

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 26th July, 2023										
Time:	11.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Long</p> <p style="text-align: center;">Vice Chairman Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr McKay</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Rake</td> </tr> </table>	Cllr Abbott	Cllr McKay	Cllr Allen	Cllr Nix	Cllr Bonham	Cllr O'Callaghan	Cllr Carson	Cllr Pannell	Cllr Hodgson	Cllr Rake
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Cllr Bonham	Cllr O'Callaghan										
Cllr Carson	Cllr Pannell										
Cllr Hodgson	Cllr Rake										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Amelia Boulter - Democratic Services Specialist 01822 813651										

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

To approve as a correct record the minutes of the meeting of the Committee held on 28 June 2023;
- 2. Urgent Business**

Brought forward at the discretion of the Chairman;
- 3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 4. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;
- 6. Planning Applications**

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:
<http://apps.southhams.gov.uk/PlanningSearchMVC/>

 - (a) 0516/23/OPA** **11 - 30**

Tuffland, Oldhouse Lane, Kingston, Kingsbridge TQ7 4HD
Outline planning application with all matters reserved for a permanent agricultural worker's dwelling to serve the farm business
 - (b) 1508/23/FUL** **31 - 40**

Land At SX 619 532, Luson, Westlake
Installation of 24no. ground-mounted solar panels
 - (c) 1875/23/VAR** **41 - 48**

"Marlands Farm", Newton Road, Totnes TQ9 6LS
Application for variation of condition 2 (approved drawings) of planning consent 0176/21/FUL

(d) 1522/23/FUL 49 - 54

Land At SX 776 496 Higher Poole Farm, East Allington
Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

PLEASE NOTE: THE FOLLOWING APPLICATIONS WILL NOT BE HEARD BEFORE 2:00pm

(e) 1108/23/FUL 55 - 74

Land at SX 729 441 Morley Way, Kingsbridge
Proposed construction of employment buildings & associated works

(f) 2928/22/FUL 75 - 88

71 Yealm Road, Newton Ferrers PL8 1BN
Proposed boatshed and reinstatement of Landing (Resubmission of 0370/22/FUL) (Retrospective)

7. Planning Appeals Update 89 - 90

8. Update on Undetermined Major Applications 91 - 98

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 28 June 2023

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
*	Cllr L Bonham	*	Cllr D O'Callaghan
*	Cllr J Carson	*	Cllr G Pannell
*	Cllr J M Hodgson	∅	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice Chair)

Other Members also in attendance:

Cllr Hopwood on MS Teams

Officers in attendance and participating: Cllr D Thomas

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; relevant Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer

DM.7/23 MINUTES
The minutes of the meeting of the Committee held on 7 June 2023 were confirmed as a correct record by the Committee.

DM.8/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr D O'Callaghan declared a Personal Interest in application 6(d) (minute DM.10/23 (e)) below refers) because she had previously supported the skate park. The Member remained in the meeting and took part in the debate and vote thereon.

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(a) (minute DM.10/23(a) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of this application.

DM.9/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.10/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda

papers, and considered the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 0793/23/HHO The Paddocks, Thurlestone
Parish: Thurlestone**

Development: Householder application for renovations and extension.

As highlighted above (Minute DM.10/23 refers), this application was Chaired by Cllr Taylor (Vice-Chair).

Case Officer Update: The Case Officer shared existing and proposed plans as requested following the site visit. The Case Officer summarised the key issues, namely that:

- Design would not represent uplift to quality of built form;
- Quantity of fenestration would not conserve AONB and Undeveloped Coast;
- Drainage details not supplied.

Speakers were: Objector – None, Supporter – John Salmon, Parish Council – None, Ward Member – Cllr M Long.

The Case Officer reported that the SPD does allow for exceptions to increase the 50% threshold, however it would have to be the right design to justify this.

The supporter said that the proposal was of high quality, sustainable and improved the energy rating of the host property. In relation to Policy TTV29 the Supporter said that the proposal was appropriate in scale.

In response to questions from members, the supporter said that:

- light spill and the type of glass to be used as part of the design was considered;
- distant viewpoints formed part of the design consideration and the property would be slightly lower than the neighbouring building;
- the side elevation would be in zinc and central section and internal parts would be timber and silvered timber.

The Ward Member found the site visit useful and had brought this to Committee to consider whether the application provided the uplift on design and build quality to address the 50% threshold justification. This he said challenged the Council's own policies. He added that Thurlestone Parish Council supported this application and requested the Committee to approve the application.

During the debate, Members felt that the overall design incorporated a rather a messy layout into something better with no impact on the landscape. Members debated the light spill, glazing, drainage and

materials used in the build and were minded to approve the application subject to more appropriate materials being used other than zinc.

Recommendation: Refusal

Committee decision: The application be approved subject to receipt of amended plans showing the replacement of the zinc panels with alternatives materials and annotation that shows the first floor glazing being reduced by 25% compared to normal glass provided that the applicant does not include the later in revised plans a condition to that affect be included together with other conditions as determined by the Head of Development Management in consultation with the Vice-chair, Councillor Hodgson (Proposer) and Councillor Allen (Seconder).

**6b) 1381/23/FUL Birdsong, Cliff Road, Wembury, PL9 0HN
Parish: Wembury and Brixton**

Development: Proposed new dwelling.

Case Officer Update: The Case Officer reported that applicant was related to a member of staff. The Case Officer summarised the key issues, namely that:

- Principle – existing;
- Design/Impact on AONB;
- Residential amenity;
- Impact on Undeveloped Coast.

The Case Officer also highlighted:

- they had received a letter of objection which referred to planning previously being refused on this site, loss of Devon hedge and issues relating to site ownership and access to the site;
- Amendment to condition 10 surface water drainage.

Speakers were: Objector – None, Supporter – Dan Stewart, Parish Council – None, Ward Members – None.

During the debate, Members supported the improvements with this application, biodiversity and drainage solution.

The Proposer and Seconder supported the drainage condition.

Recommendation: Approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and

Estuaries SAC and Tamar Estuaries Complex SPA).

Committee decision: Approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

Conditions:

1. Time limit (3 years)
2. Compliance with approved plans
3. Compliance with submitted Construction Management Plan
4. Compliance with submitted Arboricultural Impact Assessment
5. Submission and approval of materials details
6. Compliance with submitted landscaping details
7. No external lighting without the permission of the LPA
8. Compliance with Ecological recommendations and enhancement measures
9. Provision of access and parking spaces prior to occupation and retained thereafter
10. Drainage details – pre-commencement condition (agreed with applicant 14/06/2023)
11. First floor window to north west elevation obscure glazed
12. Adherence to DEV32 measures
13. Unexpected contamination
14. Removal of PD
15. Delineation of domestic garden area

6c) 1355/23/VAR Oakhill Farm, Worston, Yealmpton, PL8 2LN Parish: Yealmpton

Development: Application for variation of condition 4 (use restrictions) of planning consent 0732/22/FUL (resubmission of 0354/23/VAR).

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Stables were only granted permission in May 2022;
- Original condition was imposed due to unsustainable location of the site;
- No change in circumstances which would now justify amending the

- condition;
- Unsustainable location ≠ highways objection

Speakers were: Objector – Sally Hoppins, Supporter – Rachel Wilson, Parish Council – statement read out by the Clerk, Ward Councillor – Cllr D Thomas.

The Objector referred to unresolved drainage and waterflow issues which had caused substantial flooding on their land. They said the applicant had developed the land which had caused continual flooding and were unable to use the lambing paddock and referred the Committee to a dung heap which was not cleared because of accessibility issues and the unplanned access to the applicant's field through their land.

In response to questions, the objector said that:

- Drainage had not been addressed;
- Dung heap not regularly emptied;
- If granted for commercial usage they would be severely impacted.

The Supporter explained until condition had been brought to her attention she had allowed the use of the paddock to be shared with friends and neighbours. She outlined how the paddock had been used and said that she considered this to be sustainable.

In response to questions, the supporter said that:

- They felt pushed into putting a 7-mile radius;
- The neighbour lives uphill and it was drainage onto their land;
- Access to the property was by car or horse;
- They only had space for 2 horses;
- The dung heap was regularly removed by a small tractor by accessing a neighbouring property.

The Ward Member said that Officers were right to apply policy, however, people did not use public transport to access stables in South Hams and questioned the current planning policy around sustainability. The number of vehicles would not significantly increase. As outlined in the Officer's report 'a register of users of the stables to be made available to the local planning authority' and suggested this was implemented to clearly demonstrate the condition of non-commercial use. If the Committee applied the policy as set out, then the Committee would not be able to grant planning permission to stables where stables needed to be. They were invariably in isolated locations.

During the debate, members debated whether the use of the stable and land could be restricted to those resident within a specific radius or within the surrounding parishes.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of

Development Management in consultation with the Chair, Vice-Chair, Councillor Hodgson (Proposer) and Councillor Carson (Seconder) to agree wording of the conditions:

- Stables and land will not be used for business or commercial use but for the residents of Oakhill Farm and others at the invitation of Oakhill Farm within the surrounding parishes;
- Register of users for the LPA to inspect;
- Drainage;
- To include conditions from 2022 application.

**6d) 1477/23/FUL Land at SX 663 473, St Anns Chapel
Parish: Bigbury**

Development: Foul water pumping station, 1.8m high security surround and manholes to support the new Holywell Meadow development at St Anns Chapel.

The Case Officer: The Case Officer provided further updates on the application:

- Bigbury Parish Council have no objections to the application;
- One letter of objection has been received which makes the following points:
 - Why are changes being permitted without consultation with adjacent residents;
 - Aesthetically damaging;
 - A more discreet location should have been planned rather than being added at a late stage.

The Case Officer summarised the key issues, namely that:

- Application has arisen due to change in SWW requirements for adoption;
- Standalone application – does not affect the wider residential development;
- Fence is utilitarian but green selected to minimise visual impact;
- No impact on access to public open space;
- Design and landscape impact acceptable.

In response to questions raised, the Officer reported that the purpose of the fence was for security and safety.

Some Members raised whether it was possible to have hedgehog access through the fenced area.

Speakers were: Objector – None, Supporter – None, Parish Council – None, Ward Member – Cllr B Taylor (did not speak on this application).

During the debate, Members again raised access issues for hedgehogs and the importance of supporting wildlife.

Recommendation: Conditional Approval

Committee decision: Conditional Approval - Prior to the installation of the fence details on how the fence will include hedgehog access shall be submitted and agreed by the LPA.

Conditions: Standard time limit
Accord with plans
No external lighting

**6e) 2030/23/CLP Skate Park, Kingsbridge
Town: Kingsbridge**

Development: Certificate for lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark.

By way of introduction, the Monitoring Officer explained this was not a planning application but an application for a Certificate for Lawfulness of Proposed Use or Development. Section 192 of the Town and Country Planning Act 1990 allowed any person to apply to ascertain whether a proposed use or proposed development would be lawful. Lawful because it does not require planning permission; because not it was not development, or already had planning permission or was permitted development. The Committee was therefore being asked whether this was permitted development.

One Member said that there was a challenge from the South Hams Society who argue that this should be a planning application because of breaches to conditions 2 and 4 from the previous skate park and requirement to consult with Natural England. The Monitoring Officer reiterated that this was a Certificate of Lawfulness which the Committee has been asked to consider.

The Case Officer: The Case Officer summarised the key issue as being whether the proposed constituted permitted development. The Case Officer explained that the JLP policies were not material to the determination of this type of application and that officers recommended a Lawful Development Certificate can be issued.

The Chair read out the statement from the Leader:
Members of the committee will be aware that the issue of trees is not a material consideration for the certificate of lawfulness, brought today,

however: Trees clearly are a very important and sensitive element of the project, and for that reason, following any decision made today by the committee, I will be attending a site meeting with project officers, local Cllrs and Town Council to examine in detail the trees proposed for removal, the replacement tree planting scheme and the further landscaping matters.

The Case Officer highlighted that further to the report being published, 2 letters of objections had been received which included the South Hams Society and 160 letters of support. The letters of objection related to the loss of trees and whether the development would be in breach of the conditions from the existing planning permission. The loss of trees was not material to the consideration of the lawful development certificate application. In terms of the conditions for the skate park, the skate park was being removed and replaced therefore be a new chapter in the planning history and conditions no longer applicable and therefore no breach. This was a Certificate of Lawfulness and not a planning application and therefore there was no requirement to consult with Natural England.

Speakers were: Objector – None, Supporter – Rob Sekula , Town Council – statement read out, Ward Member – Cllr D O’Callaghan.

The Ward Member said that the new skate park was widely supported. A survey had been undertaken which highlighted that the loss of car parking spaces would not be an issue. There would be a net gain of 3 trees under the proposals, and a site visit would be taking place to address the concerns on the trees. This was proposal was, the Ward Member said, a positive for the community, but they do have concerns about the trees.

During the debate, a Member said that it was for them to decide whether this was permitted development and the Leader would address the issues raised on a site visit. Another Member felt it was important to support facilities for young people and this skate park would meet that need. Another Member also supported the need for this type of facility for young people but questioned whether the skate park could be located in a different location. The current skate park had not been well-used because of the debris from the trees and he said that the skate park had to be located in the right place. The Ward Member requested that the Committee to refuse the certificate and to ask the Council to follow a full planning process to address the siting, noise and the trees. They also questioned that the works to build this skate park would exceed 200 cubic metres in capacity because of the removal of trees.

The Monitoring Officer responded to the concerns raised by the Ward Member. He said that the cutting down of trees was not development and explained that the question for the Committee was would construction of the skate park within the limitations imposed on permitted development by local authorities. In other words, did the proposed development exceed 4 metres in height? Did it exceed 20 cubic metres? The Monitoring Officer

suggested that the answer to both questions was “No”. The other issues that had been raised, were the Monitoring Officer said, for another arena.

The Head of Development Management added that the felling of trees was not development and cubic content of trees not included in the 200-metre capacity. The proposed development did not require express planning permission.

The Deputy Leader added that the Council were the owners of this site and the Leader was committed to listening to the concerns of local residents to deliver the right scheme.

The Officer reported that over the last 18 months looked at different locations with conversations with the Tree Officer and Landscape Officer on this location and used good practice guidance.

Recommendation: Certificate of Lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark

Committee decision: Certificate of Lawfulness for proposed removal of existing skate ramps, features and fencing, extension of skatepark footprint and construction of new sprayed concrete skatepark

DM.11/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.12/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.00 am with a break at 12.19 pm. Meeting concluded at 13:54pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 28 June 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0793/23/HHO	The Paddocks, Thurlestone	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
1381/23/FUL	Birdsong, Cliff Road, Wembury, PL9 0HN	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
1355/23/VAR	Oakhill Farm, Worston, Yealmpton, PL8 2LN	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan and Pannell (9)		Cllr Taylor (1)	Cllrs McKay and Rake (2)
1477/23/FUL	Land at SX 663 473, St Anns Chapel	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)			Cllrs McKay and Rake (2)
2030/23/CLP	Skate Park, Kingsbridge	Approved	Cllrs Abbott, Allen, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (8)	Cllr Bonham (1)	Cllr Carson (1)	Cllrs McKay and Rake (2)

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen

Parish: Bigbury **Ward:** Charterlands

Application No: 0516/23/OPA

Agent/Applicant:

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

Applicant:

CJA, LM & SC Crimp - CJA, LM & SC Crimp
Tuffland Farm
Kingston
Kingsbridge
TQ7 4HD

Site Address: Tuffland, Oldhouse Lane, Kingston, Kingsbridge, TQ7 4HD



Development: Outline planning application with all matters reserved for a permanent agricultural worker's dwelling to serve the farm business

Reasons item is being put before committee:

Cllr Bernard Taylor requested that the application is heard at committee for the following reasons:

- The justification has for an agricultural dwelling has been confirmed by the agriculture appraisal officer
- The chosen site is on the edge of the farm stead and is not visible from the wider landscape, it would also provide security for the livestock in the adjacent farm buildings

Recommendation: Refusal

Reasons for refusal:

1. The application site has a higher ground level than the existing yard and buildings to the east, and forms part of an undeveloped field to the west of an existing hedgebank which currently contains the built development at Tuffland Farm. It is not considered that the dwelling would be well-related to the existing farmstead or agricultural complex, and insufficient information has been provided to demonstrate that there are no alternative sites which are well-related to the existing farmstead, where the dwelling could be provided. The development is considered to be contrary to Policy BP9 of the Bigbury Neighbourhood Plan 2019-2034, which requires agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere, and Policies SPT1 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, which seek to make effective use of land through optimising reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development.
2. The site is within the nationally protected landscape of the South Devon Area of Outstanding Natural Beauty (AONB) and is a prominent site visible in expansive views from the surrounding high ground, including from the public highway, B3392. The site area is viewed as a consistent, high quality landscape, demonstrating the special qualities of the AONB, and contributing positively to the identified key characteristics and valued attributes of the area. The proposal would introduce a dwelling, associated infrastructure and new field boundaries, into an open, unspoilt and highly visible field, conflicting with the rural, tranquil, undeveloped, and remote characteristics that define the area; leading to the erosion of consistency of character and a deterioration of landscape quality. The development fails to conserve and enhance the landscape and scenic beauty, and special qualities of the South Devon Area of Outstanding Natural Beauty, including important views and vistas across the site, contrary to Policies DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and Policies BP9, BP18 and BP22 of the Bigbury Neighbourhood Plan 2019-2034.
3. In the absence of a completed and signed Unilateral Undertaking to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site (comprising the Plymouth South and Estuaries SAC and the Tamar Estuaries Complex SPA), the proposal is contrary to Policies SPT12, SPT14, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.

Key issues for consideration:

- Principle of development and agricultural justification
- Design/landscape
- Residential amenity
- Highways
- Flood risk/Drainage
- Biodiversity
- Low carbon development
- Tamar EMS

Site Description:

The site is located within open countryside, north of St Annes Chapel and west of Aveton Gifford. The site is accessed from the B392, down a private track which slopes down west to east. The wider site at Tuffland Farm is located in the bottom of a valley with the existing development spread along the access road, but the main cluster being to the east. The existing farmhouse is located to the east of the site and north of this, at a higher land level, is a caravan which was granted temporary planning permission

for occupation by a farm worker (2657/19/FUL). The land surrounding the site raises up, with the landscape consisting of rolling hills and expansive views.

The application site itself lies to the west of the existing development within Tuffland Farm, beyond a boundary hedgebank. The area is grassed, being part of a wider field, with access gates along the south boundary. A post and wire fence runs from the access gates to the west, along the north boundary of the private track. The north and west boundaries of the application site are open.

The site is within Bigbury Neighbourhood Plan Area, Flood Zone 1 and the South Devon Area of Outstanding Natural Beauty. A public footpath lies to the east of the access onto the B392, known as Ringmore Footpath 1. The developed area of Tuffland Farm is within Landscape Character Type 3G River Valley Slopes and Combes. Land to the east, north and west, including the access, is within Landscape Character Type 1B. Open coastal plateaux.

The site is within the Plymouth Sound and Estuaries SAC 12.3k buffer.

The Proposal:

The applicant wishes to construct a second agricultural worker's dwelling to serve the needs of the farm enterprise. The application is in outline form, with all matters reserved.

Planning permission 2657/19/FUL was for the temporary siting of a caravan for a farm worker. Condition 3 of the permission requires the caravan to be removed by 24th October 2022. As the caravan has not been removed, there is a breach of condition 3. However, this application has been submitted as the applicants consider there to be a need for a second permanent agricultural workers dwelling. It is understood that the provision of a second dwelling would remove the need for the temporary caravan.

Consultations:

- **County Highways Authority** – No highway implications.
- **Parish Council** – Support.
- **Agricultural Consultant** – Support.

Agricultural Consultants comments are considered in full in Sections 1.0 and 2.0 of this report.

- **Landscape Officer** – Object.

Within the AONB development plan policies DEV23 and DEV25 afford significant weight to the conservation and enhancement of landscape character, visual amenity, natural beauty and the special qualities of the AONB. The proposed development would fail to conserve and enhance the landscape character and natural beauty of the area, and would not conserve and enhance the relevant special qualities of the South Devon AONB.

Landscape Officer comments are considered in full in Section 2.0 of this report.

- **Environmental Health** – No objection.
- **Drainage Officer** – No comments received.

Representations:

X3 letters of support received, with comments summarised as follows:

- Importance of retaining and accommodating reliable staff on farms due to hours of work required.

- Clear commitment to continuing family business, with recent investment in dairy farms infrastructure being evidence of such.
- Unaffordability of market housing for rural workers
- AONB protection limits provision of local supply of affordable homes. AONB largely created by farms with well managed and tidy holdings
- Condition limiting occupancy to agricultural worker only demonstrates no intention of separating the house from the farming business.
- Proposed location of the house is discreet, takes account of the context of existing farm buildings, does not cause residential amenity issues, and will have minimal impact on the landscape
- There is a lack of feasible alternative housing sites

Relevant Planning History

0069/23/FUL – Roofing over livestock feeding and gathering area with steel frame building of L shape design, plus reconcreting of yard. Conditional Approval.

2657/19/FUL – Provision of a temporary agricultural dwelling (Mobile Home). Conditional Approval.

1485/19/FUL – Erection of concrete slurry store (Application 1 of 2). Conditional Approval.

1486/19/FUL – Erection of concrete slurry store (Application 2 of 2). Conditional Approval.

