

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 15th March, 2023										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Foss</p> <p style="text-align: center;">Vice Chairman Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Brazil	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Taylor
Cllr Abbott	Cllr Long										
Cllr Brazil	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Taylor										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

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

To approve as a correct record the minutes of the meeting of the Committee held on 15 February 2023;
- 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) 4118/22/FUL** **11 - 26**

"Edgecombe House", West Buckland
New dwelling & site landscaping (Re-submission of 3247/22/FUL) subject to completion of S106 to secure principal residency
 - (b) 0116/23/FUL** **27 - 32**

"Higher Farleigh Meadow", Diptford
Application to regularise & retain an agricultural storage building (resubmission 2156/22/FUL) (Retrospective)
 - (c) 3111/21/HHO** **33 - 42**

"1 Lee Mount", Buckfastleigh
Householder application for proposed garden room and studio

	Page No
(d) 3679/22/FUL "92 High Street, Totnes" Change of use from shop to residential of part of the ground floor & entire first & second floors comprising two dwellings & second floor roof conversion/extension	43 - 52
(e) 3985/22/FUL "Squares Quay Car Park", Kingsbridge Proposed siting of 2 containers for paddleboarding school	53 - 62
7. Planning Appeals Update	63 - 66
8. Update on Undetermined Major Applications	67 - 72

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 15 February 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (for 6 (a) (b) and (c) on MS Teams (Minute DM.58/23 refers)	*	Cllr K Pringle
*	Cllr D Brown	*	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor
∅	Cllr K Kemp	*	Cllr K Baldry (substituting for Cllr K Kemp) (for 6 (b), (c), (d) and (e) only (Minute DM.58/23 refers)
*	Cllr G Pannell		

Other Members also in attendance and participating:
Cllr J Pearce and Cllr H Bastone

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; Senior Case Manager – Planning Enforcement; Monitoring Officer; IT Specialists and Democratic Services Officer

DM.55/23 MINUTES
The minutes of the meeting of the Committee held on 18 January 2023 were confirmed as a correct record by the Committee.

DM.56/23 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), (b), (c) and (d) (minutes DM.58/23 (a), (b), (c), (d) and (e) 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.

DM.57/23 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.

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) 2363/22/FUL "Sunnydale", Newton Road, Salcombe
Parish: Salcombe Town Council**

Development: Demolition of existing dwelling & construction of new detached house with associated landscaping

This application was deferred at the 18 January 2023 meeting for DMC Members to view the application from the river.

Case Officer Update: The Case Officer reported that changes relating to parking had been circulated to Members since the last meeting.

During the debate, Members said it was beneficial to see the setting from the river and the potential impact. Some Members felt that the changes to the parking still presented a challenge with the blocking of the entrance to the property. The footprint dramatically increased with concerns on the materials being used. It was felt that the design was out of context and the view from estuary very harsh.

It was proposed and seconded to refuse the application. The reasons for refusal: Delegated refusal with detailed reasons to be agreed with the Chair, Vice-Chair, Proposer and Seconder. The dwelling does not fit with the vernacular; increase in scale, design being symmetry, linear and out of keeping, materials out of keeping and relevant policies.

A vote was taken to refuse the application. The vote was lost.

It was then moved to approve the application on the basis that some Members agreed with officer's report and recommendation. Before the vote was taken, a request was put forward to include a condition on a construction management plan. This request was accepted.

Recommendation: Conditional Approval

Committee decision: Conditional approval with the inclusion of a construction management plan covering limiting movements during school holidays, tonnage and more detail on the demolition period.

Conditions:

1. Time limit
2. Accord with plans

3. CEMP
4. Materials samples (natural slate)
5. Materials samples (natural stone sample panel)
6. Surface water drainage
7. Air source heat pump
8. Adhere to ecological report

**6b) 4082/22/FUL "Development Site At Sx 677 403",
Weymouth Park, Hope Cove
Parish Council: South Huish**

Development: Erection of single-storey dwelling following grant of permission in principle (Resubmission of 1741/22/FUL)

Case Officer Update: The Case Officer reported that this application has been called to Committee by both Ward Members. Six additional objections received, two duplicates and no new points raised. They summarised the following:

- Principle of development: established through PIP granted.
- Design: scale and form in keeping with character of Weymouth Park, traditional materials proposed.
- Neighbour impact: acceptable subject to recommended conditions.
- Landscape: no harm to AONB given existing residential character of surroundings, conditions recommended.
- Previous reasons for refusal have been addressed.

Speakers were: Objector – David Etherington, Supporter – Steve Carter, Parish Council – Cllr J Hocking, Ward Members – Cllr J Pearce and Cllr M Long.

The Ward Member had no dispute with the officer report but raised objection to the dwelling and proximity to the public foot path and this footpath will become a tunnel. Also this was not a modest dwelling and the scale of the property would have an adverse impact on the AONB. The garage almost like having a separate building and not typical for this part of Weymouth Park. There have been a lot of local objections and I support the Parish Council.

In response to questions raised, it was reported that the fence alongside the footpath had made the path not very inviting and will impact the ANOB. A discussion then took place on whether the fence could be replaced with a natural hedge and it was reported that wasn't an option because of the design and the size of the bungalow.

The Ward Member raised the accumulative impact of the garage and whether the scale of the property was appropriate. The PIP was approved by the Planning Inspector, however the dwelling needs to reflect the local distinctiveness of the area.

The Head of Development reiterated that this is a standalone application and doesn't have to follow the PIP. The existing fence and can be erected under permitted development and not adjacent to the highway and lawful construction.

During the debate: Some Members felt this was a finally balanced decision but would support a condition on the fence as not to restrict the passage and appearance of the footpath. Other Members felt that too much was being squeezed onto the site and that there was an opportunity to develop that site more sympathetically. The design will have a negative impact on the street scene and footpath. This site deserves more creative thinking and to lessen the impact. This is not the right development for this site.

A vote was taken to approve the application. The vote was lost.

Recommendation: Conditional Approval

Committee decision: Refused. Delegated refusal with detailed reasons to be agreed with the Chair, Vice-Chair, Proposer and Seconder.

Reason for Refusal:

The scale of the development, incongruous materials, impact on the AONB.

The garage increases the mass on the site, unneighbourly and impact on the street scene and on adjacent buildings.

Policy SH E3 – design proposals doesn't integrate with the built surrounding.

Impact on the footpath.

DEV20 – doesn't improve the environment, inappropriate roof materials.

6c) 4454/22/HHO "The Willows", Bolberry Road, Hope Cove Parish Council: South Huish

Development: Householder application for extension to approved car port, re-align steps, add window and enclose to form garage

Case Officer Update: The Case Officer reported this is an employee application and Parish Council have submitted objections. In summary:

- Design: scale and mass acceptable, not overdevelopment, set back from building line, matching materials proposed.
- Use: garage shall only be used for the accommodation of private motor vehicle, and shall not be used, let, leased or otherwise disposed of for any other purpose.

Clarification was sought on the size of garage and confirmed slightly smaller than SPD requirements.

Speakers were: Objector – None, Supporter – Rachel Jefferson, Parish Council – Cllr J Hocking, Ward Councillors - Cllrs J Pearce and M Long.

The Ward Member wanted to highlight the concerns expressed by the Parish Council and whether further development can be controlled.

The Ward Member had sympathy with the Parish Council but difficult to go against this application.

During the debate Members agreed with the officer's recommendation.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Materials to match existing
4. Garage to remain incidental
5. Surface water drainage

6d) 2260/22/HHO "Paradise Point", Ravensbury Drive, Warfleet, Dartmouth Town Council: Dartmouth

Development: Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)

The Case Officer: The Case Officer reported that the Dartmouth NDP now made and reasons for refusal amended accordingly. The key issues raised:

- Heritage: form and scale of the outbuilding results in a 'statement building' which detracts from the house and gardens – fails to preserve or enhance LB or Conservation Area.
- Landscape: key waterside location. Gardens acts as a setting for the house, and development of the scale proposed would be intrusive and harm the landscape setting.
- Scale: principle of single-storey boat store could be supported.
- Relationship with dwelling: detached from main house, no justification for home office on the waterfront so far from dwelling.

Speakers were: Objector – None, Supporter – Nichola Burley, Parish Council – None, Ward Members: Cllrs H Bastone and Cllr R Rowe.

The Ward Member shared a photo taken from Kingswear and highlighted that the boathouse would be hidden amongst the greenery. Another photo showing other developments close to the Paradise Point. Many properties along the river have boat houses with mass construction on that side and unfair not to approve this application. This building does comply with planning and use of the building not a separate residential building and asked the Committee to approve this application.

The Ward Member raised that there are landing steps already in place to access the proposed building and will be an extension to the main dwelling. No objections from Dartmouth Town Council, no impact on neighbouring properties and will not be used as a separate building.

During the debate: Some Members felt that this was a lovely green area when viewed from the river and will be quite discreet.

A vote was taken to approve the application. The vote was lost.

However, some Members found the boat ride very informative and the argument that other developments taking place close to this application didn't make it right for further development. What is proposed will add to the bigger development in a lovely area of conservation and wildlife. Some Members supported the officer's recommendation of refusal.

Recommendation: Refusal

Committee decision: Refusal

6e) 3504/21/VAR "The Mooring", Newton Hill, Newton Ferrers Parish Council: Newton and Noss

Development: (Revised plans) Application for variation of conditions 1 (approved plans) and 6 (stone faced boundary wall) of planning consent 0068/20/VAR

Case Officer Update: The Case Officer reported that the Parish Council have objected on the basis that the southern boundary wall should be clad in stone. Key issues raised:

- Officers recognise the strength of local objection.
- Plans have been revised to reflect the scheme as built.
- Additional timber fencing and stone capping was sought to safeguard the privacy of Yealm Cottage.
- Conditions have included triggers for implementation; with three months of decision for additional timber fencing/stone coping and 31 March 2024 for implementation of landscaping scheme.
- Officers consider that when taken as a whole, the development accords with the policy framework.

A discussion took place on the wall and it was reported that:

- The wall is in the boundary of the conservation area;
- The wall is rendered rather than stone clad;
- The Enforcement Team have been involved and tested the scheme through the planning process.

Speakers were: Objector – Mr Buckland, Supporter – Beau Sherriff, Parish Council – Cllr C Phillipson (statement read out), Ward Members – Cllrs K Baldry and D Thomas (statement read out).

The Ward Member supported the objections made by the Parish Council.

A statement was provided by the Ward Member and they supported the other Ward Member's position, and would like to see the wall in question stone clad, rather than rendered. This is also the Parish Council's principle concern.

During the debate, Members raised concerns on the rendered wall. This was a significant feature and should be restored back to a stone clad wall to not only protect the heritage of the village but this fall on the edge of the conservation area. It was felt that a white rendered wall was unacceptable and was an incongruous addition with inappropriate materials used in that area. It was strongly felt that the historic stone wall should be stone cladded and not rendered.

Recommendation: Conditional Approval

Committee decision: Refused. Delegated refusal with detailed reasons to be agreed with the Chair, Vice-Chair, Proposer and Seconder.
Reason for Refusal:
Introduction of white wall incongruous in a conservation area and to include the relevant policies.

DM.59/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.60/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

DM.61/23 **EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the

likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.

DM.62/23 **ENFORCEMENT REPORT**

RESOLVED: The Committee agreed with the Officer recommendation as set out in the report.

(Meeting commenced at 10:00 am. Meeting concluded at 4:30 pm, with a break at 11:38 am and 3:35 pm and lunch at 12.29 pm. Meeting adjourned at 4:03 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 15 February 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2363/22/FUL	"Sunnydale", Newton Road, Salcombe	Approved	Cllrs Brown, Foss, Pringle, Reeve, Rowe and Taylor (6)	Cllrs Abbott, Hodgson, Long and Pannell (4)		Cllrs Baldry and Brazil (2)
4082/22/FUL	"Development Site At Sx 677 403", Weymouth Park, Hope Cove	Refused	Cllrs Abbott, Brown, Hodgson, Long, Pringle, Reeve and Taylor (7)	Cllrs Baldry, Pannell and Rowe (3)	Cllr Foss (1)	Cllr Brazil (1)
4454/22/HHO	"The Willows", Bolberry Road, Hope Cove	Approved	Cllrs Abbott, Baldry, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (11)			Cllr Brazil (1)
2260/22/HHO	"Paradise Point", Ravensbury Drive, Warfleet, Dartmouth	Refused	Cllrs Abbott, Brazil, Foss, Hodgson, Long, Pannell, Pringle and Taylor (8)		Cllr Baldry, Brown, Reeve and Rowe (4)	
3504/21/VAR	"The Mooring", Newton Hill, Newton Ferrers	Refused	Cllrs Abbott, Baldry, Brazil, Brown, Foss, Hodgson, Long, Pannell, Pringle, Reeve, Rowe and Taylor (12)			

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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 4118/22/FUL

Agent:

Mr James Wells
James Wells Planning Limited
Pendeen
Plymouth
PL9 9BQ

Applicant:

Mr & Mrs Tull
Edgecombe House
West Buckland
TQ7 3AQ

Site Address: Edgecombe House, West Buckland, TQ7 3AQ



Development: New dwelling & site landscaping (Re-submission of 3247/22/FUL)

Recommendation: Conditional approval subject to completion of S106 to secure principal residency

Reason application is at committee: Cllr Long has called the application to committee due to concerns raised over the scale, design, glazing, impact on the setting of the village, landscape, dark skies, and natural environment

Conditions:

Standard time limit
Accord with plans
Construction Management Plan
CEMP to be submitted

Adherence to recommendations of ecology report
Works to take place outside of nesting season
Details of external lighting
Accord with Tree Protection Plan
Removal of PD rights
Rooflights to be obscure-glazed
Windows to east elevation to be obscure-glazed
Surface water drainage details to be submitted
Details of materials
Natural local stone
Natural slate
Accord with energy statement
PV panels to be installed prior to occupation
EV charging points to be installed prior to occupation
Flue to be of a matte, dark finish

S106 to secure principle residency

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, low carbon development

Site Description:

Edgecombe House is located in West Buckland and comprises a large detached house sited close to the road and is set into the bank. An access track sweeps around the side to the lower garden level. The gardens are extensive and wrap around 9 adjacent properties. The site of the proposed dwelling occupies approximately one third of this garden area. The topography of the land slopes from the row of houses to the north of the plot, down to a stream at the bottom of the valley.

