

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 14th December, 2022</b>										
<b>Time:</b>	<b>9.30 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Foss</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Brazil	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Taylor
Cllr Abbott	Cllr Long										
Cllr Brazil	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Taylor										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

**1. Minutes**

**1 - 6**

To approve as a correct record the minutes of the meeting of the Committee held on 9 November 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) 4774/21/FUL**

**7 - 36**

**"Burgh Island Hotel", Burgh Island, Bigbury On Sea**

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

**(b) 1386/22/FUL**

**37 - 58**

**Dennings, Wallingford Road, Kingsbridge**

Erection of six new residential dwellings (resubmission of 3830/20/FUL)

**\*\* PLEASE NOTE THAT THE FOLLOWING APPLICATION WILL NOT BE HEARD BEFORE 2.00 PM \*\***

**(c) 2327/22/OPA 59 - 78**

**"Distin's Boatyard", Old Mill Lane, Dartmouth**

Outline application with some matters reserved for proposed onsite security building with manager's accommodation as live work unit (resubmission of 0412/22/OPA

**(d) 2579/22/HHO 79 - 86**

**Red Gables, Cliff Road, Wembury**

Householder application for conversion of existing garage to extra living accommodation

**7. Planning Appeals Update 87 - 88**

**8. Update on Undetermined Major Applications 89 - 96**

This page is intentionally left blank

# Agenda Item 1

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

<b>Members in attendance</b>			
<b>* Denotes attendance</b>			
<b>∅ Denotes apologies</b>			
*	Cllr V Abbott	*	Cllr M Long
∅	Cllr J Brazil	∅	Cllr G Pannell
∅	Cllr D Brown	∅	Cllr K Pringle
*	Cllr R J Foss (Chairman) (for 6(b) and (c) only (Minute DM.40/22 refers)	*	Cllr H Reeve
*	Cllr J M Hodgson (for 6(a) and (b) only (Minute DM.40/22 refers)	*	Cllr R Rowe (Vice Chair)
∅	Cllr K Kemp	*	Cllr B Taylor
*	Cllr K Baldry (substituting for Cllr G Pannell)	*	Cllr B Spencer (substituting for Cllr D Brown)
*	Cllr D O'Callaghan (substituting for Cllr Brazil)	*	Cllr P Smerdon (substituting for Cllr K Pringle) (for 6(a) and (c) only (Minute DM.40/22 refers)

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

Cllr J Pearce

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer (via MS Teams); IT Specialists; and Democratic Services Officer

**DM.37/22 MINUTES**

The minutes of the meeting of the Committee held on 5 October were confirmed as a correct record by the Committee.

**DM.38/22 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 application 6(a) (minutes DM.40/22 (a) below refer) because he is a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr Hodgson declared a personal interest in application 6(c) (minutes DM.40/22 (c) below refer) as the applicant is known to the Member. Cllr Hodgson left the meeting for this application and took no part in the debate nor vote thereon.

DM.39/22 **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.40/22 **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) 2735/22/HHO 10 The Plat, Strete  
Parish - Strete**

**Development: Householder application for replacement rear single storey sun room, first floor bedroom extension over garage, modifications to existing drive to provide additional on-site parking including resurfacing of existing for a new impermeable surface (Resubmission of 1175/22/HHO)**

This application was Chaired by Councillor Rowe.

Case Officer Update: The Case Officer reported they had received the lighting plan and highlighted an error within the report that the additional parking for this application will be a 'permeable' surface and not 'impermeable' as stated in the report. The Case Officer explained that the lighting plan took into account all the measures and impact on all neighbouring properties. The Officer further added that the drainage proposal was not compliant within the SPD guidance but it could be agreed by condition. The Case Officer said that the proposed extensions were considered subservient additions to the existing dwelling and would not cause harm to the wider landscape. The development was not considered to have a significant detrimental impact on the amenity of the neighbouring properties

In response to questions raised, it was reported that:

- This application does not fall with the conservation area;
- The scale of the development would not require a construction management plan.

Speakers included: Objector – Nicola Cullen; Supporter – Peter Wells;  
Parish Councillor – Councillor G Campbell; Ward  
Member – Cllr R Foss.

In response to questions the objector reported that the shadow would engulf their property.

In response to questions the Parish Councillor reported that 5 residents objected, and 10-12 people objected at the parish council meeting.

The Ward Member raised the light impact on neighbouring properties. This application normally would not come to committee but decided to bring this to the committee for a decision.

In response to questions raised it was reported that the standard test was used to test the impact of overshadowing. The impact likely to be felt more in the spring and winter.

During the debate, Members discussed at length the lighting issue and the impact on neighbouring properties and whether neighbouring properties would be overshadowed by this application. Member felt that overshadowing of neighbouring properties was not an issue even though a number of objections were received Members said that they could not see any reason to refuse this application.

**Recommendation:** Conditional approval.

**Committee decision:** Conditional approval.

**Conditions:** Standard time limit  
Adherence to plans  
Materials to match  
Adherence to ecological mitigation  
Surface water drainage

**6b) 2156/22/FUL "Higher Farleigh Meadow", Diptford Parish – Diptford**

**Development: Application to regularise and retain agricultural storage building (Retrospective).**

Case Officer Update: The Case Officer reported that a letter of objection has been received and highlighted that the application did not provide sufficient justification to explain why a building of the scale proposed was required for such a small area of land.

In response to questions raised, it was reported that:

- Consultants were only used to assess larger applications;
- The fire vehicle and metal structure on the land forming the application site not part of the application.

Speakers included: Supporter – Amanda Burden; Parish Council – Councillor S Franklin; Ward Member – Cllr P Smerdon.

In response to questions, the supporter reported that the applicant will use the land to grow vegetables and hold small amount of livestock. The building will be used to store animal feed.

The Ward Member included Cllr Pannell's statement which referred to the scale of this agricultural building and whether it was appropriate for the size of the holding. Concerns were raised that fields capable of being divided into a number of one acre plots could easily be filled with such buildings which will then have a significant impact on the rural landscape. The Ward Member said that this application had been recommended for approval but officers had since changed their recommendation. The Ward Member explained that the Diptford Parish Council were concerned that the building too large with further concerns on the fire vehicle and shipping container on site.

In response to questions raised by Members, the Case Officer explained that when senior officers reviewed this application they had a different view and changed the recommendation to refusal.

During the debate, some Members felt that this application was a classic building for agricultural need and to give the applicant the benefit of doubt. Other Members questioned whether the building was applicable to the size of the land as well as being mindful of allowing a building of that size within an AONB. Members felt that this could then encourage larger buildings on small plots of land across the area.

**Recommendation:** Refusal

**Committee decision:** Refusal

**6c) 2453/22/HHO 36 Furze Road, Totnes  
Parish – Berry Pomeroy**

**Development: Householder application for proposed single storey front extension**

**Case Officer Update:** The Case Officer highlighted that the applicant was a Councillor. The design of the current proposed development was considered to be an incongruous addition to the property and immediate street scene, and failed to have proper regard to the local pattern of development. As such the proposal failed in the Officer's view to comply with the requirements of policy DEV20.

In response to questions raised by Members, it was reported that an application made by a Member or employee automatically comes to the committee.

**Speakers included:** Supporter – Neil Warren

In response to questions to the supporter, the Supporter reported that there were a number of properties with front facing extensions within short distance of this application.

During the debate, Members felt that the application did respect the street scene and saw this as an improvement to the locality.



**Recommendation:** Refusal

**Committee decision:** Approval subject to the following conditions:

- Standard time limit and completion in accordance with plans
- recommendations within the ecology report to be followed
- Drainage

DM.41/22 **PLANNING APPEALS UPDATE**

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

DM.42/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

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

(Meeting commenced at 10:00 am. Meeting concluded at 12:17 pm, with a break at 11.50 am)

---

Chairman

Voting Analysis for Planning Applications – DM Committee 9<sup>th</sup> November 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>
2735/22/HHO	10 The Plat, Strete	Conditional Approval	Cllrs Abbott, Baldry, Hodgson, Long, O'Callaghan, Reeve, Rowe, Smerdon, Spencer and Taylor (10)			Cllrs Foss and Kemp (2)
2156/22/FUL	2156/22/FUL - "Higher Farleigh Meadow", Diptford	Refusal	Cllrs Abbott, Baldry, Foss, Long, O'Callaghan, Reeve, Spencer and Taylor (8)	Cllr Hodgson (1)	Cllr Rowe (1)	Cllrs Kemp and Smerdon (2)
2453/22/HHO	36 Furze Road, Totnes	Approval	Cllrs Abbott, Baldry, Foss, Long, O'Callaghan, Reeve, Smerdon, Spencer and Taylor (9)		Cllr Rowe (1)	Cllrs Hodgson and Kemp (2)

## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander

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

**Application No:** 4774/21/FUL

**Agent/Applicant:**

Jonathan Finch - Avalon Planning & Heritage  
The Generator  
King's Wharf  
Exeter  
EX2 4AN

**Applicant:**

Burgh Island Ltd  
Burgh Island  
Bigbury On Sea  
TQ7 4BG

**Site Address:** Burgh Island Hotel, Burgh Island, Bigbury On Sea, TQ7 4BG

**Development:** 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.



**Reason item is being put before Committee:** The Head of Development Management has asked for the application to be heard by the Committee because of the nature of the proposal and the sensitive landscape within which the development is proposed.

**Recommendation:** Approval, subject to a Section 106 agreement to secure the Tamar SAC contributions and the off-site parking requirements.

**Conditions** (list not in full)

1. Time limit
2. Accord with plans, including AIA
3. Joinery details to be submitted
4. Materials to be submitted
5. Stonework to match existing
6. Extraction equipment to be submitted and agreed with the LPA prior to bringing the restaurant in The Pilchard into use.
7. EA Future raising of flood wall.
8. EA flood resilience measures
9. CEMP required
10. LEMP required
11. Details of mitigation requirements for nesting birds to be submitted prior to commencement
12. BNG of 10% shall be provided. If this cannot be provided on the island then an offsite contribution will be required.
13. Details of the measures to avoid the spread of invasive species shall be so included in the CEMP.
14. Lighting proposals shall be included in the LEMP and the CEMP
15. Reptile mitigation measures shall be included in the CEMP
16. At least one integrated bird box/brick be built into the new staff accommodation building to offer nesting opportunities for small passerine birds
17. No unnecessary lighting should be installed and the cliff boundaries should remain dark.
18. The requirement for additional parking on land outside of the site shall be required to be provided in perpetuity prior to work commencing.
19. The nature, scale and appearance of any hoardings used to screen and secure areas of construction (all Phases);
20. The methodology / specification / appearance / duration details in relation to the enclosed roof, weather sheeted scaffold for the repairs to Chirgwin (Phase 3);
21. Specific phasing of works to the island footpaths and island landscape setting, broadly stated as between October 2022 and June 2025 (I note an indication of this is provided, but much of these works will be highly visible to island visitors and from the mainland).
22. Prior to the commencement of the development, the carbon reduction measures shall be submitted to and approved by the LPA and be in accordance with Policy DEV32.
23. Waste audit plan to be submitted

**Key issues for consideration:**

Principal of the development; impact on landscape, AONB and Heritage Coast; detailed design; ecology; drainage; carbon reduction.

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

The Government has previously stated that the New Homes Bonus scheme will be ending and that they will be inviting views on how they can reform the New Homes Bonus scheme for 2023-24, to ensure it is focused where homes are needed most.

A Policy paper is due to be issued by the Government in December 2022, which will state whether the New Homes Bonus scheme will continue for one more year into 2023-24.

If it does continue, the Council's allocation of New Homes Bonus for 2023-24 will be based on dwellings built out by October 2022.

---

### **Site Description:**

The application site comprises development on Burgh Island. The island is located just off the coastline at Bigbury on Sea and is tidally cut off from the mainland. When the tide is out there is a sand causeway to provide access to the Island. The Burgh Island hotel is the largest structure on the Island, but there are other structures such as the Pilchard Inn, a private dwelling adjacent to the Inn and various buildings supporting the hotel. The rest of the Island is rugged and natural in character. The general public have access to the rest of the Island and there is a path up to the top of the Island where there is a Huers Hut and views out towards the sea and up and down the coastline.

Burgh Island Hotel was built almost 100 years ago and has had a series of owners and uses over the years. The Island upon which the hotel is situated is joined to the mainland via a tidal causeway, which has an impact on its operations. However it also adds to the uniqueness of the hotel. A tractor is provided for moving people and goods when the tide is in.

The hotel itself is grade II listed, with many of the associated buildings being curtilage listed. The hotel comprises the main hotel building, which has been extended over the years; The Chirgwin which was originally a private hotel in the 1920's, sits adjacent to the hotel and is curtilage listed and has more recently been used as staff accommodation.

Other parts of the island contain elements of the hotel, such as outside terracing, the mermaid pool, outside storage and an area of PV panels, an enclosed tennis court and a helipad. The Pilchard public house also lies at the edge of the island facing the land and has an outside eating terrace. A private house is adjacent to The Pilchard. In addition there is a small residential dwelling on the south eastern corner of the island known as Agatha Christie. There are also a number of other protrusions, two concrete pillboxes in the cliffs and adjacent to the second slipway (currently not used)

The Island itself is not part of the designated AONB landscape, but the mainland is within the AONB. The Island and the mainland are covered by the area designated as the Greater Horseshoe Bat Special Area of Conservation (SAC).

The Island and mainland lie within the Heritage Coast Designation and the island and the parts of Bigbury which are not developed also lie within the Undeveloped Coast designation in the Plymouth and South West Devon Joint Local Plan (JLP). The whole area is also within the Influence zone of the Tamar Estuary Special Area of Conservation, where a contribution is required for development which increase bed spaces to protect the SAC from the impact of recreational pressures.

The Bigbury Neighbourhood Plan includes the Island and the mainland of Bigbury and Bigbury on Sea.

The Island is within Flood Zone 1, whereas the coast around the mainland opposite the Island is in Flood Zones 2 and 3. The Pilchard Inn however, does, have historic reporting on very isolated occasions of pooling to the quay in bad weather.

The rest of the Island has some structures on it such as the Heuers Hut on the top of the Island, but otherwise is a natural landscape, cut through in places by informal paths eroded by use of the public when climbing to the top of the Island.

### **The Proposal:**

The proposal has many elements to it and essentially comprises:

#### West wing extension

- comprising 12 guest bedrooms (24 bed spaces) as well as 2 staff bedrooms.
- Glazed link to the hotel core.

#### Extension to The Pilchard

- An artist studio above the Pilchard would provide 1 guest room.
- New restaurant – glazed extension.
- Replace café and cream teas in a building to the rear of the Pilchard.

#### Spa

- Reorder the basement: steam room; sauna; spa and treatment rooms; lobby for lift access.
- Remove existing and more recently added kitchen extensions.

#### Chirgwin Hotel

- Restore Chalet as historic veranda format.
- 6 staff rooms, staff offices, lounge, kitchen and bathrooms.
- Staff canteen joining Chirgwin and hotel – new extension

#### Staff Quarters

- Old tennis court is retained with existing solar panels.
- New tennis court slope to be re landscaped with new staff accommodation screened and integrated by ground form remodelling.
- 11no Rooms 13no Occupants

#### Nettlefold Bar

- Glazed enclosure and roof to east facing terrace to provide additional bar for diners in the Nettlefold Room.

#### Fisherman's Gardens

- Landscape walls and gardens to be reinstated.
- Shed for maintenance and storage including tractor and rib.

#### Mermaid Terraces

- Alternative proposal to wooden steps - stone steps up a regraded slope.

#### Bay View Restaurant (on mainland)

- Extend the existing Bay View Cafe to provide a larger restaurant and seating.
- Approx. 38no inside covers.

The reason the application has come forward is so as to ensure the continued profitability of the hotel into the future. The Island and Hotel are quite unique and provide a valuable asset to the local area. The hotel owners have provided a brief business case to support the proposal which indicates that *“it is imperative to expand the hotel to secure the future of this historic hotel, both in terms of the business and the buildings. Current costs of maintaining the building and offer appropriate accommodation to be able to retain staff are problematic.*

*At its current size it is not capable of generating enough profit to give enough spare capital to carry out all of the above mentioned issues.”*

### **Consultations:**

- County Highways Authority: No objections subject to a legal agreement securing in perpetuity the offsite parking provisions set out in the Highway technical note. Some of the parking provision is proposed to be provided on third party land off site and will require securing prior to occupation of the Island Hotel or staff accommodation. Conditions are also requested to be added to any planning permission.
- Environmental Health Section:  
No concerns
- Town/Parish Council:  
Proposals in relation to the Burgh Island Hotel  
This meeting was convened primarily to discuss applications 4774/21/FUL and 4775/21/LBC to SHDC in respect of developments planned to:
  - increase room capacity in the Hotel;
  - extend and increase restaurant capacity of the Pilchard Inn;
  - use hut opposite Pilchard Inn as a tea room;
  - create permanent staff accommodation on the Island on the site of the tennis court;
  - provision of vegetable gardens and a building for the tractor, boat store and workshop on the site of the existing refuse storage area, north west part of the island, called Fisher Fields in the application;
  - proposals for treatment and disposal of sewage;
  - proposed and potential sources of renewable energy projects;
  - demolition and replacement of the Bay View Café to increase its capacity;
  - develop at the rear of Warren Cottage to provide further staff accommodation.

### **Background**

It is stated in the Heritage Design and Access Report accompanying the application that the present hotel capacity is insufficient for it to be run profitably enough, to allow proper ongoing maintenance and the capital expenditure necessary for its survival, thus the need to extend the hotel. An increase in the number of guests requires an increase in staff numbers, which in turn requires an increase in staff accommodation to allow staff to live on site, as local accommodation is too expensive and local transport is inadequate for staff to commute daily to and from the island from further afield and during the hours required to be worked.

The NPC noted and regretted the absence of a business plan to demonstrate viability of the proposed development. The committee considered that a business plan is essential in order to justify the increase in staff numbers which, in turn, explains the need for the extra staff accommodation.

The committee also noted that most of the proposed development on the Island (the west wing of the hotel, the staff accommodation on the tennis court and the estate building at Fisher Fields) will be on land allocated in the Bigbury Neighbourhood Plan as ‘Local Green Space’ (Policy BP15 and Appendix 14A), a basic fact seemingly overlooked/ignored by SHDC planners during their pre-application meetings and in the Planning Statement. The policy states that ‘there will be a presumption against all

development except in exceptional circumstances'. Justification for the development proposed has not been provided in the application.

Sustainability issues were raised and the provision of a wind turbine in a prominent location on the island was questioned and considered to be wholly unacceptable.

The reference in the pre-application meeting notes to the provision of yurts and pods as provision for 'glamping' in the north west part of the island Fisher Fields was questioned and thought undesirable.

The committee looked at the individual components of the development as follows.

#### The Pilchard Inn

This is identified in the Bigbury Neighbourhood Plan (BNP) as a locally listed asset. It was considered that the proposed large extension in a prominent location on the seaward side of the Pilchard Inn would result in significant harm to the setting of the Pilchard Inn when viewed from the beach and the mainland. The proposed extension was also too large in scale and its modern design including substantial glazing was felt to be unsatisfactory and out of keeping with the existing building original structure and harmful in its impact on the open green space of the island. In the absence of a business plan the need for increased restaurant capacity was questioned and it was thought unlikely to make much difference to the use of the inn off season.

#### Staff Quarters on the Island

The proposal is for staff quarters on the island to be built on the site of the tennis court, resulting in a structure which would be harmful in its impact on the Local Green Space and although to be bunded, partially screened and dug into the topography would be harmful to the appearance of the island from the mainland. It would still be visible from the public footpaths on the island and from the Huers Hut.

#### Warren Housing/Bay View Cafe

It was noted that Warren Cottage and the Bay View Café are 'locally listed' assets in the BNP and that the Café has proved to be a successful and profitable enterprise and a popular addition to the attractions of Bigbury on Sea (BoS). The proposal to rebuild and extend the size of the café to increase capacity was supported.

However, the building of additional staff accommodation at the rear of the site was problematical for properties in BoS within sight of it, whose visual amenity would be harmed even with the provision of a flat roof replacing the previously proposed pitched roof. The proposed flat roof would also be contrary to the design guidance for Bigbury on Sea as set out in Appendix 9 of the Bigbury Neighbourhood Plan and the proposed design would be in conflict with the vernacular of BoS. Also it was thought that the proposal would constitute inappropriate high density development, in conflict with the BNP and its massing and scale would adversely impact on the appearance of BoS and the AONB. The NPC would prefer the site it would occupy to remain as unbuilt and able to be used as car parking for the extended café.

It was also noted that the application makes no mention of the intended use of Warren Cottage and it was considered that this should continue to be used for staff accommodation which itself would reduce the need to provide such a large and inappropriate development on the land at the rear of the café.

#### Burgh Island Hotel



The NPC felt that all development on the island would impact on the island's green open space but that the design of the proposed extension and alterations to the hotel would work well aesthetically, when viewed both from the island and the mainland. The NPC did not object to the proposed west wing, the penthouse suites, the spa, 'Nettlefold' extension and the proposals to refurbish and extend the Chirgwin building to provide improved staff accommodation.

#### Cream Tea Hut

The NPC have no objection to the hut opposite the Pilchard Inn being used as a tea room and noted that it had previously been used for this purpose. They also had no objection to the proposed terrace for outside seating adjacent to the tea room.

