

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 13th September, 2023</b>										
<b>Time:</b>	<b>10.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Long <b>Vice Chairman</b> 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										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Amelia Boulter - 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 26 July 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) 0915/22/FUL**

**11 - 42**

Land off Bantham Beach Road, Bantham

Proposal: READVERTISEMENT (revised plans & documents) Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residents/mooring holders car park and new parking, and ANPR system on the beach road and car park

**(b) 2227/23/HHO**

**43 - 54**

16 Meadcombe Road, Thurlestone

Proposal: Householder application for removal of part first floor balcony & replace with proposed first floor master bedroom extension & reinstate existing integral garage (resubmission of 1608/23/HHO)

**(c) 1933/23/HHO** **55 - 72**

"Sea Haven", Ringmore Drive, Bigbury On Sea  
Proposal: Householder application for proposed renovations & extensions to dwelling, construction of a replacement garage & a new games room (resubmission of 0104/23/HHO)

**\*\*\* Please note the following applications will not be heard before 2.00p.m. \*\*\***

**(d) 3993/22/FUL** **73 - 92**

Briar Hill Farm, Court Road, Newton Ferrers  
Proposal: Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks

**(e) 2215/23/FUL** **93 - 102**

Western Barn", Manorick Farm, Hooe Lane, Staddiscombe  
Proposal: Conversion of barn to dwelling incl rebuild of stone wall (part retrospective)

**(f) 1522/23/FUL** **103 - 108**

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

**7. Planning Appeals Update** **109 - 112**

**8. Update on Undetermined Major Applications** **113 - 118**

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 26 July 2023**

<b>Members in attendance</b>			
* 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

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

**DM.13/23 MINUTES**  
The minutes of the meeting of the Committee held on 28 June 2023 were confirmed as a correct record by the Committee.

**DM.14/23 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:

**DM.15/23 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.16/23 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) 0516/23/OPA Tuffland, Oldhouse Lane, Kingston, Kingsbridge Parish: Bigbury**

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

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

- **Principle** – Meets TTV26(1),(2)(iv) and DEV15(6) of the JLP – the Agricultural Consultant supports the application, confirming there was a functional need for a second permanent agricultural workers dwelling. Contrary to the aims of the SPT1 and TTV26 of the JLP seek to make effective use of the land through optimising the reuse of previously developed sites and redundant or disused buildings, therefore reducing the need for greenfield development and protecting natural assets. Contrary to Policy BP9 of the Neighbourhood Plan (NP) 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.
- **Landscape impacts** – The Landscape Officer objection. Fails to conserve and enhance the landscape and scenic beauty, and special qualities of the South Devon AONB, including important views and vistas across the site. Contrary to policies DEV23 and DEV25 of the JLP and BP18 of the NP. Contrary to Policy BP9 of the NP which states development should ensure no harm is caused to the landscape and scenic beauty of the AONB and contrary to BP22 of the NP which seeks to protect important views and vistas.
- **Planning Balance** – The Policy conflicts identified including harm to the South Devon AONB were not considered to be outweighed by the identified need for the additional rural workers dwelling and the economic benefits such would bring.
- **Plymouth Sound and Estuaries European Marine Site** – Unilateral Undertaking would be required to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site.

In response to questions, the Officer reported that the development of that site would not relate to the existing farmstead and would be more elevated from the existing development.

Speakers were: Objector – None, Supporter – Amanda Burden, Parish Council – None, Ward Member – Cllr B Taylor.

The Supporter said

In response to questions raised, the supporter explained that:

- The whole farm was within the AONB and the mobile home was more prominent than the proposed development. Sites B and C would be situated either side of the silage pits making it intolerable to have a dwelling in close proximity;

- The applicants own the land adjacent to the mobile home and if they pursued a dwelling on that site would result in complicated engineering work.

The Ward Member said that this was a growing business and a forward-thinking family. He felt that this site was suitable for the proposed development but wished to hear the debate before committing himself.

During the debate, one Member felt that the proposed site was the better site and would not interfere with the landscape and views and another Member also felt that the dwelling would not affect the landscape. Another Member felt it was important to take notice of the Neighbourhood Plan and that the dwelling should relate to the existing farmstead, there was an agriculture need however this was in a sensitive location and there was a need to protect the landscape and support policies. Another Member felt that the proposed location would be visible from the road and that an alternative site would be preferable.

**Recommendation:** Refusal

**Committee decision:** Refusal

**6b) 1508/23/FUL "Land At Sx 619 532", Luson, Westlake Parish: Ermington Parish Council**

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

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

- **Principle** – Aligns with aims of Policies SPT1.2, SPT2.11, DEV32 and DEV33 of the JLP and Para.158 of the NPPF, which provide support for increasing the use and production of decentralised energy, including through delivering on site low carbon or renewable energy systems. Development requires a countryside location (required by Policy TTV26(2)(iv) as it was to provide renewable energy to an existing dwelling and the wider field would continue to be used for grazing livestock.
- **Heritage impacts** – Not considered to harm the significance or setting of Listed/Curtilage Listed Buildings. The Heritage Officer raised no objections. Likely enhancement by providing ground mounted panels.
- **Landscape impacts** – Limited long-distance views of the site. Visual impacts minimised through conditions requiring black finish colour/anti-reflective coating, details of any fencing and provision of additional landscaping. Solar panels have limited lifespan and condition recommended to require removal once no longer required. There were no concrete footings required and the development was reversible.
- **Impacts on ecology/trees** – Site was under a mid-level stewardship scheme for low-input grassland and the brambles in

the upper fields were due to be flailed this year, in early September. DCC Ecology advised that as the habitat was 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 would be sufficient. Landscaping secured by condition would provide biodiversity benefits.

- The Tree Officer raised no objections with regard to impact on mature trees/hedges.

In response to questions, the Officer reported that there was a condition to remove the solar panels when no longer required, however whilst in use would be covered by the permission.

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

During the debate, Members requested that details of the fencing to take into account a hedgehog highway.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval subject to landscape condition to include planting underneath and around the solar panels to enhance the biodiversity in the area.

**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

**6c) 1875/23/VAR "Marlands Farm", Newton Road, Totnes Parish: Berry Pomeroy**

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

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

- Minor aesthetic changes.
- No impact on wider landscape or residential amenity.
- No highways impact.
- Additional renewable energy sources.
- All original conditions reimposed.

Speakers were: Objector – None, Supporter – None, Parish Council –



None, Ward Councillor – None.

During the debate, Members were pleased that this application addressed the climate emergency agenda.

**Recommendation:** Conditional approval

**Committee decision:** 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

**6d) 1522/23/FUL Land At Sx 776 496 Higher Poole Farm",  
East Allington  
Parish: East Allington**

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

This application deferred to the next meeting.

**6e) 1108/23/FUL Land at SX 729 441 Morley Way,  
Kingsbridge  
Town: Kingsbridge**

**Development: Proposed construction of employment buildings and associated works.**

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

- Employment use on this site has been planned since 2015.
- Proposals result in 7 small/medium size employment units.
- Class E uses were generally appropriate next to residential.
- Conditions can be imposed to limit noise and disturbance.
- Design and layout respects residential amenity and character of the area.
- Landscaping Masterplan and Ecological Impact Assessment provide a good basis for conditions requiring submission of detailed landscaping plan, LEMP and CEMP.

In response to questions, the Officer reported:

- They had not come across a heat map with regard to cut and fill.
- 17 parking spaces proposed, and this was sufficient space for this site.
- The application did include scope for a future mezzanine floor due to their height but this could be restricted by condition.
- There was room for larger vehicles to move around the site.
- The access road into the commercial unit was via the residential road and parking for residents would not be impacted by the commercial unit.
- There were no objections received from highways regarding parking.
- Cut and fill would be dealt with on the site.
- The hedge bank would remain, and replanting had already taken place.
- There were no openings at the back of the building apart from a window opening on unit 5.
- Solar panels would be on the roof.
- The Ecology Officer have no objections on the information presented to them.
- The neighbouring property was outside the application site and there would be no changes to the lane.
- The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats but not in the Sustenance Zone.
- The tree protection fence line would change when construction complete.

Speakers were: Objector – None, Supporter – Graham Hutton, Town Council – none, Ward Member – Cllr D O’Callaghan.

The Supporter said....

In response to questions, the Supporter explained that:

- They would provide heatmaps for future planning applications and any cart away would go to a licenced tip and this was heavily regulated by the Environment Agency.
- Hedges and trees were cut under the supervision of SHDC Officers.
- The commercial units were of similar size of a 2-bedroom house and standard practice not to put in a mezzanine floor.
- There were not expecting a queue of artic lorries at the site.
- The units were not intended to be used as a creche or a gym.
- Each unit would have an allocated EV charging point.

The Ward Member said Kingsbridge Town Council and West Alvington Parish Council support this, however the Parish Council support subject to no loss of amenity to surrounding properties, suitable landscaping and

sufficient parking as to not spill into the residential area. They also raised that noise was a concern for the neighbours.

In response to questions from Members, it was explained that noise and hours of operation would be managed by Condition 6 - Submission of a Noise and Complaint Management Plan.

During the debate, a Member raised concerns on parking and any considerations on how to manage the use of parking spaces so that cars would not spill out onto the residential road.

Another Member felt satisfied with the proposals but wanted to ensure the proposals included a hedgehog highway. Another Member had reservations and whether ecology had been thoroughly investigated. Another Member felt this was good for Kingsbridge area for new startups and supported this application. Another Member liked the development apart from the parking and requested a condition that a mezzanine should not be added for 2 years to allow sufficient time to review the impact of parking.

**Recommendation:** Grant conditional planning consent

**Committee decision:** Grant conditional planning consent to include the removal of permitted development rights to install a mezzanine level.

**Conditions:**

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.

**6f) 2928/22/FUL 71 Yealm Road, Newton Ferrers  
Town: Newton and Noss**

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

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

- Principle of the development
- Impact on undeveloped shoreline
  - Ecological Impact
  - Impact on policy

In response to questions, the Officer reported:

- There were parts of Newton Creek that were highly developed.
- There was no evidence there was a quay.
- That water would flow under the cantilever deck.
- The Estuary Partnership objected to the original scheme but this changed when the Estuary Partnership agreed the cantilever deck.
- They would be required to apply for an MMO licence.
- That Natural England have not responded to the revised proposals.
- The AONB have responded on behalf of DCC and commented on ecology and inter tidal habitats.

One Member felt that the language used by the applicant regarding the reconstruction of the former quay wall was misleading. Ordnance Survey maps of the area and foreshore were shown to the Committee which showed no evidence of a quay wall.

Speakers were: Objector – None, Supporter – None, Parish Council – Cllr P Hinchcliffe, Ward Member – Cllr D Thomas.

In response to questions, the Parish Councillor reported that the Parish Council want to conserve the quay area and this development would affect the character of that part of the river.

The Ward Member said they called this in partly for the Parish Council and that the Newton and Noss NP received nearly 90% support. They

object on a number of policies and in particular the need to protect and enhance where possible and this application does not enhance or protect.

During the debate, one Member felt that Newton Ferrers could be the next Salcombe, this site has steps built without permission and when do we say no to these types of development? Another Member raised concerns on materials to be used to rebuild the quay and could be toxic to the environment. They also felt the need to support the Parish Council when they raise a strong objection. Another Member was undecided, they respected the views of the Parish Council, having viewed the site could see concrete landings further up the river. Another Member felt that the NP needed to be recognised and to respect the wishes of the people that live in Newton Ferrers.

**Recommendation:** Conditional Grant

**Committee decision:** Delegated to the Head of Development Management to agree the reasons for refusal with the Chair, Vice-Chairman, Cllr Hodgson (Proposer) and Cllr O'Callaghan (Seconder), contrary to N3P2, does not conserve or enhance the character of the area and impact on the undeveloped shoreline.

DM.17/23 **PLANNING APPEALS UPDATE**  
Members noted the list of appeals as outlined in the presented agenda report.

DM.18/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**  
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 11.00 am with a break at 12.48 pm and 15.47pm. Meeting concluded at 17.09pm)

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Chairman

**Voting Analysis for Planning Applications – DM Committee 26 July 2023**

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
0516/23/OPA	Tuffland, Oldhouse Lane, Kingston, Kingsbridge	Refused	Cllrs Abbott, Bonham, Hodgson, Long, O'Callaghan and Pannell (6)	Cllrs Allen, Carson, Nix, Rake and Taylor (5)		Cllr McKay (1)
1508/23/FUL	"Land At Sx 619 532", Luson, Westlake	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			Cllr McKay (1)
1875/23/VAR	"Marlands Farm", Newton Road, Totnes	Approved	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (11)			Cllr McKay (1)
1522/23/FUL	Land At Sx 776 496 Higher Poole Farm", East Allington	Deferred				
1108/23/FUL	Land at SX 729 441 Morley Way, Kingsbridge	Approved	Cllrs Abbott, Allen, Bonham, Carson, Long, Nix, O'Callaghan, Pannell, Rake and Taylor (10)	Cllr Hodgson (1)		Cllr McKay (1)
2928/22/FUL	71 Yealm Road, Newton Ferrers	Refused	Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan, Pannell and Taylor (10)		Cllr Rake (1)	Cllr McKay (1)

## PLANNING APPLICATION REPORT

**Case Officer:** Chloe Allen

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

**Application No:** 0915/22/FUL

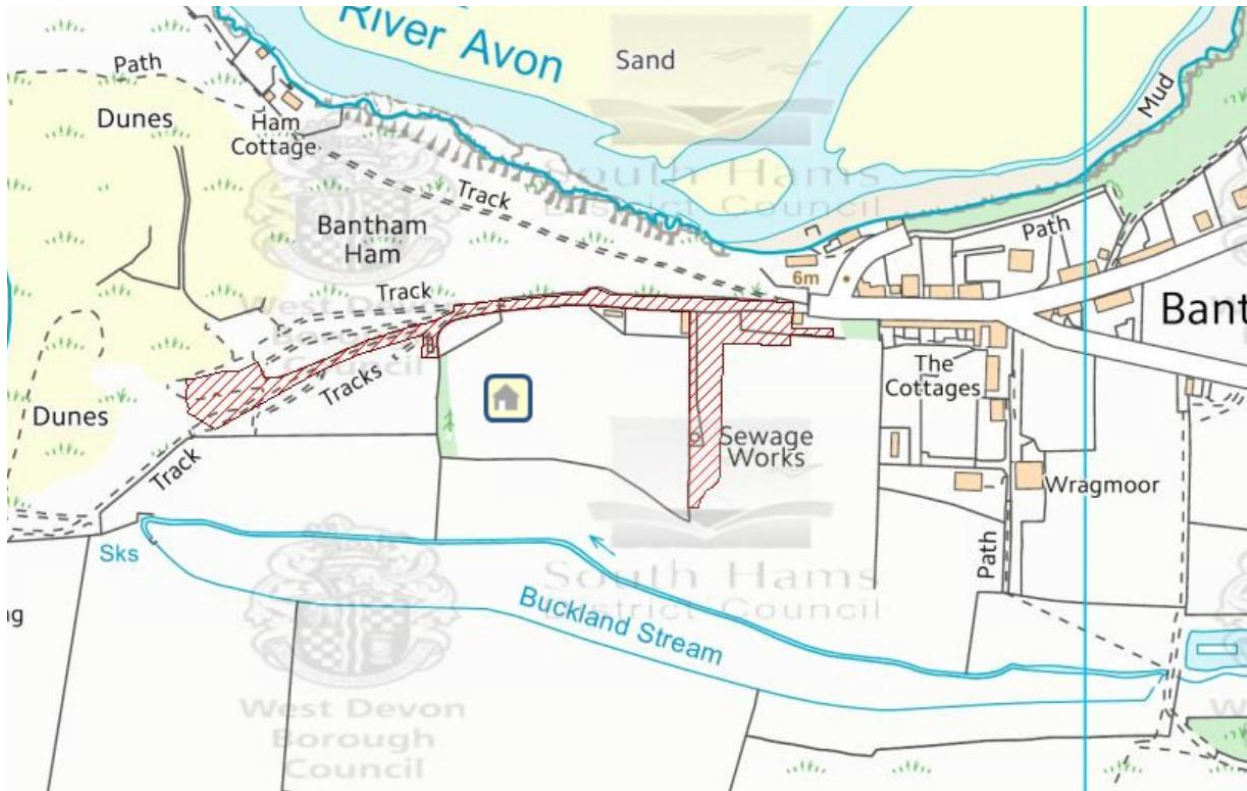
**Agent/Applicant:**

Shelley Jones - Rural Solutions Ltd  
Canalside House  
Brewery Lane  
Skipton  
BD23 1DR

**Applicant:**

The Bantham Estate  
C/O Agent

**Site Address:** Land off Bantham Beach Road, Bantham



**Development:** READVERTISEMENT (revised plans & documents) Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residents/mooring holders car park and new parking, and ANPR system on the beach road and car park.

**Reason item is being put before Committee:** At the request of the Head of Development Management due to the level of public interest

**Recommendation:** Conditional Approval.

**Conditions:**

1. Time limit
2. Approved plans
3. Scheme of landscaping and tree planting (pre-commencement, agreed 27.07.2023)
4. Landscape and ecological management plan (pre-commencement, agreed 27.07.2023)
5. Tree Protection Plan (pre-commencement, agreed 27.07.2023)
6. Construction Environmental Management Plan (pre-commencement, agreed 27.07.2023)

7. Design and mounting/construction method for ANPR camera and paystations (limitation on groundworks)
8. Demolition and construction method statement – beach toilets (pre-commencement, agreed 27.07.2023)
9. Materials/green roof details – beach toilets
10. Levels of car park (pre-commencement, agreed 27.07.2023)
11. Restriction of roadside parking (pre-commencement, agreed 27.07.2023)
12. Restricted use of car park
13. Restoration/construction of wall – entrance to car park
14. Foul water drainage strategy
15. Surface water drainage strategy
16. Temporary access track removal and land restoration/landscaping - STP
17. Restriction on external lighting
18. Provision of visibility splays
19. Compliance with WSI
20. Post investigation assessment – archaeology
21. Compliance with Ecological Impact Assessment
22. No vegetation removal in nesting season
23. DEV32 measures
24. Removal of PD

**Key issues for consideration:**

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

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

**Site Description:**

The application site is within the countryside, and includes an existing construction compound (originally agricultural land and required to be restored to such by conditions imposed on 0227/20/FUL), an existing resident's car park, an existing toilet block, an area of agricultural land, an existing sewage treatment plant with access, and the existing visitor car park and access road. Bantham village is located east of the site, the River Avon to the north (also a County Wildlife Site), and Bantham Beach to the west. South is agricultural land which, beyond the first agricultural field, rises steeply up. East of the existing resident's car park is a maintenance building and ticket hut, and an estate and harbour office (granted planning permission 0227/20/FUL).

The application site is within Flood Zone 1, the South Devon AONB, the Undeveloped Coast and the Heritage Coast. The site is also partly within Bantham Ham County Wildlife Site. The site is split between three Landscape Character Areas, including: 4D. Coastal slopes and combes (southern area), 3G. River valley slopes and combes (northern area), and 4A. Estuaries (western area and River Avon). The area to the west of Zealands Corner is part of an Ancient Monument being the Roman settlement site at Bantham Ham. There are a row of Grade II Listed Buildings to the east, beyond the new estate



and harbour office, known as no.s 1-10, and a listed building to the north, known as 'Coronation Boathouse'.

The public footpath network runs through the site, including along the access road and through the car park. There are also a number of public footpaths in the surrounding area, including on the northern side of the estuary, to the south (along the upper valley slope), to the east (through the village), and to the west (along the beach and south west coastal path).

The site is within Thurlestone Neighbourhood Plan area.

### **The Proposal:**

The proposed development is as follows:

- Installation of ANPR camera to replace existing camera on ticket hut, and installation of x3 paystations (x1 on grass verge, x1 on toilet block, x1 on bin store). Electricity and data cables to serve the paystations will be laid in an existing services trench which broadly follows the road in order to minimise risk to disturbance of any potential archaeological remains.
- Reseeding of existing roadside parking to be retained as a grass verge, with new granite sett edging (25mm kerb check).
- Creation of a pull-in area (space for x2 cars) with reinforced grass surface, next to paystation no.3, with new granite sett edging (laid flush).
- Creation of a new car park for mooring holders, local residents, estate office staff, and permit holders, including x39 spaces (5.2m x 2.5m), x2 accessible parking bays (3.8m x 6.0m) and x1 EV charging point/space. The car park would have local aggregate surfacing with flush granite sett edging. The existing access to the sewage treatment plant and estate and harbour office would be utilised. Existing boundary walls along the north and west boundaries would be retained and restored, and new hedgebank, tree/hedge planting provided along the south and east boundaries. An additional shrub buffer would be provided south of the existing north boundary.
- Installation of a new sewage treatment plant (STP) and removal of the existing. A new timber field gate would be installed further south than the existing, providing access to the STP. A small section of vegetation would be removed to allow for a temporary field access route to the new STP, to ensure the existing STP is not impacted by the works. Once the new STP is installed, the existing would be decommissioned and removed, and the temporary track would be removed and reseeded with species rich grassland mix. The existing access track would be extended south to the new STP location, with the track to be seeded with low maintenance grass seed. A new native shrub buffer and additional planting would be provided.
- Erection of a replacement toilet block. The toilet block would be a cantilevered building, with the footprint which joins with the ground being no larger than the existing toilet block footprint. Female and male toilets would be provided, as would an accessible WC & baby change, and a shower area. Two rooflights would be installed, external walls would be clad with vertical timber boards, windows would be powder coated aluminium and a green roof would be installed, using local plant species.
- Implementation of a detailed landscaping scheme, including hard and soft landscaping/boundary treatments
- The Design and Access Statement also refers to a number of advertisements associated with the paystations/ANPR system. However, the signage cannot be considered under a full planning applications and therefore an informative note to the applicant has been added to advise them

to review the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 to check whether such would benefit from deemed consent or whether express consent is required from the Local Planning Authority.

### Consultations:

- **AONB Unit** – Informal discussions have been carried out between the Landscape Officer and AONB Unit.
- **Drainage** – Support.

Sufficient information received to demonstrate a workable scheme, final design will need to be agreed with the LPA and therefore condition recommended.

Acknowledged that FRA identifies that surface water can be managed by infiltration but the proposed soakaways for the toilet block have been rejected due to heritage concerns. Toilet block is a similar size to existing and the green roof will help to manage any increase. The FRA identifies permeable surfacing to the carpark. Due to the gradient additional design input is needed to confirm that it will work and that loose gravel is suitable for the site. Sufficient surface drainage details have been provided to confirm the site can be drained and additional information/details can be secured by condition.

- **Tree Officer** – No objection

Subject to pre-commencement condition to secure Tree Protection Plan.

- **Thurlestone Parish Council** – Object.

#### First comment 01.07.2022:

Whilst they agreed it was necessary for the existing village sewage treatment plant to be replaced and for the toilet block to be improved, Councillors considered the proposed replacement toilet block was excessive, having a footprint more than 80% larger than the existing footprint with 6 additional cubicles (13 in total) and internal showers. They felt this was neither proportionate nor appropriate in this sensitive location on the site of a Roman settlement in the South Devon AONB (contrary to NP Policies TP1.2, TP1.5 & TP1.6). Councillors also objected to the new residents/mooring holders car park on the basis that it was located on land granted approval as a temporary site compound during the construction of the new Estate office (under application 0227/20/FUL) when permission had only been granted having regard to the special circumstances of the case and provided the site would be restored to a green field in the interests of the visual amenity of this sensitive site in the AONB. They felt that the parking was 'development creep' and would not conserve and enhance the natural beauty of the South Devon AONB (contrary to NP Policy TP1.5); also, that there were too many proposed pay stations and the fourth pay station (Paystation 01) should be removed as it would have a negative visual impact on the landscape and Scheduled Ancient Monument (contrary to NP Policies TP1.5 & TP1.6).

#### Second comment 31.07.2023:

Thurlestone Parish Council OBJECTS to this application and confirm their previous objections still stand. Councillors believe the impact of each element on the AONB means this application should be 4 separate applications as below.

Beach Toilets: Although an upgrade to the beach car park toilets would be welcomed this application is considered excessive being considerably larger than the current building due mainly to the addition of internal showers. These are considered unnecessary at the beach and believed would potentially cause more problems as internal showers are generally occupied longer. One or two external beach showers would be supported allowing quick access and use. Removing the internal showers would substantially reduce the bulk of the building, retaining its

current scale in this highly protected environment and the site of a historic monument. Environmental concerns were raised about the additional use of water this shower block would create bearing in mind current and future water shortages and were considered unnecessary, and the internal showers would no doubt be heated consuming energy. The proposed enlargement of the building and facilities are more suited to the shower block of a holiday camp rather than a beach car park facility and therefore unnecessary in this setting and in an AONB and contrary to Neighbourhood plan TP1.1, TP1.5 and TP1.6

Replacement sewage plant: The replacement of the current sewage treatment plant would be welcomed but councillors wish to clarify that this plant does not supply the whole 'village' as implied in the application. The majority of houses within the village have independent cesspits. Residents/Mooring Holders car park- Councillors believed this is contrary to TP 1.5 of the neighbourhood Plan as it would harm the AONB. Located on land granted conditional approval only, as a temporary site compound, for the duration of the construction of the controversial new Estate office (under application 0227/20/FUL) the condition being 'provided the site is restored to a green field in the interests of the visual amenity of this sensitive site in the AONB'. The current residents parking area was granted permission in 2006 for 10 residents cars and again conditioned that "storage of boats, caravans and other chattels shall not be permitted." No further planning permission has been granted on this area since then. The then planning officers reason given for this condition was "to safeguard the AONB and protect the environment." Cllrs agreed yet more parking is unnecessary due to the existing 1,000 plus beach car park in such close proximity and this application constitutes 'development creep' towards Bantham beach. AONB designation is there to conserve or enhance the natural beauty of the South Devon AONB not to urbanise it. This formal car park would also be highly visible from footpath 19 (view 4 pge.80 Thurlestone NP) contravening Policy TP1.5 of the Neighbourhood Plan. Councillors believed a 'drop-off point' is all that is needed and would be more appropriate having less impact on the AONB. This could be in the existing roadside parking spaces just beyond the current pay booth for those going to their boats to unload before moving on to park in the existing beach car park, and would require no development. It was strongly felt the green field between the existing tenants car park and Zeelands Field as conditioned in the estate office application must be upheld and reinstated. It was also noted that during their recent site visit councillors saw that a block of 4 large dog kennels have recently been constructed beside the existing stone workshop in the entrance area to the new estate office, which could imply an intended 'change of use' to a Shoot Entertainment building, which no planning permission has been applied for or given.