1487/19/FUL – Erection of building for dairy cow cubicle housing (Application 1 of 3). Conditional Approval.

1488/19/FUL – Erection of building for dairy cow cubicle housing (Application 3 of 3). Conditional Approval.

0481/19/AGR – Application for prior notification of agricultural or forestry development - proposed building. Details not required.

1444/17/FUL – Extension to agricultural building. Conditional Approval.

05/1068/15/PA – Prior approval of notification 05/0868/15/AG for erection of general purpose agricultural livestock and storage building. Prior approval given.

05/2003/11/DIS – Discharge of condition 3 (roof materials) of planning permission 05/1356/11/F (Proposed cubicle building). Approved.

05/1356/11/F – Proposed cubicle building. Conditional Approval.

05/0482/08/AG – Erection of agricultural building for general purpose. Details not required.

05/0578/04/F – Widening of farm entrance to improve access and visibility. Conditional Approval.

05/0148/03/AG – Agricultural determination for erection of dry storage building. Details not required.

05/1051/99/AG – Agricultural determination for the erection of a new livestock building. Details not required.

05/0395/91/3 – Erection of extension and alterations to provide granny accommodation, Conditional Approval.

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. Policy SPT2 elaborates further on achieving sustainable rural communities, indicating support for the development of rural based business and enterprise, specifically agriculture.
- 1.2 These matters are further addressed by Policies TTV1 and TTV2, which set out the development strategy for the Thriving Towns and Villages and which aim to prioritise growth through a hierarchy of sustainable settlements and deliver sustainable development. Amongst other things, these policies make it clear that development in hamlets and the countryside will only be permitted where they can be shown to support the principles of sustainable development and sustainable communities or provide suitable justification, such as business or agriculture support (TTV26 is of relevance). Policy TTV2 indicates that the delivery of sustainable rural development will be supported if it would benefit rural businesses, enterprise, agriculture, and respect the character of the countryside and historic settlements.
- 1.3 Policy TTV26 controls development within the countryside; part 1 deals with isolated development only and part 2 sets out the requirements for all countryside development. The JLP SPD (11.50) states that the Council applies the test of isolation in a manner consistent with the Braintree case and any superseding judgment. The more recent Bramshill judgment affirmed that the essential conclusion in Braintree (at para. 42 of that judgment) was that in determining whether a particular proposal would be "isolated", the decision-maker must consider where the development 'would be physically isolated, in the sense of being isolated from a settlement'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgment for the decision-maker on the facts of the particular case.
- 1.4 The application site is located within the open countryside but would be associated with an existing agricultural enterprise at Tuffland Farm, sharing the existing access to the west of the application site. Tuffland Farm is located approximately 300m north of St Anns Chapel, which is a small village containing a pub, B&B, bus stop, camping/caravan sites, and a small number of dwellings. The route to St Anns Chapel is along a fast B road with no footpath or lighting. The distance from the site to any settlement of a meaningful size or with facilities/services available for day to day living is significant; the routes are also along fast roads which aren't conducive to walking or cycling. As such, the site is considered to be isolated and therefore TTV26(1) applies. TTV26(1)(i) supports development where it would '*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;...*' Providing sufficient justification is provided for the provision of a second rural workers dwelling on the site, the development would align with TTV26(1)(i); as well as TTV26(2)(iii) and (iv) which supports proposals which are complementary to viable agricultural operations and respond to a proven agricultural need which requires a countryside location. Policy DEV15(6) also provides support for development which meets the essential needs of agricultural or forestry interests.
- 1.5 The applicants Design and Access Statement and supporting documentation explains the need for the proposed dwelling. In summary, it is stated that:
 - Farm run by family, including Chris and Linda Crimp, and their two sons, Steven and Ben.
 - Husband and wife live in the main farmhouse, and undertake farm accounts, paperwork, movement records, passports and BPs application.
 - The temporary caravan approved by 2657/19/FUL has been occupied by Steven, who returned home to the farming business in February 2017 and is responsible for the daily operations of the dairy herd. Steven is a partner of the business.
 - Business has been established for last 15 years, with applicants being fourth and fifth generation of the Crimp family to farm at Tuffland Farm

- Tuffland farm comprises 228 acres of owners land and 130 acres if rented/grass keep. 254 acres down to grass for livestock grazing together with land for silage making for winter feed. 72 acres for maize, 12 acres of fodder beet and 20 acres of woodland.
- Applicants run specialised dairy enterprise and retain a pedigree Holstein Freisian herd. Applicants have 185 cows in milk, 63 bulling heifers and 53 young heifers. Total of between 400-420 head of cattle at Tuffland Farm at any one time.
- Applicants run Tuffland farm with own home labour with Chris, Steven and Ben, working on the farm assisted by 1 relief milker and a part-time 2 days per week general farm worker.
- Proposed dwelling is for Steven who is 26 and responsible for daily management of dairy cows, having occupied the approved temporary dwelling since 2019

1.6 The submitted information was reviewed by the Agricultural Consultant who supports the application for the following reasons:

- There is a functional need for a second worker to be present at most times of the day and night for the proper management of the holding and the welfare of the livestock.
- The need relates to a full time worker.
- There are no other dwellings available on the holding or in the immediate surrounding area, apart from the main farmhouse and temporary dwelling.
- Dwelling is sited to meet a functional need
- Scale, design and materials to be considered at reserved matters, if the application is approved

1.7 Given the above, Officers are satisfied that there is an essential need for accommodation for a second worker on the site. The previous planning permission, reference: 2657/19/FUL, is also of relevance as it was accepted that there was a functional need for another full time worker to be present at the farm whilst the herd size increased, and, as there were no dwellings available within the area, that such need must be met on the site. Where accommodation is proposed in connection with new farming activity, whether on a newly-created agricultural unit or an established one, it is common that permission would be granted for a temporary period of 3 years, as in this case. Permanent accommodation should only be granted where there is an *existing* functional need and where the unit and agricultural activity concerned have been established for at least three years, and are financially sound with a clear prospect of remaining so. The Agricultural Consultant confirmed during the 2019 application that they considered the expansion plans and improved infrastructure of the farm demonstrated a clear intention and ability to develop the enterprise that had been planned on a clear financial basis. In response to the current application, the Agricultural Consultant confirmed that the land holding and livestock numbers are much the same as when previously inspected, but that the cow numbers have increased, in line with their projections. The Agricultural Consultant has been provided with the last three years accounts for the applicant's business, which show a profit each year and therefore demonstrate the holding is financially sound and has a clear prospect of remaining so.

1.8 As such, it is considered that the development accords with TTV26(1)(i) and TTV26(2)(iv) of the JLP, responding to a proven agricultural need which requires a countryside location and an essential need for an agricultural worker to live permanently on site. Whilst the need for a rural workers dwelling on site is accepted, Officers raise concerns with the location proposed for the dwelling and the justification for such, including the site being an undeveloped, open field, and insufficient consideration being given to the use of sites which are well-related to the existing farmstead. SPT1 and TTV26 seek to make effective use of land through optimising reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development, protecting natural assets, and creating opportunities for viable low carbon energy schemes. Policy BP9 of the Neighbourhood Plan requires agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere. This matter is discussed in further detail in Section 2.0 of this report.

1.9 In response to other criteria of TTV26, the proposed development would not directly impact on a public right of way. The application site is shown to consist of Grade 3 Agricultural Land. No confirmation has been received to confirm whether the land is Grade 3a or 3b, and therefore the LPA cannot be satisfied that the development will not result in the loss of the best and most versatile agricultural land (BMVAL)(includes Grades 1, 2 and 3a only). The loss of the BMVAL would weigh negatively in the planning balance, although it is acknowledged that the site consists of only 0.20 hectares. With regard to TTV26(2)(vi), the landscape and visual impacts of the development are considered in detail in Section 2.0 of this report. However, in summary, it is considered that the development would fail to conserve and enhance the landscape character and natural beauty of the area, and would not conserve and enhance the relevant special qualities of the South Devon AONB; a nationally important protected landscape designation as confirmed in the National Planning Policy Framework.

1.10 Policy DEV8 of the JLP seeks to ensure that a mix of housing sizes, types and tenures appropriate to the area are provided, including homes that redress an imbalance within the existing housing stock. The site is within the Parish of Bigbury, which has an oversupply of 3 and 4 bedroom properties and an undersupply of 1 and 2 bed properties. The application is in outline form and full details of the property, including size and number of bedrooms would be considered further at reserved matters stage, if the outline application were to be approved.

2.0 Design/Landscape:

2.1 Tuffland Farm is positioned in a sensitive location, within the South Devon Area of Outstanding Natural Beauty. The landscape which the site forms part of exhibits typical characteristics of the Bigbury Bay Coastal Plateau (Devon Character Area) and Landscape Character Type 1B – Open Coastal Plateaux, closely juxtaposed with characteristics of Landscape Character Type 3G – River Valley Slopes and Combes. From higher ground the landscape comprises an open, elevated and exposed farmed plateau which is sparsely wooded and contains medium to large fields on the plateau tops with smaller, curving fields on valley slopes defined by Devon hedgebanks. Field boundaries mostly consist of mature species-rich Devon hedges enclosing a mosaic of field patterns including some of medieval origin which give the landscape a strong sense of time depth. The open, rolling plateaux is dissected by combes; with Tuffland Farm being nestled into a dip in the landscape, and associated built development being clustered around the farm track which runs east to west. There is a sense of isolation, tranquillity and remoteness; with the dark night skies reinforcing such. The landscape contributes to the special qualities of the AONB, including the *'iconic wide, unspoilt and expansive panoramic views'* and the tranquil and deeply rural rolling hills.

2.2 The Devon Character Area, Bigbury Bay Coastal Plateau identifies a number of forces for change, including, amongst other things: intensification of agricultural, resulting in loss of unimproved grassland to arable use or improvement, and loss of habitats and landscape features, such as unimproved grassland and hedgebanks; and amalgamation of farms into harder holdings, changing the traditional appearance of the landscape. The overall strategy for the area seeks to protect the landscape's high scenic quality and strong sense of place within the South Devon AONB, and to protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species rich Devon hedges. Support is provided for sustainable agricultural, and the protection and management of field patterns and sunken lanes.

2.3 As above, Tuffland Farm is nestled into a dip in the landscape, with the existing yard and buildings being at a lower land level than surrounding land. The application site is located to the west of an existing hedgebank which currently contains the area of built development at Tuffland Farm. The site has a higher ground level than the existing yard area, with the land sloping up from the hedgebank to the west and north. It is likely that any dwelling provided on the application site would be highly prominent in the landscape, being higher than the majority of the buildings at Tuffland farm, including the building directly east of the application site. It is acknowledged that the temporary caravan is located at a higher land level than other buildings within Tuffland Farm.

However, the caravan is small scale and has a low eaves and ridge height, is partially screened by the landform, and is more closely associated with the existing cluster of buildings, being seen as part of the backdrop to the built development within the farmyard when viewed from the west. The historic field boundaries of the wider field which the application site forms part of have been retained and are clearly shown on a 1905 OS Map, as below:



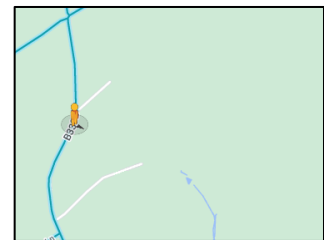
Source: <https://maps.nls.uk/view/101445736>

2.4 Policies DEV23 and DEV25 of the JLP and Policy BP18 of the NP require developments to conserve and enhance the landscape and scenic beauty of the area; including by avoiding the loss of wide, unspoilt and iconic views of the coast and countryside. Policy BP22 of the NP states that important views and vistas should be protected and any new development which adversely affects these views should not be supported; including development that might introduce incongruous features, cause harm to the openness of the area, be visible on the skyline, or intrudes into or otherwise adversely affects important views of the sea, the Avon Estuary or views of heritage assets. Viewpoint 30 of Proposals Map 3 of the NP, which identifies important views/vistas, is

directly towards Tuffland Farm from the B3392 (to the north west) and includes the application site. Views across the site to the wider landscape are more prominent at times when the existing hedgebanks have been trimmed, which is shown in the February 2009 google street scene imagery, as below:



2.5 The photographs below were taken on 21st April 2023 from the gate gap on Oldhouse Lane, close to the junction with the B3392, and at the entrance to the site:



Source:

<https://www.google.com/maps/@50.3225084,-3.8857346,3a,75y,132.07h,79.83t/data=!3m7!1e1!3m5!1s1EuU5yN-mjWbHousepldDA!2e0!5s20090201T000000!7i13312!8i6656?entry=ttu>



2.6 Policy BP9 of the NP is also of particular relevance to the proposal, requiring agricultural development to be well related to an existing farmstead or agricultural complex, unless very special reasons are provided to demonstrate why it needs to be located elsewhere, and also stating that developments should ensure that '*No harm should be caused to the landscape and scenic beauty of the AONB;...*' Additionally, as stated in Paragraph 1.8, SPT1 and TTV26 of the JLP seek to make effective use of land through optimising reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development.

2.7 Given the sensitivities of the site, the Council's Landscape Officer was consulted and, after visiting the site, objected to the application. The Landscape Officers comments are as follows:

'This response is based upon an examination of the planning file, Officer's site photographs, GIS maps and aerial images. A visit to the area around the site visible from the public highway was undertaken on 21 April 2023.'

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 177. As set out below, there are

considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance.

Landscape Character:

- *National Landscape Character Area: 151 South Devon*
- *Devon Landscape Character Area: Bigbury Bay Coastal Plateau*
- *South Hams Landscape Character Types: within LCT 3G River Valley Slopes and Combes, and adjacent to LCT 1B Open Coastal Plateaux*

The area around site exhibits typical characteristics of the open, elevated and exposed farmed landscape of Bigbury Bay Coastal Plateau, closely juxtaposed with the valleys of the rivers and streams, with farmsteads nestled in dips in the landform. There is a sense of isolation, tranquillity and remoteness, and the high scenic quality is reflected in the designation as part of the South Devon AONB.

The overall landscape strategy in the published Landscape Character Assessments includes to protect the landscape's high scenic quality and strong sense of place within the South Devon AONB. Specific landscape guidelines in the Landscape Character Assessments seek to protect the high scenic quality of the area within the South Devon AONB.

Policy:

National Planning Policy Framework (2021)

- *Para. 130: "Planning policies and decisions should ensure that developments: ...c) are sympathetic to local character and history, including the surrounding built environment and landscape setting..."*
- *Para. 174: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ...b) recognising the intrinsic character and beauty of the countryside..."*
- *Para. 176: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."*

Local Planning Policy

The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034, and the Bigbury Neighbourhood Plan 2019-2034.

Relevant policy:

- *DEV23 Landscape Character*
- *DEV25 Nationally Protected Landscapes*
- *Policy BP9 Agricultural development*
- *Policy BP18 Area of Outstanding Natural Beauty*
- *Policy BP22 Views and vistas (with particular reference to viewpoints 28, 30 and 31).*

Comment:

The site is within the nationally protected landscape of the South Devon AONB. There are expansive views towards the site from the surrounding high ground, and including from the public highway, B3392. The site area is viewed as a consistent, high quality landscape, demonstrating the special qualities of the AONB, and contributing positively to the identified key characteristics and valued attributes of the area.

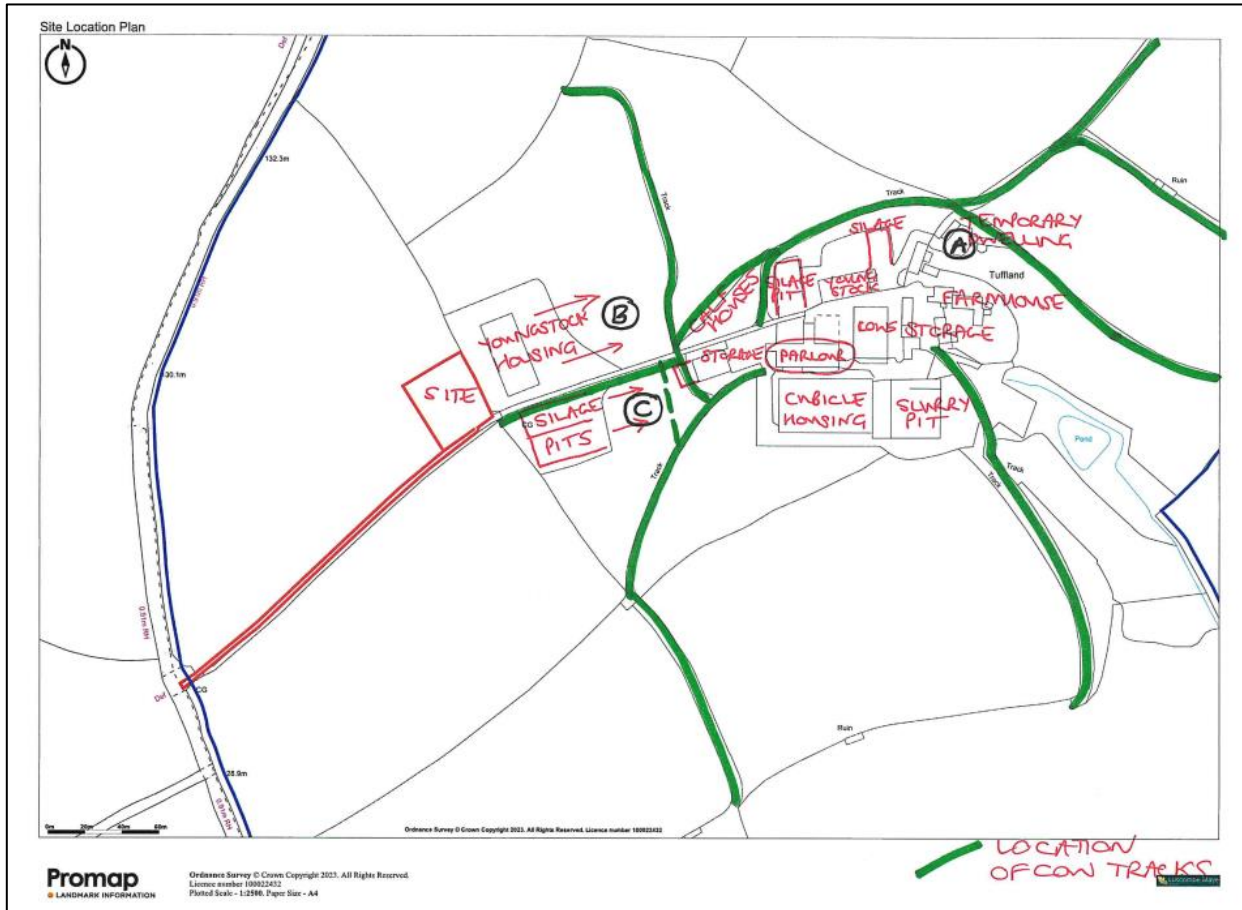
There is significant concern that the introduction of a dwelling in this location would lead to the erosion of consistency of character and a deterioration of landscape quality. Any residential development should be located closer to the existing cluster of buildings, but the chosen location is quite separate from the existing farmstead and visually prominent, being clearly visible from the road. Introducing new and prominent residential built form, with associated parking and residential paraphernalia, into an open, unspoilt and highly visible field would clearly conflict with the rural, tranquil, undeveloped, remote characteristics that define this area.

There is not an in-principle landscape objection to the need for an agricultural workers dwelling at Tuffland Farm, but the chosen location is not considered acceptable for the reasons given above. An alternative location, with a better relationship to the existing cluster of buildings, and in a position where it would be both more discrete and less visually intrusive, should be identified.

Within the AONB development plan policies DEV23 and DEV25 afford significant weight to the conservation and enhancement of landscape character, visual amenity, natural beauty and the special qualities of the AONB. For the reasons outlined above the proposed development would fail to conserve and enhance the landscape character and natural beauty of the area, and would not conserve and enhance the relevant special qualities of the South Devon AONB.

I am therefore unable to support the application and would raise an objection on landscape grounds.'

2.8 In response to the Landscape Officer's comments, the applicants/Planning Agent considered alternative sites within the holding, including those labelled as A, B and C on the below Site Location Plan. 'A' is the position of the temporary caravan for a rural worker.