The site is in the Buckland settlement boundary defined in the Thurlestone neighbourhood plan. It is also within the South Devon AONB, as well as the Undeveloped Coast and Heritage Coast policy areas.

The Proposal:

The application is for the erection of a single dwelling within the existing garden area of Edgecombe House. The proposed dwelling would be a timber-framed, two-storey, three-bedroom dwelling, and using traditional materials such as render, slate hanging, and a slate roof. Solar PV panels are proposed to the southern roof slope, and the dwelling would include a mechanical ventilation heat recovery system and a ground source heat pump providing the heat and hot water. Access to the site would be via an existing track off the highway, with two parking spaces provided.

Consultations:

- County Highways Authority- standing advice
- Environmental Health Section- no objection
- Ecology- no objection subject to conditions
- Trees- no objection on arboricultural merit
- Environment Agency- no objection, house is above floodplain

- Parish Council- objection: copied below

4118/22/FUL Edgcombe House

Thurlestone Parish Council objects to this application. Councillors considered that the proposed dwelling would have an unsympathetic, dominant and overbearing impact on the scenic quality of the valley and neighbouring properties and did not comply with the following policies in the Neighbourhood Plan and Joint Local Plan:

- (1) The proposed dwelling occupies a highly sensitive site in the wooded valley of the Buckland Stream and makes an important contribution to the natural beauty of West Buckland and the South Devon AONB. The proposed scale and design of the development will have a harmful impact on the landscape and scenic beauty of the area and would set a dangerous precedent for further development along the banks of the stream (contrary to NP Policy TP1.5 and JLP Policies SPT12, DEV23, DEV24 & DEV25 and NPPF paras 130 &185).
- (2) The proposed dwelling would be an incongruous addition to the village street scene being located to the rear of 18th century cob/stone farm cottages and barns, and adjacent to a row of 1960s bungalows. The scale and design of the proposed dwelling is not consistent with that of the neighbouring properties nor with the character of the area and the local pattern of ribbon development (contrary to NP Policy TP1.2 and JLP Policies SPT1, SPT2, SPT11, DEV20 & DEV25).
- (3) The proposed dwelling will not meet clearly identified local housing needs nor help redress the general imbalance in the housing stock. The scale of the dwelling is excessive, having a floor area of 292.5m² which is three times in excess of the nationally described space standard floor area of a two storey 3-bedroom dwelling. To the contrary, it will exacerbate the existing imbalance of large unaffordable dwellings in the parish and will be outside the reach of young people on lower and middle incomes due to its scale and character (contrary to NP Policy TP4 and JLP Policies SPT2 & DEV8).
- (4) The proposed development will not contribute to the vitality of West Buckland village. Whilst the new dwelling will be subject to a principal residence requirement, the applicant's existing property (Edgcombe House) will not be and may be used as holiday accommodation, thereby negating any benefit that the new principal residence would provide (contrary to NP Policies TP4 and TP6).
- (5) The proposed development would have a harmful impact on protected species and would not enhance the biodiversity of the area. The Ecological Appraisal in support of the application refers to the likelihood of bats foraging along the shrub and tree habitats around the edge of the site and to light-averse bats, such as *Long-eared*, *Horseshoe* and *Myotis* bats using the boundaries that might be impacted by development, but there is no mitigation to address this potential harm (contrary to NP Policy TP22.2 and JLP Policies SPT1 & DEV25).
- (6) The flooding of the Buckland Stream along the valley below the site and downstream on the road bridge at the bottom of the hill between Thurlestone and West Buckland is an ongoing local issue and the reduction in permeable surface and increased surface water run-off from the proposed development is likely to further exacerbate the problem. Attached are two photos showing the extent of the recent flooding: one is taken from the other side of the stream and shows flooding immediately below the site and the second is taken on the road bridge which is constantly flooded. No

technical drainage details have been provided to address the management of flood risk and water quality impacts notwithstanding the existing issue and the detrimental impact of this flooding on local roads and neighbouring gardens (contrary to NP Policy TP1.3 and JLP Policies SPT1 & DEV35).

- (7) Trees have already been felled in the wooded valley below the site and more trees may be removed in order to construct the soakaway. Drawing GA-001 identifies the indicative soakaway close to the Tree Protection Zone marked on drawing no 22.346.1. The 'C' category trees marked are defined in the Arboricultural Appraisal as trees that can be removed to facilitate development. This would be to the detriment of the natural environment (contrary to NP Policy TP1.5 and JLP Policies SPT12, DEV20, DEV23, DEV24, DEV25 & DEV26).
- (8) There is an excessive amount of glazing on the South elevation and the large patio doors on the West elevation cover approximately 75% of the ground floor wall of that elevation. This would create new light pollution from artificial light at an elevated height upon the valley, the intrinsically dark landscape and the natural environment (contrary to NP Policies TP1.2, TP1.4 & TP1.5, JLP Policies DEV23 & DEV25 and NPPF para 185). The proposed curved stone wall on the West elevation has been designed to protect local amenity but being sited some distance away from the building is unlikely to be effective against light pollution.
- (9) The site has a narrow access which is likely to be difficult for use by refuse trucks and deliveries as well as construction traffic (contrary to TP1.7 & TP1.1).

The planning officer's attention is also drawn to the Location/Block Plan drawing no GA-001 Rev PL6 which does not accurately show the correct extent of the neighbouring bungalow, Abbotscot. The extension and balcony/terrace of Abbotscot is in close proximity of the parking area for the proposed dwelling and is likely to suffer from the overbearing and dominant impact of the proposed dwelling and loss of outlook (contrary to NP Policy TP1.1 and SPD para 13.27).

Representations:

Four objections have been received. These representations can be seen in full online, but can be summarised as follows:

- Contrary to neighbourhood plan and JLP requirements
- Scale and size is dominant in the AONB
- Impact on environment and wildlife
- Disruption to neighbours during construction
- Applicant already lives in the village so their current house will become holiday accommodation
- Does not meet an identified housing need
- Dominance over neighbouring properties
- Light pollution
- Detrimental impact on the historic environment
- Neighbours right of way could be impeded by construction phase
- Concern about impact on drainage systems
- Site would be visible from the road
- No material difference from previous applications
- Trees identified previously have now been removed
- Plans do not show true relationship with neighbouring property (Abbotscot)
- Unrealistic that three dwellings will be able to access the drive
- Large dwelling would not be affordable
- Impact on views from neighbouring properties

- Dwelling should be closer to Edgecombe House
- Unclear if the building would be subject to a principle residence restriction
- Concern about future separation of the site
- No architectural reflection to local buildings
- The applicant has planted a large hedge on the boundary which impacts Abbotscot
- Parking area would harm amenity of Abbotscot
- Demolition of the barn could be applied for in future

Relevant Planning History

- 3247/22/FUL- New dwelling, renovation of barn for ancillary use, replacement bat roost, outbuilding and site landscaping works- withdrawn
- 1087/21/HHO- Householder application for extension of porch over existing front door- conditional approval
- 1891/19/FUL- New dwelling- withdrawn
- 55/0909/12/F- Householder application to alter existing ridge line to bed 4/annexe. Replace existing windows. Pitched roof to existing entrance porch. New utility area- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change with sustainability underpinning all of the guiding principles. Under this policy sustainable development is delivered across the plan area by promoting a sustainable economy, sustainable society and sustainable environment. Policy SPT2 of the JLP requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities as a means of guiding how growth and development takes place across the plan area. Development can support the overall spatial strategy, by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.
- 1.2. The approach to sustainable development in the JLP is explained further in Policy TTV1 for the Thriving Towns and Villages parts of the plan area which prioritises growth through a hierarchy of sustainable settlements.
- 1.3. With respect to the hierarchy in TTV1 the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlet, where development will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities.
- 1.4. Although the JLP does not direct development towards locations in tier 4, the site is within the settlement boundary for Buckland, identified in the Thurlestone neighbourhood plan (NP). Paragraph 2.28 of the NP states that '*proposals for development within the boundaries designated in this plan will be supported*'.
- 1.5. Policy TP4 of the NP supports proposals for open market housing within the settlement boundary, provided the proposal:
 - i. *comprises a small-scale scheme of up to 5 dwellings, or individual plots, of a size, type and tenure that reflects clearly identified local housing needs;*
 - ii. *each dwelling is subject to a principal residence requirement (in accordance with Policy TP6).*

- 1.6. With regard to point (i), the dwelling is a single plot, which is acceptable in terms of housing mix (see next section of report). In accordance with point (ii) and policy TP6, a principal residence occupancy restriction will be placed on the dwelling, and a legal agreement to this effect is currently being prepared.
- 1.7. Given the acknowledgement in the JLP that some development can be permitted in tier 4, and the NP support for development within the settlement boundary of the village, the principle of development is considered acceptable.

2.0. Housing Mix:

- 2.1. Policies SPT2(4) and DEV8(1) of the Joint Local Plan (JLP) seeks to provide a good balance of housing types and tenures to support a range of household sizes, ages, and incomes, and to meet identified housing needs. Policy TP4(i) of the NP also supports housing '*of a size, type and tenure that reflects clearly identified local housing needs*'. ONS data shows that the parish of Thurlestone has an oversupply of four-bed dwellings, with an average amount of one and three-bed properties, and an undersupply of two-bed dwellings.
- 2.2. The proposed dwelling includes three bedrooms, as well as a study. When assessing bedroom numbers, paragraph 4.17 of the Supplementary Planning Document which accompanies the JLP states:

'Home working is supported and as such the provision of one room identified as an office or study will be accepted, but other rooms that have the potential to be used as bedrooms (other than living rooms, kitchens, dining rooms, rooms with mains plumbing/toilets or rooms with no windows and/or main entrances) will be considered as such, and considered against the requirements of DEV8 on that basis.'

- 2.3. Although some objections have stated that the dwelling is a 4/5 bedroom property, when using the SPD criteria, Officers consider the proposed dwelling to be a three-bed property. There is no current oversupply of three-bed dwellings in the parish, and the proposal therefore complies with policies SPT2 and DEV8 of the JLP and policy TP4(i) of the NP. Other objections have stated that the dwelling would not be affordable; the planning system can only do so much to try and address the housing crisis, and the imposition of the principal residency restriction and reduction in bedroom numbers (the previously-withdrawn application included more bedrooms and was not supported by Officers) means that the proposal is now policy compliant.

3.0. Design:

- 3.1. The proposed dwelling would be of a fairly traditional design- the dwelling would be a two-storey, hipped roof property with a single-storey element housing the entrance and plant room. The local vernacular is very traditional, and this is reflected in the materials proposed, which include render to ground floor, slate hanging to the first floor, and a natural slate roof, materials supported by the NP which encourages the use of natural building materials (policy TP1(2)). Conditions are recommended requiring details of the materials to be submitted for agreeing to ensure that they are of high quality and in keeping with the local pattern of development.
- 3.2. The dwelling would have minimal openings at first floor, and the windows to the southern/western elevations are small, traditional, meaning that the proportion of glazing and solid wall is in keeping with the local vernacular. Although the openings to the ground floor are wider, this is not considered to be harmful in terms of design.

- 3.3. The proposal also includes a stone wall enclosing the proposed patio area. This wall is to be constructed of local stone, and subject to the details of this stone being agreed, the wall is considered to be acceptable in terms of scale and design.
- 3.4. Overall, Officers consider that the dwelling has been designed in such a way that has regard to the local pattern of development and traditional character of the village. The proposal therefore complies with policies DEV20 and DEV23 of the JLP, and policy TP1(2) of the NP.

4.0. Landscape:

- 4.1. The site is within the South Devon AONB, as well as the Undeveloped Coast and Heritage Coast policy areas.
- 4.2. Policies TP1(5) and TP22 of the NP require the conservation and enhancement of the AONB, as well as policy DEV25 of the JLP and paragraph 176 of the NPPF. Policy DEV24 of the JLP relates to the Undeveloped Coast and Heritage Coast.
- 4.3. As previously mentioned, the site is within the settlement boundary, and would be read within the context of the existing area of built form of the village. The site is more open and less developed towards the south, as the land slopes down towards the woodland and the stream. This woodland provides substantial screening to the south, virtually obscuring the proposed dwelling from longer views into the site from the south.
- 4.4. Policy TP1(4) of the NP requires development to limit the light impact on dark landscapes. Although rooflights are proposed, they are small in size, and proposed in place of windows to the north elevation. The rooflights would face north, towards the existing built form of the village, rather than the south which would face onto more open, natural landscapes.
- 4.5. Due to the design of the fenestration, and the position of the windows, the proposed dwelling is not considered to have a harmful impact on the dark skies, and therefore complies with TP1(4). A condition is proposed to require details of any external lighting to be submitted for agreement to ensure that no additional lighting is installed which could have an adverse impact on the natural environment.
- 4.6. The location of the dwelling and surrounding vegetation screening leads Officers to conclude that the dwelling would not have an adverse impact on the local landscape or wider setting of the AONB, the Heritage Coast, or the Undeveloped Coast.

5.0. Trees:

- 5.1. There is an area of woodland to the south of the site which is subject to a blanket Tree Preservation Order (TPO), although this would not be affected by the proposed development. A tree appraisal plan, tree protection plan, and arboricultural impact assessment has been submitted as part of the application. This information has been reviewed by the Council's Tree Specialist, who has no objection to the development on arboricultural merit, subject to adherence to the tree protection plan, which is recommended as a condition.
- 5.2. One of the objectors has sent photos in to show that some trees and vegetation have been removed from the site in recent months, with a hedgerow and trees planted on the boundary of Abbotscot which are starting to impact on their light and views.

- 5.3. The removed trees are not within the TPO area, and no consent was required to remove these trees. Similarly, the fact that the applicant has carried out planting is not development, nor is it part of the current proposal.
- 5.4. Subject to the condition recommended by the Tree Specialist, the development is considered acceptable with regard to trees, and complies with policy DEV28 of the JLP and policy TP22 of the NP.

6.0. Ecology:

- 6.1. A preliminary ecological appraisal has been submitted with the application, and reviewed by the Council's Ecologist. They have confirmed no objection to the development, subject to various conditions. This includes the submission of a Construction Environmental Management Plan prior to the commencement of development, to include timetabled Protected Species Mitigation Strategy, as well as adherence to the PEA, and a restriction on development taking place during bird nesting season. These conditions are all recommended to be imposed, should planning permission be granted.
- 6.2. The PEA and subsequent ecology response makes reference to the potential for bat roosting within an existing ancillary outbuilding (barn). This barn was part of a previous application on the site, which was withdrawn, and is now not included in the red line, or as part of the development proposal. As such, it is not necessary for Officers to consider whether the proposal meets the three derogation tests of the conservation of Habitats and Species Regulations 2017 (as amended), as no works are proposed to the building to which these comments relate.
- 6.3. Subject to the recommended conditions, the application is considered acceptable in terms of ecology and biodiversity, in accordance with policy DEV26 of the JLP, and policy TP22(2) of the NP.