ANPR Camera System and road changes: Although the PC recognises the Estate has attempted to remove parked vehicles from the lane to enable a 2 way system, unfortunately this is redundant at the point of exit as there is only room for one vehicle at a time on the lane between the houses and the cottages. Councillors felt the introduction of pay stations and their necessary signage ('Pay Here', 'Instructions for use' etc) will create a serious intrusion to the views across one of the most sensitive parts of our AONB and the site of an ancient monument, meaning even when empty the green field area will appear commercialised and developed. It was felt that placing 2x pay stations at the toilet block, and if needed an additional one further along the boundary with Zeelands Field, would maintain a clear view over the field to the dunes and supply adequate pay stations. It was also felt the new system will eventually remove the need for manning the pay booth and the necessary personal contact beach goers need should they have questions or a problem. The new office is not manned over the weekends which are naturally the busiest periods. The excavation across the existing natural car park to run mains electricity to the dunes for just one pay station was deemed unnecessary (the Gastrobus is self contained, and the containers currently housing the surf school placed in the dunes in 2016 were the subject of enforcement and have no planning permission to be there). There was also concern that increased traffic movements resulting from the proposed new parking charges will significantly increase traffic movements to and from the village which is liable to cause increased blockages in the Bantham Lane throughout the day and during busy periods.

- **PROW Officer** – No comments received
- **DCC Ecology** – No objection.

No objection subject to conditions to secure a LEMP, CEMP, compliance with ecology report, limitations on installation of external lighting and works during nesting season. Following reconsultation, DCC Ecology advised that it is highly unlikely that the scheme will have ecological impacts – the buildings are unlikely to have deteriorated to such allow bat roost to be present since the initial surveys and the habitats onsite are likely to remain ecologically poor.

- **DCC Historic Environment – No objection**

No objection following Written Scheme of Investigation being provided, subject to conditions for WSI to be followed and post investigation assessment provided. However, the ecology survey was undertaken in November 2021 – this means they are now 20 months in age. CIEEM guidelines on the 'Lifespan of Ecological Reports and Surveys (April 2019)' states that, for data which is between 18 months and 3 years, 'A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report'. Given the unlikely nature of the site now supporting habitats of importance or species, DCC Ecology still believe the ecology report and previous comments to be valid in this instance. However, if there are any further resubmissions of this application in future, likely will be requesting updated ecological information.

- **Marine Management Organisation – No objection.**

General guidance on Marine Licenses and when these are required; onus is upon applicant to take necessary steps to ascertain whether works require such.

- **Devon and Cornwall Police – No objection.**

Recommend that shower and toilet blocks locked during hours of darkness and when car park is closed to prevent risk of anti-social behaviour or criminal behaviour taking place inside toilets when reduced activity in area. Condition requested for this restriction. Also advised it would be beneficial if there is clear signage displaying the opening and closing times to inform the members of public and beach users. Likewise, there should be clear signage of the car park rules and information regarding paying to prevent any disputes.

- **Historic England – No objection**

No objection following clarification on location of trenches for cables to pay machine, that there will be no ground works in association with the toilet block as existing foundations to be utilised and no soakaway required as impermeable area not increased, and WSI provided to DCC HEO which is acceptable. Works will require Scheduled Monument Consent from the SoS, DCMS via Historic England.

- **Environmental Health – No objection.**

Provision of upgraded more modern facilities will improve the ability of the estate to keep toilets and showers more hygienic which is to the benefit of all users. The existing package treatment plant needs upgrading to modern standards and the applicant confirms that the existing pipework and drainage field will be utilised to service the new system.

- **Heritage Officer – No objection.**

No likelihood of harm to setting of the built heritage assets. Most significant designated heritage asset is the scheduled ancient monument (SAM) and advice relating to this is provided by Historic England and DCC Historic Environment Team. Heritage Officer comments solely relate to above ground built heritage items. The Heritage Assessment meets needs of NPPF in relation

to designated and non-designated heritage assets. Main error in document is reference to Coronation Boathouse as NDHA, as this is a Listed Building, but this is a factual error and impact has been considered on the basis of NDHA identification. Although actual assessment component of document light in detail it does demonstrate level of consideration of effects on heritage assets. Given lack of intervisibility between proposed development and designated assets they do not disagree with the conclusion in the Heritage Assessment in relation to effect on setting.

- **Highways** – No objection.

Highway Authority notes the contents of the Technical Note submitted by the applicant in relation to the existing and proposed traffic generations from the proposals. As can be seen, the proposals will have little or no implications for existing highway network and this is not disputed by the Highway Authority. Recommends visibility splays are provided at the accesses into the proposed car park off the private road that serves Bantham Estate.

- **Landscape Officer** – Holding objection removed.

Comments as follows:

- **Replacement Toilet and Beach Shower Block:**

- I reiterate that I have no concerns about this element of the development proposals, and concur with the opinion that the proposals will improve the quality and appearance of the toilet and shower block facility, in comparison with the current building.

- **Replacement Village Sewage Treatment Plant (STP):** I would reiterate my previous comment, that I have no major concerns about this element of the development proposals, but am pleased to note that Officer's comments have resulted in amendments to the plans:

- A temporary track will be provided to the east of the existing track for the construction period only.
- Once the old tank is removed, this will be reseeded and the field reinstated.
- Post construction access maintenance will be provided by extending the existing track south to the new STP site. This will be seeded with a low maintenance grass seed. This will ensure that there are no residual visual or landscape impacts from the replacement of the STP.

- **Proposed Car Park (local residents and mooring holders) and wider parking strategy:** The covering letter provides justification for the proposed increase in parking provision, which was requested in my previous comments. The explanation is helpful, and I am pleased to note that some of the points raised by Officers have been considered and included in the latest revisions. The following changes have been introduced into the car park scheme:

- Updates to the Landscape Masterplan to show increased landscaping within the car park, comprising widening of the landscape buffer to the north alongside the existing lane side wall/hedge and removal of 2 spaces to include pocket planting of trees to break up the length of car park spaces. The disabled spaces have been increased in size at the request of the planning officer.
- Removal of the laneside parking spaces and creation of a grassed verge.
- Removal of paystation 3 from the access lane to reduce visual impact.
- An additional detailed plan showing the treatment of the car park entrance including overlaying the visibility splay drawing to show these can be achieved. The existing wall/hedge will be made good as per the wall detail plan included

These amendments and further details are welcomed. My only further comment is whether there will be any feature installed to prevent future parking on the grass verges? This could be addressed in the full hard and soft landscape details, which should be based on the details submitted in the Landscape Proposals, and could be secured by condition.

Summary of original comments/holding objection (dated 27.09.2022), as follows:

- Toilet/shower block –
  - No concerns
  
- New STP –
  - No major concerns with replacement STP, but queries why track has to divert into field, around decommissioned STP and why it cannot continue straight to new STP. Fully detailed landscape proposals would be required.
  
- Car Park –
  - Extension to car park area assessed based on current, temporary state as a site compound, which inevitably leads to conclusion proposed changes to landscape/visual amenity will be positive in the long term. No assessment made on recent past agricultural use of the land, not a baseline of approved, restored landscaping scheme, which may result in different conclusion
  - Proposal would widen Zealands Corner entrance or 2 way traffic, with eastern car park entrance being restricted to pedestrians. Area of hedging to be removed to create the additional parking and size of parking bays larger than UK average. Layout could incorporate more native planting to break up car parking area into smaller bays, additional tree canopy cover would provide additional screening and shade
  - New planting around west, south and east boundaries provide a degree of screening, particularly in views from south and south-west. Landscape features offered as mitigation/enhancements are greater in extent than approved landscape scheme for restoration of temporary compound, but this must be considered against adverse effects of a permanent increase in size of car park provision in this location and on site which was due to be restored to agricultural use and coastal wildflower meadow
  
- Wider parking strategy/circulation –
  - Intention to improve/rationalise arrival experience for visitors/residents by enhancing existing parking areas is broadly welcomed, and it is appreciated that new payment features and associated signage are part of such strategy and that effort been made to cluster new features together and utilise existing features for signage. New features will be additionally intrusive and urbanising elements, but will be experienced within the setting of the existing car park and visitor facilities on the site, and would not therefore be anomalous in the context of the existing land use.
  - Need for Paystation 3 is questioned (along with the need to retain on-road parking along the beach road when so much additional parking is proposed elsewhere).
  - Justification required for substantial increase in the amount of car parking being provided at this eastern end of the site, also considered extent of space available at the western end which is currently occupied by poorly laid out parking (and with a huge area of informal overflow parking) that could be utilised instead, with spaces dedicated for existing residents, mooring holders. Consideration should be given to formalising and improving the existing car park to the west, including the surface, layout arrangements, and landscaping.

- Justification required for retaining the on-road parking bays, albeit in a more formalised way. The landscape condition of the roadside verges is poor along the beach road, because of the pressure of visitor numbers and parking. Whilst the proposed formalisation of on-road parking bays will partially address the condition, it will have an urbanising effect. The complete removal of on-road parking along the approach to the, and restoration of the verges to locally appropriate coastal grassland, would have a beneficial effect on both landscape condition and visual amenity, noting that parking here is visible even in more distant views across the landscape, as evidenced in the LVIA.

## **Representations:**

### **X22 letters of support received, summarised as follows:**

- Development would serve the local community, upgrading key facilities. Sensible modernisation with proportionate and sensitive improvement.
- Need for improved toilet/shower facilities is self-evident. Estate wouldn't want to build toilet block any larger than is necessary to cope with additional demand. Toilet block hasn't changed since 60's apart from a disabled WC being put in in the 80's. Now huge queues on any busy weekend and through spring/summer. Many people won't use existing toilet block as so out of date and unpleasant. Water sport users been wanting showers for many years, as do many visitors; undercover showers welcomed, particularly on inclement days to surf, kite, windsurf and swim
- Need for replacement STP speaks for itself. Dire consequences due to proximity to the beach if existing STP failed. Estate should be commended for being prepared to invest in what appears to be a substantial expansion and improvement of village scheme to which an increasing number of properties are able to connect. This replaces unsatisfactory use of a septic tanks, which probably overflow into West Buckland stream, that comes out by the lifesaving club end of the beach which could be why has not had a blue flag designation for clean water in many years. New STP is a must so only clean water is released.
- Having a designated parking area for mooring holders will be to the benefit of all users of the car park. Too often mooring holders have to park further down than the toilet block and walk back up the lane hauling everything required for the boat, including sailing gear, fuel, fishing gear etc, which doesn't make sense. Bantham Quay, which the estate maintains, is an important access to the Estuary where locals as well as holiday makers moor their boats. Without designated car park for mooring holders the present difficulty of mooring owners cars squeezing into the land along the access lane will continue. Provided the new car park area and entrance are sensitively landscape the whole access to the beach will be greatly improved and will allow for the no parking in the turning circle, which is where boat owners currently stop to unload equipment, to be fully controlled providing less chance of traffic congestion
- Tenants parking was put in in 90's when many cottages only had one car, but most now have two and some work vans
- Car park is privately owned and payments contribute towards substantial cost of maintaining the car park and facilities, including salaried local workforce. Providing camera and pay stations moderately inconspicuous, no objection to now widely used number plate recognition system which has the advantage that people will in future pay for the time they are on site and avoid the present inequality that a half hour walk costs exactly the same as a whole day stay.
- ANPR system will reduce traffic queues and gridlock, and majority of locals have season passes so won't be affected by new charging system. Will also reduce impacts on amenity of occupants of cottages, which are currently impacted by the noise from cars with engines running waiting to access to car park.
- Applaud fact that 'gate keepers' will continue to be employed during office hours to provide a point of contact with the estate for visitors who require assistance.
- Should be ensured that ANPR system doesn't result in people parking on Buckland Lane before 8am and after 6pm potentially causing obstruction for locals, emergency vehicles and RNLI.
- Page 61 of Parish Plan says new toilets/showers are wanted. TP8 and TP9 support for businesses wanting to improve and help tourism.

## X95 objections received, summarised as follows:

### General/All Development

- Proposals, including parking, ANPR, pay machines and signage, will detract from the quality of the iconic coastal views, and would not conserve and enhance the natural beauty and special qualities of the AONB nor the special character of the Undeveloped and Heritage Coast. Failure by the AONB and the LPA to “assess their direct, indirect and cumulative impacts on natural beauty” Policy DEV25 point 4. Proposal would materially harm the AONB, for which the LPA have a statutory ‘duty of regard’ for purposes of conserving and enhancing the natural beauty, as required by S85 of the Countryside and Rights of Way Act 2000. The proposal is inappropriate development in the South Devon AONB and UC, causing substantial harm to their natural beauty, special qualities, and distinctive landscape character. Given the high degree of protection this landscape receives, this substantial harm weighs heavily against the proposal.
- Impacts on views from PROWs 2, 4, 5, and 19 in parish of Thurlestone.
- Impact on natural habitats.
- Impacts on the Schedules Ancient Monument, requirement for scheduled monument consent. Reference to statement in submitted documents that ‘electricity and data cables to serve the paystations to be laid in an existing services trench which broadly follows the road in order to minimise risk to disturbance of any potential archaeological remains’ – only service that South Hams Society aware of is the water supply to the toilet. Proposed payment B appears to be situated in the overflow car park.
- Proposal contains x4 separate major development proposals and each one merits a separate application but which have been submitted together in hope of achieving all infrastructure required for planned future development in highly protected area – outside development boundary, in AONB, Undeveloped Coast, Heritage Coast, SAM.
- No substantiated need for 3 out of 4 of the proposals, lack of detail and justification, and no community benefit.
- Pedestrian accessibility to beach now impossible especially for children
- Reference to Paragraphs 176, 199, 200 and 201 of the NPPF and relevant policies in the JLP, Thurlestone NP, South Devon AONB Management Plan
- Reference to SHDC Better Lives for All document.
- Reference to Bantham Estate Management Plan: <https://banthamestate.co.uk/wp-content/uploads/2021/09/Confidential-Final-Bantham-Estate-Management-Plan-27.07.2021.pdf>
- 1200 people signed Save Bantham petition; over 100000 people come to enjoy unspoiled landscape and tranquillity of the estuary and beach, owned by Bantham Estate
- Contrary to:
  - TP1.2 Design
  - TP1.4 Dark skies
  - TP1.5 Natural Environment
  - TP22.1 The Natural Environment
  - DEV15 Supporting rural economy
  - DEV23 Landscape character
  - DEV24 Undeveloped and Heritage Coast
  - DEV25 Nationally Protected Landscape

### Septic Tank

- Access road to new STP should be restricted to current location once existing sewage treatment plant removed, but accept there may be temporary requirements for installation
- STP is not a village pumping station. It is the estate pumping station servicing almost entirely estate buildings, the beach toilet block, predominantly thatched cottages, and two or three other properties. Remaining houses in village have own septic tanks.

### ANPR/Parking

- No need for more parking for mooring holders as already sufficient parking



- Technical issues with ANPR systems, which can require attendants and cause traffic congestion
- Parking prices unreasonable, and increase in parking prices reduces accessibility by ability to pay (reference to SPT1). Applicant making improvements to toilet block to increase carpark revenue. Impacts on local businesses, such as the pub, where customers may have to pay for parking in the evenings.
- Claims on 2786/20/FUL that the estate office was essential for effective overseeing and management of people and vehicles entering the beach area apparently false, as APNR cameras and machines make such untrue.
- Car park includes extension to 55/0037/06 already justified and approved. 2006 permission had a restriction for parking to be used by residents/tenants only. Car park extension has been a construction site since 2018 and is controlled by planning conditions to remove compound and provide biodiversity net gain. Seems disingenuous to submit a proposal with area for biodiversity to then propose that area turned into car park less than 12 months later
- Written in 2019 the traffic consultant's report included with this application concludes that the new Mooring Holders car park would have no effect on the traffic volumes in the access road to Bantham. As the report only looks at the Mooring Holders Car Park this is likely to be true, as the Mooring Holders currently use existing car parking facilities anyway. This survey does NOT look at the ANPR system proposed. Roads will become busier and more dangerous due to more development.
- ANPR would increase intrusive surveillance and compromise ease with which locals can use the car park, impacting on amenity. Will gates be locked at night and will village suffer a loss of amenity because residents/visitors to public house will no longer have access to free parking out of hours
- Introduction of EV points in beach car park surely smoke and mirrors to get electricity to retail outlets in car park. Low provision for EV points in residents car park so estate no future proofing for own tenants, no organised parking in main car park so wont work.
- Currently little traffic in Bantham/West buckland after hours of 8-9pm, as main car park closed. Introduction of ANPR endangers this as vehicle movements could extend into the night if not 24 hours, bringing light pollution and noise into villages, contravening TP1.4 of the NP, impacting dark skies and right for quiet enjoyment. Potential for campers/caravans overnight.
- Importance of pay booth and human contact with visitors was stressed by same applicant vehemently in application for estate office block.

#### Toilet Block

- Lack of information on how toilet block will be managed to modern standards, STP uphill of toilet block.
- Toilet block actually proposed to serve D2 Zealands Field (Bantham Estate Management Plan) which they seek to develop as a high quality glamping style facility. Design doesn't reinforce local distinctiveness or maintain distinctive sense of place. Internal showers impractical and will add to problematic queues. External showers more practical.
- Existing toilet block 36sqm, proposed is 60sqm, being an increase of 60% in footprint size which will have detrimental impact on landscape due to design, appearance, layout, scale, density and materials.
- Toilet block doesn't need baby changing facilities.

#### Other

- Applicant lands helicopter in Zealands Field, no permission for helipad.
- Car park site has fixed lines of posts installed, including in overflow car park
- Overflow car park has no planning permission, work carried out in 2022 with an excavator. Change of use of land to a car park
- 1 tonne excavator above Coronation Boathouse to clear bank of vegetation. Yet access to shore remains via steps, platforms and a steep wooden ramp across building. Completely unsatisfactory compared to PROW slope that used to be in use – request LPA liaise with DCC to reopen proper route to ferry steps

#### **X4 neutral letters received, summaries as follows:**

- New toilet block and sewage system needed and no objections to design/layout of car parking
- New mooring holder car park will work better for people using boats at high tide
- Concerns about possibility of 24 hours parking fees – strongly believe important AONB can be enjoyed by everyone
- ANPR hourly rates may make it better and move traffic more quickly
- Understand estate is a commercial enterprise and needs to fund itself, but thinks there should be some times when parking is free
- Like driving up to hut and having a warm welcome from a local and their gems of knowledge
- Concerned ANPR will mean early morning and evening walkers will have to pay for post and pre work wellness
- Disagree with charging for evening parking on the track from the pay booth to main beach parking. Doesn't help with Sloops business by creating parking issues in village with diners squeezing cars onto a road that is always busy

#### **Relevant Planning History**

- 0976/22/ARC - Application for approval of details reserved by condition 9 of planning application 0227/20/FUL. Approved.
- 3179/21/ARC – Application for approval of details reserved by conditions 14 & 15 of Planning Permission 0227/20/FUL. Approved.
- 2959/21/ARC – Application for approval of details reserved by conditions 6, 12, 17 of Planning Permission 0227/20/FUL. Approved.
- 0227/20/FUL – READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Conditional Approval.
- 1218/18/FUL – Temporary change of use, for 1.5 years, of farmland to use of land for the siting of welfare cabins and parking of vehicles and plant for contractors working on the construction project at Clock. Conditional Approval.
- 0383/18/VAR – Variation of condition number 2 following grant of planning permission 2909/17/FUL to allow changes to the approved site plan. Withdrawn.
- 2909/17/FUL - Temporary change of use, for 2 years, of farmland to a use of land for the siting of welfare cabins and parking of vehicles and plant for contractors working on the construction project at Clock Cottage. Conditional Approval.
- 3579/16/FUL – Retrospective application for change of use of land for seating area, temporary use of parking space for parking of gastrobus, re-siting of 2 storage units and provision of refuse compound with lean-to store. Withdrawn.
- 55/0037/06/CU – Change of use of agricultural land for car parking by residential tenants of Evans Estates only. Conditional Approval.
- 55/1880/05/F (Zealands Corner) - Continuance of use without complying with condition 1 (temporary permission) and variation of condition 3 (to extend holiday use to any time of year). Withdrawn.

- 55/0021/03/F - Alterations to provide toilet for the disabled. Conditional Approval.
- 55/0554/87/3 (Zealands Corner) - Extension to existing holiday home. Refused.
- 55/0417/76/3 – Construction of septic tank for four dwellings. Conditional Approval.
- 545/WD/1 (Zealands Corner) – Rebuilding of rooms.

## ANALYSIS

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

**1.1** Policy TTV1 of the JLP sets out a hierarchy of sustainable settlements, where growth is to be directed/restricted. The application site is within the countryside, outside the settlement boundary shown in Figure 8 of the NP. As such, Part 4 is relevant to this proposal, stating that that development in the smaller villages, hamlets and countryside will only be permitted 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. Policies SPT1 (Delivering sustainable development) and SPT2 (Sustainable linked neighbourhoods and sustainable communities) of the JLP support sustainable development which, amongst other things, encourages and supports opportunities for business growth, minimises pollution and adverse environmental impacts, protects the natural environment, and respects, maintains and strengthens local distinctiveness through high standards of design. These principles are discussed throughout this report.

**1.2** Policy TP2 of the NP supports development which is within the settlement boundary of Bantham, but seeks to protect the adjoining countryside from inappropriate development. The supporting text to the Policy states that development outside the settlement boundary will be treated as an exception. Policy TTV26 of the JLP also seeks to protect the special characteristics and role of the countryside, setting out particular circumstances where development may be supported/avoided.

**1.3** TTV26 states the following:

*‘Development in the countryside:*

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

*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.'*

**1.4** In response to Policy TTV26(1), the Local Planning Authority follow the principle established by 'The Bramshill Ruling'. The Bramshill case held that, for the purposes of the NPPF, "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed development is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand." In this case, the application site is in close proximity to the built form of Bantham and West Buckland and is not considered to be remote from the settlement or isolated. As such, only part 2 of TTV26 is of relevance.

**1.5** With regard to 2(iii) and (iv), information has been provided to explain the need for the development in the proposed location. The Design and Access Statement states that visitor numbers have increased over the years, putting pressure on existing dated visitor infrastructure, highlighting the urgent need for rationalisation of parking and visitor facilities. Additional information has been provided on each aspect of the proposed development, which is summarised as follows:

Car Park for mooring holders/residents/estate office staff:

- Number of parking spaces carefully considered to ensure that there are enough spaces to accommodate busy periods when the tide is high and mooring holders are taking the opportunity to boat/sail on the estuary or outside the harbour. Car park ideal location close to the quay and Coronation Boathouse. Currently mooring holders have to find space in the main beach car park and then walk back up the lane with all items, i.e. oars, picnic, engines etc., which creates immediate danger with ingoing and outgoing beach cars. The main car park is also locked in the evenings and can be full during good weather; residents and mooring holders need designated parking.
- There are 146 mooring holders and the car park includes spaces to meet forecasted peak need (July-August), plus provide spaces for residents (10 cottages), who have historically parked in the car park since this was permitted in 2006.
- The mooring holders and residents spaces will be clearly delineated and the car park would be available to residents and mooring holders season pass / permit holders, and not chargeable under the ANPR system.
- Estate and Harbour Office did not contain a public car park, just a small car park for staff and visitors to the office
- Concerns raised during consultation period about cars of visitors to holiday accommodation being parked on the lane causing traffic incidents could be alleviated by providing a number of designated spaces in the new car parking area

- Reference to Neighbourhood Plan supporting text which states *'The majority of Questionnaire respondents (81%) considered that car parking in the parish was a problem to some degree in the summer, and 54% of respondents considered that it was a year-round problem to some degree. Of those who considered parking to be a problem there was overall support for a single new car park on a greenfield site in preference to the provision of more parking spaces in the villages'*.
- Application sought to introduce some control over existing lane side parking which at present see's people parking indiscriminately and causing traffic obstructions and safety issues on the lane. Lane side parking has been reduced to two which provide pull in spaces for one of the paystations.
- Whilst original intention was to restore the site to grassland the Estate are adapting to changing requirements of beach goers and mooring holders, aiming to make best use of land available and manage pressures on the area in most efficient way possible.
- Landscaping proposed as part of car park scheme will increase appearance and biodiversity of the site.
- Limitations on what can be done in the main car park due to the existence of the Scheduled Ancient Monument.

### Toilet/shower block

- Proposal reuses existing foundations of the building, ensuring no resulting new groundworks within the site of the SAM, also ensuring materials/embedded energy in foundations are reused
- Extending existing building shell to provide additional internal capacity would not be done without additional groundworks.
- Existing building of poor quality and not capable of any significant improvement which warrants its retention as a feasible option
- Proposed development represents a visual improvement to appearance of current building
- Size of replacement building responds to general requirement for welfare and hygiene standards. On peak season days there can be 2000/3000 people on the beach and existing facilities simply do not meet modern standards for this number of visitors
- Toilets will be open when beach is open and locked shut when it is not. No intention for toilets to be open overnight and happy for such to be conditioned.

### Village sewage treatment plant

- Current system under capacity for current requirements, serving 14 residential properties along with the Sloop Inn and Estate/Harbour Office. Current system would probably serve domestic population equivalent of around 35 in number
- Applicant advised by Sewage and Waste Water Engineers that current system is in a general poor state of repair and beyond economical repair. System is undersized for the current design input flows and loadings and being an aged system is not designed to meet the minimum standards currently expected / imposed by The Environment Agency in terms of aerobic treatment.

