

South Hams Development Management Committee



Title:	Agenda
Date:	Wednesday, 1st June, 2022 (Part 2 of Meeting)
Time:	10.00 am
Venue:	Council Chamber - Follaton House
Full Members:	Committee Membership will be confirmed at Annual Council on 19 May 2022
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:	Janice Young Specialist- Democratic Services 01803 861105

1. Urgent Business

Brought forward at the discretion of the Chairman;

2. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

3. 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;

4. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

5. 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) 1159/21/FUL

1 - 32

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

Land at West End Garage, Main Road, Salcombe, TQ8 8NA

(b) 1704/21/HHO

33 - 48

Householder application for roof extension and alterations to front, side and rear.

Summerleaze, Drake Road, Salcombe, TQ8 8EG

(c) 0050/22/FUL

49 - 58

Provision of temporary agricultural dwelling (mobile home) for 3 years

Land At The Mounts, East Allington, Totnes, TQ9 7QE

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

(d) 1375/21/ARM

59 - 68

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

Beacon Park, Dartington

(e) 4701/21/FUL

69 - 82

Erection of agricultural workers dwelling

Linhay Barn, Budlake, Ermington, PL21 9NG

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PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 1159/21/FUL

Agent/Applicant:

Clifton Emery Design
Hems House
84 Longbrook Street
Exeter
EX4 6AP

Applicant:

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

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



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

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

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

S106 Obligations:

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

- Cirl Bunting mitigation – financial contribution for one breeding territory – £70,000

Conditions:

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

Key issues for consideration:

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

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

As part of the Spending Review 2020, the Chancellor announced that there would be a further round of New Homes Bonus allocations under the current scheme for 2021/22. Provisional allocations for the 2022/23 financial year were announced in December 2021. The Government

has stated that they will soon be inviting views on how they can reform the scheme beyond 2022/23.

Site Description:

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

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

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

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

Salcombe Bridleway 17 is around 100m to the west.

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

- National Landscape Character Area: South Devon (151)
- Devon Landscape Character Area: Salcombe to Kingsbridge Estuary
- South Hams Landscape Character Type: 5A Inland elevated undulating land.

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

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

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

- a. Strategic landscaping to address the sites prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the

undeveloped countryside. The scale, design and density of the development should ensure that it is not overly prominent when viewed from the surrounding countryside.

- b. A lighting strategy, which minimises the impact of light spill to the surrounding countryside.
- c. No exacerbation of water quality issues within the Salcombe to Kingsbridge SSSI.
- d. Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.

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

The Proposal:

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

The proposed housing mix is as follows:

Market (14)

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

Affordable (7no.)

- 1 x 1b 2-person apartment (gf), 50sqm
- 1 x 1b 2-person apartment (ff), 54.5sqm [including stair/lobby space]
- 1 x 2b 4-person apartment (gf), 70sqm
- 1 x 2b 4-person apartment (ff), 72.6sqm [including stair/lobby space]
- 1 x 1b 2-person house, 60sqm
- 1 x 2b 4-person house, 79sqm
- 1 x 3b 5-person house, 99.5sqm

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

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

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

The development takes the form of a simple *cul de sac* arrangement served from a single estate road and access point. A central area of open space would be framed and overlooked

by properties to the north and south; further areas of open space are located to the west and an 'orchard' area to the northeast.

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

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

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

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

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

Consultations:

Salcombe Town Council – Objects:

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

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

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

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

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

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

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

DCC – Historic Environment – No comments to make.

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

DCC Waste – Comments:

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

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

DCC Education – No objection, subject to s106 obligation:

- £8,550 toward secondary school transport.

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

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

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

Environmental Health – No objection subject to conditions.

Tree Specialist – No objection subject to condition.

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

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

Police DOCO – Comments:

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

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

South Devon AONB Unit – Objects:

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

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

Representations from Residents:

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

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

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

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

Relevant Planning History:

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

ANALYSIS

Principle of Development:

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

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

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

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

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

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

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

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

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

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

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

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

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

In accordance with policy DEV24, development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast will not be permitted except under exceptional circumstances. Development will only be permitted where among other matters it protects, maintains and enhances the unique landscape and seascape character and special qualities of the area. It must also be demonstrated that the proposed development either requires a coastal location or reasonably cannot be located outside of the designated area.

Policy DEV25 also states that the highest degree of protection will be given to the protected AONB landscapes, with *great weight* being afforded to conserving landscape and scenic beauty in the protected landscapes. Development proposals within the AONB are therefore required to conserve and enhance the natural beauty of the protected landscape with particular reference to its special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the *Countryside and Rights of Way Act 2000* which requires that:

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

That legal duty is another material consideration (as opposed to forming part of the development plan) but it has the force of statute and must be followed.

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

- Deeply rural rolling patchwork agricultural landscape
- Iconic wide, unspoilt and expansive panoramic views
- A landscape with a rich time depth and a wealth of historic features and cultural associations
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.

Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, where the intrinsic character and beauty of the countryside should be recognised alongside maintaining the character of the undeveloped coast (while improving access to it, where appropriate). Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to those issues.

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

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

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

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

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

Accordingly, the NPPF and JLP anticipate the decision taker exercising a planning judgement. They require decision-takers, when coming to that planning judgement, to have regard to four specific considerations in relation to the proposal, namely:

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

Apart from the fact that development for the site has already been found to be sound as part of the examination process of the JLP, with the examining Inspectors stating that the allocation for development in the AONB for Salcombe was justified as it would bring local economic and community benefits to the area¹, Officers nevertheless acknowledge that it is conceptually possible for the Major test to engage in consideration of an application for development of an allocated site. The relevant considerations are taken in turn below, supported by the judgements undertaken relating to landscape character and visual amenity impacts. In so doing it is important to keep in mind the ordinary, common sense, meaning of the word “major”² whilst viewing the application development within its local context.

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

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

The “Scale” of the development has been worked to ensure that it is compatible with the surrounding area and landscape character; dwellinghouses are restricted to being two storeys only, reflective of other development in the vicinity, and are arranged perpendicular to the estate road so as to present narrower, punctuated “fingers” of built development into the countryside to the west, as presenting to the Bridleway. The footprint of the apartment building is also now longer and narrower than previously proposed, and at 1.5 storeys/accommodation in the roof space in order to limit the overall ridge height. The scale of the proposal should also be viewed in the local context of the existing site and broader area of built development: the application does not propose development of a particularly significant quantum; on the

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

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

contrary, despite meeting the statutory definition for major development the proposed number of dwellings is relatively modest and takes up less than a hectare of land, on the edge of a town. The scale and extent of development is limited/minor, as required by NPPF 176.

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

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

The application would accord with criterion a. of the allocation policy where the included strategic landscaping would address the site’s prominence, help to prevent adverse visual impacts on the AONB and soften the transition of the development from the town into the open countryside.

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

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

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

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

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

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

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

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

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

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

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

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

Design (inc. Space Standards):

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

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

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

...

2. Having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.

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

4. Delivering locally distinctive design.

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

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

Policy DEV23 requires that developments conserve and enhance landscape and townscape character and scenic and visual quality, implementing high quality architectural and landscape design appropriate to its landscape context. Broader landscape considerations are dealt with earlier in this report; however, it is no less important to judge the quality of the development through its treatment of landscape, both hard and soft, within the site as a matter of good design.

Chapter 12 of the NPPF deals with achieving well designed places. In particular, it is stated that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; good design is a key aspect of sustainable development, which includes securing a high standard of amenity for all occupiers and where crime and disorder, and the fear of crime, should not undermine quality of life or community cohesion and resilience.

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

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

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

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

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

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

The submitted Bin Collection Strategy drawing identifies individual bin stores and presentation arrangements for all properties. The approach taken is logical and in general collection is taken from the frontage of each property, on the estate road. The treatment of apartment waste is less than ideal because it involves a 30m walk out of the block, past other housing plots, and onto the kerb. It is otherwise and on balance, acceptable and the Waste team have accepted the proposed arrangements.

Space Standards

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

Garden sizes generally meet the required standard which is provided by the SPD and although include some awkwardly shaped areas that in practice would be of little use, compounded by

a sloping landform, would otherwise provide sufficient space for sitting out, children's play, and the drying of clothes.

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

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

Residential Amenity:

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

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

Back-to-back distances are acceptable and would accord with the standard set under the JLP SPD, even accounting for the significant variation in topography where the ground level of the southern line of dwellings would be around 8m higher than those on Little Hill. The application proposes additional planting along the southern boundary to strengthen the existing landscaping and has removed the raised decking that was originally proposed to plots 1-4. Whilst the proposed planting will take some time to mature, which could be secured by condition, it is not considered the development would present a loss of privacy for the occupiers of those dwellings on Little Hill and adjacent to the site.

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

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

"...any potential overheating risk can be managed through several methods once a SAP assessment or thermal model has been developed...Velux have confirmed that they supply a

3-layered glazing product which filters out heat. Velux windows have an additional option to incorporate internal blinds with low transmittance, which can help to further reduce the heat gains approx. 30-40%.”

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

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

Highway Impacts/Access:

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

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

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

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

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

Biodiversity:

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

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

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

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

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

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

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

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

Flood Risk, Drainage, and Water Quality:

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

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

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

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

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

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

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

Infrastructure:

JLP policy DEV30 (Meeting the community infrastructure need of new homes) requires that the development of new homes should contribute to the delivery of sustainable communities with an appropriate range of community infrastructure, such as schools, primary health care infrastructure, sports / recreation and community facilities / village halls. SNDP policy SALC HW1 provides a similar expectation in respect of OSSR, play, and community provision.

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

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

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

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

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

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

Climate Change and Carbon Reduction:

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

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

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

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

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

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

Planning Balance and Conclusion:

It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed, and the extent of the compliance or breach.

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

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

The development also complies with the policies of the NPPF when considered as a whole, despite those identified failings regarding design/living standards, and fear of crime (as Chapter

12, 'Achieving well-designed places'). That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c), planning permission should be granted without delay.

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

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

Planning Policy

Relevant policy framework

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

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

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences were "None". On 14th January 2022 DLUHC published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None". Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level.

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
 SPT2 Sustainable linked neighbourhoods and sustainable rural communities
 SPT3 Provision for new homes
 SPT12 Strategic approach to the natural environment
 TTV1 Prioritising growth through a hierarchy of sustainable settlements
 TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
 TTV3 Strategic infrastructure measures for the Main Towns
 TTV24 Site allocations in the Smaller Towns and Key Villages
 DEV1 Protecting health and amenity
 DEV2 Air, water, soil, noise, land and light
 DEV3 Sport and recreation
 DEV4 Playing pitches
 DEV5 Community food growing and allotments
 DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
 DEV9 Meeting local housing need in the Plan Area
 DEV10 Delivering high quality housing
 DEV20 Place shaping and the quality of the built environment
 DEV23 Landscape character
 DEV24 Undeveloped Coast and Heritage Coast
 DEV25 Nationally protected landscapes
 DEV26 Protecting and enhancing biodiversity and geological conservation
 DEV27 Green and play spaces
 DEV28 Trees, woodlands and hedgerows
 DEV29 Specific provisions relating to transport
 DEV30 Meeting the community infrastructure needs of new homes
 DEV31 Waste management
 DEV32 Delivering low carbon development
 DEV35 Managing flood risk and Water Quality Impacts
 DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Salcombe Neighbourhood Development Plan:

Following a successful referendum, the SNDP was made on 19th September 2019.

Relevant policies:

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

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

Other Material Considerations:

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

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

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions:

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

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

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

- [Those approved drawings under 180604 Drawing Issue Sheet 12/5/2022]
- Proposed s38 and s278 Highways Layout: 110 Rev O
- Street Lighting Strategy: 4239-ID-DR-1001 P01
- External Lighting Strategy: 4239-ID-DR-2001 P01
- Street Lighting Strategy: 4239-ID-DR-1001 P01
- Jakoustic Fence Drawing: J7/01043

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

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

The CMP shall include the following matters:

- a. haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- b. compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,
- c. overburden/topsoil storage areas, fuel storage, hazardous materials storage
- d. provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting

- e. details of proposed means of dust suppression
- f. details of equipment/plant noise suppression
- g. full piling details (if proposed)
- h. details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management
- i. details of deliveries times to the site during construction phase
- j. details of provision to ensure pedestrian and cycle safety
- k. programme of works (including measures for traffic management and operating hours and hours of construction)
- l. parking and turning for vehicles of site personnel, operatives and visitors
- m. loading and unloading of plant and materials
- n. storage of plant and materials
- o. maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the CMP throughout the construction period.
- p. Measures to avoid adverse impacts upon the Salcombe to Kingsbridge Estuary SSSI by virtue of silt and surface water runoff among any other potential risks.
- q. Reference and adherence to the most up to date pollution prevention guidance.