7.0. Neighbour Amenity:

- 7.1. The dwelling would be to the south of an existing row of dwellings along the road into the village. The site is currently part of the garden of Edgecombe House, but this garden runs along behind a number of other properties.
- 7.2. The nearest dwellings to the site, Rose Cottage, Seven Steps, and Abbotscot, have objected to the application for various reasons, some of which include impact on residential amenity. These objections consider that the dwelling would be overbearing and dominant to their properties, as well as impacting on their views.
- 7.3. There is no right to a view, and so this point of objection cannot be taken into account. However, policy DEV1 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*'.
- 7.4. Policy TP1(1) of the NP also seeks to preserve residential amenity, stating that '*Proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. This will be judged against the level of amenity generally accepted within the locality and could result from: loss of privacy or overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes*'
- 7.5. The application site is below the road level, and the neighbouring dwellings would therefore be elevated above the proposed dwelling, which is further down the valley.

- 7.6. Harm to amenity can also arise from the proximity of development to residential dwellings. The Supplementary Planning Document (SPD) which accompanies the JLP therefore provides guidance as to the minimum acceptable distances between buildings.
- 7.7. As the north elevation, which faces the neighbouring dwellings, does not include any windows, the guidance is taken from paragraph 13.28 of the SPD, which states:

'In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m.'

- 7.8. The table below shows the ridge heights of the nearest properties, all of which would be higher than the proposed dwelling, as well as the distance from these neighbours to the proposed dwelling.

	Distance from proposed dwelling	Ridge height
Rose Cottage	14.6m	105.22 (+2.32m)
Seven Steps	26m	109.11 (+6.21m)
Edgecombe House	36m	107.43 (+4.53m)
Abbotscot*	12m	104.15 (+1.25m)

*objections have stated that Abbotscot is not shown correctly on the submitted plans and is actually closer to the proposed dwelling than indicated. To avoid any dispute about the distances, the measurements have therefore been taken from the Council's mapping system, rather than the site plan submitted by the applicant

- 7.9. The proposed dwelling therefore meets the minimum separation distance requirements of the SPD. The elevated position of the existing properties, and the separation distance leads Officers to conclude that the proposed dwelling would not be overbearing, or dominate existing dwelling, and is therefore acceptable in this regard.
- 7.10. In terms of overlooking, it is noted that there are no windows proposed at first-floor level to the north or east elevations, which would face neighbouring properties/gardens. There are two windows to the east elevation at ground-floor, which may have some views of the garden area of Abbotscot. Noting that these windows serve a toilet, and the plant room, a condition is recommended to require these windows to be obscure-glazed, to protect the neighbours' enjoyment of their garden space.
- 7.11. Similarly, there are five small rooflights proposed to the northern roofslope, which provide light into the spaces at first-floor level in lieu of windows to the northern, neighbour-facing elevation. Rooflights do not usually cause overlooking concerns due to their position and angle, however in this instance, as the neighbours are elevated above the dwelling, this may be more of an issue. Noting that these rooflights serve secondary spaces, such as the stairs, dressing room, and bathrooms, it is also proposed that these windows are obscure-glazed. This would allow the spaces to benefit from natural light, but would prevent any overlooking to nearby dwellings.
- 7.12. Objection has been received about the impact of the parking area on Abbotscot, who consider that the parking area would harm their amenity due to fumes and noise opposite their garden terrace area. Cars occupying a parking area are likely to be stationary and not in use for the vast majority of the time that they are using this space- it is only when entering and leaving the site that engines would be running, and this is therefore not considered to be such a concern that it would be harmful to

the amenity of neighbours. Officers also note that there is nothing preventing the applicants from parking vehicles in this area currently.

- 7.13. Whilst the dwelling would clearly be visible from neighbouring dwellings, on balance, it is not considered that the impact of the proposal would be harmful to the amenity of any nearby properties. The dwelling has been designed to prevent any overlooking, the dwelling would be lower than the existing properties, and the separation distance meets the accepted standards included in the JLP. Subject to conditions proposed regarding obscure-glazing, and removal of permitted development rights to prevent additional openings or alterations, the application is considered acceptable in terms of policies DEV1 and DEV2 of the JLP, and policy TP1(1) of the Thurlestone NP.

8.0. Highways/Access:

- 8.1. Policy TP1(7) of the NP states that '*a safe means of access and on-site parking should be provided*'. Policy DEV29 also requires development to provide '*safe and satisfactory traffic movement and vehicular access to and within the site*', and '*ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network*'.
- 8.2. The dwelling would utilise an existing access lane down to the site. The SPD provides indicative parking provision for new residential development. Table 30 within the SPD requires 2 parking spaces for a three bedroom dwelling, and this is provided in the parking area. The proposal is therefore acceptable in terms of parking provision.
- 8.3. Concern has been raised by objectors that the works to construct the dwelling would have an impact on neighbours, and that the road to the site is very narrow. One of the objectors has right of way across the access lane, and has objected that the construction phase may impede this right of way.
- 8.4. Issues of rights of way are a civil matter, and this is not therefore a reason to refuse permission. Disturbance during construction works is also not a valid reason to refuse an application. However, Officers agree that the site access is narrow and that the details of the construction process need to be considered and managed before development commences. As such, a pre-commencement condition is recommended to require the submission of a Construction Management Plan, to ensure that disturbance to nearby residents and the local highway network is minimised.
- 8.5. The Highways Authority has no objection to the development, and subject to the condition, the proposal is considered acceptable in terms of highways matters.

9.0. Drainage:

- 9.1. Objections have been made about the potential for the development to impact on surface water drainage within the vicinity of the site. The bottom of the valley is within a flood zone, although the dwelling itself would not be. The Environment Agency has reviewed the application and have no objection in terms of flood risk.
- 9.2. An indicative soakaway has been shown on the submitted plans. In order to ensure that the surface water drainage complies with SUDs guidance, a condition is recommended to require details of the surface water drainage system to be submitted to, and agreed in writing by the Local Planning Authority.
- 9.3. Foul drainage would connect to the existing mains sewer. The development is therefore acceptable in terms of drainage matters and policy DEV35 of the JLP.

10.0. Other matters:

- 10.1. Objections have noted that the proposed dwelling is not sited particularly close to Edgecombe House, and the applicants should have located the property closer to their own house, rather than impact on neighbours. Officers can only assess the development before them, and in this instance, the siting is considered acceptable for the reasons detailed in this report.
- 10.2. It has also been claimed that the existing dwelling is not subject to a principal residency, and so there is nothing stopping the applicants moving into the new dwelling, and renting the existing house as a holiday let. There is no mechanism for the Local Planning Authority to prevent the existing dwelling being let, and this is not a material planning consideration in the assessment of the current proposal.
- 10.3. A number of concerns have also been raised about potential ways that the site could be altered in the future. As above, Officers can only consider the proposal as submitted, and it would be unreasonable to refuse the application due to speculation about future intentions of the applicant or future owners. Planning permission would be required for any alterations or sub-division of the site, or any additional building works, and this would be considered at a later date should an application be submitted.

11.0. Low carbon development:

- 11.1. Policy DEV32 of the JLP requires all development to contribute to the carbon reduction targets of Plan. The application has been submitted with an Energy Statement which details the measures proposed to ensure that the development complies with policy DEV32.
- 11.2. The dwelling would include solar PV panels to the southern roof slope, and a condition would require these panels to be installed prior to the occupation of the dwelling. Battery storage for the PV panels is included in the plant room, and EV charging points are also proposed, and this will also be required to be installed prior to occupation of the dwelling.
- 11.3. The dwelling would include mechanical ventilation heat recovery system and a ground source heat pump providing the heat and hot water. The dwelling would be timber-framed, rather than concrete, and local materials are proposed to be used to minimise the carbon cost of the building.
- 11.4. The proposal is therefore considered acceptable in terms of policy DEV32 and the carbon reduction aims of the JLP.

12.0. Summary:

- 12.1. The principle of building within the settlement boundary is supported by the NP. The proposed dwelling has addressed previous Officers concerns and is now acceptable in terms of bedroom numbers, and design. The appearance of the dwelling would be in keeping with the local pattern of development, and the impact on neighbouring properties is not considered to be harmful for the reasons outlined earlier. The application complies with the relevant neighbourhood plan and JLP policies, and is therefore recommended for conditional approval, subject to the completion of a S106 agreement to secure a principal residence restriction on the dwelling.

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).

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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Thurlestone Neighbourhood Plan

TP1 General Development Principles
TP2 Settlement Boundaries
TP4 Open Market Housing
TP6 Principal Residence Requirement
TP22 The Natural Environment

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:

Joint Local Plan 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 number GA-001, received by the Local Planning Authority on 24th November 2022, and drawing numbers GA-100.PL6 and GA-101.PL7, received on 1st February 2023.*

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

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) 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 17.00 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;

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

(e) 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;

(f) 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;

(g) a site plan showing the location of constructor parking, any welfare buildings (if applicable), and details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations

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

(i) the means of enclosure of the site during construction works; and (j) (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(k) Details of the amount and location of construction worker parking. (l) 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.

4. *No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning*

Authority. It shall include a timetabled Protected Species Mitigation Strategy that includes all measures recommended in Preliminary Ecological Appraisal (Western Ecology, Updated January 2023). The development shall be carried out in full accordance with the approved CEMP at all times. Reason: In the interests of ecological and environmental preservation.

5. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in Preliminary Ecological Appraisal (Western Ecology, Updated January 2023). The planning condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the bat mitigation was adhered to and all measures therein have been implemented. Thereafter approved mitigation, compensation and net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the interests of protected species

6. The works shall take place outside of the bird nesting season which runs from 1 March to 31 August in any year unless a breeding bird check by a suitably qualified ecologist has been carried out immediately prior, no more than 48 hours, to works starting and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: To safeguard the interests of protected species

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

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

8. The development hereby approved shall accord with the Tree Protection Plan (22.346.1.TPP) and Arboricultural Appraisal(DTS22.346.1.AA). Reason: In order to preserve trees of amenity value.

9. 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the rooflights

hereby approved on the northern roofslope shall be glazed in obscure glass and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the windows hereby approved on the east elevation of the dwelling shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

12. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

a. Percolation testing in accordance with DG 365 will be required to support the use of soakaways. The report should include the trail logs and calculate the infiltration rate.

b. SuDS to be designed for a 1:100 year event plus 40% for climate change.

c. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

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

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

13. Prior to their installation details of facing materials, and

roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

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

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

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

16. The development hereby approved shall accord with the Energy Statement (Rev 1) dated September 2022.

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

17. The solar panels as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. The panels shall hereafter 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. The EV charging point(s) as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved, and hereafter 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.*

19. The new flue(s) shall be sited as indicated on the approved plans and finished in a matt black or grey colour. The height of the flue(s) shall not exceed that shown on the approved plans unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development.

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Diptford **Ward:** South Brent

Application No: 0116/23/FUL

Agent:

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

Applicant:

Mr S Fearon
C/O Agent

Site Address: Higher Farleigh Meadow, Diptford, TQ9 7JW



Development: Application to regularise & retain an agricultural storage building (resubmission 2156/22/FUL) (Retrospective)

Recommendation: Refusal

Reasons for refusal:

It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed building is reasonably required to support the essential needs of agriculture, contrary to Policy TTV26 and DEV15 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).

Reason the application is before the Committee: As the previous application was determined by the Committee, the Local Ward Members would like the Committee to have the chance to debate the changes that have been made in this new application

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, highways

Site Description:

The site is an area of agricultural land of approximately 1 acre, purchased by the applicant in 2019. It is within the open countryside, approximately 1.1km north-west of Moreleigh, but is not within any special areas of designation.

The Proposal:

The applicant has built the building in question, and this is therefore a retrospective application to regularise it. The development is an agricultural storage building for tools and equipment to allow the applicant to manage the smallholding.

The building is a mono-pitched, wooden design, sited on an existing levelled area. It measures 9m x 5m with a ridge height of 3m. It is open-fronted to the southern side, and there is an existing access from the highway.

Consultations:

- County Highways Authority- no highways implications
- Parish Council- object: *'Diptford Parish Council do not support this planning application The building size is inappropriate for the amount of land.'*

Representations:

Two letters of support have been received, which make the following comments:

- The building does not impact on neighbours
- The building is well-hidden with no adverse landscape impact
- Previous application was unfairly discussed

Relevant Planning History

- 2156/22/FUL- Application to regularise and retain agricultural storage building (Retrospective)- refused

ANALYSIS

1.0. Background:

- 1.1. In 2022, an application was submitted to regularise and retain an agricultural storage building, measuring 12m x 5m. This application was refused, as it was not considered that the building was reasonably required to support the essential needs of agriculture, given the small amount of land managed by the applicant, compared to the size of the building.

1.2. This application seeks to address the previous reason by reducing the size of the building, from four bays to three. The applicant has also provided a five-year plan setting out his intentions for the site.

2.0. Principle of Development/Sustainability:

2.1. There is no fall-back for an agricultural building to be constructed on the holding under permitted development rights (as laid out within Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the holding (0.4 hectares) is not presently large enough (minimum required is 5 hectares). The principle of a building to serve the holding therefore falls to be considered against adopted planning policies and the NPPF.

2.2. The site is the open countryside. Policy TTV1 permits development in the countryside only where it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) included as provided for in Policies TTV26 and TTV27. Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement; the first applies to development proposals considered to be in isolated countryside locations. The second aspect of the policy is applied to all development proposals that are considered to be in a countryside location. Therefore, in order to determine whether to assess the proposals under TTV26 (1) or TTV26, Officers must conclude whether or not the site is considered to be isolated.

2.3. The key to applying Policy TTV26 is whether the development proposal is "isolated development in the countryside". The Court of Appeal has held 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". Equally, whether for the purposes of the policy, a group of dwellings constitutes a settlement, or a 'village', will again be a matter of fact in that particular case and planning judgment.

2.4. Applying this to the facts of this particular application the judgment is that whilst the proposal represents development in the countryside, there are nearby buildings which leads Officers to conclude that it is not isolated development. It therefore does not meet the criteria to be assessed under policy TTV26(1), but TTV26(2) is applicable in this instance.

