclosure)

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

6. The roofs hereby approved shall be clad in natural slates, of British or European origin.

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

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

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

8. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal by Colin N Wills (dated 7th August 2021), shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

Reason: To safeguard the interests of protected species

9. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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

10. The parking provision for the proposed dwelling shall be laid out in accordance drawing number A1436.21.P01.C prior to the occupation of the dwelling hereby approved. The spaces shall hereafter be retained and maintained for the parking of private motor vehicles.

Reason: To ensure that the development has adequate parking provision and does not result in additional parking issues in the surrounding area.

PLANNING APPLICATION REPORT

Case Officer: Graham Smith
Thurlestone

Parish: West Alvington **Ward:** Salcombe and

Application No: 3503/21/ARM

Agent/Applicant:

Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

Mr & Mrs Horton
C/O Agent

Site Address: Gerston Gate Barn, Gerston Lane, West Alvington

Development: Application for approval of reserved matters following outline approval 1655/19/OPA (for provision of an agricultural worker's dwelling)



Reason item is being put before Committee – called in by Cllr Mark Long for the following reason:

I would want this application to go before the Development Management Committee for consideration and review given the question on the size of an Agricultural/Rural workers dwelling development and the views on landscape and visual impact, also related policy questions.

Recommendation: Refuse for the following reasons:

1. The size and scale of the dwelling would be excessive given its purpose to provide accommodation for a rural worker in perpetuity. It is not considered that such a large dwellinghouse is commensurate with the needs of the business, nor is it considered that the average rural worker would be in a financial position to afford such property. On this basis the development does not serve an essential need and is therefore contrary to SPT1, SPT2 and TTV26 of the JLP
2. The development would result in an incongruous addition at a prominent and protected part of the landscape and would fail to conserve or enhance the character and setting of this countryside location thereby failing to comply with adopted policies DEV20, DEV23, DEV24 and DEV25 of the JLP and paragraphs 130 (c) and 176 of NPPF.

Key issues for consideration:

Principle/Sustainability, Design/Landscape, Residential Amenity, Access/Parking Drainage, Ecology, Carbon Reduction

Site Description:

Square shaped area of agricultural land of some 0.1ha with topography sloping downwards gently from access on Gerston Lane. The site, which benefits from outline approval for a dwellinghouse, is approximately 1km south west of Kingsbidge and is part of a larger land holding with established livestock/agricultural business. The site has some established agricultural buildings (linked to the applicant's enterprise) to the northwest and is surrounded by open fields on all other sides.

The site has uninterrupted views of Kingsbridge Estuary and is in an elevated position and within the Undeveloped Coast, the South Devon AONB and SSI Impact Risk Zone.

The Proposal:

Permission is sought for the detailed design of a four bedroom dwellinghouse approved (in outline) under permission reference 1655/19/OPA. The proposal would be two storey with an H-shaped footprint and double garage. The dwelling would have four bedrooms on the upper floor and kitchen, dining and living area with snug and utility room and farm office on the ground floor. The double garage would be located in the front garden area. The gross internal floor area would be 285 m² of which residential space is 253 m².

Consultations:

- County Highways Authority

No objections

- Landscaping

The landscaping scheme submitted is broadly acceptable however suggestions are made to improve it and more details are sought in respect to hard and soft landscaping and external lighting to consider further how this will be implemented, maintained and managed.

- Town/Parish Council

Supportive of the development subject to the property having the requisite agricultural tie in perpetuity restricting occupancy to farm worker.

- Agricultural Consultant

The dwelling is considered to be too large to meet the functional needs of the farm business, taking into account that this will have an agricultural occupancy condition so the property must be affordable for farm workers to purchase. It has also not been demonstrated that the business can afford to build the dwelling while leaving the business viable. Further details are requested with regards to why the applicant considers the size to be commensurate to the functional need and farm accounts over the past 3 years are requested along with build cost estimates in order to consider the impact further.

The consultant refers to some recent appeal decisions which he considers to be of relevance in the assessment of this case:

- i. APP/L3245/W/21/3276073 – appeal allowed to permit dwellinghouse for agricultural worker of some 208 sqm gross internal floorspace (178 sqm gross residential space)
- ii. APP/H3320/W/18/321540 – appeal dismissed as it was not sufficiently demonstrated in financial terms that the business could afford to sustain the construction of a dwelling and remain a viable operation.
- iii. APP/G6935/A/21/3272925 (Wales) – appeal allowed following detailed consideration of business projections, factoring in construction costs. The reporter concluded that sufficient justification had been submitted to prove financial viability.

Representations:

Representations from Residents

12 online comments were received in support of the application, from local residents, the applicant and visitors to the farm with comments summarised as follows:

- The need for the house has already been established as acceptable
- The proposal is well considered and proportionate
- The proposals shows sensitivity to the local environment (eg. Low level lighting)
- The size and scale is described as commensurate to the business needs, modest, inoffensive and the introduction of landscaping will reduce the visual impact and the proposal described as invisible to the nearest neighbours and not large when considered in the surrounding context.
- The ground floor area is essential to the day to day operation of the business eg. Additional space is essential to wash oneself and also the needs of the family will require additional space as children grow.

Relevant Planning History

1655/19/OPA - Outline planning permission granted for the erection of a dwellinghouse.

1730/22/ARM - It should be noted that during the course of this application the concerns over the size of the property and lack of financial information were brought to the attention of the

applicant and that they subsequently submitted an application for a reduced scheme which has recently been approved under delegated powers.

ANALYSIS

Principle of Development/Sustainability:

The outline planning permission for this site established in principle the acceptability of a residential dwelling for an agricultural worker on this site. The consideration in this current application therefore is if the details of the development accord with the adopted spatial strategy of the JLP, The Neighbourhood Plan and the NPPF.