Reasons: In the interest of residential amenity, highway safety, to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase and to safeguard the SSSI. This must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before implemented.

4. PRE-COMMENCEMENT: No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- a. A detailed surface and foul water drainage design based upon the approved Flood Risk Assessment ref. 18015 (Trace Design, 2021) and Drainage Strategy (200 Rev E).
 - b. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - c. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - d. A plan indicating how exceedance flows will be safely managed at the site.
 - e. Evidence of the condition of the watercourse which the site proposes to drain into. This evidence could include photographs.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development, and to safeguard the water quality of the Salcombe to Kingsbridge Estuary SSSI. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to the SSSI and to ensure that a suitable detailed drainage strategy is agreed before development commences because such a strategy is necessary in order to make the development acceptable.

5. PRE-COMMENCEMENT: Before the development hereby permitted is commenced a Construction Ecological Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved Plan.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. A reptile mitigation strategy.
- c. Details of hedgehog holes and their implementation.
- d. Identification of “biodiversity protection zones”.
- e. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- f. The location and timing of sensitive works to avoid harm to biodiversity features.
- g. The times during construction when specialist ecologists need to be present on site to oversee works.
- h. Responsible persons and lines of communication.
- i. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j. Use of protective fences, exclusion barriers and warning signs.
- k. Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). And in accordance with policy DEV26. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before implemented.

6. PRE-COMMENCEMENT: No development shall commence until a 30 year Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

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

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

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

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). And in accordance with policy DEV26. This condition must be agreed prior to commencement in order to ensure that adequate plans and measures are put into place for habitat creation and management at the point that development first takes place.

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

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

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

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

9. The details of the bird nesting/bat roosting boxes/bee bricks in the design of the buildings are to be submitted and agreed with the Local Planning Authority prior to the development proceeding above slab level, in accordance with SPD requirements. The development shall be carried out in accordance with the approved details with the approved nesting/roosting boxes installed prior to the first occupation of the building to which they relate.

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

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

Reason: To safeguard protected species, and in accordance with policy DEV26. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and the carrying out of development.

11. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this submitted to the Local Planning Authority.

Reason: To safeguard ecology/nesting birds, and in accordance with policy DEV26.

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

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

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

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

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

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

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

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

All elements of the approved hard and soft landscaping scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed as part of this condition.

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

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

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

15. Prior to their installation details / samples of all facing materials, windows, doors, and of roofing materials to be used in the construction of the proposed development, including colour and finish, methods of fixing, any mortar/pointing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details/samples as approved, being retained in the specified form thereafter. All slate shall be natural, of UK or EU origin, fixed with nails and not hooks. White render will not be acceptable.

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

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

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

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

first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

18. PRE-COMMENCEMENT: Notwithstanding the submitted details, no development shall commence until a Waste Management Plan ('WMP') has been submitted to and approved in writing by the Local Planning Authority. The WMP shall demonstrate how the construction and operational phases of the development will minimise the generation of waste, having been prepared in accordance with the provisions of Policy W4 of the Devon Waste Plan and its supporting Supplementary Planning Document.

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

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

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

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately; and in accordance with policy DEV2.

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

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

21. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

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

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

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

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

23. No other part of the development hereby approved shall be commenced until:

- a. The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
- b. The ironwork has been set to base course level and the visibility splays required by this permission laid out.
- c. The footway/cycleway on the public highway frontage required by this permission has been constructed up to base course level.
- d. A site compound and car park have been constructed in accordance with details that have previously been agreed by the Local Planning Authority.

Reason: To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway; and in accordance with policy DEV29.

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

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

25. PRE-COMMENCEMENT: Prior to the commencement of development an Employment and Skills Plan ('ESP') shall be submitted to and approved in writing by the Local Planning Authority. The ESP shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the

construction phase. The approved ESP shall be implemented and adhered to during the construction of the development and in accordance with those details approved.

Reason: In accordance with policy DEV19 this condition is required on the basis that to properly provide for the required plan-led growth it is necessary to ensure a commensurate growth in the area's employment base, where it is recognised to require investment both in job growth and skills, with both Science, Technology, Engineering and Maths (STEM) and construction jobs/skills being of primary importance. This condition must be agreed prior to commencement in order to ensure that local construction employment and skills opportunities are maximised from the site and construction preparation stage before development commences.

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

Part 1, Class A (extensions and alterations)

Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)

Part 1, Classes B and C (roof addition or alteration)

Part 1, Class D (porch)

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

Part 1, Class F (hardsurfaces)

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

Part 1, Class H (microwave antenna) and;

Part 2, Class A (means of enclosure)

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

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

Reason: To ensure that gates are capable of being locked from both sides, allowing rear gardens to be secured regardless of access or egress in order to design out crime.

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

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

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PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 1704/21/HHO

Agent:

Richard Bailey
Avalon Planning & Heritage Ltd.
The Generator
Kings Wharf
Exeter
EX2 4AN

Applicant:

Lucinda Davies
Summerleaze
Drake Road
Salcombe
TQ8 8EG

Site Address: Summerleaze, Drake Road, Salcombe, TQ8 8EG



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

Members are advised that the applicant has submitted an appeal for non-determination of the application. As such, the LPA no longer has authority to determine the application. Members are asked to consider the application and confirm what the LPA's view would have been had the appeal not been submitted. This view will be forwarded to the Planning Inspectorate as part of the appeals process.

Reason for call-in: Both Cllr Pearce and Cllr Long are mindful that the Committee has previously considered the proposal and that there are continuing concerns raised by the local community.

Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Construction Management Plan
4. Surface water drainage
5. Geotechnical report
6. Stone wall sample panel
7. Privacy screens
8. Windows to be obscured glazed and fixed shut
9. Solar PV panels
10. Landscaping scheme
11. Adhere to ecology report

Key issues for consideration:

Design, scale and massing, impacts on neighbour amenity, impacts on low carbon energy generation (solar photo voltaic (PV) panels), impacts on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The application site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. The site comprises a south facing, single storey 1960s residential bungalow set above a steeply sloping driveway and single garage. The plot is rectangular and the land rises steeply from east to west, with the existing bungalow cut into the hillside and set back from the road. The site enjoys elevated views over Salcombe and the estuary to the south east, with extensive views of the surrounding countryside beyond. There is a small balcony to the front of the property and the rear garden has been terraced in part, in order to facilitate enjoyment of these views.

The site is accessed via Drake Road; a single-track road connecting Onslow Road to the south with Bonfire Hill to the north. The applicant has advised that the road is the property of the Crown Estates. The road is identified on Devon County Council's Open Data System as "Class Q." For clarity; "the class identifier Q is used to represent those roads which are not maintainable at public expense but have been digitised in order to give a true reflection of the highway network as it will appear on site". At the entrance with Bonfire Hill there is a street sign that identifies Drake Road as a private road with vehicle access for residents only.

To the south of Summerleaze is its neighbour, Pengwern and to the north, Myrana. It should be noted that Myrana is a reverse level property. Both Pengwern and Myrana are angled with the primary windows to their main living space facing in an easterly direction.

The Proposal:

The applicant seeks to remove the roof of the existing bungalow and construct additional space over four levels. This includes; construction of an enlarged garage and improved access via the driveway, creation of a new front door, additional bedrooms and bathrooms, external balconies to the front of the building and enlargement of the internal living spaces. The existing pitched roof will be replaced with a butterfly roof and permeable sedum covering. The proposal is accompanied by landscaping plans that include a planting scheme for the front of the property and the replacement of hedges on the northern and southern boundaries. The applicant has also included solar PV panels on the roof.

Consultations:

- County Highways Authority No highways implication

- Town Council Objection

This was overdevelopment of the site and would be over dominant and the application did not address the size of construction and large removal of earth, nor whether the site was geologically sound for such construction (there had been problems lower down Drake Road which had left a scar on the landscape) and the lack of a geological survey was disturbing. The design was not in keeping with other Drake Road properties and the street scene. A major concern was the loss of light to Myrana (the revised daylight assessment appeared to have the same data but drew a different conclusion) and the proposal was felt to be unneighbourly to neighbouring properties as both would visually have a distinct large expanse of wall with windows in them. Construction works in that locality, were questioned due to the rocky, instability of the area and access to site was difficult with large vehicles unable to turn around within the road and town council was not sure how the road would cope with such activity.

The design was not felt to blend in, nor even use the local vernacular of slate and with its pitches was grossly out of keeping. Housing within that type of area and street scene should evolve and not be a revolution with its completely overbearing mass when viewed from Coronation Road and Drake Road. It would also be contrary to SALC B1 3(b) relating to design as it did not respect the scale and design of surrounding buildings and on the other side the south elevation was unneighbourly, and contrary to SALC B1 3(a) as it did not maintain the building setback. Should approval be given then there would need to be a geological survey prior to commencement and also a Construction Management Plan due to the difficult access to the site and the busy roads at either end of Drake Road.

Representations:

Representations from Residents

One letter of support has been received and includes the following points:

- I have looked at this planning application, which has been prepared by a specialist professional practice and has endeavoured to address the matters raised by the local planning department and, at appeal, the planning inspectorate.
- I regard this as an innovative design, on a difficult site, for which Salcombe is renowned. The (amended) proposed design represents a significant improvement on the existing building and the use of quality materials proposed will improve the street scene in Drake Road.
- I feel previous concerns regarding the adjoining properties have now been addressed and I look forward to permission being granted in due course. Application supported.

Thirteen letters of objection have been received and include the following points:

Principle of Development

- Application 41/0190/10F has expired and should not be afforded any weight in the decision making process.
- The proposal does not represent any meaningful change in light of the schemes previously refused at appeal.
- The information submitted by the applicant is not sufficiently accurate for Officers to make an informed judgement on the impact of the proposal on the neighbouring property, Pengwern.
- The validity of the current planning application must be questioned, as if work is to be carried out on land that is not within the ownership of the applicant, a Notice No. 1 should have been served on the owner of other land to which the application relates, and work to the existing party hedge will surely fall into this category.

Design, Scale and Massing

- Overdevelopment
- Not in keeping with the street scene

- Does not fall within the scope of a Householder application as it is essentially a replacement dwelling; it raises the question of the “permanent residential use” for the new-build policy in the Salcombe Neighbourhood Plan.

Neighbour Amenity

- Overbearing
- Unneighbourly
- Will create sound and light pollution due to the increased glazing and the balconies.
- Loss of privacy and overlooking.
- The walkways and terraces previously proposed to the rear have been removed; strict planning controls should be imposed to prevent their reinstatement.
- The windows on the north elevation should be glazed in obscure glass for perpetuity.
- The corner window on the kitchen/living area is also an invasion of privacy to Myrana’s front patio as it extends beyond the existing building line.
- The harm to Myrana was considered so unacceptable that the Inspector(s) did not feel the need to consider the impact on the surrounding dwellings, including Pengwern.
- Some of the boundary hedges are “party hedges” and the applicant should not assume that these can be removed to facilitate development. Insufficient space has been left for any replacement planting.

Daylight/Sunlight

- Having studied the daylight assessment for Myrana in this application (1704/21/HHO) and the previous application (1676/19/HHO), we can see no difference to the data supplied but the conclusion drawn from this same data has changed. The data has been interpreted to favour the application but the loss of daylight to Myrana remains the same.
- The daylight impact assessment admits to the loss of daylight the proposal will cause to the south facing window of the living room of the neighbouring property (W8).
- The loss of light to ground floor windows of Myrana has been excluded from the applicant’s assessment (W1 and W7).
- Loss of light to neighbouring solar panels.

Geotechnical

- I hope that a full geological survey is carried out prior to permission being considered - reference the land collapse in the next door but one property, and that full consideration is given to the narrow unmade road on which the property is situated.
- Will the applicants be liable for land slippage, subsidence or damage to third party land as a result of the development?

Highways/Access

- Any development will cause severe access problems for residents of Drake Road; the road is too narrow to turn around in and many residents cannot turn around within their own driveways, effectively rendering Drake Road a one-way road.
- Any damage to Drake Road should be rectified by the applicant.
- No construction management plan has been submitted.