2.5. TTV26(2) establishes that development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

N/A to this site. No PRoW or Bridleways run through or adjacent to the site.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

N/A to this site, there are no traditional buildings within the site.

iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

For the reasons set out in the Design & Access Statement, the building is required for the storage of agricultural machinery and tools which will enable to applicant to manage the land and would therefore not prejudice any agricultural operations.

iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location. The overall size of the agricultural holding is very modest, and so Officers need to be satisfied that there is a proven need for the building. The Statement submitted with the application explains that the applicant plans to use the site for grazing goats, keeping chickens and ducks, and siting beehives. The statement details that the building would provide undercover storage for agricultural machinery and tools, and hay/fodder for the animals.

The proposed five-year plan for the site shows a very small-scale operation is proposed, reliant on the applicant who states in his personal statement that he is not an experienced farmer, but intends to learn how to farm the site, with no assurances or guarantees that what is proposed will come to fruition, or when. It is also noted that the design/layout of the building provides limited internal space which would be secure from the elements, which raises questions about its effectiveness for protecting machinery as is suggested within the submitted statement.

Officers are mindful that the holding owned by the applicants is relatively small (0.4 hectares). It is therefore unlikely that a significant investment would be made in expensive machinery to manage such a small area of land, instead of employing agricultural contractors as and when such equipment is required. The statement already notes that a local farmer cuts the grass currently.

Based on the information provided Officers are not satisfied proven need for the building has been provided.

v. Avoid the use of Best and Most Versatile Agricultural Land.

N/A, the building is sited on an area of hardstanding.

2.6. Policy DEV15 (Supporting the rural economy) includes the following provision:

“Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.” It also states: *“Development will be supported which meets the essential needs of agriculture or forestry interests.”*

2.7. The supporting information submitted with the application only details the intentions of the applicant, which are not based on any agricultural experience, and with no evidence of a current proven need for the development. The small amount of land does not, in Officer’s view, justify a building of the size proposed. For these reasons, the agricultural justification for the building is not considered to sufficiently demonstrate a proven need for the development in the countryside, and the proposal therefore conflicts with policies DEV15 and TTV26.

3.0. Design/Landscape:

3.1. The building is of a functional external design, as would be expected of an agricultural building. It is a timber clad building, which is appropriate for the rural setting and function of the building, and the scale and design would result in minimal visual impact on the local landscape. It is largely obscured from close views by the Devon hedge that borders the site and the highway. Notwithstanding the above comments regarding the agricultural need for the building, the appearance of the building does not of itself raise any substantive design issues.

3.2. Given the rural location of the site, should permission be granted, it would be considered necessary to impose a condition prohibiting external lighting on the

building, as this would create additional levels of light which may harm the setting of the site and its surroundings.

- 3.3. Subject to the recommended conditions, the design of the building is considered acceptable, and it is not considered to harm the wider rural landscape. The development therefore complies with policies DEV20 and DEV23 of the JLP.

4.0. Neighbour Amenity:

- 4.1. The site is some distance from any residences, and therefore raises no concerns with regard to residential amenity. Two local residents have written in support of the application, stating that it does not impact on their properties.

5.0. Highways/Access:

- 5.1. The proposal utilises an existing access and therefore raises no issues with regard to highways matters.

6.0. Summary:

- 6.1. Although the size of the building has been reduced slightly from the previous submission, the fundamental reason for refusal has not been addressed. The application does not provide sufficient justification to explain why a building of the scale proposed is required for such a small area of land. It is noted that the justification is largely based on intentions of the applicant, rather than current needs, and the proposed therefore conflicts with policies relating to agricultural development, namely policies DEV15(6) and TTV26.

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).

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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character

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

Neighbourhood Plan: The site is not within a neighbourhood plan area.

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Sarah Carroll

Parish: Staverton **Ward:** Dartington and Staverton

Application No: 3111/21/HHO

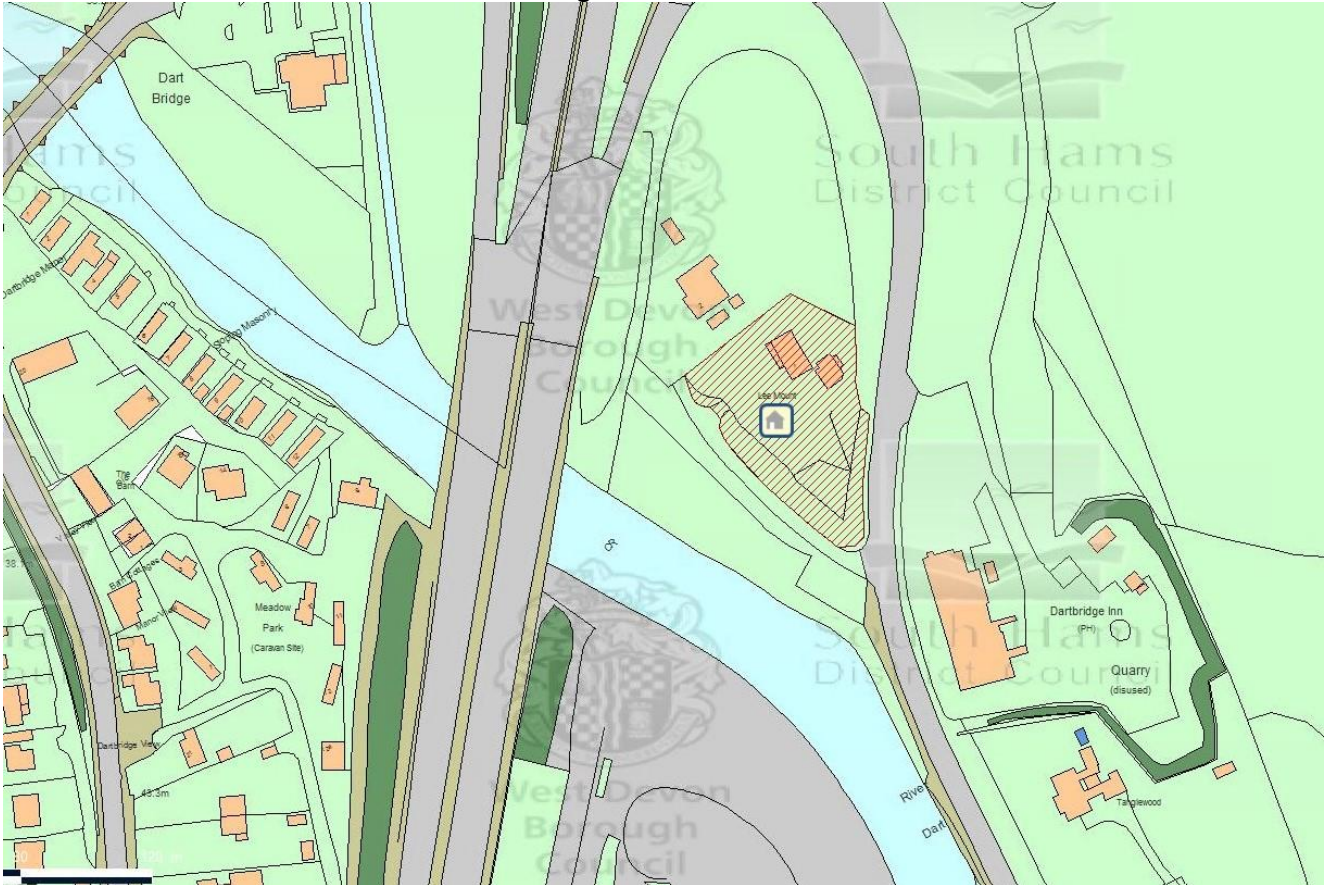
Agent:

Mr Simon Ellis - SIMON J ELLIS & Co.
Woodhill Manor Barns
Liskeard
PL14 6RD

Applicant:

Mrs J. Nichols
1 Lee Mount
Buckfastleigh
TQ11 0JR

Site Address: 1 Lee Mount, Buckfastleigh, TQ11 0JR



3515/22/HHO Development: Householder application for proposed garden room and studio.

Reason item is being heard by Committee: The Local Ward Member has asked that it be heard by Committee for the following reason: *I believe it is borderline regarding whether it is outside of the JLP policies for a garden room / annex and some of the points regarding flood risk and potential use as a separated residence do not seem to me to be borne out in the documents provided. Staverton PC are supportive of this application.*

Recommendation: Refusal

Reasons for refusal

1. The proposed building is not considered to be a subservient addition to the site, due in part to its footprint, which is almost as large as the host dwelling, as well as its design features, such as the glazed gable, the wrap-around decking, two separate entrances, and domestic pattern of fenestration. The application is therefore contrary to policies DEV10.4 and DEV20 of the Plymouth & South West Devon Joint Local Plan (2014-2034), paragraph 130 of the National Planning Policy Framework (2021), and paragraphs 4.128, 4.129, 4.130 and 4.131, 4.133 of the Plymouth & South West Devon Joint Local Plan Supplementary Planning Document (2020).
2. Insufficient information has been submitted to demonstrate that the proposal will not have an adverse impact on protected species and the nearby SSSI or have a biodiversity net gain contrary to policy DEV26 of the Plymouth & South West Devon Joint Local Plan, paragraphs 7.86 and 7.95 of the Plymouth & South West Devon Joint Local Plan Supplementary Planning Document (2020) and paragraphs 179 to 182 of the NPPF
3. No information has been submitted to show how the development will reduce the energy load of the development, maximise the energy efficiency of fabric and deliver on-site low carbon or renewable energy systems and is therefore contrary to policy DEV32 of the Plymouth & South West Devon Joint Local Plan, paragraphs 9.5 to 9.28 of the Plymouth & South West Devon Joint Local Plan Supplementary Planning Document (2020) and section 14 of the NPPF

Key issues for consideration:

Principle of development, design, landscape impact, neighbour amenity, impact on trees with a Tree Protection Order, consequences of development in the Flood Zone 2 and 3 and biodiversity risks as the site is in a Bat Special Area of Conservation.

Site Description:

The site lies just off the A384 that wraps around the north east of the site, the Devon Expressway is to the west of the site and the River Dart to the south. There is one neighbouring property number 2 Lee Mount to the north west of the bungalow.

The site contains three outbuildings, a garage, store and shed, and two static caravans. The driveway slopes up to the main dwelling and there is a large front and side garden.

The site lies within Flood Zones 2 and 3 and the Greater Horseshoe Bat Special Area of Conservation.

The Proposal:

The proposal is for a single storey garden room and studio timber boarded building almost parallel to the main dwelling, within the residential curtilage of the site. There are two static caravans in the position of the proposal and another behind to be removed as part of the proposal. There is a garage and store between the main dwelling and the proposed garden room.

The footprint is almost identical to the main dwelling, measuring 64.8 meters squared. It is single storey with a wraparound terrace with glass balustrading, bi-fold doors onto the terrace and front entrance into a lobby that separates the garden room from the studio. There is also a set of steps to a rear entrance which leads to the studio.

Consultations:

- County Highways Authority: No implications
- Town/Parish Council: *Staverton Parish Council support this application, subject to it being ancillary to existing use.*
- Tree Officer: *The scheme if approved would not prevent the replacement planting for T1 Copper Beech of TPO Ref 314 as required by Condition 1 of Tree Work application reference 0273/21/TEX, therefore I would raise No Objection to the proposed garden room and studio.*
- Drainage Engineer:
The development has little impact in terms of surface water so No comment in terms of drainage.

Please note that the development is with Flood zone 2/3 and will require comment from the EA with regard to flood risk and suitability. Generally raising the levels to mitigate the risk is not the best solution as this results in loss of functional flood plain.

Please ensure that the Environment Agency are consulted on the application.

- Environment Agency: No response at the time of writing this report.
 - DCC Ecology: See Analysis section

Representations:

None

Relevant Planning History

50/1499/78/3 - 05/12/1978 Conditional Approval
Internal alterations and extensions to form new cellar and toilet.

3430/20/TPO - T1: Copper Beech - Fell due to close proximity to surrounding buildings.

50/1504/89/3 - 23/08/1989 Conditional Approval
Erection of store and double garage.

ANALYSIS

Principle of Development/Sustainability:

1. The site is an established residential property outside the village confines of Buckfastleigh, which would be considered unsustainable under the terms of policy STP1, STP2 and TTV1. Being located in the countryside the erection of an ancillary building is the subject of policy TTV29 which permits development in the countryside provided that the extension is appropriate in scale and design in the context of the setting of the host dwelling. Officers are therefore satisfied that the principle of a residential extension here is acceptable under the terms of policy TTV29.
2. However, Officers are concerned that the proposed garden room/studio building is not of an appropriate scale, position or design in this instance. The building would be separated from the main house. It measures in the order of 13m x 7m, almost the same scale as the footprint of the main house which measures some 14m x 8m.
3. The Plymouth & South West Devon Joint Local Plan SPD provides further advice on policy interpretation and in respect of TTV29 it states at paragraph 11.85 an extension may be considered 'appropriate' if it does not seek to increase the internal floorspace (on its own or in combination with all subsequent extensions) of the original house by more than 50 per cent. Given the previous approved extensions and the advice in the SPD, the size of the building is not considered to accord with adopted policies.
4. The JLP Supplementary Planning Document (SPD, adopted July 2020) provides further guidance on the acceptability of residential annexes and outbuildings, stating that they should be; 'accessed via the main dwelling or its garden and not by means of an independent access, be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently, and be an extension to the existing dwelling, or an outbuilding sited within its garden' (amongst other things, full list in paragraph 4.130 of the SPD).
5. In this case the layout, as shown, provides two main rooms, a garden room of about 22m² and a studio of about 38m²-40m². In between the two rooms is a large store. Although it is not accessed from the main dwelling it is within the garden area and, if built as shown, does not provide for independent living. However the proposal still significantly exceeds the Council's advisory advice on size and will not be subservient to the main dwelling and not appear as a subordinate addition to the site.

Design:

6. In design terms the proposal also has to be considered against policies DEV10 and DEV20.
7. The proposed building is set on a raised plinth to lift the level above the flood zone 3 level. A ramped access wraps around the side and a part of the front elevation to the main access. Its setting on a plinth makes it a dominant feature which is exacerbated by the design of the building. It's features such as the glazed gable, on the front elevation heighten the overall massing and visual impact of the building and ensures that it is not a subservient addition to the existing dwelling
8. Other design features such as the extensive glazing to the entrance area, the bi-fold doors and other windows ensure that the building would have the appearance of a residential unit in its own right. The internal floor space would exceed the minimum requirements of the Nationally Designated Space Standards for a new dwelling, and

whilst Officers acknowledge that the proposal is for an incidental building, rather than a dwelling, and that this use can be secured by condition, the size of the building, aforementioned design features, and the physical separation from the main dwellinghouse do not give the appearance of a subservient domestic outbuilding.