#### Proposals to alter footpaths on the Island

The NPC questioned the need for 'improvements' to footpaths on the island. The reasons for any change to the footpaths were unclear.

#### Mermaid Steps

The NPC did not object to the proposed improvements for the 'Steps'

#### Additional comments

The NPC questioned whether the matter of additional sewage disposal had been adequately dealt with; also, that the committee was not supportive of glamping on the island. It was also noted that the Planning Statement made no reference to some of the objections made by several members of the public at the exhibition.

The NPC was again critical of the lack of attention by SHDC planners to the matter of this development's impact on the unbuilt parts of the island which is designated as 'Local Green Space' and considered that the applicants should have been made aware of this designation, the presumption against development on this land and the need to demonstrate 'exceptional circumstances' during the pre-application meetings.

- South Devon AONB unit: No comments received.
- Landscape Specialist: Initially had an objection to the development. The applicant has since provided additional information, which has resulted in the objection being lifted by the Landscape Specialist.
- Tree Specialist: Initially raised objection to the proposal as being contrary to Policy DEV28 in the Plymouth and South West Devon Joint Local Plan. Upon submission of a revised Arboricultural Impact Assessment (AIA): TH/B263/0422 7th April 2022, the Planning Application is now considered suitable for approval on Arboricultural merit subject to inclusion of the noted AIA as an approved document if planning consent follows.
- DCC Ecologist: No objections subject to biodiversity net gain of 10% to be achieved. Additional conditions relating to a LEMP; CEMP; reptile mitigation.
- Archaeologist: The proposed development appears from aerial photographs and LiDAR data to be located within areas already disturbed. Therefore I would consider that the archaeological impact of the proposed development to be low and, as such, the Historic Environment Team has no comments to make on this planning application.

- Natural England:

Habitats Regulations Assessment - Recreational Impacts on European Sites.

This development falls within the 'zone of influence' for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, as set out in the Local Plan. It is anticipated that new housing development in this area is 'likely to have a significant effect' when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

Therefore, we advise that specific measures will be required to prevent such harmful effects from occurring as a result of this development. We recommend that permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017(as amended).

- Marine Management Organisation: The MMO advised the Local Planning Authority to make the applicant aware that an application for a Marine Licence where appropriate based on the Marine Licensing help pages.
- Devon and Cornwall Police: No objections but recommend utilising windows and doors which meet current security measures, which would be covered under Building Regulations.
- Waste planning: This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

## **Representations:**

### **Representations from Residents**

Comments have been received and cover the following points:

Objections: 13 letters.

#### **General**

- It will be the ruin of a very special area that could never be returned to its natural beauty.
- The hotel is a listed building in an area of outstanding natural beauty and should not be allowed to be ruined by building new structures, particularly to house staff.
- The investment from one source in such a small community will drive local people out and new people will not be able to make their home in the area and Bigbury on sea will become an area for members only.
- The overdevelopment will impact on the landscape people come to enjoy
- The roads are already dangerous at weekend and car parking is very limited.
- These plans dramatically affect an important undeveloped coast and detract from our green spaces and AONB.
- This is another example of blatant commercialism and unnecessary development to add value to the islands owners assets.

#### **The Pilchard**

- The building of the extension to the Pilchard next to the Sea wall would block our access to the beach

- Two septic tanks are located in our garden serving the pub which need to be accessed regularly to be emptied
- Extra tables and chairs on the roof would mean more noise and lack of privacy
- Existing extractor fan is already noisy and causes problems with food smells and vibrations
- Is it necessary to expand a successful business so much?
- The extension would mean that the front view of the café would be permanently changed and impact on the view of the pub from the mainland and the beach
- The proposals are not in keeping with this historic building – too large and too modern
- Many of the proposals are on the designated open spaces

#### The Hotel

- Such a large expansion of hotel rooms and by default staff accommodation seems over optimistic after Covid.
- The inability to attract staff is due to Brexit and other global problems not just the lack of accommodation.

#### **Relevant Planning History**

05/2499/14/F and 05/2500/14/LB

Bigbury On Sea Tq7 4bg Burgh Island Bigbury On Sea Devon TQ7 4BG

Solar panel array (200 panels, 335m<sup>2</sup>, 50kW) on former tennis court. Approved 5/3/2015

1430/18/CLE

Burgh Island Hotel Access to Burgh Island Burgh Island Bigbury On Sea Devon TQ7 4BG

Application for a Lawful development certificate for existing use of property as a hotel with use of buildings ancillary to that use and use of Pilchards Inn as public house. Certificate of Lawfulness refused, 21/1/2019

0437/19/CLE

Burgh Island Hotel Access to Burgh Island Burgh Island Bigbury On Sea Devon TQ7 4BG

Application for a lawful development certificate for existing use of property as a hotel with use of buildings ancillary to that use (Resubmission of 1430/18/CLE). Certified. 4/4/2019.

4775/21/LBC

Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG

Listed Building Consent for 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. Refused, 4/4/2022

1273/22/LBC

Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG

Listed Building consent for extension & refurbishment to Burgh Island Hotel & associated buildings together with extension to Pilchard Inn & associated landscape enhancements, Approved 27/9/2022

#### **ANALYSIS**

##### **Principle of Development/Sustainability:**

The Plymouth and South West Devon joint local Plan is the Development Plan for this area and was adopted in 2019. The underlying presumption in the Plan is to encourage

development which is sustainable as is also promoted through the NPPF 2021. Policy SPT1 sets out the 3 arms of sustainable development as it relates to Plymouth and South West Devon and SPT2 provides the more detailed aspects of a sustainable community.

Policy TTV1 in the JLP indicates a hierarchy for growth in the Thriving Towns and Villages policy area. Most growth should be focussed in the main towns, followed by the smaller towns and villages. The countryside is the 4<sup>th</sup> and final tier of the hierarchy where development will be more restricted and will only be permitted where *“it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”*

Bigbury on Sea is not identified as a sustainable settlement because it is located within the South Devon Area of Outstanding Natural Beauty where the sensitive landscape takes priority. Policy DEV25 is of specific relevance. However Burgh Island is bizarrely not included within the AONB designated landscape, development on it would clearly have an impact on the setting of the AONB landscape.

Bigbury Neighbourhood Plan does include Burgh Island, but the settlement boundary for Bigbury on Sea is tightly drawn around the existing built development in the village. As such the site is located in what would be described as the countryside. Policy TTV26 is therefore relevant. The policy seeks to restrict development to that which is essentially necessary in rural areas, by virtue of being for agricultural or forestry development or occupational need; secure the re use of redundant buildings or to secure the long term future and viable use of a significant heritage asset.

The policy also makes a difference between those developments which are isolated and those which are more generally in the countryside. It is considered that the Island and hotel is not isolated (bearing in mind the Braintree and Bramshill court of appeal cases). The village of Bigbury on Sea is a short walk or tractor ride away, where some services and facilities are available.

In this case the development would protect and improve public rights of way on the Island; re use the historic hotel and improve it; would not prejudice any agricultural development as there is no such use on the rest of the Island; respond to an occupational need for additional accommodation to secure the long term sustainability of the hotel and the works proposed are necessary interventions to ensure its continued success on the Island into the future. Additionally the works to the other parts of the Island will enhance the setting of the hotel and also seeks to work with the existing landscape and enhance it where appropriate.

Officers consider that the proposal is in compliance with policy TTV26 and this has some weight in the planning balance.

Policy DEV15 in the JLP also bears some relevance to this case. The purpose of the policy is to protect and support the rural economy. Whilst the Island and hotel are intrinsically linked to the village, it does fall within the classification of countryside in the JLP and Policy DEV15 indicates that development should support the balance of jobs in rural areas and accepts the following provisions:

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

This provision is adequately provided for in the development proposals. The retention of the hotel on the Island relies on it being viable over the longer term and that has been described earlier in the report. In order to survive into the future the hotel has to expand and to provide accommodation for staff which will allow them to live locally and to attract the nature of staff required for this higher quality hotel.

An assessment of the impact of the proposals on the Island environment has been provided through the LVIA submitted with the application. It concludes that the impact will be neutral on the current landscape character of the island overall; a positive effect on the cultural landscape and no effect on the prevailing landscape ambience. Whilst the landscape Specialist had concerns about the LVIA initially because of the lack of consideration of the cumulative impact of the developments on the landscape, subsequent information assured her that the LVIA was correct.

*“Support will be given to the reuse of suitable buildings for employment uses.”*

The hotel is an employer and has over a recent years had difficulty attracting and retaining staff because there are very few housing opportunities for the staff in the local area. By providing suitable accommodation, provides the opportunity to attract and also retain staff to support the hotel business.

*The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility.*

The proposal does not involve losing tourist development, but this part of the policy clearly indicates support for the retention of tourist development, because of the wider benefits to the area that is achieved through tourist development.

*Development proposals should:*

*i. Demonstrate safe access to the existing highway network.*

A slightly unusual, but nevertheless safe access to the local highway network is provided.

*ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*

In this case whilst the site is described as countryside, it is not so remote as to require a sustainable travel plan, because there is access to local buses in Bigbury on Sea, walking to the Island is an obvious choice when the tide is out and a local tractor service is provided when the tide is in.

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

The proposed extension is attached to the existing hotel and demonstrates a positive relationship; the extension to the Pilchard, whilst attempting to be separate in order to protect the historic significance of the building is a positive addition, reflecting the roof pitch of the adjoining buildings and the glazed elevations allowing glimpses through the extension to the existing building.

*iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

In this case there are a number of buildings on the Island, but during pre app discussions, it became apparent that there were none that could support the number of staff rooms needed. Chirgwin provides a few but not enough. Many types, sizes and styles of staff accommodation were discussed, but all of them were felt by officers to negatively impact on the landscape value of the Island. Through discussions with planning and heritage officers a solution was found that did not impact to such an extent on the landscape value but provided the number of rooms that were required.

The proposal involves building on land under the existing tennis court which is not required and also has quite a significant visual impact (with the green fencing that can be seen from the mainland). From the mainland with the reordering of the land form in this location, the staff accommodation will not be visible. The Parish Council have expressed views that the accommodation will be visible when walking on the Island, which will be the case, but the use of green roofs as well as the additional landscaping, officers consider, mean that the impact will not be significant.

The proposal therefore meets many of the requirements of Policy DEV15.

**Design:** The design of each aspect of the proposal has been the subject of detailed discussion and revision over the last 2 years. The heritage officer, the planning officer, the landscape specialist, the AONB unit and an independent Design Review Panel have been involved in the discussions.

The extent of the proposals has been questioned by some of the letters of objection and was a concern to officers when presented with the pre app. The landscape and heritage value of the Island and the buildings is of paramount importance. In Heritage terms the first Listed Building application was refused because of the proposed rooftop suites – its impact being considered to *“harm the character, significance and special interest of the listed building, in particular with regard to the rooftop accommodation/suites that would compete with, and detract from, the historic cupola and stair tower which are original surviving features of the hotel”*

This aspect of the proposal was subsequently removed from the applications. The proposed staff accommodation originally proposed behind the Bayview café was also removed, after significant local objection and concerns over the design and scale of the proposal.

The proposals will now be individually assessed.

**Extension to the Hotel:**

The size, design and layout of the proposed extension was given considerable thought during the pre app phase of this proposal and indeed was talked about at length by the Design Review Panel which took place earlier this year. The architect presented a number of options and had many constraints to manipulate to create a proposal which worked functionally but also visually was pleasing. The DRP, the Heritage officer and the planning case officer all considered the western end of the hotel to be the most appropriate location for the extension. There was a lot of deliberation in relation to the form of the extension and the design of the windows on the extension as to whether the window sizes and shapes should reflect the existing hotel (which in itself already has different sizes and styles); whether it should be

more glazed to take advantage of the views, whether they should be rectangular or square (more akin to those on the existing hotel).

The final proposal, which took account of the DRP views and those of officers, proposes a thin rectilinear joining element to the existing hotel as a vertical separation between the existing and proposed wings, and an extension at 90 degrees to the main hotel, with curved ends. The openings are rectilinear and in proportion to the vertical emphasis in the glazing bars on the main building, External balconies are light weight and help to extend the horizontality of the balconies on the main building. The extension steps up slightly from the roof line of the existing hotel. The Heritage assessment comments as follows.....

*“The proposed addition respects and extends the horizontality of the 1930s rooflines and reiterates the relationship of the architecture of the hotel to the island landscape, butting into rising ground at the W end of the building.”*

Officers have been involved with the Burgh Island proposal for some years and have had influence over the evolution and final presentation of the proposed extension and their comments and views as well as those of the Design Review Panel have been taken on board by the applicant and his team. The result is a proposal which respects its setting and the listed building, ensures the continued presence of the hotel on Burgh Island and will deliver a landscape design which helps it to assimilate into the island landscape in time. Officers are content that the extension has been well considered and will add to the story of the hotel over the years to come. It complies with policy DEV20 of the JLP.

#### Chirgwin.

This was the original guest house on the Island and was a typical 20<sup>th</sup> Century coastal building. It has most recently been used as staff accommodation and its setting has been diminished by the back of house type additions (north side front of the hotel). The proposals see the removal of these additions to the hotel and the provision of a lightweight link between the hotel and Chirgwin.

The existing “bungalow” is of painted timber construction, with a pitched roof. It is proposed to restore the existing building, to replace the former veranda together with some minor decorative timberwork and to recover the roof with a natural slate. The proposal is to paint the building white, but this would need to be subject to a planning condition. The building is proposed to be used for staff accommodation rooms as well as a staff canteen and lounge and two offices. The proposed link to the main hotel building will be lightweight and glazed with a flat zinc roof.

Whilst Chirgwin has always been separate from the hotel, for functional reasons it has been proposed to be joined physically. There may be some concern about this, but the architects have created the link in a manner which is as lightweight as possible and officers consider that it does not impact on the significance of Chirgwin as the original guesthouse. The historic assessment of the building and the impact of the proposal is that:

#### *“Historic*

*Minimal historical impact on a building that will retain the original bungalow character that links it with Bigbury-on-Sea.*

#### *Aesthetic*

*Minimal impact. The mass and roof profile of the Chirgwin building is unchanged as is its relationship by contrast to the 1931 hotel.”*

The changes proposed will ensure the continued existence of the building and make it more useable and functional. Officers consider the changes are in compliance with policies DEV20 in the JLP.

The Bigbury NP policy BP23 gives great weight to the conservation of designated and non-designated heritage assets (a list of which are included in Appendix 13 of the document). Preservation of the asset and its special architectural or historic features is required. Original proposals for the Chirgwin building included, a potential extension underneath the building, however the heritage officer insisted that the historic significance of Chirgwin must be preserved, resulting in the more intrusive and damaging proposals for the building being removed and a simpler repair is now proposed.

#### The Pilchard and cream tea hut.

The Pilchard is currently operated as a café facility, selling cream teas as well as food and drinks. It is a 1930's building and constructed of stone (painted) and slate roof. The proposals for this area of the Island are to add a single storey extension to the quay side of the Pilchard building. The works will also serve to improve the internal kitchen and toilet and cellar facilities. A small external terrace is proposed on the landward side of the building above the proposed kitchen area.

During the pre app and DRP process this form of the extension was given a lot of thought. It was recognised that the building as existing has a particular character, which needed to be respected. A flat roof highly glazed structure was considered, but the final proposal for a pitched roof (separate) building was felt to be the most appropriate means by which to respect the historic building and read as a later addition. The pitch of the existing building has been respected with the pitch of the proposed extension and a flat roof link section provides the connection to the original building.

The wall of the extension does extend to the edge of the sea wall on the quay and there have been concerns raised by the Environment Agency about the resilience of the building during rough weather, but this has now been addressed through a detailed study and will be considered further later in this report.

The proposed extension will be glazed on the eastern and southern elevations with louvring to act as a break in the glazing but also as a shading mechanism. The roof will be natural slate. Officers consider that the thought put into this extension has been considerable and the design reflects the smaller pitched roof buildings found both on the island but also in the design of properties in Bigbury on Sea. Its scale reflects the smaller buildings and responds positively to the main building with its position slightly away from the building frontage. Whilst it is the most obvious visual change to the Island (besides the extension) it is considered to be respectful and responsive to its context.

The Tea Hut proposal seeks to re-use an existing small pitched roof building used as garaging previously but now used as an informal staff breakout area. The proposal is to convert this to a cream tea hut. The appearance will be the same as it is currently with corrugated roof, painted render walls and timber cladding. A second set of doors will be incorporated where the garage door currently exists.

Both the Tea Hut and the Pilchard extension comply with policies DEV20 and DEV21

#### Staff Accommodation

The hotel had originally had two tennis courts, one of which has been previously occupied by solar panels. The other tennis court it is understood very rarely gets used. Its impact can be



seen from the mainland because of the green fencing that surrounds it. The location of the remaining tennis court has high winds associated with it and as such is very rarely used.

The existing tennis court is on raised land with the footpath alongside being a good storey below the height of the tennis court. During the pre app process, officer suggested that if the tennis court is not used then perhaps staff accommodation could be placed on the land under the court, thereby meaning that another visible building would not be required and it makes good use of a piece of land already developed in a non-impactful way.

The proposal is therefore to construct a building into the lower slope, with the slope being replaced against the rear wall of the building (east). The building will be a u shape into the sloping land at the lower level, with a courtyard immediately outside the building. It will result in the footpath which currently runs alongside the tennis court to be relocated to allow for the new sloped bank to hide the rear wall of the development.

11 rooms are provided, 9 single and 2 doubles with access to them either through the courtyard of the corridor located at the rear of the proposed building. There is also a living and dining room space at one end of the building. Each room has a shower and WC. The building has a flat roof, which will be part slate and part green (sedum). The internal walls will be rubble stone facing and timber (cedar wood infill panels).with privacy screens on external benches outside each room. Evacuated tube solar collectors are also proposed for hot water.

This is an innovative design solution to accommodate staff, which is a key requirement for the hotel, with staff currently being unable to find cheap accommodation locally. The building will not be visible from the mainland. Clearly it will be visible to visitors at the top of the Island, but its impact will be minimal because of the small space it occupies. This is considered to be in compliance with the JLP policies.

The Neighbourhood Plan policy BP15 has a presumption against the loss of green spaces and has identified the green areas of Burgh Island as one of those spaces. It could be argued that the loss of the tennis court was a loss to the green space and in reality there will be a small loss. The natural landscape of Burgh Island is an intrinsic part of its natural beauty and officers are very conscious of this when considering the proposals. The preamble to Policy in the NP states: *“The natural beauty and openness of the landscape is much valued by the local community and it is important that the openness and natural beauty of the landscape is maintained.”*

Appendix 14 identifies why the whole Island has been identified as a local Green Space (even the areas where the hotel extension is located). It states: *“Openness of land outside existing built up part of the hotel complex is demonstrably special to local community due to its outstanding beauty, an important visual amenity, significant recreational value, an area of tranquillity, rich in wildlife, a tourist attraction and important to the South Devon Heritage Coast, setting of the AONB, and setting of the Grade II listed hotel.”*

The green space allocation includes all green space around the existing hotel, including the area owned by the hotel. The Parish Council in their comments make reference to the potential loss of greenspace as identified in the NP, but also at the same time accept the extension the Nettlefold’ extension and the proposals to refurbish and extend the Chirgwin building to provide improved staff accommodation, all of which also lie in the allocated green space, but do not accept the proposed staff accommodation and the extension to the Pilchard.

The extension to the Pilchard has no impact on the Local Greenspace allocation because it is on the quay and the impact of the staff accommodation has been specifically designed so as to reduce its visual impact from the mainland by setting it into the land, rather than placing it on top; providing a green roof so as to help it recede into the landscape. Officers consider that the staff accommodation on the Island as proposed is far better than one of the alternatives which would have been timber huts over a much larger area. As a result whilst officers understand that the importance of the local green spaces in the BNP, it is considered that the development proposed will not impact on the landscape quality of the green space, but it will support the continued existence and sustainability of the hotel on the Island into the future.

#### Fisherman's gardens:

The fisherman's gardens used to be located in the northern part of the Island beyond the second slipway. The landscape architects for the proposal found historic plans and documents which identified their location. This area is currently used by the hotel as an area for rubbish, storage containers, informal stores and temporary structures. It is an eyesore and needs to be addressed as it does not conserve and enhance the landscape qualities of the area. The proposals for this area are to consolidate storage into a flat roof building, which would provide a tractor and safety boat store, a workshop adjacent, with the rest of the land being set out as gardens (in line with the old fisherman's gardens).

The two buildings are proposed to be at the back of the space, with their rear walls abutting the existing seaward bank, which will also have additional planting upon it. The buildings will be dug in so as to be as un-intrusive as possible. There is a chance that the roofs of these buildings will be visible initially above the bank, but because the roofs will be oriented away from the bank, they will recede into the landscape beyond. The additional planting will also soon serve to hide them.

Whilst the erection of these buildings is not ideal, it is much better than the random and unmanaged area that currently exists, which as well as being untidy and unattractive is probably also a health and safety risk.

The wider landscaping of the Island is discussed elsewhere in the report. However in terms of Design, it is considered that the proposals meet the current Development plan policies.

There has also been a listed building application in association with this planning application which has already been approved and the Heritage officer summarises that "*Due to the carefully considered nature of the alterations and extensions proposed officers are of the view that they do not represent harm to the character, significance or special interest of the heritage assets.*"

#### Nettlefold bar:

The Nettlefold bar will also be altered and again the form and design of this have been intensively discussed with officers and the Design Review Panel, with the glazing again being the most difficult aspect to resolve.