Other Matters

- The boundary dispute between the owners of Summerleaze and Myrana is subject to a Court Order between the respective parties.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/2250/03/F: FUL	Alterations and extension to dwelling	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Conditional approval: 12 Nov 04	Upheld (Conditional Approval): 12 Nov 04
41/0190/10/F: FUL	Householder application for extension and alteration of existing property	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Conditional approval: 17 Jun 10	
1234/18/PRH	Pre application enquiry to add car parking spaces, create 2 bedrooms on lower floor level and create an additional floor space within the roof area of bungalow and improvement to garden	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Pre-application: (Partial support)	
2098/18/HHO	Householder application for proposed removal of roof and construction of additional accommodation	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Refusal: 10 Sep 18	Dismissed (Refusal): 22 Mar 19
1676/19/HHO	Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO)	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Refusal: 14 Nov 19	Dismissed (Refusal): 06 Jul 20
0808/21/PR1	Scoping Only - Pre Application Enquiry for- Removal of roof and the construction of additional accommodation to the original bungalow.	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Pre-application: (Partial support)	

ANALYSIS

Principle of Development/Sustainability:

The site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. A residential dwelling currently occupies the site and the principle of development is therefore established.

As a matter of clarity, the applicant has confirmed that they own all of the land within the red line site application boundary; on this basis, the LPA have determined the application based on the plans as submitted. The LPA and the Planning Inspectorate have previously accepted the application as a Householder application, although it is noted that the works are substantial.

Planning History:

Planning Appeal: Planning Reference: 41/2250/03/F: Appeal Reference: APP/K1128/A/04/1146526 In 2003, the then owner submitted an application for “alterations and extension to dwelling” that included the addition of a further storey to the bungalow. This application was refused on the basis that; “the proposed development, by virtue of its scale, detailed design, siting and prominence would unacceptably affect the appearance of the locality and would harmfully affect the amenities of adjacent residential occupiers. Such development, if approved, would conflict with the objectives of Development Plan Policies C2, C4, SHDC1, SHDC15 and the supporting Planning Principles”. The

decision was subsequently overturned by the Planning Inspectorate at an appeal in 2004 and planning permission was granted.

Planning Application: Planning Reference: 41/0190/10/F:

In 2010, the then owner submitted a further application for the “extension and alteration of existing property.” This was identical in scale and appearance to the proposal granted under the 2004 planning appeal outlined above. The appeal decision was viewed as a material consideration to the determination process and permission was granted.

Pre-Application Advice:

In 2018, the applicant sought advice on the proposal through the Local Planning Authority’s Pre-Application Service. Officers were broadly supportive of the scheme including;

- The proposed increase in height as it was similar to that approved under the 2010 planning appeal.
- The contemporary design, given the variety in size and style of surrounding dwellings, providing the materials were in keeping with the local vernacular.
- The butterfly roof design, as it would reduce the overall height of the building and contribute to the contemporary design.

However, Officers did raise concerns regarding;

- The scale and massing of the proposal, particularly when viewed from Drake Road. Officers advised the applicant to reduce the bulk of the building (particularly the lower floors) and further soften the appearance through planting and landscaping.
- Potential overlooking from the rear access to the external deck area (although the deck itself was not considered unacceptable in principle or design).
- Potential overlooking from the external balcony areas at the front of the property; the installation of privacy screens were suggested as one option to address this issue.

Following the pre-application advice, the applicant did remove some of the bulk on the two lower storeys surrounding the entrance on the south west corner. These changes were reflected in the 2018 application.

Planning Application: 2098/18/HHO

The application was subsequently refused as Officers considered that; “The proposed extensions and alterations to the dwelling, by reason of their height, mass and bulk and the introduction of fenestration and useable living and sitting areas at high level, would result in an overbearing impact and an unacceptable loss of privacy and amenity, to the neighbouring properties, in particular Myrana. As such, it is considered to be contrary to adopted policies; DP3: Residential Amenity 1, 2 (a), (b), (c) and (d) of the South Hams Local Development Framework, emerging policies; DEV1: Protecting Health and Amenity (1), DEV2: Air, water, soil, noise, land and light pollution (1) and (4) of the Plymouth and South West Devon Joint Local Plan, and the guidance of the National Planning Policy Framework (NPPF) especially paragraphs; 180 (a) and (c)”.

The applicant appealed the decision and in 2019, the Inspector found “no harm to the living conditions of the occupants of Pengwern, Mallards or the houses in Frobisher Lane” and that; “the proposals also would not result in a significant loss of outlook for the occupants of Myrana”. However, the Inspector did make it clear that that proposal would result in “harmful loss of sunlight, arising from the increased height of the proposal, and the unacceptable increase in overlooking of Myrana, resulting from the elevated terrace and deck/bridge access” and the appeal was dismissed.

Planning Application: 1676/19/HHO

This application was effectively a resubmission of 2098/18/HHO, with some alterations aimed to address the Inspector’s reasons for dismissing the appeal, along with additional supporting information, including a Daylight Impact Assessment. The key changes comprised; removal of the external deck to the rear of the building, alterations to the balustrading on the first floor balcony and

the addition of an obscured glazed full height balustrade on the north elevation to serve as screening. The applicant also included solar PV panels on the roof.

In light of the Inspector's decision on the previous application, Officers recommended the application for approval; the application was called to DM Committee and Members voted to refuse the application on the grounds that;

1. The proposal will result in overlooking and loss of sunlight and daylight to Myrana, resulting in a detrimental impact on amenity, contrary to the provisions of policy DEV1 (1) Protecting health and amenity of the Plymouth and South West Devon Joint Local Plan.
2. The proposal by reason of its design will result in the introduction of an incongruent feature within the townscape in the form of the butterfly roof and by reason of its scale, bulk, massing and forward projection will result in an overbearing impact on the surrounding townscape, contrary to the provisions of DEV10 (1) Delivering high quality housing and DEV20 (2 & 4) Place shaping and the quality of the built environment, DEV25 (2 and (8 i, ii, iii) Nationally protected landscapes of the Plymouth and South West Devon Joint Local Plan, policies SALCENV1 (a) and SALCB1 (1, 3a & b) of the Salcombe Neighbourhood Plan and the guidance of the National Planning Policy Framework (NPPF) contained within, but not limited to, paragraphs 124-132, 170 and 172.
3. The proposal by reason of its design, scale, bulk, massing and forward projection will overshadow the neighbouring property, Myrana, resulting in a loss of solar gain to the building and shading of solar PV panels, without it having been demonstrated that such losses have been offset within the proposal contrary to the provisions of policy DEV32 (3 & 4) Delivering low carbon development of the Plymouth and South West Devon Joint Local Plan.

The applicant appealed the decision and whilst the Inspector did not agree that the proposal would have an unacceptable impact for reasons 2 and 3, he did not consider that the applicant had provided robust evidence to demonstrate that the proposal would not "cause harm to the living conditions of the occupants of Myrana due to loss of light". The Inspector therefore dismissed the appeal on the basis that the proposal was considered "contrary to Policy DEV1 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 adopted 2019 (LP), which seeks to ensure that development proposals safeguard the health and amenity of local communities by ensuring that new development provides for satisfactory daylight and sunlight to existing residents". The applicant also submitted an application for an award of costs, on the basis that the previous appeal decision had confirmed that the proposal would not result in harmful impacts for reasons 1 and 2 and that they considered reference to policy DEV32 was not applicable to reason 3. The applicant contended that they were put to unnecessary expense in defending these matters. The Inspector upheld only part of the claim, on the basis that while the Council was not unreasonable in its actions regarding reasons 1 and 3, as the 2018 refusal had not cited reason 2, the Council had acted unreasonably in introducing this as a reason for refusal on the current scheme, given that the applications were nearly identical.

Pre-Application Advice and Current Application

In 2021, the applicant sought advice on the proposal through the Local Planning Authority's Pre-Application Service. Officers advised that in light of the planning history, the emphasis was on the applicant to demonstrate that the proposal would not result in a harmful impact on the occupants of Myrana through loss of light. The applicant responded that the Daylight and Sunlight Impact Assessment had been updated to reflect the butterfly roof design and that, in their view, the issues identified in the appeal decision had been addressed. On this basis, the applicant submitted the current application. It should be noted that in light of the planning history outlined above and that the form of the development has remained largely unchanged throughout the process, Officers consider that the determination of the current application is once again limited solely to the matters raised in the Inspector's appeal decision.

Planning Policy:

Since the 2019 appeal decision was issued, it should be noted that there have been a number of changes to planning policy;

- National Planning Policy Framework – revised 19 June 2019 and 20 July 2021
- Plymouth and South West Devon Joint Local Plan – adopted by all three JLP authorities on 26 March 2019
- Plymouth and South West Devon Joint Local Plan Supplementary Planning document adopted by South Hams District Council on 16 July 2020.
- Salcombe Neighbourhood Plan – approved at a public referendum on Thursday 25 July 2019 and with further modifications currently being considered during 2021.

Design/Landscape:

Notwithstanding the objections and letter of support received, Officers maintain that the contemporary design and materials are acceptable and this has been supported in the recent appeal decision and partial award of costs to the applicant on this basis. As such, while the objections to the revised proposal regarding impact on the street scene, bulk and overbearing impact are noted, it is not considered that this matter can be revisited as part of the current scheme and the scheme is considered acceptable on this basis. It is considered appropriate to secure the details of the stone walling at the front of the house, to enable the Local Planning Authority to ensure that the development displays good design, is of a locally distinctive style, and is retained in its natural stone finish. It is also considered appropriate to secure the landscaping scheme by condition, in the interests of the visual amenities of the locality and to assimilate the development into its surroundings. On this basis, the proposal is considered to accord with the provisions of DEV20, DEV23 and SALC B1.

Neighbour Amenity:

Notwithstanding the objections received, it should be noted that neither Planning Inspector found that the proposal would result in significant harm to neighbours other than Myrana and as such, it is only the harm to Myrana that is being assessed as part of the current application.

• Rear Decking

As the rear decking and terracing has been removed from the scheme; there is no concern with regards to overlooking from this element. Objectors have raised concern that this could be added at a later date but the General Permitted Development Order 2015 (as amended) specifically excludes the provision or creation of a verandah, balcony or raised platform under permitted development rights and any such development would therefore require planning permission.

• Overlooking – terrace and windows

The proposal includes an obscured glass full height balustrade in the corner of the first floor balcony on the north side facing Myrana and a retraction of the balustrade away from the eastern corner of the terrace. As such, the revised balustrading and privacy screen are considered to sufficiently address concerns regarding overlooking at Myrana and are considered acceptable. It is considered appropriate to secure the final details and retention of the privacy screen by condition, in the interests of neighbour amenity.

Obscured glazed windows are proposed within the north and south elevations to safeguard amenity of neighbours; it is also considered necessary that these windows should be fixed shut to prevent overlooking. It is appropriate to secure the details and retention of the obscured glazed and fixed shut windows through a planning condition in the interests of residential privacy and amenity.

On this basis, the proposal is unlikely to give rise to significant overlooking and is considered to accord with policy DEV1.

• Loss of Light (including Solar Panels)

The Inspector dismissed the previous appeal on the basis that the proposal would result in a harmful loss of sunlight to the first floor windows in the side (south) elevation of Myrana, as well as a harmful

loss of daylight. The Inspector considered that the Daylight and Sunlight Impact Assessment was not robust, as it did not take into account the butterfly roof design proposed; on this basis the Inspector did not give the assessment significant weight in the decision making process. The applicant has since revised the model used to reflect the design as proposed, rather than a “worst case scenario” as previously submitted and also to include an assessment of sunlight. As a result, whilst reductions to daylight and sunlight are acknowledged in the report, the impacts are stated to be compliant with BRE guidance. Notwithstanding the loss of both daylight and sunlight at Myrana, Officers do not consider that sufficient evidence is available to demonstrate that these losses are significantly harmful and as such, it is not considered that the application could be refused solely on this basis. As such, the proposal accords with the provisions of Policies DEV1 and DEV2 in the JLP

A 2019 Court ruling confirmed that loss of light to solar panels is a material planning consideration where planning policies exist to mitigate climate change and deliver low carbon development or where it impacts on a renewable energy system [McLennan, R (on the application of) v Medway Council & Anor [2019] EWHC 1738 (Admin) (10 July 2019)]. The Court made it clear that this is distinct from protecting private interests. The applicant has supplied information that confirms that the proposed development will shadow Myrana’s solar panels and that through the inclusion of solar panels within the scheme at Summerleaze, there would be no net loss of low-carbon solar energy generation and the proposal would comply with the provisions of policy DEV32.