2.9 The following comments were provided:

- Application site chosen as:
 - It is immediately adjacent to the concrete road that gives access to the south west directly onto the Council Highway
 - It is immediately adjacent to the youngstock housing and therefore is within site and sound of the livestock and the farm business
 - It is on the western side of the farm holding and therefore offers best security to prevent unwanted visitors/opportunist thieves. Existing farmhouse is on eastern side so new dwelling presence to the west would improve security and provide a deterrent. Whilst CCTV could be fitted, considered possible for thieves to be in and out of the site before applicants have reached western end of the farmyard
 - There is a hedgebank along the eastern boundary and the site could be contained by providing landscaping along the northern and western boundaries
 - Only small amount of engineering works to facilitate a dwelling on chosen site, and 1.5 storey/dormer style property would be most appropriate, making use of change in topography and taking a lead from the height of the adjacent youngstock house
- Site 'A' not appropriate as:
 - Site is small and comprises a narrow and steep piece of pasture land. Any development would require significant amounts of engineering works, resulting in a complicated build with significant amounts of retaining walls and excavation resulting in a much higher build cost
 - Site is overlooking the traditional farmhouse and would dominate it, being at a higher level
- Site 'B' not appropriate as:

- It is the most natural site for expansion of further agricultural/livestock buildings in the future
- Site is surrounded on 3 sides by livestock and the relatively intensive activities on a substantial dairy farm, with 2 cow tracks to the east, the access driveway and adjacent cow track to the south and the yard and livestock buildings to the west
- Site 'C' not appropriate as:
 - It is located to the east of 2 main silage pits that provide majority of the fodder together with the further 2 silage pits to the north east for the dairy cows and cattle to consume through the winter. Silage pits are opened sometimes through the summer if the weather is dry and applicants need to provide supplementary feeding for the cows and cattle, but generally they are opened in the winter months when the cattle are housed within the cubicles on the holding. Silage is taken from the face of the silage pits which are on the eastern side on a twice daily basis so that silage is put into the mixer wagon and fed to the cows and cattle. Site C would be immediately adjacent to this busy activity and under the prevailing wind of that activity.
 - Although it is confirmed that farmers spend their whole lives working with the cows/cattle on this dairy farm and in close proximity to silage and slurry, they do not wish to live in a dusty and dirty environment as this site would be.
 - Similar to Site B, Site C is surrounded on 3 sides by busy agricultural activity with the access driveway and a cow track to the north, a storage building and a cow track to the east and the silage pits to the west.
 - Site C also comprises quite a sloping site that would require quite a degree of engineering works and this site would prevent any expansion of the silage pits in this area in the future.
 - It is confirmed that the storage building to the east of Site C has consent to be extended, as per the red square, which would mean that the cow tracks would have to be relocated around that building, as per the green dotted line.
- Other sites:
 - It is not considered that there are any other alternative site within the cluster of farm buildings/activity at Tuffland Farm that could provide accommodation within sight and sound of the agricultural activities and the substantial dairy farm that the Applicants are responsible for.
- Conclusion:
 - The dairy farm necessitates a further dwelling on the holding which has been provided by a temporary agricultural worker's dwelling for the last 3 years on the eastern side of the site occupied by Stephen Crimp, who is now a Partner in the business with his parents and is a full-time worker on the holding.
 - The site chosen is adjacent to the access to the site to provide a deterrent and additional security measures for this farm holding by providing a physical presence to any like intruders or thieves. The site chosen is also adjacent to the youngstock house which is on the west side of the site and is within sight and sound of the livestock that is accommodated within it, and is also in close proximity to the calf houses and the remainder of the dairy cow accommodation to enable the Applicants to provide the level of welfare and care to the dairy cows on the holding.
 - The site chosen will involve a small amount of engineering works whereas other sites on the holding, due to the bowl-like nature of the location of the farm, will require significant engineering works to facilitate a level site.

2.10 The additional comments from the applicant/Planning Agent were considered by the Agricultural Consultant who accepts the position with regard to the chosen location, advising that:

- The areas between the two sets of buildings – the gaps- will almost certainly be used for future expansion, whether that be permanent physical structures or temporary areas of storage.

- It is reasonable from a residential amenity point of view for the dwelling not to be situated in the positions either side of the access lane, labelled B and C.
- Security, and bio security in particular, are an important feature in modern farming, which is why the proposed site satisfies this aspect for the existing farm business.

2.11 Officers acknowledge the reasoning for the chosen location and the comments from the Agricultural Consultant. However, the application site has a higher ground level than the existing yard and buildings to the east, and forms part of an undeveloped field to the west of an existing hedgebank which currently contains the built development at Tuffland Farm. It is not considered that the dwelling would be well-related to the existing farmstead or agricultural complex, and insufficient information has been provided to demonstrate that there are no alternative sites which are well-related to the existing farmstead, where the dwelling could be provided. Insufficient consideration has been given to site A which was described as being an appropriate location for the temporary caravan in the supporting information to 2657/19/FUL. The Design and Access Statement stated that *'The proposed mobile home is to be sited in the corner of a paddock immediately adjacent to the farmyard which is within sight and sound of the agricultural activities to provide Steven crimp with sufficient close accommodation for him to give close regard to the cows, particularly at calving time, but still allowing him to have some space and privacy away from the farming business when he is not working'*. Whilst the size and levels of site A could limit the size of the dwelling and result in engineering operations being required, it is not considered that clear consideration has been given to design solutions, and the costs of such, which could provide a dwelling in this location. Additionally, consideration could be given to the layout and occupancy of the existing farmhouse and whether such could be subdivided to provide an additional dwelling on the site. Consideration could also be given as to whether a dwelling could be constructed close to or attached to the existing farmhouse.

2.12 The Planning Agent advised that providing a dwelling to the west of the site would improve its security, also stating that *'Although CCTV and alarms could be installed on the site, or on the entrance to Tuffland Farm, it is quite possible, due to the distance from the existing farmhouse, that a thief could be in and out of the site before the Applicants have reached the western end of the farmyard.'* Whilst concerns regarding security are acknowledged, Officers note that the distance from the existing caravan and farm house to the western end of the farmyard is approximately 250m, which is likely to take only a couple of minutes to walk. The presence of the existing dwelling and caravan on the site likely act as a deterrent currently and CCTV, gates, and alarms could bolster the security. No evidence of problems with theft and criminal activity on the site has been provided. The provision of security is not considered to be sufficient justification for an additional rural workers dwelling on the site. Officers are mindful that many businesses are located in rural areas and often also have valuable equipment and stock; therefore many of such businesses could put forward similar justification. Of relevance to such matter is Appeal Decision APP/L3245/A/11/2151624, which relates to a proposal for change of use of an existing caravan from a rest room to full residential use in connection with an agricultural equipment maintenance business and caravan park. In Paragraph 9 of the Appeal Decision the Inspectorate stated that *'However, in the light of Annex A in PPS7, security is not, by itself, sufficient to justify a new house. Furthermore, no specific reasoning was submitted to show why these matters needed to be addressed in this way now, given that both the caravan site and the agricultural equipment maintenance business have operated for recent periods without resident staff.'*

2.13 Additionally, whilst a number of alternative sites have been considered and discounted by the applicant/Planning Agent, this is not considered to justify or outweigh the policy shortcomings relating to landscape and visual impacts. As explained in Paragraph 2.3, the South Devon Area of Outstanding Natural Beauty is a nationally important protected landscape. Paragraph 176 of the NPPF clearly states that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas, and that the highest status of protection should be given.

2.14 Whilst landscaping and the design of the dwelling could help to reduce landscape and visual impacts, it is not considered that such would overcome concerns regarding the introduction of a

dwelling, associated infrastructure and new field boundaries, into the currently open, unspoilt, and highly visible field leading to the erosion of consistency of character and a deterioration of landscape quality. It is not considered that the development will conserve and enhance the landscape and scenic beauty, and the special qualities of the South Devon Area of Outstanding Natural Beauty, including important views and vistas across the site, contrary to DEV23 and DEV25 of the JLP and Policy BP9, BP18 and BP22 of the Bigbury Neighbourhood Plan.

3.0 Neighbour Amenity

3.1 It is considered that there is a sufficient level of separation between the application site and other residential properties. The development would not harm neighbouring residential amenities. This will be given further detailed consideration at the reserved matters stage. As such, the outline application accords with JLP policies DEV1 and DEV2 of the JLP and Policy BP7 of the NP.

4.0 Highways/Access

4.1 The Highways Authority have not raised any objections to the proposed development. The dwelling will rely on an existing access that has been created for the farmstead which is considered to offer appropriate visibility splays and safe egress/ingress. Access and parking details would be considered further at the reserved matters stage. As such, the outline application accords with the provisions of DEV29 of the JLP.

5.0 Flood Risk and Drainage

5.1 The site is not in a high risk flood zone (i.e. flood zone 2 or 3 or a critical drainage area on the Environment Agency Maps) and therefore in flood control terms it is an acceptable site for development to be located. Policy DEV35 states that development should incorporate sustainable water management measures to minimise surface water run-off.

5.2 The application form indicates that surface water will be dealt with by a sustainable drainage system. It is considered that there is sufficient space within the applicant's ownership to accommodate any potential worst case drainage solution and it is therefore considered reasonable to require further details of the drainage by way of condition.

5.3 The applicant has provided form FDA1, setting out that there are no public sewers near to the application site and a package treatment plant will be necessary to serve the development. This approach is acceptable in principle, and full details could be supplied with the reserved matters application. On this basis, the proposal accords with policy DEV35.

6.0 Biodiversity

6.1 Paragraph 174 of the NPPF articulates that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 180 is explicit that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

6.2 Policy DEV26 of the JLP relates to protecting and enhancing biodiversity and geological conservation and states that development should support the protection, conservation, enhancement and restoration of biodiversity across the Plan Area. Although DEV26.5 specifically relates to major development proposals, the SPD states that LPAs will also encourage provision for biodiversity net gain where appropriate for smaller developments.

6.3 Furthermore, Policy BP7, BP18, BP19 and BP20 of the NP supports the retention and protection of natural heritage features, such as Devon hedgerbanks, and ecology, as well as the provision of enhancements to the landscaping and biodiversity of sites.

- 6.4 In this case, an Ecology Report has been submitted with the application and recommends a number of mitigation measures, including: restrictions on external lighting; management of existing hedgerows; and protection of hedgerows during construction. Such measures could be secured by condition.
- 6.5 Enhancement measures have also been proposed, including; creation of a new native hedge bank along the north east and south east boundaries of the property; planting of native shrubs and trees within the site; and provision of bird boxes within the building design. These measures could also be secured by condition. However, the LPA would wish to see a detailed landscaping scheme which reflects the landscape characteristics of the surrounding area.
- 6.6 Subject to conditions, the development accords with DEV26 and DEV28 of the JLP and Policies BP7, BP18, BP19 and BP20 of the NP.

7.0 Low Carbon

- 7.1 Paragraph 152 of the NPPF articulates the need for the planning system to support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. The JLP and Bigbury NP also support the transition to a low carbon future through, respectively, Policy DEV32 and Policy BP29, which directs applicants to follow the “energy hierarchy” when designing their schemes to ensure low carbon measures are integral to new development. The Council has also adopted a Climate Emergency Planning Statement which requires developments to demonstrate compliance with a number of mitigation and adaptation measures, including a requirement to provide a 20% carbon saving through renewable energy generated on site.
- 7.2 A suitably worded condition can be included to ensure that DEV32, Policy BP29 and Climate Emergency Planning Statement compliance measures are integrated in to the design at reserved matters stage.

8.0 European Marine Site

- 8.1 The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by Unilateral Undertaking. However, as the application is recommended for refusal on other grounds, Officers have not sought the completion of such. There remains a holding objection to the application with reference to JLP Policies SPT12, SPT14, DEV26 and DEL1 and the JLP SPD in this regard.

9.0 Conclusion

- 9.1 The applicant has demonstrated the need for permanent accommodation on the site for a second agricultural worker. The provision of such accommodation for a second agricultural workers would help to support the operation of the farm and the growth of the existing business, providing economic benefits. However, insufficient information has been provided to demonstrate that full consideration has been given to alternative sites within the holding, which would be better related to the existing farmstead and prevent the development of a currently open and undeveloped field.
- 9.2 Additionally, it is considered that the proposed development would introduce built development and new field boundaries into a currently open, unspoilt and highly visible field, conflicting with the rural, tranquil, undeveloped, remote characteristics that define this area. The development would lead to the erosion of consistency of character and a deterioration of landscape quality. As such, the proposal would fail to conserve and enhance the landscape and scenic beauty, and special

qualities of the South Devon Area of Outstanding Natural Beauty, including important views and vistas across the site.

- 9.3 Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within AONB's should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 9.4 Given the above, the harm identified to the South Devon Area of Outstanding Natural Beauty is not considered to be outweighed by the identified need for additional rural workers accommodation and the economic benefits such would bring. The application is therefore recommended for refusal. A further holding reason for refusal is recommended in the absence of a completed and signed Unilateral Undertaking to secure the necessary mitigation in relation to the European Marine Site.

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).

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT8 Strategic connectivity
 SPT9 Strategic principles for transport planning and strategy
 SPT10 Balanced transport strategy for growth and healthy and sustainable communities
 SPT11 Strategic approach to the historic environment
 SPT12 Strategic approach to the natural environment
 SPT13 Strategic infrastructure measures to deliver the spatial strategy
 SPT14 European Protected Sites – mitigation of recreational impacts from development
 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
 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
 DEV15 Supporting the rural economy
 DEV20 Place shaping and the quality of the built environment
 DEV21 Development affecting the historic environment
 DEV23 Landscape character
 DEV25 Nationally protected landscapes
 DEV26 Protecting and enhancing biodiversity and geological conservation
 DEV28 Trees, woodlands and hedgerows
 DEV29 Specific provisions relating to transport
 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

Other material planning considerations:

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:

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020
- South Devon AONB Management Plan (2019-2024)
- Devon County Council Highways Standing Advice
- Climate Emergency Planning Statement

Neighbourhood Plan

Bigbury Neighbourhood Plan 2019-2034, relevant policies include:

- Policy BP2 – Other housing development
- Policy BP4 – Principal residence
- Policy BP7 – General design principles for new development
- Policy BP9 – Agricultural development
- Policy BP17 – Footpaths and cycle tracks
- Policy BP18 – Area of Outstanding Natural Beauty
- Policy BP19 – Woodlands, trees, hedgerows and Devon banks
- Policy BP20 – Wildlife sites and biodiversity
- Policy BP22 – Views and vistas
- Policy BP24 – Transport and highway
- Policy BP27 – Parking provision
- Policy BP29 – Renewable energy

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen

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

Application No: 1508/23/FUL

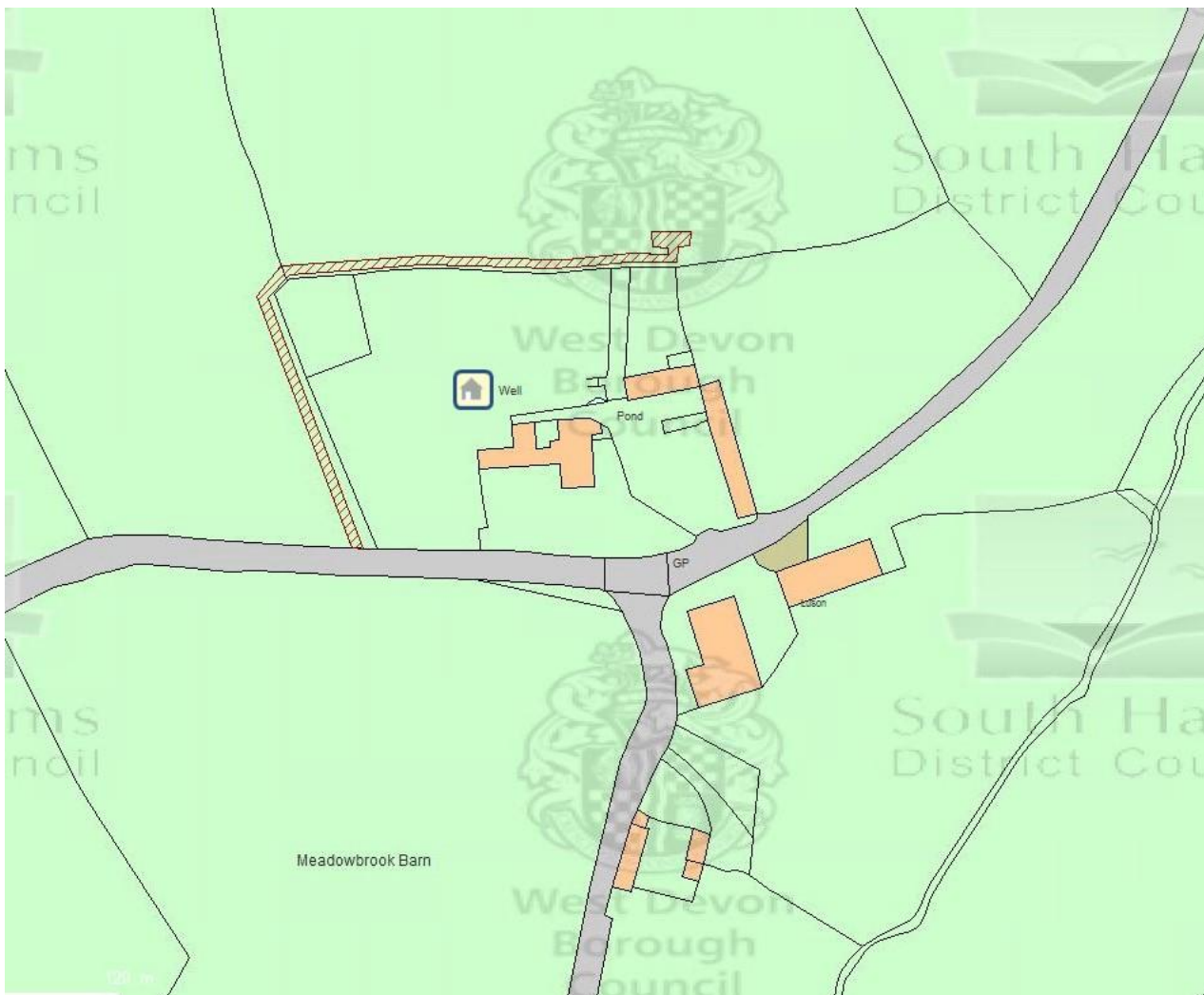
Agent/Applicant:

Mrs Katherine Toms
Woodrick Barn
Luson Farm
Westlake, Ivybridge
PL21 9JZ

Applicant:

Mrs Katherine Toms
Woodrick Barn
Luson Farm
Westlake, Ivybridge
PL21 9JZ

Site Address: Land At Sx 619 532, Luson, Westlake



Development: Installation of 24no. ground-mounted solar panels

Reason item is being put before Committee: The applicant is an employee of South Hams District Council.

Recommendation: Conditional Approval.

Conditions:

1. Time limit
2. Approved plans
3. Landscaping scheme
4. External lighting
5. Removal when no longer required
6. Details of fencing
7. Black finish colour

Key issues for consideration:

- Principle
- Design/Landscape Impacts
- Heritage Impacts
- Residential Amenity
- Highways/Access
- Ecology
- Drainage

Site Description:

The application site is in the open countryside, east of Burraton. The site is within Flood Zone 1 and Landscape Character Area 3E. Lowland plains. There is a National Cycle Route along Burraton Cross to Lusson (Class C Road), and a Listed Building lies to the south of the site, known as Lusson Farmhouse, which is within the applicants ownership. The site is not within the AONB.

The application site is part of a wider field which slopes up from south to north. The site is accessed via an existing agricultural access to the field to the west. There is an existing track from the agricultural access to the site, the south boundary of such being landscaping and being the shared boundary with Lusson Farmhouse. North of the track, there is intermittent landscaping, including a hedge and overgrowth/shrubs.

The Proposal:

Installation of 24no. ground-mounted solar panels to provide renewable energy to Woodrick Barn.

Consultations:

- Heritage Officer – No objection. Completely concurs with Officers assessment with regards potential impact on the nearby listed buildings and their settings.
- DCC Ecology – No objection. Noted that there is potential for hedgehogs, reptiles and nesting birds to be present on the site and therefore initially recommended that a CEMP is provided setting out precautionary and mitigatory measures to ensure the development does not harm protected species and habitats. The applicant provided additional information in response to confirm that shrub/scrub management is encouraged under the terms of the mid-level stewardship scheme for low-input grassland that Lusson is under, and that the brambles in the upper fields are due to be flailed this year, in early September. Following this, DCC Ecology advised that, as the habitat is going to be removed outside of the planning system (as part of the stewardship scheme), in this instance an informative note to the applicant to remind them of their duty and legal responsibilities with regards to protected species will be sufficient.

Nesting birds and reptiles are protected by law. If any nesting birds are discovered using the areas to be affected, work should not proceed until breeding has finished and all fledglings have departed the nest. Generally, buildings, trees and vegetation may contain nesting birds between 1st March

and 31st August inclusive. All vegetation to be removed should be checked for reptiles prior to removal, and if any reptiles are found they should be moved to habitat outside of the works area.

- Landscape Officer – Informal discussion. Measures which can reduce visual impacts of solar include: tilting panels so less visible; reducing glare through finish colour and materials (i.e. matt black), and provision of additional landscaping. The development is small scale and is reversible, and will therefore have limited impacts. May be some visual/landscape impacts but unlikely to warrant refusal. Recommended landscaping is provided to soften/screen the development, but acknowledged will have to be placed to avoid shadowing of the solar panels. In this area, characteristic landscape features include small woodlands, clumps, copses and hedgerow trees. Therefore recommended provision of a small copse with a mix of Blackthorn (*Prunus spinosa*), crab apple (*Malus sylvestris*), Dogwood (*Cornus sanguinea*), Elder (*Sambucus nigra*) and Hazel (*Corylus avellana*) and possibly some dog rose (*Rosa canina*).
- Tree Officer – Informal discussion. No concerns raised. No trees/hedges of merit and proposal unlikely to harm such.
- D & C Police – Advice provided. During the construction phase all items including cable should be stored securely out of view at the end of the day and when not in use. Consideration should be given to forensically marking equipment cable and panels which can act as a deterrent and will aid them to be identified should they be stolen. Panels can also be fitted with tracking devices which can aid in locating them in the event of them being stolen. Further details on forensic marking equipment can be sourced from www.securedbydesign.com.
- Highways – No highway implications
- Town/Parish Council – Support

Representations:

None

Relevant Planning History

No recent relevant site history.