### ANPR system

- Will manage the collection of parking charges outside of core hours when the payment hut is not manned. The ticket hut will be manned during core/peak hours to provide visitor assistance and information.
- Aims to improve and rationalise the arrival experience for both visitors and residents by enhancing existing parking areas and introducing new payment features – contributing to wider parking strategy and circulation.

- Prevents visitors having to stop and pay manually at the hut resulting in improved traffic flow and reducing congestion in busy times which is currently a significant problem
- Infrastructure designed to limit visual impacts
- Provides a fairer system of charging as people will only pay for the time spent in the car park, whereas currently all visitors pay for a full days parking as there is no way to monitor arrivals and departures.
- There can be no planning related objection to the introduction of such a system which is in use up and down the country. Many of the car parks we all now use are switching to a more automated and digital solution and the idea that Bantham cannot consider a technology that everyone else can, is unreasonable.

**1.6** It is considered that a need for the development has been identified and that, as the proposed development is required in connection with the beach facilities/services and a number of buildings/existing properties within Bantham, it must be located at the proposed site and cannot be provided elsewhere. The proposed car park provides approximately 0.1hectares of parking/access space, including the existing residents car park which provides approximately 0.04hectares of parking/access space, being an increase of 0.06hectares. It is acknowledged that part of the proposed car park should be restored to agricultural land, including part wildflower meadow and part arable land, as a requirement of conditions imposed on 0227/20/FUL (Plan Reference: 435 100 Rev P2). The land is identified as being Grade 3 Agricultural Land but no information has been provided to confirm whether this is Grade 3a or 3b (only Grade 3a falls within the definition of the BMVAL). The loss of Grade 3 agricultural land would weigh negatively in the planning balance. However, given the scale of the area of agricultural land which would be lost and the layout of the development and landscaping associated with such, it is considered unlikely that the proposed car park would prejudice agricultural operations associated with the land to the south of the site, and the proposed development would support the existing use of the wider site as a beach car park and visitor facility.

**1.7** Impacts on the PROW network are discussed in further detail below, however, for clarity, it is considered that the removal of the lane side parking (except for two spaces) and formalisation of the wider parking strategy is likely to improve the safety of pedestrians/cyclists using the PROW which runs along the access road to the beach. Impacts of the development on the landscape (including AONB) are also discussed in further detail below, however, it is not considered that the development will result in long term degradation of the landscape and natural environment.

**1.8** Policy DEV24 is also of relevance when considering the principle of development due to the sites location within the Undeveloped and Heritage Coast. In this case, the development requires a coastal location and cannot be located outside the Undeveloped Coast as such is required in connection with the existing beach facilities/services and existing buildings/properties within Bantham. The development is required in connection with public access to the coast and estuary and seeks to address pressures on existing infrastructure resulting from increased visitor numbers. Impacts on the character and tranquillity of the AONB, Undeveloped and Heritage Coast is discussed in further detail below. DEV24 also requires development to be consistent with the policy statements in the Shoreline Management Plan. The site falls within the 6c13 Policy Unit (Avon Estuary – East Bank – Mouth of Stadbury Farm). The preferred policies are for natural coastal evolution to continue through no active intervention; the development would not prevent this approach. Policy TP23 of the NP seeks to prevent development on or within the immediate vicinity of any of the beaches in the parish unless there is an overriding need for the facilities to be provided in that location and the design and landscaping is of the highest design quality that minimizes any visual or environmental impact on the coastal landscape. In this case, the development is within the immediate vicinity of the beach. However, as set out above, justification has been provided to show an identified need for the development and that it is necessary in the proposed location. The design and landscape impacts of the development are considered in further detail below.

**1.9** Furthermore, it is acknowledged that the development will support tourism through the management and maintenance of parking and visitor infrastructure within the Bantham Estate.

TTV2 sets out specific objectives of rural sustainability to be supported through development, including, amongst others: the growth and expansion of rural businesses and enterprises; and the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.

**1.10** A number of comments have been received in respect of the opening times of the beach car park, the car parks charging schedule, inefficiency of ANPR systems, and infringement of users privacy. However, these matters are not material planning considerations. The car park is privately owned and therefore the management of such and of the ANPR system is the responsibility of the owner. The proposed car park is for mooring holders, residents and permit holders only and such could be restricted by condition. It is not considered that the Local Planning Authority can control the charging schedule or opening times of the beach car park through this planning application.

**1.11** Comments were also received regarding the operation of and works to the beach car park, including overspill area, and works to the bank and PROW in close proximity to Coronation Boathouse. In respect of the overspill car park, the Planning Agent advised that the applicant's Estate Manager advised that nothing has changed in the 14 years that they have worked at the Estate and that the overflow car park has existed in its present form for at least 20 years. Google Street Scene imagery from July 2009 shows the overflow car park to be marked out with poles and the western area occupied by a number of vehicles. Google Earth Satellite Imagery shows that the land started to be used for parking between 2005-2010 and that this intensified between 2010-2015 (although the images show a snippet of time only). Notwithstanding such, these are not matters to be considered under the current planning application but have been reported to Planning Enforcement for further investigation.

## **2.0 Design/Landscape**

**2.1** The site lies within South Devon AONB, the Undeveloped Coast and South Devon Heritage Coast, making this a very sensitive location, set within a highly valued landscape. DEV24 states that development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries and Heritage Coast will not be permitted except under exceptional circumstances. DEV25 requires the highest degree of protection to be given to the protected landscape of the South Devon AONB.

**2.2** The site is within the following Landscape Character Areas/Types:

- National Landscape Character Area: 151 South Devon
- Devon Landscape Character Area: Bigbury Bay Coastal Plateau
- South Hams Landscape Character Types relevant to the development proposals:
  - 3G River Valley Slopes and Combes
  - 4A Estuaries
  - 4D Coastal Slopes and Combes

**2.3** A Landscape and Visual Impact Assessment (LVIA) has been provided. The Landscape Officer confirmed that the methodology is appropriate and that generally the assessment of effects of the proposals on the special qualities and valued attributes of the AONB, on Landscape Character and on visual amenity is broadly accepted. The LVIA concludes that the proposed development is small in scale, and does not impact the broader diverse character of the landscape setting to the AONB. It is stated that the landscape effects of the proposed development on the site and study area are generally considered to be not significant to slight beneficial as the proposed development will not result in the removal of any highly sensitive or significant landscape features. In addition, not all of the site is considered to positively contribute to the wider landscape character, and therefore provides a higher capacity for enhancement.

**2.4** With regard to the replacement toilet block, no concerns were raised by the Landscape Officer. The existing building measures 10.7m x 3.4m (36.38sqm). The flat roof height is approximately

12.3m AOD and the sloping roof above approximately 13.1m AOD. The existing building is finished with white render which is highly prominent in long distance views. The proposed building measures approximately 12.5m x 5.3m (66.25sqm), with the increase in floor space being required to enable provision of additional toilets and showers. The flat roof height is approximately 13.2m AOD. Whilst the proposed buildings mass is larger than the existing, the use of timber cladding, timber doors, and a coastal green roof will help to assimilate the development with the surroundings. The proposed toilet block is a cantilevered building which will utilise the existing toilet block foundations and retain the grassland surrounding. It is considered that, subject to conditions to secure details of materials and the green roof system, the replacement building will provide an enhancement to the appearance of the site.

- 2.5** The new STP is to replace the existing STP which the applicant advised is in a general poor state of repair and beyond economical repair. The STP will mostly be below ground with above ground elements being low profile. The proposed development was amended following the initial consultation response from the Landscape Officer to relocate the proposed access track to the STP. It is now proposed to create a temporary field access route which diverts around the existing STP and enables installation of the new STP without impacting the existing service. Once the new STP is installed the existing STP would be decommissioned and removed, the temporary track would be seeded with species rich grassland mix and the existing access track would be extended south to the new STP, with the track being seeded with low maintenance grass seed. Additional landscaping, including an area of species-rich grassland mix, new native shrub buffer and tree planting, would be provided to screen the development.
- 2.6** The wider parking strategy seeks to improve and rationalise the arrival experience for visitors and residents by enhancing the existing parking areas. Three new paystations would be installed, one is to be ground mounted in the area north of the existing residents car park, one mounted to the existing bin store and one mounted to the proposed toilet block. A new ANPR camera would be installed on the existing ticket hut, replacing an existing CCTV camera. Full details of the paystations and ANPR camera/pole, including mounting and design can be secured by condition. Signage has also been included within the design and access statement and the original development description, however, this cannot be considered under the full planning application and the Planning Agent has been informed that separate advertisement consent may be required; reference to signage in the description of development has been removed. Notwithstanding such, it is appreciated that the pay stations, ANPR camera and signage is part of the wider parking strategy and that effort has been made to cluster new features together and to utilise existing features for signage. The Landscape Officer commented that the new features will be additionally intrusive and urbanising elements but will be experienced within the setting of the existing car park and visitor facility on site, and would not therefore be anomalous in the context of the existing land use.
- 2.7** Initial concerns were raised by the Landscape Officer regarding the number of pay stations along the access road and the need to retain roadside parking bays when there is a significant amount of parking provided elsewhere. The Landscape Officer's comments advise that *'The landscape condition of the roadside verges is currently poor along the beach road, because of the pressure of visitor numbers and parking. Whilst the proposed formalisation of on-road parking bays will partially address the condition, it will have an urbanising effect. The complete removal of on-road parking along the approach to the beach, and restoration of the verges to locally appropriate coastal grassland, would have a beneficial effect on both landscape condition and visual amenity, noting that parking here is visible even in more distant views across the landscape, as evidenced in the LVIA.'* In response to such concerns, the number of paystations was removed from 4 to 3, and the roadside parking bays have been removed from the proposal, except for x2 'pull-in spaces' for the paystation which would be surfaced with a reinforced grass finish so that, when not in use, they provide a softer, visual greening effect. The remainder of the lane, where visitors currently park, would have a grassed verge reintroduced to provide an enhancement to the visual appearance of the lane. New 25mm granite sett edging would be provided along the grass verges and flush edging provided to the 'pull-in spaces'. These would assist in discouraging parking along



the grass verges, however, a restriction on roadside parking along with measures to prevent such (i.e. low timber bollards), could be secured by condition.

- 2.8** The proposed car park includes an area currently used for residents parking, granted planning permission under 55/0037/06/CU, as well as an area of land which has been used as a construction compound in connection with development projects in the surrounding area, including the estate and harbour office approved under 0227/20/FUL. Condition 8 imposed on 0227/20/FUL requires the construction compound (excluding the residents car park area), to be restored back to agricultural land and landscaped. In the submitted LVIA, the extension to the car park has been assessed based on its current, temporary state as a site compound which the Landscape Officer states *'almost inevitably leads to a conclusion that the proposed changes to the landscape and visual amenity will be positive in the long term.'* The Landscape Officer advised that the LVIA should have been based on the recent past agricultural use of the land or the baseline of the approved, restored landscaping scheme, which may result in a different conclusion on the more local effects of the proposals. Following such comments, the Planning Agent provided a Technical Note which considers the baseline as the landscape restoration scheme associated with 0227/20/FUL. The conclusion states that *'Overall the site will be experienced as part of a managed site, offering moderate beneficial visual benefits when compared to that of the existing baseline condition.'* The Landscape Officer was reconsulted and stated that the additional assessment work gives a more complete picture of the possible effects of the proposed development. There will be permanent changes to the appearance and qualities of the landscape, but some of these will result in a betterment compared to the existing situation, and other changes can be assimilated acceptably through the mitigation and enhancement proposals provided.
- 2.9** Initial concerns were raised by the Landscape Officer regarding the justification for the additional parking and the widened access to the west of the roadside boundary. It was also suggested that additional native planting could be provided to break up the car parking area into smaller bays where additional tree canopy cover would provide additional screening and shade. In response to such concerns, additional justification has been provided in respect of the amount of parking required, as set out in Section 1.0 of this report, and the layout of the car park has been amended. Additional areas of planting would be provided within the car park itself, and along all boundaries. Additional drawings have been provided to show the proposed access to the west of the roadside boundary, including reinstatement of the stone wall, and to show the timber field gate which would provide access to the STP and the agricultural field, both of which are considered to be acceptable and in keeping with the area.
- 2.10** The permanent increase in the size of the car park, on a site which was due to be restored to agricultural use and wildflower meadow will result in a negative visual change to the site, particularly when viewed from the footpaths adjacent to and south of the site. However, the proposed landscape features offered as mitigation and enhancements are greater in extent than the approved landscape scheme for the restoration of the temporary compound and will provide a good level of screening to the car park (existing and proposed). Additionally, the removal of the roadside parking and the provision of additional landscaping, which can be secured by condition, would provide a visual enhancement when viewing the site from the north and when travelling along the access lane itself.
- 2.11** The initial concerns raised regarding the design of the development are considered to have been addressed, as discussed above. This is reflected in the Landscape Officers subsequent comments which remove the landscape holding objection. It is stated that *'Further explanation / justification has been provided to explain the number of additional car park spaces proposed, which will now be considered in the planning balance by the Case Officer. The amendments have addressed the concerns raised in my previous comments.'*
- 2.12** Subject to the conditions listed at the top of this report, it is not considered that the development will harm the character of the wider landscape. The impact of enlarging the existing 'residents' car park is considered to be mitigated by the proposed strategic landscape works and the

improvements to the access road verge parking. The development is considered to accord with DEV2, DEV20 and DEV23 of the JLP and Policy TP1 and TP22 of the NP. In respect of the impact on the character of AONB, Undeveloped and Heritage Coast, it is not considered that the development will harm such due the mitigation and enhancement measures provided, the sensitive design of the toilet block and the carefully considered location of infrastructure associated with the parking strategy. The development is considered to accord with DEV24 and DEV25 of the JLP and TP22 of the NP, conserving and enhancing the character of the AONB, Undeveloped and Heritage Coast.

**2.13** Paragraph 177 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for major developments in designated areas (National Parks, the Broads and Areas of Outstanding Natural Beauty) "*...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

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

**2.14** The NPPF makes it clear that whether a proposal amounts to 'major development' is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not synonymous with the definition of a 'major planning application', that is in terms of floor/site area or the number of dwellings, but rather whether the development could be construed as major development in the ordinary meaning of the word having regard to the character of the development in its local context.

**2.15** Having regard to the scale, nature and setting of the development, and taking the local circumstances and context into account, the LPA do not consider the proposal to be Paragraph 177 'major development' in the context of the South Devon AONB. Such view is supported by the Landscape Officer. Accordingly the need to apply the test of 'exceptional circumstances' does not apply.

**2.16** In considering this application, the Local Planning Authority have however, considered the overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB.

### **3.0 Heritage Impacts**

**3.1** There are a number of Listed Buildings in close proximity to the site, including no's 1-10, and Coronation Boathouse. There is also a Scheduled Ancient Monument known as Bantham Ham to the western area of the site, including the toilet block and car park, and Coronation Quay is defined as a non-designated heritage asset in Policy TP21 of the NP. A Heritage Assessment has been provided and concluded that as the proposals are not visible from the village there are no impacts on the heritage assets there. The LPA's Heritage Officer, in relation to above ground built heritage assets, commented that given the lack of inter-visibility between the proposed development and designated heritage assets they do not disagree with the conclusion of the Heritage Assessment in relation to effect on setting.

**3.2** The new toilet block sits on the footprint of the existing building; no further digging for foundations is required and no new soakaway is required as the impermeable area is not increasing and a green roof system is proposed. One paystation is to be mounted on the proposed toilet block,

where there is an existing electricity supply, and another is to be mounted on the existing bin store structure. The power cables to the paystation mounted on then bin store structure are to run through existing service trenches. A plan was provided showing the location of such. Additionally, archaeological investigation was carried out in the car park area and nothing of interest was found. A Written Scheme of Archaeological Investigation has also been provided which Devon County Council Historic Environment Officer confirmed is acceptable. Historic England were consulted and raised no objection to the proposed development, including to the location of cables through Bantham Ham SAM. The applicant/Planning Agent are aware that the works would require Scheduled Monument Consent from Historic England.

**3.3** Subject to conditions, it is not considered that the development will harm the significance or setting of heritage assets within and nearby the site, according with DEV21 of the JLP and TP1 and TP21 of the NP.

#### **4.0 Neighbour Amenity**

**4.1** The only property in close proximity to the site is Zealands Corner, which is a holiday cottage owned by the applicant (545/WD/1 - 3408/WX/911/64 and 55/0554/87/3 are relevant). Given the proximity of the cottage to the existing parking, including residents parking, roadside parking and beach parking, it is not anticipated that the residential amenity of occupants of such will be detrimentally impacted. Visitors/occupants would be aware of the location of the holiday cottage adjacent to existing parking and the parking area would be used intermittently. Environmental Health were consulted and raised no objections to the proposed development in respect of noise impacts on residents.

**4.2** A number of objections have been received which raise concerns regarding the inefficiency of ANPR systems and the potential for them to fail and cause a back log of traffic and also regarding the impacts of changes to the car park charging schedule and management of the car park. A number of supporting letters were also received in respect of ANPR systems being widely used, the ability to pay for only the duration of stay, and potential for the system to reduce village gridlock and impacts on properties along the approach road which can experience noise from queues of traffic accessing the car park. Notwithstanding such, the management of the ANPR system is the responsibility of the owner and the Local Planning Authority cannot control the charging schedule of the privately owned car park.

**4.3** It is not considered that the development will harm residential amenity, according with DEV1 of the JLP and Policy TP1 of the NP.

#### **5.0 Highways/Access:**

**5.1** A Transport Assessment has been provided with the application which concludes that there are no highways or transportation grounds on which to refuse planning permission for the proposed car park. The proposed car park is to be used by residents, permit holders and mooring holders which already travel to/from the site, but currently park in the existing resident's car park, the adjacent lane, or the beach car park. The Highways Department were consulted and raised no concerns with the information provided in the Transport Statement and no objections to the proposed development. Recommendations were made in respect of the visibility splays from the proposed car park onto the access road and in response to such amendments have been made to the proposed drawings, including removal of roadside parking and provision of visibility splays; these can be secured by condition.

**5.2** It is also acknowledged that the removal of the lane side parking may provide better access to the beach car park as vehicles currently park at an angle with part of the vehicles overhanging onto the road. Such may also improve the experience of pedestrians/cyclists using the PROW which runs along the access road. The applicant's intention is to improve/rationalise the arrival experience for visitors/residents by enhancing existing parking areas, including the ANPR system

which may improve the flow of traffic by allowing visitors to enter and park before purchasing a ticket, rather than all stopping at the ticket hut.

**5.3** It is not considered that the development will result in highway safety issues, complying with DEV29 of the JLP and TP1 and TP17 of the NP.

## **6.0 Drainage/ Coastal Change Management Areas:**

**6.1** The site is within Flood Zone 1 and is not shown to be at risk of surface water flooding on the Environment Agency Surface Water Flood Risk Maps.

**6.2** Environmental Health were consulted on the application and raised no objections to the proposed method of foul water disposal, including the replacement of the STP and utilisation of the existing pipework and drainage field. Full details of foul water drainage can be secured by condition.

**6.3** The proposed toilet block is to be constructed on the existing foundations and is a cantilevered building which will not increase the impermeable area around the building. The building also has a green roof system which would likely assist in surface water drainage; full details can be secured by condition. A SUDs scheme is provided for the proposed car park, with percolation tests having confirmed that infiltration is an appropriate method. A permeable sub-base would be located below the car park surfacing. The car park is to be surfaced in gravel, which would be laid over the granular sub base storage. The new section of access track to the STP is to be seeded with low maintenance grass seed. The Council's Drainage Officer raised no objections to the proposed development, confirming that it has been demonstrated that an acceptable drainage solution can be provided. Therefore, it is appropriate for full details of the surface water drainage scheme to be secured by condition.

**6.4** Subject to conditions, it is considered that the development accords with Policy DEV35 (Managing flood risk and water quality impact) which states that development should incorporate sustainable water management measures to minimise surface water run-off.

## **7.0 Impacts on ecology and trees:**

**7.1** An Ecological Assessment has been provided which summarises that the site was considered to be of relatively low ecological interest, with no adverse impacts of the development predicted on important ecological features.

**7.2** The assessment sets out a number of mitigation and enhancement measures which can be secured by condition, including:

- pollution control measures during construction
- removal of invasive species by suitably accredited specialist contractor
- protection of hedgerows throughout construction
- provision of new native shrub planting, areas of grassland with species rich mix, approximately 23 new native trees, a green roof on new toilet block comprising of coastal species, and a devon hedge bank planted with native species
- restrictions on external lighting being installed
- precautionary approach to vegetation clearance
- precautionary approach for reptiles/amphibians
- installation of a tree mounted bat box
- installation of a tree mounted bird box

**7.3** DCC Ecology were consulted and raised no objections to the development providing a number of conditions are imposed to: secure a LEMP; secure a CEMP; prevent external lighting installation; prevent vegetation clearance during nesting season; secure compliance with the EIA.

**7.4** Subject to conditions, it is considered that the development accords with Policy TP22 of the NP and JLP Policy DEV26 which states that '*Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained.*'

**7.5** There are a number of trees and hedgerows in close proximity to the toilet block and proposed car park. The Tree Officer was consulted and raised no objections to the development, subject to a Tree Protection Plan, according with BS5837, being submitted and approved by the LPA prior to any works commencing. Subject to a condition to secure such, the development is considered to accord with DEV28 of the JLP.

## **8.0 Low Carbon Development**

**8.1** A DEV32 checklist has been submitted with the application which confirms the following:

- materials to be sourced locally
- timber to be sourced from sustainable sources – FCS
- permeable surfacing to the car park and access tracks
- provision of net gains in biodiversity
- LED lighting to toilet block
- EV charging point provided in new car park
- Re-use of existing toilet block foundations
- Installation of green roof to toilet block

**8.2** It has been demonstrated that opportunities to minimise the use of natural resources throughout the development have been identified, according with the requirements of DEV32 of the JLP. It is important to note that the planning application was submitted prior to the adoption of the Climate Emergency Planning Statement.

## **9.0 Conclusion:**

**9.1** The principle of the proposal is considered to be acceptable, with the development responding to a proven need which requires a countryside location within the Undeveloped and Heritage Coast. Subject to conditions, it is considered that the impacts on landscape (including the AONB, Heritage and Undeveloped Coast), ecology, trees, drainage, neighbour amenity and highways are acceptable.

**9.2** The development is therefore recommended for approval, subject to conditions.

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

## **Planning Policy**

### Relevant policy framework

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

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
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  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts  
DEV36 Coastal Change Management Areas

### **Neighbourhood Plan**

The application is within the Thurlestone Neighbourhood Plan area. Relevant policies are as follows:

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES

POLICY TP2 – SETTLEMENT BOUNDARIES  
POLICY TP17 – FOOTPATHS AND CYCLE TRACKS  
POLICY TP21 – NON-DESIGNATED HERITAGE ASSETS POLICY  
POLICY TP22 – THE NATURAL ENVIRONMENT  
POLICY TP23 – COASTAL MANAGEMENT

### **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 2014-2034 Supplementary Planning Document
- South Devon AONB Management Plan
- Climate Emergency Planning Statement
- South Hams Landscape Character Assessment
- South Devon and Dorset Shoreline Management Plan (SMP2) (pg. 422-237)  
[https://southwest.coastalmonitoring.org/wp-content/uploads/SDADCAG\\_SMP2/SDAD\\_SMP2\\_Policy\\_Statement\\_Part\\_2.pdf](https://southwest.coastalmonitoring.org/wp-content/uploads/SDADCAG_SMP2/SDAD_SMP2_Policy_Statement_Part_2.pdf)

### **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 drawing numbers:
  - 3015-100-01 Landscape Layout Plan (1 of 5)
  - 3015-101-02 Landscape Layout Plan (2 of 5)
  - 3015-102-02 Landscape Layout Plan (3 of 5)
  - 3015-103-02 Landscape Layout Plan (4 of 5)
  - 3015-104-02 Landscape Layout Plan (5 of 5)
  - 3015-301-00 Location Plan - Wall and Gate Details
  - 3015-302-00 Boundary Wall Details
  - 3015-303-00 Proposed Field Gate to STP

- 2106-PL04 Rev F Beach toilets - Proposed Elevations
- 2107\_SERV 1(A) Proposed New Underground Services
- 3015-001 Rev 02 Location Plan
- 2106-PL03 Beach Toilets – Proposed Plans

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

3. No part of the development hereby approved, other than the installation of the ANPR camera and paystations 01 and 02 (as shown on the approved drawings), shall commence until a scheme of landscaping and tree planting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the approved plans listed in Condition 2, and shall include:
- a) Any arrangements for stripping, storage and re-use of top soil;
  - b) details of any earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
  - c) details of new ground profiles including retaining bunds and banks;
  - d) materials, heights and details of all boundary treatments;
  - e) materials, heights, levels and extent of hard landscape treatments; including retaining walls, fences, gates, access road and driveway, and hardstanding areas;
  - f) details of existing trees and hedging which are to be retained and how these will be protected throughout construction of the development;
  - g) the location, number, species, density, form and size of proposed tree, hedge and shrub planting and grassed areas;
  - h) the method of planting, establishment, protection, and maintenance of tree, hedge and shrub planting and grassed areas, including details of how any losses/plants which fail to thrive shall be made good as and when necessary; and
  - i) a timetable for implementation of all hard and soft landscaping and tree planting, including details of phasing where required.

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

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection and enhancement of biodiversity. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

4. No part of the development hereby approved, other than installation of the ANPR camera and paystations 01 and 02 (as shown on the approved drawings), shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall relate to the Landscape Scheme submitted pursuant to condition 3 and shall be prepared by an appropriately qualified professional and be based on, but not limited to, the recommendations contained in the Ecological Impact Assessment dated January 2022 by GE Consulting. The LEMP shall include details of habitat creation, species specification, implementation, and management/maintenance schedules and specifications.