It is acknowledged that the shading of panels at Myrana is likely to result in a loss of power output and a reduction in income associated with the sale of electricity. However, the consideration of impacts to solar panels in this instance is limited to the overall impact on carbon emissions across the District, rather than protecting the private financial interest in an existing PV installation, as this element was not expressly considered in the Medway case. It is considered appropriate to secure the details of the solar panels by condition, in the interests of sustainability and the environment. On this basis, the proposal is considered to accord with policy DEV32.

Highways/Access:

The proposal includes a new garage and driveway proposed to improve access to the garage and facilitate off-road parking. Devon County Council Highways have raised no objection to the application and having regard to DCC Highways Standing Advice and to the existing access arrangements, it is not considered that the proposal will result in an increased risk to highway safety.

Drake Road is an unadopted road which the applicant has advised is owned by the Crown Estates; maintenance and upkeep is therefore a civil matter and cannot be considered with this report.

Biodiversity:

The Ecological Report dated 12 June 2018 and updated in 2021 has concluded that the site is unlikely to support the presence of protected species, such as bats, but, in 2018, did support one herring gull nest. Biodiversity enhancement measures are also set out in the report. As such, it is considered that the proposal is acceptable with regards to the provisions of Policy DEV26, with the recommendations of the Ecological Report to be secured by condition.

Drainage:

The SHDC Drainage Engineer has previously reviewed the proposal and has recommended a pre-commencement drainage condition 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. As such, the proposal is considered acceptable with respect to drainage, subject to condition. A pre-commencement condition is considered necessary, given the extent of excavation proposed within the site. The applicant confirmed acceptance of the pre-commencement condition in writing on 25 October 2021.

Geotechnical:

A number of objections have cited concerns regarding ground stability; this issue can only be considered with specific reference to the application site. The National Planning Policy Framework (NPPF) makes it clear in paragraph 184 that; “Where a site is affected by contamination or land

stability issues, responsibility for securing a safe development rests with the developer and/or landowner". The applicant has previously confirmed that; "Before starting work the client will appoint a suitably qualified consultant engineer to prepared detailed designs for the structure and substructure and if deemed required carry out a geotechnical survey of the site to confirm the ground conditions". However, the LPA also has a responsibility to ensure that it prevents "new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability" (paragraph 174 (e); see also paragraph 183; NPPF, 2021). While there is presently a dwelling on the site, the alterations are extensive and involve substantial construction works under the floor level of the existing dwelling, the construction of additional floor above, as well as removal of an earth bank at the front of the site. Due to the scale of the proposed works, the gradient of the site and the proximity of neighbouring properties it would be appropriate to impose a planning condition in order to secure the Local Planning Authority's approval of a geotechnical survey (a land instability risk assessment report) prior to the commencement of excavation works. The condition must be discharged prior to commencement as the undertaking of any works on site has the potential to impact on the geotechnical stability of the site. The applicant confirmed acceptance of the pre-commencement condition in writing on 25 October 2021. On this basis, the proposal is considered to accord with the provisions of DEV2 and the provisions of the NPPF.

Construction Management Plan:

A Construction Management Plan is not usually required on a single residential development as the scale of the development limits the potential impact, however, in this instance given the sustained concerns raised, the lack of on-street parking and the restricted nature of Drake Road, Officers consider that it would be beneficial to all parties to clearly understand how the development will be managed to protect the interests of residential amenity and the natural environment. It is considered that this condition would also specify the hours of work, as noted in previous Officer reports. The condition must be discharged prior to commencement of development, as any works on site could result in detrimental impacts on neighbour amenity and the natural environment and safeguards must be in place to prevent significant adverse impacts from occurring. The applicant agreed the condition in writing on 25 October 2021. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25 and SALC ENV1.

South Devon AONB:

The Inspector considered the impact of the proposed development on the South Devon Area of Outstanding Natural Beauty as part of the appeal against the refusal of 1676/19/HHO. The Inspector confirmed that; "owing to the small scale of the proposal in the context of the built up area of Salcombe I am satisfied that the proposal would not harm the wider landscape character of the AONB". The built form of the proposal has not changed between the two applications and there has been no material change in circumstances that would warrant a change in the assessment of the application. On this basis Officers consider that design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of policies DEV25 in the JLP and SALC B1.

Other Matters:

Officers note the comments regarding party hedge issues and the ongoing boundary dispute in connection with the site, however, these are considered civil matters and are beyond the scope of this report.

Conclusion:

Officers do not dismiss the strength of feeling in the local community and to the objections raised to date, however, the assessment of the current application is limited solely to the outstanding matter raised in the Inspector's appeal decision (APP/K1128/D/20/3244334 06 July 2020). The substantive

revisions to the application relate to the modelling used in the Daylight and Sunlight Impact Assessment only and not to the physical form of the proposal (as well as the inclusion of a sunlight impact assessment). In the absence of evidence to the contrary, Officers consider that the revised assessment is sufficiently robust enough to support a revised recommendation. As such, the previous reason for dismissing the appeal has been overcome and while the final decision is finely balanced, the application is recommended for conditional approval.

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

Planning Policy

Relevant policy framework

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

On 13 January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None". Therefore, a 5% buffer is applied for the purposes of calculating a 5-year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.
SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the 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), Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

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

*Site Location Plan 18-767 T.01
Proposed Block Plan 18-767 A.01
Proposed Section D-D 18-767 A.14
Proposed Section C-C 18-767 A.13 Rev A
Proposed Site Plan 18-767 A.02 Rev A
Proposed Section B-B 18-767 A.12 Rev A
Proposed Section A-A 18-767 A.11 Rev A
Proposed North Elevation 18-767 A.10 Rev A
Proposed West Elevation 18-767 A.08
Proposed East Elevation 18-767 A.07
Proposed South Elevation 18-767 A.09 Rev A
Proposed Ground Floor 18-767 A.05
Proposed First Floor 18-767 A.06
Proposed Garage Level 18-767 A.03
Lower Ground Floor 18-767 A.04
Received by the Local Planning Authority on 23 June 2021*

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

3. *No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.*

The CMP shall include the details below, although this list is not exhaustive.

- (a) the timetable of the works;*
- (b) daily hours of construction;*
- (c) any road closure (which must also be agreed with Devon County Council separately);*

- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

Reason: To safeguard the interests of residential amenity and the natural environment. The condition must be discharged prior to commencement of development, as any works on site could result in detrimental impacts on neighbour amenity and the natural environment and safeguards must be in place to prevent significant adverse impacts from occurring.

4. Surface Water Drainage

Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- 1. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 2. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753.*

The discharge must meet each of the critical return periods. Full details of the flow control device will be required.

However, if the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

- 3. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership will be required.*
- 4. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.*

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. The condition must be discharged prior to commencement in order to ensure that a suitable scheme can be provided within the site boundaries or that an alternative scheme is devised, thus preventing development from being undertaken that could not be suitably drained.

- 5. Prior to commencement of the development hereby permitted, a land instability risk assessment report, including details of measures to ensure no adverse impact on land stability within the site or affecting neighbouring land, prepared by a suitably qualified person (s) for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in*

accordance with those approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise the risk and effects of land instability on surrounding property, infrastructure and the public. The condition must be discharged prior to commencement as the undertaking of any works on site has the potential to impact on the geotechnical stability of the site.

6. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

7. The 1.8 m obscure glazed privacy screen as detailed on drawing 18- 767 A.10 Proposed North Elevation Rev A and on the north elevation of the first floor roof terrace hereby permitted shall be installed prior to the use of the terrace and shall thereafter be retained and maintained.

Reason: In the interests of the residential amenities of the adjoining occupiers.

8. The vertical slot windows on the north and south elevations shall be obscure glazed, non-opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

9. Notwithstanding the details submitted, prior to the development being brought into use, solar panels shall be provided on the roof of the dwellinghouse and shall provide at least the same power output as set out in the Energy Statement Report by the Mach Group, dated 09 September 2019. The solar panels shall be retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability and the environment.

10. The proposed landscaping shown on drawing number 18-767 A.16 shall be implemented in the first available planting season and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

11. The recommendations, mitigation and enhancement measures of the Ecological Report, by Ecologic dated 12 June 2018 and 15 June 2021, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

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PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

Parish: East Allington **Ward:** Allington and Strete

Application No: 0050/22/FUL

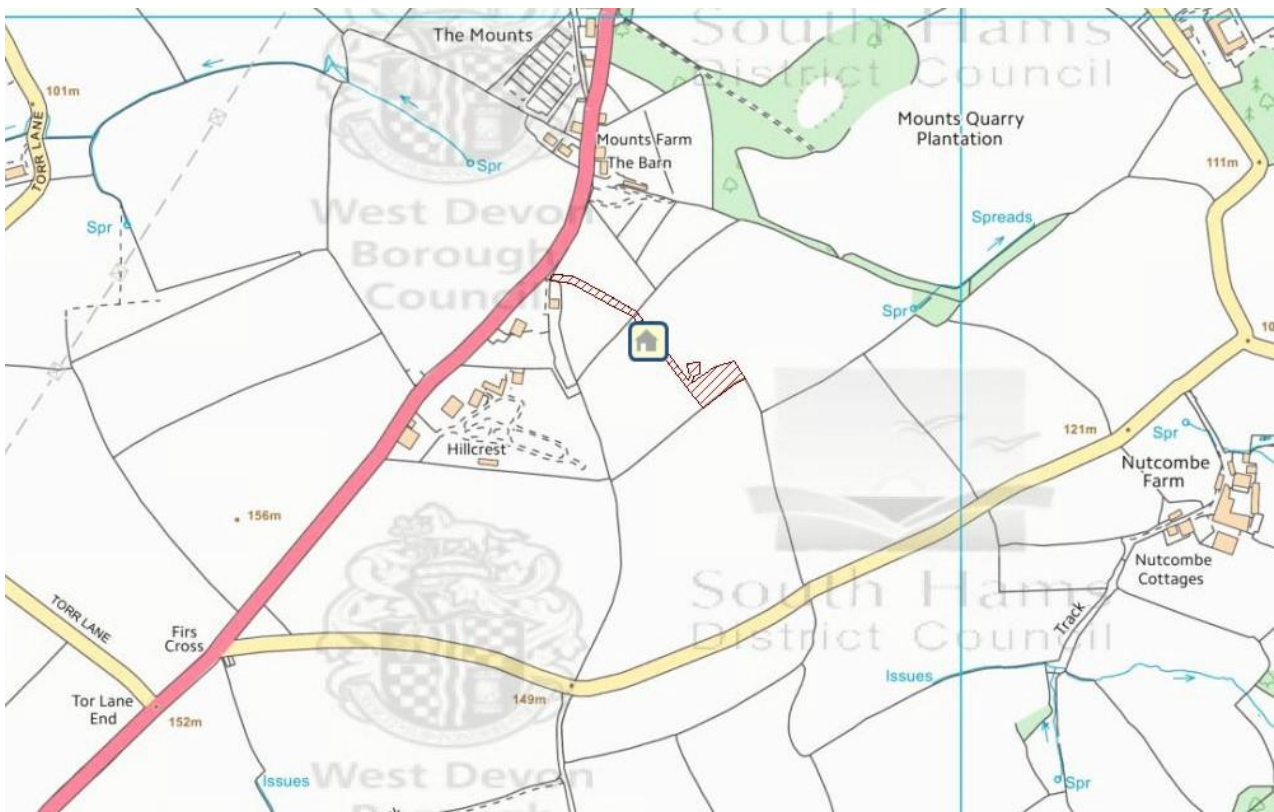
Agent/Applicant:

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

Applicant:

Messrs NC and KE Lethbridge
C/O Agent
TQ9 5NJ

Site Address: Land At The Mounts, East Allington, Totnes, TQ9 7QE



Development: Provision of temporary agricultural dwelling (mobile home) for 3 years

Reason item is being put before Committee:

Applicant is a relative of Cllr Reeve

Recommendation:

Conditional Approval

Conditions:

1. 3 year time limit for commencement
2. Accordance with approved plans
3. Removal of temporary dwelling within three years

4. Occupation restricted to agricultural worker
5. Unsuspected contamination
6. Foul water drainage
7. Surface water drainage
8. No external lighting
9. Prior to above level works, details of hard and soft landscaping, and a hedgerow cross section to be provided and approved by the LPA.