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 There is broad strategic policy support for renewable energy technologies within the JLP. JLP Policy SPT1.2(v) supports a sustainable society where “*Demand for energy is reduced and opportunities for the use of renewable energy increased.*” JLP Policy SPT2.11 includes the following provision in relation to supporting the principle of sustainable linked neighbourhoods and sustainable linked communities: “*Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*”
- 1.2 The site is located within the countryside, where JLP Policy TTV1.4 states: “*development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.*”
- 1.3 Policy TTV26 seeks to protect the special characteristics and role of the countryside. The policy is divided into two sections, with section 1 relating to isolated development only, and section 2 relating to all development in the countryside. Given the distance from any

recognisable settlement, the site is considered to be isolated for the purposes of TTV26. It is acknowledged that the proposal does not meet any of the exceptional circumstances listed in TTV26(1). However, it is also noted that the proposal does not directly conflict with such either.

1.4 With regard to TTV26(2)(iv), although the proposal does not relate to an agricultural, forestry or occupational need, the proposal does require a countryside location as it is to provide renewable energy directly to the dwelling to the south of the site, known as Woodrick Barn. Furthermore, in addition to SPT1.2 and SPT2.11 discussed above, JLP Policy DEV32 highlights the need to deliver a low carbon future for the area, seeking to halve 2005 levels of carbon emissions by 2031 and increasing the use and production of decentralised energy, including through delivering on site low carbon or renewable energy systems. JLP Policy DEV33 provides explicit support for renewable energy developments subject to a number of detailed criteria, including individual and cumulative impacts on landscape sensitivity; removal of the technology on cessation of the use; retaining farm land in some form of agriculture or biodiversity use; and consideration of shared ownership between the developer/operator and the community. Furthermore, the Council have recently adopted the Climate Emergency Planning Statement which encourages the installation and use of renewable energy technologies.

1.5 Paragraph 158 of the NPPF is also of relevance, stating that:

“When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable”*

1.6 In this case, the proposed solar panels are to provide renewable energy to Woodrick Barn and therefore need to be located in close proximity to such. The landscape and heritage impacts are considered to be acceptable, subject to conditions, as discussed below, and a condition can be imposed to secure a plan for the removal of the panels at the end of their useful life. Also in relation to the relatively modest number of panels it is considered it would not be proportionate to pursue shared ownership with the community under DEV33.5.

1.7 Having regard to the policy framework contained within the JLP and guidance within the NPPF, it is considered the principle of the development can be supported. Detailed matters still need to be considered as set out below.

2.0 Design/Landscape:

2.1 The physical design of the proposed development is typical for this scale of ground mounted array and no concerns are raised in this regard.

2.2 The application site is within Landscape Character Area 3E. Lowland plains. The area is characterised by, amongst other things; areas of settled level or gently rolling lowland; small areas of mixed plantation woodland and some linear riparian woodland and estate woods; absence of hedgerow trees, with tall sloping banks, wide mixed hedgerows curving around large fields and oak as a distinctive roadside tree; some long distance views to both Dartmoor and the South Devon coast, but with interruptions such as pylons, wind turbines, communication masts, and other structures. The landscape strategy seeks to, amongst other things: protect long views across the gently undulating plain to the wooded hills and rising mass of Dartmoor; protect and manage veteran trees; protect the landscape function

as a rural setting to the Dartmoor landscape; and manage and protect the landscape hedgerow network.

2.3 The site itself is well screened from Burraton Cross to Luson (Class C Road), including by the existing built development associated with Woodrick Barn and surrounding landscaping. However, the application site is at a higher land level than Woodrick Barn, and views to/from the site across the countryside to the south are possible. The visual effects of solar panels can be minimised by their orientation, finish colour and landscaping. In this case, the solar panels are to be finished in black with anti-reflective coated heat strengthened glass. The solar panels are to be aligned in two rows, with the site layout plan showing a footprint of 22m length by 4m width, and they have a maximum height of 1.9m. Whilst there may be some views of the solar panels, these are likely to be limited and are likely to be long distance views only. Given the scale of the solar array, the finish of the solar panels, the ability to secure additional landscape screening by condition, and the reversibility of the development, it is not considered that the development will result in demonstrable harm to the character of the site and the wider landscape, such that it would result in refusal of planning permission. The proposed site layout plan shows livestock fencing around the solar array and details of such can be secured by condition, as can the provision of an appropriate landscaping scheme. The Landscape Officer recommended that a small copse is provided with a mix of Blackthorn (*Prunus spinosa*), crab apple (*Malus sylvestris*), Dogwood (*Cornus sanguinea*), Elder (*Sambucus nigra*) and Hazel (*Corylus avellana*) and possibly some dog rose (*Rosa canina*).

2.4 Subject to conditions, it is not considered that the development will harm the character and appearance of the site or the wider landscape. The development is considered to accord with Policy DEV20 and DEV23 of the JLP.

3.0 Heritage:

3.1 The dwelling to the south is Grade II Listed, known as Luson Farmhouse and there are a number of curtilage listed buildings associated with such, including Woodrick Barn. When viewed from the adjacent road, the application site is mostly hidden from view by existing development associated with Luson Farmhouse and Woodrick Barn. From long distance views, it is unlikely that both the solar panels, Luson Farmhouse and Woodrick Barn will be seen in the same frame, due to the difference in topography. As such, the main views of the application site/development will be from within the site associated with Luson Farmhouse and Woodrick Barn and from the wider field where the solar panels are proposed. However, given the separation distance between the Listed Building, associated curtilage buildings, and the application site; the existence of landscaping between such; and the scale and nature of the proposed development, it is not considered that the proposed development will harm the setting of the Listed Building.

3.2 Additionally, planning permission and listed building consent was granted for conversion of Woodrick Barn to a dwelling, including installation of solar panels on the roof (2803/15/LBC and 2802/15/FUL). The Heritage Statement advises that the provision of ground mounted solar panels will remove the need to install solar panels on the roof of Woodrick Barn.

3.3 The Heritage Officer was consulted and confirmed that they concur with the assessment above, with regards to potential impact on the nearby listed buildings and their setting.

3.4 As such, it is not considered that the development will harm the setting or significance of designated heritage assets, according with DEV21 of the JLP.

4.0 Neighbour Amenity:

4.1 Due to the distance between the site and residential properties, as well as the nature of the development, it is not considered that the development will harm neighbouring residential amenities, according with DEV1 of the JLP.

5.0 Highways/Access:

5.1 The site is accessed via an existing agricultural access to the west of the track. Whilst this will need to be utilised during construction of the development, post construction there will be very limited vehicular movements associated with the proposed development. Such movements are likely to be limited to maintenance checks of the solar panels. As such, the development is not considered to be likely to result in highway safety issues, according with DEV29 of the JLP.

6.0 Ecology/Trees:

6.1 The CEPS form, at A3, states that *'there are no proposals to remove any trees. The majority of the field will continue to be used for grazing and the existing hedge banks will be maintained.'* A wildlife trigger table was completed which confirms that no ecology report is required. DCC Ecology were consulted and raised no objection to the application. However, it was noted that there is potential for hedgehogs, reptiles and nesting birds to be present on the site and therefore DCC Ecology initially recommended that a CEMP is secured setting out precautionary and mitigatory measures to ensure the development does not harm protected species and habitats. The applicant provided additional information in response to confirm that shrub/scrub management is encouraged under the terms of the mid-level stewardship scheme for low-input grassland that Lusson is under, and that the brambles in the upper fields are due to be flailed this year, in early September. Following this, DCC Ecology advised that, as the habitat is going to be removed outside of the planning system (as part of the stewardship scheme), in this instance an informative note to the applicant to remind them of their duty and legal responsibilities with regards to protected species will be sufficient.

6.2 The application was discussed with the Council's Tree Officer and Urban Fringe Green Infrastructure Officer. No objections were raised to the proposed development and it is not considered that the proposed development will impact on mature trees/hedges which are of amenity value, with the existing hedge being in poor condition.

6.3 A condition is to be imposed to require a detailed landscaping scheme to be provided, which, in addition to softening the impact of the development, will enhance biodiversity.

6.4 Subject to conditions, it is considered that the proposed development accords with DEV26 and DEV28 of the JLP.

7.0 Drainage:

7.1 The site is within Flood Zone 1 and is not within a Critical Drainage Area.

7.2 No additional hardstanding is required and there are gaps between the solar panels which will allow water to fall onto the ground below and drain into the ground as existing. The development is considered to accord with DEV35 of the JLP.

8.0 Conclusion:

8.1 The principle of development is considered to be acceptable, and impacts on the landscape can be controlled by the imposition of conditions to secure additional landscaping and details of any fencing, to control the finish colour of the solar panels, to restrict external

lighting, and to require removal of the solar panels/fencing when no longer required. Impacts on heritage, drainage, ecology, trees and highways are considered to be acceptable.

8.2 As such, the application is recommended for conditional approval.

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

Planning Policy

Relevant policy framework

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

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The relevant development plan policies are set out below:

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SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment

DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
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

Site is not within a neighbourhood plan area.

Other material considerations:

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

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document
- South Hams Landscape Character Assessment

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended Conditions:

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

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

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

- 1:2500 Site Location Plan, Licence No. 100022628 received by the Local Planning Authority on 16th May 2023
- 1:1000 Site Plan, Blackwell's Mapping Services (site of array and property owned annotated), License No. 1000410414 received by the Local Planning Authority on 9th May 2023
- North and South Elevations, 1:50, received by the Local Planning Authority on 9th May 2023
- East and West Elevations, 1:50, received by the Local Planning Authority on 9th May 2023
- 1:2500 Proposed Site Access, Blackwell's Mapping Services, Licence no. 100041041 received by the Local Planning Authority on 9th May 2023
- 1:1000 Site Plan, Blackwells Mapping Services (livestock fencing, cable route, and array location shown and annotated) received by the Local Planning Authority on 16th May 2023
- Vertex S Backsheet Monocrystalline Module, Product: TSM-DE09.05

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. Within the first planting season following installation of the solar panels hereby permitted, a landscaping and tree planting scheme shall be carried out in accordance with details which must first be submitted to and approved in writing by the Local Planning Authority. The landscaping and tree planting scheme shall indicate, inter alia, the number, species, heights on planting and positions of all the trees and hedges, together with details of post planting maintenance. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for a minimum of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To encourage biodiversity on the site, to ensure that appropriate landscaping is provided to integrate the development into the surrounding landscape, and in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

4. There shall be no external artificial lighting within the site unless a lighting strategy is first submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved as part of the lighting strategy shall be installed within the site.

Reason: In the interests of the protection of protected species/habitats and in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV26 and DEV23 of the Plymouth and South West Devon Local Plan 2014-2034 and the Conservation of Habitats and Species Regulations 2017.

5. When the solar array (24no. solar panels) hereby permitted are no longer required for the production of renewable energy, it and all materials and equipment brought onto the site in connection with its development, including fencing, shall be removed from the site. The site shall be restored to grassland within 3 months from the date of removal of the solar array.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV23 of the Plymouth and South West Devon Local Plan 2014-2034.

6. Prior to installation on site, details of the livestock fencing shown on the approved 1:1000 Site Plan shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed in accordance with the approved details and shall be maintained in accordance with such for the lifetime of the development hereby permitted.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV23 of the Plymouth and South West Devon Local Plan 2014-2034.

7. The solar panels shall be finished in black unless details of an alternative colour is submitted to and approved in writing by the Local Planning Authority prior installation of the solar panels.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with DEV23 of the Plymouth and South West Devon Local Plan 2014-2034.

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Berry Pomeroy

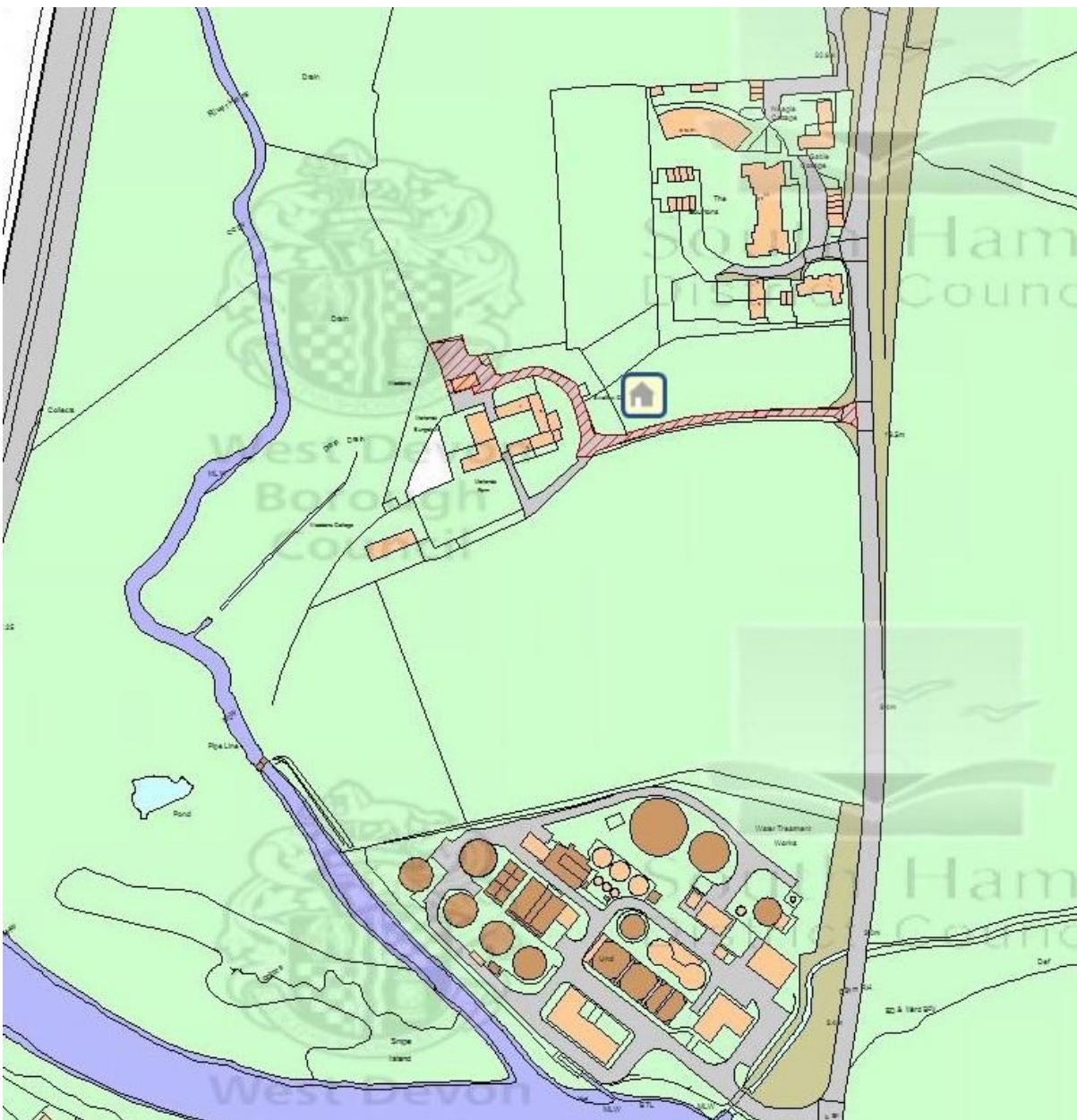
Ward: Marldon and Littlehempston

Application No: 1875/23/VAR

Applicant:

Mr Thomas Morris
Old Mill Cottage
Mill Hill
Stoke Gabriel
Totnes
TQ9 6RD

Site Address: Marlands Farm, Newton Road, Totnes, TQ9 6LS



Development: Application for variation of condition 2 (approved drawings) of planning consent 0176/21/FUL

Reason item is being put before Committee: The applicant is a member of staff

Recommendation: Conditional approval

Conditions:

Time limit as per original permission

Accord with plans

Details of materials

Surface water drainage (pre-commencement – date agreed TBC)

Low carbon development

Landscaping details

Unsuspected contamination

Details of lighting

Removal of permitted development rights

S106 informative

Key issues for consideration:

Whether or not the proposed amendments to the approved scheme are acceptable and comply with all relevant policies.

Site Description:

The application site is situated on the northern side of Marlands Farm complex and comprises an area of approximately 340sqm. The farm is set back 120m to the west of the A381 Totnes to Newton Abbot road and is accessed by a long driveway, which serves Marlands Farmhouse, Marlands Bungalow and nos. 1-4 Swallow Cottages, which are a group of historic barn conversions.

The area is rural in character and appearance, with open fields to the west, north and east of the site. Approximately 65m to the north west of the site, is a small residential development that appears to have been approved on previously developed land in the 1990's. Totnes is situated approximately 375m to the south on the other side of the river Dart. Part of the site is located within Flood Zones 2 and 3, and a Critical Drainage Area. The site also lies within a Special Area of Conservation

The Proposal:

Planning permission was granted in 2022 for the erection of a self-build dwelling. This application seeks to amend the design of the previously-approved development in the following ways:

- Removal and relocation of rooflights to allow for the installation of solar panels to the east and west roof slopes
- Change of roof material from standing seam metal to sinusoidal finish
- Omission of first-floor windows in northern and southern gables
- Reorientation of windows and doors at ground floor level
- Addition of air source heat pump

Consultations:

- County Highways Authority- no highways implications
- Berry Pomeroy Parish Council- "*Berry Pomeroy PC was not consulted on this Planning Application. Marlands Farm is in the Berry Pomeroy Parish boundary, yet Littlehempston was given the*

opportunity to comment. We cannot comment on the Variation of Condition 2 having not had sight of the original conditions.”

The Council’s records show that Berry Pomeroy PC were sent a standard electronic consultation on the application subject of this report, as well as Littlehempston PC (who were consulted as the neighbouring parish). Berry Pomeroy PC were also consulted on the original application (0176/21/FUL)

Representations:

None received at the time of writing the report

Relevant Planning History

- 0176/21/FUL- Erection of self-build/custom build house (approved November 2022)
- 03/0298/99/F – Erection of garages for converted barns 1, 2 and 3 (approved April 1999)
- 03/1442/98/3 – Alterations, new roof and vertical tile hanging (approved October 1998)
- 03/1191/98/3 – Alterations and new roof (approved September 1998)
- 03/0434/97/3 – Conversion of barns to four dwellings (approved May 1997)
- 03/0452/97/3 – Extension to farmhouse (approved May 1997)

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The principle of the dwelling has been established through the original grant of planning permission (application 0176/21/FUL). This permission remains extant, and there have been no change of circumstance that would now render the development unacceptable.
- 1.2. Noting the countryside location of the site, where development is not generally supported, the original application was subject to a S106 agreement which secured the dwelling as an affordable self/custom build permanent home with a local connection and a price cap of 80% of the Open Market Value. This S106 allows amendments to the original permission under Section 73, and the S106 would therefore be reimposed on this application, if planning permission is granted.

2.0. Design/Landscape:

- 2.1. The proposed changes to the original scheme are largely cosmetic, and do not alter the scale, height, or position of the dwelling. The proposed change to the roof material is the most significant change, but the proposed sinusoidal roof finish would result in a corrugated appearance in keeping with the rural character of the site, and is therefore considered to be an acceptable change.
- 2.2. The rearrangement of the fenestration is considered to be a minor change which does not significantly impact on the overall design of the dwelling, and the additional of solar panels and an air source heat pump are positive additions to the property.
- 2.3. Conditions applied to the previous permission which restricted external lighting, and removed permitted development rights would be reimposed on any subsequent permission granted, as well as a condition requiring details of materials to be submitted to the Local Planning Authority for agreement.
- 2.4. Subject to the listed conditions, the amendments proposed are considered to be of an acceptable design, which would not have any additional impact on the local landscape character.

3.0. Neighbour Amenity:

3.1. The site is situated in a relatively isolated location, with the nearest dwellings Marlands Bungalow and 1 Swallow Cottages, situated approximately 28m to the south. The proposed amendments do not alter the position, height, or footprint of the proposed dwelling, and as such, do not raise any additional issues with regard to neighbour amenity. No third-party representations have been received.

4.0. Highways/Access:

4.1. The proposed amendments would not impact on the existing highways arrangements.

5.0. Low carbon development:

5.1. The amended scheme would include renewable energy sources which were not part of the original proposal, through the installation of solar panels on both roof slopes, and an air source heat pump. In respect of policy DEV32 and the Council's promotion of low carbon development, the current application is considered to be better than the original scheme.

6.0. Summary:

6.1. The proposed amendments are not considered to be so significantly different from the approved scheme that they now render the development unacceptable. The design and landscape impact of the development would remain acceptable, and no impact to neighbouring properties is identified. All relevant conditions imposed on the original approval would be reiterated, and the application is recommended for approval on this basis. The original permission is subject to a Section 106 agreement to ensure the development is for an Affordable Self-build/Custom-build Plot. The agreement includes reference to any subsequent permissions granted under Section 73 or 73A of the Town and Country Planning Act 1990, and any approval of the current application would still be bound by the same terms. An informative regarding the Section 106 Agreement forms part of the Officer recommended as detailed at the beginning of this report.

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

Planning Policy

Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

Neighbourhood Plan: n/a

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

Joint Local Plan Supplementary Planning Document Climate Emergency Planning Statement

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended conditions:

1. *The development to which this permission relates must be begun not later than 8th November 2025, which is the date of expiration of planning permission 0176/21/FUL, which this application varies.*

Reason: To comply with Section 73 of the Town and Country Planning Act, 1990 as amended.