9. Policy DEV10.4 states that residential annexes (which this proposal is) will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary. This proposed building does not meet these requirements and is contrary to DEV10
10. Policy DEV20 at 20.2 and 20.3 requires proposals to have proper regard, amongst other things, to siting, layout, scale, massing and height and achieve a good quality sense of place and character. This proposal is of a scale, height and massing that is out of character with ancillary buildings and will be a dominant feature in the curtilage of this dwelling.
11. The JLP Supplementary Planning Document (SPD, adopted July 2020) provides guidance on the acceptability of residential annexes and outbuildings as outlined in paragraph 4 above. The SPD also gives guidance on the features and elements of the proposal to consider: 'When considering whether an extension or outbuilding is capable of being occupied independently of the main dwelling, the LPAs will have regard to its relationship to the main dwelling, and the extent to which facilities such as bathrooms, kitchens and toilets are shared.' In this case the layout shown does not contain such facilities but is, by virtue of its size, easily convertible to be occupied independently.
12. The SPD goes further and states that LPAs will normally expect an annex to:
 - Be an extension to the existing dwelling, or an outbuilding sited within its garden - the positioning of the outbuilding is within the curtilage of the main dwelling of 1 Lee Mount, but located parallel and raised to a similar height to the main dwelling its height and massing appears equal to the existing house.
 - Be functionally related to the main dwelling – the use of the building as stated on the plans (as a garden room/studio) would be related to the main dwelling. The external features are modern, they are excessive in relation to its intended ancillary use and incongruous to the host dwelling, which will be forced to compete with the features of the proposed building.
 - Be used only in conjunction with the main dwelling - as above.
 - Be in the same ownership as the main dwelling - the whole site is owned by the applicant, however the proposal is to accommodate a family member's need's an is considered below in the material considerations section
 - Be accessed via the main dwelling or its garden and not by means of an independent access - the proposed building would benefit from its own access, separated from the main dwelling. There would be no need to access the main dwelling in order to use the additional building.
 - Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently- the plans include a WC, three areas for storage, a garden room with a terrace and a large studio. Once constructed, the

building could potentially be severed from the main dwelling to form a separate unit due to its size and location with little adaptation, and internal works which would not require further planning permission in themselves. The footprint is almost identical to the host dwelling. However, an incidental outbuilding has been applied for, and a condition could be applied to ensure that the use remains as such, should planning permission be granted to prevent the establishment of another unit of accommodation.

- Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the outbuilding- although the external space at the site is currently open, the location of the proposed building would lend itself to easily be separated, providing separate amenity and parking areas.
- Be designed in such a way as to easily allow the outbuilding to be used as an integral part of the main dwelling at a later date- the proposed building has a detached relationship from the main dwelling and is separated into the garden area on the other side of the driveway and parking area. It is not integral to the house and it is unlikely that it could be integrated in the future without significant extension works.

13. Although the SPD is guidance, rather than policy, when assessing the proposed building against the key considerations (above), it conflicts with the majority of them. The proposal is therefore considered contrary to policy DEV10 of the JLP.

14. It is important to note that Officers are not making any assessment on the planning merits of constructing a residential unit on the site, as this is not what has been applied for. In this instance, the concern is that the proposed building is not of a scale and design that it is considered to be a building incidental to the enjoyment of the main dwellinghouse, and as such, is not acceptable when considering the relevant policy for domestic outbuildings.

15. In summary:

- the design of the proposal is not thought to be appropriate for a domestic ancillary outbuilding having the appearance of a dwelling in its own right. . The proposed building would be vertical timber clad, of a similar footprint and levels as the main house, with a glazed front gable, bi-fold doors that open onto a wrap-around glass balustrade terrace and full length narrow windows.
- It fails to appear as a subservient, incidental building. The design of the building has had no regard for the character of the host dwelling, and when considered alongside the separation between the two, it would not appear as an outbuilding which is respectful of development in the locality, contrary to policy DEV20 of the JLP.
- It is considered to be excessive in terms of scale and design given the proposed use.. This is exacerbated by the building being of a comparable height to the main dwelling taking into account the difference in ground levels required to accommodate the proposal, whilst the floorspace of the building would be great enough that it is comparable with the host dwelling.
-
- the design and scale of the proposed ancillary building does not appear to have had regard for the context of the site, and therefore conflicts with policy DEV20 of the JLP, which

requires development to be in keeping with the site and surroundings in terms of density and scale, and in proportion with the existing building.

Neighbour Amenity:

16. The siting of the proposed building does not raise any concerns with regard to neighbour amenity, subject to the use of the building in the manner proposed, rather than for any residential purposes, and no objections have been received.

Highways/Access:

17. The proposal would not impact upon the existing highways arrangements provided the building is used as proposed.

Flood Zone:

18. As the site is located in the Flood Zone 2 and 3 and the proposal is to develop the land as a permanent building in residential use there is a potential safety issue. The Environment Agency Flood Map indicates that the proposed structure would encroach into Flood Zone 2 and 3. To mitigate this flood risk the applicant proposes to raise the levels of the existing garden where the building is to be located such that the building will be set above the 100 year flood level. It will also allow for an evacuation route to be created to higher ground at the rear of the property.
19. The raised ground level will locate the structure in Flood Zone 2 which in accordance with the Flood Risk Vulnerability and Flood Zone 'compatibility' table would make the development acceptable. Flood resilience measures such as raised electrical sockets and tiled floors are recommended to address flood risk associated with the Q1000 event.
20. The loss of flood plain storage at the higher elevation, associated with the raising of the plateau levels, will be offset by excavation of the fill material from the lawn area.
21. The proposed structures location is shown to be unaffected by both overland flow and flood flows associated with the failure of the Venford Reservoir.
22. In summary the applicant's consultant concludes that the proposed scheme will not be subject to unacceptable flood risk and should not increase the risk of flooding elsewhere.
23. Officers have consulted the Environment Agency and the Councils Drainage Department. There has been no response from the EA at this time. A drainage response has been received from our engineers which is outlined above in the Consultations section.

Biodiversity:

24. DCC Ecology response states that the site is situated only 280m from the edge of the Buckfastleigh SSSI designated roost for the South Hams SAC – at the very least, a Habitat Regulations Assessment will need to be completed and agreed with Natural England prior to determination. They recommend that Natural England should also be consulted on this application, given the location of this site next to a highly sensitive

statutory designated site. They also note from the Wildlife Checklist that the requirement for an ecological report has been ticked given the size of the application site. Given the detail in the completed wildlife checklist and the close location of the site next to a SSSI/SAC boundary, they believe an ecology report should therefore be undertaken and accompany this application

25. There are no biodiversity enhancements proposed, contrary to policy DEV26 which requires the protection, conservation, enhancement and restoration of biodiversity across the plan area and net gains in biodiversity. Although the policy is directed towards major proposals the JLPSPD gives further advice. It states that LPAs will also encourage provision for biodiversity net gain where appropriate for smaller developments. Use of the Defra Biodiversity Metric would be disproportionate for minor development applications. Nonetheless, minor developments are able to deliver proportionate (in relation to type, scale and impact of the development) and measurable net gain or enhancements for biodiversity. As a consequence the proposal is contrary to DEV26

Tree Preservation Order

26. There is a TPO application 3430/20/TPO for a Copper Beech Tree that required felling due to the close proximity of surrounding buildings. The Council's Tree Officers is satisfied there are no further impacts to the trees on site as a result of the development but would like the condition of the TPO upheld by the applicant.

Landscape

27. The landscape character for the area is 'Settled valley floors', meaning the '*landscape type contains the flat, settled river valleys of the River Yealm and the River Avon as the flow from their origins on Dartmoor towards the sea.*' It is '*low lying and enclosed, containing a mix of recreational, industrial and agricultural land uses.*' This is taken from the Landscape Character Assessment (2018). It is a guidance document but provides an informative description as to what is generally expected from the wider landscape. Officers note the site is an established residential unit and do not consider the proposal to be significantly impacting on the wider landscape, however the scale, design and positioning of the outbuilding increases the built form of the site. The design as a contemporary building is also visible from the surrounding area and although Officers would not refuse the proposal based on landscape impacts itself, if the site were to become split into two separate residential units the potential impact to the landscape may differ when considering the additional footfall, domestic features and infrastructure required.

Climate Change

28. DEV32 requires developments to reduce the energy load of the development, maximise the energy efficiency of fabric and deliver on-site low carbon or renewable energy systems. The application contains no details of how these are to be achieved. For a minor proposal such as this simple measures such as consideration of the layout, orientation and design to maximise natural heating, cooling and lighting and a consideration of minimising heat loss are the key factors. Also a consideration of the use of renewable technology would be expected. This proposal does not indicate what measures are either being considered or adopted and the development is contrary to policy.

Material Considerations

29. The applicant has put forward personal circumstances to justify the proposed building which is précised here. For health reasons a family member is currently supplying domiciliary and health care for their relative. This building will provide space for their substantial record collection and home entertainment system, which will be relocated into the studio, the remaining area, garden room will be used ancillary to the parent dwelling by the son and other members of the family when they visit. The existing bungalow is only two bedroom and modest in size and therefore the garden room will provide additional space when family members stay at the bungalow, it will also provide an area of rehabilitation for the applicant, the decking reflects the similar detail to the bungalow, it also provides a levels access approach avoiding steps which would be necessary due to the Topography of the site. There will be an accessible toilet and wash hand basin to meet the Building Regulations in terms of spaces sizes. The proposal is a considerable visual improvement over the two ageing caravans that exist in the lovely garden, and has purposely been designed to maximise the south westerly aspect of the garden.
30. Officers consider the personal circumstances outlined above do not carry sufficient weight in a consideration of the planning balance to overturn the potential harms arising from the proposal and outweigh the policy objections, especially when there may be more acceptable alternatives to the current proposal.
31. The removal of the existing static caravans will improve the appearance of the site but their replacement with a permanent building of such size will compromise the modest domestic scale of the existing dwelling and the benefit arising from the removal will be lost.

Conclusion

32. The proposed garden room and studio building is not of an appropriate size, position or design. A small-scale incidental building is likely to be acceptable provided the design and position were also policy-compliant. Similar concerns have been raised by the Parish Council who request that it remain ancillary to the main building.
33. On balance, the scale and design of the proposed development is such that it would not appear to be a subservient building, given the footprint of the building, the separation from the main dwelling and design features. The proposal is therefore contrary to policy, and for these reasons Officers recommend refusal.

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

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*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.

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

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan – Not yet made

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

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

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Belle Richer-Hill

Parish: Totnes **Ward:** Totnes

Application No: 3679/22/FUL

Agent/Applicant:

Mr R Smith - Hand Drawn Home Ltd
(Architects)
Modbury House
New Mills Business Park
Modbury
PL21 0TP

Applicant:

Mr & Mrs Biggs - Bonds Lifestyle Ltd
Evesham Road
Dodwell
Stratford-Upon-Avon
CV37 9ST

Site Address: 92 High Street, Totnes, TQ9 5SW



Development: Change of use from shop to residential of part of the ground floor & entire first & second floors comprising two dwellings & second floor roof conversion/extension

Reason item is being put before Committee

One of the Local Ward Member has asked that the application be called to committee for the following reasons: *lack of parking, unable to support town centre holiday accommodation during local housing crisis, over reduction of current retail unit.*

Recommendation: Conditional Approval

Conditions:

1. Standard time limit
2. Accord with plans
3. Accord with ecological appraisal
4. Materials to match
5. Conservation rooflights
6. Restrict change of use of ground floor

Key issues for consideration:

Principle of Development/Sustainability
Neighbour Amenity

Site Description:

The site is a two storey end of terrace commercial building, with large glazed shop front to north-west elevation on the ground and first floor levels, located at the junction where the High Street meets Leechwell Street in the primary shopping area of Totnes.

The site is located within the Totnes Conservation Area, in an area with a high density of listed buildings including the neighbouring properties on each side of the junction and the attached terrace to the north, Landscape Character Area 7 (Main towns/villages), SSSI Risk Zone, and Critical Drainage Area.

The Proposal:

The applicant seeks permission for the partial change of use of the ground floor for the provision of bin and cycle storage and the conversion of the entire first and second floors to create two self-contained flats. Proposed external alterations include, but are not limited to: removal of window bars; replacement windows and doors largely in existing openings; the replacement of existing rooflight and addition of 3 further conservation rooflights to the south west elevation (facing South Street); addition of partial mansard roof, dormer, and creation of a flat roof terrace with metal balustrade and privacy screen to north east elevation; and repairs to external materials where necessary.

Consultations:

- County Highways Authority No highways implications
- Totnes Town Council Object

'Objection for the following reasons:

- *Loss of commercial space and the removal of storage space compromises the future use of this retail area.*
- *Evidence of housing need – the emerging Totnes Neighbourhood Plan identifies the need for small housing units for local people, not holiday accommodation. Where is the evidence of a need for holiday rental properties in the town?*

- *Lack of parking provision – this will put pressure on existing busy car parking facilities in the town.*

The Committee requests that if the Planning Officer is minded to recommend approval of this application that it is called to DM Committee as a precedent could be set in creating holiday retail units.'

- Drainage None received

Representations:

None received

Relevant Planning History

Decision date	Planning application reference	Proposal	Decision
30/01/2014	56/2331/13/PREHH	Pre - application enquiry for proposed change of use to residential.	Pre application (Partial Support)
11/08/2016	1828/16/FUL	Application to form new rear pedestrian access	Conditional Approval
17/10/2022	2663/22/PR4	Pre Application Enquiry For - Creation of 2 self contained holiday lets on 1st & 2nd floors. Shop below to be refurbished.	Pre application (Partial Support)
15/06/2016	1287/16/FUL	Alterations to provide new rear pedestrian access and drainage connection	Withdrawn
28/10/2014	56/0935/14/PREHH	Pre - application enquiry for proposed alterations to building	Pre application (Officer support)

ANALYSIS

1 Principle of Development/Sustainability:

1.1 The site is located within the Totnes town centre and is one of the Main Towns identified in Policy TTV1 of the Joint Local Plan (JLP) which seeks to prioritise growth in sustainable locations. The Main Towns area is the top tier of the settlement hierarchy and is identified as the most sustainable locations for growth and development. JLP Policy TTV1 states that *'The Main Towns will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area'*.

