

## PLANNING APPLICATION REPORT

**Case Officer:** Cheryl Stansbury

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

**Application No:** 0227/20/FUL

**Agent:**

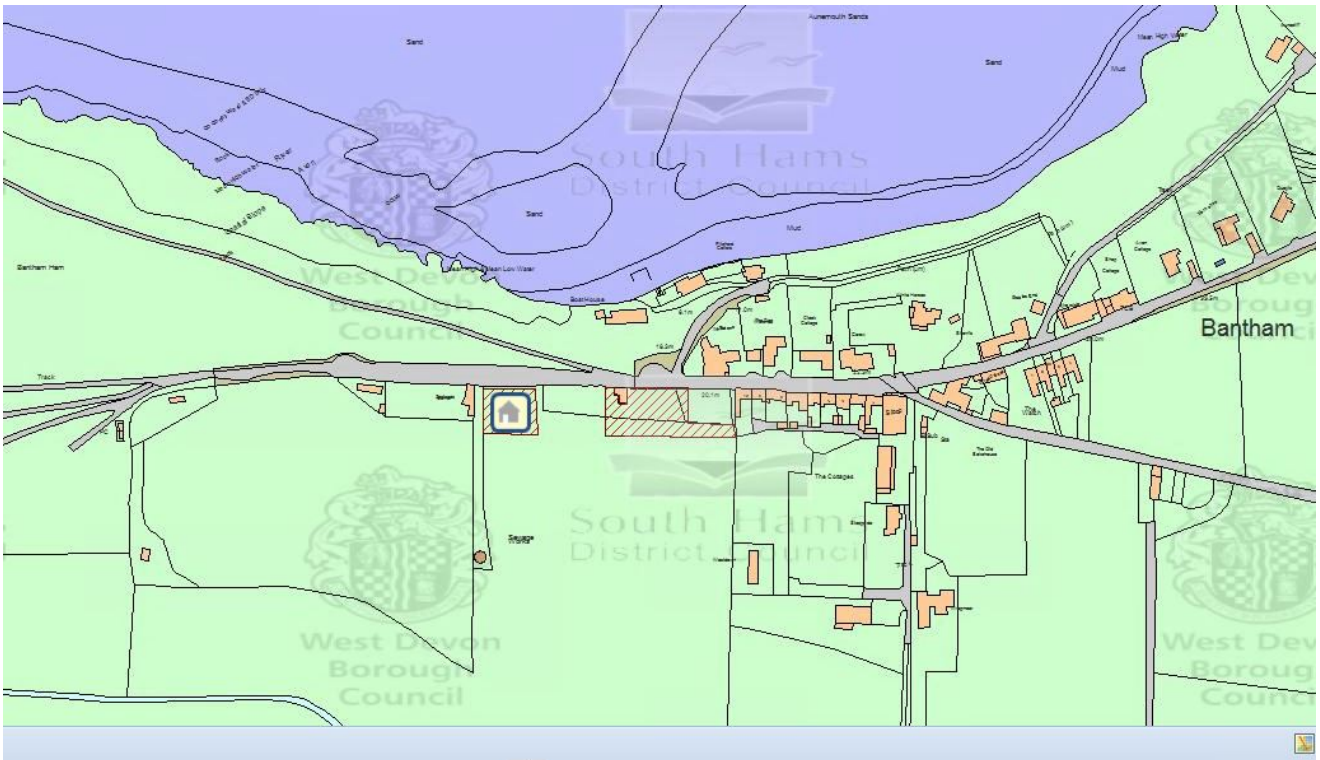
Shelley Coffey - Rural Solutions  
Canalside House  
Brewery Lane  
Skipton  
BD23 1DR

**Applicant:**

The Bantham Estate  
C/O Agent

**Site Address:** Bantham Estate Yard, Bantham

**Development:** 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



**Reason item is being put before Committee** At the request of the Head of Development Management Practice because the application site is located in a very sensitive area and the proposal has generated significant public interest.