Bay view restaurant will be made larger and provide for 38 covers.

The extension to the Bayview café, respects the existing Warren Cottage and there is adequate space on the site to allow for the additional space that is provided.

#### Mermaid pool steps:

Prior to the submission of this application some wooden steps had been installed down the Cliffside to gain access to the mermaid pool and beach from the hotel. These steps had not been authorised and were considered by the heritage officer to be unacceptable in visual terms and essentially in the curtilage of the listed building. The current application therefore seeks to resolve that situation and has instead proposed a more natural solution utilising the existing path down to the beach but reinforcing the path and making the route shallower to allow access for all. A hand rail is also proposed.

### **Heritage assets**

Policy DEV21 in the JLP, requires a full justification for development proposals, which should avoid any harm to the significance of a designated heritage asset. Policy BP23 in the BNP also insists that great weight should be given to the preservation of heritage assets and their setting. The hotel is a grade II as is The Pilchard Inn and Chirgwin buildings. Listed Building consent has already been granted for the works to the historic assets on the Island. The heritage officer in his report on the Listed Building application indicated that *“the hotel is a monument of considerable presence and character that can sustain a degree of sensitive change. There are also opportunities for the removal of items detracting from the architectural quality of the place.”*

He goes on to say that the extension to the hotel would become another component of the multiphase heritage asset which is demonstrated in the submitted historic documentation. The Nettlefold addition is accepted after the reconsideration of the design and the changes to Chirgwin and its link to the hotel... *“allows for removal of some untidy functional structures and represents enhancement.”*

The heritage officer concludes in relation to the extension of the hotel that *“Subject to the details required by condition being of the high design standard expected it is considered that these additions will cause no harm to the significance, character or special interest of the main listed building.”*

In relation to the Chirgwin building the assessment by the heritage officer is that whilst its significance declined when the Nettlefold hotel (the original part of the Burgh Island Hotel) was constructed, its significance is its important role in the social history of the place. The proposed improvements to the building will enhance its contribution to the setting of the main listed building.

The Pilchard Inn has also been added to over the years, but does incorporate historic fish cellars and the original Inn. Later extensions on the northern end have no historic interest. They detract from the historic parts of the building and are becoming no longer fit for purpose. As referenced earlier the extension has been through a number of different iterations and the heritage officer is now satisfied that it will read as *“a neatly designed modern addition in place of the poor existing extension that does not seek to mimic the older parts.”* In relation to the extension to the Pilchard, the heritage officer indicates that *“Although the proposed extension will step forward of the truly historic parts of the Inn it will not obscure them in the key views from the mainland. As with the hotel extensions the addition to The Pilchard Inn will be a legible addition that does not detract from the heritage values of the place.”*

Overall in relation to the proposals the heritage officer in the Listed Building application concluded that *“Due to the carefully considered nature of the alterations and extensions proposed officers are of the view that they do not represent harm to the character, significance or special interest of the heritage assets.”*

*It is accepted that this view may not be shared by some and that is understood. Even if the proposals were to represent 'less than substantial harm' they do offer significant enhancements and will secure and sustain the 'optimum viable use' of the assets in accordance with NPPF 202 and JLP policy DEV21(5)."*

### **Landscape:**

Burgh Island is located in the area designated as Undeveloped Coast and the Heritage Coast designation. The NPPF describes the Heritage Coast as follows: *"Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character"*

Policy DEV24 in the JLP relates to development in the undeveloped Coast and Heritage Coast. The policy seeks to ensure that development in the Undeveloped Coast actually has a good reason to be there. The undeveloped and unspoilt character, appearance or tranquillity of the undeveloped and Heritage coast is paramount in considering applications in these areas.

The Heritage coast has a number of specific objectives outlined in the AONB Management Plan

- *"To conserve, protect and enhance the natural beauty of the coasts, including their terrestrial, littoral and marine flora and fauna, and their heritage features of architectural, historical and archaeological interest.*
- *To facilitate and enhance their enjoyment, understanding and appreciation by the public by improving and extending opportunities for recreational, educational, sporting and tourist activities that draw on, and are consistent with, the conservation of their natural beauty and the protection of their heritage features.*
- *To maintain and improve (where necessary) the environmental health of inshore waters affecting Heritage Coasts and their beaches through appropriate works and management measures.*
- *To take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts, by promoting sustainable forms of social and economic development, which in themselves conserve and enhance natural beauty and heritage features."*

The Island is excluded from the AONB designation, but is within the setting of it and as such must be considered against the policies for the designated area. Policy DEV25 in the JLP and policy BP18 in the Neighbourhood Plan are of relevance as well as the guidance in the NPPF. The NPPF specifically refers to major development within the AONB and states:

*"177 When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

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

The question therefore arises as to whether the development proposed is major development. The footnote (60) in the NPPF indicates that *“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”*

The Town and Country Planning (Development Management Procedure Order 2015 major development other than for houses is classed as,.....

*(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*

*(e) development carried out on a site having an area of 1 hectare or more;*

The site area has been indicated on the application form as 1868.00 square metres (1.8 hectares). As a result if applying this definition of major the proposal would be classed as major. However referring back to the footnote in the NPPF however it is more than just the size that dictates the decision as to whether the development is major development within the AONB. The nature scale and setting are also relevant considerations to the decision as to whether a development is major or not.

In this case there are a number of separate elements to the proposals, all taking place on different parts of the Island and the mainland. The extension to the hotel, is significant, but in relation to the whole building is approximately 1/3 more accommodation (currently the hotel has 24 guest bedrooms) In terms of its nature and scale, it includes some staff accommodation and 12 hotel rooms and 2 staff rooms, over 4 floors. It is designed so as to read as an extension to the building (a contemporary addition) but also to reflect the vernacular and materials of the existing hotel. It is located to the west of the existing building, so as to reduce the visual impact from the mainland. It is also set into the slope which rises from the existing hotel on the western end.

The extension will be seen from Bigbury on sea, but also from the more oblique angles and views experienced from Bantham beach and headland and further north along the coastline from Bigbury on Sea.

The Chirgwin building will be only altered in minor ways with a few small window and door openings altered. As part of the overall proposal these changes are minimal.

The staff accommodation to be located on land under the existing tennis courts will create 11 staff rooms, whilst also respecting the landscape, removing the very obvious green fencing and with the landscaped bank to its northeast will have minimal landscape and visual impact from the mainland. The fisherman’s gardens area is currently an eyesore and contains a number of random containers and paraphernalia associated with waste management for the hotel. The proposals will tidy this area and create two small buildings which will serve to remove the rubbish into the buildings and restore an historic feature to the Island, albeit not to be used as fisherman’s gardens.

The extension to the Pilchard is the most obvious change from views from the mainland. By being set forward of the main historic part of the building, it will be more obvious from the mainland and the approach from the beach and some of the objections have said that it will impact on the historic significance of the Pilchard. However the building has been designed

to read as a very obvious extension, it is also light weight with its glazed elevations so that on closer inspection the original building will still be clearly recognised.

The staff accommodation does involve the movement of the existing path across the bottom of the Island and it is also proposed in the landscape masterplan to change the orientation of the footpath which extends up the slope to the top of the Island, from straight up to a zig zag route to avoid the steepness of the current route, making the top of the Island more accessible to those less able to manage the steep existing path. This will change the nature of the undeveloped part of the Island. Additional landscaping is also proposed on the lower parts of the Island both within and outside of the hotel grounds. That within the hotel grounds will be more manicured in nature whilst also proposing appropriate species, whereas the landscaping elsewhere seeks to provide indigenous specimens.

What is also relevant to this decision is the fact that the Island is not actually in the AONB. Officers consider that the development is not major development in the AONB, and that individually the various elements of the scheme are not major developments. The fact that they are being requested under one planning application may lead to a conclusion that in combination it is a major development, but when considering the overall potential impact of each part of the development, it is not considered to be major development,

It is not therefore necessary to carry out the tests identified in the NPPF, para. 177.

The NPPF, in relation to the Heritage Coast designation states: *“Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”*

Having concluded that the proposal is not major development, the development can be considered as appropriate, in a Heritage Coast designation provided that the development respects the special character of the area and the importance of its conservation.

The heritage officer has concluded that the carefully considered approach of the architects results in the proposals in relation to Chirgwin, the Pilchard and the hotel do not harm the historic significance of the buildings.

The staff accommodation, has been carefully considered to sit into the landscape rather than on top of it,, and views of it from the mainland and even from the path in front will be limited if not invisible because of the land form and additional landscaping proposed in front. It is considered that the provision of a building for 11 staff members has been designed very effectively so as to avoid harm to the landscape quality of the Island.

The reinstatement of the fisherman’s fields is considered to be an important reference to the historic layout of the Island and tidying this part of the Island is considered a benefit overall.

As well as the built development proposals the application has also considered the landscape setting and proposes through a landscape master plan a series of landscape interventions:

- Replacement of the mermaid wooden steps with a more natural redesign of the existing path down to the beach.
- Seats with stone backs in the landscape above the hotel
- Landscaping proposals in and around the hotel.

- Retention of the Monterey Pine and succession planting for it
- Intensive green roofs on the two wings of the west wing extension
- Re provide the historic hedging around the fisherman's gardens
- Reinforcements of the banks at the back edge of the fisherman's gardens
- Field gate to the new compound
- New pathway to the kissing gate
- Green roof on the staff accommodation and new landscaping to the east bank.

The application submission provided an LVIA to assess the various view points of the proposals and determine what the impact on the landscape. The LVIA found that the proposals collectively have a neutral effect on the current landscape character, with some of the proposed landscaping improvements providing a positive effect on the landscape and visual impact. The LVIA also concluded that ...." *there is positive effect on the cultural landscape, being a reinforcement of existing functions, typical activity & built form and aware of past activity, with island history better celebrated.*

• *there is no effect on the prevailing landscape ambience, being a replication of existing functions, typical activity & built form."*

But did go on to say....."• *subject to design, future development of greater scale & degree beyond these proposals under consideration might tip the balance of 'occupied' vs 'unoccupied' landscape and alter the island and coastal landscape character detrimentally."*

The landscape proposals and the proposals as a whole have been considered by the Council's Landscape Specialist. Initially there was a holding objection from the Specialist on the basis that *"The development needs to satisfactorily demonstrate that any potential detrimental effects on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, and the Heritage Coast, and to the setting of the South Devon AONB, is outweighed by the benefits of the proposals in order to accord with adopted JLP policies DEV23 Landscape Character, DEV24 Undeveloped Coast and Heritage Coast and DEV25 Nationally Protected Landscapes."*

Whilst broadly concurring with the conclusions of the LVIA, there was concern that there needed to be more consideration of the timescale some of the mitigation measures would take to establish and the construction period needed further thought. In addition the landscape specialist was concerned that the cumulative impacts of the development proposals and the potential increased tourist related activity on the island had not been covered in sufficient detail.

The applicant therefore subsequently submitted information to address the concerns raised by the landscape specialist. A more detailed phasing plan with mitigation proposals was submitted.

The Landscape specialist comments....." *I note the overall approach to phasing of development, which gives consideration to the balance of a number of factors, including the control of landscape and visual impacts, as well as limiting the intensity of works, in order to retaining access to the island and to the hotel for visitors.*

*The General Mitigation approach is supported, and the general phasing of works is noted.*

*It may be prudent to impose conditions to approve specific details where visual impacts might be intrusive, such as:*

- *the nature, scale and appearance of any hoardings used to screen and secure areas of construction (all Phases);*
  - *the methodology / specification / appearance / duration details in relation to the enclosed roof, weather sheeted scaffold for the repairs to Chirgwin (Phase 3);*
  - *specific phasing of works to the island footpaths and island landscape setting, broadly stated as between October 2022 and June 2025 (I note an indication of this is provided, but much of these works will be highly visible to island visitors and from the mainland).*
- However, I also note that a CEMP will be conditioned, which may address the points I have raised above.*

#### *Conclusion and Recommendation:*

*The additional information submitted in relation to the approach to phasing of development and the general mitigation approach satisfactorily demonstrates that any potential detrimental effects on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, and the Heritage Coast, and to the setting of the South Devon AONB will be appropriately considered. Mechanisms will be put in place to ensure that these are addressed through the construction phases of the proposed development, in order to accord with adopted JLP policies DEV23 Landscape Character, DEV24 Undeveloped Coast and Heritage Coast and DEV25 Nationally Protected Landscapes.*

*On this basis, I would remove my objection on landscape grounds”*

Whilst no comments have been received from the AONB unit, the AONB management plan has been considered in the Planning Balance. The management Plan indicates that *“This plan is a material consideration in the plan making and decision-taking process”*

One of the key themes of the Management Plan reflects Policy DEV25 in the JLP, which is to conserve and enhance the landscape policy of the AONB.

Another is: *“To conserve and enhance the AONB’s historic features and distinctive vernacular buildings as part of a living and working landscape ensuring mechanisms are in place to secure their continued long-term management and care.”*

*“To conserve and enhance the natural beauty, special qualities and natural processes of the AONB’s coastline and neighbouring areas of sea.”*

*“To ensure tourism, access and recreation develop at sustainable levels whilst maintaining and contributing to the conservation and enhancement of the AONB”*

*“To use planning policy and the mitigation hierarchy to conserve and enhance AONB special qualities”*

In this case, the proposed development has been given careful and considered thought, over a long period of time and clearly the driver for the development is based on a commercial need, however the time taken and many changes made to the proposal in order to meet the needs of the Heritage officer and the landscape and planning officers reflect a concern to provide a proposal which conserves and enhances the landscape character and does not harm the qualities of this sensitive landscape. Officers are of the view that the time spent and the views sought have resulted in a proposal which does not harm the landscape character of the Island.



### Neighbour Amenity:

There has been local interest in the proposals for the Island and some concerns about the extent of the development, the impact of the development on the natural beauty of the Island and also many concerns about the original proposal to build staff accommodation on the car park located behind Warren Cottage. The applicant has now managed to secure an alternative building for staff accommodation within Bigbury on Sea (Korniloff) as such the proposal for the building on the car park has now been removed from the application proposals. The alterations to the café are however still part of the proposal. The car park will remain in use for the benefit of the hotel.

There is a private dwelling on the Island currently which is adjacent to The Pilchard. The owners have raised some concerns with regard to the proposed extension. In summary their concerns are around:

Blocking of existing access to the beach

Two septic tanks in the garden of the property serve the pub and need to be accessed regularly to be emptied – additional use of the facility would lead to an increase in this process;

The extractor fan on the roof of the building would create smells, vibrations and noise.

Some of the matters raised (the access to the beach and the septic tank emptying are private matters which would need to be addressed to the owners of the hotel. With regards to the noise and smells associated with any extraction equipment, this would be covered by separate legislation under environmental Health. However it is proposed to place a condition on any consent seeking the approval of the extraction equipment to be secured prior to the restaurant opening.

Highways/Access: Burgh Island is not accessible by car during certain times of the tide. A tractor is provided by the Island during periods of high water. There are also very few places on the Island where cars can park. The hotel currently has a car park behind the Warren Cottage on the mainland which can accommodate approximately 13 cars. It is utilised by guests of the hotel. The Supplementary Planning Document prescribes how many spaces should be provided for the hotel. The car park behind Warren cottage currently provides 13 car parking spaces, which would leave a shortfall of 22 spaces needed as well as potentially some for the staff.

The Highway Authority have stated that they would need the correct number of parking spaces to be provided. During the processing of the planning application, alternative means of providing the additional parking have been explored but were not able to be confirmed. It is therefore proposed to place a condition on the planning consent which prevents occupation of the new hotel rooms until such time as the additional parking spaces have been provided and are available in perpetuity.

Drainage: The drainage strategy indicates the foul and surface water drainage proposals for the application. The surface water proposals is for the surface water to be discharged to sea, as per the existing scenario.

For foul drainage, there are no public sewers available on the island and whilst technically feasible is not being pursued at this stage. Having investigated a number of options the drainage strategy concludes that a discharge to sea via the use of a package treatment works off the western part of the island is proposed.

Initially the DCC LLFA objected to the development proposal on the basis that there was insufficient information provided. Upon receipt of additional information from the applicant, the objection was withdrawn.

The Environment Agency also initially objected to the development because the submitted Flood Risk Assessment (FRA) had not properly considered flood risk from wave action for elements of the proposal, namely the pub extension and the store building.

Subsequent studies around the tides and wave action around the Island has been carried out and the Environment Agency are now content subject to a condition providing additional information they have withdrawn their objection.

Climate change: The Island already has a series of solar panels which contribute to their electricity consumption, The proposals are indicating:

- Photo voltaic panels on the roof of the hotel laid flat to avoid the sawtooth impact they can create.
- Building fabric of the new builds being highly thermally efficient
- The west wing extension will be provided with heat recovery ventilation systems
- The Chirgwin building will have additional insulation internally

Whilst a number of other measures are discussed in the energy statement many of these require further investigation and may not be appropriate on the Island. It is proposed that a condition be placed on any consent to ensure that the carbon reduction measures are further investigated prior to work commencing on site.

Ecology and Biodiversity: An ecology assessment was provided with the application which has been reviewed by Devon County Councils ecologist. The assessment identifies that the site lies within the Start Point to Plymouth Sound and Eddystone SAC and there is a potential risk of pollution as a result. However this can be dealt with via a planning condition on the consent.

Natural England were also consulted and confirmed that they had no objection to the development proposed.

In terms of biodiversity net gain, the development does involve some loss of biodiversity due to the extension to the hotel, the buildings on the fisherman's gardens. A condition will be added to any consent to ensure the 10% net gain as required by the Supplementary Planning Documents is achieved.

#### Tamar Estuary SAC:

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

The approval of the planning application would be subject to the successful completion of that agreement.

#### Conclusion and Planning Balance:

The proposed developments on Burgh Island and the mainland are to ensure the sustainability of the hotel into the future and ensure that the Island and its valuable landscape can also be retained and accessible to the public into the future. Whilst the Island is not in the

AONB it does lie in the Heritage Coast and the undeveloped coast and as such its landscape value is acknowledged and an important material consideration. The report has indicated that the proposals are not major development and the extent to which the applicants have gone to take account of officers concerns as well as those of the Design Review Panel, result in a carefully considered development proposal, which respects the landscape character and the historic buildings on the site (demonstrated by the Listed Building consent already having been granted). The proposal meets the Development Plan policies and therefore it is recommended for approval..

## **Planning Policy**

### Relevant policy framework

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT4 Provision for employment floorspace

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts

**Neighbourhood Plan:** Bigbury Neighbourhood Plan (BNP) was made in April 2020 and is now part of the Development Plan for the area. The relevant policies are:

BP7 General design principles for new development  
BP11 Tourism related development  
BP15 Local Green Spaces  
BP16 Open Spaces and recreation  
BP17 Footpaths and cycle tracks  
BP18 Areas of Outstanding Natural Beauty  
BP20 Wildlife sites and biodiversity  
BP21 Coastline, beaches and the Avon Estuary  
BP22 Views and Vistas  
BP23 Built Heritage  
BP27 Parking Provision  
BP29 Renewable energy

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:

- South Devon AONB Management Plan
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.

### **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.

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

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).

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

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

3. No work shall commence on site until full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

4. PRE-COMMENCEMENT CONDITION

No development 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 details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

5. All new stonework shall be pointed in a mortar to match the colour and texture of the existing wall(s).

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

6. Prior to the Pilchard restaurant café being brought into use, the extraction system proposed for the kitchens shall be submitted to and approved by the Local Planning Authority. The agreed system shall be implemented and retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of the neighbouring property.

7. The extension to the Pilchard restaurant shall not be commenced until such time as a detailed scheme to raise the height of the sea wall has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and subsequently maintained in accordance with the agreed details.

Reason: To reduce the risk of flooding over the lifetime of the development.

8. The extension to the Pilchard restaurant shall not be commenced until a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

To minimise the damage to the building from flood events.

9. Prior to the commencement of any of the development hereby approved, a detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. All approved mitigation and enhancement proposals in the CEMP shall be implemented in accordance with the agreed CEMP

Reason: To ensure the protection of

10. Prior to the commencement of development a Landscape and Environmental Management Plan shall be submitted to and approved by the Local Planning Authority. The mitigation and enhancement measures shall be implemented in accordance with the agreed plan

Reason: To ensure the appropriate mitigation is in place to protect the environment and wildlife and their habitats.

11. Prior to the Commencement of the development, details of the mitigation requirements for nesting birds shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the agreed requirements.

Reason: To protect the birds from harm during the construction process.

12. Prior to the commencement of the development, a biodiversity metric plan shall be submitted indicating that the 10% net gain (as required by policy DEV26 in the JLP) shall be submitted to and approved by the Local Planning Authority. The works to provide the net gain shall be implemented in accordance with the metric provided.

Reason: To ensure a net gain in biodiversity is achieved from the development.

13. Details of the measures to avoid the spread of invasive species shall be incorporated within the CEMP.

Reason: To prevent invasive species threatening the local landscape.

14. There shall be no external lighting on the Island without the prior written consent of the Local Planning Authority. The lighting proposals should be included within the LEMP and CEMP.

Reason: To ensure the lighting does not impact on the dark skies in this sensitive landscape.

15. Measures to protect reptiles on the island shall be provided in the CEMP.

Reason: to ensure the protection of reptiles during the construction process.

16. An integrated bird box/brisk shall be incorporated into the new staff accommodation on the Island, The details and location of these measures to be included in the LEMP.