Key issues for consideration:

Principle of Development/Sustainability (including the agricultural need)
Design/Landscape
Neighbour Amenity
Highways/Access
Drainage/ Flood Risk
Ecology/Biodiversity

Site Description:

The application site is part of an existing agricultural holding of 127 acres of pasture and arable land. It is located within a rural area surrounded by agricultural land. The site is located to the west of East Allington, and is accessed from the A381.

There are two agricultural buildings located at the site, and the site is accessed via an existing track which leads from the A381.

The area is outside of the AONB.

The site is within an SSSI Risk Zone however the scale of this proposal does not require further HRA assessment.

The Proposal:

This application seeks consent for a temporary agricultural worker's dwelling for a 3-year period to serve this newly established agricultural holding which is the base for the Applicants' beef and sheep enterprise.

The proposed mobile home will comprise a structure of 15m x 6m and will be a timber-clad lodge-style mobile home. The internal ceiling height will be a maximum of 3 metres.

The proposed mobile home is to be sited immediately to the north east of the farm buildings, with direct access off the established farm access road that leads from the A381/Council highway to the site.

The proposed temporary agricultural worker's dwelling will be occupied by the Applicants who are a husband-and-wife partnership running their livestock enterprise. It is confirmed that the temporary agricultural worker's dwelling will be subject to an agricultural occupancy condition which the Applicants fully accord with.

Consultations:

- County Highways Authority: No highway implications.
- Town/Parish Council: No comment received.
 - Agricultural Consultant: Support

'I am satisfied all the necessary criteria in the relevant local and national planning policy are met for me to support this application.'

- Ecologist at DCC: No objection subject to conditions

'In line with the South Hams SAC Habitats Regulations Assessment Guidance document (DCC et al., 2019), and given the above, there is unlikely to be a likely significant effect on the South Hams SAC. Appropriate Assessment is not deemed to be required.'

Recommended Condition: No external lighting shall be installed at any time at the application site without the written permission of the Local Planning Authority.'

Representations:

Representations from Residents

2 letters of support have been received and cover the following points:

- The proposed mobile home on a newly established farmstead is essential when looking after animals
- The welfare of the animals and success of the farming enterprise requires regular checks
- Living within sight and sound of the animals is important.

Relevant Planning History

Planning Application Ref: 3334/19/AGR

Description: Prior notification for surfacing of an agricultural track

Address: Land at The Mounts East Allington TQ9 7QJ

Decision Date: 06 November 2019

Ag Determination details not required

Planning Application Ref: 0360/20/AGR

Description: Prior notification for proposed agricultural storage barn

Address: Land At SX 757 486 The Mounts East Allington Totnes TQ9 7QJ

Decision Date: 16 March 2020

Ag Determination details not required

Planning Application Ref: 1663/21/FUL

Description: Provision of agricultural livestock building

Address: Land at The Mounts East Allington

Decision Date: 15 October 2021

Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The application site is located within an unsustainable location within the open countryside where there are strict policies and guidance regarding the provision of new development in the interests of sustainability and maintaining the rural character and appearance of the countryside. Planning policies seek to strictly control development in the countryside, including Policies TTV1, TTV2 and TTV26 of the Plymouth and South West Devon Joint Local Plan (JLP). The spatial strategies of the JLP, Policies SPT1 and SPT2, set out that sustainable development is at the heart of the Local Plan.

One exception to the general presumption against allowing new housing in the countryside is if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside such as an agricultural worker who needs to be near their holding. As Planning Policy TTV26 reads:

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

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity.'

To support their submission the agent has prepared a comprehensive statement setting out the case as to why they consider there is an essential need to live on site. The Council's Agricultural Advisor has reviewed this information and has visited the site to consider the agricultural enterprise operating from the site.

The supporting statement with the application reads:

'The farm business is based on the farm holding comprising 115 acres of pasture which provides the grazing ground and silage/hay ground to serve this livestock enterprise. Of the 115 acres farmed, the Applicants own 12 acres where the buildings are located and rent the remaining 102 acres on a Farm Business Tenancy. This Farm Business Tenancy started in 2009 with a 5-year FBT and has rolled on after that.

The enterprise is a beef and sheep enterprise with 300 mule and Suffolk cross ewes which lamb between February and April each year.

The ewes are lambed indoors and then the lambs are fattened on the grass and sold from the holding as finished lambs, mainly through Exeter Market.

The Applicants also compliment the sheep enterprise with a calf-rearing enterprise where they buy 35-40 calves every autumn, fatten them on the holding and then sell them either as strong stores or finished, again through Exeter Market.

The Applicants, NC & KE Lethbridge, have been building up their business on rented land and lambing their sheep in a building owned by another family member, but have now established their own farmstead on land at The Mounts. The Applicants initially erected an agricultural storage building, approved under 0360/20/AGR in 2020, and erected a second building, an agricultural livestock building, in the autumn of 2021 following planning consent reference 1663/21/FUL'.

There are no other existing residential dwellinghouses or buildings for conversion available at the site which could be used to support the business.

The Independent Agricultural Consultant has assessed the need for a new temporary dwelling at the site. The response is as follows:

A. Functional Test:

'Having considered the proposals of the applicants with the number and type of animals involved, I am satisfied there is a need for a worker to be available at the site to properly manage the business. I therefore consider there is a functional need.'

B. Financial Test:

'I have been provided with some previous accounts as well as some forecast financial proposals and I am satisfied that clear evidence has been produced to indicate a firm intention and ability to develop the enterprises concerned.'

(ii) Has the proposed enterprise been planned on a sound financial basis?

Yes.

(iii) Is the proposed siting related to the functional need of the enterprise and other buildings?

Yes.'

Based on the comments of the Agricultural Consultant, Officers are satisfied that there is a functional need for a full time worker to be present at the farm most times of the day and night for the proper functioning of the enterprise and that this need can only be met on site. The applicants have demonstrated clear evidence of an intention and ability to develop the enterprise concerned and that it has been planned on a clear financial basis.

With regard to the location, the mobile home is to be sited to meet the functional need being located adjacent to the existing agricultural buildings which is considered the most appropriate location for the mobile home. The existing access and track ensures that additional tracks would not be required to access the temporary dwelling.

Design, Appearance and Landscape

The proposal is for a modest designed mobile home, which will sit at a height of 3.5 metres. Landscaping is proposed in the form of a hedgerow to border the mobile home, to the north and east. Once established these hedgerows will act as a screen of the mobile home.

Policy Dev 23 requires that: 'Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts'.

A site visit was conducted to assess wider landscape impacts and the Agent has provided further supporting information of a Landscape Assessment. The site is not located within a designated landscape. The topography of the site is level where the proposed mobile home will be situated. The location of the mobile home will be at the top of the hill side, with the land levels rising from the highway to the proposed mobile home, or from north to south. In this way, the proposed mobile home is not clearly visible from views from the south, as there is the well-established hedgerow to the rear of the mobile home. The site is not visible from the highway owing to the land levels and sloping nature of the site. The Agent has shown that the proposed mobile home will not be greatly visible from wider viewpoints of the site.

The proposal will not result in the loss of important characteristics of the landscape area. The site is located within Landscape Character Type 5a. Inland Elevated Undulating Land. The

landscape character of this area includes: *'Elevated undulating farmland which is generally open and treeless with little built development. Some areas extend towards the south coast and are influenced by coastal exposure and sea views'*.

Some of the key characteristics of this landscape type includes:

'Sparsely settled with high levels of tranquillity, largely undeveloped with isolated farms and houses away from ridgelines and nestled in dips often with shelterbelts.

The remote and 'empty' character, sparsely settled with high levels of tranquillity and experience of dark skies.

Open, windswept, largely unwooded, landscape with hilltop tree clumps, plus pine and beech roadside trees providing locally distinctive landmarks.

The mosaic of arable and pasture fields with pastures grazed by distinctive Devon Red and South Devon cattle.

Field are bounded by low but mature wide hedgerows or Devon hedges with a few stunted hedgerow trees in exposed locations, particularly near the coast. These contrast with taller Devon hedges topped by hedgerow trees, including locally distinctive pine and beech on more protected slopes'.

The proposal is not considered to cause harm to the protected characteristics of the landscape area for the following reasons:

The proposal relates to an established farming enterprise so will not be adding an incongruous building to an undeveloped setting, nor adding built form into a tranquil setting.

The proposal will not impact key skylines or viewpoints within this landscape.

The proposal will maintain the mosaic of arable and pasture fields distinct to this area.

The proposal will be bordered by a Devon hedge bank.

As the proposed mobile home is being accepted on a temporary basis it is also recommended that a condition be imposed to ensure its removal and the restoration of the site to its former condition following the end of the 3 year period of consent.

With these conditions in place it is considered that a mobile home can be accommodated on this site without having an adverse impact on landscape character.

In light of the above considerations, the proposal is considered to be acceptable in design and landscape terms and comply with Policy Dev 20 and Dev 23.

Neighbour Amenity:

Given the location of the proposed mobile home, its scale and its location away from residential properties it is concluded that a mobile home being positioned in the proposed location would not adversely impact the residential amenity of neighbouring properties.

Highways Considerations:

The proposed temporary dwelling is to be accessed via the existing entrance that leads onto the Council highway and therefore no new access is required.

The Highways Officer has provided the consultation response that there are no highway implications.

Drainage/ Flood Risk:

The site is within what is deemed a low risk area (outside Flood zones 2&3, outside Critical Drainage Area and with ample land for provision of drainage) and therefore the principle of development does not raise any objections. The application form and drainage plan notes that a soakaway would be provided to deal with surface water disposal and a package treatment plant would be proposed to deal with foul.

The application is supported with a Foul Drainage Assessment which shows that there is no mains sewer to connect to nearby. The treatment plant will be more than 7 metres from the mobile home, and it can be emptied without needing to go through the dwelling, and can be accessed via vehicle.

Conditions are recommended to ensure that these are provided prior to first occupation of the mobile home and that the soakaway comply with the requirements of BRE Digest 365.

Ecology/Biodiversity:

JLP Policy DEV26 (Protecting and enhancing Biodiversity and geological conservation) states:

'Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained'.

Whilst, an ecological report has not been submitted with this application the proposal would be sited on an area of land which is considered to have little ecological value and therefore it is not considered that survey effort is required in this case and it is concluded that the agricultural workers dwelling can be installed without harm being caused to local biodiversity. The Ecologist at DCC has provided a consultation comment, and requested that a condition be added to any permission, restricting the external lighting, to protect protected species using the proposed hedge bank.

Other Matters

Given the temporary nature of the dwelling, it is not considered that the full requirements of Policy Dev 32 are required to combat climate change and for energy efficiency measures.

Conclusion

The application has been supported with an agricultural assessment which identifies a need for the agricultural workers dwelling. The Agricultural Consultant is content there is a need for a temporary mobile home at this site to support the agricultural enterprise. As such, the countryside location is considered acceptable, to serve the farming business. On balance, the proposal is considered to be a modest addition to the countryside setting, with appropriate planting to act as an effective screen. Officers support the application.

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

Planning Policy

Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

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

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

DEV31 Waste management

DEV32 Delivering low carbon development

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 80, 84, and 85 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.

List of Planning Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s):

Site Location Plan;

Proposed Mobile Home;

And received by the Local Planning Authority on 11th February 2022.

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

3. The mobile home hereby permitted shall be removed and the land restored to its former condition to the reasonable satisfaction of the Local Planning Authority on or before 3 years after the date of this decision notice.

Reason: Permission is only granted having regard to the special circumstances of the case for a temporary period as applied for and the development proposed is in an area where there is a presumption against new development except where an agricultural or horticultural need has been established.

4. The occupation of the mobile home unit of accommodation hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990, or a widow or widower of such a person, and to any resident dependents of any such person, residing with them.

Reason: To ensure that the mobile home is occupied by persons connected with agriculture, as the site is located in an area where there is a presumption against new development except where an agricultural need has been established.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and

the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

6. Foul water drainage shall be provided as indicated on the application form by means of package treatment plant on land within the applicants' ownership prior to first occupation of the temporary agricultural workers dwelling hereby approved, unless an alternative means of foul water drainage is submitted to and agreed in writing by the Local Planning Authority prior to installation. Once installed the drainage scheme shall be maintained and retained for the life of the development.