Policy SPT1 of the JLP delivers sustainable development by incorporating principles of sustainable economy, sustainable society and sustainable environment. The principles are expanded through Policy SPT2 which introduces the concept of Sustainable Rural Communities which seeks to provide communities with good access to adequate services and a good balance of housing types and tenures to meet housing needs and promoting resilience to future change with equal access to housing and services.

The approach to sustainable development in the JLP is explained further in Policy TTV1 for the Thriving Towns and Villages parts of the plan area which prioritises growth through a hierarchy of sustainable settlements. Under this policy development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 then goes on to indicate specific objectives of rural sustainability, of which, the delivery of affordable homes that enable rural communities to remain vibrant is one.

With respect to the hierarchy in TTV1 the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlets. In such areas proposals need to demonstrate support for the principles of sustainable development and sustainable communities (Policy SPT 1 and 2) as provided for in Policy TTV26 and TTV27. The proposal has not been put forward as an affordable housing exception site therefore TTV27 is not engaged.

Policy TTV26 provides criteria for assessing development in the countryside. The Local Planning Authority is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as 'isolated' in planning terms. In terms of isolation, in applying the Bramshill ruling, the LPA will consider "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand."

The application site is considered to be in a remote location in the open countryside. The proximity of the site to the nearest settlement, or any other neighbours (notwithstanding the adjacent agricultural buildings which are part of the wider site) is such that the proposal is considered to constitute an isolated development.

As such the LPA are considering the proposal against policies SPT1, SPT2, TTV1, TTV2, TTV26.

The criteria of TTV26 is the appropriate starting point to assess the impact further which is as follows:

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

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

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

With regard to TTV26 (1) officers are content that there is an established functional requirement for an agricultural worker to be present at this site. The dwelling however, is considered to be of a size and scale that is excessively large in relation to the nature of the operations on site. Whilst there is no size threshold specified in local or national policy previous this LPA consider proposals up to 175m² of residential accommodation to be the normal size for a functional agricultural worker dwelling and have discouraged proposals that exceed this unless there is a convincing business justification for a larger unit. This proposal has a domestic floor area of 253m² which exceeds that significantly. The applicant has submitted enough information to satisfy the agricultural consultant that the build costs would not undermine the viability of the operations. Accounts for a 2 year period demonstrate no concerns over the financial merits of the business and there is nothing to suggest that the business could not absorb the build costs and still remain financially viable. However it is unclear what essential need exists for a dwelling of the size proposed other than the personal preference of the applicant. As a property of the size and scale proposed is unlikely to be affordable for the average agricultural worker, the development is not considered to realistically secure the use as a rural workers unit in perpetuity.

The larger proposal will undoubtedly entail benefits for the applicant, their living conditions and the facilities available to farm workers however those benefits do not amount to an essential need. The submission of the alternative application shows that whilst a reduced design, with smaller scale and massing and cheaper build costs is a less desirable option for the applicant, it nevertheless fulfils the essential need.

The applicant has stated that insufficient weight has been given to the fact that, as the future resident of the property (the son of the business owner), this property will eventually become the principle dwelling in this substantial farming business. However local and national planning policy give no reference to the size differential between a principle residence and that of a regular worker. The essential needs in this instance is for a worker to be present on site to care for animals at all times rather than serving as an administrative base or extended accommodation for the future needs of a family.

Officers consider the appeal decisions cited by the agricultural consultant, which carefully consider proposals for larger agricultural workers properties based on an identified functional need to be of relevance. It is noted that the old PPS7 Annex A is still used today as guidance by inspectors which states:

“Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long terms, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling that is appropriate to a particular holding.”

The applicant has highlighted another development in the area which has recently been approved and which they consider to be comparable to this proposal (reference: 2078/20/FUL). That application granted permission for an agricultural worker’s unit with gross internal floor area of 223m². It is agreed that development is similar in size and scale to that proposed and is therefore larger than normal. However, permission was granted at that site in the 1980s for a larger dwelling than recently approved and the most recent application sought to reduce the approved floorspace simplifying the design and incorporating more natural materials. On balance that was considered to be acceptable.

The applicant has also drawn the attention of officers to another development that they consider to have set a precedent for large rural worker’s dwellings in this area. Application 3387/18/ARM was approved despite an objection by the agricultural consultant on size. That application was not in a protected landscape and was adjudged by officers to integrate in the landscape in a satisfactory way. Accordingly permission was granted at that site.

It is not considered that either of the above applications have set an undesirable precedent. Each application must be assessed on its own individual merits. In principle the LPA would not be resistant to a larger design at this site if the applicant could demonstrate that there was a functional need for the increased residential floorspace (linked to the business rather than personal preferences of the applicant) and provided that the design was able to conserve or enhance the landscape. The visual impact is considered further later but has not been found to be of a sufficient quality for the area. They have been unable to demonstrate a functional need for a larger dwelling (linked to the onsite operations) and in the circumstances it is not considered that there is an essential need for a dwelling of the size proposed and the proposal

failed to demonstrate that it would remain as a rural workers unit in perpetuity. On this basis the proposal is contrary to Policy TTV26 and also fails to accord with the principles of rural sustainability contained in Policies SPT1, SPT2, TTV1 and TTV2.

Design/Landscape:

Policy DEV20 requires developments to achieve high standards of design that contribute to townscape and landscape by protecting and improving the quality of the built environment. Policy DEV23 seeks to conserve and enhance the landscape and scenic and visual quality of development, avoiding significant and adverse landscape or visual impacts. Proposals should be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. DEV23 also requires a high architectural and landscape design quality appropriate to its landscape context.

The site is within the AONB and undeveloped coast and is within a prominent location being visible from long distance views across the Kingsbridge Estuary. The highest degree of protection is afforded to the unique and protected landscapes of the South Devon AONB and the undeveloped coast through Policies DEV24 and DEV 25. These Policies require the LPA to safeguard against potentially damaging or inappropriate development either within the protected landscape or its settings and to ensure that development protects, maintains and enhances the unique landscape and special qualities of the area.