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

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection and enhancement of biodiversity. This condition is imposed in accordance with Policies DEV20,



DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

5. No part of the development hereby permitted, other than the installation of the ANPR camera, and paystations 01 and 02 (as shown on the approved drawings), shall commence until a Tree Protection Plan, in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction, has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in strict accordance with the approved Tree Protection Plan.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection of mature trees and hedges which are of amenity value. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

6. No part of the development hereby permitted, other than the installation of the ANPR camera and paystations 01 and 02 (as shown on the approved drawings), shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of environmental protection throughout the construction phase of the development hereby permitted. The development shall be carried out in strict accordance with the approved CEMP.

Reason: In the interests of the protection of protected species, habitats and sites. This condition is imposed in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

7. Prior to their installation and any groundworks associated with such, full details of the design and mounting/construction method of the ANPR camera and all paystations shall be submitted to and approved in writing by the Local Planning Authority. The ANPR camera and paystations shall be installed in accordance with the approved details and shall thereafter be so maintained; any replacement camera/paystation shall also accord with the approved details. No groundworks, other than the installation of cables within the trenches shown on drawing number: 2107\_SERV 1(a) shall be carried out in connection with the installation of paystations 01 and 02 (as labelled on the approved plans).

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection of designated heritage assets, including the Bantham Ham Scheduled Ancient Monument. This condition is imposed in accordance with Policies DEV20, DEV21, DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

8. Prior to the removal of the existing beach toilets and prior to the commencement of any works associated with the replacement beach toilets hereby permitted, a demolition and construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include, but is not limited to:
  - details of how the demolition of the existing beach toilets and construction of the new beach toilets will be carried out without any new groundworks

- existing and proposed sections through the site extending beyond the footprint of the existing/proposed beach toilets to show how the beach toilets relate to the surrounding topography. The sections must show the existing and proposed site levels relative to a fixed and identifiable datum point (AOD), and must be accompanied by a plan showing the points between which the cross-section has been made
- details, including levels, of the existing beach toilets sub-structure which is to be retained

The development shall be carried out in strict accordance with the approved demolition and construction method statement and, for the avoidance of doubt, no new groundworks shall be carried out in connection with the demolition of the existing beach toilets and construction of the replacement beach toilets.

Reason: In the interests of the protection of designated heritage assets, including the Bantham Ham Scheduled Ancient Monument. This condition is imposed in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and Policy TP1 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

9. Prior to their installation on/in the beach toilets hereby approved, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- timber boards for the external wall cladding, shown on Drawings: 2106-PL03 and 2106-PL04/F
- coastal green roof, shown on on Drawings: 2106-PL03 and 2106-PL04/F
- doors and windows (including rooflights), shown on Drawings: 2106-PL03 and 2106-PL04/F

The development shall be carried out in strict accordance with the approved details and shall be maintained in accordance with such thereafter.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

10. Prior to any works to construct the new car park hereby permitted, labelled as '*Car Park for residents, mooring holders & estate office staff*' on drawing number: 3015-103 Rev 02, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) existing and proposed site levels and existing and proposed sections of the car park area. The levels must be shown relative to a fixed and identifiable datum point (AOD) which is identified on a plan. The section drawings must:
- Identify existing and proposed site levels
  - Show sections/slices through the site extending beyond the site boundary to show how proposals relate to surrounding buildings, surface features, vegetation, boundary treatments and topography and how they fit into the landscape context
  - Be accompanied by a plan showing the points between which the cross-section has been taken

The development shall be carried out in strict accordance with the approved details and shall be maintained thereafter.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of highway safety. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25 and DEV29 of

the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1, TP17 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

11. Prior to any works to construct the new car park hereby permitted, labelled as '*Car Park for residents, mooring holders & estate office staff*' on drawing number: 3015-103 Rev 02, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) a strategy (such as installation of low timber bollards) to prevent vehicular parking on the red hatched areas shown and labelled as '*Red hatched area indicates newly formed grassed verges with no car parking*' on drawing numbers: 3015-101-02, 3015-102-02, 3015-103-02, and 3015-104-02.

The strategy approved for part (a) shall be implemented in full prior to first use of the new car park hereby permitted and shall be maintained thereafter. For the avoidance of doubt, from the date of first use of the new car park hereby permitted, there shall be no vehicular parking on the red hatched areas shown and labelled as '*Red hatched area indicates newly formed grassed verges with no car parking*' on drawing numbers: 3015-101-02, 3015-102-02, 3015-103-02, and 3015-104-02.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of highway safety. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1, TP17 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

12. Prior to first use of the car park hereby permitted, labelled as '*Car Park for residents, mooring holders & estate office staff*' on drawing number: 3015-103 Rev 02, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of how use of the new car park will be limited to mooring holders, permit holders, estate office staff/visitors, and existing residents.

The car park shall only be used for parking motor vehicles only, and no caravans or boats shall be parked/stored within the car park, and there shall be no overnight accommodation of vehicles.

Reason: In response to the identified need and justification for the proposed development, and in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast. This condition is imposed in accordance with SPT1, SPT2, TTV1, TTV2, TTV26, DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and Policy TP1, TP2, TP17 and TP22 of the Thurlestone Parish Neighbourhood Plan 2015-2034.

13. Prior to first use of the car park hereby permitted, the wall labelled on Drawing Number: 3015-301 Rev 00 as '*Proposed extent of new wall. See drawing: 3015-302 Boundary Wall Detail*' and '*Position of part dismantled existing Wall on Drawing Number: 3015-301-00*' shall be constructed and restored in accordance with the details shown on Drawing Number: 3015-301-00, and shall be maintained thereafter.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

14. Prior to installation of the new sewage treatment plant and prior to any works above slab level of the replacement beach toilets hereby permitted, a foul water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved foul water drainage strategy, which shall be maintained thereafter.

Reason: To ensure that the site is adequately drained and to avoid pollution. This condition is imposed in accordance with DEV35 of the Plymouth and South West Devon Joints Local Plan 2014-2034.

15. Notwithstanding the submitted details, no development, other than the installation of the ANPR camera and paystations 01 and 02 (as shown on the approved drawings), shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a. Green roof design for the replacement beach toilets and confirmation of surface water management without the soakaway. SuDS to be designed for a 1:100 year event plus 40% for climate change.
  - b. Carpark drainage design, including calculations, to support the permeable paving on the steep gradient. Design to include baffles as required and confirmation that loose surface is suitable for the gradient and use

The drainage scheme, including the Green roof, shall be installed in strict accordance with the approved plans/details and shall be maintained and retained in accordance with the approved 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. This condition is imposed in accordance with DEV35 of the Plymouth and South West Devon Joints Local Plan 2014-2034.

16. The temporary access track labelled on Drawing Number: 3015-104 Rev 02 as '*Blue dashed line indicates new TEMPORARY field access track to new STP. Temporary track to be seeded with species-rich grassland mix once final STP access track is in use*' shall be removed in its entirety within three months following the installation of the new sewage treatment plant hereby approved. The land shall then be restored and landscaped in accordance with the approved Landscaping Scheme and Landscape and Ecological Management Plan (including timetable and maintenance details) submitted pursuant to conditions 3 and 4.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

17. There shall be no external lighting installed within the site unless a lighting scheme is first submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed in accordance with the approved lighting scheme and shall thereafter be so maintained; any replacement lighting shall also accord with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection of protected species and habitats. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, and DEV26 of the Plymouth and South West Devon Joint Local Plan

2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

18. The visibility splays shown on drawing number 3015-104 Rev 02 shall be provided prior to first use of the car park hereby permitted, and shall be retained and maintained free of all obstruction over 1m high at all times that the car park is in use.

Reason: In the interests of highway safety. This condition is imposed in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and Policy TP17 of the Thurlestone Parish Neighbourhood Plan 2015-2034.

19. The development shall be carried out in strict accordance with the Written Scheme of Investigation prepared by South West Archaeology (document ref: BLBR23WSlv1 and dated: 13th February 2023).

Reason: To ensure, in accordance with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034, Paragraph 205 of the National Planning Policy Framework (2021), and Policy TP1 of the Thurlestone Parish Neighbourhood Plan 2015-2034, that an appropriate record is made of archaeological evidence/historic building fabric that may be affected by the development.

20. The development shall not be brought into its intended use until

- (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation; and
- (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority

Reason: To comply with Paragraph 205 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible. This condition is also imposed in accordance with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2014 – 2034 and Policy TP1 of the Thurlestone Parish Neighbourhood *Plan 2015-2034*.

21. The development shall be carried out in accordance with the recommendations, mitigation and enhancement measures set out in the Ecological Impact Assessment dated January 2022, carried out by GE Consulting.

Reason: In the interests of the protection of protected species and habitats. This condition is imposed in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

22. No vegetation clearance shall take place during the bird nesting season (01 March to 14 September, 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 the protection of protected species, habitats and sites. This condition is imposed in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

23. The development shall be carried out in accordance with the measures set out on the '*DEV32 for Minor development applications checklist*' and the associated sections of the Design and Access Statement by Rural Solutions, dated December 2021. The EV Charging Point (shown on drawing

number: 3015-103-02), shall be installed and be operational prior to first use of the car park hereby permitted and shall be maintained in perpetuity.

Reason: To demonstrate that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

24. Unless otherwise approved as part of this Planning Permission or conditions imposed here-on, notwithstanding the provisions Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order or Statutory Instrument revoking and re-enacting that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent of the Local Planning Authority, other than those expressly authorised by this permission:

- a) Part 2, Class A (gates, fences, walls etc)
- b) Part 2, Class B (means of access to a highway)
- c) Part 2, Class C (exterior painting)

Reason: To ensure the Local Planning Authority retains control over the future development of the site in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

## PLANNING APPLICATION REPORT

**Case Officer:** Amy Hallett  
Thurlestone

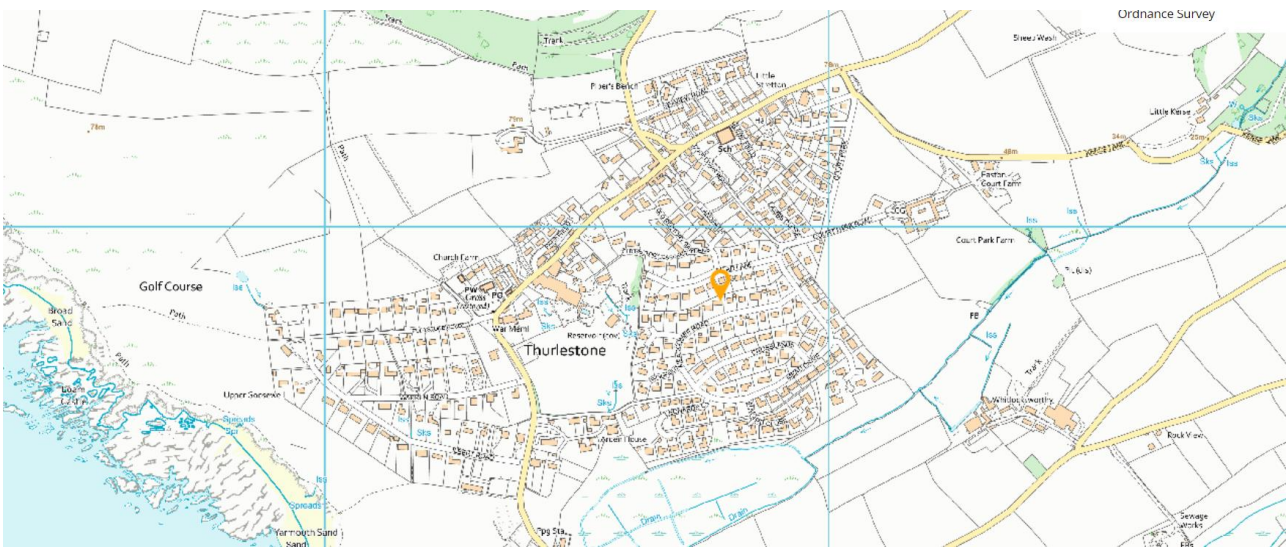
**Parish:** Thurlestone **Ward:** Salcombe and Thurlestone

**Application No:** 2227/23/HHO

**Agent/Applicant:**  
Miss Tsai Wharton  
16 Meadcombe Road  
Thurlestone  
Kingsbridge  
TQ7 3TB

**Applicant:**  
Miss Tsai Wharton  
16 Meadcombe Road  
Thurlestone  
Kingsbridge  
TQ7 3TB

**Site Address:** 16 Meadcombe Road, Thurlestone, TQ7 3TB



**Development:** Householder application for removal of part first floor balcony & replace with proposed first floor master bedroom extension & reinstate existing integral garage (resubmission of 1608/23/HHO)

**Reason item is being put before Committee**

**Cllr Mark Long has called this to committee for the following reason:**

1. I would wish this application to be reviewed by the Development Management Committee due to the objection of the Parish Council, and others, to consider the questions over TNP policy and Neighbour amenity.

**Recommendation: Conditional Approval**

1. Standard time limit
2. Adherence to plans
3. Materials to match existing
4. Adherence to ecological mitigation
5. EV charger to be installed prior to usage of garage
6. Privacy screens to balcony to be erected prior to use

7. No additional windows to west elevation
8. Soft landscaping to north and west boundaries to be retained
9. Flat roof not to be used as an outdoor amenity space
10. Garage to be retained for storage of motor vehicles

## **HAVE ANY PRE-COMMENCEMENT CONDITIONS BEEN AGREED?**

No.

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

Principle of Development  
Design/Landscape  
Neighbour Amenity

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### **Site Description:**

16 Meadcombe Road is a two-storey detached dwelling located within The Mead, in the village of Thurlestone. The site has a large curtilage to the front, accessed by a driveway up from the highway, with a smaller, more enclosed amenity area to the rear. At first floor, there is a balcony to the principal elevation, which starts at the centre of the property and runs along to the west, wrapping around the corner and down the side of the dwelling. The side element of this balcony is significantly larger and wider than the front part, and the whole area has a frosted glass privacy screen around it. There are hedges and fences to both sides of the boundary, providing privacy at ground level to the site and its neighbours, no.18 Meadcombe Road (to the west) and no.14 (to the east).

The site is within the Thurlestone Development Boundary, as well as the South Devon Area of Outstanding Natural Beauty.

### **The Proposal:**

The proposal seeks to re-establish the integral double garage and remove the first floor balcony and replace with an extension to create additional living accommodation. The proposal also has provision for an EV charger point and PV panels.

### **Consultations:**

- County Highways Authority – no highway implication
- Parish Council – object

*Thurlestone Parish Council OBJECT to this application.*

*“Councillors wish to confirm that the PC upholds its previous OBJECTIONS to this application which remain valid. With no perceivable difference between this and the previous submission of 19th May 2023 councillors concluded this is in essence the same application. As previously the first floor side extensions considered to be an intrusive addition and to have an overbearing and dominant impact on neighbouring properties because of its height, depth and position close to the boundary (contrary to NP Policy TP1.1 Residential Amenity). Although not the full width of the ground floor extension this proposed extension also extends to the back boundary of the plot creating an ‘L’ shaped building, which would result in a*



*serious and adverse effect on neighbouring amenity to the adjoining neighbouring properties at 18 Meadcombe Road to the west, and 13 Mead Lane to the north. This proposal would also result in overcrowding of the plot and an unacceptable closeness to neighbours on both sides which is contrary to the level of amenity generally accepted within The Mead. Three previous applications to develop this part of the dwelling have been made and Refused, both by South Hams Planning Dept and on Appeal.*

*This proposal is contrary to Thurlestone Neighbourhood Plan policy TP1.1. It was noted that when The Mead was developed limitations were set on numbers of houses per acre in order to prevent the potential of one property overbearing its neighbours as would be the result of this proposal.”*

## **PUBLIC CONSULTATIONS**

### **Representations:**

#### **Representations from Residents**

Eight letters of representation have received and cover the following points:

#### **Object:**

- Prevention of light reaching rear garden;
- Stop access to neighbouring garden;
- Proposal conflicts with original developer's model;
- Contravenes DP3, TP7.2(i) and TP1.1 of the Neighbourhood Plan;
- Overbearing and dominant;
- Loss of Amenity;
- Set a precedent of infill extensions.

#### **Support:**

- Will not impact neighbour views from their current position;
- Property is well concealed with bushes, trees and frosted glass around the deck;
- Maintaining and improving the properties enhances the area;
- Neighbours will only see the rooftop;
- Proposal is set away from neighbour boundaries;
- Good use of space;
- Use of privacy glass;
- Many more extensive and disruptive extensions on the surrounding houses over the years.

## **Relevant Planning History**

1608/23/HHO – withdrawn 27/06/2023

Householder application for removal of first-floor balcony & replace with first-floor extension.  
Reinstate existing integral garage

2011/18/HHO – conditional approval 08/08/2018

Householder application for balcony rigging wire

2498/16/HHO – refusal 27/10/2016

Householder application for first floor extension (resubmission of 55/2207/15/F)

2148/16/PRH – pre application (officer support) 28/07/2016

Pre application enquiry for first floor extension

55/2207/15/F – refusal 15/12/2015  
Householder application for first floor extension

55/0557/14/DIS – discharge of condition approved  
Application for approval of details reserved by conditions 4 and 5 of planning approval

55/1836/13/F – conditional approval 05/12/2013  
Resubmission of 55/0436/13/F for demolition of garage, creation of extension, extension of balcony, installation of sliding folding doors, creation of roof terrace and general refurbishment of dwelling

55/1680/13/PREHH – partial support 22/07/2013  
Pre-application enquiry for demolition of existing garage and erection of new extension

55/0436/13/F – refusal 09/04/2013  
Householder application for demolition of existing garage structure. Creation of an extension adjoined to the house on a smaller footprint. Extension of existing balcony. Installation of sliding folding doors. Creation of roof terrace. Internal alterations and refurbishment

## **ANALYSIS**

### **1.0 Principle of Development**

1.1 The site is located within the built form of Thurlestone and therefore for the purposes of assessing the principle of the extension, it is determined that the site is within tier 4 of the settlement hierarchy as defined in policy TTV1 of the Joint Local Plan (JLP) and would therefore fall into the category of ‘Smaller Villages, Hamlets, and the Countryside’. Policy TP1 of the Neighbourhood Plan supports the principle of development within the parish providing it meets the criteria set out within the policy (residential amenity, design, infrastructure, dark skies, natural environment, historic environment and traffic & transport) as well as the requirements of other relevant policies.

### **2.0 Design/Landscape**

2.1 The existing property originally had an integral double garage. This was converted to a habitable space following consent being granted in 2013, and comprises two bedrooms and a bathroom on the ground floor and a terrace on the first floor level. This application seeks to re-establish the integral garage, with the addition of a two storey extension, which will accommodate a store and also allow for a larger master suite. The enclosure of the first floor terrace will create a master suite with a balcony that joins the existing first floor balcony on the south (front) elevation. Although, the first floor extension does not extend the width of the integral garage. The reintroduction of the integral garage is viewed by Officers as betterment and to ensure that this remains as a garage/storage space, it is necessary to restrict converting the garage back to a habitable space by removing the Permitted Development Rights for this. There is also provision for PV panels to part of the south elevation and an EV charger point in the garage.

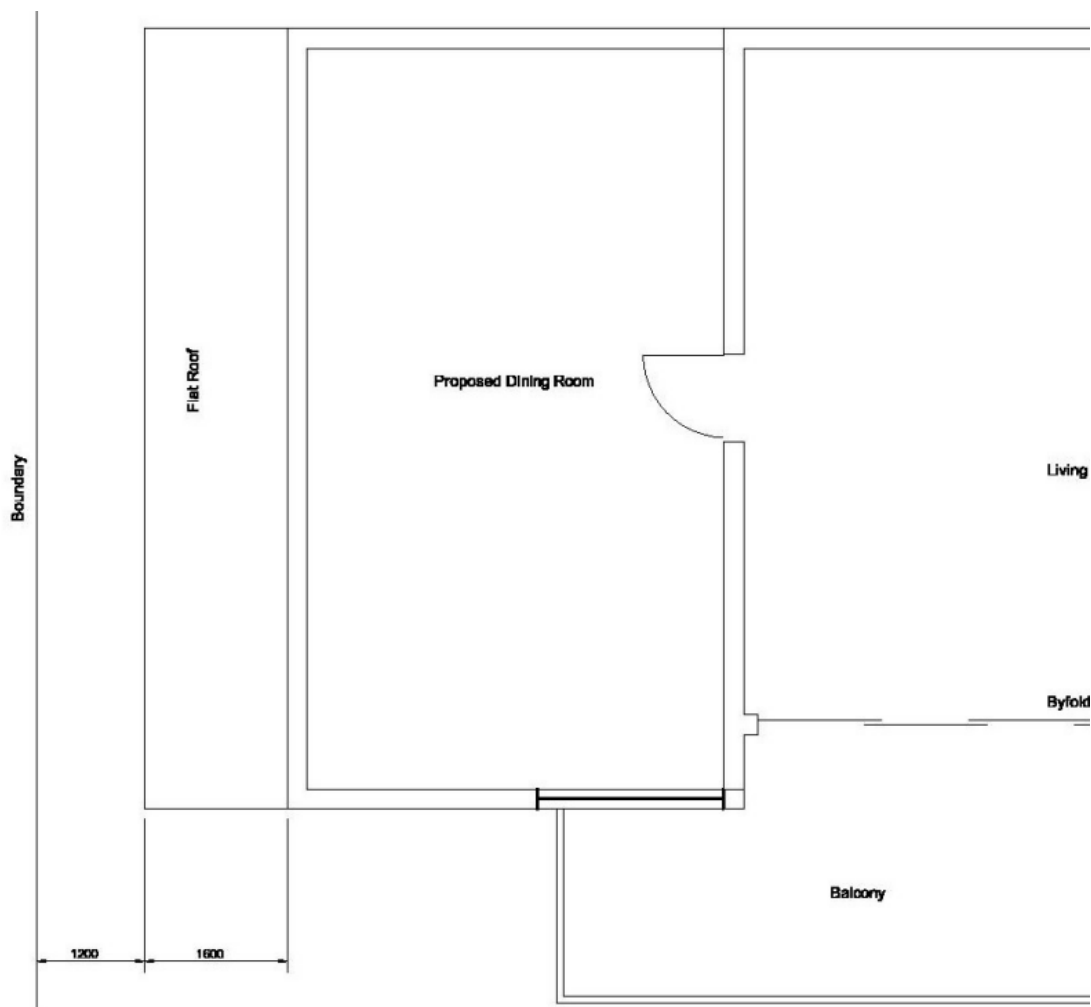
- 2.2 The design introduces a hipped end to the extension, rather than the simple up and over roof form currently on the dwelling. However this addition is deemed acceptable from a design perspective.
- 2.3 The whole of the development lies within the South Devon Area of Outstanding Natural Beauty (AONB) but given the scale of the proposal and the residential character of the area, the principle of reinstating the integral garage and creating a first floor extension within the built form of Thurlestone is acceptable. It is considered that the proposal to reinstate the integral garage and add a first floor extension would not adversely impact the character and appearance of the South Devon AONB and existing streetscene, due to the existing design of neighbouring dwellings. The application complies with policies DEV20, DEV23, DEV25 and DEV32 of the JLP, as well as TP1 and TP7 of the Neighbourhood Plan.

### **3.0 Neighbour Amenity**

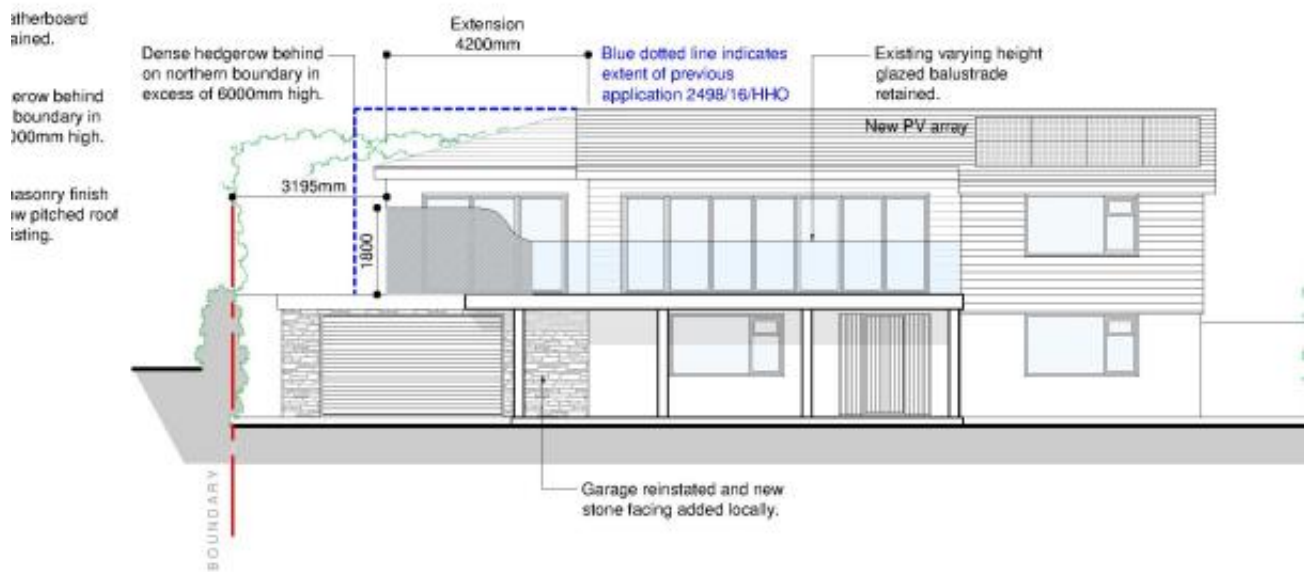
- 3.1 The property has extensive planning history, with a common thread of neighbour amenity being an area of discussion.
- 3.2 The current roof terrae was approved in 2013 (55/1836/13/F) and assessed any potential impact on neighbour amenity for no.18 Meadcombe Road. The approved first floor roof terrace is positioned 2m from the edge of the ground floor garage conversion, and a total of 3.2m from the boundary with no.18. This new application will be located 3.195m from the boundary and materially will appear to have the same proximity when viewed from both the public and private realm. Although a first floor extension does have a larger built form than a roof terrace.
- 3.3 The extension proposed has a lower ridge height which ensures that the extension reads as subservient to the host dwelling and negates any potential overbearing on the neighbouring properties, particularly no.18 Meadcombe Road. To ensure that neighbour amenity is preserved for the lifetime of the development, it is necessary for conditions to include no addition windows to the west elevations, the glazing to the balcony to be obscure, and for the flat roof elements to be prevented from being used as a balcony.
- 3.4 The property also benefits from significant soft landscaping to the west and north boundaries, which the applicant advises me are within their ownership. The soft landscaping forms an important part of both the street scene and protecting neighbour amenity. Therefore, a landscaping condition will be applied to confirm the level of landscaping in situ and that this is to be retained and replaced with like for like species.
- 3.5 In the planning balance, the proposed scheme has a lesser impact on neighbour amenity than the application from 2016, this coupled with the mature soft landscaping and proposed conditions, leads Officers to conclude that the proposal complies with DEV1 of the JLP.