2. *The development hereby approved shall in all respects accord strictly with drawing number Morris/5/PL10, received by the Local Planning Authority on 31st May 2023, as well as the drawings approved as part of the original application, Morris/5/BPL02.B, Morris/5/BPLLP.B, and Morris/5/BPLBP.B, received by the Local Planning Authority on 3rd February 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 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. 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:

- a. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- c. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- d. 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.
- e. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
- f. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice. The plan should also show gardens of all units separated from each other.
- g. 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 application site is located within flood zone 2/3 hence pre-commencement conditions are considered necessary to ensure workable drainage solution is in place prior to work commencement.

5. Prior to development above slab level, details shall be submitted to, and agreed in writing with the Local Planning Authority to demonstrate how the requirements of JLP policy DEV32 (Delivering Low Carbon Development) will be delivered.

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.

6. Prior to development above slab level, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- any earthworks proposed, showing existing and proposed finished levels or contours (where applicable);
- any means of enclosure and retaining structures;
- vehicle parking layouts;
- hard surfacing materials;
- indications of any existing trees and hedgerows on the land, identifying those to be retained and set out measures for their protection throughout the course of development;
- a planting plan

All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

7. 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.

8. There shall be no floodlighting or other external lighting at the site unless a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority prior to its installation. Details shall include the position, type, luminance and cowling of all external lights to the building and these areas. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

Reason: To safeguard the appearance and character of the area.

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

(a) Part 1, Class A (extensions and alterations)

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

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

(d) Part 1, Class D (porch)

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

(f) Part 1, Class F (hardsurfaces)

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

(h) Part 1, Class H (microwave antenna) and;

(i) Part 2, Class A (means of enclosure)

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

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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 1522/23/FUL

Agent:

Mr Louis Dulling - Devon & Cornwall
Planning Consultants Ltd
C/O Pbs Accounting
Unit 2 Lister Mill Business Park
Lister Close, Plymouth
PL7 4BA

Applicant:

Mr Alex Parsons
49b High Street
Totnes
TQ9 5NP

Site Address: Land At Sx 776 496 Higher Poole Farm, East Allington



Development: Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

Reason application is at committee: Cllr Lawford has called the application to committee for the following reasons:

- 1) Visual impact due to new position.
- 2) Size of barn compared to the agricultural holding.

Recommendation: Conditional approval subject to S106 to prevent current permission being implemented as well as new permission

Conditions:

Accord with plans
Agricultural use only
Remove when no longer required
No external lighting
Drainage

Key issues for consideration:

Principle sustainable development, design and visual impact, neighbouring amenity, drainage, flooding, ecology, biodiversity, highways, access.

Site Description:

The site comprises approximately 3.65 acres (1.48ha) of agricultural land located on the north east of East Allington. The whole of the site is located within open countryside. The building in question is sited in the north-west of the corner of the field.

The Proposal:

Planning permission was granted in 2020 for an agricultural building (reference 4090/19/FUL). This permission approved the building in the north-western corner of the site, however the building was actually built in the north-east corner of the field. This application seeks to regularise the difference between the approved scheme and the as-built proposal.

Consultations:

- County Highways Authority- no highways implications
- Parish Council- objection:

'The Council considered this application and wish to make the following comments. The address is not Higher Poole Farm as it is no longer part of the farm complex and is in different ownership. The large barn has been erected in a very prominent position and can be seen from aspects presenting a large building in an open landscape. The mention of storage is still vague and it is hard to see in such small field what machinery of any large size is necessary to carry out what can only be work on a small holding and with very few animals needing to be housed. Overall the view is to refuse on the above grounds.'

Representations:

None

Relevant Planning History

- 4021/22/FUL- Erection of agricultural barn to house livestock and farming equipment and other associated equipment (Retrospective) - withdrawn
- 4090/19/FUL- Construction of agricultural barn for the use of animal housing and equipment storage- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The principle of an agricultural building on the site has been established through the grant of planning permission 4090/19/FUL.
- 1.2. The Parish Council have objected to the application partly as they do not consider why there is a need for the building. The need was assessed by the Council' Agricultural Consultant previously, who accepted that with the livestock on site and the need to

provide welfare for those animals particularly during the winter months there was a need for the building. The current application changes the location of the building, but this does not affect the agricultural justification or assessed need for the building, which remains acceptable in Officers' opinion.

- 1.3. The NPPF, and policies SPT1 (Delivering sustainable development) and SPT2 (Sustainable linked neighbourhoods and sustainable communities) of the JLP sets out the principles of sustainable development. In addition, Policy TTV1 (Prioritising growth through a hierarchy of sustainable settlements) of the JLP states that in rural locations the Local Planning Authority will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver prosperous and sustainable patterns of development. In addition to the provisions of Policies SPT1 and SPT2, specific objectives of rural sustainability are identified in Policy TTV1 which include:-

“4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”

- 1.4. In addition, Policy TTV26 (Development in the countryside) states that LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

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

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

2. Development proposals should, where appropriate:

- i. Protect and improve 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.”*

- 1.5. In response to Policy TTV26, the proposal is not considered isolated development by virtue of its relationship with neighbouring properties / buildings, most notably higher Poole Farm and Pondfields which lie to the west of the application site. As detailed, the proposal seeks to respond to an identified agricultural need by providing necessary storage for equipment and apparatus to operate the farm holding. The proposal would

be complimentary to agricultural operations on site and is considered to justify a countryside location. As such, it is considered in this instance that the proposal accords with JLP Policy TTV26.

- 1.6. Suitable conditions shall be attached to any planning permission granted to ensure the building is retained for agricultural use, and removed if no longer required for the purposes of agriculture.

2.0. Design/Landscape:

- 2.1. The whole of the application site within open countryside and consist a small holding which is used for the rearing of livestock (pigs, sheep and chickens). The building is of a typical design for modern agricultural buildings within the district; it is of a pitched roof design, with three open bays to the east (front) elevation and one covered bay with doors.
- 2.2. The siting of the building in the corner of the field reduces its visual impact, and the building is in keeping with the agricultural character of the site and its surroundings. A condition is proposed to prohibit any external lighting in order to retain this character.
- 2.3. Subject to the recommended conditions, the building is considered acceptable in terms of design and landscape impact, and complies with policies DEV20 and DEV23 of the JLP.

3.0. Neighbour Amenity:

- 3.1. The nearest property is to the south west of the site (Pondfields), over 100m away. The proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact and more importantly the keeping of livestock. It would therefore accord with JLP Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) and the requirements of the NPPF. No third-party representations have been received.

4.0. Highways/Access:

- 4.1. There is an existing access to the site from the highway. The resited building is closer to the existing access than the previously approved building, which is beneficial. No concerns are therefore raised in terms of highways matters.

5.0. Other matters:

- 5.1. The Parish Council has objected about the address given for the development. This was raised last time and the applicant has amended accordingly, and Officers are satisfied that the address is accurate.

6.0. Summary:

- 6.1. The building was previously found to be justified in terms of agricultural need. The current application seeks to amend the location of the building within the same field which, for the reasons given above, is considered acceptable. The application accords with all relevant planning policies and is therefore 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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: n/a

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.

Recommended conditions:

1. The development hereby approved shall in all respects accord strictly with drawing number 1228/1, and the Site Location Plan received by the Local Planning Authority on 11th May 2023.

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

2. The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 (as amended).

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area where there is a policy of restraint.

3. If the building hereby approved is no longer required for agricultural purposes, it must be deconstructed and the land returned to its former use as an agricultural field. All materials shall be removed from the site within 3 months of the demolition.

Reason: To protect the rural landscape.

4. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development

5. 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.

PLANNING APPLICATION REPORT

Case Officer: Bryn Kitching

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 1108/23/FUL

Agent/Applicant:

Baker Estates Ltd
Green Tree House
Silverhills Road
Decoy Industrial Estate,
Newton Abbot
TQ12 5LZ

Applicant:

Baker Estates Ltd
Green Tree House
Silverhills Road
Decoy Industrial Estate,
Newto Abbot
TQ12 5LZ

Site Address: Land At Sx 729 441, Morley Way, Kingsbridge



Development: Proposed construction of employment buildings & associated works

Reason item is being put before Committee: Cllr O’Callaghan has called the application to committee for the following reason: “I would like this to be considered by the DM committee please as it is part of a major application in the AONB, so that issues such as neighbour amenity/landscaping and parking can be discussed in detail, in an open and transparent manner.”

Recommendation: Grant conditional planning consent

Conditions (list not in full)

1. Time limit – 3 years.
2. Building accordance with approved plans list.
3. Accord with Carbon Reduction Statement.
4. Construction and Environmental Management Plan (pre commencement Date Agreed 18/07/23).
5. Construction Management Plan (pre commencement Date Agreed 18/07/23).
6. Submission of a Noise and Complaint Management Plan (pre occupancy).
7. Landscape and Environmental Management Plan (pre occupancy).
8. Detailed Landscaping scheme (pre occupancy).
9. Parking and Turning provided (pre occupancy).
10. Electric Vehicle Charging Points (pre occupancy).
11. Hours of use of machinery, processes and deliveries – 8am to 7pm mon-fri and 8am to 1pm sat.
12. Noise restriction – machinery inaudible beyond boundary.
13. No external lighting without approval.
14. Accord with Ecological Impact Assessment.
15. No clearance during bird nesting season without qualified ecologist supervision.
16. Permitted development restricted for extensions and hardstandings
17. Restrict use to B8 and E(c)-(g) only.
18. Outdoor storage screening and restrictions.

Key issues for consideration:

1. Principle of Development (KWAC Env1, SPT1, SPT2, SPT4, TTV1, TTV2)
2. Residential Amenity and Appropriate Uses (DEV1, DEV2)
3. AONB Considerations (KWAC Env 3, DEV25)
4. Design/Appearance (KWAC BE3, DEV20, DEV31)
5. Landscaping (KWAC Env10, DEV23, DEV25, DEV28)
6. Ecology/Biodiversity Net Gain (KWAC Env3, DEV26)
7. Drainage and Flood Risk (KWAC Env6, DEV35)
8. Carbon Reduction (KWAC Env7, DEV32)
9. Historic Environment (DEV21)
10. Access and Parking (DEV29)
11. Conclusion

Site Description:

The application site forms part of a larger mixed use (residential and employment) site that is also known as K5, Kingsbridge. Development has commenced on the larger site with two vehicle accesses being constructed as part of the approved outline consent for the mixed use development and subsequent reserved matters for residential development.

The site lies on the western edge of Kingsbridge, to the north of the A381, West Alvington Hill. The land is within the South Devon Area of Outstanding Natural Beauty (AONB) and lies

approximately 320 metres from the Kingsbridge Conservation Area to the east and approximately 500 metres from the West Alvington Conservation Area to the west. The Salcombe to Kingsbridge Estuary Site of Special Scientific Interest (SSSI) lies approximately 500 metres to the east of the site.

The site is situated immediately west of Station Yard and extends to Norden Lane to the west. It comprises an area of approximately 0.5 hectares of the larger 1.2 hectare field between Station Yard and Norden Lane. The remainder of the field is part of a larger development site and construction is due to recommence on the approved access road and 23 dwellings shortly. To the north west of the application site is a grade II listed building called Norden and the larger field on the western side of Norden Lane is to be developed with a further 29 dwellings.

The north western boundary to Norden comprises a mature tree lined hedge that forms a significant screen to the listed property. The south western boundary to Norden Lane is a recently laid hedgebank, that then drops down to the sunken lane. The north eastern boundary to Station Yard comprises a post and wire fence with some off-site semi mature planting that separates the industrial yard car park and building from the application site.

The site slopes significantly downwards from south to north and has a fall of about 15m from corner to corner. It is currently laid to grass with the new foul and surface water sewer outfall points being constructed in the northern corner.

A Public Right of Way runs along the south west boundary of the site along Norden Lane.

The Proposal:

This application is for full planning permission to erect 7 employment units with parking area, bike and bin storage, and hardstanding/yard area. The employment units would be comprised in 2 separate buildings with a total floorspace of 581.1 sqm. Each unit is approximately 83sqm floorspace with the opportunity for further mezzanines to be inserted at a later date.

The application forms proposed the buildings to be Use class E(c)-(g) and B8. A breakdown and explanation of those uses is below:

Class E - Commercial, Business and Service

- *E(c) Provision of:*
 - *E(c)(i) Financial services,*
 - *E(c)(ii) Professional services (other than health or medical services), or*
 - *E(c)(iii) Other appropriate services in a commercial, business or service locality*
- *E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)*
- *E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)*
- *E(f) Creche, day nursery or day centre (not including a residential use)*
- *E(g) Uses which can be carried out in a residential area without detriment to its amenity:*
 - *E(g)(i) Offices to carry out any operational or administrative functions,*
 - *E(g)(ii) Research and development of products or processes*
 - *E(g)(iii) Industrial processes*

Class B8 - Storage or distribution.

The application is accompanied by a Planning Statement, Carbon Reduction Plan/Statement, Heritage Statement, Noise Impact Assessment, Drainage details, Ecological Report, Tree Survey and Protection Plan, and Landscape Strategy.

Consultations:

- **Kingsbridge Town Council** – Support / Recommend Approval:
- **West Alvington Parish Council** – Support subject to the following:
 - No loss of amenity to surrounding properties.
 - Suitable landscaping to dull any noise and screen the buildings.
 - Sufficient parking spaces must be provided to ensure that no vehicles spill onto the housing estate.
- **County Highways Authority** – No objection subject to conditions (CMP and access, parking and site compound constructed prior to development commencing):
- **Environmental Health** – We have considered the application and have the following comments:

This proposal is for small commercial units in a mixed use area with residential properties nearby. There is potential for residents to be impacted upon by activities and deliveries and we therefore recommend noise conditions. The noise report only considers potential noise breakout and the impact of external noise on occupiers of the units. These are not the important noise considerations for this kind of development: working hours and noise from extract/ventilation equipment are the main concerns. We therefore recommend the conditions are included on any approval.

- **Tree Specialist:** No objection on arboricultural merit subject to the noted documents being made approved plans if consent follows.
- **Landscape Specialist** – Initial holding objection that localised effects on character and visual amenity are not fully addressed in the proposals, and the ‘conserve and enhance’ expectations of Landscape policies DEV23 and DEV25 are not fully met.

Following submission of landscape masterplan, the Landscape Specialist confirmed that it forms a strong basis for a detailed landscape scheme to be secured by condition.

- **South Devon AONB** – No comments supplied but were involved in discussions with the Landscape Specialist prior to their response being sent.
- **DCC Historic Environment** – No comments: Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets.
- **DCC Ecology** – No objection subject to conditions following submission of revised Ecological Impact Assessment). Recommended conditions: Carry out in accordance with EIA, no site clearance during bird nesting season, submission of LEMP and CEMP.

- **Local Lead Flood Authority** – Initial objection withdrawn following submission of further information. We have no in-principle objections to the above planning application at this stage.

The applicant acknowledge that the total impermeable area is 1.209 ha and attenuations cellular storage was increased from the 1 in 100 year storm event (plus 30% CC) to 1 in 100 year storm event (plus 50% CC). The discharge rate from the attenuation tanks is 10 L/s. The outfall of the site proposed connect to South West Water (SWW) public surface water sewer and location was demonstrate in Pre-Development Point of Connection Enquiry Proposed Foul and Surface Water Sewers Drawing (Drawing No.0001, Issue. P1) in Flood Risk Assessment Technical Note Appendix D.

- **Historic England** – Comment:

In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

- **Waste Specialist** – Comment:

Would need to see domestic waste collection plan in greater detail to be able to comment at this stage. *[officer note, this application does not include domestic premises which are on the adjoining site]*

- **South West Water** – No comment or concern

- **Natural England** – Comment:

Your authority will need to determine whether the proposal is likely to have a significant effect on the South Hams Special Area of Conservation (SAC) greater horseshoe bat population by undertaking a Habitats Regulations Assessment, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

[officer note: the comments from NE incorrectly identify the site as being within a greater horseshoe bat Sustenance Zone and Landscape Connectivity Zone associated with the South Hams Special Area of Conservation (SAC). The site is not in the bat Sustenance Zone and the comments from DCC Ecology correct this]

- **Police Designing Out Crime Officer** – Comment:

- Rear of commercial units can be vulnerable and therefore it is recommended that access to the back of units is controlled by adding gates or fences.
- Welcome the simple design with no recessed doorways or windows.
- Cycle store lacks natural surveillance and could be vulnerable – it would be preferred if it were moved and be overlooked by the front of the units.
- All external doors and windows should meet security standards
- Recommend a mail delivery system that does not rely on letter plate apertures which can be subject to arson or mail theft.
- Avoid design features that can be used as climbing aids, e.g., external rainwater goods should be flush fitter or concealed.

- Welcome access gate which should match the boundary treatment and be lockable to avoid unauthorised access outside of operational hours.
- It would be beneficial to install vehicle mitigation bollards in front of pedestrian doors to avoid vehicle /pedestrian contact.

Representations:

3 letters of objection (2 of which received from the same person) which raise the following issues:

- Inappropriate location and creation of additional traffic in area that is oversubscribed.
- Industrial estates are only appropriate outside of the town and located away from residential areas.
- Anyone needing to access the industrial units will need to drive through a residential area.
- Even existing industrial units should be removed to outside of towns.
- Existing trees and rights of way should remain.
- The advertised address for this application does not exist and the application should be readvertised.
- Does not appear to be any provisions to accommodate water that flows down Norden Lane and then enters a pipe under the bank into the lower section of K5. This could cause problem for neighbouring listed home (Norden)
- Multiple small employment units will attract more traffic passing through the housing part of the site.
- Operating hours, odours and noise levels should be limited to avoid impact on neighbouring residents.
- Installation of solar panels and water heating on each unit should be mandatory.

Relevant Planning History

28/0508/15/O - Outline application (with all matters reserved except access) for erection of up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage. Approved 27 July 2015.

2434/18/ARM - Application for approval of reserved matters (appearance, landscaping, layout and scale) for 52 no. dwellings and associated garages, infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2no. vehicular accesses, open space, play provision and drainage. Approved 17 September 2020.

0304/21/CLP - Certificate of Lawfulness for proposed confirmation of valid implementation of planning application 28/0508/15/O. Granted 17 February 2021.

ANALYSIS

1 Principle of Development (KWAC Env1, SPT1, SPT2, SPT4, TTV1, TTV2)

- 1.1 The Council's local plan 'Plymouth and South West Devon Joint Local Plan, 2014 – 2034' was adopted in March 2019. A fundamental element of delivering economic growth is ensuring that there is sufficient land to meet the need for new employment premises, and through its allocations and existing communities the plan identifies land to meet this requirement.
- 1.2 Policy SPT1 promotes a sustainable economy where opportunities for business growth are both encouraged and supported. It also supports a sustainable society where neighbourhoods and communities have a mix of local services which meet the needs of local people, and a sustainable environment where adverse environmental impacts are of development are minimised and effectively mitigated where unavoidable.
- 1.3 Policy SPT2 seeks to promote sustainable communities which have access to a vibrant mixed use centre, and provide the appropriate level of facilities to meet the identified needs of the local community including employment uses.
- 1.4 Policy SPT4 requires the LPAs covered within the plan area (South Hams District Council, West Devon Borough Council and Plymouth City Council) to provide for a net increase of at least 375,208 sq. m of employment floor space land within the plan period. South Hams falls under the 'Thriving Towns and Villages Policy Area' and of that larger figure the policy sets out that 28,900 sq. m should be made for (former) B1a offices (focused within town centres), 21,700 sq. m for B1/B2 and 33,100 sq. m for B8. The use classes proposed in this application align with the former B1 uses classes and current B8 class, while not including the retail elements of class E (that were formally in the A classes for town centre type uses).
- 1.5 Although allocation K5 was not carried through and repeated in the TTV section of the Joint Local Plan, the site was identified as a mixed use commitment on the Policies Map to account for the extant 2015 consent for up to 60 dwellings and 0.5 hectares of employment land. The application site lies within the settlement boundary for Kingsbridge (as identified in the Neighbourhood Plan). Policy KWAC Env1 supports the principle of development inside the settlement boundaries subject to national Policy Guidance and the Development Plan.
- 1.6 JLP Policy TTV1 provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The supporting text to this policy through paragraphs 5.7 to 5.10 names the settlements that are applicable to the hierarchy referred to in the sub-components of policy TTV1 as 'The Main Towns' (TTV1. 1), 'Smaller Towns and Key Villages' (TTV1. 2), 'Sustainable Villages' (TTV1. 3) and 'Smaller villages, Hamlets and the Countryside (TTV1.4). Kingsbridge is identified as one of the six main towns at the top end of the hierarchy and where development delivering jobs is prioritised.
- 1.7 Leading on from policies SPT1, SPT2 and TTV1, policy TTV2 states that the Local Planning Authority will support development proposals in the TTV policy area which reinforce the sustainable settlement hierarchy and includes the growth and expansion of rural business and enterprise.
- 1.8 Spatial Priority SP3 seeks to enhance the vibrancy and sustainability of Kingsbridge. This includes Providing for mixed use development to help meet local housing need and increase employment opportunities to support the Spatial Priority. The residential parts of the larger K5 site are coming forward with the delivery of 52 homes and this

application would allow for an appropriate amount of employment to come forward as part of a mixed use development.