**Recommendation: Conditional approval**

**Conditions**

1. Standard three year time limit for commencement of development
2. Temporary permission for portacabins
3. Removal of portacabins
4. Development to be carried out in accordance with approved drawings
5. Office use only

6. Landscape proposals
7. Adherence to biodiversity mitigation and enhancement measures
8. Details of and restriction on external lighting
9. Samples of materials
10. DEV32 compliance
11. EVCP details
12. CMP
13. Construction hours
14. Foul drainage
15. Surface water drainage
16. Trees
17. WSI

Pre-commencement conditions agreed 15<sup>th</sup> February 2021

**Key issues for consideration:**

Is the development sustainable and acceptable in principle in the AONB, Heritage Coast and Undeveloped Coast, taking into account the following:

- Major development in the AONB
- Landscape/AONB/Heritage Coast impacts
- Neighbour amenity
- Highways
- Flood risk/drainage
- Biodiversity
- Low carbon development
- Heritage impacts
- Trees

---

**Site Description:**

The application site measures approximately 0.3 hectares, and comprises a corner of a field on the western edge of Bantham village, at the start of the private road leading to the beach. The site is currently the estate maintenance yard and workshop, an informal parking area and also houses the temporary construction compound and portacabins referred to in the application description.

The site is within the South Devon Area of Outstanding Natural Beauty (AONB), South Devon Heritage Coast and Undeveloped Coast (HCUC) and is also within the Thurlestone Neighbourhood Plan area.

The site itself is not directly subject to any heritage designations, although a number of the cottages to the east are Grade II listed buildings. Scheduled ancient monuments lie to the west and south.

A windswept copse forms the eastern end of the site, with roadside boundaries comprising of stone walling and vegetation.

**The Proposal:**

This is a full application for the erection of a building to function as an estate office (estate manager, Harbour Manager, secretary, hot desk for estate employees, meeting area, archive store, plus kitchen/welfare facilities), to allow the site to continue to be used as a construction compound during the office construction period, for parking and for the retention of the existing portacabins until the office can be occupied.

The portacabins are already on site, finished in grey/light green, measuring approximately 7.5m by 2.7m. These are currently in use as offices, drying, staff welfare and storage. There is also a separate WC block located on site, measuring 3m by 2.3m.

The building is in 2 almost square sections (measuring approximately 6m x 8m and 6.5m x 7.7m), linked with a covered staircase; the building has an overall footprint of 116 square metres. It is of part split level form, allowing for accommodation on two floors, without resulting in a full 2 storey height building; the maximum height above ground level is 4.5 metres. The lower roof is pitched, finished in non-reflective powder coated zinc with solar panels on the southern elevation, and the upper roof is flat with an overhanging canopy; the drawings have been amended since submission and the flat roof is now "green". Elevations have also been amended to reduce the extent of glazing and the proposed painted render has been replaced with natural stone and timber cladding. Windows and doors are to be powder coated metal framed.

Access to the site is via the existing entrance, with the current field access and informal parking area unchanged.

New tree and shrub planting, including appropriate species such as Hazel, Blackthorn and Beech is proposed along the southern boundary and existing windswept group of trees is to be retained.

Lighting is proposed, but in the form of low level down-lighting for the parking bays and building entrance.

Supporting justification was provided with the application and updated following receipt of the objections. This can be summarised as follows:

- The proposal has arisen from the need to provide long-term stewardship of the land, estuary and coastline, and to allow the business to be inherently structurally sound and viable. Much has been done to consolidate the business base, to contribute essential revenue, including the beach and car park, the farmland and properties, the moorings and the environmental and conservation administration of the estate.
- Staff numbers have increased and there is an identified shortfall of office space. Until the end of 2018, administration was conducted from a one-person office cubicle within the workshop building at the entrance to the beach. This is inadequate and contravenes health, safety and welfare legislation.
- Temporary office accommodation was established; this now accommodates 3 permanent employees and forms the base for meetings and visitors. Its temporary nature further intensifies the need for a permanent solution.
- A major determinant of the location is the need to gain a clear view of the estuary. The location on rising ground, tucked against a backdrop of a large area of wind-swept bushes to the east, provides the perfect place. The building is sufficiently isolated from the listed cottages, yet from long distant views, will be seen integrated into the village.
- Any new building would need to be very close to the existing workshop hub, as the health and safety base for the beach and harbour activities, where all visitors pass to and from the beach, and where constant presence and attention is needed, with a short link to the beach and Ham. For that reason alone, no other locations on the estate were considered.