Reason: To offer nesting opportunities for passerine birds.

17. Prior to the occupation of the new hotel rooms, a scheme for the provision of the additional parking required for the site shall be submitted to and approved by the Local Planning Authority. That parking shall be provided before the occupation of the new hotel rooms and shall be provided in perpetuity.

Reason: To ensure there is adequate parking for the hotel.

18. Prior to any works on the site taking place the nature, scale and appearance of the hoardings used to screen the construction, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the hoardings are appropriate in this sensitive landscape location.

19. Prior to works to Chirgwin, specifications including any weather sheeted scaffolding proposed, the methodology and details of the duration of the works shall be submitted to and approved by the Local Planning Authority in writing. The construction phases shall be carried out in strict accordance with the details submitted.

Reason: To minimise the visual impact and timescale of the works in the interests of the landscape.

20. Prior to the commencement of works, a detailed phasing plan for both the built works and the landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall take place in accordance with that phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the construction works are carried out in a phased manner, thereby reducing the impact on the landscape.

21. Prior to the commencement of development, the specific carbon reduction measures to be implemented on the Island shall be submitted to and approved in writing by the Local Planning Authority. The measures shall accord with policy DEV32 in the Plymouth and South West Devon Joint Local Plan.

Reason: To ensure carbon reduction measures are installed and meet the requirements of the policy.

22. Prior to the commencement of the development hereby approved, a waste audit plan to include any re use of materials on the Island shall be submitted to and approved in writing by the Local Planning Authority. The waste plan shall be implemented in accordance with the agreed audit.

Reason: To ensure waste is properly managed on the site.

23. Prior to the commencement of the development a detailed proposal for dealing with the foul waste shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be installed in accordance with the agreed proposal.

Reason: To ensure there is adequate and appropriate means to dispose of the foul water.

24. Notwithstanding the plans submitted, prior to the commencement of the works on the Chirgwin building, a sample of the paint colour shall be submitted to and approved in writing by the Local Planning Authority, The building shall be painted in the agreed colour.

Reason: In the interests of visual amenity.

This page is intentionally left blank



## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 1386/22/FUL

**Applicant:**

Mr Dick Whittington - Dick Whittington  
Developments Ltd  
2 Sharpitor Cottages  
Sharpitor  
Salcombe  
TQ8 8LW

**Site Address:** Dennings, Wallingford Road, Kingsbridge, TQ7 1NF



**Development:** Erection of six new residential dwellings (resubmission of 3830/20/FUL)

**Recommendation:** Conditional approval

**Reason application is at Committee:** Cllr O'Callaghan has called the application to committee due to the high level of concern about the proposals and to enable a debate around the drainage concerns.

## Conditions:

1. Time limit (3 years);
2. In accordance with approved plans;
3. CEMP- to include traffic management plan (prior to commencement)
4. No part of the development hereby approved shall be occupied until the parking facilities, visibility splays, turning areas and access drainage have been provided in accordance with the submitted details and these shall be retained and maintained thereafter;
5. Unexpected contamination;
6. Drainage to be carried out in accordance with submitted strategy
7. Foul drainage
8. Removal of PD rights;
9. Adherence to updated ecology report and reptile mitigation strategy where it relates to the land outlined in red on the submitted site location plan;
10. Submission of a Arboricultural Method Statement prior to the commencement of development;
11. Landscaping scheme to be submitted and agreed including details of boundary treatments and implementation and management plan;
12. Schedule of external materials to be submitted and agreed;
13. Local natural stone
14. Details of external lighting to be submitted
15. Compliance with energy statement;
16. Installation of EV charging points prior to occupation of dwellings
17. PV panels to be installed prior to occupation of dwellings
18. Installation of timber louvres on buildings prior to first occupation of dwellings and to secure their retention thereafter;
19. Flat roof areas not to be used as balconies/terraces (Units 1-4)
20. All windows marked to be fitted with obscure glass shall be fitted with obscure glass prior to first occupation of the dwellings and retained thereafter.
21. Scheme of translocation for reptiles to be adhered to- confirmation to be provided by ecologist

Consent would be subject to a S106 agreement to secure off-site OSSR contribution of:

- £11,814.72 towards improvements to and on-going maintenance of play facilities in Kingsbridge;
- £13,143.49 towards improvements to and on-going maintenance of sports facilities in Kingsbridge

## Key issues for consideration:

Principle of development, housing mix, design, landscape impact, trees, residential amenity, highways and parking, ecology, drainage, low carbon development

---

## Site Description:

The site is located on Wallingford Road, located north of Kingsbridge town in a semi-rural setting. The application site relates to the plot of the detached house known as The Dennings which is a large nineteenth-century house and its gardens which front the road. There are currently some small outbuildings (sheds, lean-tos) on the site, some of which are in a state of disrepair.

The site is on part of the land that was subject to approval for outline planning consent for 14 houses under application reference: 2574/16/OPA and is across the road from a new detached dwelling that was approved under 2710/19/FUL south of Wallingford House.

Access to the land is from Wallingford Road, which, where it passes the site, is rural in character and lacks footways; it continues north past the site to serve a limited number of additional properties and is a no through road. Immediately south of the site Wallingford Road forms a Y junction with a very narrow lane that heads upwards, north-west to link with Stentiford Hill; this route is too narrow for most vehicles but is used by pedestrians.

Three dwellings are located within the immediate vicinity of the application site, Brookland House to the south on the same side of the road as the application site and on the opposite side of the road, Brookland Barn and Fairfield. Further to the north is Wallingford House and consent was most recently granted under 2710/19/FUL for a detached house on land to the south of Wallingford House to be constructed.

The eastern boundary of the site adjoins agricultural fields, beyond which is the residential development at Applegate Park, which is currently under construction.

Wallingford Road runs along a valley bottom with the application site rising steeply to the east. Housing on Stentiford Hill and Manor Park to the west and south west is set at a much higher level.

Existing housing to the south on Wallingford Road is mostly semi-detached dwellings and many have no off street parking and rely on on-street parking. Allotment Gardens and St Marco Gardens, cul de sacs off Wallingford, also to the south of the site, also contain detached properties.

The site is outside of any designated landscape area but is within 250m of the South Devon Area of Outstanding Natural Beauty.

The site is not located in a high risk flood zone (i.e.flood zone 2/3). However, it is within a Critical Drainage Area.

There are two trees subject of a Tree Preservation Order on land to the east of the site which are outside of the application site boundary. Most of the site area is currently scrubland, with some trees and hedgerows on the wider site boundary.

The site is within walking distance of the town centre facilities.

### **The Proposal:**

The application seeks permission for the erection of six dwellings.

Plots 1-4 would be three-storey, three-bedroom dwellings, including garage, bathroom, bedroom, utility and storage cupboard on the ground floor; office and open plan living room/kitchen and dining area on the first floor and two additional bedrooms with ensuite bathrooms at second floor level. The external materials proposed are profiled zinc roofs, render and larch clad walls, and polyester powder coated aluminium grey windows. Balcony and terrace balustrades would be frameless glass.

Plots 5 and 6 would be two-storey in scale with the same materials proposed but a varied layout with four bedrooms proposed in each unit. On the ground floor would be three bedrooms, utility, bathroom and living room and on the first floor would be an additional bedroom with walk in wardrobe and bathroom, separate toilet, office and open plan living, kitchen and dining area with a terrace area off the living room.

As well as the garages, which would be large enough for cars, sixteen parking spaces are proposed within the site; two for each dwelling, and four additional visitor spaces. Electric vehicle charging points are proposed to each dwelling.

Each dwelling would be fitted with solar PV panels on the roof, as well as air source heat pumps.

Due to the topography of the site, rear gardens would be terraced with sleeper retaining walls. Retaining walls towards the front of the site would be a mix of stone-facing, and sleeper walls.

**Consultations:**

- County Highways Authority- no objection subject to conditions
- South West Water- no objection subject to adherence to submitted drainage strategy
- Drainage- no objection following confirmation that new SWW sewer has been installed
- Open Space, Sport & Recreation: no objection subject to financial contribution towards play and sports facilities in Kingsbridge (£11,814.72 towards play, £13,143.49 towards sport)
- DCC Education: No contributions sought
- Trees- no objection subject to submission of the noted information prior to any commencement on site including any demolition or earthworks.
- Landscape: holding objection withdrawn following submission of landscape strategy. Full landscaping condition required
- Environmental Health Section- no objection subject to condition
- Town Council: objection:

## 1. Inappropriate housing mix.

The Design & Access Statement reports: "The housing is aimed at the family house market which is in great shortage in the Kingsbridge area" and argues for large detached homes citing the JLP and SPD as evidence. However, approved developments in Kingsbridge at:

- K5, off West Alvington Hill, includes 26 in number 3 and 4 bed open market homes
- Applegate, off Belle Hill, includes 58 in number 3 and 4 bed open market homes
- K4/Lock's Hill, off Derby Road, includes 15 in number 3 and 4 bed homes

had already provided a surplus of large detached homes i.e. 99 open market 3 and 4 bed homes in total.

Moreover, all 6 dwellings have a study/home office identified providing the opportunity to become another main room meaning the proposals were likely to be perceived as 4 or 5 bedroom dwellings for prospective purchasers.

South Hams & West Devon Housing strategy 2021-2026 reports: an under occupancy of 4 and 5 bed homes at 27% in the South Hams compared to the rest of England at 19%.

Joint Local Plan Policy Dev8 reports: the most particular needs in the policy area are:

- i. Homes that redress an imbalance within the existing housing stock.
- ii. Housing suitable for households with specific need.
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

Supplementary Planning Document Policy Dev8.1 reports: a step-change in the delivery of smaller homes will enable greater churn within the existing housing stock as it will facilitate down-sizing for older people, as well as providing a first-step towards independent living for young people and young families. Housing stock that comprises a relative over-provision of large houses makes it increasingly difficult to rebalance the demographic profile and increase home ownership because the current housing stock is inherently unaffordable. Large dwellings, particularly those in coastal settlements, are not suited to smaller households or households that are earning close or similar to the national wage. When seeking to ensure a diversity of

size, the number of bedrooms will be used as the key metric (as the number of bedrooms in a dwelling has a significant impact on how affordable it is), with the Strategic Housing Market Assessment Part 2 providing thresholds for the number of dwellings required by bedroom. In order to ensure that homes are not built with a surplus of rooms that can be used as bedrooms, the LPAs will carefully examine floor plans. The SHMNA Part 2 provides a breakdown of housing mix required to meet the needs of projected household formation throughout the plan period. The housing mix prescribed for each housing tenure type within the SHMNA Part 2 should be considered as the requirement for all schemes of over 5 units.

Strategic Housing Market Needs Assessment 2017 reports: a requirement for owner occupied 1-2 bed homes for the 20 year period from 2017 at 49% with 4 or more bed homes at 18%.

The draft Kingsbridge, West Alvington & Churchstow Neighbourhood Plan Policy H2 (at Regulation 17 independent examination stage) reports: that market housing should respond to local housing needs in terms of type, size, special needs and tenure.

Given the above Housing Strategy, JLP, SPD, SHMNA and KWAC evidence it is strongly suggested that the housing mix proposals are totally inappropriate for Kingsbridge and will not meet the needs of local people.

## **2. Concerns regarding drainage proposals.**

The proposal is for surface water sewers via flow control to connect with a new sewer from the Applegate housing development. Seemingly, South West Water has supported the proposal however, said agreement cannot be accessed (and therefore is not publicly available) via SHDC's planning portal.

There are currently unresolved surface water drainage issues at the nearby Applegate major housing development which is seeking to discharge via the Wallingford Road locale. Indeed, Devon County Council has commenced a formal investigation under Section 19 of the Flood & Water Management Act 2010 following a flood event in Kingsbridge on 4 June 2022.

Therefore, the drainage methodology for all new housing developments in town is crucial and drainage matters should be considered at the decision stage with input from the applicant, SHDC, Devon County Council Flood Management, Environment Agency and South West Water and should not be placed with a single agency for an opinion nor for subsequent consideration as a planning condition (if SHDC is minded to approve the application).

## **3. Overlooking of adjacent residential dwellings.**

The proposed units with large expanses of glass will overlook existing homes on the opposite side of the road

---

#### **4. Highways issues.**

Notwithstanding Devon County Council's feedback, the access road to the site is narrow and local evidence highlights it is already difficult to navigate. Likewise, the adjacent Wallingford Road (from the junction with Fosse Road) is also problematic. It is inevitable that an increased traffic flow will mean householder, delivery and service vehicles will meet and with parking spaces occupied it will be difficult for 2 way traffic to transit. Moreover, a footway is not proposed to cope with the increased number of pedestrians. It is strongly suggested that the proposed access road to the site is unsuitable for vehicles and pedestrians.

#### **Representations:**

Twenty one letters of objection have been received, although several of these are from residents who have submitted multiple representations. Some of these are objecting to another application on the site (1629/22/ARM) but have been copied to this application. The representations can be seen in full on the Council website, but can be summarised as follows:

- Nothing affordable
- Overbearing to other properties on Wallingford Road
- Poor access to the site, particularly during construction
- Road is in a poor state and this will be made worse
- Proposal will make parking problems on Wallingford Road worse
- Proposal will increase flooding and water run-off
- Parts of Wallingford Road flooded last year, possibly due to development works
- No time given for rebuilding of stone wall which has been demolished, which has exacerbated water run-off
- The applicant has submitted two different applications on the site, one should be withdrawn
- Parking spaces provided won't be used for parking
- Development will rob the town of more of its green spaces
- Excessive height
- Loss of privacy to neighbouring properties
- Disturbance to neighbours from car parking areas- noise and fumes
- Environmental impact
- Assessment of development impact on neighbours is unrealistic
- Glazing will cause light pollution
- Temporary track discharges rainwater onto the road
- Construction works will add to the disturbance already experienced by residents from current construction works
- Not in keeping with existing buildings along the road
- Allegations about the developer
- No local distinctiveness
- Works already carried out on site have probably impacted on ecology
- Infrastructure of the town is not equipped for further development
- Similar appeal was dismissed so why is this being reconsidered?
- This type of development is feeding the housing crisis

The South Hams Society has submitted a letter of objection detailing concerns regarding drainage and flooding and the risk of flooding to Kingsbridge town centre.

#### **Relevant Planning History**

- 1591/16/OPA- Outline planning permission with all matters reserved for the creation of 56 new dwellings- withdrawn

- 2574/16/OPA- Outline application with all matters reserved for 14 new dwellings- conditional approval
- 3599/20/FUL- Demolition of existing dwelling and erection of eight new dwellings- withdrawn
- 3830/20/FUL- Erection of six new dwellings- refused (appeal dismissed APP/K1128/W/21/3282469)
- 0576/21/FUL- Replacement of existing dwelling with two new semi-detached dwellings- withdrawn
- 1629/22/ARM- 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- currently under consideration

## ANALYSIS

### 1.0. Background:

1.1. This application is a resubmission of 3830/20/FUL. This application was the subject of a non-determination appeal, which was dismissed in March 2022 (appeal reference APP/K1128/W/21/3282469). The main issues identified in this appeal were:

- 1) Whether or not adequate arrangements are made for the disposal of surface water from the site,
- 2) Whether the proposed development would constitute an efficient use of land; and,
- 3) Whether the proposed development makes adequate provision for any additional need for infrastructure arising from the development.

1.2. The Inspector summarised each main issue as follows:

- 1) Drainage: 'The proposal would not provide an adequate means of drainage and would therefore fail to comply with Policy DEV35 of the Local Plan which seeks to ensure that development incorporates sustainable water management measures, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere' (para 15).
- 2) Efficiency of land use: 'I find that the proposal respects the density and pattern of development at this locality and would not be harmful to the character or appearance of the surrounding area in this regard. In these respects, the appeal proposal would represent efficient use of land' (para 22).
- 3) Infrastructure obligations: 'When the appeal against non-determination of the planning application was made, no suitable or enforceable mechanism had been provided by the Appellant and which provided for the required infrastructure contributions. However, during the course of this appeal, the Appellant has provided copies of an executed and dated planning obligation which, it is maintained, provides the necessary and appropriate contributions towards infrastructure'... (para 30)... I therefore conclude on this main issue, that the planning obligation is necessary to make the development acceptable in planning terms, and that the financial contributions, sought by the Council and agreed by the Appellant, would be directly related to the development proposed. Consequently, the appeal scheme would comply with the requirements of Policies DEV4, DEV27, DEV30 and DEL1 of the Local Plan' (para 32).

1.3. As such, the appeal was dismissed solely because the proposal had not satisfactorily addressed matters relating to flood risk and surface water drainage.

1.4. The National Planning Practice Guidance (NPPG) notes, in relation to appeals against refusal of planning permission, that Local Planning Authorities are at risk of an award of costs if they behave unreasonably. Examples of unreasonable behaviour include 'persisting in objections to a scheme or elements of a scheme which the



Secretary of State or an Inspector has previously indicated to be acceptable' (Appeals Guidance, paragraph 49). It would therefore be unreasonable for the Local Planning Authority to refuse the application for reasons which were previously considered to be acceptable.

#### 2.0. Principle of Development/Sustainability:

- 2.1. 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.
- 2.2. The emerging Kingsbridge, West Alvington & Churchstow (KWAC) neighbourhood plan (which has recently been successful at referendum and awaiting adoption by the Council) also identifies a settlement boundary, within which the principle of development is supported. Policy KWAC H2 of the emerging local plan supports proposals for market housing '*within allocated sites within the JLP, on infill sites within the designated settlement boundaries of the Plan, or as part of an exception site*'
- 2.3. The site is within the designated settlement boundary for Kingsbridge as part of policy KWAC Env1, and the principle of development is therefore compliant with both the spatial strategy outlined within the JLP, and the emerging neighbourhood plan.

#### 3.0. Housing Mix:

- 3.1. 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 3-bed and 4-bed dwellings, and the proposed dwelling therefore complies with DEV8.
- 3.2. Policy DEV10 states that '*new dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity space or private gardens should also be provided.*'
- 3.3. The Nationally Described Space Standards require a minimum gross internal floor area of 102sqm (2-storey, three bed properties), and 130sqm (3 storey, four bed properties). The proposed four bed properties would be 187sqm, as well as a 37sqm garage, and the three bed dwellings would be 181sqm. Each property would benefit from a private garden area, and the proposed development therefore complied with space standards and DEV10.

#### 4.0. Efficiency of land use:

- 4.1. One of the concerns raised by the Council during the previous application was that the development, for six large and detached dwellings, would represent an incongruous addition to the town and would not relate well to the existing densities and pattern of development in the vicinity, and that the site would appear underdeveloped when considering site coverage and the built-up aspect of the surrounding area.
- 4.2. This reason for refusal was not accepted by the Inspector, who concluded the following:

*'In terms of the pattern of local development and the wider development context and surroundings, as noted above where Wallingford Road narrows to a single trackway, the character and appearance of housing changes, with predominately more modest higher density housing giving way to more substantial detached dwellings. Whilst I acknowledge the Council's reference to the density of residential development to the south of the site at Allotment Gardens and St Marco Gardens, as I observed on my site visit there were a number of substantial detached dwellings located within those cul-de-sacs and which would reflect the density of the proposed development at the appeal site.*

*In my view, having considered the evidence and submissions before me and based on my site visit observations, by reason of the change in the character, scale and appearance of housing as Wallingford Road becomes a single track road, and given the relatively mixed density of housing close to the site, I find that the proposal respects the density and pattern of development at this locality and would not be harmful to the character or appearance of the surrounding area in this regard. In these respects, the appeal proposal would represent efficient use of land' (Appeal decision paragraphs 21 and 22).*

- 4.3. As the current application proposed the same layout, density, and size of dwellings as the previous application, it would be unreasonable to object to the proposal on the grounds of density, or efficiency of land use, mindful of the aforementioned NPPG guidance.

5.0. Design:

- 5.1. JLP Policy SPT1 sets out the principles of sustainable development to be planned for and managed in the Plan area; this includes supporting development that respects local distinctiveness and sense of place.
- 5.2. Policy DEV20 relates to place shaping and the quality of the built environment. Among other matters, it states that development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment, through: *'having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'* (DEV20.2)
- 5.3. Policy KWAC BE3 of the emerging neighbourhood plan requires development proposals to demonstrate high quality design. Most relevant is the first part of the policy, which states:

*1. Development proposals in the plan area must demonstrate high quality design and will be supported where:*

- a) They are innovative and locally distinctive and respond to and integrate with the local built surroundings, landscape context and setting. A contemporary design solution will be supported providing it respects the context and setting;*
- b) The design of new buildings is in keeping with the site and its setting and respect the scale, character and siting in terms of 'setback' of existing and surrounding buildings. The recommendations of the National Design Guide (January 2021) and the more locally specific requirements for Place Shaping and Heritage (Dev 20-22) of the JLP SPD 2020 are followed.*

*c) High quality materials are used for buildings and hard landscape designs that complement the local and traditional palette of materials found within Kingsbridge, West Alvington and Churchstow.*

- 5.4. Whilst the dwellings are large, this is not out of keeping with the local pattern of development, which features a wide range of property types, including large detached dwellings in generous grounds, semi-detached, and terraced properties along Wallingford Road. The sloping topography surrounding the site also results in properties of varying heights, and a feeling of enclosure as you approach the application site, due to the stone walls bordering the lane, and some dwellings elevated above road level.
- 5.5. The proposed dwellings would be a mix of two and three storey buildings. The bulk of the three-storey dwellings would be reduced by half of the dwelling being two storey, with a flat roof, and the additional storey included in the pitched-roof, gabled half of the dwelling. Units five and six would be two-storey dwellings, although elevated above the road level. Whilst the dwellings would include contemporary features, the proposed materials are reflective of the site surroundings, and a condition is proposed to require details of these materials to be agreed, ensuring a high quality finish appropriate to the location.
- 5.6. The design of the scheme is unchanged from the previous scheme, where the Inspector concluded, the following:

*'In my view, having considered the evidence and submissions before me and based on my site visit observations, by reason of the change in the character, scale and appearance of housing as Wallingford Road becomes a single track road, and given the relatively mixed density of housing close to the site, I find that the proposal respects the density and pattern of development at this locality and would not be harmful to the character or appearance of the surrounding area in this regard.'*
- 5.7. Subject to the recommended conditions, the design of the proposed scheme is considered to be acceptable, complying with policies SPT1 and DEV20 of the JLP, paragraph 130 of the NPPF, and policy KWAC BE3 of the emerging neighbourhood plan.