These aims are in line with NPPF paragraph 130 (c) which requires development to be sympathetic to the landscape setting and paragraph 176 which gives great weight to conserving and enhancing landscape and scenic beauty in AONB.

Whilst only moderate weight must be given to the Neighbourhood Plan it should be noted that appendix A4 contains locally important views and viewpoints KV7 and KV9 are both taken from Gerston Lane and the development will impinge on the panoramic views from this area. This underlines the importance of ensuring that the size and scale is appropriate and that the design is of a sufficient quality that respects the character of the area.

The site is at an elevated location in the landscape and the development will inevitably be visible from a variety of locations, notably from Gerston Lane which is a key local viewpoint. Whilst the applicant has tried to incorporate natural materials to try and soften the impact and landscaping to try and screen it, landscaping will only screen the development to an extent. What is proposed, with extensive glazing and upper floor balconies is considered to be more appropriate in an urban setting than at this rural context at such an important part of the protected landscape. It is considered that a dwelling with these attributes will not result in a locally distinctive design or one that would protect or enhance the rural character. Instead the development would introduce an incongruous addition on the landscape to the detriment of locally important views and the character and setting of the AONB.

The proposal fails to conserve or enhance the landscape and does not therefore accord with Policies DEV20, DEV23, DEV24 and DEV25.

It should be noted that the recently approved revised proposal submitted in the other application for this site (reference 1730/22/ARM) featured a reduced size, scale and massing with simplified the design, omitting balconies and minimizing glazing. That development has been found to represent an acceptable fall back from this current proposal.

Neighbour Amenity:

Policy DEV1 of the JLP requires consideration of the impact on the nearest neighbours particularly in terms of overshadowing and any potential loss of privacy. There are no dwellings in the immediate vicinity that would be affected in this regard and the development is not therefore considered to result in an adverse loss of amenity for the nearest neighbours and does not conflict with DEV1.

Highways/Access:

Policy DEV29 of the JLP requires consideration of the impact of developments on the wider transport network, and requires safe traffic movements and vehicular access to and from the site.

No concerns are raised in respect of highway safety and access/egress to and from the site. The Highway Authority (DCC) have responded to the consultation process and have raised no objections to the proposal, referring to standing advice. When having regard to this document and the existing site context; there are no concerns with respect of Highway safety. The proposal will not result in a significant increase in traffic when compared to the existing situation (agricultural vehicle uses) and therefore impacts on the wider transport network are considered negligible. The proposal is in accordance with DEV29.

Drainage

Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP and UG14 of the UNDP requires sustainable water management measures to be incorporated and states that development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development.

The site is not identified as being in an area vulnerable to flooding, including tidal or pluvial.

Surface water is proposed to be dealt with via soakaways and foul water via a package treatment plant. This was considered to be acceptable in the original outline officer's report and conditions were imposed on the outline application to require full details of the drainage schemes to be submitted to the LPA for approval.

In having regard to the above, the proposal is considered by officers to comply with national policy and Adopted Local Plan Policy DEV35.

Ecology

Paragraph 174 of the NPPF articulates that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 is explicit that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Policy DEV26 of the JLP relates to protecting and enhancing biodiversity and geological conservation and states that development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area.

Although DEV26.5 specifically relates to major development proposals, the SPD states that LPAs will also encourage provision for biodiversity net gain where appropriate for smaller developments.

A Wildlife and Geology Trigger Table has been submitted with the application and shows that an ecology report is not required in this case. Existing landscaping is to be retained and additional planting provided, which will provide biodiversity enhancements for the site. The landscaping forms part of conditions 9, 10 and 11 of the outline planning permission. New bat, bird and bee provisions are also to be provided within the development and can be secured by condition.

Therefore, given the site context and the ecological enhancements outlined above, the application is deemed satisfactory in this instance as it complies with the aims and objectives of Adopted Local Plan Policy DEV26 and Paragraphs 174 and 180 of the NPPF.

Low Carbon Development

Paragraph 8(c), 152 and 157(b) of the NPPF articulates the need for the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and for development to propose solutions for carbon reduction. The JLP also supports the transition to a low carbon future with DEV32 requiring developments to identify opportunities to minimise the use of natural resources and reduce the energy load. A sustainability statement has been submitted and demonstrates a range of measures to be employed that could be secured by condition. As such the proposal does not conflict with DEV32 and the relevant paragraphs of the NPPF.

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set

out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

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

Neighbourhood Plan

The application is located within the parish of Kingsbridge, West Alvington and Churchstow. A joint Neighbourhood Plan is currently at Reg 17 with an examiner having been appointed on 22nd March 2022. The Plan is therefore of moderate weight in the decision making process, taking into account any comments received during the consultation and with the knowledge that the Examiner can require changes to the neighbourhood plan. It is not considered that a planning application could be refused solely on a NP policy unless it was underpinned by specific policy support in the NPPF and JLP.

Relevant policies include:

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence
Policy KWAC Env3 Impact on the South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.
Policy KWAC Env 5 Prevention of light pollution
Policy KWAC Env 6 Prevention of Flooding and the impact on water quality
Policy KWAC Env7 Carbon Reduction
Policy KWAC Env 8 Encouraging renewable energy
Policy KWAC Env 10 Promotion of tree planting
Policy KWAC BE3 Design Quality

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 130, 152, 157, 174, 176 and 180 and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Graham Smith
Thurlestone

Parish: Marlborough **Ward:** Salcombe and

Application No: 3235/21/FUL

Agent/Applicant:

Mr Mike Derry - Derry Owen Architects
Derry Owen Architects
Unit 5 Homelands
Higher Union Road
Kingsbridge
TQ7 1EQ

Applicant:

Mr & Mrs Brazier
Harwood Farm
Salcombe Road
Marlborough
TQ7 3BX

Site Address: Harwood Farm, Salcombe Road, Marlborough, TQ7 3EW

Development: New Residential Dwelling



Reason item is being put before Committee – called in by Cllr Mark Long for the following reason:

I would want this application to go before the Development Management Committee for consideration and review given the application was submitted a year ago, the numerous points and concerns raised in the Officers report, questions on the size of an Agricultural/Rural

workers dwelling development, the views on landscape and visual impact, and related policy questions. Also, how this application has run for a year with such concerns expressed in the Officers report.