### **4.0 Comparison of scheme with previous scheme (2498/16/HHO)**

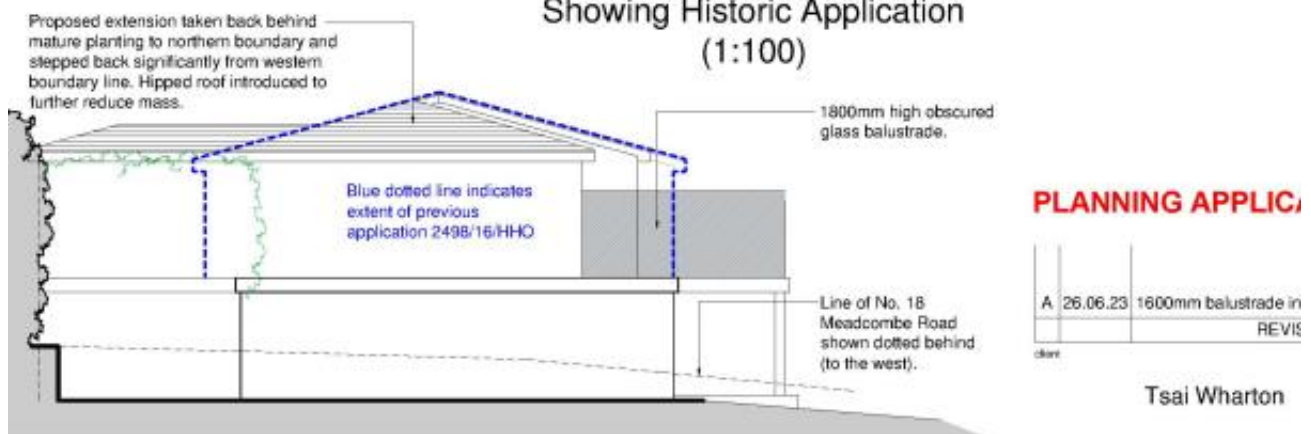
- 4.1 As aforementioned, the application site has an extensive planning history and it is necessary to compare the most recently refused application (2498/16/HHO) with the application being reviewed here.
- 4.2 The 2016 application has similarities with the current application, in terms of the first floor extension. The 2016 scheme provided a gap of 2.8m (image one) between no.16 and the boundary with no.18 Meadcombe Road. The revised proposal has increased this further to 3.2m. (image two).



*Image one: boundary gap between proposed extension and no.18*

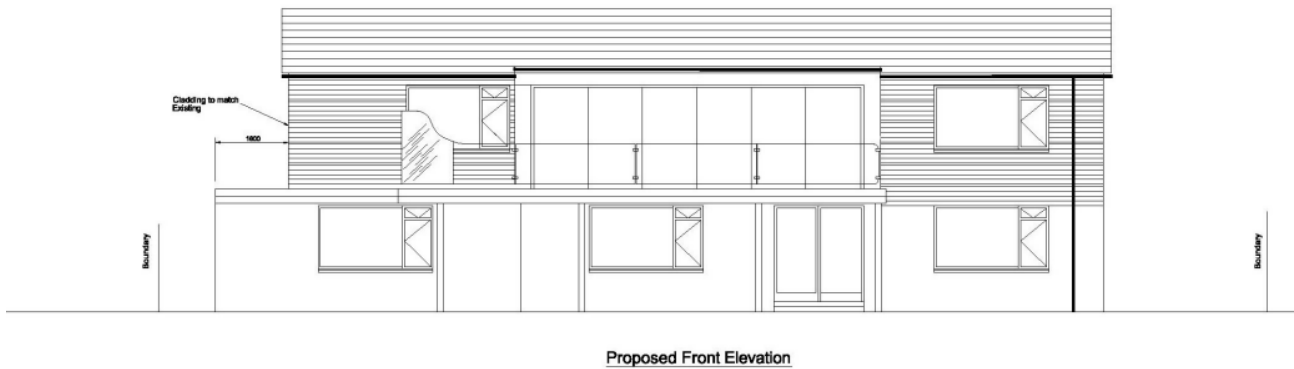


**South Elevation - As Proposed  
Showing Historic Application  
(1:100)**



*Image two: 2498/16/HHO scheme overlaid with current proposal*

- 4.3 The roof structure has also been designed differently to have a less bulky appearance, thus reducing any potential overbearing impact on no.18. The new roof design is for a hipped rather than an up and over (image three). This change further mitigates concerns of the extension being overbearing. The extension is also set back from the building line of no.16, further securing the primacy of the host dwelling and ensuring that the extension is subservient and reads within the streetscene as an extension.



*Image three: 2498/16/HHO front elevation*

- 4.4 Image four helpfully demonstrates that due to the layout of the streetscene, the side of no.18, terminates where the extension begins which significantly reduces any concerns of loss of light to the first floor gable window.



*Image four: application site and proximity to the gable of no.18 Meadcombe Road*

- 4.5 The Planning Inspector for the appeal lodged in 2016, concludes that “most of their private amenity space is located to the front of the dwellings” when reviewing no.16 and no.18 Meadcombe Road. This, alongside the conditions to retain the landscaping to the north and west elevations, removal of PD Rights to insert windows to the west elevation and a restrictive condition precluding the use of the flat roof as an outdoor

amenity space, combine to preserve the amenity of no.18 to a point which neutralises impacts on the neighbour and therefore makes the application suitable in policy terms.

## 5.0 Conclusion

5.1 In conclusion, the proposal is considered compliant with policies DEV1, DEV20, DEV23, DEV25 and DEV32 within the Joint Local Plan and the guidance within the Supplementary Planning Document, and policies TP1 and TP7 of the Thurlestone Neighbourhood Plan. For the reasons stated above, the proposal is recommended for approval, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall in all respects accord strictly with drawing number(s)
  - Proposed Plans and Elevations 2023.02 A
  - Site Location Plan
  - Block Plan SBP

Received by the Local Planning Authority on 27.06.2023

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

Reason: In the interests of visual amenity to comply with DEV20 of the JLP.

4. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 18.05.2023, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species in accordance with DEV26 of the JLP.

5. The EV charging point as shown on the approved plans shall be installed prior to the occupation of the garage hereby approved, and hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction aims of DEV32 of the Joint Local Plan.

6. Notwithstanding the information shown on the approved drawings, the 1.8m high obscure privacy screen to the balcony shall be installed in accordance with the details shown on the approved drawings (2023.02 Rev A), prior to the first use and thereafter be retained and maintained for the life of the development.

Reason: to protect neighbour amenity and adhere with DEV1 of the JLP.

7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any Order revoking and re-enacting this Order) there shall be no additional windows to the west elevation of the extension hereby permitted without the prior permission in writing of the Local Planning Authority.

Reason: To protect neighbour amenity and comply with DEV1 of the JLP.

8. The soft landscaping to the north and west boundaries is to be properly maintained and retained to a height of at least 6m, as shown on the approved drawings (2023.02 Rev A) unless otherwise agreed in writing by the Local Planning Authority.

Reason: to preserve neighbour amenity in accordance with DEV1 of the JLP.

9. The flat roof area on the west elevation (labelled as flat roof on the first floor plan, drawing no. 2023.02 Rev A) shall not be used as a balcony, roof garden or similar amenity area at any time.

Reason: In order to safeguard the residential amenity and privacy of adjoining occupiers as per DEV1 of the JLP.

10. The garage shall be kept permanently available for the parking of motor vehicles, and shall not be used for habitable accommodation at any time.

Reason: In the interest of visual amenity and carbon reduction targets, as per DEV20 and DEV32 of the JLP.

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

#### 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  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV32 Delivering low carbon development

### **Neighbourhood Plan**

Thurlestone Neighbourhood Plan (2018)

Policy TP1 – general development principles  
Policy TP7 – replacement dwellings and extensions

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 Supplementary Planning Document (2020)**

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

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

**Chairman of Planning Committee - Cllr Mark Long**

Date cleared –

Comments made -

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## PLANNING APPLICATION REPORT

**Case Officer:** Alexis Wilson

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

**Application No:** 1933/23/HHO

**Agent:**

Andrew Lethbridge Associates  
102 Fore Street  
Kingsbridge  
TQ7 1AW

**Applicant:**

Mr & Mrs Baird  
Sea Haven  
Ringmore Drive  
Bigbury On Sea  
TQ7 4AU

**Site Address:** Sea Haven, Ringmore Drive, Bigbury On Sea, TQ7 4AU



**Development:** Householder application for proposed renovations & extensions to dwelling, construction of a replacement garage & a new games room (resubmission of 0104/23/HHO)

**Reason item is being put before Committee:** Cllr Taylor has brought before committee due to neighbour amenity concerns

**Officer Recommendation:** Conditional Approval

**Conditions:**

1. Standard time limit
2. Adherence to plans
3. Prior to Commencement: Construction Management Plan
4. Materials to match
5. Adherence to ecological mitigation
6. Games room be used incidental to main house
7. Garage to be retained for parking of motor vehicles
8. Landscaping strategy to be agreed with LPA prior to construction of garage
9. Boundary Planting to be retained
10. Adherence to surface water drainage plan
11. No additional openings to games room
12. No additional openings to garage
13. No external lighting
14. Natural Slate

**Key issues for consideration:**

Principle of Development; Design/Scale/Mass; Landscape; Neighbour Amenity; Drainage; Ecology; Climate Emergency (DEV32); Heritage

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**Site Description:**

Sea Haven is a detached 1.5 storey dwelling dating to 1912 and built in an 'Arts and Crafts' style. One of the original dwellings in the village of Bigbury-on-Sea, Sea Haven has a large plot, the majority of which is laid to grass, surrounded by mature hedging and located to the south-west of the property, overlooking the sea beyond. To the front (north-east) is a modest driveway and small single garage with 1-2 parking spaces in front.

Whilst the dwelling retains some of its charming original character – including the veranda which wraps partially around the property and the pitch of the roof – much has been lost over the years through unsympathetic additions and alterations, and the property is dated internally.

The application site is located in the South Devon Area of Outstanding Natural Beauty (AONB) and landscape designated as being Heritage Coast.

**The Proposal:**

The application proposes extensions and alterations incorporating the following elements:

- New roof with ridge raised by a maximum of 330mm to allow for strengthening timber struts, insulating to buildings regulation standards and addition of natural slate roof tiles.
- Reinstatement of central first floor balcony which has been glazed/enclosed historically
- One replacement and one new dormer to the rear – either side of the central dormer – to bedrooms 2 and 3
- Relocation of the rear (south-west) elevation wall to provide more internal space
- Renovation and partial reinstatement of surrounding veranda
- Removal of side extension on north-east elevation
- Front extension to provide utility and plant rooms
- Removal of a number of redundant garden stores and sheds
- Construction of detached games room to the south-west of the dwelling with veranda to front, pitched roof with natural slate tiles and solar PV panels above
- Replacement of existing single garage with new double garage with pitched slate tiled roof, solar panels with battery storage system
- Increasing off-road parking space with impermeable surface
- Planting scheme to front (north-east) elevation
- Installation of air source heat pump (ASHP)

### **Consultations:**

- County Highways Authority - No Highway Implication

Parish Council - Object with the following comments:

*Bigbury Parish Council (BPC) considers that the amendments made seeking to address the concerns of the Parish Council and SHDC planning case officer in relation to the previous (now withdrawn application) were insufficient in terms of addressing the issues raised in respect of the proposed garage, games room and impact on the amenity of neighbouring properties.*

*In spite of 'digging down' the front of the site the slight reduction in the depth and height of the garage is insufficient, particularly in relation to its overall size and the dominance on the street scene of the proposed large, blank gable end wall on the front boundary of the property, almost on the roadside of Ringmore Drive. The size of the garage is too large, too close to the street frontage and would harm the current open view and setting of the dwelling, which is a locally listed heritage asset.*

*The proposed 2m high hedge would be contrary to Neighbourhood Plan Policy(NHP) BP7 (v) which states that front boundary walls, hedges, and/or fences should be kept low, generally not exceeding one metre in height and it was questioned whether there was room to provide a hedge without extending on to the verge. The proposed development is therefore contrary to Policy BP7 (ii) relating to the height, scale and*

*density of development which does not reflect the pattern of development in the surrounding area and to NHP Policy BP 23 relating to avoiding harm to the setting of designated and non-designated heritage assets.*

*The amount of car parking still remains a problem with only two outside parking spaces shown in front of the garage and with a third space now occupying the turning area. Three outside spaces with a turning area should be provided for a house of this size. Potential car parking in garages is not counted and three outside car parking spaces should be provided. This could be achieved if the garage was reduced in size so that parking to the side of the garage could be provided. The proposed development was therefore contrary to NHP Policy BP27 which requires three parking spaces for units of 3 or more bedrooms.*

*The games room had been reduced slightly in its width by omitting the verandas on the short sides only, but the position of the games room had not been moved closer to the house as stated by Andrew Lethbridge. The reduction in the height of the ridge of 250mm is negligible and the size and location of the games room in relation to impact on neighbours still remains a concern.*

*The balconies in front of the two side dormers at the rear of the house have been removed but the dormers have been brought forward, filling in the space previously shown for the balconies and as such the problems relating to overlooking of the ground floor terrace to Clanna have not been resolved. The proposed development would therefore still be harmful to residential amenity contrary to Policy BP7 (vi) which states; 'Proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties by reason of loss of outlook, loss of important views, including views of the sea, estuary, river valleys and moorland, loss of privacy or overlooking, overbearing and dominant impact, noise or other disturbance.';*

*BPC would also stress the need for conditions relating to asbestos and other hazardous materials in the fabric of the property and their properly supervised, safe removal from the site, a comprehensive construction management plan and conditions for outside lighting must also be included if the application were to be approved.*

*For all the reasons stated above BPC objects to this proposal.*

## **Representations:**

### **Representations from Residents**

Fourteen (14) letters of objection have been received at the time of writing this report and cover the following points:

- Dominance of streetscape by garage roof
- Impact on principle views from The Nineteenth
- 2m hedge blocks views
- Increase in overlooking from dormers and balcony
- Impact on views of games room roof
- Fails to protect residential amenity

- Front of property would appear harder and more developed
- Little room for planting to screen at the front
- Scale too large
- Detrimental to street scene
- Loss of outlook from neighbour dwellings
- Increase in mass of property through raised roofline
- Financial compensation should be made to repair roads
- Works schedule required to protect residential amenity
- Games room sticks up above hedge with Sea Drift
- Roof pitch of games room should be reduced to 18 degrees
- Games room overlooks adjacent properties
- Garage too large

One (1) letter of support has been received at the time of writing this report which covers the following points:

- House urgently needs investment and modernisation
- Proposals consistent with the heritage value of the property
- Improvement of energy efficiency and environmental performance
- Owners have made considerable and considerate changes to address concerns
- Sympathetic plans improve the aesthetic
- Plans improve the energy efficiency

Full copies of the comments can be found on the South Hams District Council website under the application reference 1933/23/HHO.

**Relevant Planning History:**

<b>Application reference</b>	<b>Description</b>	<b>Decision</b>
05/1822/06/F	Alteration and extension to dwelling to provide shower room	Conditional Approval, 01/11/2006
3250/21/HHO	Householder application for proposed side and rear extension, replacement garage and games room	Withdrawn, 03/11/2023
0104/23/HHO	Householder application for alterations and extensions to dwelling, and construction of garage (re-submission of 3250/21/HHO)	Withdrawn, 24/04/2023

## ANALYSIS

### Principle of Development/Sustainability:

Sea Haven is a detached 1.5 storey dwelling dating to 1912 and built in an 'Arts and Crafts' style within the built form of Bigbury On Sea. The property has been in residential use since its construction and has undergone a number of extensions and alterations over its history. As such the Principle of Development is established.

#### 1. Heritage/Design/Scale/Mass:

1.1 Sea Haven is identified in paragraph 4.174 of the Bigbury Neighbourhood Plan (BNP) (2019-2034) as a Non-Designated Heritage Asset (NDHA) and as such Policy BP7(xi) must be taken into account when assessing development proposals. In addition, policy DEV21 (Development Affecting the Historic Environment) of the Plymouth and South West Devon Joint Local Plan (JLP) requires that development proposals 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets (NDHA) and their settings'. The NPPF describes heritage assets as an *'irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'* (para 189).

1.2 In addition to the requirement to protect and enhance the property as an NDHA, overarching design policies DEV20 and DEV23 of the JLP, BP2 and BP7 of the BNP require development to meet good standards of design, to have proper regard to the pattern of local development, to conserve and enhance the townscape by maintaining a local area's distinctive sense of place and to ensure that *"the height, scale and density of development should reflect the existing grain, height, density and pattern of development"* (BP7ii).

1.3 It is against this policy background which the design, scale and mass of the proposal must therefore be appraised.

#### 1.4 Roof alterations and additions:

1.4.1 The works to the roof are considered to have proper regard for the existing dwelling, with the pitch and overall scale set to remain almost identical to that at present. The raised ridge height is considered minimal (at 330mm increase) and not overbearing to any extent.

1.4.2 The new rear dormers (one a replacement of existing, one new) echo the original central dormer with regards their scale and roof pitch, are not overbearing within the roof space and are deemed to create a symmetry which the rear elevation is currently lacking (in line with paragraphs 13.49-13.54 of the JLP Supplementary Planning Document). Likewise, the removal of the glass 'box' currently attached to the central dormer and replacement with a visually



unobtrusive balcony to the exact same scale is considered to be directly in line with DEV25 (8ii) in that it removes an incongruous feature and results in an uplift in design.

#### 1.5 Ground floor extensions and alterations:

1.5.1 The removal of the existing side extension enhances the overall appearance of the property. The front extension is visually unobtrusive, set as it is behind the proposed new garage and of single-storey height. The rearward extension provides additional internal living space with no visual alteration to the dwelling and impacts in no way on the amount of amenity space due to the modest scale of the extension and the ample size of the rear garden. The renovation and partial reinstatement of the veranda enhances the dwelling, drawing on its original Arts and Craft design and replacing a notable feature which has been lost in part due to the unsympathetic previous extensions and alterations.

#### 1.6 Replacement Garage:

1.6.1 The garage, whilst larger than the existing, has been reduced in scale considerably from previous (withdrawn) schemes and is now only slightly larger than the minimum size required to meet current space standards as prescribed in paragraph 8.5 of the JLP SPD. The additional 1.5m depth beyond the minimum space standards would allow for the installation of battery storage for the PV panels to be mounted on the roofs of both the garage and garden/games room, which addresses the provisions of DEV32 of the JLP, as discussed below.

1.6.2 The garage is proposed to be set down below road level resulting in a finished floor to ridge height of 4.4m which translates to a ridge which sits at 2.3m above ground level when viewed from the adjacent road (Ringmore Drive). This is a 250mm reduction in the roof height proposed on previous schemes.

1.6.3 In addition to lowering the ridge height, the roof design has been rotated to minimise the impact to the rear neighbour ('The Nineteenth'). The roof extension which previously joined the garage to the dwelling has been removed, as has the surrounding veranda, in order to reduce its overall scale and mass.

1.6.4 To further reduce the impact of the garage development on the street scene, a planting scheme is proposed for the front elevation. The plans supplied indicate an indicative scheme but clearly state that this is only indicative and that a condition is recommended to require a full landscaping scheme to be supplied to and agreed by the LPA prior to commencement of works to the garage building. Comments received from the Parish Council and residents regarding the existence of a 2m front hedge are not of material relevance as this element of the scheme does not form part of this application/approval. As

such the scheme is not considered to be against policy BP7 (v) in its current form and a refusal on this basis would be unjustified.

1.6.5 Overall, the garage development as proposed by this application is considered by Officers to have a limited impact on the wider street-scene or neighbouring dwellings.

#### 1.7 Detached Games Room:

1.7.1 The Games room is notably smaller in scale than that proposed under previous schemes (50m<sup>2</sup> compared to 65m<sup>2</sup>). This has been achieved in part by removing the surrounding veranda. In addition, to reduce the impact on neighbouring dwellings 'Sea Drift' and 'Craigievar' Officers confirm that the location has been moved away from the boundary and closer to the host dwelling (contrary to the consultation response from the Parish Council) (furthest point from the main house in previous schemes was 17.3m, whereas in this proposal it is 15.7m, so a c.1.5m move away from the boundary with Sea Drift). The ridge height stands at 3.8m with eaves height of 2.4m, sitting slightly above the existing hedge line but well below the host dwelling and not dissimilar to that of the existing garden store located in this area.

1.7.2 On balance, the games room is considered to be of an acceptable mass and design. It relates well to the main dwelling, and the dwelling has sufficient curtilage to accommodate the building without the site appearing cramped or overdeveloped.

1.8 On planning balance, when considering the heritage, design, scale and mass of the development proposed Officers consider that the scheme meets the provisions of TTV29, DEV21, DEV23, DEV25 of the JLP and policy BP7 of the BNP.

## 2 Landscape/South Devon AONB:

2.1 The development site is located within the South Devon Area of Outstanding Natural Beauty (AONB) and within the Heritage Coast. Policy DEV25 (Nationally Protected Landscapes) requires that proposals "*conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*" and to "*be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes*". In addition, policy BP7 (vii) requires all development "*be designed to limit the impact of light pollution from artificial light resulting in harm to local amenity or areas of intrinsically dark landscape*".

2.2 In design terms, whilst the proposal does not specifically enhance the natural beauty of this protected landscape, Officers are mindful that the site is within a village setting, surrounded by other residential properties. Taking this into account, the design is

deemed to be neutral within the wider built environment and appropriate to its landscape context. In relation to light emissions, it is considered justified to recommend a condition to the proposal that no external lighting be installed without prior authorisation by the LPA in order that the requirements of DEV23 (4), DEV25 (iv) and BP7 (vii) are met and that external light emissions are kept to a minimum in order to protect the local landscape setting.

2.3 With the addition of the external lighting condition as specified, the proposal is considered to be compatible with the provisions of DEV2, DEV23, DEV24 and DEV25 of the JLP and policies BP7 and BP18 of the Bigbury NDP.

### 3 Neighbour Amenity:

3.1 Policy DEV1 requires that all proposals safeguard the health and amenity of local communities. To this end, new development should provide for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents. In addition, policy BP7 (vi) of the Bigbury NDP requires that development protects residential amenity and should not have an “*unacceptable impact on living conditions of neighbouring dwellings*”, including the “*loss of important views*”.

3.2 Whilst Officers acknowledge that the height increase of the dwelling and the construction of the garage would have some impact on the visual amenity of neighbouring dwellings, this impact is not considered to be so severe as to be harmful. Notwithstanding the point that there is no right to a view, views towards the sea from rear neighbour “The Nineteenth” would be maintained and the impact is minimal, with the property maintaining the majority of its far-reaching views of the sea to the horizon above both ridgelines. It is deemed that the important views from this dwelling are not “lost” and the scheme does not merit a refusal on the basis of the minimal impact caused, especially when this is balanced against the environmental gains that raising the roof height will achieve in relation to reducing the carbon footprint of the dwelling.

3.3 The alterations to the rear dormers and raised rear terrace, reinstatement of the existing first floor balcony (presently closed in with glazing) and erection of the games room are deemed to have minimal detrimental impact on neighbouring amenity and are not considered to be likely to cause an “*unacceptable impact on living conditions*”. The removal of the existing dormer side window, which gives clear views over the rear garden of Seadrift, would create some benefits in terms of neighbour amenity, improving the privacy afforded to the neighbouring dwelling. Additionally, opening up of the glazed balcony to the elements is likely to reduce usage of this feature for much of the year when the weather is inclement, thus also of benefit to neighbour amenity.

3.4 The games room has no windows in the north-west or south-west elevations (those closest to Craigivar and Seadrift), with the majority of glazing located to the front elevation, with views across the private gardens. A condition is recommended that prohibits any additional openings being installed in the games room or the garage to

ensure that the amenity of neighbours is preserved. Views towards Clana Cottage are obscured by a substantial separation distance (35m+ between the front of the games room and the side elevation of Clanna Cottage), the height of the glazing (ground floor level) and the existing mature hedge boundaries. In addition, it's location in close proximity to the host dwelling avoids any isolated development which would draw the eye away from the view to the sea beyond. It is not therefore considered that the construction of the proposed games room would have any notable impact on the privacy, day light, sunlight or outlook of these neighbouring dwellings.

3.5 In order to protect the amenity of neighbours on an ongoing basis and during the potentially disruptive phase of the construction works, Officers recommend the following conditions be imposed on any planning permission:

3.5.1 limiting use of the games room and garage to incidental use

3.5.2 requiring that a Construction Management Plan is submitted prior to commencement of any building works.

3.6 With these conditions in place it is considered that, on the overall balance of planning the proposal meets the provisions of DEV1 of the JLP and BP7 of the Bigbury NDP as well as guidance contained within the JLP SPD.