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

7. Surface water drainage shall be provided as indicated on the application form by means of soakaway(s) on land within the applicants' ownership prior to first occupation of the temporary agricultural workers dwelling hereby approved. The soakaway(s) shall comply with the requirements of BRE Digest 365 unless an alternative means of surface water drainage is submitted to and approved in writing by the Local Planning Authority prior to installation. Once installed the drainage scheme shall be maintained and retained for the life of the development.

Reason: To ensure a satisfactory and sustainable surface water drainage system is provided to serve the development.

8. No external lighting shall be installed at the site without obtaining permission from the Local Planning Authority.

Reason: In the interest of biodiversity

9. Prior to above level works on site, a Landscape Plan shall be submitted to and agreed in writing with the Planning Authority. The Landscape Plan shall relate to all land within the applicant's ownership, as identified by the red line on the approved location plan. The Landscape Plan shall relate to the Landscape scheme, and provide details of the hard and soft landscaping details, and provide a cross section of the proposed Devon hedgebank.

Reason: To ensure the proposal complies with Policy Dev 23 of the Joint Local Plan, and to assess the further details to ensure the proposal conserves and enhances the landscape character area.

PLANNING APPLICATION REPORT

Case Officer: Darren Henry
Staverton

Parish: Dartington **Ward:** Dartington and

Application No: 1375/21/ARM

Agent/Applicant:

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

Applicant:

DEVON AND CORNWALL FARMERS LTD
c/o agent

Site Address: Beacon Park, Dartington



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

Reason for call in – application called to Committee for determination by Cllr Hodgson due to concerns with landscaping and drainage

Recommendation: to grant permission subject to conditions

Conditions (list not in full)

Time limit

Accordance with plans

Samples of materials
Low carbon development
Adherence to Arboricultural Method Statement
Landscaping
Drainage

Key issues for consideration:

- Appearance
 - Layout
 - Landscaping
 - Scale
-

Site Description:

Beacon Park comprises an existing industrial site situated on the south side of the A385. The employment site has expanded over the years with a mix of employment and retail uses within converted and extended agricultural units. The site at Beacon Park was included within the allocation of employment sites in the Plymouth and South West Devon Joint Local Plan (JLP) for 11,300 sq. metres confirming the Council's support to utilise this land for employment purposes. The land comprises some 6ha (15 acres) with the Outline application covering 4.39ha (10.85 acres).

The site slopes gently from the A385 to the north to the stream forming the southern boundary.

The Proposal:

This application is for a reserved matters application for access, appearance, landscaping, layout and scale in relation to building 3 of previously approved application 3631/21/OPA. The building is to be sited on the northern side of the site adjacent to the A385 between the existing access road to the site and the new access road.

Consultations:

- Environmental Health Section—No objection
- Dartington Parish Council—Object
DPC states that it would like to reiterate its original comments in relation to this application including its concerns that flood risk is not being adequately mitigated; that the promised footpath is not provided; that landscaping and additional tree planting proposals are poor. The council is also concerned that there may not be adequate root protection for existing trees, that the application does not adhere to what was agreed at outline in that the building has increased in size and there is a discrepancy between the parking arrangement in this plan and the outline. The council further notes that flood risk calculations using a 1 in 100 year extreme weather event are inadequate and this application will result in a threat to local watercourses.

Representations:

Representations from Residents

One letter of objection has been received, with the following summarised comments:

- The private road layout proposals differ from previous approvals. An internal footway should be provided as shown on the outline consent.

- Concerned about flood risk during high periods of rain.
- None/few of the surfaces constructed on site appear to be semi permeable, with little attention to SuDS.
- There is no detail as to how the retaining wall tails off to the west and whether it will simply be more concrete.
- In this application the proposed building has a footprint of 330 sq m against 288 sq m on the Master Plan. In addition, it has a different orientation to the A385. As a result, the building is pushed further into the root protection area shown on the 2017 Site Constraints Plan.

Five letters of support have been received stating the following:

- There just simply is not enough light industrial units in the area and whilst it is understandable that the focus has been on housing there has to be balance in everything. We cannot rely as heavily as we do on the tourist industry. There simply has to be space for local businesses to become established and help grow the economy providing local jobs for the people who are being encouraged to settle into the region
- As a tenant of Beacon Park for a number of years, I have been impressed by the sympathetic approach in the way the site has been developed over the years, providing additional much needed spaces for local small businesses.
- There is little available light industrial units for a growing business like mine in this direct area and especially of this standard. The building is well designed and in keeping with the existing development and will allow us to live and work locally whilst also providing local jobs and benefit the local economy.

Representations from Internal Consultees

- Landscape Officer—No objection
- Tree Officer—No objection subject to a condition.

Representations from Statutory Consultees

- DCC Highways Authority—No objection

Relevant Planning History

LA_Ref	3631/17/OPA
Proposal	Outline application for the erection of a mix of B1, B2 & B8 employment spaces, together with access, parking, landscaping and other associated works with an extended time to commence development
SiteAddress	Beacon Farm Dartington.
Decision	Conditional approval
LA_Ref	14/2086/91/4: COU

Proposal	Change of use from Agricultural Education Centre to storage and distribution of products for use in agriculture
SiteAddress	Beacon Farm Dartington.
Decision	Conditional approval
LA_Ref	14/0853/96/3: FUL
Proposal	Replacement of store extension to office and extension to turning area
SiteAddress	Beacon Park Dartington.
Decision	Withdrawn: 17 Jun 96
LA_Ref	14/0671/94/3: FUL
Proposal	Extension to warehouse and screening to loading area
SiteAddress	Beacon Park Dartington.
Decision	Conditional approval: 13 Jun
LA_Ref	14/0886/92/3: FUL
Proposal	Extension for storage of agricultural products
SiteAddress	Beacon Farm Dartington.
Decision	Conditional approval: 14 Oct 92
LA_Ref	14/0592/92/3: FUL
Proposal	Alterations to access from highway
SiteAddress	Beacon Farm Dartington.
Decision	Conditional approval: 15 May 92
LA_Ref	14/0591/92/5: ADV
Proposal	Display of name on building and erection of entrance signs
SiteAddress	Beacon Farm Dartington.
Decision	Conditional approval: 27 May 92
LA_Ref	14/0593/92/3: FUL
Proposal	Alterations to external elevations
SiteAddress	Agricultural Merchants Depot Beacon Farm Dartington.
Decision	Conditional approval: 18 May 92

ANALYSIS

Principle of Development/Sustainability:

The principle of the development has been accepted under outline application 3631/17/OPA.

Appearance/Landscape/layout and Scale:

In comparison with the previously approved outline application the building is now orientated to be side on with regards to the entrance and rear to the main road. The proposed building has offices on the east elevation with the introduction of windows, giving a better appearance than a blank elevation 'fronting' the access road, although they will not be visible due to the

topography of the site, the 1.95m retaining wall and additional vehicle barrier, which, unfortunately, removes any benefit to the re-orientation of the building.

The proposed site layout is constrained by the shape and topography of the site, and the size of the proposed building. This has resulted in the parking provisions being split up across 5 locations, and pushed right out to the edges of the application boundary, so there is little scope for on-site landscaping to soften the effect. The applicant has proposed to plant seven new trees. The site is constrained and seven new trees will be very beneficial in terms of softening the appearance of the development. Maintaining a strong belt of tree planting between the site and the main road will also be essential.

Whilst it is a substantial building, the fact that the building footprint is cut back into the slope will reduce how imposing it is from the highway side. Nonetheless the existing and new trees will further help with screening the visual effects of such a large building. Furthermore, the Ecology report by Devon Wildlife Consultants notes that the trees to the north are dying and will be replaced as part of the wider landscaping, as detailed on the layout plan and wider site masterplan, which will also be secured via a landscape condition.

The building is to be 29m long x 12m wide and will be 6m to eaves and 7m to ridge. The building will be built at 38.6m FFL. The building will have Juniper green insulated box profile cladding to match the other units on the site which will be insulated internally with 80mm of insulation to the walls and 100mm to the roof.

The building is to be accessed via a roller shutter door on the southern elevation and a further roller shutter door on the western elevation, together with personnel doors and an office door on the south side. All of the windows and doors will be powdercoated aluminium with anthracite grey frames and matching fascias.

Considering the building is for employment purposes the design, appearance, layout and scale of the building is suitable in its context and accords with DEV20 and DEV23 of the JLP

Neighbour Amenity:

With regards to the relationship between the proposed development and residential dwellings, it is noted that whilst there is a cluster of dwellings located on the opposite side of the A385 to the existing entrance to Beacon Park, the nearest dwellings are around 300m from the site. The Council's Environmental Health Specialist has been consulted and raised no issues with regards to noise. It is therefore considered that the proposal is in accordance with Policies DEV1 and DEV2.

Highways/Access:

It is noted the applicant has split the parking provision across 5 locations to the edges of the application boundary, with provision for 17 spaces. The Highway Authority have been consulted and has not raised a Highway objection.

Comments have been received stating that the previously proposed footpath has now been removed. This is not the case and the footpath is still proposed, as shown on drawing Building 3, 300 C. The drawing shows the pavement on the lower side of the spine road which will run all the way down to Dorridge Lane to the East end of the site. This section of the pavement is already constructed, including the pavement cross-overs for the entrances to Wynnstay's unit.

The building will be 348sqm. For a B1 use there should be 1 space per 30sqm, for B2 1 space per 51sqm and for B8 1 space per 70sqm. There is car parking for a minimum of 14 cars, which meets the above parking standards.

Flooding and Drainage

The County Lead Local Flood Authority initially had concerns over the drainage of the site and the proposed SuDS. However, revised drainage management scheme has been received and the Officer is now satisfied that the site can be adequately drained. The Officer further states that the applicant is reminded that surface water related conditions are attached to the outline planning permission. These conditions will need to be discharged prior to the commencement of any works.

The applicant has confirmed that the existing management company for the Beacon Park site will maintain the surface water drainage system for Building 3. It is therefore considered that the proposed surface water drainage management system is acceptable and shall be imposed, if approved, via a condition, and accords with JLP Policy DEV29.

The details of the proposed Surface Water Drainage System was discharged under 2746/19/ARC.

Low Carbon Development

The applicant has submitted an Energy Statement showing how the building will utilise low energy consuming materials and technology to contribute towards reducing the building's carbon footprint in accordance with JLP Policy DEV32 and includes 18 x 350-watt PV units on the south slope as detailed in the supporting Energy Assessment/DEV32 checklist.

Consequently, if minded to approve a condition will be imposed to ensure that the built is built out in accordance with the Energy Statement.

Planning Balance

There is a significant need for new employment units within the district and the proposal would go some way towards addressing this shortfall. Moreover, the site is also allocated within the JLP, which is clearly a material planning consideration, subject to planning considerations. Consequently, after having regard to a range of material planning considerations, officers are satisfied that the proposed development can be accommodated without significant harm arising, and where necessary mitigated with planning conditions via application 3631/17/OPA and this application.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For

the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT4 Provision for employment floorspace

SPT7 Working with neighbouring areas

SPT8 Strategic connectivity

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the natural environment

SPT12 Strategic infrastructure measures to deliver the spatial strategy

SPT13 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV29 Site allocations in the Smaller Towns and Key Villages

TTV30 Empowering local residents to create strong and sustainable communities

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV10 Delivering high quality housing

DEV14 Maintaining a flexible mix of employment sites

DEV15 Supporting the rural economy

DEV19 Provisions for local employment and skills

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Neighbourhood Plan

There is no Made Tavistock Neighbouring Plan presently, although there is a formerly designated Tavistock Neighbourhood Plan Area.

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

1. Standard time limit

2. The development hereby approved shall in all respects accord strictly with drawing number(s) SUDS Maintenance Regime, Reference 1007w0011 P3, by JRC Consulting, dated the 14/02/2022, received by the Local Planning Authority on the 31/03/2022; Site Layout Plan (aerial photograph) 0101 Rev P1; Network: Storm Network 1, John Curtis, June 2019; Network: Storm Network 2, John Curtis, 15/10/2019; Proposed Drainage Strategy 50 Rev P6, all received by the Local Planning Authority on the 26th of January 2022.

Landscape Statement by Luscombe Maye, November 2021; Landscape Plan 1:200 Scale @A3 Nov 2021; Tree Protection Plan and Method Statement 04191 TPP 13.7.21; Impermeable Area Plan 3120 P1; Units 3 & 8 Drainage Layout 3500 P1; Units 3 & 8 Private Drainage Construction Details 3565 P1; Unit 3 Private Drainage Construction Details 3566 P1, all received by the Local Planning Officer on the 6th of December 2021.