Recommendation: Refuse planning permission for the following reasons:

1. The size of the dwelling would not be commensurate with the functional need of the business as an agricultural workers unit in perpetuity and is therefore contrary to SPT1, SPT2, TTV1, TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP).
2. The development would result in an incongruous addition at a prominent and protected part of the landscape and would fail to conserve or enhance the character and setting of this countryside location thereby failing to comply with DEV20, DEV23, DEV24 and DEV25 of the JLP, Policies 5 and 14 of the Marlborough Neighbourhood Plan 2012-2034 (MNP) and paragraphs 130 (c) and 176 of National Planning Policy Framework 2021 (NPPF).
3. The development fails to demonstrate what carbon reduction measures will be put in place to minimise the carbon footprint of the development and how light pollution would be mitigated and does not comply with SPT1 and DEV32 of the JLP, Policies 9 and 12 of the MNP and paragraphs 8 (c) and 152, 157(b) of NPPF.
4. The application has failed to demonstrate the foul discharge arrangements and if those arrangements will have the capacity for additional usage, or if mitigation or an alternative solution is possible and is therefore contrary to Policy DEV35 of the Joint Local Plan.
5. The development does not contain the necessary legal agreement or commitment that would secure the dwelling as a principle residence and therefore fails to comply with Policy 3 of the Marlborough Neighbourhood Plan 2014-2034.

Key issues for consideration:

Principle of Development, Design and Landscape Impact, Residential Amenity, Highways, Ecology, Drainage, Climate Change

Site Description:

Rectangular shaped area of some 1180m² that forms part of a larger 9 acre agricultural holding to the north of A381 Salcombe Road. The site sits in an elevated position in an Area Of Natural Beauty (AONB) and The Undeveloped Coast and is surrounded by fields on all sides with an agricultural shed associated with the applicant's farm business to the south.

The site has contained temporary residential accommodation since 2019 and has been a base for lambing the applicant's ewe flock, farrowing outdoor pigs, and poultry and contains a goat herd. The nearby agricultural building is used for fodder storage and a gathering/collection for pigs, lambs and goats.

The Proposal:

Permission is sought for a detached dwellinghouse with accommodation over two levels containing 4 bedrooms and some office and utility space associated with the rural business. A sloping pitched roof design would be incorporated with eaves sitting lower on the southern elevation and full height two storey to the rear.

Consultations:

- County Highways Authority

Do not object. Reference is made to standing advice

- Town/Parish Council

Salcombe Town Council - *No comment but there should be a condition that the building remains as an agricultural building tied to the farm in perpetuity.*

Marlborough - *Support*

- Landscape

The LPA Landscape officer objects to the proposal on landscape impact grounds. They objected to the previous proposal for temporary accommodation on this site on the basis of the location of the site at an isolated and elevated location in the AONB and undeveloped coast. There is a concern that the development would provide a conflict with the rural and tranquil, undeveloped and remote characteristics that define this protected landscape. It is not considered that there is anything in this proposal to demonstrate that it will conserve landscape character, nor are there any indications that it will provide enhancement.

Representations:

10 representations were received in support of the application and two were received in objection.

A summary of supporting points made is as follows:

- The applicants support the local community with their business which runs from the farm and supports the local economy providing local jobs.
- There is a clear need for a dwelling in order for the business to operate efficiently, to secure the future of the farm and to ensure proper maintenance of the livestock.
- The design is described as proportionate and sympathetic, built with sustainable materials and will appear like another agricultural building thereby not detracting from the local landscape or impacting on the local population.
- Local food will be produced with minimal miles travelled. There are many examples of poorly designed buildings in the wider area that are underutilised and this proposal provides the opposite to that and there is no viable reason to refuse it.
- New agricultural holdings that are self-supporting and successful are rare and should be supported.

A summary of points of objections is as follows:

- Photographic evidence is provided from a viewpoint from the south showing the location of the constructed agricultural building at the top of the hill and demonstrating the elevation and proximity to a grade II listed farmhouse to the south. The agricultural building is considered to detract from the landscape and listed building.

- Objectors consider that the proposed development is in an inappropriate location and, at the highest elevation, would be prominent and result in additional detriment to the landscape and the listed building in the vicinity.
- Attention is drawn to a 2006 approval under prior approval for an agricultural building at an alternative location within the applicant's ownership which was never developed but is considered by objectors to be a less prominent location and more appropriate location for the dwelling to be sited.
- Reference is made to an application (ref: 2750/19/AGR) for prior notification to position an agricultural shed in 2019 that was situated lower down the hill than the application site that was refused due to the visually prominent location and concerns over the landscape impact. Attention is drawn to the conclusions of officers which was as follows: *"The Landscape character of this area is already affected by isolated built form in exposed locations, which has resulted in the degradation of an otherwise consistent open rolling landscape. This effect does not justify further deterioration of the landscape quality, particularly in the AONB and Undeveloped Coast."*
- Objectors consider that if a consistent approach is to be followed then permission must be refused.
- The development description does not include that it is an agricultural workers dwelling and it has not been advertised as such. The application must therefore not be considered a normal dwelling and refused on the basis that in principle a new dwelling at this location does not accord with planning policy.
- The applicants only have one company registered at companies house which is not recorded as a farming enterprise and The Salcombe Meat Company carries no weight for an agricultural needs justification.