- 1.9 Given the above considerations, as the site lies within the defined settlement boundary of an identified 'Main Town', has a previous allocation and extant outline consent for employment development, it is considered that the principle of the proposed development is in accordance with the strategic Development Plan policies and is acceptable. It is therefore necessary to consider the finer details of the application.

2 Residential Amenity and Appropriate Uses (DEV1, DEV2)

- 2.1 Since the original allocation and grant of outline planning permission (for mixed use residential and employment development), it has been long established that this part of the development site would be suitable for employment uses. Those uses need to be compatible with the surrounding area, which includes the new residential development that is immediately adjacent to the proposals. The original consent included a use class restriction that the employment units only be used for B1 (Business Uses). The reasoning given for this was to protect the residential amenity of existing and future residents. On 1st September 2020, the government implemented changes to the Use Classes Order which removed class B1 and replaced it with a new E class Commercial Business and Service). The list of uses in this new class include the former B1 uses, but also add in other uses that are generally compatible with nearby residential uses. The application seeks consent for the majority of uses within the more recent Class E, but specifically excludes retail and food and drink. This is a result of pre-application discussion where it was advised that these type of destination uses are best placed in town centre location where the Neighbourhood Plan seeks to specifically protect and enhance those facilities.
- 2.2 Access to the employment site will be along the road (Morley Way) that was approved as part of the reserved matters consent. The residential development was designed in such a way to set buildings back from the road to account for potential disturbance from vehicles accessing the employment site. The employment buildings would be situated at a much lower height than the adjoining residential. The openings in the nearest building would face away from the residential and towards the existing employment buildings in Station Yard
- 2.3 Class B8 (storage and Distribution) is also included in the uses proposed by the applicant. Large scale B8 can result in a significant number of vehicle movements to and from a facility, however, given the scale of the buildings involved, any storage and distribution is likely to be low key and related to small scale business operations that are often associated with this type of start up unit. It is considered that with the appropriate use of conditions, the residential amenity of nearby residents can be safeguarded and accord with the provisions of Policies DEV1 and DEV2. This would include the conditions recommended by Environmental Health Officers.

3 AONB Considerations (KWAC Env 3, DEV25)

- 3.1 The site lies on the edge of the South Devon AONB but is fully within it (as is the rest of the larger development site). The application needs to be considered in the context

that development will be taking place on two sides of the application site and further into the AONB. The scale of the development is unlikely to have significant impacts on the wider landscape character (see following landscape section for further discussion) and it would not harm the special qualities and distinctive qualities of the AONB. It is therefore considered to accord with the provisions of policy KWAC Env3 and DEV25 of the Neighbourhood Plan and Joint Local Plan.

4 Design/Appearance (KWAC BE3, DEV20, DEV31)

- 4.1 The design of the employment units is uncomplicated and is reflective of other new build employment starter units. As these type of employment unit generally require a level site, it is proposed to use cut and fill to construct a yard and buildings at the same level as the access road. They effectively 'sit down' within the site with eave and ridges heights that are not too dissimilar from the neighbouring employment yard. Sections have been provided to show the relationship with the approved residential development and retained boundary features. Dark colours are to be used that will be recessive and muted. This is considered to be good design practice and in accordance with the provisions of policy DEV20. The proposals include dedicated areas for waste management at the site entrance which will be collected as part of commercial waste contracts. This is next to the turning head of what will become the adopted highway (Morley Way) and therefore has easy access.
- 4.2 The comments from the Police Designing Out Crime Officer have been taken into account and while some of these relate more to operational requirements of individual units, the entire area is to be fenced off with good levels of overlooking the site access. The comments regarding the location of the bike storage areas are noted, however in order to access these facilities, it would require passing in front of all the units which have good surveillance. Given the need to keep the larger yard area open for vehicles, it is considered that on balance, the proposals are acceptable.

5 Landscaping (KWAC Env10, DEV23, DEV25, DEV28)

- 5.1 The Landscape Specialist considers that the proposals broadly accord with policies DEV23 and DEV25 with the wider landscape character being conserved, and with significant and adverse landscape or visual impacts avoided. However, they considered the localised effects on character and visual amenity had not been fully addressed in the proposals, and the 'conserve and enhance' expectations of Landscape policies DEV23 and DEV25 had not fully met.
- 5.2 This has been addressed by the submission of a landscape strategy plan that can be used as a basis for a condition requiring detailed landscaping proposals. The Landscape Specialist has indicated that this addresses previous concerns/discussions and that the locations and species for different types of planting are acceptable.
- 5.3 The trees on the boundary to Norden are all retained, and the tree protection plans could be conditioned to ensure that no development or construction takes place in root protection zones.

6 Ecology/Biodiversity Net Gain (KWAC Env3, DEV26)

- 6.1 The application is accompanied by an Ecological Impact Assessment that has been updated in response to the initial consultation response from the Council's Ecological

Specialists. This was in response to questions about the openings in one of the buildings that face towards the boundary hedges and whether this would result in potential light spill on dark corridors. In the updated report, the consultant ecologist confirms that there is sufficient distance between the opening and hedgerow to avoid harmful light spill.

- 6.2 The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats. It should be noted that in the Natural England consultation response they incorrectly identify the site as being in the Sustenance Zone. The Council's Ecological Specialist has confirmed that the development would not impact on suitable commuting features for greater horsehoe bats and as such there is unlikely to be significant effect on the South Hams SAC. Appropriate Assessment is not deemed to be required.
- 6.3 It is suggested in the consultation response that conditions requiring implementation of the actions set out in the EIA, no site clearance in the bird nesting season (without ecologist supervision, and the submission of a LEMP and CEMP are required.
- 6.4 Biodiversity Net Gain (BNG) calculations have been submitted which show net gain in both habitat and hedgerow units for the individual site. The wider site for the original outline consent includes further areas of greenspace and a cirl bunting mitigation area which should result in further gains.
- 6.5 Subject to appropriate conditions, the requirements of Policy DEV26 and KWAC Env3 have been met.

7 Drainage and Flood Risk (KWAC Env6, DEV35)

- 7.1 The site is not within any flood zone and it is also outside of the identified Critical drainage Area for Kingsbridge. The approved surface water attenuation tanks for the wider residential development are to be located in the application site. It is proposed the enlarge the capacity of these tanks so that they can accommodate surface water from both the residential development and the proposed employment development.
- 7.2 The discharge rate would remain largely unchanged from the approved rate at 10 litres per second. The capacity of the system has been upgraded to account for the increase in impermeable area and it is also proposed to increase capacity for the entire site from the originally approved from the 1 in 100 year storm event (plus 30%) to 1 in 100 year storm event (plus 50%). This is considered to be a betterment from the existing approval. The discharge point for the surface water has been agreed by South West Water and this will be to their surface water sewer network.
- 7.3 Following the receipt of further information, the Local Lead Flood Authority removed their holding objection and it is therefore considered that the drainage is acceptable.
- 7.4 One of the objection letters raises concerns about the drainage in Norden Lane, however this is outside of the application site and no changes to the lane or its drainage system are proposed.

8 Carbon Reduction (KWAC Env7, DEV32)

- 8.1 The application is accompanied by a Carbon Reduction Strategy in response to the requirements of DEV32 and the Climate Emergency Planning Statement. The buildings are assessed to have low energy demand on the basis that space heating is unlikely to be required for the proposed uses. The submitted calculations show that (after energy demand reduction) the regulated carbon emissions are predicted to be 1,891 kgCO₂ per year. Photovoltaics are proposed which would have a predicted annual generation of 4,456 kWh and saving 560 kgCO₂ per year. This is a 26.56% reduction from the Part L compliant baseline and over the 20% saving identified in Policy DEV32 (for major applications) and the Climate Emergency Planning Statement.
- 8.2 Given the design and use of the buildings, battery storage systems could be easily accommodated in the building footprint. Electric Vehicle charging points can be covered by condition and the Climate Emergency Planning Statement stipulates that these should be 22kw for Class E uses.
- 8.3 The measures set out in the Carbon Reduction Statement and identified in the Climate Emergency Compliance Form are considered to be acceptable for this development.

9 Historic Environment (DEV21)

- 9.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states: "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 9.2 To the north west of the site is a grade II listed building (Norden). This is separated from the site by a tall tree lined hedge which provides an effect visual screen and there is no intervisibility between the two sites. The main facades and outlook from Norden do not face the development and there is paddock area between the house and application site. The previous allocation and subsequent outline planning consent considered the potential impacts on the setting of the listed building and concluded that changes to its setting were not significant and were acceptable. The detailed design of this application would see one of the buildings cut into the slope, with the other partially cut in to, and partially above existing ground levels. The boundary hedgerow is to be retained and fenced off from the buildings and yard. As such it is considered that if there were any impacts on the setting of the listed building, these would be less than substantial and at the very minor end of the scale. The benefits of employment provision as part of a mixed use development are considered to be of public benefit that should be weighed in favour of granting consent.
- 9.3 It is considered that the application site is a sufficient distance away and does not include any parts which would impact on the setting of wither the Kingsbridge or West Alvington Conservation Areas.

10 Access and Parking (DEV29)

- 10.1 Access to the employment site would be via the new road that runs across the lower parts of the wider site. This road is to be named Morley Way and the junction with West Alvington Hill has already been constructed. The road was originally designed to access both the residential and the employment parcels of land. It was permitted as part of the reserved matters consent for residential development and was shown to be adopted by the highway authority. The County Highway Authority have no objection subject to conditions.
- 10.2 17 parking spaces are proposed with 7 of these being extra wide disabled spaces. The SPD provides additional clarity on parking requirements under policy DEV29, although it should be noted that there has been a change to the use classes order that has some impacts on the indicative parking provision table under para 8.16. The total floor space for the development is 581.1 sqm and if all the units were to be under the former B1 (general business uses) the table suggests 1 space per 30sqm. This would result in 19 spaces being required. However, if all the units were used as a B8 (storage and distribution) then only 8 spaces would be required. The yard area is quite substantial and includes 3 areas of land (next to parking spaces 1,12 &17) where it would be physically possible to park additional vehicles without affecting circulation space. This would increase the parking to 20 spaces, of which 35% would be suitable for motorists with disabilities.
- 10.3 Cycle parking is proposed in a purpose built enclosed bike store that would contain at least 7 spaces.
- 10.4 It is considered that the level of parking meets the indicative standards set out in the SPD and Policy DEV29 of the plan and is appropriate for this accessible and well connected location.
- 10.5 It is proposed to include a condition requiring a construction Management Plan with the same criteria that were required for the outline consent.

11 Conclusions

- 11.1 The site was originally allocated for a mix of residential and employment uses and the extant outline permission permitted this area for employment uses. This full application broadly aligns with the principles that were agreed as part of the outline and the uses have been updated to accord with the updated use classes order. The introduction of potential B8 uses is appropriate for this style of employment unit and with appropriate conditions, would not result in significant harm to residential amenity. The detailed design and landscaping are an appropriate response for this sloping and constrained site. For the reasons given above the proposals are considered to accord with the Joint Local Plan and Neighbourhood Plan when read as a whole.

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

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
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
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development

Following a successful referendum, the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan was adopted at South Hams District Council Committee on 15th December 2022. It now forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Kingsbridge, West Alvington & Churchstow Neighbourhood Area.

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence.

Policy KWAC Env3 Impact on the Natural Environment, South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.

Policy KWAC Env5 Prevention of light pollution.

Policy KWAC Env6 Prevention of Flooding and the impact on water quality.

Policy KWAC Env7 Carbon Reduction.

Policy KWAC Env10 Promotion of tree planting.

Policy KWAC BE3 Design Quality.

Policy KWAC BE4 Safeguarding Designated and Non-Designated heritage assets within the Plan area and the conservation areas of Kingsbridge and West Alvington.

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

- South Devon AONB Management Plan (2019-2024),
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020;
- Plymouth and South West Devon Climate Emergency Planning Statement 2022.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

- 1 The development hereby permitted shall begin no later than 3 years from the date of this decision.

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

- 2 Unless modified in compliance with the conditions below the development hereby permitted shall be carried out in accordance with the following approved plans:

- 171202 L 01 01 Rev C - Location Plan
- 2488 P10 - Proposed Site Plan
- 2488 P02 - Unit A: Floor Plan and Elevations
- 2488 P03 - Unit B: Floor Plan and Elevations
- 2488 P04 - Bike and Bin store details
- 2488 P05 - Proposed Site Sections
- 05098 TPP 22.2.23 - Tree protection plan

- 1844 0120 TA4 - Impermeable Area Plan
- 1844 0500 P4 - Drainage Layout

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

- 3 The development hereby permitted shall incorporate the measures recommended within the Carbon Reduction Strategy by AES Sustainability Consultants dated February 2023.

Reason: In the interests of delivering low carbon development in accordance with the provisions of policy DEV32 of the Plymouth & South West Devon Joint Local Plan and policy KWAC Env7 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

Pre-commencement conditions

- 4 The development hereby permitted shall not be commenced until a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be prepared in accordance with clause 10 of BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard, and shall be directly informed by the Ecological Impact Assessment dated May 2023 (ref 1801-EclA-FM) and tree protection plan ref. 05098.TPP Rev B 22.2.23. The CEMP shall include the following details:
- a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) revised mitigation statements;
 - d) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - e) the location and timing of sensitive works to avoid harm to biodiversity features, including protective fences, exclusion barriers and warning signs;
 - f) the times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP, and the actions that will be undertaken;
 - g) responsible persons and lines of communication; and
 - h) the role and responsibilities on site of an ecological clerk of works or similarly competent person.

The development shall then proceed in accordance with the approved CEMP.

Reason: In the interests of ecological protection and enhancement in accordance with the provisions of policies DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan. A pre-commencement condition is required given that risks will arise from the outset of works.

- 5 No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
 - (d) any road closure;
 - (e) 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 6.00pm Mondays to Fridays inc (excluding the hours between 8.30 to 9.00am and 3.00 to 4.00pm during school term times).; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
 - (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (i) provision of wheel wash facilities, dust suppression and noise limitation measures;
 - (j) hours during which no construction traffic will be present at the site;
 - (k) the means of enclosure of the site during construction works;
 - (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
 - (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
 - (n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pick up and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles in accordance with the provisions of policies DEV1, DEV2 and DEV29 of the Plymouth & South West Devon Joint Local Plan. A pre-commencement condition is required as measures will be required to be taken from the outset.

Pre-occupancy conditions

- 6 Prior to the first occupation of the employment units a Noise and Complaint Management Plan shall be implemented. The approved plan shall designate overall responsibility for noise management to a named individual or officer of the company responsible for the management of the site and the plan shall thereafter be implemented and regularly reviewed. Any equipment, plant, process or procedure provided or undertaken in pursuance of this condition shall be operated and retained in compliance with the approved plan.

Reason: To protect the amenity of residents from noise and vibration in accordance with the provisions of policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan. A pre-commencement condition is required as measures will be required to be taken from the outset.

- 7 Prior to the first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be informed by the Ecological Impact Assessment dated May 2023 (ref 1801-EcIA-FM) and shall include the following details:

- a) a description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions;
- f) a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) identification of the body or organization responsible for implementation of the LEMP;
- h) ongoing monitoring and remedial measures; and
- i) the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured with the management bodies responsible for its delivery.

The LEMP shall also set out 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 development shall then be implemented and thereafter managed in accordance with the approved LEMP.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity in accordance with the provisions of policies DEV23, DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

- 8 Prior to the first occupation of the employment units hereby permitted a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The soft landscape scheme shall follow the overarching principles and indicative species mixes set out in the submitted Landscape Masterplan ref CLPD 143 P01 rev A.

All planting, seeding, or turfing comprised in the approved landscaping scheme shall be carried out in accordance with the submitted details by the end of the first planting and seeding seasons following the first occupation of the employment units hereby approved or completion of the development, whichever is the sooner. 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.

Reason: To protect the landscape character of the area and to mitigate, compensate and enhance/provide net gain for impacts on biodiversity in accordance with the provisions of policies DEV23, DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan

- 9 Prior to the first occupation of the employment units hereby permitted, the related parking and turning spaces for that unit shown on the approved plans shall be fully constructed and made available for the parking and turning of vehicles. The parking and turning spaces shall thereafter be retained and kept available for such uses at all times.

Reason: To protect the amenities of local residents in accordance with the provisions of policies DEV1 and DEV29 of the Plymouth & South West Devon Joint Local Plan.

- 10 Prior to the first occupation of the employment units hereby permitted, full details of proposed electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (Adopted July 2020) and Plymouth and South West Devon Climate Emergency Planning Statement (Adopted November 2022)

The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of the dwelling to which they relate, and retained thereafter as such.

Reason: To avoid air pollution and enable appropriate opportunities to promote sustainable transport modes in accordance with the provision of Policy DEV32 of the of the Plymouth & South West Devon Joint Local Plan

Other post occupancy monitoring, management or compliance conditions

- 11 No machinery shall be operated, no processes carried out and no deliveries accepted or despatched except between the hours of 8am and 7pm Monday to Friday, or 8am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To protect the amenities of local residents from noise and disturbance in accordance with the provisions of policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan.

- 12 Noise emitted from any refrigeration unit, cooling system, extract ventilation system or any other specific noise source shall be inaudible beyond the boundary of the site. For these purposes, "inaudibility" shall be determined as the specific noise level (after correction factors have been applied) being at least 5dB less than the lowest background noise level measured at the time of the assessment, all measured in accordance with BS4142:2014.

Reason: To protect the amenity of residents and adjoining occupiers from excessive noise in accordance with the provisions of policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan.

- 13 No external lighting shall be installed in relation to the development hereby permitted until a lighting strategy, whose purpose will be to demonstrate how the design, specification and operation of external lighting will minimise its impacts on both the occupants of nearby dwellings and bats, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed, and thereafter operated in accordance with the approved strategy.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity in accordance with the provisions policies DEV26 and KWAC Env5 of the Plymouth & South West Devon Joint Local Plan.

- 14 Development shall be carried out in accordance with the actions set out in the Ecological Impact Assessment. This condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the recommendations have been implemented.

Reason: In the interests of ecological protection and enhancement in accordance with the provisions of policies DEV25, DEV26 and DEV28 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

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

Reason: In the interests of ecological protection and enhancement in accordance with the provisions of policies DEV26 of the Plymouth & South West Devon Joint Local Plan, and policy KWAC Env3 of the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan.

- 16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re enacting this Order) no development of the types described in Part 7, Classes A, E & H (erection, extension or alteration of commercial, business or service establishment; hard surfaces for commercial, business or service etc premises; and extensions etc of

industrial and warehouse) shall be undertaken without the express consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality and wider AONB; to safeguard residential amenity; and to safeguard parking and circulation areas in accordance with the provisions of policies DEV1, DEV23, DEV25, DEV26 and DEV29 of the Plymouth & South West Devon Joint Local Plan.

- 17 Notwithstanding the provisions of Class B8 and Class E of the Town and Country Planning (Use Classes) Order 1987 (or any Order amending, revoking and re-enacting that Order) use of the development hereby permitted shall be restricted to uses within Class B8 or Class E(c)-(g) only, and no other use, without the express permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character of the development within the locality and wider AONB; to safeguard residential amenity; and to safeguard parking and circulation areas in accordance with the provisions of policies DEV1, DEV2, DEV25 and DEV29 of the Plymouth & South West Devon Joint Local Plan.

- 18 Details of the location and screening of any outside storage areas for the industrial units shall be submitted to and approved in writing by the local planning authority and they shall be completed in accordance with the approved details before the development is first brought into use. The approved storage areas shall thereafter be retained and no outside storage of goods, equipment or any other articles on the site shall take place outside of the approved areas.

Reason: In the interests of visual and residential amenity and in accordance with the provisions of policies DEV1, DEV2 and DEV25, of the Plymouth & South West Devon Joint Local Plan.

PLANNING APPLICATION REPORT

Case Officer: David Stewart
Yealmpton

Parish: Newton and Noss **Ward:** Newton and

Application No: 2928/22/FUL

Agent/Applicant:

Mr Lee Ferris - Studio Agora Architects
Office 18, The Business Centre
Cattedown
Plymouth
PL4 0EG

Applicant:

Mr Farmer
71 Yealm Road
Newton Ferrers
PL8 1BN

Site Address: 71 Yealm Road, Newton Ferrers, PL8 1BN



Reason item is being heard by Committee:

At the request of the Councillor D Thomas. The Parish Council have requested the ward councillor call this decision to DMC as they feel rather strongly that there is a fundamental difference of opinion around N3P-2 and its meaning and interpretation.

Development: Proposed boatshed and reinstatement of Landing (Resubmission of 0370/22/FUL) (Retrospective)

Recommendation: Conditional Grant

Conditions:

1. Time limit
2. Accord with plans
3. Stonework
4. No external Lighting
5. Accord with ecological enhancements
6. Use for storage of boats only
7. CEMP
8. Details of landscaping and biodiversity enhancements to be submitted
9. Engineering details to be provided

Key issues for consideration:

Principle of development
Impact on undeveloped shoreline
Ecological Impact

Site Description:

The existing 3 bedroom property known as 'Venta' is one of a number of dwellings sited to the south of Yealm Road which are cut into the steeply sloping bank and face Newton Creek to the south. The topography in the vicinity of the dwelling has a significant level change from North to South and tiers have been cut into the natural fall of the land to create the dwelling and its gardens. Planning permission for a replacement dwelling has already been granted.