Energy Statement Building 3 by Energy Compliance March 20; 1:100 and 1:200 Scale Western Elevations 303 B, both received by the Local Planning Authority on the 20th of August 2021.

Framework Travel Plan by PCL Transport, 25th of January 2017, Reference 4140; Lighting Elevation Plan 302 E; KSR Lighting Navara SFLED Data Sheet; Building 3 Foul and SW Drainage 309; Building 3 1:100 Scale Unit Plan 301 E; Elevations 302 E; Site Location Plan 304; Sections 306 A; Building 3 Foul and SW Drainage 307 C; Building 3 1:200 Scale Site Plan 300 C, all received by the Local Planning Authority on the 22nd of July 2021.

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

3. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. The development shall strictly accord with the Arboricultural Method Statement, drawing reference 04191 TPP 13.7.21

Reason: To protect existing retained trees and those to be planted.

5. Then proposed landscaping shall be carried out in accordance with the revised approved plan, drawing reference Landscaping Plan at 1:200 Scale @ A3, Rev A Nov 2021.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

6. Details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The development then shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that the development can deliver low carbon through the life of the development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

7. The maintenance of the surface water drainage system shall be maintained in accordance with the SUDS Maintenance Regime, undertaken by JRC Consulting Engineers, reference 1007w0011.

Reason: To ensure the Surface Water Drainage Systems operates in an efficient manner and regularly maintained so as to avoid any surface water flooding.

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PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

Parish: Ermington **Ward:** Ermington and Ugborough

Application No: 4701/21/FUL

Agent/Applicant:

Mrs Helen Morris-Ruffle - Visionary
Planning UK
Trevean
2 Penmelen
Camelford
PL32 9UH

Applicant:

Mr Mark Walker
4 Pinwill Crescent
Ermington
Iybridge
PL21 0H3

Site Address: Linhay Barn, Budlake, Ermington, PL21 9NG



Development: Erection of agricultural workers dwelling

Reason item is being put before Committee

Cllr Holway has requested for the item to be determined at Committee for the following reason:

'I think the proposed development at Tallet Meadow/Budlake Barn presents an exciting opportunity for the owners to apply Eco farming methods and help to educate younger people in improving biodiversity and looking after our environment. Should you be unable to recommend Approval, I would like this application to be considered by the DM Committee.'

Recommendation:

Refusal

Reason for refusal

1. The case for a new agricultural workers dwelling is not justified by exceptional or appropriate circumstances, and it is founded that there is no identifiable functional or essential need for an agricultural workers dwelling at this site. The proposed site location is within an open countryside setting, and residential development is only supported in exceptional circumstances, such as to meet an essential agricultural need. As such the proposal fails to meet policy objectives and policies SPT1, SPT2, TTV1, TTV26 and TTV27, of the Plymouth and South West Devon Joint Local Plan, and paragraph 80 of the NPPF.
2. The siting of the proposed dwelling is considered to be contrary to Policy Dev 20, because it does not have a regard to the pattern of local development, and will see an incongruous addition of a new dwelling outside of a settlement. This will result in a further straggle of a dwelling within the open countryside and will visually extend the built form into the open countryside.

Key issues for consideration:

Principle of development, design and appearance, landscape visual impacts, ecology, highways and drainage.

Site Description:

The application site is located to the west of the village of Ermington with open pasture land in between the site and the village. At the site is a Linhay Barn and surrounding open pasture land, with trees of various varieties planted within the grounds. The site is also made up of meadow land, which is located approximately 190 metres to the west of the Linhay Barn, and spreads into Ermington village.

The stone barn is a traditional linhay style barn and is surrounded by stone walling.

The boundary treatments at the site consist of well established hedgerows and trees.

Surrounding the site is open countryside. There is one residential dwellinghouse located directly to the east of the application site known as 'Budlake' and one residential dwellinghouse, on the adjacent side of the highway, to the north east of the site, known as 'Two Springs'.

The Proposal:

This application seeks full planning permission for the erection of a dwelling, described as an agricultural workers dwelling. The proposed dwelling will have 2 bedrooms. The proposed

design of the dwelling will be single storey in height, and will have two rectangular built form blocks with low pitched roofs linked to one another by an entrance hall way. The roofscape will be made of a green roof with wildflowers planted.

The dwelling will be set into the land. The proposal comprises a gross internal floor area of 155 sqm. The proposed curtilage measures 1315 sqm.

The proposed materials include natural timber weather boarding elevations, timber framed openings, The entrance hall area will utilise natural stone with mortar.

Landscaping measures are proposed including a new devon hedgebank to the south east and the retention and improvement of existing hedges to the north, east and north west.

The applicant wishes to have an agricultural workers dwelling at the site in order to manage the meadow land as a farming business. The planning statement states that there is an urgent need for the owners to live on site to closely manage their crops. The crops cultivated from the site are fruit trees and some summer haylage. The planning statement states that living on site will allow the owners to:

- ‘ - deal with emergencies
- less time travelling to and from current home address in the village of Ermington
- security of equipment and produce
- monitoring of stream levels to prevent flooding’.

Planning permission was granted in 2017 to convert the existing Linhay Barn into a dwellinghouse (application reference number 2767/17/FUL). The applicant is wishing to rescind this permission, and maintain the barn as a barn and not complete the conversion permission to turn it into a dwellinghouse, should this application for a new dwelling at the site be successful. Officers are concerned if the existing linhay barn is practical or able to be used for purposes of agriculture, and whether the historic character of the building makes it no longer practical for modern day agricultural purposes. The applicant’s proposal to sign a s106 legal agreement, to ensure the Linhay Barn is restored back to agricultural use and not be converted into a dwellinghouse, as per the permission granted 2767/17/FUL, is not clear if it is possible in legal terms, and Officers are not content that this meets the tests of a s106. Therefore, this part of the proposal cannot be considered as part of this application.

The site is not located within a protected designated area, is not located within a flood risk zone or Conservation Area.

Consultations:

- County Highways Authority: Standing Advice
- Town/Parish Council: Support

The proposed new ‘eco house’ will be far more energy efficient than converting the existing stone linhay for which planning approval exists. The Linhay is a prominent historic feature and would be best retained and renovated as an agricultural building. Legally protecting the linhay as an agricultural barn and removing the planning approval to erect a new steel barn seems best.

- Independent Agricultural Consultant: There is no functional need to live on site- No Support

(Response not copied in full)

The background to this application is as follows:-

The applicant purchased the lincay together with 13 acres in 2019

The lincay already had permission to convert under planning reference 2767/17/FUL

Since acquisition the applicant has also obtained permission under reference 2561/21/AGR for an agricultural storage building.

The applicant since acquiring the property has already planted some orchard trees and made hay on grassland.

I was led to believe by the applicant at my site visit that he wishes to revert the lincay to an agricultural building for uses associated with his proposals on the holding and instead build a new agricultural worker's dwelling as a residence to replace the agricultural storage building under 2564/21/AGR.

I think it is quite obvious that the existing operations on the holding (recently planted orchard trees and hay making – there are no livestock) that there is not a functional need to live on site as prescribed under the relevant criteria of both the local and national policy. So in my opinion that is fatal to the application and means I cannot support. Whether or not the application satisfied the other criteria in terms of the needs of a full time worker, whether it is financially viable and clear prospect of remaining so, whether there is other suitable and available accommodation for the worker concerned, are all probably not satisfied in this case and again, are all criteria which are not met and thus create reasons for me to not support.

- DCC Historic Environment Officer (Archaeology): No comments to make.

I refer to the above application and your recent consultation. Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

- Environmental Health: No concerns

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

An FDA1 form has been submitted and confirms that the applicant intends to use a Klargestor package treatment plant discharging to a drainage field on land in the ownership of the applicant. We have no concerns regarding this.

A contamination statement has been included which confirms from the applicant that the land has been in long term agricultural use. We therefore do not anticipate any contaminants of concern within the development area.

- Landscape Officer: Holding Objection

The site is not within a designated, protected landscape but is within open countryside. The site is located to the immediate east of an existing stone barn (the Linhay Barn) and yard, and the barn has permission for conversion to a 3 bed dwelling (2667/17/FUL, granted 7 December 2017).

This proposal and the aspirations for the land holding described in the documents do not obviously conflict with these strategies, but it is recommended that a fully detailed hard and soft landscape scheme for the application site should be secured by condition if Officers are minded to approve the application. Soft landscaping details should include the schedules and specifications for the green roof planting, as well as all new tree, shrub and hedge planting, along with maintenance specifications and schedules for the successful establishment of the proposed scheme.

Any external lighting should be limited to reduce adverse effects on dark night skies. This could be secured by a condition requiring full details of any external lighting to be submitted for approval.

A fully detailed landscape scheme for the application site should be secured by condition if Officers are then minded to approve the application.

Representations:

Representations from Residents

11 letters of support have been received and cover the following points:

- The proposal embeds sensible ideas – low impact materials, carbon-neutral space and all hidden by planting.
- The proposal will see the maintenance of the old barn and retain the character of the old barn
- The renovation would provide a fine and desirable traditional historical building to remain
- Remove the need for an ugly modern barn
- Environmentally friendly building
- The barn is a haven for wildlife
- The new plans will emit less light pollution
- The new design is more pleasing
- Less intrusive on the landscape

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

- The application is premature in advance of evidence of an operational farm on this land. There is at present no convincing need for a dwelling.
- The business plan notes a potential for a “Beacon of Excellence” but this is lacking hard evidence including the long term economic prospects of the proposal.
- The applicant lives within a quarter of a mile of the site which is adequate to cater for supervision while the holding is being developed.
- There appears to be no compelling reason to live on site as there is no livestock, and the bulk of the land has been planted with fruit trees.
- The proposed design is angular with low pitched roofs which do not blend into the site.
- The proposal would set a precedent for further development in the gap between the site and Budlake on the outskirts of the village. It is well accepted that undeveloped spaces on the edges of villages are important.

- If permission were to be granted, the Section 106 Agreement as proposed by the applicant would require strengthening to ensure the following:
 - (a) that only the storage of produce from the holding takes place
 - (b) that a full-time retail unit is not established on the site
 - (c) that the applicant forgoes his right to erect further agricultural buildings and/or extend the existing building on the site
 - (d) that the roadside hedge is maintained at its present height
- It is more environmentally friendly to convert the lincay
- The proposed aesthetics do not fit in with the traditional village

Relevant Planning History

Planning Application Ref: 2767/17/FUL

Description: Conversion of barn to dwelling

Address: Lincay Barn Budlake Ermington Ivybridge PL21 9NG

Decision Date: 07 December 2017

Conditional Approval

Planning Application Ref: 1996/21/AGR

Description: Application for prior notification of proposed agricultural barn

Address: Tallet Meadow Farm Ermington PL21 9NG

Decision Date: 23 June 2021

Prior Approval Refused

Planning Application Ref: 2564/21/AGR

Description: Application to determine if prior approval is required for a proposed storage building measuring 25metres x 12metres by 4.10metres to eaves and 5.60metres to ridge

Address: Tallet Meadow Ermington PL21 9NG

Decision Date: 03 August 2021

Ag Determination details not required

ANALYSIS

Principle of Development/Sustainability:

Spatial Strategy:

Policy SPT1 of the Joint Local Plan (JLP) seeks a sustainable society where sustainable and health-promoting transport options are available to access local education, services, and jobs. Policy SPT2 sets out that development should support the overall spatial strategy through the creation of communities which; have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services, and community facilities, and; are well served by public transport, walking and cycling opportunities.

Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements within the Thriving Town & Villages Policy Area (TTV), further explained in policy TTV25. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'.

The site is not within an area identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area. Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only "*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*". Officers note that the planning statement references that the site is within the settlement of Ermington, however, owing to its remoteness from the village, it is not considered as being within the main cluster or heart of the village of Ermington. It is on the periphery and not classed as being within the village. Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy is to protect the role and character of the countryside.

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

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

The application site has two dwellings within relatively close proximity to the site. Although the proposed location would therefore represent development in the countryside, when applying the principles of the Bramshill Ruling, it is not considered to be isolated development. Therefore TTV26 (2) is only applicable in this instance.

JLP Policy TTV26 (2) states:

Development in the countryside

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

2. Development proposals should, where appropriate:

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

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

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

iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.

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

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

The proposal does not impact upon any public rights of way or bridleways, and so point (i) is not relevant to the proposal.