#### 6.0. Landscape:

- 6.1. Policy DEV23 of the JLP relates to landscape character, and seeks to conserve and enhance landscape, townscape, and seascape character, scenic and visual quality, and avoid adverse landscape or visual impacts.
- 6.2. Policy KWAC Env3 of the emerging neighbourhood plan relates to the natural environment, and requires development to maintain and enhance the intrinsic character of the landscapes affected.
- 6.3. The character of the surrounding area is predominately residential, with a mix of property types as described above. Where Wallingford Road narrows to a single trackway, the character and appearance of housing changes, with more modest, higher density housing giving way to more substantial detached dwellings.
- 6.4. The site is currently garden area for the existing dwelling within the site. It includes some outbuildings, and an area of vineyard planted to the rear of the site. In wider landscape terms, the site is towards the bottom of the valley, with other residential properties surrounding it, including the new development at Applegate Park, currently under construction above the site to the rear.

- 6.5. Due to the currently sloping nature of the site, the proposed development would result in a permanent change to the existing site topography. Substantial levels of cut and fill would be required to accommodate the dwellings, together with the proposed parking spaces and access road. For this reason, retaining features are likely to be visually prominent, and the materials proposed, and quality of such materials, will be important. The materials detailed on the plans in relation to boundary treatments are considered acceptable in principle, subject to a condition requiring full details to be submitted and agreed with Officers.
- 6.6. The Council's Landscape Specialist has also reviewed the proposal and emphasised the need for native species to be predominant throughout the proposed soft landscaping on the site. An indicative landscape strategy has been submitted, to which Landscape raise no objection, subject to the imposition of a condition requiring a detailed hard and soft landscape scheme, prepared by an appropriate landscape professional, to be submitted for details to be agreed, should planning permission be granted.
- 6.7. Subject to the recommended conditions, the proposed development is considered to have an acceptable impact on the local landscape, in accordance with policy DEV23 of the JLP, and policies KWAC Be3 and KWAC Env3 of the emerging neighbourhood plan.

7.0. Area of Outstanding Natural Beauty:

- 7.1. The site is within 250m of the South Devon AONB. However, given the distinctly residential nature of the site surroundings, and the location within one of the district's identified Main Towns, the addition of these dwellings is not considered have a harmful impact on the wider setting of the AONB, and the development therefore accords with policy DEV25 of the JLP, paragraph 176 of the NPPF, and policy KWAC Env3 of the emerging neighbourhood plan, which all seek to protect the special qualities of the AONB.

8.0. Trees:

- 8.1. The proposal has been reviewed by the Council's Tree Officer, who has no objection to the proposal, subject to the submission of additional information in relation to tree protection prior to the commencement of the development. A condition to this effect is recommended, and the proposal is therefore acceptable with regard to policy DEV28 of the JLP.

9.0. Ecology:

- 9.1. The application was submitted with an Ecological Assessment update, as the previously-submitted information is now out of date. This updated assessment does not identify any ecological reasons to withhold planning permission, and provides recommendations such as pre-construction checks for wildlife, relocation of reptiles, and means to offer ecological enhancement, such as the installation of bat roosting provisions, native hedgerows and planting, and bird nesting provisions. Adherence to the recommendations of this assessment are recommended as a condition of any permission granted and as such, the proposal is considered to accord with policy DEV26 of the JLP.

10.0. Neighbour Amenity:

- 10.1. Many of the objections received relate to the impact of the proposed dwellings on the amenity of neighbour properties.
- 10.2. Policy DEV1 of the JLP seeks to ensure that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. The policy notes that *'unacceptable impacts will be judged against the level of amenity generally in the locality.'*
- 10.3. Policy DEV2 also seeks to protect living conditions and the natural environment in terms of air, water, soil, noise, land, and light.
- 10.4. Due to the sloped topography of the local landscape, it is not uncommon for properties in Wallingford Road and the surrounding area to be at varying ground levels, resulting in overlooking between dwellings and gardens to varying degrees.
- 10.5. The closest properties on the other side of the road are Brooklands Barn (approximately 14m from the nearest proposed dwelling), Brooklands Barn (approximately 15m from the nearest proposed dwelling), and Fairfield (approximately 19m from the nearest proposed dwelling).
- 10.6. These neighbouring properties are themselves large properties with generous areas of curtilage surrounding them. As such, the low density of the development means that the proposed dwellings have been sited in 'the gaps' between the neighbouring properties, so that they would not be directly facing existing dwellings across the road.
- 10.7. Noting that there are substantial flat roof areas to some of the dwellings, a condition is recommended to prevent the use of these spaces as a balcony, or external amenity space, as this is likely to have an additional impact on neighbouring dwellings, and should be considered by the Local Planning Authority at a later date if required.
- 10.8. Officers are also mindful that units 1-4 would be partially screened from neighbouring dwellings and Wallingford Road by tree planting along the site boundary. These units would also include timber louvres over the majority of the glazed elements, which not only benefits the design of the properties, but also reduces the perception of overlooking from these glazed areas. A condition is recommended requiring these louvres to be installed prior to the occupation of the dwellings to ensure that they are installed as indicated on the plans.
- 10.9. Concern about the disruption to residents during the construction period is not a valid reason to refuse planning permission. A condition requiring a Construction & Environmental Management Plan (CEMP), which includes traffic management, delivery times, hours of work on the site, etc will be imposed on any permission granted to ensure that disturbance to the local highway network and neighbouring residents is minimised.
- 10.10. Objection has also been raised as to the overbearing nature of the proposed dwellings. Mindful of the separation distance, with the proposed dwellings being set back from the road, and the existing levels of amenity in the area, Officers are satisfied that, on balance, the proposal would not have a harmful impact on the amenity of nearby residents, subject to the recommended conditions.

11.0. Highways/Access:

- 11.1. Objections have been raised about the nature of the site access, the quality of the road, parking concerns, and potential disturbance from the construction works.
- 11.2. The Highways Authority have reviewed the proposal and commented as follows:

*The Highway Authority notes this application is a reduced application in relation to the previously approved application 2574/16/FUL and 3830/20/FUL. It reduces the number of proposed dwellings from 14 to 6. The Highway Authority has had preliminary discussions with the applicant in advance of submission of this application to ensure that direct access of the private proposed road is safe and suitable. It can be seen the submitted Highway Engineering Layout Plan mimics the previous layout shown on drawing 2515/01 A which was previously deemed adequate.*

*Previously in 2016 a S106 clause was recommended, which required the possible imposition of a S278 give and take arrangement on Wallingford Road. The reduced housing numbers and local concern over necessary parking restrictions associated to this scheme have led the Highway Authority to reconsider this approach and it has been agreed these works are not necessary with the applicant. This is mainly due to the low levels of traffic using this part of Wallingford Road, lower levels of traffic generated from the proposals (around 40 two way vehicle movements per day), low vehicle speeds (20mph and below) and adequate forward visibility for drivers using the road to gauge pedestrians in the road. It is considered these characteristics are typical of shared use road arrangements and as a result it is considered the omission of the give and take scheme is accepted.*

*Note - At detailed design stage a concrete apron will be required between the highway and the private drive to a depth greater than the highway road construction. This is to prevent water migrating into the road construction and washing out the fines from beneath the road. In conclusion the Highway Authority would recommend that from a highway perspective the proposals are adequate.*

- 11.3. The Highways Authority recommends the inclusion of a condition requiring a Construction Management Plan to be submitted, prior to the commencement of development, as well as a condition requiring parking facilities, visibility splays, turning areas, and access drainage to be installed prior to the occupation of the dwellings.
- 11.4. With regard to parking, the proposal provides two parking spaces for each dwelling, as well as large garages for the larger properties (units 1-4) which could accommodate at least one car. Four additional visitor spaces are also proposed within the site. The emerging neighbourhood plan requires new residential development to comply with adopted parking standards (KWAC T3).
- 11.5. The neighbourhood plan does not specify whether it considers garage space to count as a parking space, however the JLP SPD states that '*whether garages are counted as being included in the overall off street parking provision will be considered on a case-by-case basis as in many situations garages are not used for the parking of cars*' (SPD para 8.9).
- 11.6. The SPD seeks a parking provision of 2 spaces per dwelling for three-bed properties, and 3 spaces per dwelling for four-bed properties. Considering the size of the garages included with the larger dwellings proposed, alongside two external parking spaces, Officers consider that the proposal provides adequate parking provision in line with the SPD standards, and would not pose a safety risk to users of the road due to the proposed visibility and low vehicle speeds along this road. The proposal therefore accords with policy DEV29 of the JLP, and policy KWAC T3 of the emerging neighbourhood plan.

12.0. Drainage:

- 12.1. The site is not in an area designated as being at an increased risk of flooding where it is outside of Flood Zones 2 and 3. However, it does fall within a Critical Drainage Area ('CDA').
- 12.2. The key policy in respect of this issue is policy DEV35 which among other matters requires that developments incorporate sustainable water management measures to minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere. Surface water from proposed developments should be discharged in a separate surface water drainage system which should be discharged according to the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies.
- 12.3. The previous application for this proposal was refused solely because inadequate information has been submitted in relation to surface water drainage and flood risk. A more detailed drainage strategy has been submitted with the current application, to which South West Water has commented as follows:

*'I refer to the above application and would advise that South West Water has no objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy.*

*I further comment that South West Water are currently laying a public surface water sewer as part of the Belle Hill Development. In discussions with South West Water it has been agreed that, if SuDs cannot be achieved for the above application site, a connection into the newly laid surface water sewer for the roof and driveway run-off from will be sanctioned.'*

- 12.4. South West Water have subsequently confirmed that this sewer has now been installed, and as such, the Council's Drainage Engineer raises no objection to the proposal subject to the imposition of a condition regarding surface water drainage.
- 12.5. Given that South West Water consider the proposed drainage strategy to be acceptable, and that adherence to this strategy can be a condition of any approval, Officers consider that the reason for refusal cited by the Planning Inspectorate in the previous decision has now been addressed.

13.0. Low Carbon development:

- 13.1. Policy DEV32 of the JLP sets out the carbon reduction targets of the Plan Area, and requires development to demonstrate how it is contributing to these aims.
- 13.2. The application is accompanied by a Carbon Reduction Statement, which details the measures proposed to reduce the impact of the dwellings. Solar PV panels are proposed, with a condition recommended to ensure that they are installed prior to the occupation of the dwellings, as well as air source heat pumps, and electric vehicle charging points (condition recommended to ensure installation). The dwellings also have passive control measures to limit the effect of solar gains on indoor temperatures in summer.
- 13.3. Subject to recommended conditions to ensure that the development is carried out in accordance with the measures included in this statement, the proposal is considered acceptable in terms of policy DEV32.

14.0. Financial Obligations:

- 14.1. Whilst objections about the affordability of the dwellings is noted, the site does not contain enough dwellings to trigger an affordable housing contribution.
- 14.2. The Education Authority at Devon County Council have reviewed the proposal and confirmed that they will not be seeking financial contributions.
- 14.3. It is considered highly likely that the new residents would use the existing play and sports facilities in the town. New residents would add pressure to those facilities, which have already been identified as being in need of improvement, and the pressure would require mitigating to assist with making those facilities sustainable. A financial contribution would thus be required. Based on the proposed dwelling mix (4 x 3 bed and 2 x 4 bed), and using the occupancy rates in the JLP Developer Contributions Evidence Base, the contributions required would be:
  - £11,814.72 towards improvements to and on-going maintenance of play facilities in Kingsbridge
  - £13,143.49 towards improvements to and on-going maintenance of sports facilities in Kingsbridge
- 14.4. The applicant has agreed these terms, and a Section 106 agreement is currently being prepared to this effect, in accordance with policy DEL1 of the JLP.

15.0. Summary:

- 15.1. The site is in an area where the principle of development is supported by both the JLP and the emerging neighbourhood plan. The scale and design of the dwellings has previously been considered acceptable by the Planning Inspectorate, and conditions are recommended to ensure that matters such as landscaping, materials, ecological mitigation, and neighbour amenity are appropriate.
- 15.2. The reason for refusal of the previous appeal have now been overcome, and there have been no significant changes to the proposal, or material change of policy and other considerations which would change the previous assessment. The application is therefore recommended for conditional approval, subject to the completion of the aforementioned S10 agreement.

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

**Planning Policy**

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of



Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
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  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Neighbourhood Plan**

The Kingsbridge, West Alvington, and Churchstow neighbourhood plan has recently been to referendum and was supported by the majority of voters. Although not yet formally adopted by the Council, the relevant policies of the plan can therefore be given very significant weight in the decision-making process:

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence  
Policy KWAC Env3 Impact on the Natural Environment, South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure  
Policy KWAC Env5 Prevention of light pollution.  
Policy KWAC Env6 Prevention of Flooding and the impact on water quality  
Policy KWAC Env7 Carbon Reduction  
Policy KWAC H2 Market Housing

Policy KWAC BE3 Design Quality  
Policy KWAC T3 Car Parking  
Policy KWAC HW2 Open Space

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 SPD (2020)**  
**South Devon AONB Management Plan (2019- 2024)**

**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.

**Suggested conditions:**

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

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

2. *The development hereby approved shall in all respects accord strictly with drawing numbers 05529 TIP 27.11.2020, 05529TPP 27.11.2020, and 05529 TCP 7.10.2020, received by the Local Planning Authority on 17th June 2022, drawing numbers 1567\_0100\_P1, 1567\_0120\_P1, 1567\_0500\_P1, 1567\_0560\_P1, 1567\_0561\_P1, 1567\_0580\_P1, 1567\_0700\_P1, 1567\_0720\_P1, received on 14th July 2022, drawing numbers 2515\A.C and A101, received on 26th September 2022, A100.2, A103, A109, A110, and A112, received on 17th October 2022, drawing number 2515/02.C, received on 2nd November 2022, and drawing number A108.2, received on 3rd November 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. *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.*

4. *Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction & Environmental Management Plan (CEMP) 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, including confirmation that delivery vehicles will wait at an appropriate location away from the site before being called forward for direct access on to it.*

*(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) The proposed route of all construction traffic exceeding 7.5 tonnes.*

*(m) Details of the amount and location of construction worker parking.*

*(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);*

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

*5. No part of the development hereby approved shall be occupied until the parking facilities, visibility splays, turning areas and access drainage have been provided in accordance with the submitted details and these shall be retained and maintained thereafter.*

*Reason: In the interests of highway safety.*

*6. Notwithstanding the submitted details, the development hereby permitted shall not proceed above slab level until:*

*a. Supporting calculations for the attenuation and flow control are submitted and approved by the LPA. Designed for a 1:100 year event plus 40% for climate change and 10% urban creep.*

*b. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.*

*c. Details of the management company and maintenance plan for the whole site.*

*d. Detailed Construction Phase surface water drainage plan, as a minimum to include details of the sediment control and final point of discharge.*

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

*7. Foul drainage shall be connected to the South West Water main foul sewer in Wallingford Road unless an alternative means of foul water drainage is submitted to and agreed in writing by the Local*

*Planning Authority prior to installation of any alternative system. Once installed, the foul drainage system shall be retained and maintained for the life of the development.*

*Reason: To ensure a satisfactory and sustainable foul water drainage system is provided, retained and maintained to serve the development.*

*8. 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.*

*9. The recommendations and safeguarding measures given in the Ecological Assessment Update prepared by Burton Reid Associates dated March 2021 and Reptile Mitigation Strategy prepared by Burton Reid Associates dated March 2021 received by the Local Planning Authority on 04 March 2021 where it relates to the land outlined in red on the submitted site location plan shall be followed, including precautions to prevent threat of harm during construction works, and incorporation of biodiversity enhancement measures as described in the reports.*

*Reason: To safeguard legally protected species, and to ensure no biodiversity loss.*

*10. The development shall not be carried out until all measures within the hereby approved Tree Protection Plan Rev no. 1: 05529 TPP 27.11.2020 received by the Local Planning Authority, which are within the land outlined in red on the submitted site location plan, have been installed in accordance with the submitted Tree Protection Plan and in accordance with the details contained within the mitigation strategy contained within the Arboricultural Impact Assessment Report prepared by Aspect Tree Consultancy dated 27th November 2020 and the Addendum to this assessment (dated 6th May 2021), received by the Local Planning Authority on 17th June 2022. Once installed the measures shall be retained until all machinery, equipment and materials have been removed from site. At no time shall any machinery, equipment or materials for the construction of the dwellings hereby approved be stored within the Tree Protection Areas and Construction Exclusion Zones shown on the submitted Tree Protection Plan.*

*Reason: To ensure no harm is caused to retained trees on the site during the construction works.*

*11. Prior to first occupation of any dwelling on the site, full details of hard and soft landscape works, including an implementation and management plan prepared by an appropriately qualified professional, shall have been submitted to and approved in writing by the local planning authority. Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations*

associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and shall include details of boundary treatments. The hard landscape works shall include means of enclosure; boundary and surface treatments; vehicle and pedestrian/cyclist circulation. All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.

*Reason: To secure a landscape scheme that will complement the development in the interests of visual amenity*

12. Prior to installation, a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

*Reason: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.*

13. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, details of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to the installation. The new 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.

*Reason: In the interest of visual amenity and to ensure the development will harmonise visually with the character and appearance of the site and its surroundings.*

14. Details of any external lighting (including security lighting), including design, siting and illumination-type and lux level, 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.*

15. The construction of the dwellings hereby approved shall be carried out in accordance with the details contained in the Carbon Reduction Statement received by the Local Planning Authority on 14th November 2022. All measures contained within the hereby approved document to limit carbon emissions shall be implemented prior to first occupation of the hereby approved dwellings.

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

16. The electric vehicle charging points as shown on the approved plans shall be installed prior to the first occupation of the dwellings hereby approved. They shall then be retained and maintained for the life of the development.

*Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.*

17. The solar PV panels as shown on the approved plans shall be installed prior to the first occupation of the dwellings hereby approved. They shall then be retained and maintained for the life of the development.

*Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.*

*18. Prior to first occupation of the dwellings hereby approved the timber louvres as detailed on drawing number 2515/02.C, received by the Local Planning Authority on 2nd November 2022 shall be installed in accordance with the hereby approved details and shall thereafter be retained and maintained for the lifetime of the development.*

*Reason: In the interests of adjoining amenity to avoid unacceptable light pollution resulting from the proposed development.*

*19. Prior to first occupation of the dwellings hereby approved, all windows marked to be fitted with obscure glass on drawing number A103 received by the Local Planning Authority on 17th October 2022, and drawing number 2515/02.C, received on 2nd November 2022, shall be fitted with a minimum of level 3 obscured glazing over the entirety of each of the windows with no clear areas and shall thereafter be permanently retained in that condition.*

*Reason: In the interests of adjoining amenity*

*20. The flat roof areas of the dwellings hereby approved shall not be used as a balcony, roof garden or similar amenity area without the grant of further permission from the local planning authority.*

*Reason: To safeguard the amenity of the locality and the privacy of neighbouring properties.*

*21. Prior to the commencement of development including site clearance, a detailed scheme for translocation of reptiles shall be submitted to and approved in writing by the Local Planning Authority. The scheme of translocation shall include a plan to show the receptor site(s) and proximity to the development; details of habitat creation and management works prior to translocation including the provision of artificial refuges; details of reptile exclusion fencing to be installed and a plan to show location of fencing; details of capture methodology and habitat manipulation to discourage reptiles from returning during construction phase of development and details of receptor site management and monitoring during the construction phase of the development and ongoing habitat management at the receptor site in perpetuity. Once approved works shall proceed in strict accordance with the approved scheme for translocation of reptiles and the land shall be maintained in perpetuity thereafter as a habitat for reptiles. The temporary reptile fencing shall remain in situ for the duration of the development works and shall only be removed once all works have been completed including landscaping works and equipment and machinery associated with the construction phase of the development have been removed from the site.*

*Reason: In the interest of ensuring no harm is caused to protected species*

## PLANNING APPLICATION REPORT

**Case Officer:** Chloe Allen

**Parish:** Dartmouth **Ward:** Dartmouth and East Dart

**Application No:** 2327/22/OPA

**Agent/Applicant:**

Mr David Distin  
Distin's Boatyard  
Old Mill Creek  
Dartmouth

**Applicant:**

Mr David Distin  
Distin's Boatyard  
Old Mill Creek  
Dartmouth

**Site Address:** Distin's Boatyard, Old Mill Lane, Dartmouth



**Development:** Outline application with some matters reserved for proposed onsite security building with manager's accommodation as live work unit (resubmission of 0412/22/OPA)

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

Cllr Jonathon Hawkins requested that this application is considered by Planning Committee as, because of the remoteness, the manager's office is essential for the future of the business and its employment.