On the northern boundary at the highest level of the site the garage is accessed from Yealm Road. Neighbouring dwellings lie adjacent to the application site to the east and west. On the eastern boundary the main access point to the dwelling is from the 'Doctors Steps' which is divorced from the existing garage location and the entry point is approximately 5 meters lower than that of the road. The 'Doctors Steps' provides a public right of way which runs the full length of the eastern boundary of the site with further residential properties located to the east of the public right of way.

The application site is split from the main house and garden by the estuary footpath, and has concrete steps (recently formed) leading down from the footpath to the lower level which is set above the high tide mark. Aged stone rubble has collapsed into the estuary which appears to have come from an earlier quayside wall.

On the western boundary sits a neighbouring property the nearest neighbour to the site which has a similar topography and layout to the application property. Hedging provides a screen with the neighbour to the west.

The application site is located within the South Devon Area of Outstanding Natural Beauty in a sensitive coastal location on the bank of Newton Creek. The site is within the Heritage Coast designation however is not within the Undeveloped Coast designation, the boundary for which does not include the built up area of Newton Ferrers but runs along Newton Creek below the high water mark. The site also falls within the SSSI risk zone as set by Natural England as a result of its proximity to Wembury Point SSSI and Yealm Estuary SSSI.

The Proposal:

Planning permission reference 0843/21/FUL has already been granted for the erection of a replacement dwelling on the upper part of the demise. This current application is for a boat store, including reconstruction of a collapsed stone retaining walls to be located at the southern end of the land, above the high water mark adjacent to the estuary.

The proposed boat store will be single storey with a traditional pitched roof set onto a level area retained by new stone retaining walls abutting the estuary edge. River access to the boat store will be via the rebuilt quay wall. It is proposed to use a robust materials palette that includes stone walling for the retaining wall, timber cladding for the building elevations with inset metal louvres and a green roof.

The revised submission now omits the slipway and proposes a cantilevered structure supported by a single pile to allow for boat embarking/disembarking. The solid element of the quay is set above high water mark.

Consultations:

- County Highways Authority: No highways implications
- Newton Ferrers Parish Council: Objection:

Para 3 in the Planning Statement, describes the application as “ for a new Boat store and associated slipway including related stone retaining walls to be located at the southern end of the land adjacent to the estuary.” This appears to be at odds with the Application description and the Block Plan: document 8878181-1. The proposed Boatshed and new slipway/Landing are contrary to policies N3P-2, N3P-3, N3P-4, N3P-8 and N3P-9 of the Neighbourhood Plan.

a. The site is in a prominent location on a relatively unspoilt stretch of river bank, with some evidence of the original foreshore remaining visible and natural river bank to the east. When viewed from the river, approaching the villages, the proposed slip, walls and Boathouse would impact the iconic view of the Grade 11, listed house at Kiln Quay; N3P8. The site contains the long defunct remains of a simple dry-stone quay, but there is no evidence of a previous slipway.

b. Great emphasis was made in the development of the Neighbourhood Plan to protect the natural environment, in particular the Waterfront and the objective of Policy N3P-2 is to protect the unbuilt areas of the waterfront. N3P-2 a) states “ Development shall conserve the character, ecology or biodiversity of the banks, cliffs, shore and intertidal zone of the river or harbour”. Any built form other than reconstructing the original simple quay would constitute ‘development of the waterfront’ and does not ‘conserve its natural appearance’. Furthermore N3P-2 c) states “Development that threatens the estuarine coastal margins or would adversely affect the natural banks of the estuary will not be allowed”.

c. The proposed slip and the boathouse, with its steel cladding and aluminium glazing system are unlikely to achieve a biodiversity net gain and are incongruous to the location.

d. In addition, an issue, not addressed in the application, is the potential effect on the integrity of the public footpath. Construction will inevitably compromise the stability of the bank and the public footpath above. Resultant stabilisation works will further impact on the biodiversity and produce more built form.

e. There is currently not a CMP with the application although the Agent has recently emailed a draft. However, there are 2 areas which need expanding and clarifying.

- The site is adjacent to the Footpath 13 "The Cinder Path" which runs from the end of Riverside Road West to Yealm Road and Footpath 14 "Doctors Steps". The CMP needs to name these footpaths and clearly state that these footpaths will not be restricted and kept clean by the main contractor.

- Where works are carried out adjacent to or from the foreshore / waterfront additional controls are required to prevent damage and contamination of the river. The CMP needs to state what protections will be put in place to protect the River from spillage and pollution.

f. Additionally as this application is for a "Boathouse and Landing" then it is assumed it will be within the tidal part of the River Yealm and as such the MMO (Marine Management Organisation) and Environment Agency will need to be contacted to obtain the appropriate licences.

g. In addition, if there would be any potential for contamination of the water environment, Natural England may also need to be contacted because of the SSSI designations around the water in this area

- MOD No safeguarding objection
- AONB Estuary Partnerships: Original response: Objection
Some significant concern and confusion over the heights of the proposed development reference to the usual Ordnance or Chart Datums. There is still reason to believe that the development as proposed would result in a net loss of foreshore extent and therefore habitat quality and biodiversity - some net gain should be expected.

Revised Comments: Revisions to the scheme were received on 6th April and the Estuaries Partnership now have no objection subject to the following conditions:
I would favour option 1 (the revised scheme) as it should be more permanent and less impactful overall – see requested conditions of my letter of 29th April 2022. Also, considering that this development crosses over the foreshore, the applicant must be sure that they either own this part of the foreshore or have the express permission of the foreshore owner.

The conditions suggested were:
i) I also suggest that the production of an agreed Construction Environmental Management Plan (CEMP) is made a condition of any planning permission being granted, to include:

- Access of building vehicles and plant - consideration of breakdowns & oil leaks - required use of bio-hydraulic oil where relevant - availability of appropriate pollution spill kits and training in their use
- Care of cement washings etc.
- Site lighting and prevention of light spill over the foreshore
- Future use and maintenance of the proposed boathouse and slipway – no significant boat maintenance to be allowed within the site, specifically including oil changes and antifouling, and chemical biocide use.

ii) I also suggest that the following is made a condition of any planning permission being granted to ensure that the proposed boathouse remains only ever as a boathouse.

“The building hereby approved shall be used as a boathouse ancillary to the main dwelling and for no other purpose including any other ancillary residential uses or any other purpose under the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any provision in any statutory instrument revoking and re-enacting those Orders with or without modification.”

iii) Please add that any surfaces that need to be cleaned should be by physical means only, i.e. no biocide type chemicals or cleaners.

Natural England: Original Submission: More detail on the current state of the works are required on the previous clearance that has taken place and the potential impacts to intertidal habitats
 Revised Scheme: No comments received

Representations:

The Council has received representation from the Marine Management Organisation requesting that the Council make the applicant aware they must factor in

Representations

The Council has received representation from the Marine Management Organisation requesting that the Council make the applicant aware they must factor in the requirement for a Marine Licence early to avoid any delays in their planned activities.

Relevant Planning History

0843/21/FUL: Erection of replacement dwelling

ANALYSIS

Principle of Development/Sustainability:

1. For the purposes of the hierarchy of sustainable settlements set out in policy TTV1 of the JLP, Newton Ferrers is within tier 4, at the bottom of the hierarchy of settlements where growth would be prioritised within the district. Policy TTV1 sets out that in the smaller villages, Hamlets and the Countryside development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities as provided for in Policies TTV26 and TTV27.
2. The development proposed, the erection of a building subordinate to an existing residential dwelling could be considered under TTV29. However in this case the building is not an extension to the house and is located on land separated from the main curtilage by the PROW running along the estuary. It is therefore considered against the adopted policy TTV26.
3. The erection of a building (which is subordinate to an existing residential dwelling) within the settlement boundary of Newton Ferrers, is considered, as a matter of principle to be acceptable. The development would not be isolated and the first part of Policy TTV26 would not apply. Development is also in accordance with TTV26.2 i to v. Therefore, based on the particular circumstances of this case, it is concluded that this scheme is acceptable provided it accords with TTV26.2 vi and this will be examined further below.
4. This conclusion is supported by a recent appeal decision relating to the non-determination of application number 3041/18/HHO and a number of permissions issued by the Council in the 1990's both to the west and east of the application and in the near vicinity.
5. Furthermore, the Newton and Noss Neighbourhood Plan (NP) has been made and significant weight can be given to its policies in the decision-making process and in determining this application. The application site is identified within the NP's Village Settlement Boundaries and therefore complies with Policy N3P-1, which supports planning applications for development within the boundary. Whilst the NP is made, it was adopted prior to the adoption of the JLP and the inspector, in the aforementioned appeal, stated clearly that, *"in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended), I conclude that the approach to development in the countryside, under Policy TTV26 takes precedence over the approach in Policy N3P-1 of the Neighbourhood Plan."*
6. Notwithstanding the officers views on policies affecting the principle of development, the Parish Council have objected to the scheme on the basis that the development is also contrary to N3P-2, 3, 4, 8 and 9 and these are examined below and in the relevant sections of the plan.
7. N3P-2 is a policy that seeks to conserve the character of the waterfront. This is examined in detail in the next section of the report. Policy N3P-3 seeks to fulfil two functions, to ensure a low density of buildings within a specified area (policy areas 1 and 2) and to protect the character of policy areas 3 and 4. The site falls in policy area 1 and 2 and therefore the test is whether the proposed building on this site is one which respects the low density of development in this location.

8. The waterfront in the eastern part of policy area 1 and 2, to the east of the site (along Riverside Road West), has a relatively dense built up character that reflects its position close to the centre of the village. To the west of the Doctors Steps the character is less built up. Nevertheless, large parts of the waterfront are protected by stone quay walls and with a number of boat stores on the quayside. The proposed building is of a modest scale in accordance with the policy requirement. Together with the compliance to policy N3P-1 which support development within the village boundary I consider the scheme to comply with this policy.
9. Policy N3P-4 mirrors the requirement in DEV20 of the JLP to encourage a high design standard and is a matter that is considered in the next section.
10. Policy N3P-8 relates to the impact of the development on Heritage assets and the conservation area and is considered in the relevant section. Policy N3P-9 seeks to prevent harm to the landscape and is considered in the next section.

Design/Landscape:

11. In design terms the proposal seeks to construct a 'quay' wall to provide a level platform for the boat shed which is shown to be constructed of timber and is of a size and design that is appropriate for its setting. It is similar to other structures in the area that have been built or recently approved.
12. There is local concern and from other consultees that the development may affect an undeveloped shoreline. From an aerial inspection and from information on other documents it is clear that some sort of a stone wall once protected the garden edge which has now collapsed. This structure is likely to have been built at or within the high water mark although this cannot be determined now. It is also clear that sites to the east and west of the application site have similar walls. It is only this and an immediate neighbouring property that has no standing walls against the estuary in this vicinity.
13. Policy DEV24 of the Local Plan places a presumption against development in the Undeveloped Coast, unless it requires a coastal location and cannot reasonably be located elsewhere. Part of the building would be within the Undeveloped Coast, however, as it is a boathouse, it self-evidently requires a waterside location. The steep creek embankment means that for a building located outside the Undeveloped Coast it would be at a much higher level than the water and out of keeping with other boat stores in the area. The development would not, therefore, be prohibited in principle by Policy DEV24.
14. As well as being partly in the countryside and Undeveloped Coast, the entire site lies within the South Devon Area of Outstanding Natural Beauty (the AONB). Paragraph 172 of the National Planning Policy Framework (the Framework) says 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 these issues.
15. This part of the AONB comprises a steep-sided creek, with housing development on the valley side taking advantage of the spectacular views. The waterside is well-used for recreational purposes, with many gardens sloping to the waters' edge protected by stone or concrete walls. The landscape character of this area is varied and it is noted

that the section of riverside from Kiln Quay to no 73 Yealm Road is a short stretch of undeveloped shoreline between longer stretches protected by stone quay walls. Moreover it is noted that the location of the wall and building lies to the north of and outside the designated undeveloped shoreline in the JLP.

16. Policy N3P-2 of the NP seeks to protect the waterfront. It states that development must:
 - i) Conserve the character of the banks, cliffs, shore and intertidal zone of the river or harbour.
 - ii) Conserve its natural appearance as viewed from the river, harbour or land and not detract from the quiet enjoyment by every one of those parts of the waterfront that are accessible to the public.
 - iii) Not threaten the estuarine coastal margins or would adversely affect the natural banks of the estuary will not be allowed.
17. In terms of character, the boathouse would be modest in scale, and would be sited close to the bottom of the slope, raised over the natural foreshore above a new stone creek wall. From the opposite bank, it would be seen against the remaining steep embankment and trees behind, which would separate it from the denser residential development beyond. It would be sufficiently distant from other existing boathouses that the intervening natural vegetation would prevent a visual coalescence of the buildings.
18. There is, therefore, no uniformity to the appearance of the embankment along its length. Its existing character comprises a mix of natural landform, with regular built interventions relating to the functional interaction of residents with the waterside. However, these interventions are generally low level and small scale, so the natural landform remains visually dominant.
19. As the boathouse would be set at the foot of the steep bank, it would not be readily visible from vantage points above the foreshore on the same side of the creek. The roof would be partly visible and the boathouse would be glimpsed between the vegetation when descending the Doctors Steps. However because of its small scale and with the variety of development elsewhere along the estuary it is considered that the development would not harm the landscape and scenic beauty of the AONB, the unspoilt character of the Undeveloped Coast, or the appearance of the countryside. Officers consider that the proposal would therefore comply with N3P-2 (and also JLP Policies DEV23, DEV24 and DEV25).
20. N3P-9 is also relevant. The policy seeks to conserve and enhance the landscape character of the AONB, Undeveloped Coast and Heritage Coast, the Newton Creek waterfront, and the countryside in general. However the site is located within the built up area of the village as defined by the NP, where development is permitted under N3P-1(a) and it has already been concluded that the development preserves the character of the area.
21. An earlier appeal did consider policy N3P-2 and the Inspector concluded that the aim of the Policy seems to be to restrict housing development rather than to place a blanket prohibition on all forms of development (paragraph 7 of APP/K1128/W/20/3245187). On the basis that this interpretation of policy is correct then the proposal is not contrary to the policy.

22. It then falls to consider the proposal against policy N3P-4 which requires proposals to be of a high design quality derived from the site context and the context of the adjacent buildings. It requires the use of natural materials and for the building to be in keeping with the site surroundings.
23. The proposed quay wall to be constructed above high water mark will be of traditional stone. The building elevations are shown to be vertical timber clad set under a pitched green roof. The small scale of the design and the use of materials suitable for a riverside location will ensure that the building accords with the policy and is not dissimilar to other sheds and boat stores along the creek.
24. When taking into consideration the conformity with the JLP and the matters set out above as they relate to the Neighbourhood Plan, officers conclude that development is also in accordance with the Neighbourhood plan.

Neighbour Amenity:

25. The proposal does not affect the amenity of neighbouring properties which are set much further up the valley side. The proposal would therefore comply with JLP Policies DEV1 and DEV2.

Highways/Access:

26. A set of concrete steps has already been cast to replace wooden steps leading down to the waters' edge. It is considered that this part of the site, although separated from the main demise by the estuary footpath nevertheless forms part of the garden to no 71 and that planning permission would not be required for these works. Even if the converse was true it is the case that the Council would be likely to grant planning permission for the works provided that they were accompanied by biodiversity enhancements. There is no vehicular access to the site. The proposal would therefore comply with JLP Policy DEV29.

Ecology

27. Whatever ecological value the site had, above the tidal zone, has been largely lost through the works already carried out in the formation of new steps down to the end of the garden and the clearance of vegetation. The submitted ecological report was able to identify typical plant species on the hillside. They represent relatively typical and common species of flora. There was no evidence of protected species on the site although the location close to the estuary makes the site a good quality foraging zone for bats. The proposed planting of the sloping garden area will reintroduce this flora.
28. Concerns have been expressed over the potential impact of the development on intertidal habitats. In this respect the original submitted scheme did involve works within the intertidal zone. However, revisions to the scheme have cantilevered the platform over this part of the foreshore with no disturbance to the estuary itself which has resulted in the AONB Estuaries Partnership withdrawing its objection. Officers are satisfied that there will be no adverse ecological impact on intertidal habitats with the revised design. The proposal would therefore comply with JLP Policy DEV26.
29. The preliminary ecological appraisal recommends that, due to the close proximity to the estuary, there should be a construction environmental management plan (CEMP) to ensure that the adjacent marine habitat is protected against potential pollution

incidents. It also recommended bat and bird enhancement features within the building design. These are both matters that can be resolved by conditions.

Heritage

30. Policy N3P-8 of the NP seeks to protect heritage assets and the impact of the proposal on these is a matter raised by the PC. The site is not located within or close to the conservation area boundary which terminates some distance to the east at Kiln Quay. One listed building is situated to the east of the application site and is the Kiln Quay house which is a key visual statement on the river edge, projecting as it does into the estuary. It is about 50m away from the boathouse site and in view of the modest mass, siting and scale, the proposed building is not considered to impact on the setting of the listed building. The proposal would therefore comply with JLP Policy DEV21 and N3P-8 of the NP.

The PROW and Bank Stability

31. The site adjoins the public footpath (437FP13) running below the houses in Yealm Road and above the creek. The Parish Council has raised the issue of the potential effect on the integrity of the public footpath. They consider that construction will inevitably compromise the stability of the bank and the public footpath above. There is no indication that proposal will have any implications on stability of the bank. However a condition requiring full details of the engineered solution together with safeguarding works to the bank will be placed on the decision notice to satisfactorily deal with this issue.

32. The engineered solution for the site involves a cantilevered structure supported by a pile in the river. This is the preferred solution of the Estuaries Partnership. It will however require the landowner to obtain the approval from the MMO who have been informed.

Climate Change

33. Policy DEV32.1 requires developments to 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. In this case reclaimed stone from the former wall is to be used with any additions made up of matching stonework. The timber cladding is to be sourced from sustainably produced wood. Further details of sustainable construction methods will be included in the CEMP required by condition.

34. In terms of energy the building is a simple structure requiring a power source for internal lighting. No PV's are proposed and in this case is acceptable given the potential visual impact of such a device which would also compromise the green roof

35. Officers therefore consider the proposal accords with the aims of DEV32.

Conclusion:

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

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

Planning Policy

Relevant policy framework

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

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
SPT11 strategic approach to the historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

Newton and Noss Neighbourhood Plan

Policy N3P-1
Policy N3P-2
Policy N3P-3
Policy N3P-4
Policy N3P-8
Policy N3P-9

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:
South Hams AONB Management Plan 2019 - 2024

Plymouth & South West Devon Joint Local Plan SPD

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 PL002 RevP5 received by the Local Planning Authority on 10th May 2023 and the site location plan and PL001RevP3 received on 22nd September 2023.

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

3. All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel or 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 re enacting 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, 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.

4. There shall be no floodlighting or other external lighting at the site.

Reason: To safeguard the ecological value, appearance and character of the area.

5. Development shall proceed in accordance with the recommendations for mitigation set out within 4.0 of the Preliminary Ecological Appraisal by Green Lane Ecology (June 2022). 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.

6. The boat house hereby approved shall only be for the storage of boats and for no other incidental use associated with the dwellinghouse known as Venta, 71 Yealm Road, Newton Ferrers and shall not form part of a separate unit of accommodation or boat store for other properties.

Reason: In the interests of the amenities of the area.

7. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction and Environmental Management Plan (CEMP) including:
- (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works
 - (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
 - (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits and including details of access of building vehicles and plant to the site - consideration of breakdowns & oil leaks - required use of bio-hydraulic oil where relevant - availability of appropriate pollution spill kits and training in their use
 - (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (h) areas where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
 - (i) hours during which no construction traffic will be present at the site;
 - (j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations
 - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
 - (m) Details of the amount and location of construction worker parking. (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);
 - o) details of the location and safety measures in place for the storage of chemicals and fuel on site
 - p) details of the measures in place to ensure that hazardous materials are prevented from entering the river
 - q) details for the future use and maintenance of the proposed boathouse and slipway – no significant boat maintenance to be allowed within the site, specifically including oil changes and antifouling, and chemical biocide use
 - Care of cement washings etc.
 - Site lighting and prevention of light spill over the foreshore

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

8. Details of soft landscaping shall be submitted for approval to the Local Planning Authority prior to the superstructure of the building being commenced together with a timetable for the works, the planting and maintenance schedule and thereafter maintained in accordance with the approved details. Any trees or plants that are removed, die or become seriously damaged or defective shall be replaced with other species, of the same size number as originally approved unless consent is given for any variation.

Reason: In the interests of amenity and the landscape character of the area and to secure biodiversity benefits

9. Prior to the commencement of development structural details of the foundations, pile position and cantilevered decking shall be submitted to the Local Planning Authority for approval and thereafter works carried out in accordance with the approved details. The details to be submitted shall include an assessment of whether stabilising measures for the existing bank are required and, in the event that they are necessary, details of those measures which shall be put in place at the commencement of the development.

Reason: To ensure the safety of the public is preserved.