1.2 Policy DEV16 (Providing retail and town centre uses in appropriate locations) sets out considerations for determining development proposals relating to retail and other town centre uses including changes of use of existing floorspace, this states that *'Proposals within identified centres should be of a scale appropriate to the role of the centre'*. Policy DEV17 (Promoting competitive town centres) offers support in the town centres for development proposals that offer 'residential uses above ground floor retailing' and notes that *'change of uses in the town centres will be supported in suitable locations and in accordance with the town centre, primary shopping frontages and secondary shopping frontages designations'*. Policy DEV18 (Protecting local shops and services) sets out considerations for development

proposals which result in the loss of retail, this includes that *'development within centres should maintain the vitality and viability of the centre as a whole and ensure that the centre retains its role in the retail hierarchy, meeting the needs of the area it serves'* and recognises that alternative commercial uses to A1 might be acceptable provided that development proposals continue to encourage footfall within the centre and support the main functions of the rest of the centre. The supporting text acknowledges that *'there is a need to recognise that the nature and role of town centres has evolved over the years in response to issues such as changing retail behaviour'*. Policy E3 (The Town Centre) of the emerging Neighbourhood Plan states that *'Within the town centre's primary shopping area, as defined in the JLP, ground floor space and shopping frontages should be retained predominantly in retail use'* and that *'New development in the town centre will be required, where appropriate, to contribute, .. towards the following priorities'* which includes, but is not limited to, *'improved vehicle, bicycle and car parking provision'* and *'maintaining the offer for convenience and everyday goods'*.

1.3 The proposal involves the change of use of a portion of the ground floor commercial space for a bin/refuse store and cycle store to support the residential accommodation, and the change of use of the first and second floors to create self-contained residential flats. The external shopfront would remain unaltered.

1.4 Officers are aware that the Parish council have objected to the loss of commercial space and raised concerns that the proposal could compromise the future use of this retail area. In this case, the submitted supporting documents have demonstrated that the proposal responds to the *'changing nature of shop keeping and commercial trading'* and seeks to *'compete with online only companies with a hybrid offering'*. It has been demonstrated that the ground floor space would be retained predominantly in retail use meaning that the partial change of use would not have an adverse impact on the commercial space which would remain viable. This would not undermine its contribution to the town centre and the retail offer available in general. On balance, this is considered to be proportionate response that would continue to contribute to the town centre.

1.5 Policy DEV10 sets out that *'housing development should be of a high quality in terms of its design and resilience'*. Of relevance to this application, the policy 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'* and *'Conversions of existing properties into flats and Houses in Multiple Occupation will only be permitted where the development will not harm the character of the area having regard to the existing number of converted and non-family dwellings in the vicinity, and in the case of flats, where the accommodation is self-contained'*.

1.6 The internal floor space for the first floor flat at 82sqm (standard based on one storey, 2 bedrooms, 4 people = 70sqm + 2sqm built-in storage) and second floor flat at 69sqm (based on one storey, 2 bedrooms, 3 people = 61sqm + 2sqm built-in storage) exceeds the minimum gross internal floor areas and storage set out by the Nationally Described Space Standards with further provision for communal bin and cycle storage. The external amenity space recommended in the South West Devon Supplementary Development Plan (SPD) for flats is 50m² per development, normally in the form of communal space. In this case, although this is not provided, as the site is within Totnes town centre with good access to existing parks and other community facilities, officers consider that this would not be of sufficient weight to refuse the application on this basis. Policy DEV10 and Policy E10 (Car Parking) of the

Neighbourhood Plan requires parking provision, however Policy E7 (Sustainable Transport) of the Neighbourhood Plan states that '*New development should be designed to reduce the likelihood of travel by car and support a more sustainable local transport network*'. In this case, although there is no provision for parking, the site is within Totnes town centre and is well located with good pedestrian, cycling and public transport connectivity to existing developed areas, open spaces and local services such as schools and shops. Officers consider that whilst the proposal does not meet the planning policies completely, this would not be of sufficient weight to refuse the application on this basis.

1.7 The parish council have objected to the potential use as holiday units. In response, the applicants have explained that these residential flats may be used in various ways and the benefits that a holiday let would provide to the area. Officers consider that as the site is located within a Main Town and is well located with transport connectivity and local services, this is a sustainable location for tourism and at present there is no planning policy for refusing the application on this basis, therefore officers consider potential use for holiday accommodation would not warrant a refusal.

1.8 Overall, the proposal is well located in a main town with good access to existing facilities and public transport connectivity. This is considered to be a sustainable form of development that would not undermine the vitality of the town centre and complies with JLP Policies SPT1, SPT2, TTV1, TTV2, DEV18, and DEV10 and Policies En1, E3, E7, and E10 of the Totnes Neighbourhood Plan and is therefore considered to be acceptable, subject to conditions and compliance with other relevant policy considerations.

2 Design:

2.1 Proposed external alterations include, but are not limited to: removal of window bars; replacement windows and doors largely in existing openings; the replacement of existing rooflight and addition of 3 further conservation rooflights to the south west elevation (facing South Street); addition of partial mansard roof, dormer, and creation of a flat roof terrace with metal balustrade and privacy screen to north east elevation; and repairs to external materials where necessary. The proposed external alterations are generally consistent with the appearance, details and materials of the existing building and surrounding area. The proposal would therefore maintain the local distinctiveness and historic character of the area. This responds positively to the site context and complies with JLP Policies DEV10 and DEV20 and Policies V1 and En2 of the Totnes Neighbourhood Plan, and is therefore considered to be acceptable, subject to conditions.

3 Heritage:

3.1 As the site is within the Totnes Conservation Area in an area with a high density of listed buildings, officers must be mindful of the duty to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' and pay '*special attention.. to the desirability of preserving or enhancing the character or appearance of that area*' (Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). Due to the minimal external alterations, the proposal is considered to be in keeping with the character and appearance of the conservation area and retain the setting and significance of the nearby listed buildings. This responds positively to the site context and complies with JLP Policy DEV21 and Policy En3 of the Totnes Neighbourhood Plan, and is therefore considered to be acceptable, subject to conditions.

4 Landscape:

4.1 Given the character of the site and its surroundings, the development is considered to be in keeping with the townscape context. Therefore the proposal is considered to accord with JLP Policy DEV23.

5 Neighbour Amenity:

5.1 The proposal largely includes the replacement of existing windows. The addition of a flat roof terrace space, windows, and rooflights are proposed. JLP Policy DEV1(1) concludes that '*Unacceptable impacts will be judged against the level of amenity generally in the locality*'. In this case, the proposed development is generally consistent with the level of amenity within the town centre and would not introduce materially harmful impact on residential amenity by way of daylight, sunlight, outlook, privacy and noise disturbance, over and above that of the existing arrangements and no related objections have been received. Therefore the proposal is considered to accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

6 Ecology:

6.1 The submitted application form, associated Wildlife Trigger Table, and Ecological Appraisal confirms that there should be no detrimental impact on protected and/or priority species, designated sites, important habitats or other biodiversity features, features of geological conservation importance and no further details are required in relation to ecology and/or biodiversity. Therefore the proposal is considered to accord with JLP Policy DEV26.

7 Conclusion:

7.1 On balance, the proposal is considered to accord with the development policies set out in the JLP and Neighbourhood Plan. Therefore the proposal is considered to be acceptable and is recommended for approval, subject to conditions.

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

Planning Policy

Relevant policy framework

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

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

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*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
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
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
DEV3 Sport and recreation
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Totnes Neighbourhood Plan is currently at Regulation 16/17 stage (undergoing independent examination). As such significant weight must be placed on its policies when considering applications within the Plan area. Relevant policies include:

V1 – Local Identity

En1 – Sustainable development and the settlement boundary

En2 – Development and design

En3 – Historic and built character
En6 – Enhancing local environmental capacity
E3 – The town centre
E7 – Sustainable transport
E8 – Walking and cycling
E9 – Public and community transport
E10 – Car parking
C1 – The public realm
C4 – Housing

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Supplementary Development Plan (SPD) 2020 Totnes Conservation Area Appraisal (2007)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

CONDITIONS

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawing number(s) received by the Local Planning Authority on 8 November 2022:
 - Existing Sections 2204 EX02 RevB
 - Proposed Sections 2204 PL02 RevB
 - Location Plan 2204 EX00 Rev BAnd the following drawing number(s) received by the Local Planning Authority on 14 November 2022:
 - Existing Plans 2204 EX01 RevCAnd the following drawing number(s) received by the Local Planning Authority on 22 November 2022
 - Proposed Plans 2204 PL01 RevD

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

3. The recommendations, mitigation and enhancement measures of the Bat & Nesting Bird Survey, by Butler Ecology, dated 24 August 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building, unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

5. All new rooflights shall be of a conservation type and shall be fitted so as to be flush with the existing roof profile.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and the conservation area.

6. The ground floor entry way shall be set out in accordance with drawing number(s) and shall be retained for this purpose only and not be used as habitable accommodation.

Reason: To safeguard amenity and the provisions of bin and cycle storage for the associated accommodation.

INFORMATIVES

1. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

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PLANNING APPLICATION REPORT

Case Officer: Belle Richer-Hill

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 3985/22/FUL

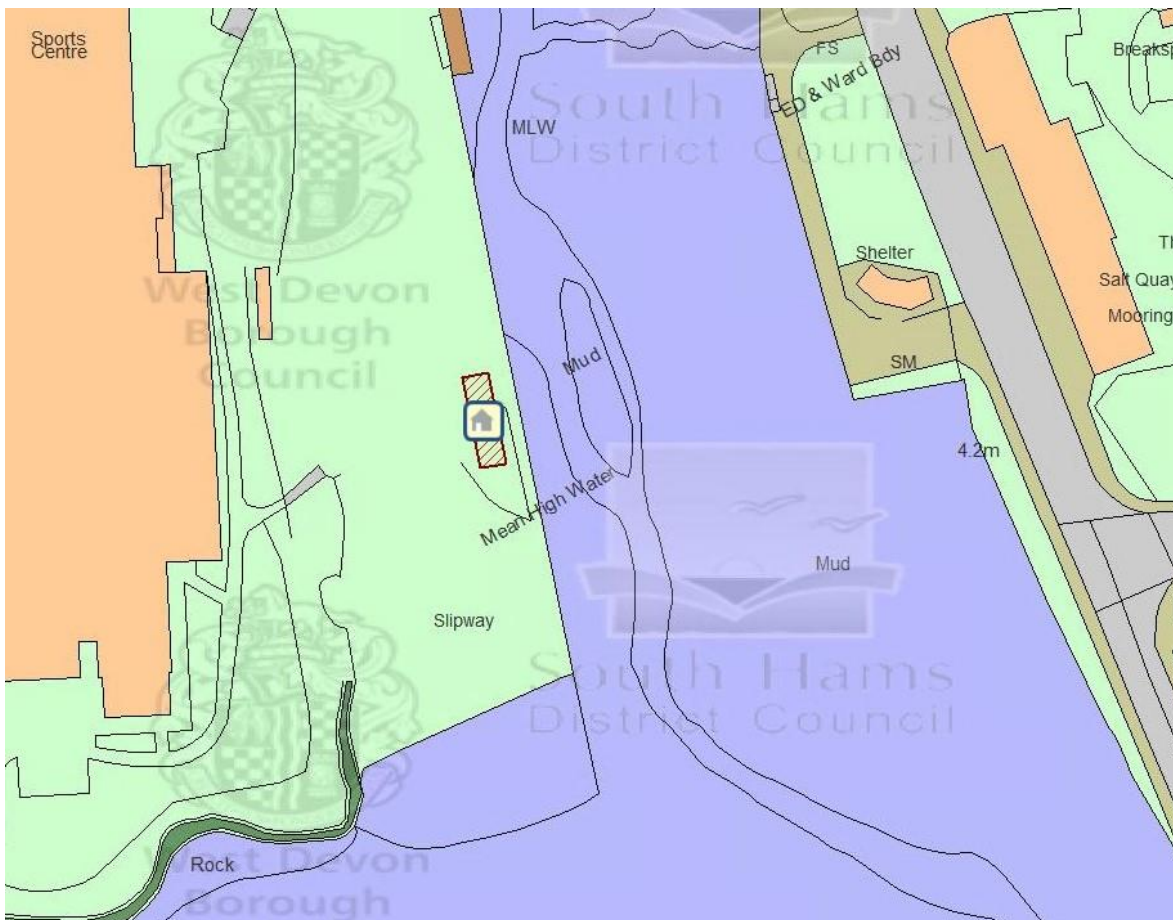
Agent/Applicant:

Mr Crispin Jones - CRJ Enterprises LTD
t/a Waterborn
3 Jacqueline House
Ticklemore Street
Totnes
TQ9 5EJ

Applicant:

Mr Crispin Jones - CRJ Enterprises LTD t/a
Waterborn
3 Jacqueline House
Ticklemore Street
Totnes
TQ9 5EJ

Site Address: Squares Quay Car Park, Kingsbridge, TQ7 1HN



Development: Proposed siting of 2 containers for paddleboarding school

Reason item is being put before Committee

Proposal is sited on land owned by South Hams District Council.

Recommendation: Conditional Approval

Conditions:

1. Time limit (temporary 2 year consent)
2. Accord with plans

3. External lighting

Informatives:

1. Responsibility for compliance
2. Protected species
3. Advertisement consent
4. Marine licenses

Key issues for consideration:

Principle of Development/Sustainability
Design/Heritage/Landscape:
Highways/Access

Site Description:

The site is comprised of approximately 130m² within Squares Quay Car Park, on the west bank of the Kingsbridge Estuary, approximately 300m from the town centre. The proposed site is across 9 car parking spaces by the top of the slipway, within the low stone boundary wall that separates the car park from the slipway and the footpath which runs along the estuary. There is an existing skate park to the eastern side of the car park.

The site is located within the South Devon Area of Outstanding Natural Beauty, Landscape Character Area 7 Main towns/villages, Flood Zone 2/3, Critical Drainage Area, and SSSI Risk Zone. The site is approximately 125m south of Grade II Listed 'Kingsbridge and Dodbrooke War Memorial' (list entry number 1433998) and approximately 160m south of the southern boundary of the Kingsbridge Conservation Area.