Relevant Planning History

1211/18/AGR – Application for prior notification of agricultural or forestry development – details required

1787/18/PAA – Prior approval application for erection of agricultural building required and given 14th June 2018

0184/19/FUL – Provision of temporary mobile home for agricultural/business accommodation
CONDITION APPROVAL 21st August 2019

ANALYSIS

Principle of Development/Sustainability:

Policies SPT1 and SPT provide the spatial vision for growth across the policy area with the theme of sustainability underpinning all of the guiding principles.

The approach to delivering sustainable development in the Thriving Towns and Villages parts of the plan area is outlined in Policy TTV1. This policy introduces a hierarchy of sustainable settlements and under this policy development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities. Policy TTV2 then goes on to indicate specific objectives of rural sustainability, namely, the location of housing where it will enhance or maintain the vitality of rural communities and the growth and expansion of rural business and enterprise.

With respect to Policy TTV1, the site is within the countryside and as such the proposal needs to demonstrate support for the principles of sustainable development and sustainable communities (Policy SPT 1 and 2) as provided for in Policies TTV26 and TTV27. The site has not been put forward as an affordable housing exception site therefore TTV27 is not engaged.

Policy TTV26 provides criteria for assessing development in the countryside. The Local Planning Authority is applying the Bramshill Ruling City & Country Bramshill Ltd v Secretary of State for Housing, Communities and Local Government & Ors (2021) EWCA Civ 320 when considering whether a proposal site should be described as 'isolated' in planning terms. In terms of isolation, in applying the Bramshill ruling, the LPA will consider "...the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not 'isolated' in this sense is a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand."

The site by its nature is agricultural, and despite the neighbouring agricultural shed is considered to be physically separate or remote from a settlement, the nearest of which Horsecombe which is approximately 600 metres away beyond open fields. The applicant's shop in Salcombe is approximately 2 km away along Salcombe Road. The general pattern of development in the immediate vicinity is relatively dispersed and it is anticipated that car travel would be the dominant means of getting around. In the circumstances, as a matter of planning judgement, the site is considered to be physically separate and remote from the nearest settlement and is therefore considered to be an isolated location.

The criteria of TTV26 is the appropriate starting point to assess the impact further which is as follows:

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

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

2. *Development proposals should, where appropriate:*
 - i. *Protect and improve rights of way*
 - ii. *Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
 - iii. *Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*

- iv. *Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. *Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided*

With regards to TTV26(1)(i) it is important to consider if there is an essential need for the development, and, if the proposal would maintain the role of an agricultural workers dwelling in perpetuity.

There is no floorspace threshold in the JLP or NPPF regarding the scale that would be appropriate for a rural worker's dwelling. This LPA uses an indicative floorspace range of between 160 m² - 175 m². Whilst some applicants may want a larger dwelling based on their own personal circumstances it is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling that is appropriate to a particular holding. The applicant has specified that 50 m² of the floorspace would be business related and the remaining 190 m² would be residential.

In considering the size and scale officers have taken cognisance of recent appeal decisions that have dealt with larger designs for rural workers dwellings. Decisions such as APP/H3320/W/18/3215240 and APP/L3245/W/21/3276073 accepted a functional requirement for residential floorspace in the region of 180m² after careful consideration of the needs of the business. One of the above for example included accommodation for 3-5 full time workers onsite. This proposal will allow the applicants, a husband and wife team, to stay onsite and in relative close proximity to their butcher shop and they specify that the size is required to meet their future family needs and the developing business.

The agricultural justification has been reviewed and based on the evidence submitted in support of the application officers would agree that there is a requirement for a permanent residential presence on this site in order to tend to the livestock associated with the applicant's business. In addition the agricultural consultant is satisfied that the build costs would not undermine the viability of the business. Accounts for a 2 year period were submitted demonstrating that the farm business makes modest profits. The applicant states that profits have been reinvested in the business and highlight that they receive rental income from the Salcombe Meat Company which uses the outbuilding as a butchery and is a separate legal entity. The build will be primarily financed and funded by personal savings with the applicants themselves playing an active role in the construction process. Based on the figures submitted and the explanation accompanying them, there are no concerns over the financial merits of the business and whether it is financially viable and sustainable. On this basis the costs associated with the build, are not considered to affect the viability of the business moving forward.

However, the size of the proposed dwelling is considered to exceed the normal size that would be commensurate with a functional agricultural workers accommodation. The agricultural holding is relatively modest at this location and it is understood that the majority of the applicant's stock is on rented land elsewhere. If approved, a dwelling of the size proposed, relatively close to Salcombe in the future is highly unlikely to be financially accessible as a rural worker's dwelling over the long term. On this basis a dwelling of the size proposed is not considered to meet an essential need that would maintain the role of rural workers accommodation in perpetuity.

It is not considered that the dwelling proposed is of a size commensurate with the established functional requirement of the business. Dwellings that are unusually large in relation to the agricultural needs of the unit should not be permitted.

Not all the criteria of TTV26 (2) are engaged. The locational justification for a dwelling at this location is accepted however, as detailed below the site is within a protected landscape and the design, size and scale would not help enhance the immediate setting of the site.

On balance a dwelling of the size proposed is not considered to protect the special characteristics and role of the countryside. In the absence of a justification for a larger property, and taking cognisance of the harm to the protected landscape at this location, the development is not considered to result in sustainable development and is contrary to Policies SPT1, SPT2 and TTV26 of JLP.

Design/Landscape:

The Policies of the JLP and the NPPF recognise the intrinsic beauty of the Countryside generally and give added protection to areas such as this that fall within the South Devon Area of Natural Beauty (AONB) and Undeveloped Coast. Policy DEV20 encourages good design as a means of delivering a good quality sense of place and Policy DEV23 requires proposals to be located and designed to respect scenic quality by conserving and enhancing the landscape.

This approach is in line with NPPF paragraph 130 which requires development to (b) be “visually attractive as a result of good architecture, layout and appropriate and effective landscaping” and (c) “sympathetic to local character and history, including the surrounding built environment and landscape setting.”