#### 4 Highways/Parking:

4.1 Policy DEV29 requires that development *proposals should "ensure sufficient provision and management of car parking in order to protect the amenity of the surrounding area"* (DEV29.3). In order to achieve this aim, paragraph 8.7 of the JLP SPD stipulates that a 3+ bedroom dwelling should provide 2 car parking spaces (measuring 2.4m x 4.8m) as a minimum. The Bigbury NDP, in response to the narrow access roads and constrained on-street parking within the settlement, have established that a 3+ bedroom dwelling within the Parish should allow a minimum of 3 spaces (BP27).

4.2 From the plans supplied, Officers deem that the proposal allocates space for three cars to be parked and as such meets the requirements of DEV29 and BP27. Whilst it is noted that Bigbury Parish Council have objected on the grounds that there is no dedicated on-site turning space provided, there is no mention of this necessity within the Neighbourhood or Local Plans, nor the requirement for vehicles to exit the site in a forward gear (the access road – Ringmore Drive – is not a classified road). In addition The Highways Authority have responded to confirm there are no highways implications.

4.3 The proposal is therefore considered acceptable in relation to DEV29 of the JLP and BP27 of the BNP.

## 5 Drainage:

5.1 The site does not fall within a Critical Drainage Area or Flood Zone 2/3. The proposed driveway is to be constructed of permeable material and the overall gains in impermeable surface area – taking into account the removal from the site of existing garden/outbuildings – is considered modest.

5.2 The applicant has proposed the installation of a new soakaway in the rear garden to dispose of surface water from the proposed scheme along with the installation of 4 no. ACCO drains adjacent to the driveway/parking area at the front. It is considered appropriate to secure these details by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

## 6 Climate Emergency (DEV32):

6.1 The Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued across Plymouth and South West Devon and identifies exactly what all new development should do to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements.

6.2 Officers have assessed the submitted Climate Emergency Compliance Form and plans provided. The scheme proposed includes the introduction of 150mm thermal insulation into the roof of the dwelling, installation of underfloor heating, incorporation of solar PV panels on the roofs of the games room and garage, battery storage system for solar PV in the garage, installation of an Air Source Heat pump and use of natural slate tiles of European/UK origin on all roofs.

6.3 It is noted that increased roof height will allow improved insulation thus reducing the thermal inefficiency of the current dwelling, minimising heat loss and utilising natural European slate in place of asbestos/concrete tiles. As such the raised roof height seeks to reduce the energy load of the property and maximise the energy efficiency of the dwelling in line with policy DEV32 of the JLP.

6.4 By virtue of the scale of the works and site specific circumstances the details as submitted are acceptable in this instance and the works proposed are deemed to result in a significant improvement in the thermal efficiency and decrease in carbon footprint of the dwelling over its lifetime.

## 7 Ecology:

7.1 An Ecological Survey supplied by the applicant confirmed that there is no evidence of bat use or roosting within the property. With regards bird use, a former house martin nest was found on northern elevation and there is evidence of some house sparrow nesting above veranda.

7.2 Mitigation measures proposed include that works should commence outside of bird nesting season (or, if not, a full bird/nest check should be undertaken prior to commencement) and that 1 no. bat roosting box, 1 no. bird nesting box and 1 no. invertebrate provision be installed. The requirements and provisions of this Report have been attached to this approval by way of condition. With these conditions in place the proposal is considered to meet the requirements of DEV26 of the JLP and BP20 of the BNP.

### Conclusion:

For the aforementioned reasons, the application is considered to meet the provisions of STP1, STP2, TTV1, TTV29, DEV1, DEV2, DEV20, DEV21, DEV23, DEV24, DEV25, DEV26, DEV29, DEV32 and DEV35 of the Joint Local Plan; policies BP2 (b), BP7 i, ii, iii, v, vi, vii, xi; BP18, BP20, BP23 and BP27 of the Bigbury Neighbourhood Plan, as well as guidance contained in the Joint Local Plan Supplementary Planning Document (including, but not limited to, paragraphs 8.5, 8.7, 13.49-13.54).

As such, on the balance of planning, Officers deem the scheme acceptable and recommend it 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  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
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  
DEV35 Managing flood risk and Water Quality Impacts

### **Bigbury Neighbourhood Plan**

Following a successful referendum, the Bigbury Neighbourhood Plan was adopted at Special Council Committee on 23rd April 2020. It now forms part of the Development Plan for South Hams District and should be used in deciding planning applications within the Bigbury Neighbourhood Area.

The proposal is deemed to meet the provisions of the following policies:

BP2 – Other housing development  
BP7 – General design principles for new development  
BP18 – Area of Outstanding Natural Beauty  
BP20 – Wildlife sites and biodiversity  
BP23 – Built heritage  
BP27 – Parking Provision

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)**

### **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 in Full

**1. Standard Time Limit:** 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. Adherence to Plans:** The development hereby approved shall in all respects accord strictly with the following drawing numbers:

- ACL.1315.001: Site Location Plan
- ACL.1315.200 Rev D: Proposed Site Layout Plan
- ACL.1315.201 Rev D: Proposed Floor Plans Plan
- ACL.1315.202 Rev E: Proposed Elevations
- ACL.1315.203 Rev C: Proposed Games Room, Floor Plan and Elevations
- ACL.1315.211 Rev C: Proposed Hard and Soft Landscaping Strategy
- ACL.1315.212 Rev C: Proposed Roof Plan
- ACL.1215.210 Rev C: Proposed Garage Floor Plan and Elevations
- ACL.1315.205 Rev D: Sustainability Plan
- ACL.1315.204 Rev D: Proposed Drainage Layout Plan

As received by the Local Planning Authority on 22 June 2023.

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

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works

(e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;



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

(g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

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

(j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations

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

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

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

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

Reason: In the interests of visual amenity.

**5. Adherence to Ecological Mitigation:** The recommendations, mitigation and enhancement measures of the Ecological Report, by EcoLogic Consultant Ecologists LLP in January 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

**6. Games/Garden Room Incidental Use:** The garden/games room hereby approved shall not be occupied at any time other than for purposes incidental to the residential use of the host dwelling "Sea Haven" and shall not be used, let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling

**7. Garage Incidental Use:** The garage hereby approved shall remain available in perpetuity for the parking of motor vehicles in association with the use of the dwelling and shall not be occupied at any time other than for purposes incidental to the residential use of the host dwelling “Sea Haven” and shall not be used, let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling

**8. Landscaping Strategy:** The building works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots/development.

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

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

**9. Boundary Planting to be Maintained:** The boundary hedge to the north-west boundary of the site shall be retained and maintained in perpetuity at a height not lower than that indicated on approved drawing number ACL.1315.203 Rev C. If the hedge, or part of the hedge is damaged during construction it shall be replaced with planting at the same place and species of such size, species and density, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the proposed games/garden room development on neighboring amenity.

**10. Adherence to Surface Water Drainage Scheme:** The drainage scheme shall be installed in strict accordance with approved plan ACL.1315.204 Rev D, 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.

**11. No Additional Openings in Garden/Games Room:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission, including rooflights, (if any) shall be at any time be inserted in

the garden/games room hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours

**12. No Additional Openings in Garage:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission, including rooflights, (if any) shall be at any time be inserted in the garage hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours

**13. No External Lighting:** No external lighting shall be installed on the site unless details of such lighting, including design, location, the intensity of illumination, have first been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall accord with the details so approved.

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

**14. Natural Slate:** The roofs of the dwelling, garage and games room hereby permitted shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles.

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart  
Yealmpton

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

**Application No:** 3993/22/FUL

**Agent/Applicant:**

Mr Mark Evans - Mark Evans Planning  
Limited  
Cedar House  
Membland  
Newton Ferrers, Plymouth  
PL8 1HP

**Applicant:**

Mr & Mrs S McCreedy  
Briar Hill Farm  
Court Road  
Newton Ferrers,  
Devon  
PL8 1AR

**Site Address:** Briar Hill Farm, Court Road, Newton Ferrers, PL8 1AR



**Development:** Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly

accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks

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

The application has been brought to Committee by the DM Head of Service.

### **Recommendation: Refusal**

#### **Reasons for refusal**

1. The site is located in open countryside beyond the defined settlement boundary of Newton Ferrers and within the Undeveloped Coast Policy Area where development is only permitted in exceptional circumstances. Whilst it is acknowledged that the proposal relates to an existing business, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed holiday lodges respond to an identified and essential local need which requires this location and would not otherwise be met. The development does not therefore support the principles of sustainable development and is contrary to Policies SPT1, SPT2, TTV1, TTV26, DEV15 and DEV24 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and Policy N3P-1 of the Newton and Noss Neighbourhood Plan 2017-2034.
2. In the absence of exceptional circumstances to justify development, the proposal fails to conserve the local and wider landscape character of the South Devon AONB and Undeveloped Coast. The proposal is therefore contrary to Policies DEV23, DEV24, DEV25 of the DEV24 of the Plymouth and South West Devon Joint Local Plan 2014-2034; Policy N3P-1(c) and N3P-9 of the Newton and Noss Neighbourhood Plan 2017-2034; and the National Planning Policy Framework (notably but not limited to paragraph 176).
3. In the absence of a completed and signed Unilateral Undertaking to secure appropriate mitigation for the additional recreational pressures upon the Plymouth Sound and Estuaries European Marine Site, the proposal contrary to Policies SPT13, SPT14 and DEL1 Plymouth and South West Devon Joint Local Plan 2014-2034; and Policy N3P-7 of the Newton and Noss Neighbourhood Plan 2017-2034.
4. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal makes adequate provision for the management of surface water drainage. The proposal is therefore contrary to Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034; the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document; Policy N3P-6 of the Newton and Noss Neighbourhood Plan 2017-2034; and the National Planning Policy Framework (notably but not limited to paragraph 167).

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

Principle of Development/Justification for the Development,  
Landscape Character and Appearance (Undeveloped Coast and AONB)  
Other matters

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## **Site Description:**

The site relates to a generally enclosed but visually prominent field parcel immediately north of the Briar Hill Farm holiday park. The existing holiday park site is accessed from the public highway to the south west, via a private driveway leading from Parsonage Road; a Public Right of Way runs across the site entrance. The existing holiday park hosts 24 self-contained timber cabins for holiday use, along with parking and outdoor amenity areas, along with a central site office and ancillary buildings. The application site is surrounded by open farmland to the east, west and north, with residential development to the south, separated by a small area of open land laid to grass with a number of small trees.

The site is located adjacent to, but outside of, the discernible built-up area of the village of Newton Ferrers. It is located outside the settlement boundary defined within the Newton and Noss Neighbourhood Plan.

The site is within both the South Devon AONB and designated Undeveloped Coast and Heritage Coast areas. The site is located in the 1B Open Coastal Plateaux LCT. The key characteristics and valued attributes of the LCT include a high, open landscape with limited woodland, windswept/windblown vegetation, low dense hedgerows, stonewalls and panoramic views.

The Yealm SSSI is within 1km to the south and west of the application site.

## **The Proposal:**

Extension of the existing holiday park site to provide additional ten holiday lodges, with associated access and parking, landscaping, solar panels, EV charging points and the re-siting of existing gas tanks.

## **Consultations:**

- County Highways Authority – No objection
- SHDC Landscape Officer – No objection subject to condition
- SHDC Tree Officer – No objection subject to condition
- SHDC Drainage Officer – Objection
- Newton and Noss Parish Council – Comment

*“The Briar Hill Farm application raises a number of issues in respect of the Newton & Noss Neighbourhood Plan (N3P); in some areas the application is contrary to the plan but in other areas it is supportive. For this reason, the Parish Council felt it could only comment, leaving the debate to be addressed by the Planning Authority.*

*The proposal is contrary to Policy N3P-1 as the site sits just outside the Settlement Boundary and in the Undeveloped Coast, both of which afford considerable protection and depend upon ‘proving exceptional need’ or ‘essential local need’. The Parish Council would*

*wish to ensure that neighbours' concerns regarding the proposed extension are taken into consideration.*

*On the other hand, NNPC is keen to support sustainable local businesses as addressed at N3P-13. As well as benefiting the existing business, additional units in a relatively low impact location, would provide increased footfall in the local shops, pubs, café and other businesses and its location is within walking distance of most of these services.*

*In addition, the Parish Council is keen to support the increased use of electric vehicles but has so far been unable to find suitable locations for charging stations. The provision of two public access charging points in this application is to be welcomed.*

*The Parish Council also notes the proposal to enhance the environment and biodiversity by including new planting and a new orchard and would wish to see any approval conditional upon this.”*

## **Representations:**

### **Representations from Residents**

19 letters of support have been received and include the following points:

- Additional accommodation for visitors in an over-subscribed village is welcomed and responds to local demand. This is needed for visitors, extended families of local residents and those wishing to rent locally during house renovation works.
- The lodges are well constructed and sustainable.
- Occupants bring trade to local businesses and extend the normal holiday season.
- The site is within walking distance of the local post office, shops and pubs.
- The development will tidy up the existing site and are not widely visible. The site generates very little light at night.
- The biodiversity and environmental improvement measures must be adhered to.
- The EV charging points are a welcome addition to the village.
- Another ten lodges will not make a significant impact in conjunction with the existing 24 lodges; they have no shared facilities and noise levels are low.
- The one house that backs onto the site has been sold a strip of land that creates a buffer between it and the site. There has been an extensive planting scheme to help blend in the units into the hill side.

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

- The ten new lodges represent major development in the AONB and the application should be refused on this basis.
- The development is not permitted under the Neighbourhood Plan as it is on greenfield AONB land outside the village boundary, within the Undeveloped Coast and should be rejected out of hand.
- A previous application on the site was withdrawn under advice from the SHDC Landscape Officer that the proposal would “bring about an unacceptable level of harm”; it is not considered that the proposal addresses this harm.
- The applicant has not demonstrated “essential local need” nor has the development been linked to the continuing viability of the existing business.
- The proposal will have a detrimental landscape and visual impact, with additional light pollution; existing trees and hedges will be cut back and the proposed planting will take many years to establish.
- The lodges are not locally distinctive.



- The proposal will impact on protected and priority species which have been observed on or near to the proposed development site; the ecology report is incomplete in this regard and does not address the potential impacts on the local bat population.
- The proposal will increase traffic pressure on the road junction; the proposal is likely to increase traffic, parking and recreational impacts on the Estuary but no analysis has been provided.
- The site entrance crosses a footpath which will create a dangerous junction as people walk to the school, WI Hall, café and playground.
- Delivery of the units would cause traffic congestion as the units are likely to be delivered in sections as “wide loads”.
- The proposal has failed to account for the topography and its role in the risk of flooding downstream of the site. Percolation tests are out of date and should be revised to reflect current conditions.
- Details of the foul water treatment package are absent from the application submission.
- The lodges will have a direct view into the garden of a neighbouring garden.
- South West Water have not confirmed that they will accept the additional foul flows.
- The development exceeds the limits of the existing site licence.
- Contributions to the Tamar Estuaries European Marine Site would be required to mitigate for the recreational impacts of the development.
- A radon survey should be requested as the site is within an area where full radon protection measures are required.
- No details as to how refuse and recycling will be managed have been provided.
- The carbon savings have not been quantified.
- The application submission is inaccurate and incomplete.

One letter marked “undecided” was received and includes the following comments:

- I feel a little concerned that if this applied proposal is outside of the Newton and Noss settlement boundaries development is granted it may lead to setting a precedent for future applications.

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
37/1540/04/F: FUL	Erection of compound for 3 No 4000 litre vessels for storage and distribution of LPG	Briar Hill Farm Campsite Newton Ferrers Plymouth Devon PL8 1AR	Conditional approval: 21 Sep 04
37/3031/11/F: FUL	Replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of static units	Briar Hill Farm Parsonage Road Newton Ferrers Plymouth PL8 1AR	Withdrawn: 06 Jan 12
37/0387/12/CLE	Lawful development certificate for existing use for storage of trailers boats and caravans	Briar Hill Campsite Newton	Refusal: 10 Jul 12

		Ferrers Plymouth PL8 1AR	
3352/16/FUL	Construction of storage building associated with general maintenance and management of adjoining holiday lodge site.	Briar Hill Farm Newton Ferrers Plymouth PL8 1AR	Conditional approval: 22 Mar 17
1739/20/VAR	Application for variation of conditions 2, 4, 5 and 7 of planning permission 3352/16/FUL	Briar Hill Farm Newton Ferrers Plymouth PL8 1AR	Conditional approval: 27 Oct 20
2842/21/FUL	Full Planning Application for extension to holiday park comprising construction of 14 holiday lodges and associated drive access, parking and landscaping	Briar Hill Farm Newton Ferrers Plymouth PL8 1AR	Withdrawn

## ANALYSIS

### 1.0 Principle of Development/Sustainability:

- 1.1 The Plymouth and South West Devon Joint Local Plan sets out the framework for consideration of all new development proposals within the Plymouth, West Devon and South Hams Local Planning Authority Areas. Policy SPT1 Delivering Sustainable development requires that proposals uphold the principles of sustainability with respect to their economic, social and environmental components. This is considered in tandem with policy SPT2 Sustainable linked neighbourhoods and sustainable rural communities, which directs growth according to the spatial strategy. These policies are supported by policy TTV1 Prioritising growth through a hierarchy of sustainable settlements, which organises the settlements of the TTV policy area (which covers much of South Hams) into a hierarchy. Growth is directed to the main towns in the first instance, to promote self-containment in order to support new growth and to support existing services. The hierarchy indicates that most development should be in the (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not. Policy TTV2 recognises the specific objectives of rural sustainability and TTV26 sets out the tests for development in the countryside.
- 1.2 The JLP does not define settlement boundaries, but states within paragraph 5.5 that development outside of built up areas will be considered in the context of policy TTV26 (Development in the Countryside). The Newton and Noss Neighbourhood Plan, however, does define settlement boundaries; the site is clearly located outside the built form of Newton Ferrers under policy N3P-1.
- 1.3 Consequently, for the purposes of policy TTV1 of the JLP, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside. In such circumstances policy TTV1 explains that: *“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.” Policy TTV27 does not apply to this case as the scheme is not for rural exception housing.*

- 1.4 In applying Policy TTV26 of the JLP, the aim of the policy is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, and only part 1 applies to development proposals considered to be in isolated locations. The second part of the policy is applied to all development proposals that are considered to be in countryside location. The application site is not considered to be isolated for the purposes of TTV26. In light of the aforementioned assessment, the LPA are considering the proposal against the policies of SPT1, SPT2, TTV1, TTV2 and TTV26 (2). Policies DEV15, DEV20, DEV23, DEV24, and DEV25, are also applicable, as well as policies N3P-1, N3P-9, and N3P-13 of the Neighbourhood Plan.
- 1.5 Policy SPT1 identifies a range of principles of sustainable development and SPT2 details a number of principles of sustainable linked neighbourhoods and sustainable rural communities. In support of policy SPT2, figure 3.2 provides a number of ‘aspirational’ measures of sustainable neighbourhoods and communities, such as walking distances to a bus stop, a local convenience store and a primary school. As a holiday let, the proposal would not require all of these amenities, such as the local school but the proposal does lie within the 800m distance to the local convenience store and the 600m distance to the nearest bus stop.
- 1.6 JLP Policy TTV2 supports *“the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.”*
- 1.7 JLP Policy TTV26.2 states, in relation to development in the countryside:

*“2. Development proposals should, where appropriate:*

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

Not every criterion within this part of the policy would be engaged or relevant to every proposal. However in this case, the proposal is not clearly in compliance with many of the criteria. Part (iv) is particularly relevant where there is a requirement that new development should respond to a proven occupational need that requires a countryside location. It is not disputed that, in some cases, a holiday accommodation development can be compatible with a countryside location. The issue in this case, having regard to the policy, is whether there is a proven and justifiable need for it.

- 1.8 JLP Policy DEV15 supports proposals for *“Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area”*. There is also a requirement to demonstrate safe access to the existing highway network, reduce the reliance on the private car with the submission of a sustainable travel plan, demonstrate a positive relationship with existing buildings and avoid incongruous or isolated new buildings. Matters relating to highways, sustainable travel planning and design are considered in the relevant sections later in this report.
- 1.9 Objectors have challenged the stated need for the additional holiday units. The applicant has provided information regarding the “demand” for additional holiday units within Newton Ferrers in an effort to address the requirements of DEV15. The Neighbourhood Plan recognises that the use of housing stock as second or holiday homes is having a *“significant impact on housing supply in, and the sustainability of, the villages of Newton Ferrers and Noss Mayo”* (p.48 NNNP). The Plan also includes commentary on the role of holiday homes when compared to second homes and the benefits that they can provide; *“holiday homes generate significant revenue and work opportunities and often the second homes are empty”* (p. 48 NNNP). Briar Hill is specifically recognised as making a contribution to the tourist economy whilst potentially reducing pressure on the local housing stock; *“Briar Hill Holiday Park (Newton Ferrers) currently provides 24 lodges for non-residential occupation (holiday accommodation) for part of the year as does Revelstoke Park at Stoke Beach which has 175 pitches open from Easter (or 1st April, whichever is sooner) to the end of October. Both of these facilities are licenced for holiday and short term occupancy only. These do not impact in the supply of main homes in the Parish, although it is acknowledged that owning a designated holiday property may reduce the demand for second homes on the open market. It is not anticipated that any new developments of commercial holiday properties will be acceptable in the AONB and Undeveloped Coast designated countryside. They also contribute to the meeting of 2006 Core Strategy Tourism Strategic Objective 21 ‘Provide for recreational use and enjoyment of the district’s towns, villages, countryside and coast’”* (P. 49 NNNP).
- 1.10 The NNNP provides a comprehensive strategy for growth which positively plans for development to meet its identified needs; it identifies where sustainable development should, and should not, go. In that regard Policy N3P-1 is instructive where it continues to give effect, with slight expansion, to the previous settlement boundary. The policy is clear that:  
*“Outside the settlement boundaries development will only be permitted in exceptional circumstances and where it will meet an essential local need which cannot otherwise be met including securing a viable long term future for a valued local asset which would otherwise be lost and it complies with the relevant strategic policies of the JLP.”* (*emphasis added*)
- 1.11 The application submission considers that the proposed lodges are required to support an existing rural business and that there are “exceptional circumstances” to warrant approval of development beyond the settlement boundary and within the Undeveloped Coast. JLP Policy DEV24 (Undeveloped Coast and Heritage Coast) expressly states, amongst other matters, that development will only be permitted where it *“Can demonstrate it reasonably requires a coastal location.”*

1.12 The economic benefits of providing additional tourism accommodation within walking distance from the facilities/amenities of Newton Ferrers need to be acknowledged. However, Officers have questioned whether there are sufficient “exceptional circumstances” to justify this development outside the adopted settlement boundary and within the Undeveloped Coast. Whilst users on the lodges on short term stays would likely make multiple trips into the village and spend money with local businesses, lodges which are essentially used as second homes (and therefore potentially left empty for weeks/months at a time) would likely contribute far less to the local economy. In response to this specific concern the agent to the application provided the following additional supporting statement:

*“In terms of short term commercial letting, out of the existing 24 lodges, 16 of the existing lodges are permanently available for short term holiday letting and registered with respective letting agents all through the year. This is acknowledged by local businesses in the letters of representation made directly in support of this application, who confirm that this greatly assists support their respective local businesses, especially through the quieter winter months. In addition, the 16 lodges are also consistently let out to the owners, their family and friends throughout the year.*

*Turning to the proposed 10 new lodges, we are happy for you to impose a planning condition (or indeed legal obligation if needed) to ensure that 100% of the new lodges shall be advertised and used for short term holiday letting for a minimum of 6 months throughout each year. In addition to this, outside this period they will of course also be used by the lodge owners as holiday accommodation and for their visiting extended family and friends for short term holiday breaks throughout the year.”*

The above suggested condition would provide some certainty that the development would provide some local economic benefits. However, Officers are also mindful that the proposal is essentially responding to a perceived “demand” for tourism accommodation rather than an evidential local “need” for this form of development as is required by the JLP and NNNP. As noted above, the NNNP explicitly states: “*It is not anticipated that any new developments of commercial holiday properties will be acceptable in the AONB and Undeveloped Coast designated countryside.*” Whilst the application contends the proposal is needed to support the ongoing viability of the existing lodge site, the existing site is itself beyond the adopted settlement boundary. Whilst economic viability of the existing lodge business is a consideration, the extent to which the proposed development meets an exceptional wider need of the local community (as opposed to private benefit/needs of the site owner) which could not otherwise be met is the key policy test in this case.

1.13 NNNP Policy N3P-13, on a benevolent reading, might be considered to apply to the development where it relates to the existing holiday park business. However, development in such circumstances is supported subject to compliance with the relevant limb of policy N3P-1 set out above. As the site lies beyond the settlement boundary the exceptional circumstances test needs to be applied.

1.14 At a strategic policy level, the site is not in a location where new development is directed, and is only supported in response to specific countryside/local needs. Being located within the Undeveloped Coast Policy serves to increase the bar for

justifying development. Whilst the proposal relates to the expansion of an existing holiday lodge business, this business is itself located outside the adopted settlement boundary for Newton Ferrers and any expansion needs to be justified as meeting an exceptional local need.

1.15 Taking all principle matters into consideration, on balance Officers are not persuaded that an exceptional circumstances have been demonstrated to justify development in the countryside which would not otherwise be supported. The proposal is considered to be in conflict with Policies SPT1, TTV1, TTV26, DEV15 and DEV24 of the JLP, and Policy N3P-1 of the NNNP.