Officer Note:

Squares Quay Car Park is owned by South Hams District Council. The applicant has been granted a 2 year license from the relevant department for a paddleboarding business.

The Proposal:

The applicant seeks temporary permission for the change of use of the site from the existing use of car parking to 'Class F2(c) Area of places for outdoor sport or recreation' and the siting of two steel shipping containers (approximately 6m in length, 2.7m in height, 2.4m width) positioned approximately 4.2m apart with planters to the east (to the front, facing the car park and the top of the slipway) for safety reasons. The shipping containers would be timber clad with logo and white coloured uvpc windows and doors.

Consultations:

- Kingsbridge Town Council Support

'Recommend Approval and it is suggested that on completion of a 24 month period for the paddleboarding school to be reviewed with consideration for its relocation at the head of the Slipway on its eastern perimeter close to the skatepark'

- DCC Ecology Ok subject to conditions
- Natural England No objection

- Marine Management Organisation May require license
- County Highways Authority No highways implications
- Drainage No comments received
- Devon and Cornwall Police
 Designing out crime Advice offered – if intended to store high value within office, recommend monitored intruder alarm, valuable equipment forensically marked, record asset/serial number, and lock containers with padlock of Gold Sold Secure standard

Representations:

47 letters of representations have been received (42 in support, 2 in objection, 3 undecided) and cover the following points:

SUPPORT

- Safe and fun way to get on the water and learn new skills, important water safety education, positive for mental health, creating confidence for all age levels
- Ideal location for teaching beginners compared to beaches where waves make harder to balance
- Already successful professional business, experienced staff and quality equipment
- Loss to local community if application fails
- Complement current marine activities
- Destination for visitors, pull for tourism, asset to local area
- Benefits local community
- Generates additional business (attracts visitors who patronise local shops, cafes & restaurants) and employment opportunities
- Fit well aesthetically with surroundings (recycled shipping containers, porthole circular windows), low impact, containers not ideal but look good if well placed and adequately clad, better than temporary gazebos or similar
- Sport requires lots of equipment and secure storage
- Recycled materials
- Fast installation, minimal impact to use of surrounding area
- Logical placing, good use of under-used space, regeneration of area
- Ample parking for paddle boarding school (improvement to existing arrangement) in accessible location without causing congestion to others
- Furthest end of car park empty most times of the year, not a through route
- Doesn't carry negative environmental impacts (non-polluting, low-noise, small and safe supervised groups)
- Biodiversity with planters, habitat for pollinators
- Promote interest in wildlife and surrounding landscape
- Business engages in litter picking and raising money for charity
- Hand in hand with new proposed skate park, would create active hub for local youth with leisure centre nearby

OBJECT

- Lack of clarity in declaring full details of proposal
- Not suitable spot within AONB, compromise view down estuary
- More attractive facility desirable, shipping containers not things of beauty, appearance of an industrial site
- No guarantee maintained to good tidy standard

- Fail to confine to red line boundary, equipment and paraphernalia spread out when in use
- Unclear if previous pontoon used or where located, unclear where paddle boarders operate from
- Manoeuvring vehicle and trailer increasingly difficult
- Planters low and narrower than vehicles, cannot be seen in rear view mirror and potentially not seen in wing mirrors, may be hit when reversing
- Car park at capacity during peak summer, spaces already reduced from 250, 17 removed for skate park and another 15 would be removed with enlarged skate park, customers for paddle boarding school would increase parking numbers, reducing spaces available for customary town and visitor parking, reduces available parking in support of town centre contrary to TTV10(2)
- Warnings listed around quay slipway
- Slipway in poor state of repair, narrow access to moorings channel
- Potential conflict between paddle boarders and motor boats. Previous accidents/deaths elsewhere. Risk assessment to confirm navigation of marine craft to/from pontoon and operations of vehicle/trailer access along with boat launching and recovery can co-exist safely, should be located further away from end of car park
- Southern container located over car park drain, make maintenance impossible without removal

UNDECIDED

- Proposal would require additional space for accessing racks
- Further to carry kayaks, slipway blocked by boats and cars from people launching
- Early stage plans for enlarged skate park,
- Lead to future overdevelopment lead to congestion, restricting access to slipway, impact on vehicles with boat trailers and pedestrians accessing both facilities
- Footprint of paddle boarding facility imposes on schematic of proposed skate park

Officer Note:

Consultation responses and letters of representation have been summarised for brevity, these can be viewed in full through the Council's website.

Relevant Planning History

None relevant

ANALYSIS

1 Principle of Development/Sustainability:

1.1 The site is located within the Kingsbridge settlement boundary as established by the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan, close to the town centre. Kingsbridge is one of the Main Towns identified in Policy TTV1 of the Joint Local Plan (JLP) which seeks to prioritise growth in sustainable locations. The Main Towns area is the top tier of the settlement hierarchy and is identified as the most sustainable locations for growth and development. JLP Policy TTV1 states that *'The Main Towns will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area'*.

1.2 JLP Policy DEV16 (Providing retail and town centre uses in appropriate locations) states that *'Proposals will be assessed in relation to their support for the spatial strategy of the local plan and the sequential hierarchy of centres. Proposals within identified centres should be of a scale appropriate to the role of the centre'*. JLP Policy DEV17 (Promoting competitive town

centres) states that *'In the town centres of the Thriving Towns and Villages Policy Area' the LPAs will enable and where appropriate support measures to enhance the economy'.*

1.3 To guide development in Kingsbridge, the JLP Spatial Priority SP3 (Spatial priorities for development in Kingsbridge) states *'The plan seeks to enhance the vibrancy and sustainability of Kingsbridge'.* Of particular relevance to this application are the priorities for: *'Enhancing the central area and quayside through sensitive regeneration and development', 'Retention and enhancement of leisure facilities', and 'Improvements to public realm, including access to the estuary'.* Policy KWAC BE2 (Kingsbridge Quayside and town square) of the Neighbourhood Plan sets out that developments would be supported in this area where they also include *'Enhanced southern slipway providing easier access to the slipway, dinghy storage and water', 'Small scale tourist related employment units in the order of 200m²', 'Overall enhancement of the public realm while retaining the existing uses', and 'Retention and enhancement of the skateboard park'.*

1.4 The proposal is for the temporary change of use of 9 car parking spaces by the top of the slipway to 'Class F2(c) Area of places for outdoor sport or recreation' and the siting of two steel shipping containers for office and storage space to enable the relocation of an existing paddleboarding business which provides equipment for hire and training classes.

1.5 In considering this application, it is noted that there is precedent for non-permanent structures in the area surrounding the estuary. The scale and use is considered appropriate for a temporary structure in an estuary location within a Main Town. Such quayside development would offer leisure facilities and opportunities to better explore the estuary. As has been indicated by the support received for this application, the proposal would enable the relocation of an existing viable business that has a record of attracting visitors and would offer employment opportunities, with potential subsidiary benefits for surrounding businesses. This has been welcomed for the most part and is considered to align with Kingsbridge's role as a Main Town. This supports Policy KWAC Em5 (Promotion of innovative tourism businesses) of the Neighbourhood Plan which offers support for *'Estuary and water based leisure activity'.* Further the proposal avoids the development of a greenfield site or encroachment of the open countryside and AONB as set out in Policy KWAC BE1 (Brownfield first) of the Neighbourhood Plan. Therefore, the principle of the temporary change of use is considered to accord with JLP Policies TTV1, DEV16, DEV17, SP3, and Policies KWAC Em5 and KWAC BE1 of the Neighbourhood Plan, subject to the consideration of other key issues, in particular highways/pedestrian access and safety.

1.6 Officer Note:

Letters of representation have raised concerns regarding conflict with early stage plans for an enlarged skate park which is also a consideration of Policy KWAC BE1 of the Neighbourhood Plan. In this case, the proposal would not conflict with the skate park at this time. As any early stage plans are future intentions for development, these are not yet a material planning consideration.

2 Design/Heritage/Landscape:

2.1 JLP Policy DEV20 (Place shaping and the quality of the built environment) 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'.* The site located within the South Devon AONB, the related JLP Policy DEV25 (Nationally Protected Landscapes) requires proposals to *'conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and*

distinctive characteristics or valued attributes'. Policy KWAC BE3 (Design Quality) of the Neighbourhood Plan offers support for development proposals that *'demonstrate high quality design'* which includes where they *'integrate with the local built surroundings'*.

2.2 The proposal is for the temporary siting of two timber clad steel shipping containers with logo and white coloured uvpc windows and doors, measuring approximately 6m in length, 2.7m in height, 2.4m width and planters to demarcate the boundary between the paddleboarding business and the surrounding car park for safety reasons. No external lighting is proposed.

2.3 Officers note that there are other timber clad structures in the area surrounding the estuary. Given the size, scale, materials, and temporary nature of the shipping containers, the proposal offers a temporary and subservient character and appearance that responds to the proposed temporary use and the functional nature of an active car park. Given the surrounding form of utilitarian structures associated with the car park and the complimentary nature of the temporary proposal to a quayside setting with a Main Town, it is considered that the proposal is generally consistent with the surrounding area and appropriate terms of design and scale. This would respond to the site context and retain the Landscape Character of 'Main towns/villages'. This would preserve the setting of the Listed Structure on the other side of the estuary and the AONB and would not threaten their significance, how they are understood or experienced. Further, considering the general street furniture, the appearance of an active car park, and the trees that line the footpath which runs along the estuary, it is considered that the visual impact would be limited and would not undermine the key views of the set out in Policy KWAC Env4 (Locally Important Views) of the Neighbourhood Plan (KV19 Town slipway looking East, KV21 Crabshell to Kingsbridge (detail), and KV22 Crabshell to Kingsbridge (panorama)) of the Landscape Character and surrounding estuary. Therefore the proposal is considered to accord with JLP Policies DEV10, DEV21, DEV25 and Policies KWAC BE2, KWAC BE3, KWAC BE4, KWAC Env4, KWAC Env5, and KWAC Em5 of the Neighbourhood Plan.

3 Highways/Access:

3.1 JLP Policy DEV29 Specific provisions relating to transport requires that *'Development will contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area'*. Policy KWAC BE2 (Kingsbridge Quayside and town square) of the Neighbourhood Plan sets out that developments would be supported in this area where they also include *'Working with relevant authorities to look for appropriate solutions to manage traffic flow and car parking in and around the town'*.

3.2 The County Highways Authority have not raised any concerns relating to potential impacts on the highway network. However, there are concerns regarding the car park and access around the site, as has been indicated in the objections received to this application.

3.3 Firstly, there are concerns that the associated paraphernalia would not be confined to the site boundary associated with the change of use. The submitted supporting information and verbal discussions with the applicant has confirmed that the equipment will be supervised with visibility through the windows by land-based staff in the office to avoid disturbance to other users of the car park and slipway. Further, as the proposal would be conditioned to be used in accordance with plans and with temporary 2 year consent, this could be monitored to understand the impacts of the proposed change in use on other users and public safety.

3.4 Secondly, there are concerns that the proposal would result in the temporary loss of 9 car parking spaces which might be exacerbated by increased interest in the paddleboarding business. Due to the size of the car park with 200+ spaces and minimal and temporary reduction in spaces, this is not considered to be of such weight to warrant a refusal on this

basis. Further, as the proposal would be conditioned with temporary 2 year consent, this could be monitored to understand the impacts of the proposed change in use on other users and public safety.

3.5 Thirdly, there are concerns of conflict between paddleboarders and users in the water and within the car park. The submitted supporting information and verbal discussions with the applicant has confirmed that visitors will be supervised with visibility through the windows by land-based staff in the office to avoid disturbance to other users of the car park and slipway. The company also offer water safety education to avoid incidents with other water users. Further, as the proposal would be conditioned to be used in accordance with plans and with temporary 2 year consent, this could be monitored to understand the impacts of the proposed change in use on other users and public safety.

3.6 On balance, due to the temporary nature of the proposal and without objections from the relevant specialist consultees, the proposal is considered to accord with JLP Policy DEV29, subject to conditions.

3.7 Officer Note:

Letters of representation have raised concerns regarding conflict with early stage plans for an enlarged skate park which is also a consideration of Policy KWAC BE1 of the Neighbourhood Plan. In this case, the proposal would not conflict with the skate park at this time. As any early stage plans are future intentions for development, these are not yet a material planning consideration. Further there are concerns that the planters would not been seen in mirrors however poor driving abilities are not considered to be a material planning consideration.

4 Neighbour Amenity:

4.1 The proposal is located within a car park in an estuary location within a Main Town where a certain degree of activity during the days and evenings, especially during the holiday season would be expected. The granting of a temporary permission should not give rise to materially harmful impact on outlook, privacy and noise disturbance over and above the level of amenity generally in the locality. Therefore the proposal is considered to accord with JLP Policy DEV1.

5 Flooding:

5.1 Although the site is within Flood Zone 2/3 and Critical Drainage Area, due to the temporary and moveable nature of the proposed shipping containers and lack of habitable accommodation, the proposals are not considered to give rise to any significant risk from flooding. The proposals will not result in an increased risk from surface water flooding. Therefore the proposal is considered to accord with JLP Policy DEV35. The application has been accompanied by a site-specific Flood Risk Assessment. The applicant has subsequently provided a Sequential Test report which states which provides some consideration of alternative sites. It does also note " *all accessible foreshore within the Kingsbridge/Salcombe estuary technically falls under a Flood Zone 3 site so any alternative to keep the business on the estuary would encounter the same issue*". On the basis the nature of the proposal reasonably requires a waterside location and could not reasonably be located in an area at lower risk of flooding, it is considered that the Sequential Test, (as set out within the NPPF and PPG) is satisfied. As the proposal is for a " *water compatible*" use (with reference to Annex 3 of the NPPF as " *Water-based recreation (excluding sleeping accommodation)*"), the Exceptions Test (as set out within the NPPF and PPG) is not applicable.

6 Ecology/Biodiversity:

6.1 The Wildlife Trigger Table and ecological appraisal confirms that there should be no detrimental impact on protected and/or priority species, designated sites, important habitats or other biodiversity features, features of geological conservation importance and no further details are required in relation to ecology and/or biodiversity. Therefore the proposal is considered to accord with JLP Policy DEV26.

7 Climate Emergency:

7.1 JLP Policy DEV32 requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction. Due to the proposed reuse of the shipping containers and temporary nature of the proposals, the proposals are not considered to give rise to any significant implications in terms of compliance with JLP Policy DEV32.