JLP Policy DEV24 does not permit development that would have a detrimental effect on the undeveloped coast except under exceptional circumstances. Development will only be permitted in such areas where the development:

1. Can demonstrate that it requires a coastal location.
2. It can reasonably be located outside the Undeveloped Coast.
3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
4. Is consistent with policy statements for the local policy unit in the current shoreline management plan.
5. Is consistent with the relevant heritage coast objectives, as contained within the relevant AONB Management Plan.

JLP Policy DEV25 gives the highest degree of protection to the AONB from potentially damaging or inappropriate development. In particular LPAs must give great weight to conserving landscape and scenic beauty, consider direct, indirect and cumulative impacts of development, encouraging small scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore protected landscapes. In addition opportunities must be sought to enhance and restore protected landscapes and prevent the addition of incongruous features.

The dwelling has been positioned close to the existing agricultural building at an elevated position in the landscape. One of the neighbours has highlighted that there are more discreet locations in the landscape within the wider site where the dwelling would appear less conspicuous. They also consider the existing barn to detract from the landscape and that the

proposed dwelling would exacerbate this. The applicant has responded by disputing that it is prominent and highlighting that they have allowed hedgerows to grow in order to “lessen the impact” and that the agricultural building benefits from planning permission and the house was therefore positioned close to that with a design that seeks to replicate the aesthetic of the existing outbuilding. They also argue that the proposed house will be lower in height than the barn and will be cut into the landscape albeit no topographical details have been submitted or landscape impact assessment that would demonstrate the change in levels and demonstrate how the dwelling would integrate into the landscape to support this.

The existing agricultural outbuilding was given ‘prior approval’ therefore the design submitted for that did not require full planning permission and was permitted development. The height of the apex of the pitched roof in the plans submitted for that application was 4.9m. The height of the building proposed in this application to the apex is approximately 6.4m. The proposed dwelling is therefore approximately 1.5 metres higher than the barn. There is natural undulating land at this location and the agricultural building will sit higher in the landscape but it appears that there will need to be a significant change to the site levels in order to accommodate the two storey dwelling to sit lower on the landscape.

The site is considered to be an elevated and prominent location on the landscape setting which generally is one of gentle and natural undulating levels providing tranquillity. It is noted that there are agricultural style buildings in the vicinity, and these traditionally serve a functional purpose and the nature of their use is such that there is a physical requirement to be the dimensions to be the way they are. Many are built under permitted development rights. It is also accepted that hedgerows and planting can screen development and help mitigate the visual impact of new development.

However, in design terms, it is not agreed that new housing should seek to replicate modern agricultural barns in terms of scale and massing. The design, scale and massing of this proposal resembles a more industrial style rather than that of a dwelling and is not considered to be appropriate for the surrounding rural context. In this respect the proposal is not considered to provide a quality design solution for the site and, in such a prominent location, it will be visible on the wider landscape and introduce an incongruous feature that will not integrate well on the protected landscape. Planting, and allowing hedgerows to grow will only help screen the development to an extent. The adopted policy requires developments to enhance or conserve the landscape and achieve a design that reinforces local distinctiveness and protects, maintains and enhances the unique landscape of the undeveloped coast and AONB which the development is not considered to do.

In terms of layout, and the position of the dwelling the applicant has given no justification why the dwelling would need to be in the most prominent location and could not be located at a lower level. Presumably it is preferable to be closer to the agricultural outbuilding but no justification has been given or the kind of landscape impact assessment submitted which would help them justify the visual impact. It is agreed with the neighbour that the agricultural building does not enhance the landscape setting at this location and consequently, in accordance with adopted policy, the LPA is required to consider any potentially damaging cumulative impact. The design seeks to replicate the agricultural shed and in this respect it is considered that it would result in additional harm to the landscape.

The proposal is not considered to respect the scenic quality of the surrounding protected landscape or contain a design of the requisite quality for such a protected area. The size and scale will dominate the landscape to the detriment of the wider area and the development is therefore contrary to DEV20, DEV23, DEV24, DEV25 and NPPF paragraph 130.

Neighbour Amenity:

Policy DEV1 of the JLP protects health and amenity by ensuring that development does not cause any adverse impact on residents. Issues such as overshadowing, privacy and noise from development, amongst others, are considered.

There are no neighbouring dwellings in the immediate vicinity of the site and the proposal is not therefore considered to result in an unacceptable loss of residential amenity. As such the proposal is considered to accord with DEV1.

Highways/Access:

The existing access would be utilised and The County Highways Officer has been consulted and raised no objections. The proposal is therefore considered to be in accordance with Policy DEV29 of the JLP.

Ecology

Policy DEV26 of the JLP requires protection, conservation and enhancement of biodiversity. The requisite wildlife trigger form has been completed showing that the site is unlikely to pose a threat to any protected species. The site is an agricultural field and the development could be accommodated without any conflicts with DEV26.

Drainage

Policy DEV35 requires consideration of surface water, flood risk and foul drainage. In terms of surface water there is not a high risk of flooding in this area and the development falls within the low risk category whereby a condition could be added to ensure that full drainage details are provided prior to occupation.

With regards to foul drainage DEV35 (8) states that development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate or will be improved to accommodate the new development.

A detailed planning application for a new dwelling such as this should be accompanied by an FDA (Foul Drainage Assessment) Form which would provide some basic information on the existing public drainage infrastructure and the likelihood of it accommodating the new development or being improved to accommodate the new development. The requisite form has not been submitted in this instance. It is unclear what the impact would be, and, if there is any infrastructure improvements necessary to mitigate any adverse impacts on the sewer network. In addition, it is unclear what alternative non-mains solution would be incorporated at this environmentally sensitive location. In the absence of such information the proposal is considered to be contrary to Policy DEV35 of the JLP.