## 2.0 Design/Landscape

2.1 The proposal is sited on the lower reaches of rising land behind the existing holiday park and is accompanied by a landscaping scheme to mitigate the visual impacts of the scheme. The SHDC Landscape Officer has reviewed the proposal and has commented that:

*“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.*

### **Documents referred to:**

- *Site Location Plan, DB0727/SLP, Derek Butler Designs Ltd*
- *Landscape Visual Impact Assessment, Redbay Design*
- *Landscape Visual Impact Assessment, Figure Set, Redbay Design*
- *Planning and AONB Statement, Mark Evans Planning Ltd*
- *Planting Plans 01 and 02, 740/01 Rev B, Redbay Design*
- *Section, 740/03 Rev C, Redbay Design*
- *Details and Notes, 740/04 Rev B, Redbay Design*
- *Arboricultural Impact Assessment & Method Statement Report, including Tree Protection Plan, Dart Forest*
- *As Proposed Site Plan, DB0727/05 Rev F*
- *As Proposed Sections, DB0727/06 Rev E, Derek Butler Designs Ltd*

### **Local Planning Policy - Landscape:**

*The site is within the AONB, and Undeveloped and Heritage Coast areas. The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034), and the Newton and Noss Neighbourhood Plan (made June 2018).*

- *DEV23 Landscape Character*
- *DEV24 Undeveloped Coast and Heritage Coast*
- *DEV25 Nationally Protected Landscapes*
- *N3P-1 – Settlement Boundaries.*
- *N3P-9 – Protecting the Landscape*

*The special qualities of the South Devon AONB considered to be most relevant to this application are:*

- *Fine, undeveloped wild and rugged coastline*
- *Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses*
- *Deeply rural rolling patchwork agricultural landscape*
- *Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops*
- *Iconic wide, unspoilt and expansive panoramic views*
- *A landscape with a rich time depth and a wealth of historic features and cultural associations*
- *A breadth and depth of significant habitats, species and associated natural events*
- *Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.*

#### **Landscape Character:**

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

*The area around the site exhibits typical characteristics of both the Devon Character Area and the South Hams Landscape Character Types, with the open, elevated and exposed farmed landscape closely juxtaposed with the valleys of the rivers and streams, and with picturesque villages within the coastal combes, and with some development associated with recreation and tourism. The high scenic quality is reflected in the designation as part of the South Devon AONB.*

*The Landscape Character Guidelines recognise that the continued demand for tourism-related development is a future Force of Change, resulting in further development of the area and incremental loss of the area's traditional character.*

*The South Devon AONB Planning Guidance (an annexe of the SD AONB Management Plan) also notes that extensions to permanent camping, caravan or chalet sites have the potential to harm the AONB when located in the countryside, or in prominent or exposed locations. The guidance also states that tourism or recreation development that conserves and enhances South Devon AONB will:*

- *Be well related to existing settlements or buildings;*
- *Be located to sit well in their landscape setting; supported by careful choice of design, materials, colours, lighting, glazing, boundary treatments and external landscape works;*
- *Take a comprehensive approach to improving the presentation, visual appearance and screening across the whole site, where changes to a camping, caravan or chalet site are proposed;*
- *Demonstrate high quality and distinctive design and materials;*
- *Use the low-key design language of existing boundaries, openings and surface treatments, avoiding the 'suburbanising' effect of elaborate fences, gateways, signage etc.;*
- *Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity;*
- *Provide facilities and amenities which support the quiet enjoyment of the AONB, especially for users of the South West Coast Path national trail;*
- *Be accessible by public transport or sustainable modes of transport like walking and cycling, in cases where facilities are likely to attract significant visitor numbers.*

**Comment:**

*The principle considerations for this consultation response are whether the application proposals would be acceptable in relation to Landscape Character and Visual Amenity. To be acceptable in policy terms, development in this location must demonstrate compliance with adopted local development plan landscape policies to ensure that the special qualities, distinctive character and key features of the South Devon AONB landscape, Heritage Coast and Undeveloped Coast will be protected, conserved and enhanced.*

*Notwithstanding the fact that the field in which the site is located is within the nationally designated landscape of the South Devon AONB, this is also a landscape that is valued for:*

- *its rural character in the setting of the settlement;*
- *the high scenic quality of local views towards and across the valley;*

*The application site is just outside the settlement boundary of the village.*

*The application is supported by a Landscape and Visual Impact Assessment (LVIA) The submitted document broadly accords with the best practice guidance of Guidelines for Landscape and Visual Assessment Edition 3rd Edition 2013 (GLIVA3), published by the Landscape Institute and Institute of Environmental Management and Assessment. The report's evaluations are noted, and I support the recommendations made for the design approach and the mitigation measures proposed.*

*From my own visits to viewpoints around the village, I would agree with the following points identified in the LVIA:*

- *The lower, southern portion of the site is relatively well screened behind nearby roof tops and vegetation, and that it is closely connected with the neighbouring holiday lodges.*
- *The steeply elevated northern portion of the field is significantly more visible from the surrounding landscape and is seen more in context with the larger neighbouring pastoral fields.*
- *The boundary hedge banks are characteristic of the area, and will restrict the extent of visibility of some areas of the site, but have become overgrown and 'gappy', and so there is opportunity for improvement.*

*The site layout and planting plans reflect the design approach and mitigation measures described in the LVIA, and I concur with the LVIA's evaluation that the landscape proposals respond appropriately to the surrounding context, and will soften and break up the appearance of the proposed lodges. I also concur that restricting the development of new lodges to the lower part of the site means that there very little change to the overall nature of views, and that as the planting matures, the proposed orchard and the tree planting and open meadow areas in the northern part of the site will provide an appropriate backdrop to the development and make a positive contribution to the appearance of the landscape setting of the village.*

*The landscape design approach is supported, and the proposals for native tree, hedge and shrub species, orchard planting and wildflower meadow creation are considered generally appropriate.*



*The proposals broadly accord with adopted policies DEV23, DEV24 and DEV25, with the local and wider landscape character being conserved, and with significant and adverse landscape or visual impacts avoided as a result of the design approach for the siting of the lodges, and for the landscape enhancements proposed for the wider site.*

*If the proposals are considered to meet the requirements of 'exceptional circumstances' and essential local need' contained in NNNP plan policy N3P-1 b) for development outside the settlement boundaries, in my opinion the proposal would meet the landscape and visual amenity requirements stated in NNP policy N3P-1 c).*

*A number of issues that should be addressed and/or noted if this application is recommended for approval:*

- 1. The red line of the application boundary is quite tightly drawn around the development of the lodges, but the majority of the landscape scheme that supports the application is contained within the blue line boundary (land in the ownership / control of the applicant). In my opinion it is the landscape scheme within both the red line and blue line areas that determines the acceptability of the development in relation to Landscape policy considerations. Without the accompanying landscape scheme, there would be no Landscape support for this application. It is therefore vital that all of the landscape proposals presented with the application are secured for implementation if approval is recommended.*
- 2. I note the SHDC Tree Officer has concerns about the Section Plan 740/03 Rev C, which illustrates a level change (raised ground level) within the RPA of Horse Chestnut Tree T8, protected by TPO1063 T2. The finished levels in the RPA of this tree must be confirmed in detail to avoid harm to the tree, and meet with the approval of the Tree Officer.*
- 3. The site plan has notes that the mature hedgerows on the eastern and western site boundaries are to be maintained. The Landscape scheme only provides details of new hedge maintenance, and I support the SHDC Tree Officer's view that the presence of mature and protected trees means that further details of the management of all existing hedgerows should be confirmed. These hedged boundaries are particularly important in filtering any visual effects on wider views resulting from the proposed development.*
- 4. The higher ground, within the blue line of the application, where landscape enhancements are proposed is more visually prominent and plays a key role in defining the rural character of the setting of the settlement. As such it is much more sensitive to change and is unlikely to be able to accommodate any further built development, without harming both the landscape character and visual amenity.*

***Recommendation: No Objection, provided that points 1-3 highlighted above are acceptably addressed. (Point 4 is recorded for information.)***

2.2 Officers have no grounds to disregard the above professional assessment of the proposal. Whilst it is accepted that local landscape character would be broadly conserved and significant and adverse landscape or visual impacts avoided as a result of the design approach for the siting of the lodges, this is on the basis that the lodges are acceptable in principle policy terms. As is set out above Officers are not satisfied that that exceptional need has been demonstrated. That being the case Officers can only conclude that the proposal does conflict with JLP Policies DEV23, DEV24 and DEV25 and NNNP policies N3P-1 and N3P-9 as the impact of the development is unjustified within this highly sensitive policy context. The positive aspects of the design approach and landscape enhancements proposed to do provide justification for a development that does not reasonably require this location which in policy terms is highly restricted.

### 3.0 Trees

3.1 There are three trees protected by a Tree Preservation Order on the site. In addition to the SHDC Landscape Officer's comments regarding the trees, the SHDC Tree Officer has also reviewed the proposal and has recommended a pre-commencement condition to address the protection of trees as below:

*"Please find below our consultation response in respect of the above noted Full Planning Application, which has been prepared following review of the following documents/plans*

- *Arboricultural Impact Assessment: jwmb/rpt1/briarhill/AIAAMS 17th November 2022*
- *Proposed Site Plan: DBD0727/05 Oct 2022 Rev F*
- *Site Section: 740/03 Rev C*

#### *Appraisal*

*1. The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.*

*2. An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery using officer prior knowledge of the site.*

*3. I note Section Plan 740/03 Rev C depicts grade change within the RPA of Horse Chestnut Tree T8, protected by TPO1063 T2. Further I note a target note on the site plan with reference to hedgerow to be maintained. I am unable to see further details of the proposed hedgerow management, given the presence of mature and protected trees such will be required for review prior to any commencement on site*

*4. Minor design change to prevent incursion of increased soil levels within the RPA of T8 would be required prior to any commencement on site.*

#### *Recommendation*

- *No objection on arboricultural merit subject to submission of hedgerow management details and variance of design that avoided incursion into the RPA of T8 for review prior to any commencement."*

3.2 Officers would consider it necessary to require the hedgerow management and root protection area details through condition in order to protect the hedgerows and trees during and post construction such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area in the event of any approval with reference to JLP Policies DEV26 and DEV28.

### 4.0 Neighbour Amenity

4.1 Officers note that concerns have been raised regarding increased noise and disturbance from the additional holiday units. Officers note that holidaymakers are more likely to stay up later into the evening than local residents, who may have work or school to attend but that the grant of planning permission would not exempt the occupants from compliance with other statutory controls, such as those relating to statutory noise nuisance. The park does not benefit from communal entertainment facilities which may give rise to additional noise and the new units would be sited at least c. 40m from the nearest residential dwellings. The nearest dwelling to the south is separated from the development by a small field, with boundary planting and interspersed with trees. When considered in the context of the existing holiday park, it is not considered that the

addition of ten further units would give rise to significant impacts on neighbour amenity through increased noise and disturbance so as to warrant a refusal solely on this basis. In this context, the proposal is considered to accord with the provisions of DEV1 and N3P-1(c).

## 5.0 Construction Management Plan

5.1 The Neighbourhood Plan (policy N3P - 4: Development and Construction) requires that the applicant “provide[s] safeguards during construction to protect against environmental damage or local nuisance particularly from deliveries and parking. Specific proposals are to be submitted with the application to demonstrate how this requirement will be met”. The applicant has submitted a Construction Management Plan to comply with this requirement. In the context of the scale of the proposal, this Plan is considered acceptable and it is considered appropriate to secure these details by condition in the interests of residential amenity and highway safety in accordance with policy N3P-4c of the Newton and Noss Neighbourhood Plan.

## 6.0 Highways/Access

6.1 The Devon County Council Highways Engineer reviewed the proposal and confirmed that there were no objections to the scheme from a highways safety perspective. This response was challenged by one of the objectors and additional comments were provided by the Highways Engineer;

*“Previous comments were raised without the benefit of relying on actual accident statistics related to users of the previously approved expansion. I have checked the accident records and despite there being previous expansions at the site and also further residential development in the village there are no injury related accidents that have occurred involving pedestrians walking on the roads in the village over the last 5 years. The no objection remains.”*

6.2 Officers would note that the proposal includes the provisions of two, publicly accessible EV charging points, which have been welcomed by the Parish Council. The proposal also includes parking spaces for the new holiday units, which are sited next to each of the units with turning space provided.

6.3 It is noted that a Public Right of Way runs across the main site entrance but this will not be altered as a result of the proposed development.

6.4 The applicant has submitted a Sustainable Travel Plan to accompany the application in order to reduce the reliance on the private car. Officers are mindful that the site is within walking distance to many of the facilities and amenities that holiday makers would require; the applicant has also committed to providing welcome packs to guests with details of public transport, along with publicly accessible EV charging points. While Officers would prefer additional measures to be provided, such as the provision of electric bikes, it has not been possible to secure these due to difficulties obtaining public liability insurance for these items. Officers are also mindful that the rest of the site is not currently subject to any sustainable travel planning measures (although this application is arguably an opportunity to provide clear betterment to the existing situation). As such, Officers consider that in this particular location, that the measures set out in the Sustainable Travel Plan are acceptable and would be conditioned as part of any approval with reference to JLP Policy DEV15. It is considered necessary to secure the

details of the Sustainable Travel Plan, in the interests of sustainability and to comply with Policy DEV15 of the Plymouth and South West Devon Joint Local Plan.

6.5 On this basis, Officers are satisfied that the broadly proposal accords with the provisions of DEV15 (as it relates to highways matters), DEV29 and N3P-5.

## 7.0 Surface Water Drainage

7.1 Paragraph 167 of the NPPF requires amongst other things that LPAs ensure that development does not increase flood risk elsewhere. JLP Policy DEV35 requires all developments to incorporate sustainable water management measures, with further detailed guidance in the adopted SPD. Policy N3P-6 of the Newton and Noss Neighbourhood Plan also includes drainage requirements.

7.2 The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme and supplied percolation tests to support the use of this method. The details were challenged by an objector on the grounds that the testing was undertaken nearly five years ago. The SHDC Drainage Engineer reviewed the information submitted and returned the following objection:

### *“Recommendations – Objection*

*Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.*

### *Observations and comments*

- *Percolation testing carried out in June 2018 so now nearly 5 years old, due to the time lapsed the test results are no longer valid.*
- *Test pit location described as ‘in approximate area of the soakaway’ only and was not recorded on the drainage layout plan.*
- *The site gradient is steep and mostly above 1:10, this has raised possible concerns over the viability of use of soakaways and permeable surfacing for the parking and access roads.*
- *Soakaway location 3 in close proximity to network of established trees and hedge boundary.*

### *Overcoming the objection*

- *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 pit locations must be indicative of soakaway location and if there are more than one soakaway then a test pit will need to be done for each in their respective locations. Test results and the infiltration rate to be included in the report.*
- *Given the size of the development we would advise a full drainage report to be carried out by a suitably qualified consultant.*
- *Permeable parking and access roads to be properly designed to SuDS manual C753 with specific reference to the suitably at the steep gradient.*
- *Soakaways must be away from root network of existing or proposed landscaping.*
- *Due to the gradient of the site an assessment of existing runoff is required to demonstrate that the proposed development does not alter or effect the existing surface water flows”.*

7.3 The above remains outstanding and raises a technical holding objection.

## 8.0 Foul Drainage

8.1 Objectors have advised that the arrangements for foul drainage are not clearly shown on the plans. Officers have confirmed with the applicant that there was an error on the original application form and that foul drainage will be connected to the mains sewer. South West Water have confirmed that that this connection is accepted, with the details to be secured by condition, to ensure the discharge of drainage from the development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment. On this basis, the proposal is considered to accord with the provisions of DEV35 and N3P-6.

## 9.0 Biodiversity

9.1 The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, are necessary to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

## 10.0 Low Carbon

10.1 The applicant has included solar panels within the scheme; this is considered acceptable, with the details to be secured through condition in the event of any approval in the interests of visual amenity and to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with JLP Policy DEV32.

10.2 The applicant has also provided a copy of the DEV32 checklist which details the measures included within the design and build of the dwellings in order to reduce the carbon footprint associated with the project and comply with the provisions of DEV32. It is considered necessary to secure these details through condition in order to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with DEV32.

## 11.0 Tamar European Marine Site

11.1 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 Plymouth Sound and Estuaries European Marine Site can be appropriately secured by Unilateral Undertaking, and this approach has been agreed by Natural England. As a completed and signed Unilateral Undertaking has not been received at this stage,

the proposal is considered to be contrary to the provisions of SPT13, SPT14, DEL1 and N3P-7.

## 12.0 Refuse and Recycling

12.1 On objector has raised concerns regarding the arrangements for refuse and recycling; the application has confirmed that they will utilise a commercial contractor and Officers are satisfied that the proposal accords with the provisions of DEV31.

## 13.0 Other Matters

13.1 Objectors have raised the issue of precedent should the application be approved; Officers would reiterate that each application is considered on its own merits in accordance with the policies in force at the time of determination. As such, this matter is not considered further within this report.

13.2 Concerns have been raised that the development will exceed the terms of the existing site licence; while these comments are noted, site licensing is controlled by separate process and as such, is considered beyond the scope of this report.

13.3 Concerns have been raised with regards to radon protection measures; This addressed through Building Regulations.

## 14.0 The Planning Balance:

14.1 The policies of the Development Plan deliberately seek to constrain development in this location, which falls within the highly sensitive landscape setting of the South Devon AONB and the Undeveloped Coast. Whilst close to the established built form of Newton Ferrers, the site falls outside the adopted settlement boundary where new development is required to demonstrate exceptional circumstances to justify its location. Officers have given careful consideration to the proposal and the potential economic benefits, both the to the existing holiday business operating from the wider site and the local economy more generally. However, the policy framework set out above sets a high bar for development being acceptable in this location. On balance, Officers are not persuaded that the proposal presents exceptional circumstances to justify development outside the settlement boundary and within the Undeveloped Coast. Whilst the proposal has been found to be acceptable in some policy respects, the positive benefits are not considered to be overriding. The application is principally recommended for refusal on this basis. In the absence of such exceptional circumstances, the proposal does not justify its impacts on the landscape within the South Devon AONB and Undeveloped Coast Policy Area and this presents a further reason for refusal.

14.2 In the absence of a completed and signed Unilateral Undertaking to secure the required EMS contribution, there is a further holding reason for refusal (which Officers would have sought to address with the Agent prior to determination had the development been considered acceptable in all other respects). An addition technical holding reason for refusal is also recommended with respect to surface water drainage.

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

## Planning Policy

### Relevant policy framework

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

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

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Newton and Noss Neighbourhood Plan ('made' July 2018)**

N3P-1 The Village Settlement Boundaries  
N3P-4 Development and Construction  
N3P-5 Movement and Parking  
N3P-6 Drainage and Flooding  
N3P-7 Planning Obligations and Commuted Sums  
N3P-9 Protecting the Landscape  
N3P-13 Business Premises

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

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

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

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



## PLANNING APPLICATION REPORT

**Case Officer:** Liz Payne

**Parish:** Wembury **Ward:** Wembury and Brixton

**Application No:** 2215/23/FUL

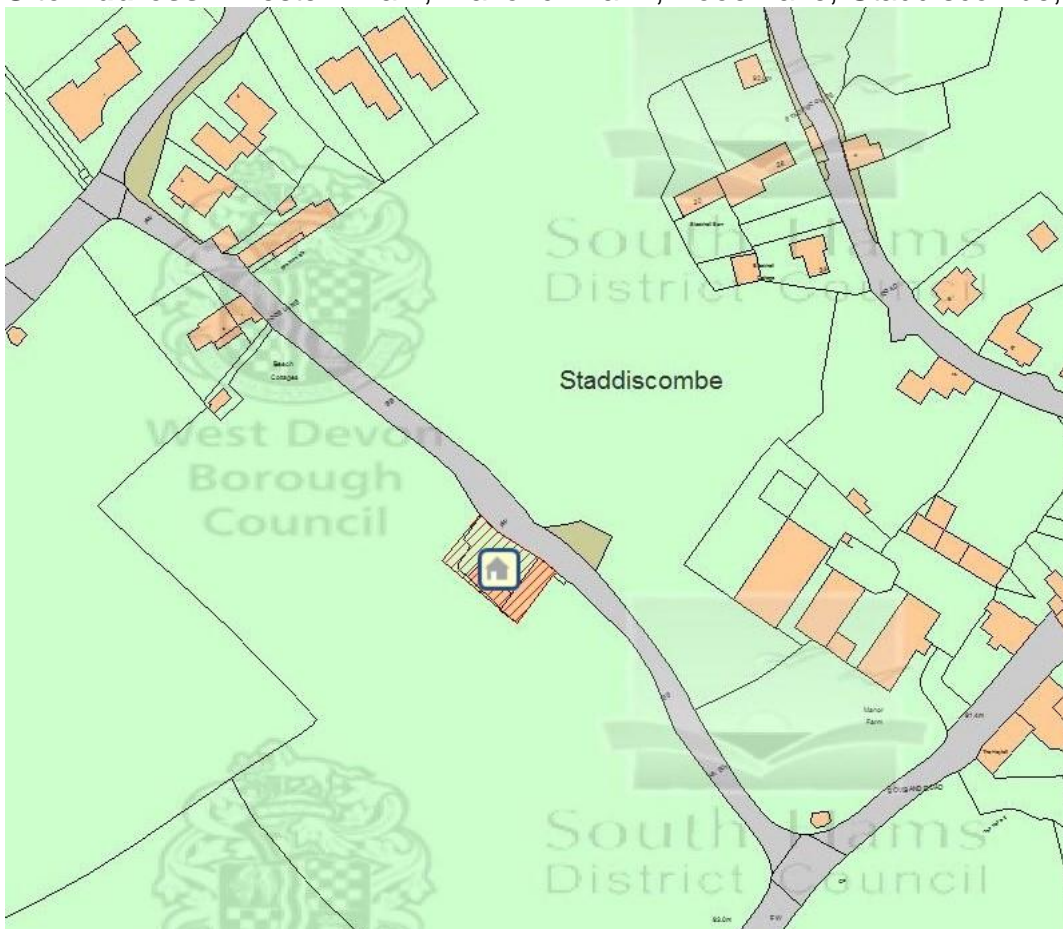
**Agent:**

Mr Jason Battle - Studiojb Architectural Services Ltd  
Unit A1 Apollo Court  
Neptune Park  
Plymouth  
PL4 0SJ

**Applicant:**

Miss Wendy Veale  
Western Barn  
Manorick Farm  
Hooe Lane  
Staddiscombe, Plymouth  
PL9 9ND

**Site Address:** Western Barn, Manorick Farm, Hooe Lane, Staddiscombe, PL9 9ND



**Development:** Conversion of barn to dwelling including rebuild of stone wall (part retrospective)

**Reason item is being put before Committee:** At the request of Cllr Nix. *'This application already had planning permission and all conditions have been adhered to in the current build. The local Parish Council have supported this application and it would bring a historic local building back into use and support the local policy of allowing properties to be constructed for local people to live in their local areas. The look of the property will be in keeping with the local vernacular and although the property is on the edge of the small built up area, there are properties further into the countryside than this one.'*

## **Recommendation: Refusal**

### **Reasons for refusal:**

1. The proposed development, by reason of the extent of rebuilding, is considered tantamount to the construction of a new dwelling in the countryside. The site is located in an unsustainable location in the Undeveloped Coast, which is not well served by public transport or safe or suitable walking and cycling opportunities to access a vibrant mixed use centre with facilities for day to day living. As a result the development is considered contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV24 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.
2. Insufficient information has been submitted to evidence that the proposed drainage scheme submitted can be accommodated by sustainable water management measures and not increase flood risk or impact water quality elsewhere. As such, the proposal is contrary to DEV35 of the JLP.

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

Principle of development; design and landscape; climate emergency; ecology.

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### **Site Description:**

The application is proposed on the site of a former traditional, stone barn and associated yard area. The site is located on the south western side of Staddiscombe and is situated off an unnamed road between Bovisand Road and Bovisand Lane.

The site lies within the South Devon AONB and Undeveloped Coast. The site is also within close proximity to Wembury Point which is used by the MOD.

### **The Proposal:**

The proposal is for the provision of a dwelling on the site of a traditional stone barn and seeks retrospective permission to dismantle and rebuild three walls of the barn, replace the roof with slate tile, enclose the open side of single storey lean to and undertake landscaping works to alter ground levels around the building. The finished building would incorporate stone walls, slate tiles, aluminium windows and solar panels on the main building with PPC cladding sheets and hit and miss cladding over proposed glazing along the lean to.

Internal accommodation would be arranged over two levels and includes two bedrooms, one with en-suite; open plan living area, shower/utility and study/third bedroom. The former agricultural yard would provide a parking area and garden.

### **Consultations:**

- County Highways Authority: no highway implication
- Environmental Health Section: no objections.
- Wembury Parish Council: made the following comments:
  - *No Objection- do not believe it impacts on any neighbour and without work it will deteriorate further.*

- Ministry of Defence: no objections
- SHWD Drainage Officers: object
  - Insufficient information has been provided on; recommend that the application is not decided until these issues have been overcome.

## **Representations:**

### **Representations from Residents**

22 letters have been received which support approval of the application. These representations cover the following broad points:

- Stone barn is not suitable for agricultural use and has been redundant for many years; application provides a suitable use; better to see barn converted than allowed to collapse;
- Applicant has local connection and its important she can remain in village; applicant continues to farm the land;
- Visually acceptable in landscape; in keeping with local area; uses local materials including the original stone;
- Protects and enhances historic barn
- The barn will look like the original barn
- A building has stood on this land for many years so it is not a new development unlike many that have been approved in recent years in the area
- The barn is located within a residential area, so will not contribute towards urban sprawl
- More suitable than some conversions undertaken under Class Q permission;
- Conversion is being undertaken in a sensitive and sympathetic manner;
- Will have positive impact on biodiversity;
- No impact on access;
- Building is being built sustainably with consideration given to energy efficiency/low carbon;
- Far too many properties being bought by developers for use as second homes;
- Meets SPT1, SPT2 and TTV26;

4 letters have been received which express an undecided view. These representations cover the following broad points:

- The original character of the barn has been lost and the new walling that has been erected is dressed/faced stone and not rustic.
- Structural survey by Maurice Parker is dated after the demolition of the walls;
- Approving this application could set a precedent for other developers to demolish and rebuild;
- In view of the recent public outcry over the demolition of the Crooked Inn Pub property developers need to be held to account over violating planning rules
- A historic 19th century barn has been lost that with modern underpinning, foundation floats and internal structures could have been sympathetically restored.