8 Conclusion:

8.1 On balance, the proposal is considered to be acceptable and accord with the relevant policies and legislation. Therefore, it is recommended that the application be recommended for approval, subject to conditions.

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

Planning Policy

Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT6 Spatial provision of retail and main town centre uses

SPT9 Strategic principles for transport planning and strategy

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV3 Strategic infrastructure measures for the Main Towns

DEV1 Protecting health and amenity

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

DEV3 Sport and recreation

DEV16 Providing retail and town centre uses in appropriate locations

DEV17 Promoting competitive town centres

DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Kingsbridge, West Alvington and Churchstow Neighbourhood Plan

Following a successful referendum, the Neighbourhood Plan was made on 15 December 2022. It forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Dartmouth Neighbourhood Area. Relevant policies include:

KWAC Env4 Locally Important Views
KWAC Env5 Prevention of light pollution
KWAC Em5 Promotion of innovative tourism businesses
KWAC BE1 Brownfield first
KWAC BE2 Kingsbridge Quayside and town square
KWAC BE3 Design Quality
KWAC BE4 Safeguarding Designated and Non-Designated heritage assets within the Plan area and the conservation areas of Kingsbridge and West Alvington

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 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.

RECOMMENDED CONDITIONS IN FULL

1. Unless written permission is received from the Local Planning Authority, the development hereby permitted shall be removed and the land restored to its former condition on or before 2 years from the date of this planning permission.

Reason: In order to enable the Local Planning Authority to monitor the impacts of the proposed change in use on highways/pedestrian access and safety.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) received by the Local Planning Authority on 22 December 2022:
 - Site Location Plan
 - Proposed Elevations/Plans/Site Location SK 222212 P1

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 external lighting shall be installed on the site unless details of such lighting, including design, location, the intensity of illumination, have first been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

Reason: In the interests of the character of the area, the protection of protected habitats and species, and the AONB.

RECOMMENDED INFORMATIVES IN FULL

1. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981(as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.
3. The display of advertisements is subject to a separate consent process within the planning system and you may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 15-Mar-23

Appeals Update from 4-Feb-23 to 3-Mar-23

Ward Blackawton and Stoke Fleming

APPLICATION NUMBER: **1178/22/ARM** APP/K1128/W/22/3308361
APPELLANT NAME: Minto Care Dartmouth 2 Ltd/Baker Estates Ltd
PROPOSAL: 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
LOCATION: Land Off Townstal Road Townstal Road Dartmouth
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 10-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartington and Staverton

APPLICATION NUMBER: **3022/22/PDM** APP/K1128/W/22/3312658
APPELLANT NAME: Diane HamyIn-White
PROPOSAL: Application to determine if prior approval is required for a proposed change of use of
agricultural building to 3No. dwellinghouse (Class C3) and for associated operational
development (Class Q (a+b))
LOCATION: Barn at SX 7502 6766 Ashburton **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 10-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Ermington and Ugborough

APPLICATION NUMBER: **0945/22/FUL** APP/K1128/W/22/3307997
APPELLANT NAME: Mr E Kelly
PROPOSAL: Change of use from residential with ancillary offices and holiday
annex use to a mixed use of residential with ancillary offices and holiday plus
occasional event venue (max 10 events per calendar annum)
LOCATION: Ludbrook Manor Ivybridge PL21 0LJ **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 02-March-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **3018/22/HHO** APP/K1128/D/23/3314215
APPELLANT NAME: Mr A Hopwood
PROPOSAL: Householder application for rear extension (Resubmission of 2435/22/HHO)
LOCATION: 2 Erme Bridge Cottages Ermington PL21 9NN **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 09-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Kingsbridge

APPLICATION NUMBER: **3622/22/HHO** APP/K1128/D/23/3314744
APPELLANT NAME: Mr Stephen Coetzee
PROPOSAL: Householder application for proposed side extension
LOCATION: 4 Leigham Terrace Kingsbridge TQ7 1BP **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 17-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **4088/21/FUL** APP/K1128/W/22/3303726
APPELLANT NAME: Mr & Mrs Julian & Fiona Perry
PROPOSAL: Erection of replacement **Page 63** and garage, relocation of access and associated
works (Resubmission of 3943/20/FUL)

LOCATION: Appleford Bowcombe Road Kingsbridge TQ7 2DJ **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 08-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **3801/21/HHO** APP/K1128/D/22/3298501
APPELLANT NAME: Mr & Mrs Angus and Andrea Scanoln Lugsdin
PROPOSAL: READVERTISEMENT (Revised plans received) Householder application for alterations and extensions to existing dwelling (resubmission of 2536/21/HHO)
LOCATION: 3 Elston Cottages Churchstow TQ7 3QS **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 27-June-2022
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 17-February-2023

Ward Newton and Yealmpton

APPLICATION NUMBER: **0099/22/HHO** APP/K1128/D/22/3301109
APPELLANT NAME: John Hemmings
PROPOSAL: Householder application for the removal of small section of low boundary wall to provide off-street parking
LOCATION: 52 Creekside Road Noss Mayo Plymouth PL8 1EE **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 14-December-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 24-February-2023

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **1764/22/FUL** APP/K1128/W/22/3307787
APPELLANT NAME: Mr Graeme Lennox
PROPOSAL: Change existing summerhouse/office/gym to holiday let with parking
LOCATION: St Nicholas Coronation Road Salcombe TQ8 8EA **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 10-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **0387/22/VAR** APP/K1128/W/22/3303969
APPELLANT NAME: MP2 Design Architects Ltd
PROPOSAL: Application for variation of condition 2 (approved plans) of planning consent
LOCATION: Land adjacent to 39 Weymouth Park Hope Cove **Officer member delegated**
Devon TQ7 3HD
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 08-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

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 decided
APPEAL START DATE: 23-November-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 22-February-2023

Ward Stokenham

APPLICATION NUMBER: **3318/20/FUL** APP/K1128/W/22/3299704
APPELLANT NAME: Mrs Sarah Hamner
PROPOSAL: Renovation of a disused barn and yard to create a new dwelling with associated landscaping works

LOCATION: Development site at SX 810 395 Beeson Devon
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 07-February-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Officer delegated

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Undetermined Major applications as at 24-Feb-23

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

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

	Valid Date	Target Date	EoT Date
3704/16/FUL Charlotte Howrihane	22-Nov-16	21-Feb-17	28-Feb-23
Creek Close Frogmore Kingsbridge TQ7 2FG			
Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)			

Comments: S106 is with legal and due to be completed this week (27.02.23)

	Valid Date	Target Date	EoT Date
3749/16/VAR Charlotte Howrihane	23-Nov-16	22-Feb-17	28-Feb-23
Development Site Of Sx 7752 4240 Creek Close			
Variation of condition 2 (revised site layout plan) following grant Frogmore Kingsbridge TQ7 2F of planning permission 43/2855/14/F			

Comments: Application to be withdrawn once application above (3704/16/FUL) is determined

	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	31-Mar-23
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 December 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 March 2023

	Valid Date	Target Date	EoT Date
4185/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	31-Mar-23
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 December 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 March 2023

	Valid Date	Target Date	EoT Date
4158/19/FUL Patrick Whymer	17-Jan-20	17-Apr-20	6-Feb-21
Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park Ropewalk Kingsbridge Devon			
READVERTISEMENT (Revised Plans Received) Residential development 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
0995/20/VAR Charlotte Howrihane	1-Apr-20	1-Jul-20	19-Feb-21
Hartford Mews Phase 2, Cornwood Road Iybridge		Variation of conditions 4 (LEMP) and 13 (Tree Protective Fencing) of planning consent 3954/17/FUL	

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

	Valid Date	Target Date	EoT Date
3623/19/FUL Steven Stroud	14-Apr-20	14-Jul-20	1-Jan-23
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 carried out. Report partially written. Had an update meeting with applicants and received additional information on Biodiversity net gain, which has been sent to DCC ecologist. Further ecological information awaited (TW have in hand) and confirmation from LLFA that no objection is raised (TW also working on this).

	Valid Date	Target Date	EoT Date
0868/20/ARM Jacqueline Houslander	29-Apr-20	29-Jul-20	20-Jan-23
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, 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 outlineconditions (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
4254/20/FUL Lucy Hall	23-Dec-20	24-Mar-21	25-Aug-22
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 well 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 access from within the site	

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

	Valid Date	Target Date	EoT Date
0544/21/FUL Jacqueline Houslander	15-Feb-21	17-May-21	3-Dec-21
Land at Stowford Mills Station Road Iybridge 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 is awaiting applicants signature

	Valid Date	Target Date	EoT Date
1490/21/ARM Tom French	20-Apr-21	20-Jul-21	31-Mar-23
Sherford New Community Commercial Area North of Main Street Elburton Plymouth			
Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 drive through restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)			

Comment – Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
1491/21/ARM Tom French	20-Apr-21	20-Jul-21	31-Mar-23
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
3053/21/ARM David Stewart	5-Aug-21	4-Nov-21	24-Mar-22
Noss Marina Bridge Road Kingswear TQ6 0EA			
Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission 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
2982/21/FUL Graham Smith	13-Oct-21	12-Jan-22	18-Apr-23
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 – Discussions over viability ongoing between housing and land owner FEB COMMITTEE?

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

Comment – Approved by Members, subject to S106 agreement which is progressing aim to issue by end of Feb 2023. Discussions still ongoing.

Valid Date	Target Date	EoT Date	
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	17-Feb-23
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon		READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floor space in respect of the Sherford New Community.	

Comment – Approved by Members, subject to S106 agreement which is progressing

Valid Date	Target Date	EoT Date	
4021/21/VAR Steven Stroud	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 – Under consideration by officer

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

Comment – With applicant to advise how they wish to proceed. Only LHA/LLFA objections remain in relation to surface water run off.

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

Comment: Approved by Committee subject to S106 Agreement that is progressing

Valid Date	Target Date	EoT Date	
0303/22/OPA Steven Stroud	4-Mar-22	3-Jun-22	31-Jan-23
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 – Applicant working on revised drainage strategy to overcome objections of LLFA. Strategy now received and is with LLFA for consideration.

Valid Date	Target Date	EoT Date	
0934/22/FUL Lucy Hall	14-Mar-22	13-Jun-22	
Land At Sx 499 632 Tamerton Road Roborough		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	
1178/22/ARM Bryn Kitching	11-May-22	10-Aug-22	
Land Off Townstal Road Townstal Road Dartmouth		Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR relating to access, appearance, landscaping, layout and scale for the construction of 46No. Apartment extra care/assisted living scheme (Class C2) with provision of parking, gardens, access and associated works	

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. See application 4160/22/ARM below which has been submitted as an alternative scheme. Expectation that this application/appeal would be withdrawn should the alternative scheme gain consent

	Valid Date	Target Date	EoT Date
1629/22/ARM Steven Stroud	20-Jun-22	19-Sep-22	20-Jan-23
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: Taken over from Helen. Revised package of information received over Xmas/NY is now out for recon. Under consideration.

	Valid Date	Target Date	EoT Date
1523/22/FUL Steven Stroud	20-Jun-22	19-Sep-22	31-Jan-23
Proposed Development Site West Dartington Lane Dartington		READVERTISEMENT (revised plans) Construction of 39No. two-storey dwellings with associated landscaping	

Comment: Reviewing application with consultees; liaising with applicant.

	Valid Date	Target Date	EoT Date
2412/22/OPA Clare Stewart	25-Jul-22	24-Oct-22	28-Apr-23
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 additional information to address consultee comments.

	Valid Date	Target Date	EoT Date
3182/22/VAR Clare Stewart	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: Requested info from Agent 14/12

	Valid Date	Target Date	EoT Date
2804/22/FUL Charlotte Howrihane	14-Sep-22	14-Dec-22	17-Mar-23
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)	

Comment: No significant changes to previously refused app 4751/21/FUL. previous app currently awaiting appeal hearing (8th/9th Nov). Agent has been informed current app is also recommended for refusal, has asked for EOT to await appeal decision on previous application

	Valid Date	Target Date	EoT Date
2643/22/VAR Bryony Hanlon	13-Oct-22	12-Jan-23	31-Mar-23
Thurlestone Hotel Thurlestone TQ7 3NN		Application for variation of conditions 2 (approved plans) & 8 (tree protection) of planning consent 1720/19/FUL	

Comment: Additional information and clarifications requested. Agent is currently preparing additional information.

	Valid Date	Target Date	EoT Date
4072/22/FUL Tom French	21-Nov-22	20-Feb-23	2-Mar-23
Land At Sx 499 626 Tamerton Road Roborough		Installation & operation of solar farm & associated works, equipment & necessary infrastructure for a temporary period of 40 years	

Comment:

	Valid Date	Target Date	EoT Date
2927/22/FUL Bryony Hanlon	25-Nov-22	24-Feb-23	
Halwell Business Park Halwell TQ9 7LQ			Provision of a new industrial warehouse building
Comment: Application is progressing and currently on target. Awaiting further information from agent. EOT to 06 March 2023.			

	Valid Date	Target Date	EoT Date
4160/22/ARM Bryn Kitching	28-Nov-22	27-Feb-23	3-Mar-23
Land Off Townstal Road Sx 858 508 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 for layout, scale, appearance and landscaping for the construction of a 61No Apartment Extra Care/Assisted Living Scheme (use class C2) provision for car parking, gardens, access & associated works (Re-submission of 1178/22/ARM)

Comment: Alternative application to 1178/22/ARM which is subject to an appeal. Up to 4 stories fronting on to new roundabout. Forms part of the employment/commercial element of the larger development. Currently resolving minor issues that have come out of the consultation and expect delegation decision prior to target date.

	Valid Date	Target Date	EoT Date
4167/22/ARM Bryn Kitching	14-Dec-22	15-Mar-23	
Land At Sx 856 508 Dartmouth			Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 9 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA as varied by application reference 3078/21/VAR (Revised layout for 9 dwellings to replace previously approved layout for 7 dwellings (plots 138-144) under 3118/21/ARM).previously approved layout for 7 dwellings (plots 138-144) under 3118/21/ARM).

Comment: Alternative layout to small section of larger development. No substantial issues and expect delegated decision prior to target date

	Valid Date	Target Date	EoT Date
0384/23/OPA Bryn Kitching	9-Feb-23	11-May-23	
Land At Sx 652 517 Modbury			READVERTISEMENT (Amended Description) Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Pennpark, Modbury”

Comment: New outline application on site allocated for residential development in the JLP. Consultation period restarted following a correction to the description of development and will run throughout the whole of March.