Cllr Hilary Bastone accepts Cllr Hawkins decision to refer the application to Development Management Committee.

**Recommendation:** Refusal

**Reasons for refusal:**

1. It is not considered that there is a proven need for the introduction of a permanent dwelling (live/work unit) on the site, tied to the boatyard business, nor that accommodation cannot be found

in the surrounding area. The functional need for a dwelling to serve this enterprise has not been adequately justified to warrant development in this unsustainable, countryside location. The application is considered to be contrary to Policies SPT1, SPT2, TTV1, TTV26, DEV15 and DEV24 of the Plymouth & South West Devon Joint Local Plan 2014-2034, and Policies GE1 and GE12 of the Dartmouth Neighbourhood Plan.

2. The proposed dwelling is in an elevated position that will be visually prominent. The extensive glazing on the northern elevation would result in an intrusive and harmful amount of light spill into what is an intrinsically dark landscape. The proposal fails to conserve and enhance the local landscape character, visual quality and setting of the AONB, contrary to Policies DEV23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034, Paragraph 172 of the National Planning Policy Framework, and Policies GE1, GE6 and GE10 of the Dartmouth Neighbourhood Plan.

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

- **Principle of Development/Sustainability:**
- **Design/Landscape:**
- **Neighbour Amenity:**
- **Highways/Access:**
- **Drainage**
- **Ecology**
- **Low Carbon Development**

### **Site Description:**

The site is within the open countryside, to the south of Old Mill Creek, Dartmouth, and lies within Flood Zone 1 and the undeveloped coast. The site lies to the south of a wider area of land which is within the applicant's ownership, known as Distin's Boatyard (15/0187/04/CLE relates). The existing business involves the repair and maintenance of boats; moorings are also provided and boat owners also carry out work at the site on their own boats on a DIY basis. The business provides 80 river moorings and a further 80 berths at the Boatyard.

Close to the entrance to the wider site there are a number of trees protected by Tree Preservation Orders. To the east of the site is an area of ancient woodland known as 'Sandquay Wood' and the SW Devon AONB boundary (site lies outside of this). To the north is the Dart Estuary County Wildlife Site. The site lies within the Berry Head SAC 5Km buffer, and the 250m flight corridor buffer. The site is within Landscape Character Type: 3G. River valley slopes and combs.

To the west of the site is Old Mill Kennels and Cattery site, which appears to have been redundant for a long period of time, south and south west are residential properties which are sat at a higher land level, and north is the existing boatyard and workshop building.

### **The Proposal:**

The proposal is for outline planning permission for the erection of an onsite security building with manager's accommodation (live/work unit) to be used in connection with the repair and maintenance of boats.

The boatyard has been owned by the Distin's since 1951 and it has been in continuous use for that purpose since that time. The Design and Access Statement states that:



*'A footpath runs through the yard and there have been various issues with security. In 2019 a fire at 2am was only prevented from becoming more serious by the quick thinking of a person who happened to be staying on board their own boat who quickly contacted the local fire brigade. Crime numbers are available for recent cases.'*

*'The new workshop allows for more complex maintenance and rebuilding projects to be carried out efficiently under ideal working conditions indoors. As such it is of particular value to owners of timber and heritage vessels and is regularly used to maintain the wooden Castle Ferry boats'*

*'In order to transform the security and site supervision a yard manager needs to be employed and housed on site. The stark shortage of affordable housing in the immediate Dartmouth area makes it unlikely could find alternative accommodation off site and this would in any case fail to address concerns with 'out of hours' site security. In Summer the boatyard is available for customer parking and there is also scope for providing much needed 'park and launch' facilities for the newer forms of leisure boating which range from RIBs on trailers with towing vehicles to car top-able kayaks and paddleboards. This type of equipment is highly mobile and vulnerable to crime, increasing the future need for year-round security'*

The application site is at much higher land level than the existing boat yard, access and workshop. The finished floor level of the existing workshop is 4.80m AOD, and the proposed building would have a finished floor level of 15.50m AOD. The access road to the building would run between the workshop and the application site and would loop around to enter the site at the north east corner.

The building measures 8m in width, by 12.5m in length (plus overhanging porch approx. 1.5m in length). The eaves height is 2.1m and maximum roof height is approximately 3.4m. The building has a curved roof and is proposed to be constructed in horizontal timber cladding, double glazed powder coated aluminium windows, and profile metal sheets to the roof. A heat pump is to be utilised and the roof is to contain PV cells. There is also a large amount of glazing on the North West and south west elevations.

Foul drainage is proposed to connect to the existing sewage treatment plant and drainage field, and the surface water is to connect to a new attenuation tank and discharge to the stream.

### **Consultations:**

- **County Highways Authority** – Standing Advice. No objections raised.
- **Environmental Health Section** - No objections. Do not anticipate contaminated land concerns, recommend 'unexpected contamination' condition imposed on any approval. No concerns with foul drainage scheme.

**Officer Note:** EH also commented on previous application (same proposal) as follows:

- Contaminated land statement is helpful and confirms that previously the area of land was used as residential gardens and has not been part of the boatyard, therefore contaminated land concerns are not anticipated.
- Private foul drainage system is proposed, comprising of a new package treatment plant discharging to a drainage field. The site is constrained and therefore details of the ability of the drainage field to accommodate the treated water without flooding, would be required. A discharge of cleaned water directly to the river may be more appropriate long term if this is possible to achieve, with attenuation tanks allowing controlled discharge if necessary.

- The plans show an adjacent kennels. If these are still present then noise from the dog barking is likely to impact on the new resident; however they will also be affected by noise from the boatyard. Both noises will have characterised this area and the live work occupier is associated with the boatyard, therefore we do not recommend any noise control measures.
- **Dartmouth Town Council** – Support.
- **Dittisham Parish Council** - No comments received.
- **Drainage** – No comments received.
- **Historic Environment Officer (DCC)** – Commented on previous application (same proposal) as follows:

No comments. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.

- **Forestry Commission** – Object. Commented as follows:

We note that the development is positioned within ancient woodland as can be seen on the MAGIC Map Browser. This should cause the original application to be refused in line with Government policy.

Protecting and expanding Britain’s forests and woodlands, and increasing their value to society and the environment. [www.gov.uk/forestrycommission](http://www.gov.uk/forestrycommission) The test for impact to ancient woodland is not a test of significance under the NPPF and the wording could not be more explicit that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused”. Therefore any negative impact of any magnitude is relevant.

It is our opinion that the development will cause disturbance to the woodland during construction and ongoing during the operational life of the development. We note the case made for the benefits that would be likely to accrue from the development and it is for the Planning Inspectorate to make the assessment on whether this passes the test demanded of demonstrating “wholly exceptional reasons”.

The Decision Maker should measure the development by the standard set by the NPPF and reject the appeal unless the application has met the standard of being a ‘wholly exceptional reason’. Should a decision be made to permit development then it may be helpful to consider the protocol for decision making where a development impacts ancient woodland and follow the hierarchy of ‘Avoid – Reduce - Compensate’. Whilst a compensatory scheme alone would not be appropriate to permit development a substantial package of compensatory woodland creation should be a condition.

**Officer Note:** Further correspondence with Forestry Commission. Main concerns relate to impacts from light, noise, dust, vibration, hydrological impacts etc, that come from the construction phase or during the lifespan of the building. Impacts should be fully considered and mitigation measures clearly set out. The Ecology Report only considered certain species and related legislation, and doesn’t consider impacts on the Ancient Woodland and the guidance of the NPPF. Discussed potential for report considering impacts/mitigation to be secured by pre-commencement condition. Forestry Commission stated: *‘Looking at the nature of the application I would expect them to be able to successfully satisfy requirements. This might result in such things as directional lighting, the careful consideration of the placement of surface water drainage and septic tanks, vegetation to screen, etc. Also a significant issue is dust and vibration during construction from large machinery. The bigger the development the harder they need to work on mitigation, so a single dwelling that does not encroach would be ultimately low risk.’*

- **Tree Officer** – No objection subject to conditions. Agree with conclusions of AIA noting modern era tree failures has lessened the aerial importance of the adjacent woodland and the robustly built aged boundary wall will prevent migration of beneficial soil biota to the main.

**Officer Note:** Tree Officer objected to previous application (same proposal), providing the below comments. The dwelling has been moved further north since the previous application and the current application includes an AIA and TPP:

- TPOs do not offer a constraint to the proposal given the existing land use surrounding them.
  - Forestry Commission and Natural England Standing Advice is that any development should have a minimum of a 15m buffer zone between the development and Ancient Woodlands. Where assessment shows other impacts are likely to extend beyond this distance larger buffer zones may apply.
  - It is considered that the proposed accommodation with live work unit by virtue of potential loss or deterioration of the ancient woodland due to tree pruning/ felling or harm to soil horizons within the 15m buffer zone and land use intensification would be harmful to the status of the Ancient Natural Woodland and cannot be supported.
  - If approved, it is considered that the proposal is likely to lead to harm/ erosion to the adjacent Ancient Natural Woodland (Sandquay Wood) contrary to the aims and objectives of Policy Dev 28 of the Plymouth & South West Devon Joint Local Plan 2014-2034. No evidence supports the application that there would be a sufficiently weighted public benefit to outweigh the requirements of Paragraph 180C of the NPPF.
- **DCC Ecology** – Further information required in respect of light spill and possibility to reduce the amount of glazing on the north-western elevation. Recommended conditions to ensure development accords with the PEA, to restrict external lighting, and to restrict works in nesting season.
  - **Landscape** – Objection (full comments in Landscape/Design section below). Not presently satisfied that the proposal would fully accord with JLP landscape policies DEV23 Landscape Character, DEV24 Undeveloped Coast and Heritage Coast and DEV25 Nationally Protected Landscapes.
  - **Harbour Master & CEO, Dart Harbour** – Regard Distin’s Boatyard as a key asset on the river, providing essential maintenance services to a wide variety of boat owners, and providing useful employment in the maritime sector. As such, they support small developments on the site, in keeping with the area, as needed to maintain the yard as a viable marine business.

## Representations:

X2 support letters and one ‘undecided’ letter received, raising following matters:

- Should support retention of traditional boatyards in their property, appropriate locations – as per AONB management plan – better solution than using agricultural land bordering on the estuary which would be better used for re-wilding and nature conservation.
- Smaller traditional yards play a particularly important role in enabling the maintenance and preservation of traditional vessels, particularly wooden boats that have a character and cultural resonance that modern production vessels simply don’t. An example of this is SHDC’s own Hauley IV, V & VI wooden tug fleet which has recently been extensively restored and renovated at SHDC’s own workshop/slipway at Old Mill Creek. Without the base at Old Mill the work would have been so much more extensive and difficult to justify. David’s yard provides the same facility for vessels such as my timber Castle Ferry boat, a vessel which has been a small feature on the Dart for around 70 years and which needs regular maintenance at a yard which allows longer projects and restorations to take place. Even if welcomed by the larger remaining yards such as Noss, doubt that this would

be affordable as increasingly the pricing is aimed at the higher end yachts spending much shorter periods of time ashore.

- In summer, the yard has capacity to park vehicles for expanding market for kayakers, paddleboarders etc. and facilities for safe sustainable launching but this will require extra staffing and enhanced security.
- Boatyard has enabled visits to Dartmouth and enjoyment of surroundings year round, and without the facility, many probably couldn't afford to do this.
- Boatyard been operating for generations and is an example of small scale/local and hopefully sustainable riverside business, adding significantly to character of the area. Not part of corporate/nationwide organisation providing facilities beyond the grasp of most, the yard caters for many local people giving them affordable access to the water.
- The yard caters for owners of smaller boats and is often left unattended. Unfortunately the increasing cost of boating does raise concern for security. This proposed facility will obviously provide reassurance for new and existing boat owners and hopefully enable the yard to maintain its services to the local community.
- In this case the proposals are on a small scale and in keeping with the existing character of the site. From a Neighbourhood Planning perspective it appears to fulfilling many of the obvious objectives for the area. Respecting the scale and character of the existing site. Helping ensure the long term sustainability of this small local business. An opportunity for local employment. Providing a small scale affordable home for a local resident. Maintaining access to the water for many local residents and themselves who may otherwise not be able to enjoy the beautiful area. It will never be a Noss or Darthaven facility it is a traditional yard with a unique character and appeal of its own which just needs to survive for the benefit of everyone.
- There is a Raleigh Estate path running from what is known as Oldmill Castle along the edge of the creek through what is now the boat yard & where formerly the cottages & Lime Kiln were to the road which leads to the bridge across the creek. This has at some time been diverted around the rear of the site. This path is referred to in the Application Details but can see nothing in the other documents or drawings to show that this is unaffected by these proposals. It is essential for users of this path, that the path is not blocked or subject to any major diversion.

## Relevant Planning History

Site Planning History			
LPA Reference	Proposal	Decision	Appeal
15/0904/75/1: OPA Boat building	Erection of building for boat repair work	Refusal: 14 Oct 75	AUN: Unknown: 24 Mar 77
15/0276/76/3: FUL No documents	Erection of building for boat repair and storage	Refusal: 22 Apr 76	AUN: Unknown: 24 Mar 77
15/0152/83/3: FUL Boat building	Temporary boat cover store and small workshop.	Refusal: 13 Apr 83	
15/1827/89/3: FUL Reforming river edge	Reforming river edge and landscaping surrounding land	Conditional approval: 05 Dec 90	
15/1752/91/4: COU No documents	Use of land (normally covered with water) for mooring two boats for residential purposes	Refusal: 08 Jan 92	

15/0187/04/CLE: CLE lawful use	Certificate of Lawfulness for existing use of land as boatyard for breaking repair refurbishment and storage of boats	Cert of Lawfulness (EXISTING) Certified: 27 Apr 05
15/1213/07/F: FUL Improvements and alteration	Improvements and alteration to quay	Conditional approval: 04 Jul 07
15/1721/10/O: OPA Workshop and Office Building	Outline application for demolition and removal of prefab building & porta cabin & the erection of a new workshop & office building & reclaiming part of mud beach	Withdrawn: 20 Sep 10
15/1888/11/O: OP A Workshop and Office Building	Outline application for demolition and removal of prefab building & porta cabins & the erection of a new workshop & office building (resubmission of 15/1721/10/O)	Conditional approval: 27 Sep 11
15_18/0071/12/RM: ARM workshop	Reserved Matters application for Access Appearance Layout (including arrangements for the disposal of foul and surface water) and Scale pursuant to Outline Planning Permission 15/1888/11/O for demolition and removal of prefab building & porta cabins	Conditional approval: 21 Mar 12
15_18/2504/12/MIN: NMM Repositioning of workshop	Non material amendment to planning approval 15_18/0071/12/RM (repositioning of workshop)	Conditional approval: 14 Nov 12
15_18/0239/13/DIS: ARC Workshop	Discharge of conditions 5 7 8 & 9 of planning application 15_18/0071/12/RM (Reserved Matters application for Access Appearance Layout (including arrangements for the disposal of foul and surface water) and Scale pursuant to Outline Planning Permission	Discharge of condition approved: 20 Feb 13
15_18/1754/15/MIN: NMM NMA for boat building	Non-material amendment to planning consent 15_18/0071/12/RM (revisions to floorplan and elevations)	Conditional approval: 23 Oct 15
0412/22/OPA	Outline application with some matters reserved for proposed on site security building with managers accommodation as live work unit	Withdrawn: 19 Apr 22

### Old Mill Kennels Planning History

LPA Reference	Proposal	Decision	Appeal
---------------	----------	----------	--------

15/1427/05/F: FUL	Erection of a dwelling	Refusal: 13 Oct 05	
15/0259/06/F: FUL	Demolition of existing kennel blocks and erection of dwelling and landscaping of grounds	Refusal: 20 Jun 06	HEA: Withdrawn: 09 Oct 07
15/0405/08/F: FUL	Erection of dwelling	Refusal: 24 Feb 09	Dismissed (Refusal): 24 Feb 09

## ANALYSIS

### Principle of Development/Sustainability:

#### Spatial Strategy

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 elaborates further, setting out how the LPA will apply the principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area, supporting the overall spatial strategy.

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not. Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, 'Smaller Villages' and 'Hamlets' are not identified as part of the Policy TTV1. In this case, the application site is outside of the identified settlements, and is within a small cluster of development, within the open countryside.

Policy TTV1 explains that in the Smaller Villages, Hamlets and the Countryside, development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27.

Policy TTV27 relates to local housing needs in rural areas, and states that proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that it meets certain criteria. In this case, the site is not adjoining or near to an existing settlement and does not meet the criteria listed. TTV27 is therefore not relevant.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy is to protect the role and character of the countryside. Policy GE12 of the DNP reflects the aims of TTV26, requiring development proposals outside the settlement boundary shown on Map 11 to be treated as development in the open countryside. Paragraph 5.169 of the JLP provides reasoned justification for TTV26 in general, and explains how the policy works in conjunction with TTV1 and the settlement hierarchy. Of particular relevance is the statement that 'the delivery of new homes that are distant from existing services and amenities do not represent a sustainable solution to the need for new homes in rural areas.' This accords with the wider

spatial strategy for meeting housing and employment needs in the TTV policy area, which seeks to direct the vast majority of development towards the named sustainable settlements identified in paragraphs 5.8 - 5.10 of the JLP.

The policy is divided into two different sets of policy requirements; part one (TTV26(1)) applies to development proposals considered to be in isolated locations. The second part of the policy, (TTV26(2)) is applied to all development proposals that are considered to be in countryside location.

Officers are applying the Bramshill Ruling in considering whether or not the site should be judged to be isolated (City & Country Bramshill Limited v SoSHCLG, Hart District Council, Historic England, & The National Trust for Places of Historic Interest or Natural Beauty, 2020). This judgement superseded the Braintree Ruling, which had previously applied a more literal understanding of the term 'isolated', stating that a proposal site would need to be 'far away from people, places or things' to be considered isolated. The Bramshill Ruling applies a less restrictive interpretation than Braintree, ruling that "...the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not 'isolated' in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" (paragraph 10 of the ruling).

The application site is adjacent to an existing workshop and boatyard, Dartmouth Outboard Clinic Ltd., Creekside boatyard, a number of dwellings, a kennels/cattery site (currently disused), a fishing shop, and 'Sandquay Wood'. Although the proposal would therefore represent development in the countryside, when applying the principles of the Bramshill Ruling, it is not considered to be isolated. It therefore does not meet the criteria to be assessed under policy TTV26(1), but TTV26(2) is applicable in this instance.

JLP Policy TTV26 (2) states:

***'Development in the countryside***

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

*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'*

The proposal does not impact upon any public rights of way or bridleways, and so point (i) is not relevant to the proposal. Concerns were raised regarding an existing path through the site which leads to Sandquay Woods, and the potential for the development to block such. Whilst this is not a public footpath, the applicant has confirmed that the path will not be obstructed by

the development and will be retained. The development does not seek to preserve or re-use a traditional agricultural building (point ii), and would not use the best and most versatile agricultural land (point v). The development is not complementary to any viable agricultural operation, but, is proposed in connection with the existing viable boatyard business.

With regard to point iv., Planning Practice Guidance provides advice on the considerations which may be relevant to the assessment of proposals such as this application. This includes *'evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products.'* The JLP SPD, at Section 11.58 states that *'TTV26.2(iv) in order to meet this policy requirement an applicant should provide operational details of the farm business or land-based enterprise to demonstrate the requirement to live on-site. This will be subject to an independent agricultural needs assessment.'*

Furthermore, as the development is proposed in connection with the growth and operation of the boatyard business, DEV15 is of relevance. DEV15 seeks to support proposals, in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. However, this is subject to the provision that, amongst other things, the development meets the essential needs of agriculture or forestry interests.