DEVELOPMENT MANAGEMENT COMMITTEE 26-Jul-23

Appeals Update from 16-Jun-23 to 18-Jul-23

Ward: Allington and Strete

APPLICATION NUMBER:	3659/22/FUL	APP/K1128/W/23/3318263
APPELLANT NAME:	Mr & Mrs R Harvey	
PROPOSAL:	Replacement dwelling following grant of Class Q, demolition of barn subject to Class Q prior approval, change of use of land to domestic curtilage, detached garage, use of alternative existing access with alterations and permeable driveway, site landscaping works & installation of non mains drainage	
LOCATION:	Barn Park East Allington TQ9 7PY	Officer delegated
APPEAL STATUS:	Appeal Lodged	
APPEAL START DATE:	21-June-2023	
APPEAL DECISION:		
APPEAL DECISION DATE:		

APPLICATION NUMBER:	4751/21/FUL	APP/K1128/W/22/3303162
APPELLANT NAME:	Mr & Mrs Causer	
PROPOSAL:	Change of use of commercial buildings and dwelling house to 3 no. holiday lets. Demolition of existing retail unit. Replacement of commercial building with 1 no. self-build dwelling house. Associated works to include comprehensive landscape and ecology enhancement works	
LOCATION:	Homefield Farm Sherford TQ7 2AT	Officer member delegated
APPEAL STATUS:	Appeal decided	
APPEAL START DATE:	19-August-2022	
APPEAL DECISION:	Upheld	
APPEAL DECISION DATE:	30-June-2023	

Ward: Charterlands

APPLICATION NUMBER:	2803/22/VAR	APP/K1128/W/23/3315808
APPELLANT NAME:	Mr And Mrs S Hamblin	
PROPOSAL:	Application for variation of conditions 2 (approved plans), 3 (roof specification), 4 (samples), 5 (landscaping), 6 (Japanese Knotwood survey) & 7 (ecology) of planning consent 3545/17/FUL	
LOCATION:	Seafront Marine Drive Bigbury On Sea TQ7 4AS	Officer delegated
APPEAL STATUS:	Appeal Lodged	
APPEAL START DATE:	11-July-2023	
APPEAL DECISION:		
APPEAL DECISION DATE:		

Ward: Dartmouth and East Dart

APPLICATION NUMBER:	4488/21/FUL	APP/K1128/W/23/3324224
APPELLANT NAME:	London & Western Holdings PLC	
PROPOSAL:	Demolition of existing building, relocation of existing gas governor and redevelopment to provide eight apartments with associated landscaping and parking.	
LOCATION:	Land at SX 878 516 Adjacent to Mayors Avenue Dartmouth TQ6 9NF	
APPEAL STATUS:	Appeal Lodged	
APPEAL START DATE:	06-July-2023	
APPEAL DECISION:		
APPEAL DECISION DATE:		

Ward: Ivybridge East

APPLICATION NUMBER:	3686/22/HHO	APP/K1128/D/23/3318479
APPELLANT NAME:	Mr Gordon Bryan	
PROPOSAL:	Householder application for single storey rear extension with associated external works including new/replacement boundary fence	
LOCATION:	41 Brook Road Ivybridge PL21 0AX	Officer member delegated
APPEAL STATUS:	Appeal decided	

APPEAL START DATE: 11-April-2023
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 26-June-2023

Ward: Salcombe and Thurlestone

APPLICATION NUMBER:	3724/22/FUL	APP/K1128/W/23/3317888
APPELLANT NAME:	Mr D J Weymouth	
PROPOSAL:	Application for change of use of land from agriculture to the open storage of building materials and the excavation & formation of earth bunds to form a natural screen, removal of a Devon bank and hedge to create additional access and levelling of the area?	
LOCATION:	Motherhill Farm Main Road Salcombe TQ8 8NB	Officer delegated
APPEAL STATUS:	Appeal Lodged	
APPEAL START DATE:	21-June-2023	
APPEAL DECISION:		
APPEAL DECISION DATE:		
APPLICATION NUMBER:	3951/21/FUL	APP/K1128/W/22/3304261
APPELLANT NAME:	Mr and Mrs J Grayson	
PROPOSAL:	Replacement agricultural barn (part retrospective) resubmission of 0882/21/FUL	
LOCATION:	Land at SX 690 402 Galmpton Kingsbridge TQ7 3EY	Officer delegated
APPEAL STATUS:	Appeal decided	
APPEAL START DATE:	17-March-2023	
APPEAL DECISION:	Dismissed (Refusal)	
APPEAL DECISION DATE:	14-July-2023	
APPLICATION NUMBER:	2511/22/FUL	APP/K1128/W/22/3308731
APPELLANT NAME:	Mr & Mrs Simon Clutterbuck	
PROPOSAL:	Demolition of existing dwelling & constructions of a replacement detached dwelling (Re-submission of 4679/21/FUL)	
LOCATION:	Ashcroft Herbert Road Salcombe TQ8 8HN	Officer member delegated
APPEAL STATUS:	Appeal decided	
APPEAL START DATE:	28-March-2023	
APPEAL DECISION:	Dismissed (Refusal)	
APPEAL DECISION DATE:	26-June-2023	

Undetermined Major applications as at 7-Jul-23

	Valid Date	Target Date	EoT Date
0612/16/OPA Patrick Whymer	8-Aug-16	7-Nov-16	

Address: Brimhay Bungalows, Road Past Forder Lane House, Dartington, Devon, TQ9 6HQ

Description: Outline planning application with all matters reserved for redevelopment of Brimhay Bungalows Demolition of 18 Bungalows to construct 12 Apartments 8 units of specialist housing for Robert Owens Community Clients and up to 10 open market homes

Comment:

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

Address: Land off Towerfield Drive, Woolwell, Part of the Land at Woolwell, JLP Allocation (Policy PLY44),

Description: Outline application for up to 360 dwellings and associated landscaping new access points from Towerfield Drive and Pick Pie Drive and site infrastructure All matters reserved except for access

Comment: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to March 2023. Both parties agree that while progress is being made, more time is still required to resolve outstanding matters (including ongoing discussions with National Highways on strategic highway mitigation requirements), and for a period of re-consultation and a revised extension of time has been agreed until the end of September 2023

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

Address: Land at Woolwell, Part of the Land at Woolwell JLP Allocation (Policy PLY44),

Description: Outline application for up to 360 dwellings and associated landscaping new access points from Towerfield Drive and Pick Pie Drive and site infrastructure All matters reserved except for access Outline application for up to 360 dwellings and associated landscaping new access points from Towerfield Drive and Pick Pie Drive and site infrastructure All matters reserved except for access

Comment: Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to March 2023. Both parties agree more time is still required to resolve outstanding matters (including ongoing discussions with National Highways on strategic highway mitigation requirements and for a period of re-consultation and a revised extension of time has been agreed until the end of September 2023

	Valid Date	Target Date	EoT Date
4158/19/FUL Patrick Whymer	17-Jan-20	17-Apr-20	6-Feb-21

Address: Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kings

Description: READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access car parking and landscaping

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
3623/19/FUL Steven Stroud	14-Apr-20	14-Jul-20	1-Jan-23

Address: Land off Godwell Lane, Ivybridge,

Description: READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access parking landscaping locally equipped play area and infrastructure

Comment: Ongoing negotiations with LLFA. S106 HoT broadly settled but dispute regarding NHS infrastructure payment. NHS have responded and this was issued to applicant for consideration. JLP response has been received which requires further

consideration.

	Valid Date	Target Date	EoT Date
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0868/20/ARM Jacqueline Houslander 29-Apr-20 29-Jul-20 **20-Jan-23**

Address: Development Site at SX 612 502, North Of Church Hill, Holbeton,

Description: Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14 no dwellings provision of community car park allotment gardens access and associated works including access layout scale appearance and landscaping (Resubmission of 0127/19/ARM) and the discharge of outline conditions (12/1720/15/O) 1 2 3 5 6 7 8 9 10 11 12 19 20 21 22 23 and 24

Comment: Agreed under delegation, awaiting signature on unilateral undertaking

	Valid Date	Target Date	EoT Date
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4254/20/FUL Lucy Hall 23-Dec-20 24-Mar-21 **25-Aug-22**

Address: Springfield, Filham, PL21 0DN

Description: Proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent Landscaping works will provide communal areas and a playground as well as ecological features Access will be provided from the main road with a main spine route running through the site Springfield Cottage is to remain as current use but be a separate property entity with access from within the site

Comment: Delegated Approval subject to S106 Agreement

	Valid Date	Target Date	EoT Date
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0544/21/FUL Jacqueline Houslander 15-Feb-21 17-May-21 **10-Apr-23**

Address: Land at Stowford Mills, Station Road, Ivybridge, PL21 0AW

Description: Construction of 16 dwellings with associated access and landscaping

Comment: Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement. Deed of Variation is awaiting applicant's signature

	Valid Date	Target Date	EoT Date
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1490/21/ARM Tom French 20-Apr-21 20-Jul-21 **31-Mar-23**

Address: Sherford New Community, Commercial Area North of Main Street, Elburton, Plymouth,

Description: Application for approval of reserved matters for commercial area containing B1 B2 B8 D2 leisure Sui generis uses as well as 2 drivethrough restaurants and a hotel including strategic drainage highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

Comment: Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
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1491/21/ARM Tom French 20-Apr-21 20-Jul-21 **31-Mar-23**

Address: Sherford New Community, Green Infrastructure Areas 6 and 18, North of Main Street, Elburton, Plymouth, PL8 2DP

Description: Application for approval of reserved matters for commercial area containing B1 B2 B8 D2 leisure Sui generis uses as well as 2 drivethrough restaurants and a hotel including strategic drainage highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted) Application for approval of reserved matters for commercial area containing B1 B2 B8 D2 leisure Sui generis uses as well as 2 drivethrough restaurants and a hotel including strategic drainage highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

Comment: Under consideration by Officer, ext of time agreed

		Valid Date	Target Date	EoT Date
3053/21/ARM	David Stewart	5-Aug-21	4-Nov-21	24-Mar-22
Address: Noss Marina, Bridge Road, Kingswear, TQ6 0EA				
Description: Application for approval of reserved matters relating to layout appearance landscaping and scale in respect to Phase 16 Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3) provision of 60 car parking spaces cycle parking creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51 52 54 and 63 attached to S 73 planning permission ref 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref 2161/17/OPA dated 10/08/2018) (Access matters approved and layout scale appearance and landscaping matters				
Comment: Revised plans received that are under consideration				

		Valid Date	Target Date	EoT Date
2982/21/FUL	Charlotte Howrihane	13-Oct-21	12-Jan-22	31-Jul-23
Address: Land Opposite Butts Park, Parsonage Road, Newton Ferrers, PL8 1HY				
Description: READVERTISEMENT (Revised plans) The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping				
Comment: Viability issue - EOT agreed to allow applicant to consider and respond to objection from housing				

		Valid Date	Target Date	EoT Date
3335/21/FUL	Clare Stewart	14-Oct-21	13-Jan-22	17-Feb-22
Address: Proposed Development Site At Sx 566 494, Land West of Collaton Park, Newton Ferrers,				
Description: Construction of 125 homes commercial business units landscaped parkland community boat storage/parking allotments improvements to existing permissive pathway and public footway enhancement of vehicular access and associated infrastructure and landscaping				
Comment: S106 discussions ongoing.				

		Valid Date	Target Date	EoT Date
4175/21/VAR	Tom French	8-Nov-21	7-Feb-22	17-Feb-23
Address: Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon,				
Description: READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 50 of 0825/18/VAR to vary conditions relating to employment floorspace in respect of the Sherford New Community				
Comments: Approved by Members, subject to S106 agreement which is progressing				

		Valid Date	Target Date	EoT Date
4021/21/VAR	Steven Stroud	24-Nov-21	23-Feb-22	30-Apr-23
Address: Development site at SX 809597, Steamer Quay Road, Totnes,				
Description: READVERTISEMENT (new plans and documents) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL				
Comment: Out for reconsultation following revised submission.				

		Valid Date	Target Date	EoT Date
4317/21/OPA	Steven Stroud	5-Jan-22	6-Apr-22	31-Aug-23
Address: Land at SX 5515 5220 adjacent to Venn Farm, Daisy Park, Brixton,				
Description: Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)				
Comment: Revised package of plans and supporting docs awaited.				

		Valid Date	Target Date	EoT Date
4774/21/FUL	Jacqueline Houslander	7-Feb-22	9-May-22	
Address: Burgh Island Hotel, Burgh Island, Bigbury On Sea, TQ7 4BG				
Description: READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation extension to Pilchard Inn extension to Bay View Caf and site wide landscape and biodiversity enhancements				
Comment: Approved by Committee subject to S106 Agreement that is progressing				
		Valid Date	Target Date	EoT Date
0303/22/OPA	Steven Stroud	4-Mar-22	3-Jun-22	21-Apr-23
Address: Land off Moorview, Westerland, Marldon, TQ3 1RR				
Description: READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two three and four bedroom sizes with associated roads paths landscaping and drainage 30 of which would be affordable housing				
Comment: Applicant is working to deal with LHA objection.				
		Valid Date	Target Date	EoT Date
0934/22/FUL	Lucy Hall	14-Mar-22	13-Jun-22	
Address: Land At Sx 499 632, Tamerton Road, Roborough,				
Description: READVERTISEMENT (revised plans) Construction of a new crematorium facility with associated access drives car parking ancillary accommodation service yard				
Comment: Under consideration by officer				
		Valid Date	Target Date	EoT Date
1523/22/FUL	Steven Stroud	20-Jun-22	19-Sep-22	31-Jan-23
Address: Proposed Development Site West, Dartington Lane, Dartington,				
Description: READVERTISEMENT (revised plans documents) Construction of 39No two storey dwellings with associated Landscaping				
Comment: Ongoing discussions with applicant and consultees including LHA. Revised package of plans received, now going to re-consultation				
		Valid Date	Target Date	EoT Date
1629/22/ARM	Steven Stroud	20-Jun-22	19-Sep-22	30-Jun-23
Address: Dennings, Wallingford Road, Kingsbridge, TQ7 1NF				
Description: READVERTISEMENT (revised plans supporting information) Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access appearance landscaping layout and scale and discharge of outline planning conditions				
Comment: Under consideration – housing mix and ecology objections, updated LLFA position awaited.				
		Valid Date	Target Date	EoT Date
2412/22/OPA	Clare Stewart	25-Jul-22	24-Oct-22	30-Jun-23
Address: Land South of Dartmouth Road at SX 771 485, East Allington,				
Description: READVERTISEMENT (revised plans documents) Outline application with some matters reserved for the development of up to 35 dwellings associated access infrastructure open space landscaping biodiversity net gain infrastructure				
Comment: Further information subject to re-advertisement within consultation expiry 25/5/23. Key consultee comments awaited.				

		Valid Date	Target Date	EoT Date
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2804/22/FUL Charlotte Howrihane 14-Sep-22 14-Dec-22 **28-Jul-23**

Address: Homefield Farm, Sherford, TQ7 2AT

Description: Change of use of commercial buildings and dwelling house to 3 no holiday lets demolition of existing retail unit replacement of commercial building with 1 no self build dwelling house associated works to include comprehensive landscape ecology enhancement works (Resubmission of 4751/21/FUL)

Comment: Appeal decision for previous app received last week- have emailed agent asking if they would like to withdraw this application as appeal was allowed.

		Valid Date	Target Date	EoT Date
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0384/23/OPA Bryn Kitching 9-Feb-23 11-May-23

Address: Land At Sx 652 517, Modbury,

Description: READVERTISEMENT (Amended Description) Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings including the formation of access and associated works on land at Pennpark Modbury

Comment: Outline application on site allocated for residential development in the JLP. Consultation period ended and now considering the responses. The application will come to the Development Management Committee when it is ready to be determined and an appropriate extension of time will be agreed.

		Valid Date	Target Date	EoT Date
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0742/23/VAR Clare Stewart 28-Feb-23 30-May-23

Address: Field To Rear Of 15 Green Park Way, Port Lane, Chillington,

Description: Application for variation of condition 2 (approved drawings) following grant of planning permission Ref 0265/20/ARM (approved by Appeal APP/K1128/W/21/3272629)

Comments: Under Consideration

		Valid Date	Target Date	EoT Date
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0622/23/VAR David Stewart 31-Mar-23 30-Jun-23

Address: Noss-On-Dart Marina, Bridge Road, Kingswear, TQ6 0EA

Description: Application for variation of condition 2 (approved plans) following grant of planning permission ref 2161/17/OPA (as amended by S 73 planning permission ref 0504/20/VAR) for amendments to Phase 12 of the Noss Marina Redevelopment specifically relating to the Waterside Apartments Building raised walkway and Central Square only and associated conditions 15 20 36 49 administrative changes required to conditions 1 3 4 17 22 28 29 30 31 33 41 42 43 45 51 52 56 58 59 60 reflecting approved discharge of conditions

Comment: Under Consideration

		Valid Date	Target Date	EoT Date
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1271/23/OPA Steven Stroud 11-Apr-23 11-Jul-23

Address: Former Dairy Crest Site, Station Road, Totnes,

Description: Outline application with some matters reserved for mixed use re development site comprising circa 80 Residential Units circa 1100sqm Commercial space demolition of existing structures excluding Brunel building chimney provision of open space surface water attenuation parking associated infrastructure Full Permission for the Change of Use of the Brunel Building (Resubmission of 3136/22/OPA)

Comments:

		Valid Date	Target Date	EoT Date
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1571/23/ARM Bethan Tanton 9-May-23 8-Aug-23

Address: Sherford New Community, Phase 2 C Advanced Planting, Plymouth, PL8 2DP

Description: Application for approval of reserved matters following outline approval 0825/18/VAR (variation of conditions 3 (approved drawings) 6 7 8 10 11 12 13 14 18 19 20 21 26 28 35 36 45 46 52 53 54 57 66 67 68 69 70 71 99 100 101 102 104 106 107 and 110 and Informatives of outline planning permission ref 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the Sherford New Community) landscaping for advanced planting in Phase 2C

Comments:

	Valid Date	Target Date	EoT Date
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1640/23/FUL James Gellini 12-May-23 11-Aug-23

Address: Land At Sx 784 583, Harberton,

Description: Stable block hardstanding change of use of field for the grazing of horses (resubmission of 2243/22/FUL)

Comments:

	Valid Date	Target Date	EoT Date
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1272/23/FUL Charlotte Howrihane 19-May-23 18-Aug-23

Address: Newton Ferrers County Primary School, Parsonage Road, Newton Ferrers, PL8 1AS

Description: Remove the existing roof replace with new roof

Comments: report written, should be issued this week

	Valid Date	Target Date	EoT Date
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1595/23/VAR Peter Whitehead 25-May-23 24-Aug-23

Address: Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE

Description: Variation of conditions 12 13 following planning consent 2101/19/FUL

Comments:

	Valid Date	Target Date	EoT Date
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0820/23/FUL David Stewart 30-May-23 29-Aug-23

Address: Penquit Mill Cottage, Strode, PL21 0LY

Description: Change of use of land to paddock and conversion of existing part structure to stables (part retrospective)

Comments:

	Valid Date	Target Date	EoT Date
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1006/23/FUL James Gellini 1-Jun-23 31-Aug-23

Address: The Old Gatehouse, Yealmpton, PL8 2LL

Description: Change of use of land from agricultural to equestrian and retention of extension to field shelter (Retrospective)

Comments:

	Valid Date	Target Date	EoT Date
1887/23/ARM Tom French	1-Jun-23	31-Aug-23	

Address: Sherford Housing Development Site, Land South & South West of A38 Deep Lane junction & East of Haye Road, Plymouth

Description: Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings) 6 7 8 10 11 12 13 14 18 19 20 21 26 28 35 36 45 46 52 53 54 57 66 67 68 69 70 71 99 100 101 102 104 106 107 and 110 and Informatives of outline planning permission ref 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the Sherford New Community) for 284 residential dwellings on parcels L1 L12 including affordable housing and associated parking along with all necessary infrastructure including highways drainage landscaping sub stations as a part of Phase 3B of

Comments:

	Valid Date	Target Date	EoT Date
1888/23/ARM Tom French	1-Jun-23	31-Aug-23	

Address: Sherford New Community, Land south west of A38, Deep Lane and east of Haye Road, Elburton, Plymouth, PL9 8DD

Description: Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings) 6 7 8 10 11 12 13 14 18 19 20 21 26 28 35 36 45 46 52 53 54 57 66 67 68 69 70 71 99 100 101 102 104 106 107 and 110 and informatives of outline planning permission ref 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the Sherford New Community) for 284 residential dwellings on parcels L1 L12 including affordable housing and associated parking along with all necessary infrastructure including highways drainage landscaping sub stations as part of Phase 3B of Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings) 6 7 8 10 11 12 13 14 18 19 20 21 26 28 35 36 45 46 52 53 54 57 66 67 68 69 70 71 99 100 101 102 104 106 107 and 110 and informatives of outline planning permission ref 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the Sherford New Community) for 284 residential dwellings on parcels L1 L12 including affordable housing and associated parking along with all necessary infrastructure including highways drainage landscaping sub stations as a part of Phase 3B of

Comments:

	Valid Date	Target Date	EoT Date
2058/23/ARM Tom French	9-Jun-23	8-Sep-23	

Address: Sherford New Community, Phase 3 A/B Land south of Main Street, Plymouth, PL8 2DP

Description: Application for approval of reserved matters application for strategic infrastructure including strategic drainage highways landscaping and open space as part of Phase 3 A/B of the Sherford New Community pursuant to Outline approvals ref 0825/18/VAR (the principle permission that was amended by this consent was EIA development and was accompanied by an Environmental Statement)

Comments

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