Climate Change

Paragraph 8 (c), 152 and 157 (b) of the NPPF articulates the need for the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and for development to propose solutions for carbon reduction. NPPF paragraph 120(b) gives a recognition that undeveloped land can perform many functions, of which carbon storage is one. The JLP also supports the transition to a low carbon future with

DEV32 requiring developments to identify opportunities to minimise the use of natural resources and reduce the energy load.

No supporting information has accompanied this application that would demonstrate that the development will achieve a carbon reduction. As such it is not clear if the need for carbon reduction has influenced the layout, building orientation, massing and landscaping and what the impact will be in this respect. The proposal therefore fails to accord with DEV32 and the relevant paragraphs of the NPPF.

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

Planning Policy

Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan - The site lies within the Marlborough Neighbourhood Plan 2014-2034 (MNP) area. The relevant policies are:

Principle Residence – Objective HD1 provides a commitment to encourage, facilitate and integrate ‘principle residence’ housing and Policy 3 states that all new open market housing will only be supported where there is a restriction to ensure its occupancy as a principle residence.

The applicant has not submitted or confirmed that they would be agreeable to the necessary obligation being imposed that would secure the proposed dwelling as a primary residence for them. In the absence of the necessary legal agreement securing this the proposal is considered to fail to comply with HD1 or Policy 3 of the MNP.

High Quality Design – Objective HD2 of the MNP gives great weight to only permitting high quality design that will sit comfortably with and respond to local surroundings, the landscape and existing buildings. In line with the relevant JLP Policy and NPPF Policy 5 requires proposals to be reflective of the scale and character of existing and surrounding buildings and be supported by landscape and visual appraisal of the site in order to determine the impact on local views.

This application has not been submitted by a Landscape Appraisal and the design, scale, and massing of the development as already detailed is considered to be unacceptable. As such it is considered that the proposal does not achieve the kind of high quality design that would respond well to its local surroundings and the protected landscape and is therefore contrary to Objective HD2 and Policy 5.

Energy Efficiency/Climate Change – Objective G1 requires all new development to be energy efficient and sustainable focussing on a ‘fabric first approach’ and by limiting dark skies. Policy 9 provides the requisite criteria to assess how proposals adapt to climate change. Developers are encouraged to demonstrate in proposals how design, construction and operation have sought to:

- Reduce the use of fossil fuels
- Promote the efficient use of natural resources, the re-use and recycling of resources, and the production and consumption of renewable energy.
- Adopt and facilitate the flexible development of low and zero carbon energy through a range of technologies.
- Link the provision of low and zero carbon energy infrastructure in new developments to existing buildings and,
- Adopt best practice in sustainable design.

Policy 12 promotes a dark skies policy and recognises that the parish is ‘intrinsically dark’ and therefore deserves protection. Under the terms of this policy all new development should

demonstrate how it is planned to minimise light pollution. The drive towards energy efficiency requires the submission of appropriate measures alongside planning applications.

This development has not been supported by any information that would demonstrate that energy efficiency/carbon reduction issues have been considered or what measures, if any, would be incorporated to minimise light pollution on what is an intrinsically dark, protected landscape. As such the proposal does not accord with Objective G1 and Policies 9 and 12 of the MNP.

Siting of Development

Policy 14 contains a presumption against development in the open countryside unless specifically provided for by other policies in the Neighbourhood Plan and provided; “There is no significant detrimental effect on the character of the countryside by virtue of the proposed development’s siting, size and prominence in the landscape”

As already detailed in this report, whilst officers consider that the proposal for residential rural workers accommodation is acceptable in principle at this location, the siting of the development at a prominent location and its size, design and visual prominence is such that it would be considered to be of significant detriment to the landscape. On this basis the proposal also fails to accord with Policy 14 of the MNP.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8(C), 120, 130, 152, 157 and 176

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.

South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 5-Oct-22
Appeals Update from 23-Aug-22 to 16-Sep-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: Upheld
APPEAL DECISION DATE: 30-August-2022

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 decided
APPEAL START DATE: 08-June-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 23-August-2022

APPLICATION NUMBER: **0670/22/HHO** APP/K1128/D/22/3302753
APPELLANT NAME: Mr David White
PROPOSAL: Householder application for enlargement of first floor window on southwest elevation (retrospective)
LOCATION: Swallows 1 Higher Warren Road Kingsbridge **Officer delegated**
TQ7 1LG
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 25-July-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 30-August-2022

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **0484/22/HHO** APP/K1128/D/22/3303936
APPELLANT NAME: Mr & Mrs R Webber
PROPOSAL: Householder application for proposed alterations to existing property
LOCATION: 3 Ashwood Close Loddiswell TQ7 4RG **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 05-September-2022
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

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 decided
APPEAL START DATE: 23-June-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 09-September-2022

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 decided
APPEAL START DATE: 23-June-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 12-September-2022

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 decided
APPEAL START DATE: 24-June-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 14-September-2022

Ward West Dart

APPLICATION NUMBER: **3377/21/OPA** APP/K1128/W/22/3297901

APPELLANT NAME: Mr Zav Bowden
PROPOSAL: Outline application with some matters reserved for new dwelling
in garden of existing dwelling (resubmission of 2133/20/OPA)

LOCATION: Dorsley Cottages Harberton TQ9 6DL **Officer delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 26-May-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 13-September-2022

Undetermined Major applications as at 16-Sep-22

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

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

	Valid Date	Target Date	EoT Date
3704/16/FUL Charlotte Howrihane	22-Nov-16	21-Feb-17	30-Sep-22
Creek Close Frogmore Kingsbridge TQ7 2FG		Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)	

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

	Valid Date	Target Date	EoT Date
3749/16/VAR Charlotte Howrihane	23-Nov-16	22-Feb-17	30-Sep-22
Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG		Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F	

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

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

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

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

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

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
3752/19/OPA Jacqueline Houslander	11-Feb-20	12-May-20	6-Apr-21
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA		READVERTISEMENT (Amended description) Outline application with some matters reserved for residential development of 17 Dwellings	

Comment – Formal pre app received with a revised layout.