The need for the proposed development has been assessed further under the below headings:

**(i) is there a clearly established existing functional need**

The proposed development is to provide an onsite security building with manager's accommodation, as a live/work unit, in connection with the boatyard. The proposed building has a floor area of approximately 100sqm (12.5m x 8m) with a covered porch area of approximately 12m, and contains one bedroom, a kitchen, bathroom, sitting area, porch and admin area. The boatyard has been owned by the Distin's (applicant) since 1951 and it has been in continuous use for that purpose since that time. The business involves the repair and maintenance of boats, and moorings are also provided; boat owners also carry out work at the site on their own boats on a DIY basis. The Design and Access Statement states that:

*'A footpath runs through the yard and there have been various issues with security. In 2019 a fire at 2am was only prevented from becoming more serious by the quick thinking of a person who happened to be staying on board their own boat who quickly contacted the local fire brigade. Crime numbers are available for recent cases.'*

*'The new workshop allows for more complex maintenance and rebuilding projects to be carried out efficiently under ideal working conditions indoors. As such it is of particular value to owners of timber and heritage vessels and is regularly used to maintain the wooden Castle Ferry boats.'*

*'In order to transform the security and site supervision a yard manager needs to be employed and housed on site. The stark shortage of affordable housing in the immediate Dartmouth area makes it unlikely could find alternative accommodation off site and this would in any case fail to address concerns with 'out of hours' site security. In Summer the boatyard is available for customer parking and there is also scope for providing much needed 'park and launch' facilities for the newer forms of leisure boating which range*



*from RIBs on trailers with towing vehicles to car top-able kayaks and paddleboards. This type of equipment is highly mobile and vulnerable to crime, increasing the future need for year-round security’.*

The applicant also advised that marine crime is an ever present risk to the industry, exacerbated by often remote locations. They stated that:

*‘Salcombe Harbour Authority (SHDC) spend £70,000 p.a. specifically on marine security.*

*Blackness Marine at Cornworthy recently had £80,000 worth of outboard engines stolen.*

*An inflatable boat repair firm in Dartmouth suffered similar losses a few years ago.’*

Following withdrawal of application 412/22/OPA the applicant was advised to include details of any crime incidents within any subsequent applications. The fire in 2019 is noted, but no details of other incidents have been provided. The applicant advised that they were having difficulty locating their records as these are hard copy and not stored online. The applicant stated that *‘whereas these unwanted activities have hitherto been about minor thefts from boats and acts of vandalism and arson, the security issue now needs to be addressed BEFORE I can expect to attract higher value vessels, towing vehicles trailers etc.’*

It is accepted that there is an established business running from the site, and that the growth and expansion of rural businesses is supported by Policy TTV2 and DEV15 of the JLP. However, it is considered that the provision of security is not sufficient justification in this case for residential accommodation in the countryside where planning policies seek to restrict such development. The LPA are mindful that many businesses are located in rural areas and often also have valuable equipment and stock; therefore many of such businesses could put forward similar justification. The site security could be improved through alternative measures, including: the provision of CCTV cameras, alarm systems, indoor storage (paddleboards/RIBS), trailer wheel locks, GPS Asset Trackers, ground anchors, night security staff etc. It is also understood that the applicant lives in Dartmouth, which is approximately 5 minutes from the site, and therefore could travel to the site in a reasonably short period of time, should the need arise; there are also a number of residential properties which overlook the site. There are access gates at the entrance to the site and it is understood that the boatyard is accessible by water only two hours either side of high tide. The activities which take place on the site do not appear to be ones which require regular 24 hour attention, such as with farm animals or to deal with emergencies that could cause serious loss of crops or agricultural products. Furthermore, the building is a large size for a one bedroom dwelling, being 100sqm (not including the external porch). The Nationally Described Space Standards (NDSS) state that the minimum size for a one bedroom (two bed spaces) dwelling is 50sqm. Whilst it is acknowledged that the NDSS are minimum standards only, the proposed dwelling is double the recommended floor space.

It is recognised that the provision of accommodation on site would prevent the manager from having to travel to and from their place of work. However, the sites unsustainable location, remote from any day to day services/facilities, is likely to result in them being highly reliant on car travel to access such. Whilst the site is not far from the edge of Dartmouth, the route to get there is a steep and narrow road which is also unlit and does not have any pavements from the site. As such, although some walking may take place, it is not convivial to either this mode of travel or cycling. The site also does not have regular access to public transport.

Whilst the benefits of on-site security are understood, the LPA are not satisfied that the requirement for there to be a proven need for an on-site presence has been met. Additionally, the size of the building is considered to be excessive for a one bedroom dwelling.

**(ii) does the need relate to a full-time worker, or one who is primarily employed by the enterprise**

It is acknowledged that the proposed development would likely result in the creation of at least one additional full time job, being a yard manager.

**(iii) future viability of enterprise**

Planning Practice Guidance (Paragraph 010) also states that the degree to which there is confidence that the enterprise will remain viable for the foreseeable future should also be taken into account when considering housing in the countryside.

A letter from the applicants accountant has been provided, who confirm that the business has been profitable each year since commencement, and that this is set to continue with turnover expected to increase going forward. It is confirmed that the business is on a sound financial footing, with reasonable cash reserves, a positive annual cashflow and zero indebtedness.

**(iv) is there existing accommodation available in the area which is suitable for occupation by workers concerned**

Whilst the applicant's comments regarding unaffordability of properties in the surrounding area are noted, insufficient information has been provided to demonstrate that there isn't other existing accommodation in the area which would be suitable and available for occupation by the workers concerned. The site is in fairly close proximity to Dartmouth, being approximately 5 minutes away in a car. It is understood that the applicant lives in Dartmouth and therefore could travel to the site in a reasonably short period of time.

Conclusion

For the above reasons, it is not considered to have been demonstrated that there is an essential need for the accommodation on this site within this countryside location. Therefore, the proposed development is considered to be contrary to the spatial strategy of the JLP, and detailed policies relating to the settlement hierarchy and development in the countryside, as referenced above.

Undeveloped Coast

The site also falls within the JLP Undeveloped Coast designation, and therefore Policy DEV24 is of relevance, which states that:

*'Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity 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.'*

Policy DNP GE1 of the Dartmouth Neighbourhood Plan (DNP) is also of relevance, stating that development within the designated landscapes must demonstrate why it cannot be accommodated reasonably outside the Undeveloped Coast.

Whilst the development is proposed in connection with the existing boatyard, which requires a coastal location, it has not been demonstrated that there is a proven need for a dwelling in the proposed location, or that accommodation cannot be found in the surrounding area, including Dartmouth, which lies outside of the undeveloped coast. Therefore, the application is considered to be contrary to parts 1 and 2 of DEV24 of the JLP and Policy GE1 of the DNP.

### Principle Residency

Policy DNP H4 of the Neighbourhood Plan requires new open market housing to be restricted via condition, to occupation as a principle residence only. As such, if the application were to be approved, a principle residency condition would be required. Officers have considered the stage of the Neighbourhood Plan and the amendments/recommendations within the examiner's report.

### Design/Landscape:

The application is for outline permission. Two of the same application page have been submitted, one stating only landscaping is to be considered, and the other stating access, layout, scale and appearance is to be considered. The applicant advised that landscaping is the only matter that they are not seeking approval for.

Proposed elevations, floor plans and a block plan for the dwelling have been submitted. No Landscape details have been submitted, however, the Design and Access Statement states that landscaping will be provided as shown in the ecology report. The ecology report recommends that the southern corner of the site, which is currently tall ruderal habitat, should be enhanced through planting native shrubs such as hazel, hawthorn and holly.

The LA's Landscape Officer was consulted and commented as follows:

*'The application site is within the setting of the AONB, which covers the majority of the creek and surrounding woodland slopes (DEV25). The area around the site is viewed as a consistent, high quality landscape, demonstrating the special qualities of the AONB, and contributing positively to the identified key characteristics and valued attributes of the area. The site falls within the designated area of the Joint Local Plan's Undeveloped Coast policy (DEV24), the boundary of which extends along Old Mill Lane.*

### **Landscape Character:**

- *National Landscape Character Area: 151 South Devon*
- *Devon Landscape Character Area: Dart Estuary*

- *South Hams Landscape Character Types: LCT 3G River valley slopes and combes*

*Old Mill Creek is a tidal inlet of the River Dart to the north of Dartmouth set in a steep sided, secluded valley, with the semi-natural woodland on the slopes enhancing this landscape's sense of enclosure and largely undeveloped appearance. There are a few residential properties and a number of boat-related businesses mostly located at the western end of the creek, including Distins Boat Yard. Up the wooded valley, slightly further away to the west, is a water treatment works.*

*Also present are a range of embankments and retaining walls next to the road, close to the site and at the water's edge. These manmade features result in the area having a developed appearance in places (mainly related to traditional maritime uses), in addition to the rural, wooded and natural, estuarine elements of the scene, so giving the locality a diverse character.*

**Comment:**

*The proposal is for a live-work unit for site security and Manager's accommodation, comprising a bedroom, bathroom, with a kitchen and living space that includes an administration / office area. The proposed building would be located on elevated ground on the valley side, sitting above and to the south of the boatyard and workshop. The design reflects the barrel roof design of the workshop and office building, which was built on the site in 2018, with timber cladding to the elevations and profiled metal clad roofing to match this existing building.*

*I note that the Ecology report makes mitigation recommendations for habitat enhancements, by planting native trees and shrubs in the southern corner of the site, close to the woodland adjacent to the site. If followed, this recommendation would also help to reduce light spill from the eastern and southern elevations, which I would support.*

*However, the extensive floor to ceiling glazing for the main living area on the northern elevation would be difficult to screen effectively, and is a problematic element of the building design, because adopted policy expects designs in sensitive locations such as this to reduce the impacts of light pollution from artificial light, on intrinsically dark landscapes and nature conservation interests. Although the choice of materials is not traditionally used for residential development, I support the use of the proposed materials palette as the proposed shape, form and materials for the building clearly respond to the design of existing building on the site, and would not appear particularly incongruous in the context of the rest of the boatyard.*

*However, even though it is a single storey building, the site is in such an elevated position that the dwelling will be visually prominent, particularly in views from across the creek. The extensive glazing on the northern elevation risks an intrusive and harmful amount of light spill into what is an intrinsically dark landscape. There will be negative visual effects on views experienced from the well-used Dart Valley Trail on the north side of the creek, yet no mitigation is suggested to screen the new building from these views.*

*I acknowledge that the adverse effects would be relatively localised and that the wider Landscape character will be conserved. The site is visually well contained by the sloping topography, level of surrounding tree cover and the narrowness the creek valley, so whilst there were some views of the application site when I visited, it was not fully visible from any one location. The winter situation, when the predominantly deciduous trees are not in full leaf, would be different, and the development would be more visible from publicly accessible locations along the lanes and creek-side.*

*My concerns in this respect might be overcome by reducing the extent of glazing on the northern elevation and by including native tree and shrub planting as mitigation to the north of the proposed dwelling, to provide some additional screening. However, I am not presently satisfied that the proposal would fully accord with JLP landscape policies DEV23 Landscape Character, DEV24 Undeveloped Coast and Heritage Coast and DEV25 Nationally Protected Landscapes.'*

Officers agree with the Landscape Officer's comments, and it is not considered that the development, in its current form, satisfactorily demonstrates that it avoids significant adverse landscape or visual impacts on the landscape and on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, and to the setting of the South Devon AONB. Additionally, due to the topography of the site, and the fact the dwelling was re-located further north to mitigate impacts on the adjacent Ancient Woodland, Officer's would question whether there is sufficient space for additional landscaping to be provided to the north of the proposed dwelling which would effectively screen the development and resultant light spill.

As such, the development is considered to be contrary to DEV23, DEV24 and DEV25 of the JLP and Policy GE1 of the DNP. The development is also considered to be contrary to Policy GE10 of the DNP which seeks to protect the dark sky environment of the parish, by limiting the use of a high proportion of glass in walls and roofs without consideration of the impact on the environment when internally lit.

Officers are also mindful that Mill Creek is designated as a locally important view in Policy GE6 of the DNP. Appendix F of the DNP states that 'the northern limit of the Parish boundary runs down the middle of the creek, part of the Undeveloped and Heritage coast. Within the AONB, there are important mud flats (PHI and CWS) bordered by ancient woodland (PAWS), containing designated heritage assets.' The policy states that development within the foreground or middle ground of locally important views should not harm and should, where possible, contribute positively to the existing composition of natural and built elements. Development should not be overly intrusive, unsightly or prominent to the detriment of the view as a whole, or to the landmarks within the view.

### **Neighbour Amenity:**

There are other residential properties close to the wider site owned by the applicant. However, these are a significant distance away from the proposed dwelling location and are set at differing land levels; dense landscaping also provides screening between the site and properties to the south. As such, it is not considered that the provision of a dwelling on the site will harm the residential amenity of surrounding properties.

It is acknowledged that the land to the west of the site was previously used as a kennels/cattery and that such use could be resumed and would likely result in an increase in noise/disturbance to residents. However, Appeal Decision APP/K1128/A/08/2080898 (Application Reference: 15/0405/08/F) states that the kennels closed in 1997 and that new owners acquired the site in 2000. It is stated that '*there is a reasonable degree of uncertainty about whether the kennels and cattery would in fact reopen*'. From the site visit, the site does not appear to have been used for a significant amount of time.

Furthermore, Environmental Health were consulted and acknowledged that whilst the site is adjacent to kennels, which if still present could impact on new residents, residents would also be affected by noise from the boatyard. Such noises will have characterised this area and the live work occupier of the proposed development would be associated with the boatyard (this could be ensured by condition). No noise control measures are therefore recommended.

The development is considered to accord with DEV1 and DEV2 of the JLP.

### **Highways/Access:**

The proposed dwelling would be accessed via the existing entrance to the wider site, with a driveway leading between the site and the existing workshop, gradually sloping up. Whilst there are a number of trees adjacent to the access, their spacing allows good visibility of Old Mill Lane, in both directions. If approved, occupancy of the proposed dwelling would be tied to someone employed at the boatyard. There is adequate parking within the site to serve the proposed dwelling.

Highways were consulted and raised no objections.

The development, subject to conditions, would accord with DEV29 of the JLP.

### **Drainage**

The site lies within Flood Zone 1 and is not shown to be at risk of surface water flooding on the Environment Agency Maps. The foul water is proposed to be drained to an existing septic tank and drainage field and the surface water is to go to an attenuation tank to discharge to the stream. Environmental Health were consulted and raised no objections to the method of foul water disposal. Given the size of the proposed dwelling and wider site in the applicant's ownership, it is considered acceptable to secure full details of surface water drainage by condition.

Subject to conditions, the development accords with DEV35 of the JLP and Policy GE11 of the DNP.

### **Ecology**

The application is located within 15 metres of an ancient woodland known as Sandquay Woods. Policy DEV28 of the JLP requires development that would result in the loss or deterioration of Ancient Woodland or impact on their immediate surroundings should not be permitted.

Furthermore, Paragraph 180 of the NPPF states:

*'When determining planning applications, local planning authorities should apply the following principles:*

*...*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists...'*

Policy GE8 of the DNP reflects the guidance contained in Paragraph 180 of the NPPF.

The standing advice from central government on development impacting ancient woodlands states:

*'A buffer zone's purpose is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development.'*

*For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance,*

*you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.'*

A report by a qualified Arboricultural Consultant has been submitted, along with a Tree Protection Plan. The LPA's Tree Officer was consulted and raised no objections to the proposed, stating that they agree with the contents and conclusions of the Arboricultural Impact Assessment, noting modern era tree failures have lessened the aerial importance of the adjacent woodland and the robustly built aged boundary wall will prevent migration of beneficial soil biota to the main.

The Forestry Commission were also consulted and objected to the proposal as in their opinion, the development would cause disturbance to the woodland during construction and ongoing during the operational life of the development. Paragraph 180 of the NPPF states that development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, should be refused, unless "there are wholly exceptional reasons and a suitable compensation strategy exists". After further correspondence with the Forestry Commission it is considered that a report could be secured by pre-commencement condition which would be required to assess impacts of the development on the ancient woodland, including from noise, dust, vibration, and hydrological impacts that come from the construction phase and during the lifetime of the development, along with any required mitigation. The Tree Protection Plan shows the Magic Map Root Protection Zone for the Ancient Woodland, which the dwelling appears to lie outside of and the Forestry Commission stated that '*Looking at the nature of the application I would expect them to be able to successfully satisfy requirements. This might result in such things as directional lighting, the careful consideration of the placement of surface water drainage and septic tanks, vegetation to screen, etc. Also a significant issue is dust and vibration during construction from large machinery. The bigger the development the harder they need to work on mitigation, so a single dwelling that does not encroach would be ultimately low risk.*' Subject to conditions to secure the above information, it is not considered that the development will result in the loss or deterioration of the Ancient Woodland.

The site is located adjacent to the ancient woodland and in close proximity to the Dart Estuary County Wildlife Site. Given the features of the surrounding area, it was considered that there is potential for the proposed development to impact on protected species and/or their habitats. A Preliminary Ecological Appraisal was submitted with the application and concludes that the development would have no impacts on designated sites, that the loss of a small area of habitat is not ecologically significant, and that no mitigation measures are required for habitats. The report recommends precautionary measures in relation to impacts on slow worms and common toads, and also a number of biodiversity enhancement measures, including: enhancement of the habitat in the southern corner through planting of native shrubs; installation of an exterior bat box and two bird boxes. Such enhancement measures could be secured by condition.

In respect of bats, the report states that '*Although there will be a degree of light spill from the windows associated with the proposed building, the building will be set below the Victorian wall and hedge line. Were light sensitive bats such as horseshoes to be present within the site, commuting on the opposite side of the hedge line or wall would still be possible. Bats are therefore not considered further within this assessment.*'

DCC Ecology were consulted and recommended conditions to ensure that the measures set out in the report are followed, that no works are carried out in nesting season and that no external lighting is installed. However, in respect of light spill from the proposed development, DCC Ecology advised that further information is required as the new dwelling has a large

amount of glazing, especially on the north-west elevation. The comments from the applicant's ecologist regarding the levels and Victorian wall were noted, however, the amount of glazing present onsite would introduce light spill in what is an intrinsically dark area, with woodland present to the east. DCC Ecology requested clarification as to whether the amount of glazing can be reduced further on the north-western elevation in order to reduce impacts from internal light spill.

Whilst light spill and the amount of glazing is raised as a concern, given the findings of the applicant's ecology report, it is not considered to be a reason for refusal.

If the application were to be approved, it is also considered that, given the proximity of the site to the Dart Estuary, the Devon County Wildlife Site, and the Ancient Woodland, a Construction Environmental Management Plan would be required prior to commencement of the development. This would ensure that the development does not harm the quality of the river, the ancient woodland, or the surrounding wildlife habitats.

Subject to conditions, the LPA are satisfied that the development will not harm protected species/habitats or result in the loss/deterioration of the Ancient Woodland, in accordance with TTV26 and TTV28 of the JLP, and Paragraph 180 of the NPPF. The development would accord with Policies GE2, GE5, and GE8 of the DNP.

### **Low Carbon Development**

A DEV32 checklist has not been submitted with the application. However, the Design and Access Statement states that the proposed building will be fully insulated to comply with current requirements, that a heat pump system will be provided for hot water and heating, that photo voltaic solar panels will be installed for electricity, and that the building will meet full passive house standards. Additionally, grey water is to be piped into an attenuation tank but is also to be harvested for washing of boats.

Whilst finer detail is required in respect of a number of the measures specified, which could be secured by condition, it is considered that ways to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, have been identified, in accordance with the requirements of DEV32 of the JLP and Policy GE9 of the DNP.

### **Conclusion**

Officers do not consider that the functional need for a dwelling to serve this enterprise has been adequately justified to warrant development in this countryside location. Furthermore, it is considered that the extensive glazing on the northern elevation would result in an intrusive and harmful amount of light spill into what is an intrinsically dark landscape. The proposal fails to conserve and enhance the local landscape character, visual quality and setting of the AONB.

The development is considered to be contrary to SPT1, SPT2, TTV1, TTV26, DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan 2014-2034, and Policies GE1, GE6, GE10, and GE12 of the DNP.

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

### **Planning Policy**



### Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

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

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts.

## **Neighbourhood Plan**

### Dartmouth Neighbourhood Plan:

The Local Planning Authority must have regard to the Dartmouth Neighbourhood Plan, as an Examiner was appointed in April 2022 and their draft report has been received.

The PC/TC are yet to formally agree the recommendations. If such is agreed, the plan will move to referendum stage.

The application has been considered with regard to the DNP, and any amendments/recommendations in the draft examiners report.

### Relevant Policies Include:

Policy DNP GE 1 Impact on the South Devon Area of Outstanding Natural Beauty (AONB) Undeveloped Coast and Heritage Coast

Policy DNP GE 2 Safeguarding the biodiversity and Green Infrastructure throughout the Parish

Policy DNP GE7 Actions to mitigate against climate change and carbon reduction

Policy DNP GE 8 Promotion of tree planting

Policy DNP GE 9, Encouraging renewable energy

Policy DNP GE 10 Prevention of light pollution;

Policy DNP GE 11 Prevention of Flooding

Policy DNP GE12. Settlement Boundary and the avoidance of coalescence;

Policy DNP ST2: Car Parking and Coach Parking

Policy DNP TE2: Design Quality throughout the Parish

Policy DNP H1 - Market Housing

Policy DNP H2- Exception Sites outside the settlement boundary

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

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document
- South Devon AONB Management Plan

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

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

## PLANNING APPLICATION REPORT

**Case Officer:** Alexis Wilson

**Parish:** Wembury

**Application No:** 2579/22/HHO

**Agent:**

Mr Stewart Green  
Yealmbury  
Stoke Road  
Noss Mayo  
PL8 1DY

**Applicant:**

Mr & Mrs Stephen Lang  
Red Gables  
Cliff Road  
Wembury  
PL9 0HN

**Site Address:** Red Gables, Cliff Road, Wembury, PL9 0HN



**Development:** Householder application for conversion of existing garage to extra living accommodation

**Recommendation:** Refusal

**Reason for Call In:** Councillor Brown wishes the Committee to consider the planning judgment made by the officer on scale, appearance and physical relationship to the host dwelling and existing annex.

## Reasons for refusal:

The proposed annex development by virtue of its scale, appearance, facilities, its physical relationship to the existing annex and disjunction from the main dwelling house, is tantamount to a the creation of a new dwelling in the countryside. The application is therefore deemed contrary to policies SPT1 (3i, 3v), SPT2 (10,12), TTV26 (1), TTV29 (5), DEV10 (4), DEV20 (2, 4, 5), DEV23 (1, 2, 3, 4, 5, 7), DEV24 (1, 3, 5), DEV25 (2, 5, 6, 7, 8i, ii, iii, iv, v, vi, ix) and DEV29 (10), of the Plymouth and South West Devon Joint Local Plan (2014 - 2034), as well as paragraphs 11, 174, 176, 177, 178 of the National Planning Policy Framework and the guidance contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document, including but not limited to paragraphs 4.128 to 4.132 inclusive.