The proposal does not seek to re-use an existing traditional building. Officers note that permission is granted at the site to reuse the traditional Linhay Barn for residential accommodation.

iii. Point three is not relevant or applicable as there is no agricultural use on site to be effected.

iv. The application is for an agricultural workers dwelling. The applicant justifies the need for the new dwelling in order for the applicant to manage and farm the meadow land. The business plan and documents provided to support the application note that the applicant purchased the Linhay along with 13 acres of land in 2019. Since acquiring the property, the applicant has planted some orchard trees and made hay on the grassland.

An Independent Agricultural Advisor has assessed the need for a dwelling at the site and found that there is not a functional or essential need to live on site, as prescribed under the relevant criteria of both local and national policy. The Agricultural Consultant concluded that: 'existing operations on the holding, including the planting of orchard trees and hay making, with no livestock, demonstrate there is no functional or essential need to live on site'.

In addition, the Agricultural Consultant notes that the financial viability is not satisfied in this case.

The Agricultural Advisor was clear in emphasising the early stages of the enterprise being operated at the site. The activity so far on the site includes planting of orchard trees, and management of the land which totals 13 acres. This does not constitute a need to have a 24 hour presence on site, nor does it equate to a well-established agricultural business. There is no founding for a need at present for an agricultural workers dwelling because of the premature and new stages of the business. The Agricultural Consultant notes: 'because this is a relatively new enterprise, then it quite neatly fits into a category of a temporary dwelling, thus giving the applicant a trial period of say 3 years to get the proposed business up and running, and in a position to possibly satisfy the criteria for a permanent dwelling in 3 years' time'. In these circumstances, where the business is new and not yet established fully, a temporary workers dwelling would be more appropriate. The agent and applicant do not wish to pursue this option of a temporary dwelling.

The NPPF paragraph 80 provides further information regarding isolated homes in the countryside. Paragraph 80 reads:

'80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;'*

Further guidance is provided in the Planning Practice Guidance (PPG). The text relevant to Paragraph 80a, states (formerly paragraph 79a):

Considerations that may be relevant to take into account when applying Paragraph [80a] of the NPPF could include:

- *evidence of the necessity for a rural worker to live at, or in close proximity to their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processed require on-site attention 24 hours a day and where otherwise there would be risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)*

The application does not demonstrate that there is a need for someone to be present at site 24 hours a day, and does not meet the above examples of why an agricultural workers dwelling might be essential. The total acreage of the land is 13 acres which is a minimal size to require a full time worker to be present on site 24 hours a day. The applicant lives in close proximity to the place of work, being resident in the village of Ermington, and located approximately 850 metres along the highway from the site, or 630 metres as the crow flies. The main village square of Ermington is approximately 450 metres along the main highway. On the site visit conducted with the applicant, the applicant was able to walk to the site.

Due to the existing nature of the business, there are not considered to be emergencies that could result in serious loss of crops that require 24 hour supervision. There are no animals/livestock on the site. The Planning statement referred to a need to be present on site in case of flooding. The site is not located within a flood risk zone, and owing to the applicants living within proximity to the site, if there was flood risk, then they would be able to access the site responsively.

The PPG guidance also considers if the need can be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context. There is extant permission for a dwellinghouse at the site. Furthermore, the applicants live within the village of Ermington so it is considered that the potential need for a new agricultural workers dwelling can be met through other ways.

In light of the above assessment, and independent assessment of the Agricultural Consultant, it is concluded that there is no demonstrable functional, or essential need, for the proposed agricultural workers dwelling. For these reasons, a new agricultural workers dwelling for this new enterprise, at this location, is not supported as it is contrary to the spatial strategy of the JLP, and more detailed policies relating to the settlement hierarchy and development in the countryside, along with the aims of Paragraph 80 of the NPPF.

Design and Appearance

The proposal is for a contemporary style dwelling with flat roof, and it will be relatively low lying. The proposal offers a modern style which does not respond to the local vernacular, however, the NPPF allows for innovative design. The proposed materials which see the use of timber and stone are supported. The meadow planted roof will help to assimilate the development into the setting. The proposed dwelling is modest in scale and footprint. It does consider the local topography, and the roof will be positioned to sit well within the valley side.

The siting of the proposed dwelling is not considered to be acceptable. The siting of the dwelling will cause a further straggle of a dwelling within the open countryside setting. The site is not clearly within the definable boundary of the village. The proposal will visually extend the built form into the open countryside, and it does not appear as a natural addition to the main village.

Policy Dev 20 requires development to have a:

'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'

The proposal is not considered to have a regard to the pattern of local development or the surroundings, as it will see a further incongruous addition of a new dwelling outside of a settlement area. The proposal is therefore, contrary to Policy Dev 20.

Landscape

The site is not within a designated area. It is located within Landscape Character Type 3.G River Valley Slopes and Combes.

A Landscape Character and Visual Amenity assessment was completed and submitted with the application. In terms of visibility of the site, the assessment found that:

'the visual envelope of the site is defined by topography of the Erme valley. The site sits in a coombe that leads into the Erme Valley to the west of the village of Ermington. We were unable to identify any clear views of the site from any area that has public access.'

The report concludes that:

'In conclusion, it is assessed that the design and mitigation approaches adopted by the proposed development through its design and planning, would minimise impacts on the landscape and visual receptors and would accord with point 7 set out in Policy Dev 23 in the JLP. To avoid, mitigate and where necessary compensate for any residual effects, it is assessed that the proposed development would result in no more than negligible effects on very limited local visual receptors and would result in net beneficial landscape effects in terms of the receiving site and immediate areas.'

The Landscape Officer has been consulted on the application and has a holding objection because the level of detail submitted with the application does not convince the Landscape Officer that the requirements of Dev 23 are met. If the application is approved, then a landscaping scheme and further information regarding landscaping details and a landscape management plan would be required as a pre-commencement condition to ensure that the proposal does follow Policy Dev 23.

On balance, Officers note that the site is relatively well screened due to the existing hedgerow and planting. The site is visually well contained in the valley, and largely screened from public views into the site. The single storey height of the building, along with the green roof and the boundary hedge will help to mitigate any landscape effects and effects of a new building within this countryside setting.

The proposal will require a full detailed hard and soft landscape scheme, including details of the proposed new hedge bank and how this will sit with and adjoin the existing boundary treatments, and how the existing hedgerow will be maintained, will be required and secured by a condition, if approval is recommended on this application.

The proposal will also require a condition for external lighting. External lighting should be carefully controlled to minimise any adverse effects from light spill. This could be secured by a condition requiring full details of any external lighting if planning permission is granted.

Details of external level changes should be confirmed, including the nature, height and extent of any retaining features. Adverse impacts on the northern boundary hedge as a result of the development should be avoided, and therefore further information is required to explain how this feature will be protected.

With the use of the above conditions requiring further landscaping details, lighting and levels, the proposal is considered to be compliant with Dev 23.

Climate Emergency

The application has been submitted with a Dev 32 checklist and a design philosophy document explaining the sustainability of the proposal.

The planning statement notes that the proposal will use locally sourced construction materials and avoid the use of concrete or high energy demand products including steel. Officers query this statement as the Dev 32 checklist refers to 'eco concrete'. The planning statement notes that the proposal will use a ground sourced heat pump and mechanical ventilation heat recovery. For energy production, the proposal will use a water and wind turbine and solar panels. The proposal will see sufficient space being provided for an electric vehicle charging point. These measures have not been provided on any proposed plans, so should approval be given, this would need to be added as a condition to require details of these measures.

Officers note the measures that are proposed to improve the energy demand and energy efficiency of the proposal, in line with Policy Dev 32. However, it is important to note that a significant proportion of the carbon emissions associated with buildings arise from the materials used and the construction process itself. These are the "embodied carbon emissions" of a building. Extending the lifespan of a sound existing building which is capable of adaption to meet an occupier's future needs is a lower carbon pathway than building a new. Undertaking a retrofit to maximise an existing buildings energy efficiency and decarbonise its sources of heat and electrical power will help ensure that the building can provide a comfortable environment and low energy performance well into the future. The embodied carbon associated with the construction of a typical new building can be equivalent to 20 years' worth of its operational carbon emissions. Research also shows that over the timeframe of 10-30 years (depending on the particular deadline for net zero) then it is likely that retrofitting existing buildings, where possible, will have a more positive impact on climate change than building new. This research is supported by the Carbon Management Hierarchy, which outlines the best action in reducing emissions is to avoid building a new dwelling. It is also questioned by Officers if the existing Linhay barn is suitable and fit for purpose as agricultural use and would be better suited as a dwellinghouse.

Despite the new dwelling using energy saving measures, the most effective method for carbon saving is to reuse and retrofit existing buildings. This is a possible solution at the site, where there is extant permission for the conversion of a barn into a dwellinghouse. The proposal is therefore not considered to meet the aims of the Policy Dev 32.

Neighbouring Amenity

The proposal is not considered to be in close proximity to cause harm to neighbouring amenity. The closest neighbouring dwelling is approximately 80 metres away, and their curtilage boundary 45 metres.

Ecology

In the instance of this application, the wildlife trigger list has not been activated, so there is no requirement for an ecological survey. The proposal will see an increase in bio-diversity through the addition of hedge banks, planting and the installation of bat and bird boxes.

Highways

Standing advice has been applied. The entrance provides access and acceptable visibility to enter the main highway. There is sufficient space to manoeuvre a car within the parking area proposed, so a vehicle can enter the highway in forward gear. Two car parking spaces are proposed. The proposal is considered to meet standing advice and complies with the SPD.

Drainage

The planning application [ref 2767/17/FUL] to convert the existing Linhay barn adjacent to the development required a drainage assessment to be submitted to satisfy condition 5 of the Permission. This assessment identified, via excavated test pits, that soakaways were not feasible as the pits rapidly filled with ground water in November and May the year the tests were carried out. The development site is immediately adjacent to the Linhay Barn site and it therefore can be assumed that the ground conditions will be similar. As soakaways are not possible, moving down the drainage hierarchy the next approach would be to discharge to a watercourse. There is a watercourse immediately to the West of the development site and the area of the development roof is practically the same as the Linhay Barn impermeable area. Therefore it is proposed to construct an attenuation tank to the same size as that detailed for the Linhay barn. This is shown on drawing SG19-30 04 F Proposed Site Plan.

In regards to foul sewage, it is proposed to connect to the package treatment plant installed as part of Linhay Barn conversion under planning application [Ref 2767/17/FUL]. If permission is granted for this new dwelling, the Linhay barn will be retained as an agricultural use and the treatment plant would serve the new dwelling instead (subject to a Heads of Terms agreement). The package treatment plan and drainage field is located to the East of the proposed dwelling as detailed on the proposed site plans.

The installation complied with general binding rules and is located outside any Source Protection Zone 1 and therefore an Environmental permit is not required.

The Treatment plant is located a minimum 7m from the proposed dwelling and the drainage field 15 metres away from the proposed dwelling and 5 metres from the adjacent lane.

The installation was inspected and approved under Building Regulation Notice Application 19/06157.

In light of these considerations, the proposed drainage scheme is acceptable.

Other Matters

The Design and Access statement advises that the applicants intention is to retain the Linhay in agricultural use, and this is confirmed in the Heads of Terms document. Should planning permission be granted, then this will need to be managed by the Legal team.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar

Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a legal agreement, and this approach has been agreed by Natural England.

The proposed layout plan shows 2 bedrooms are proposed. The amount to pay would be £435.89. The applicant has stated they are happy to pay any legal fees once the application is determined. Due to the recommendation of refusal, the legal agreement S106 has not been progressed.

Conclusion

The application does not demonstrate a need for a full time agricultural workers dwelling to be erected at the site, owing to the Independent Agricultural Consultant's assessment finding there to be no identifiable functional or essential need. The nature of the current activity operating at the site, including plating of fruit trees and making of hay, does not constitute a need to live at the site, especially when regarding the applicant lives in close proximity to the site in the village of Ermington. As the site is within an open countryside setting, residential development is not supported at the site, without exceptional circumstances, which this application fails to meet. In addition, the proposal will see an increase in built form on the edge of the village, so will not appear as a natural extension. On balance, the proposal is not considered to comply with relevant local plan policies.

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

Planning Policy

Relevant policy framework

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

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
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
DEV9 Meeting local housing need in the Plan Area
DEV15 Supporting the rural economy
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
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 79 and 80, 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.