### **Relevant Planning History**

- 58/1077/80/4 - 29/07/1980 - Refusal  
Change of use of barn to dwellinghouse
- 3490/18/FUL - 11/07/2019 - Conditional Approval  
READVERTISEMENT (Revised Plans) Change of use/conversion of agricultural building to dwelling
- 0085/22/VAR - 18/02/2022 - Withdrawn  
Application for variation of a condition 14 of planning consent 3490/18/FUL

- 2952/22/ARC - 09/11/2022 - Discharge of Conditions - SPLIT DECISION  
Application for approval of details reserved by conditions 3 (roofing specification), 9 (surface water drainage), 10 (foul drainage) & 17 (Tamar European Marine Site scheme) of planning consent 3490/18/FUL
- 3570/22/ARC - 23/01/2023 - Refused  
Application for approval of details reserved by condition 15 (landscaping) of planning consent 3490/18/FUL
- 3571/22/VAR - 23/01/2023 - Withdrawn  
Application for variation of condition 6 (joinery details) of planning consent 3490/18/FUL

## ANALYSIS

### Principle of Development/Sustainability:

The application site is within close proximity to the settlement of Staddiscombe, a linear village which predominately lines the northern side of the Staddiscombe Road. The site is separated from the settlement by Hooe Lane, a field and cluster of farm buildings. Within the Joint Local Plan, whilst Staddiscombe is within the Plymouth Policy Area, the application site is within the Thriving Towns and Villages Policy Area and Undeveloped Coast. It is physically separated from the settlement and has a rural character.

At the heart of the spatial strategy of the Joint Local Plan (JLP) is the need to use sustainable development as the framework for growth and change. Policies SPT1 and Policy SPT2 set out the overall spatial strategy to deliver a sustainable society, environment and economy, where effective use of land is made for development, and the best and most versatile agricultural land is protected for agricultural use, and local distinctiveness and sense of place is respected. Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements and TTV2 builds on the principles of SPT1 and SPT2 through particular aspects of rural sustainability that should be supported through the development process.

Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'. Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only "*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*".

From the application site, the route into Staddiscombe is via Hooe Lane and Bovisand Road, and would entail a 300m walk to reach the nearest bus stop. Although it adjoins the larger settlement of Plymstock, there are limited facilities within Staddiscombe itself and while the bus stop is within the acceptable walking distance for pedestrians, as set out in JLP policy SPT2 (Fig 3.2) other facilities are not. In addition, Hooe Lane is a narrow and unlit lane which is single track in places and meets Bovisand Road at a point where the national speed limit applies. Pedestrians would be required to walk on the road along Hooe Lane and Bovisand Road which Officers do not consider to be safe and activity would likely be restricted to daylight hours. A longer route heading north along Hooe Lane would join Staddiscombe Road at the point where a restricted speed limit applies but this would almost double the walking route and would not negate the need to walk on the road along Hooe Lane. Any

development in the location of the application site would therefore be reliant on a private car for basic provisions and facilities and as such it would not be considered a sustainable location. For this reason the development does not accord with SPT1 and SPT2.

Policy TTV26 of the JLP relates to development in the countryside and supports proposals that can demonstrate that a countryside location is required. The aim of the policy is to protect the role and character of the countryside and sets a necessarily high threshold to ensure development in the countryside should occur only in exceptional circumstances. The policy is divided into two different sets of requirements; part one (TTV26 (1)) applies to development proposals considered to be in isolated locations. The second part of the policy, (TTV26 (2)) is applied to all development proposals that are considered to be in a countryside location.

Due to the proximity of Staddiscombe the application site is not considered isolated and part 1 of policy TTV26 is not applicable.

Part 2 of Policy TTV26 does apply. Policy TTV26 provides a policy framework for guiding development within the countryside.

Part 2 reads:

*2. Development proposals should, where appropriate:*

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

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

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

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

*Avoid the use of Best and Most Versatile Agricultural Land (BMVL).*

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

The applicant has described the proposed development as a barn conversion. Planning permission was granted in 2019 for the conversion of a traditional barn and an attached lean-to barn to a dwelling. The proposed works involved the retention of the main structure with minor alterations including the replacement of the roof, the formation of two roof light openings, a narrow slit window and the infilling of the existing open side of the lean-to with hit and miss glazing. At that time Officers considered the barn to be of such architectural and historic character that it was considered a non-designated heritage asset and it was concluded that a sympathetic conversion to residential would represent the optimal viable use of the heritage asset.

This application was accompanied by a structural report which concluded that to be suitably converted, the barn would require a strengthened or replacement timber roof structure, yet considered that 'the masonry walls to the barn are in a reasonable structural condition'. As such, the application for the conversion of the building that then existed was approved, with this Structural Report included in the list of approved documents.

Since the planning permission was granted for the conversion of the barn, the applicant has commenced works on site and commissioned a further structural survey which found that the two flanking walls of the barn were structurally unsound. These two walls and the south elevation wall (which was partially concrete blockwork) were subsequently dismantled and

the stone saved. The building is currently in a state of partial rebuild with blockwork clad in the saved stone. As the existing walls have been rebuilt the development is not in accordance with the approved details of the previous permission.

TTV26 2ii allows the re-use of traditional buildings where they can be renovated without the need of significant enhancement or alteration. The proposal as presented in this application, including the submitted structural report, requests retrospective permission for the dismantling and rebuilding of three walls with ground works to enable suitable foundations. The report states that alternative means of strengthening the structure risked the collapse of the external walls. Paragraph 11.56 of the JLP SPD specifies that 'significant alterations' refers in particular to supporting structures that require replacement and as such, the rebuilding of these external walls are deemed a significant alteration and the proposal is not supported by TTV26 2ii. This approach is reiterated within the Traditional Farm Buildings: Their Adaption and Re-use 2020 which states that were further demolition is undertaken during development, and where all the demolitions put together amount to a large part of the building's fabric being replaced, then the a scheme would need to be reassessed as a new-build.

Notwithstanding the comments received from letters of representation that state that the applicant's family historically farmed the land and that the applicant would continue to farm a smaller area, no information has been submitted to show that the development is complementary to an agricultural operation or required for an occupational need. The proposal does not meet any other criteria of TTV26.

Whilst permission was granted for the conversion of the building that then existed and was deemed to comply with policy at that time, that is not the scheme now tabled. The substantial amount of rebuilding that has taken place and is proposed is considered tantamount to the construction of a new dwelling in the countryside and to conflict with JLP policies TTV26 and TTV1, SPT1 and SPT2.

#### Design/Landscape:

The proposed design differs to that of the initial permission of the barn conversion. The lean-to element is extended slightly to create a more regular and less vernacular shape ground floor. Added to this the surrounding ground levels to the south west are lowered to reveal more of the south west elevation and three regular domestic sized window openings are proposed. The replicated slit windows have been lowered in height to align with internal floor levels and additional rooflights and a double glazed door have been proposed on the south east elevations. These alterations give the final design a more domestic character than the original barn but the scale and finished materials of the proposal does respond to the general appearance of the original building and other buildings within the landscape. As the authenticity of the original building has been lost through the extent of rebuild there is little benefit of replicating each detail of the former barn. As such, the proposed design would, through its scale and finished materials, reflect the local buildings within the wider area and respond to the landscape. As noted above, the original building was considered to constitute a non-designated heritage asset. Given the loss of historic fabric and the substantial amount of rebuilding and alterations now proposed, the building cannot reasonably be considered a non-designated heritage asset any longer; and no weight is attributed to this factor.

Policy DEV10 requires all dwellings meet the Nationally Described Space Standards. The floorplans identify two bedrooms and one bedroom/ study, but further detail on the proposed layout of the rooms is not shown. Considering the size and internal dimensions of the

bedrooms, including the study, in comparison with the Nationally Described Space Standards the property could accommodate three double bedrooms. A three bedroom property on two floors is required to have a total internal floor area of 102 sq m. The property has an internal floor area of 164sq m at ground floor and approximately 15sqm at first floor level, taking into consideration the reduced head height for some parts of the upstairs room. As such, the internal floor area and provision of inbuilt storage meets the Nationally Described Standards.

Criterion 5 of policy DEV10, states that sufficient external amenity space or private gardens should be provided with new dwellings. For a detached property the minimum standard is 100 sqm, excluding the parking area. As submitted the proposal comprises approximately 70 sq m of outdoor space which is not given over for vehicle parking or turning. Officers acknowledge that the form of the proposed curtilage is similar to the current curtilage of the building and relates well to the layout of the existing building without extending arbitrarily into the open countryside. The proposal currently comprises a large area of hardstanding for vehicles and potentially a revised landscape plan could create a larger amount of garden area without jeopardising parking provision. If the scheme were otherwise acceptable a condition requiring a hard and soft landscaping scheme prior to occupation could be conditioned to ensure a satisfactory amount of amenity land would be provided.

#### Neighbour Amenity:

No concerns are raised with regards to neighbour amenity, with the building situated at a good distance from its nearest neighbour.

#### Highways/Access:

The Highway Authority has not provided any comments. No issues are raised with regards to the existing access and the proposal seeks to reuse this. The submitted site plan shows that there is sufficient external area to accommodate two parking spaces, the required amount for a two or three bedroom property, plus provision to turn and enter and leave the property forward facing. As such, the proposal meets the requirements of policy DEV29.

#### Ecology

An ecology survey in 2017 recorded evidence of use of the barn by Barn Owls (although not nesting), Sparrows and Swallows, and no evidence of use by bats. A further survey was undertaken in February 2023 and recommended the provision of two pole mounted Barn Owl boxes (already present on Site), Barn Owl loft with lancet window access, four integrated nesting opportunities, wall top opportunities for crevice dwelling bats and nesting opportunities for Swallows to ensure a proportionate contribution to biodiversity net gain (BNG). In addition, the survey recommends limiting external lighting. This reflects the mitigation and compensation set out in the 2017 report.

The site falls within the Zone of Influence for new residences having a recreational impact on the Tamar European Marine Site (comprising Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). The Zone of Influence has been updated as part of the evidence base gathering and Duty to Cooperate relating to the JLP. A study has been carried out which looked at the recreational pressure of new residents from new development upon the Tamar EMS which has confirmed a 12.3KM Zone of Influence. Accordingly the recreational pressure of new residences associated with the development would require mitigating to ensure they do not have a significant impact on the Tamar EMA. A Tamar Contribution Payment has been received on 15th September 2022 under the previous application 3490/18/FUL. If the application were otherwise acceptable a Deed of Variation would be required to update the legal agreement to reflect the details of a new permission.

For the above reasons, subject to conditions to secure the biodiversity enhancements and a Deed of Variation, the proposal would be in accordance with JLP Policy DEV26.

### Drainage

The SHWD Drainage Officer has raised concerns with the submitted surface drainage scheme and has objected to the scheme on the grounds of insufficient information. The submitted testing does not reflect the depth of the proposed soakaway and therefore does not evidence the suitability of the site. Details to confirm the size of the proposed soakaway shown on the plans are not provided and insufficient details of the permeable parking have been submitted.

Insufficient information has been submitted to evidence that the proposed drainage scheme submitted can be accommodated by sustainable water management measures and not increase flood risk or impact water quality elsewhere. As such, the proposal is contrary to DEV35 of the JLP.

### Climate Emergency

The Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued by South Hams and West Devon Councils and identifies measures for new development to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements. Officers have assessed the submitted Climate Emergency Compliance Form.

The submitted Energy and Sustainability Assessment shows that the proposed scheme would address the mitigation measures M1 – M4 and all adaption requirements as set out within the CEPS.

The JLP policies DEV31 and DEV32.1 advocate reuse, recycling and resource minimisation through the development process. Where an existing building is proposed to be rebuilt, the net overall carbon cost of the project should be offset within 25 years through carbon savings achieved by operational use of the replacement building. An assessment of this type has not been made for the proposal, however the Climate Emergency Planning Statement does allow an exception where it can be justified that the building is structurally unsafe and is in a condition that cannot be safely remediated as part of a comprehensive retrofit. The structural survey has evidenced that the original building was unlikely to withstand a conversion and therefore this element does not apply.

As such, the proposal is in accordance with policy DEV32 and the requirements of the Climate Emergency Planning Statement. If the proposal were otherwise acceptable a condition could be applied to secure the provisions of the Climate Emergency measures.

### Other Matters:

The sites lies within close proximity to Wembury Point which is owned by the MOD, and in accordance with their guidance the MOD have been consulted on the current application. No safeguarding issues were raised.

A geotechnical report has been submitted by Advance dated June 2022 and the assessment concludes that there are unlikely to be contaminants of concern but recommends that unexpected contamination is reported to the LPA. The SHWD Environmental Health Officer agrees with this conclusion and has recommended that were the application to be approved



a condition should be included to require further surveys should “unexpected contamination” be found.

### Conclusion

The policies of the JLP allow for the re-use of existing buildings in the countryside provided certain criteria are met; and there is a logic to allowing the re-use of characterful rural buildings that have outlived their original purpose and are disused or redundant. However, the presumption is that the existing building is physically sound and capable of re-use. Policy does not support the replacement of an existing building if the original building is structurally unsound. In such a case, the logic is that the building has reached the end of its life; there is, in effect, no existing building capable of conversion. In this case, whereas permission was granted to convert the original barn to a dwelling, and that building was deemed worthy of retention in the rural landscape - indeed to constitute a non-designated heritage asset, that permission has not been implemented. Notwithstanding the original survey, the barn was found to be structurally unsound and the work that has taken place, and is now proposed, includes the replacement of the majority of the external walls of the building. Owing to the amount of rebuilding now proposed, the proposed development is considered to be tantamount to the construction of a new building rather than the conversion of an existing building. As such, having regard to the JLP, the proposal would result in nonessential, unsustainable new development in the countryside without demonstrable justification contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26 of the Plymouth and South West Devon Joint Local Plan. In addition, insufficient drainage details have been provided to evidence accordance with DEV35.

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

### **Planning Policy**

#### Relevant policy framework

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

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

On 14<sup>th</sup> 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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
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  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Wembury Neighbourhood Plan**

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

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); Traditional Farm Buildings: Their Adaptation and Re-use 2020.

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

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

## PLANNING APPLICATION REPORT

**Case Officer:** 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.

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## 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.



# South Hams District Council Agenda Item 7

## DEVELOPMENT MANAGEMENT COMMITTEE 13-Sep-23

Appeals Update from 19-Jul-23 to 25-Aug-23

### Ward Bickleigh & Cornwood

APPLICATION NUMBER: **3308/22/FUL** APP/K1128/W/22/3312549  
APPELLANT NAME: Charles Hattersley  
PROPOSAL: Siting of a single storey lodge for holiday let accommodation,  
including wheelchair access  
LOCATION: Rose Cottage Station Road Bickleigh PL6 7AL **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 01-June-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 23-August-2023

### Ward Dartmouth and East Dart

APPLICATION NUMBER: **2824/22/FUL** APP/K1128/W/23/3318346  
APPELLANT NAME: Mr & Mrs Coker  
PROPOSAL: Create a double garage submerged into a high level bank on an existing parking area  
LOCATION: Car parking area at Weeke Hill Dartmouth **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-August-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

### Ward Dartmouth and Kingswear

APPLICATION NUMBER: **1304/22/FUL** APP/K1128/W/23/3314024  
APPELLANT NAME: Loca Shading Designs  
PROPOSAL: Retractable canopy structure on the existing flat roof area with  
glazing to the front elevation. Fixed roof behind to create storage space.  
Replacement  
of first floor front windows with full width glazing  
LOCATION: Steam Packet Inn 3 Fore Street Kingswear Devon **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 30-March-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 20-July-2023

### Ward Ermington and Ugborough

APPLICATION NUMBER: **0757/23/PDM** APP/K1128/W/23/3323793  
APPELLANT NAME: Mr Gareth Derrick  
PROPOSAL: Application to determine if prior approval is required for a proposed  
change of use of agricultural buildings/barns to 1No (class C3) & for associated  
development (Class Q (a+b))  
LOCATION: Yeo Farmhouse Ermington Road Ivybridge PL21 0LF **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-August-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **1042/22/PDM** APP/K1128/W/23/3320840  
APPELLANT NAME: Mr Gareth Derrick  
PROPOSAL: Application to determine if prior approval is required for a proposed  
change of use of agricultural building to 1No. dwellinghouse (Class C3) and for  
associated operational development (Class Q (a+b))  
LOCATION: Yeo Farmhouse Ermington Road Ivybridge PL21 0LF **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-August-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

### Ward Kingsbridge

APPLICATION NUMBER: **1386/22/FUL** APP/K1128/W/23/3315666

APPELLANT NAME: Mr David Whittington  
PROPOSAL: Erection of six new residential dwellings (resubmission of 3830/20/FUL)  
LOCATION: Dennings Wallingford Road Kingsbridge TQ7 1NF **Committee**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 30-March-2023  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 18-August-2023

APPLICATION NUMBER: **4465/22/LBC** APP/K1128/Y/23/3320829  
APPELLANT NAME: Liam Wills  
PROPOSAL: Listed Building Consent to replace existing softwood timber windows  
LOCATION: 60 Church Street Kingsbridge TQ7 1DD **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 07-August-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **4088/21/FUL** APP/K1128/W/22/3303726  
APPELLANT NAME: Mr & Mrs Julian & Fiona Perry  
PROPOSAL: Erection of replacement dwelling and garage, relocation of access and associated works (Resubmission of 3943/20/FUL)  
LOCATION: Appleford Bowcombe Road Kingsbridge TQ7 2DJ **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 08-February-2023  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 20-July-2023

**Ward Loddiswell and Aveton Gifford**

APPLICATION NUMBER: **3195/22/CLE** APP/K1128/X/23/3326543  
APPELLANT NAME: Mr Jonathan Gaskins  
PROPOSAL: Certificate of Lawfulness for existing single storey timber barn being used as a single dwelling house  
LOCATION: Land At Sx 687 746 Borough Cross To Waterfoot Aveton Gifford Devon **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 27-July-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER: **2380/22/FUL** APP/K1128/W/23/3315428  
APPELLANT NAME: Mrs Jane Greaves  
PROPOSAL: Application for construction of detached annexe  
LOCATION: The Cedar House Moulton Hill Salcombe TQ8 8LF **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 13-April-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 20-July-2023

APPLICATION NUMBER: **2098/22/VAR** APP/K1128/W/23/3314127  
APPELLANT NAME: Mrs F Gassor and Durrant  
PROPOSAL: Application for variation of condition 2 (approved plans) of planning consent 3778/19/FUL (Proposed new dwelling in the garden of The Lookout)  
LOCATION: Land adjacent to 39 Weymouth Park Hope Cove TQ7 3HD **Officer member delegated**  
APPEAL STATUS: Appeal Withdrawn  
APPEAL START DATE: 30-March-2023  
APPEAL DECISION: Withdrawn  
APPEAL DECISION DATE: 20-July-2023

APPLICATION NUMBER: **3283/22/HHO** APP/K1128/D/23/3323966  
APPELLANT NAME: Mr A Rochford  
PROPOSAL: Householder application for erection of a western red cedar clad bin & bike store to front

LOCATION: garden (Retrospective) Towans Grenville Road Salcombe TQ8 8BJ **Officer member delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 10-August-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **3534/22/HHO** APP/K1128/D/23/3319432

APPELLANT NAME: Nial Rudd  
PROPOSAL: Householder application for new first & ground floor extension & the existing internal layout will be reconfigured to provide open-plan living spaces & internal access to the lower ground floor

LOCATION: Loring Cottage Loring Road Salcombe TQ8 8AT **Officer member delegated**

APPEAL STATUS: Appeal decided  
APPEAL START DATE: 13-June-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 25-July-2023

APPLICATION NUMBER: **3910/22/FUL** APP/K1128/W/23/3320867

APPELLANT NAME: Mr Jason Privett  
PROPOSAL: Demolition of unrestricted Class C1 self-catering holiday let & replacement with Class C3 dwelling (Resubmission of 3530/21/FUL)

LOCATION: Sea Thrift Hope Cove TQ7 3HH **Officer member delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 16-August-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

### **Ward Stokenham**

APPLICATION NUMBER: **3318/20/FUL** APP/K1128/W/22/3299704

APPELLANT NAME: Mrs Sarah Hamner  
PROPOSAL: Renovation of a disused barn and yard to create a new dwelling with associated landscaping works

LOCATION: Development site at SX 810 395 Beeson Devon **Officer delegated**

APPEAL STATUS: Appeal decided  
APPEAL START DATE: 07-February-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 01-August-2023

APPLICATION NUMBER: **1187/22/OPA** APP/K1128/W/23/3313997

APPELLANT NAME: Mr William Costeloe  
PROPOSAL: Outline application with some matters reserved (appearance, landscaping & layout)

to construct a selfbuild single family dwelling to provide a safe & functional home environment

LOCATION: Land to the south of Care House Cross Stokenham TQ7 **Officer member delegated**  
2SL

APPEAL STATUS: Appeal decided  
APPEAL START DATE: 30-March-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 25-July-2023

### **Ward Totnes**

APPLICATION NUMBER: **1353/22/HHO** APP/K1128/W/22/3305794

APPELLANT NAME: Mr Joe Collins  
PROPOSAL: Householder application for roof extension

LOCATION: 13 Springhill Road Totnes TQ9 5RD

APPEAL STATUS: Appeal decided  
APPEAL START DATE: 19-April-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 24-July-2023

### **Ward Wembury and Brixton**

APPLICATION NUMBER: **2579/22/HHO** APP/K1128/D/23/3317613

APPELLANT NAME: Mr and Mrs Stephen Lang

PROPOSAL: Householder application for conversion of existing garage to extra living accommodation  
LOCATION: Red Gables Cliff Road Wembury PL9 0HN  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 16-June-2023  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 08-August-2023

**Committee**

## Undetermined Major applications as at 25-Aug-23

	Valid Date	Target Date	EoT Date
<b>4181/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>31-Dec-23</b>

**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 September 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 December 2023

	Valid Date	Target Date	EoT Date
<b>4185/19/OPA</b> Ian Lloyd	9-Jan-20	9-Apr-20	<b>31-Dec-23</b>

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

**Description:** Outline application for provision of up to 1,640 new dwellings up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses) a new primary school areas of public open space including a community park new sport and playing facilities new access points and vehicular, cycle and pedestrian links strategic landscaping and attenuation basins a primary substation and other associated site infrastructure. All matters reserved except for access.

**Comment:** Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to September 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 December 2023

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

**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
<b>3623/19/FUL</b> Steven Stroud	14-Apr-20	14-Jul-20	<b>1-Jan-23</b>

**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/awaiting a further drainage report from applicant. S106 HoT broadly settled and NHS contribution agreed. JLP response has been received which requires further consideration.

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

**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
<b>0544/21/FUL</b> Chloe Allen	15-Feb-21	17-May-21	<b>31-Oct-23</b>

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

**Description:** Construction of 16 dwellings with associated access and landscaping

**Comment:** Extension of time agreed until 31<sup>st</sup> October 2023. Agent considering options for development of the site, application paused.

		Valid Date	Target Date	EoT Date
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
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 Green Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)

**Comment:** Under consideration by Officer, ext of time agree

		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	30-Sep-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:** Report currently being written

		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 and 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. Further drainage details received and with LLFA.

	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 Lucy Hall	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

	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: s106 under negotiation.

	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 and 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 and documents) Construction of 39No. two-storey dwellings with associated Landscaping

Comment: Awaiting updated plans following external/independent design review.

	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 and 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

	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 (amended description and documents) Outline application with some matters reserved for residential development and associated access

Comment: Currently being re-advertised with amended description and documents. Consultation expires 07/09/23, EoT until 31/10/23.

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

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

**Description:** READVERTISEMENT (revised plans) Application for variation of condition2 (approved drawings) following grant of planning permission Ref 0265/20/ARM (approved by Appeal APP/K1128/W/21/3272629)

**Comments:** Revised plans submitted 18/08/23. Will be re-advertised for public comment before progressing to Officer recommendation.

		Valid Date	Target Date	EoT Date
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 and specifically relating to the WatersideApartments Building, raised walkway and Central Square only and associated conditions 15, 20, 36, 49 and 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
1640/23/FUL	James Gellini	12-May-23	11-Aug-23	

**Address:** Land At Sx 784 583, Harberton,

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

**Comment:**

		Valid Date	Target Date	EoT Date
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 and 13 following planning consent 2101/19/FUL

**Comments:** Under Consideration

		Valid Date	Target Date	EoT Date
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)

**Comment:**

		Valid Date	Target Date	EoT Date
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)

**Comment:**



	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, Plymou

**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

**Comment:**

	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 for 269 no. dwellings on parcels B1-11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 3B of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

**Comment:**

	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)

**Comment:**

	Valid Date	Target Date	EoT Date
1425/23/VAR Lucy Hall	28-Jun-23	27-Sep-23	

**Address:** The Lanterns, Grand View Road, Hope Cove,

**Description:** Application for variation of condition 2 (approved drawings) of planning consent 2101/19/FUL (resubmission of 2066/18/FUL)

**Comment:**

	Valid Date	Target Date	EoT Date
1619/23/FUL Peter Whitehead	28-Jul-23	27-Oct-23	

**Address:** Land At Sx 5083 6341, Roborough Down, Plymouth,

**Description:** Construction of a ground mounted solar PV array and ancillary infrastructure

**Comment:**

	Valid Date	Target Date	EoT Date
2505/23/VAR Peter Whitehead	2-Aug-23	1-Nov-23	

**Address:** Deer Park Inn, Dartmouth Road, Stoke Fleming, TQ6 0RF

**Description:** Application for variation of Condition 2 (approved plans) of planning consent 0679/18/FUL

**Comment:**

	Valid Date	Target Date	EoT Date
2733/23/VAR PI Officer	9-Aug-23	8-Nov-23	

**Address:** Stowford Mill, Harford Road, Ivybridge, PL21 0AA

**Description:** Application for variation of condition 3 (approved drawings) of planning consent 27/1336/15/F (part retrospective)

**Comment:**

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