No drainage solution has been demonstrated so a judgement cannot be made by Officers to ensure this application complies with Policy DEV35 (4, 8) of the Joint Local Plan.

## Key issues for consideration:

- Principle of Development/Sustainability
- Design, Scale and Massing
- Protected Landscape
- Drainage
- Highways/Access/Parking
- Neighbour Amenity
- Biodiversity

---

## Site Description:

The proposed site is located outside of the built form of the village of Wembury in the protected landscape of the South Devon Area of Outstanding Natural Beauty, the Heritage Coast and the Undeveloped Coast.

Red Gables is a modern extended detached property with self-contained annex and attached garage, situated outside of the main village development area, in an elevated countryside position with an outlook across open public land, including a public right of way (Wembury Footpath 16) and Wembury Bay below. The property has previously been extended with a large roof gable feature (dormer), balcony, conservatory, garage and 1-bedroom self-contained annex added by the current owners which is currently let privately as tourist accommodation (contrary to conditions contained within its 1999 planning permission).

Access to the property is gained via a wooden 5 bar gate from Cliff Road. A public right of way (Wembury Footpath 29) runs along Cliff Road and past the entrance to Red Gables, leading down to the beach and the 1,000 year old Grade 1 Listed Church of St Werburgh.

## The Proposal:

The application is for conversion of the attached garage to create further domestic accommodation in order to provide a 1-bedroom, 1-bathroom two storey annexe with living

area. It is proposed by the applicant that this annex be combined with the existing annex, which sits between the proposed new annex and the main dwelling house, to create a self-contained living unit for the applicant's adult son, his partner and their children. The existing annex, granted permission in 1999 (58/1851/98/F) as ancillary accommodation for dependent family members, is currently let as an income generating business and evidence shows this has been the case since at least 2018.

The conversion of the garage requires the roofline to be raised, a side dormer window added on the west roof elevation, velux windows added to the west and east roof elevations, new first floor window on the north elevation and new glass patio doors where the garage door presently is on the north elevation. An internal staircase from the living area will access the upstairs bedroom and shower room. The proposed annex will share the entrance door and hallway of the existing annex with which it is to be amalgamated. It is proposed that the annex be connected to the existing septic tank and soakaway.

**Consultations:**

- County Highways Authority: *No Highways implications*
- Environmental Health Section: *No comments received*
- Parish Council: *No objection*

**Representations:**

None received

**Relevant Planning History:**

<b>Planning Application Reference</b>	<b>Proposal</b>	<b>Site Address</b>	<b>Decision</b>
58/1035/94/3	Alterations & extension to bungalow and garage	Cliff Road, Wembury, PL9 0HN	Conditional approval, 07 Sept 1994
58/1851/98/F	Single storey extension and alterations to provide self-contained annex and garage	Cliff Road, Wembury, PL9 0HN	Refusal, 15 Jan 1999. Appeal allowed 05 June 1999 subject to conditions
58/0384/04/F	Extension to provide conservatory and balcony	Cliff Road, Wembury, PL9 0HN	Conditional approval, 19 April 2004

58/0984/08/F	Extension to dwelling	Cliff Road, Wembury, PL9 0HN	Conditional approval, 03 July 2008
--------------	-----------------------	------------------------------	------------------------------------

## ANALYSIS

### Principle of Development/Sustainability

The location of the proposal is outside the built form of the village of Wembury in an elevated countryside position. Whilst the current dwelling establishes the principle of residential development on this site, the fact that the site is located in the South Hams AONB and the Undeveloped and Heritage Coast, any new development would be subject to compliance with the protective policies relevant to these designations.

The proposed development would, when combined with the existing annex as proposed by the applicant, form a self-contained dwelling attached to the host dwelling but with no dependence on or functional link to it. As such it is considered by Officers to be a new independent dwelling as opposed to an annex ancillary to the main dwelling.

Guidance contained within DEV10 of the Joint Local Plan and relating Supplementary Planning Document, requires all annexes granted permission to be used only in conjunction with the main dwelling and be reliant on facilities and floor space provided by that host dwelling. The proposal being considered would ultimately provide a substantial self-contained standalone property which rivals the size of the host property in scale. In addition, the proposed design would not allow it to be used as an integral part of the main dwelling at a later date due to its narrow linear design and internal wall positioning. As such the proposal conflicts with policies DEV10 and TTV29 of the Plymouth and South West Devon Joint Local Plan (2019) and Paragraphs 4.128 through 4.132 of the Joint Local Plan Supplementary Planning Document (July 2020).

The application site falls within the Undeveloped Coast, where proposals are assessed against the criteria of policy DEV24 as follows:

*“Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity 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. *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”.*

The applicant has not provided any justification for the siting of a self-contained dwelling within the Undeveloped Coast, contrary to the provisions of criterion 1. Similarly, policy TTV26 supports the creation of new dwellings within the open countryside where it is demonstrated that they; *“respond to a proven agricultural, forestry and other occupational need that requires a countryside location.”* However, this has not been demonstrated as necessary.

Officers would also note that as the LPA can demonstrate a five year housing land supply, the creation of an independent dwelling could be located outside the Undeveloped Coast and the proposal fails to comply with criterion 2. The location of the site means that any occupants of the development would be heavily reliant on the private car to access services and amenities. Any increased residential capacity in this location would have adverse social and environmental impacts on the area, increasing noise, light emission, private car usage and put pressure on the existing road network and drainage system. As such, the proposal is considered contrary to the provisions of SPT1, SPT2, TTV1, TTV2, TTV26, TTV29, DEV10 and DEV24 of the Plymouth and South West Devon Joint Local Plan (2019), and contrary to paragraph 11 of the National Planning Policy Framework (2021).

#### Design/Landscape

The site is located in the South Devon Area of Outstanding Natural Beauty (AONB), the Heritage Coast and the Undeveloped Coast (as defined in the Plymouth and South Devon Joint Local Plan 2014-2034). Any development proposal therefore has to comply with the provisions of DEV20, DEV23, DEV24 and DEV25.

The South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024 states;

*“Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB by seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB. Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”.*

Officers determine that developing further residential units of the type proposed would result in additional built form in the open countryside of the undeveloped coast within the South Devon AONB without justification, contrary to policies TTV26, DEV24 and DEV25, and paragraphs 174, 176 and 178 of the National Planning Policy Framework (2021).

The development of the garage to an annex will increase further the negative impact of the existing annex on the host property, creating an overly linear protuberance. By raising the roofline and installing a large side dormer the design will increase the scale and volume of the building, detracting from and failing to be subordinate to, the host property, particularly when viewed from the public realm.

The proposed annex, due to its linear nature and access via a single door and internal hallway will be difficult to incorporate in to the main residential property at a later date, as required by policy DEV10. When taken into account with the existing annex to which it is to be

amalgamated, the annex becomes self-contained and is of a scale that would create an independent property attached to the host dwelling. As such it is contrary to TTV26, TTV29, DEV10, DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan (2019) and paragraphs 4.128 to 4.132 of the Joint Local Plan Supplementary Planning Document (July 2020).

#### Neighbour Amenity

Due to 'Red Gables' large domestic curtilage and high boundary hedges, Officers consider there to be enough space and screening between the proposed site and the neighbouring properties to avoid any significant increase in overlooking as a result of the development. The application is therefore in accordance with the requirements of DEV1 and DEV2 and this does not form a substantive reason for refusal.

#### Drainage

The Design & Access statement shows the sewerage from the new development being connected into the existing septic tank system. There is, however, no Foul Drainage Assessment (FDA1) form included with the application so full proposed flows are unknown and a full drainage assessment cannot be made by the Officer to ensure this application complies with Policy. The proposal is therefore considered contrary to the provisions of DEV2 and DEV35.

#### Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which would be appropriate to secure through condition, were the development considered otherwise acceptable. On this basis, the proposal is considered to accord with the provisions of DEV26 and this does not form a substantive reason for refusal.

#### Highways/Access

Officers deem that by losing two car parking spaces currently contained within the garage, and by increasing the residential use of the property, this will cause an increase in the number of cars parked on the driveway. However the driveway is of generous size and would accommodate in the region of 6 cars if required and the Officer concurs with the applicant that there will remain adequate parking space. This accords with the provisions of DEV29.

#### Conclusion

The proposed development, when taken into account with the existing annex to which it is to be amalgamated, becomes self-contained and is of a scale that would create an independent property attached to the host dwelling. As such the proposal is tantamount to the creation of a new dwelling in a countryside location which is set in the South Devon AONB, and an area designated as Heritage Coast and Undeveloped Coast by the LPA. Due to its linear nature and access via a single door and internal hallway it will be difficult to incorporate into the main residential property should the need arise at a later date. This leads to the creation of a self-contained dwelling in an area where unrestricted dwellings are not supported.

The raising of the roofline and installation of a large side dormer creates built form which, along with the interconnecting existing annex, challenges the host dwelling as the dominant feature of the site.



For these reasons the proposal is considered contrary to policies SPT1 (3i, 3v) Delivering sustainable development, SPT2 (10 & 12) Sustainable linked neighbourhoods and sustainable rural communities, TTV1 (4), TTV26 (1i, ii, iii, iv & v), TTV29 (5) Residential extensions and replacement dwellings in the countryside, DEV10 (4) Delivering High Quality Housing, DEV20 (2, 4 & 5) Place shaping and the quality of the built environment, DEV23 (1, 2, 3, 4, 5, 7) Landscape character, DEV24 (1, 3, 5) Undeveloped Coast and Heritage Coast, DEV25 (2, 5, 6, 7, 8i, ii, iii, iv, v, vi, ix), DEV29 (10), DEV35 Managing flood risks and water quality impact; Specific provisions relating to transport; paragraphs 11, 174, 176, 177, 178, of the National Planning Policy Framework and the guidance contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document, including but not limited to paragraphs 4.128 to 4.132 .

It is therefore recommended that the application be refused.

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

## **Planning Policy**

### Relevant policy framework

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

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

On 13 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 12 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 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV26 Development in the Countryside  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
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  
DEV29 Specific provisions relating to transport  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 174, 175, 176, 178 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024.

### **Neighbourhood Plan**

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

### **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 14-Dec-22**  
Appeals Update from 18-Oct-22 to 25-Nov-22

**Ward Dartmouth and East Dart**

APPLICATION NUMBER: **1093/22/FUL** APP/K1128/D/22/3303149  
APPELLANT NAME: Mr David Heaton  
PROPOSAL: Conversion of garage to self-contained unit for holiday let during the summer months  
(Retrospective) (resubmission of 4134/21/FUL)  
LOCATION: 10 Crossparks Dartmouth TQ6 9HP **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 02-November-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Loddiswell and Aveton Gifford**

APPLICATION NUMBER: **1283/21/FUL** APP/K1128/W/22/3301763  
APPELLANT NAME: AM, KM & EN Harvey  
PROPOSAL: Change of use of land from agricultural to allow the siting of two  
geodesic glamping domes and accompanying toilet/shower unit  
LOCATION: Morecombe Down The Mounts East Allington TQ9 7QJ **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 18-October-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

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: Dismissed (Refusal)  
APPEAL DECISION DATE: 02-November-2022

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER: **1017/22/HHO** APP/K1128/D/22/3306451  
APPELLANT NAME: Mr Benjamin Nute  
PROPOSAL: Householder application for demolition of deck area and existing garage, erection of  
new two-storey rear extension and extended deck area with double garage and  
accommodation below, new side entrance (Resubmission of 2346/21/HHO)  
LOCATION: 24 Court Park Thurlestone TQ7 3LX **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-November-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Totnes**

APPLICATION NUMBER: **2451/21/TPO** APP/TPO/K1128/8970  
APPELLANT NAME: Mr Thomas Owen (Re Klyna Jordan)  
PROPOSAL: T1: Beech - Crown height reduction by 3m, lateral reduction by  
0.5m on East side, 1m on South side and 1m on West side to encourage better form.  
T2: Beech - Dismantle due to major defects. T3: Beech - Dismantle due to major defects.  
T4: Beech - Dismantle due to suppressed form and asymmetry.  
LOCATION: Lower Cottage Farm Plymouth Road Totnes TQ9 5LH **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 02-August-2022  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 25-October-2022

**Ward Wembury and Brixton**

APPLICATION NUMBER: **1844/21/FUL** APP/K1128/W/22/3302074  
APPELLANT NAME: Ms Joanne Burgess  
PROPOSAL: New Dwelling

LOCATION: Land North East of Hartlands Lodge Lane Brixton PL8 **Officer member delegated**  
2AU  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 15-November-2022  
APPEAL DECISION:  
APPEAL DECISION DATE:

### Undetermined Major applications as at 25-Nov-22

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

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

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

Comments: S106 with applicants for signing- they want to agree their highways works first so have agreed a rolling EOT- chased 14/09 but no response to date

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

Comments: S106 with applicants for signing- they want to agree their highways works first so have agreed a rolling EOT- chased 14/09 but no response to date- this application will be withdrawn once 3704/16/FUL has been issued

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

Comment: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to September 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
<b>4185/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>18-Dec-20</b>
Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)		Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace A1 - A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access.	

Comment: Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to September 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
<b>4158/19/FUL</b> Patrick Whymer	17-Jan-20	17-Apr-20	<b>6-Feb-21</b>
Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park Ropewalk			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
<b>3752/19/OPA</b> Jacqueline Houslander	11-Feb-20	12-May-20	<b>6-Apr-21</b>
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA			READVERTISEMENT (Amended description) Outline application with some matters reserved for residential development of 17 Dwellings

Comment – Formal pre app received with a revised layout.

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

Comments: Proposed amendments are fine, but Deed of Variation required to amend S106- with legal

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

Comment: Amended plans received and re-consultation underway. Report partially written. 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
<b>0868/20/ARM</b> Jacqueline Houslander	29-Apr-20	29-Jul-20	<b>28-May-21</b>
Development Site at SX 612 502 North Of Church Hill Holbeton			Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale, appearance and landscaping (Resubmission of 0127/19/ARM) and the discharge of outline conditions (12/1720/15/O) 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 23 and 24.

Comment: Agreed under delegation, awaiting signature on unilateral undertaking

	Valid Date	Target Date	EoT Date
<b>2508/20/FUL</b> Steven Stroud	12-Aug-20	11-Nov-20	<b>6-Jan-21</b>
Moor View Touring Park Modbury PL21 0SG			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
<b>4254/20/FUL</b> Lucy Hall	23-Dec-20	24-Mar-21	<b>25-Aug-22</b>
Springfield Filham PL21 0DN			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
<b>0544/21/FUL</b> Jacqueline Houslander	15-Feb-21	17-May-21	<b>3-Dec-21</b>
Land at Stowford Mills Station Road Ivybridge PL21 0AW Construction of 16 dwellings with associated access and Landscaping			

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

	Valid Date	Target Date	EoT Date
<b>1490/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>13-Aug-21</b>
Sherford New Community Commercial Area North of Main Street Elburton Plymouth Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 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
<b>1491/21/ARM</b> Tom French	20-Apr-21	20-Jul-21	<b>13-Aug-21</b>
Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street Elburton Plymouth PL8 2DP Application for approval of reserved matters for Green Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)			

Comment - Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
<b>1159/21/FUL</b> Patrick Whymer	23-Apr-21	23-Jul-21	<b>31-Jan-22</b>
Land at West End Garage Main Road Salcombe TQ8 8NA Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)			

Comment – Approved at the last committee subject to S106 which is progressing.

	Valid Date	Target Date	EoT Date
<b>2817/21/ARM</b> Helen Grant	29-Jul-21	28-Oct-21	<b>24-Mar-22</b>
Noss Marina Bridge Road Kingswear TQ6 0EA Details of Reserved Matters and discharge of conditions, relating to layout, appearance, landscaping and scale, in respect to South Bay Phase (Residential Southern) comprising the erection of 27 new residential units (Use Class C3). Also provision of 58 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to planning permission 0504/20/VAR			

Comment – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
<b>3053/21/ARM</b> Helen Grant	5-Aug-21	4-Nov-21	<b>24-Mar-22</b>
Noss Marina Bridge Road Kingswear TQ6 0EA Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss			

Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters)

Comment – architect working on revisions and redesign

	Valid Date	Target Date	EoT Date
<b>3054/21/ARM</b> Helen Grant	5-Aug-21	4-Nov-21	<b>24-Mar-22</b>
Noss Marina Bridge Road Kingswear TQ6 0EA			
Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 17 - Hillside (Residential Hillside) of the redevelopment of Noss Marina comprising the erection of 8 new homes (Use Class C3), provision of 21 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters)			

Comment – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
<b>2982/21/FUL</b> Graham Smith	13-Oct-21	12-Jan-22	<b>30-Oct-22</b>
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
<b>3335/21/FUL</b> Clare Stewart	14-Oct-21	13-Jan-22	<b>17-Feb-22</b>
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers			
Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.			

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

	Valid Date	Target Date	EoT Date
<b>4175/21/VAR</b> Tom French	8-Nov-21	7-Feb-22	<b>29-Apr-22</b>
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon			
READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community.			

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

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

Comment – waiting on legal decision if the application is valid. Uncertainty if the works that began on site, constitute a meaningful start and if the development began in time, before expiration of 3 years.



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

Comment:

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

Comment: Awaiting comments from AONB unit and the Environment Agency regarding wave action.

	Valid Date	Target Date	EoT Date
<b>0303/22/OPA</b> 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
<b>0934/22/FUL</b> Lucy Hall	14-Mar-22	13-Jun-22	
Land At Sx 499 632 Tamerton Road Roborough		READVERTISEMENT (revised plans) Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation & service yard	

Comment: Under consideration by officer.

	Valid Date	Target Date	EoT Date
<b>0510/22/VAR</b> 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
<b>1178/22/ARM</b> Bryn Kitching	11-May-22	10-Aug-22	
Land Off Townstal Road Townstal Road Dartmouth		Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR relating to access, appearance, landscaping, layout and scale for the construction of 46No. apartment extra care/assisted living scheme (Class C2) with provision of parking, gardens, access and associated works	

Comments: Following a request for further information regarding outdoor lighting and slight amendments to landscaping plan, applicants have submitted an appeal against non-determination. No lighting or landscaping details have been submitted with that appeal.

	Valid Date	Target Date	EoT Date
<b>1523/22/FUL</b> Steven Stroud	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
<b>1629/22/ARM</b> Helen Grant	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
<b>2084/22/OPA</b> Graham Smith	27-Jun-22	26-Sep-22	<b>9-Nov-22</b>
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
<b>2412/22/OPA</b> Clare Stewart	25-Jul-22	24-Oct-22	<b>25-Nov-22</b>
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

	Valid Date	Target Date	EoT Date
<b>3182/22/VAR</b> Helen Grant	9-Sep-22	9-Dec-22	
Land to rear of Green Park Way Green Park Way Chillington TQ7 2HY			Application for variation of a conditions 6 (use of roofs), 14 (pedestrian access), 19 (biodiversity net gain) and 20 (JLP Policy DEV32) following grant of planning consent 0265/20/ARM

Comment:

	Valid Date	Target Date	EoT Date
<b>2804/22/FUL</b> Charlotte Howrihane	14-Sep-22	14-Dec-22	<b>13-Jan-23</b>
Homefield Farm Sherford TQ7 2AT			Change of use of commercial buildings and dwelling house to 3 no. holiday lets, demolition of existing retail unit, replacement of commercial building with 1 no. self-build dwelling house, associated works to include comprehensive landscape & ecology enhancement works (Resubmission of 4751/21/FUL)

Comments: Likely to be refused, no significant changes to previously refused app 4751/21/FUL.previous app currently awaiting appeal hearing (8<sup>th</sup>/9<sup>th</sup> Nov)

	Valid Date	Target Date	EoT Date
<b>3136/22/OPA</b> Steven Stroud	11-Oct-22	10-Jan-23	
Former Dairy Crest Site Totnes			Hybrid planning application for mixed use development comprising: Outline Permission comprising circa 25 Residential Units, circa 20 Holiday Lodges, a Spa/Concierge building (circa 500sqm), circa 1100sqm Commercial space, demolition of existing structures (apart from Brunel building & chimney) provision of open space & surface water attenuation, parking & associated infrastructure. Full Permission for Change of Use of Brunel building

Comment:

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>2643/22/VAR</b> Helen Grant	13-Oct-22	12-Jan-23	
Thurlestone Hotel Thurlestone TQ7 3NN			Application for variation of conditions 2 (approved plans) & 8 (tree protection) of planning consent 1720/19/FUL

Comment:

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>1098/22/OPA</b> Clare Stewart	18-Oct-22	17-Jan-23	
Haxter Lodge Tamerton Road Roborough PL6 7BT			Outline application with some matters reserved for erection of a School

Comment:

	<b>Valid Date</b>	<b>Target Date</b>	<b>EoT Date</b>
<b>3949/22/VAR</b> Bryn Kitching	11-Nov-22	10-Feb-23	
Land South of Junction between Townstal Rd and Nelson Rd, Dartmouth, TQ6 0LB			Application for variation of conditions 1 (approved plans), 2 (samples) & 4 (landscaping) of planning consent 1867/21/ARM – erection of a 69-bed care home (use class C2)

Comment: Application just received and consultation period about to commence.

This page is intentionally left blank