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

Comment- 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 has confirmed (22/08/22) that they are prepared to enter into a DoV and a legal work request has been sent to initiate this

	Valid Date	Target Date	EoT Date
3623/19/FUL Steven Stroud	14-Apr-20	14-Jul-20	15-Apr-22
Land off Godwell Lane Iybridge		READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure	

Comment: Amended plans received and re-consultation underway. Report partially written. Had an update meeting with applicants and received additional information on Biodiversity net gain, which has been sent to DCC ecologist.

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

Comment: Agreed under delegation, awaiting signature on unilateral undertaking.

	Valid Date	Target Date	EoT Date
2508/20/FUL Steven Stroud	12-Aug-20	11-Nov-20	6-Jan-21
Moor View Touring Park Modbury PL21 OSG		READVERTISEMENT (revised plans) Proposed expansion and development of holiday lodges and associated works to existing touring and holiday park	

Comment: Awaiting additional ecology information from applicant.

	Valid Date	Target Date	EoT Date
4254/20/FUL Jacqueline Houslander	23-Dec-20	24-Mar-21	25-Aug-22
Springfield Filham PL21 ODN		READVERTISEMENT (revised plans) The proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent. Landscaping works will provide communal areas and a playground as well as ecological features. Access will be provided from the main road with a main spine route running through the site. Springfield Cottage is to remain as current use but be a separate property entity with access from within the site.	

Comment – Amended plans received. Still further information outstanding and awaited.

	Valid Date	Target Date	EoT Date
0544/21/FUL Jacqueline Houslander	15-Feb-21	17-May-21	3-Dec-21
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
1490/21/ARM Tom French	20-Apr-21	20-Jul-21	13-Aug-21
Sherford New Community Commercial Area North of Main Street Elburton Plymouth		Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 drivethrough restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)	

Comment – Under consideration by Officer, ext of time agreed

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

Comment - Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
1159/21/FUL Patrick Whymer	23-Apr-21	23-Jul-21	31-Jan-22
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 – Approved at the last committee subject to S106 which is progressing.

	Valid Date	Target Date	EoT Date
2817/21/ARM Anna Henderson-Smith	29-Jul-21	28-Oct-21	24-Mar-22
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 – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
3053/21/ARM Anna Henderson-Smith	5-Aug-21	4-Nov-21	24-Mar-22
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	

Comment – architect working on revisions and redesign

	Valid Date	Target Date	EoT Date
3054/21/ARM Anna Henderson-Smith	5-Aug-21	4-Nov-21	24-Mar-22
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 – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
2982/21/FUL Graham Smith	13-Oct-21	12-Jan-22	3-Mar-22
Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY		READVERTISEMENT (Revised plans) 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 re-consultation underway

	Valid Date	Target Date	EoT Date
3335/21/FUL Clare Stewart	14-Oct-21	13-Jan-22	17-Feb-22
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers		Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.	

Comment – Approved by Members, subject to S106 agreement (now with legal)

	Valid Date	Target Date	EoT Date
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	29-Apr-22
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon		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 – Approved by Members, subject to S106 agreement (now with legal)

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

Comment – 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
4317/21/OPA Steven Stroud	5-Jan-22	6-Apr-22	6-May-22
Land at SX 5515 5220 adjacent to Venn Farm Daisy Park, Brixton		Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)	

Comment:

	Valid Date	Target Date	EoT Date
4774/21/FUL 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: Awaiting comments from AONB unit and the Environment Agency regarding wave action.

	Valid Date	Target Date	EoT Date
0303/22/OPA Steven Stroud	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 drainage 30% of which would be affordable housing

Comment - Under consideration by officer, met with agent 24/8/22

	Valid Date	Target Date	EoT Date
0934/22/FUL 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: Under consideration by officer.

	Valid Date	Target Date	EoT Date
0510/22/VAR Steven Stroud	3-May-22	2-Aug-22	
Bovisand Harbour (Fort Bovisand) Bovisand Wembury PL9 0AB			Application for variation of condition 2 (approved plans) of planning consent 3814/20/VAR

Comment – Awaiting additional information from applicant.

	Valid Date	Target Date	EoT Date
1178/22/ARM 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 requires additional information regarding external lighting to protect nearby wildlife dark corridors.

	Valid Date	Target Date	EoT Date
1614/22/VAR Charlotte Howrihane	10-Jun-22	9-Sep-22	6-Oct-22
Brutus Centre Fore Street Totnes			Application for variation of condition 2 (approved plans) of planning consent 2560/21/FUL

Comment: Application awaiting committee 5th October.

	Valid Date	Target Date	EoT Date
1523/22/FUL 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: Reviewing application with consultees

	Valid Date	Target Date	EoT Date
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1629/22/ARM 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: Awaiting consultation responses

	Valid Date	Target Date	EoT Date
2084/22/OPA Jacqueline Houslander	27-Jun-22	26-Sep-22	
Land at SX 648 561 Rutt Lane Ivybridge		Outline application (all matters reserved) for the provision of new 120 Social, Emotional & Mental Health (SEMH) School including new two storey teaching block with associated hard & soft landscaping	

Comment: Awaiting additional information requested by consultees

	Valid Date	Target Date	EoT Date
2243/22/FUL Amy Sanders	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: Awaiting consultation responses

	Valid Date	Target Date	EoT Date
2412/22/OPA Clare Stewart	25-Jul-22	24-Oct-22	
Land South of Dartmouth Road at SX 771 485 East Allington		Outline application with some matters reserved for the development of up to 35 dwellings & associated access, infrastructure, open space, landscaping & biodiversity net gain infrastructure	

Comment: Awaiting consultation responses