### **Consultations:**

- County Highways Authority; Standing advice
- South Devon AONB Unit; An objection was raised but following the revisions to the design the AONB manager concurs with the comments of the Council's Landscape Specialist; reduction in extent of glazing; increased use of natural stone; incorporation of a green roof solution, planting and

landscape scheme; all assist to reduce overall impacts upon the natural beauty of the South Devon AONB at this sensitive location.

- SHDC Landscape; Initially raised an objection. Following revisions to the drawings and further landscape appraisal work, no objection subject to conditions to require approval of:
  - control of light pollution and light spill;
  - paint or stain finish for the larch boarding;
  - appearance / finish of the zinc roof;
  - detailed hard and soft landscape scheme, prepared by a suitably qualified professional, including schedules of materials and plants; planting, establishment and maintenance specifications
  - details of the planting and maintenance of the green roof
- SHDC Biodiversity; No objection subject to conditions securing adherence to mitigation measures and enhancements as detailed in the EclA and as reflected on the Landscape Layout Plan, plus details/specification of any lighting prior to installation
- SHDC Trees; No objection subject to tree report being an approved document
- SHDC Conservation Specialist; No objection on the grounds of listed building setting. Comments made on design and conditions recommended
- Historic England; Initially raised a concern, but revised this stating no comment or objection, provided the Conservation Officer and County Archaeologist are content with the application
- DCC Archaeology; Require submission of WSI either prior to determination, or as a pre-commencement condition of any approval
- SHDC Drainage - No objection, subject to surface water and foul drainage conditions
- Natural England - No objection
- Parish Council - Support-

28<sup>th</sup> January 2021; Councillors welcomed the measures taken to address concerns raised by the Natural Environment Officer and South Devon AONB Unit.

10<sup>th</sup> March 2020; The Parish Council supports this application. However, recognises there is strong feeling within the Parish regarding the application and that many objections have been lodged with the planning authority, albeit that the majority of these come from residents outside the parish. We cannot agree with the objections on planning grounds and within the framework of our NP. We did agree we would draw the attention of SHDC to these objections'

26<sup>th</sup> February 2020; This is the first time that Councillors have seen this proposal. There has been no pre-application meeting with the Parish Council and no community meeting save for an informal meeting with residents held by the applicant and by invite only. The Neighbourhood Plan supports proposals for new business premises provided other policies are met (Policy 8.1). Councillors accept a new office is needed to serve the Estate and that it should be located close to their centre of operations, the beach and the estuary. The existing office is too small and not 'fit for purpose', the nearby Coronation Boathouse was not considered a practical alternative option as the ground floor floods and a new access would be necessary. Under the NPPF and JLP development is permitted adjacent to or beyond existing settlements and within the AONB, Undeveloped Coast and Heritage Coast, if it requires a coastal location and is limited in scale and extent. Councillors consider the proposal would not have an unacceptable impact on the amenity of neighbouring

properties as it is located on the Estate yard presently used for storage, separated from the village by vegetation and set back from the road and bordered by an old stone wall (Policy TP1.1). Although the building could be smaller, measures have been taken to limit scale and massing by creating a split-level design and digging down to create a lower ground level; the zinc roof minimises the height, the local natural stone, render and larch boarding were considered appropriate (Policy TP1.2). In terms of visual impact, this proposal had been subject to detailed assessment and mitigated by new planting and screening by existing shrubbery (Policies TP1.5 and TP22.1). Councillors also support the temporary consent for continued use of land for siting of portacabins, provided a condition is imposed to ensure the land is restored. Conditions are requested to secure (1) a pre-commencement written scheme of investigation due to proximity to the Ancient Monument, (2) retention of the existing stone wall and vegetation (3) to implement planting along the southern boundary and the findings of the Ecology Report, and (4) to address potential for light nuisance due to the sensitive location within the AONB.

### **Representations:**

At the time of writing this report, approximately 90 letters of objection have been received following 3 rounds of consultation; these can be seen in full on the Council website. The reasons for objection are similar in many of these letters, and many objectors have submitted more than one letter

The objections are summarised as follows:

- Out of keeping with local architecture and the character of the village
- A new building is not necessary; the estate has plenty of other buildings that could be used
- If this is to serve as Harbour Master's office, it should be based in the Coronation Boathouse where views of the river and ferry can be gained. This location has very limited, if any, views
- Local plan supports reuse of existing buildings rather than the construction of new ones; there are a number of alternative buildings which could be repurposed
- Refurbishing an existing building rather than building new would result in significant carbon savings
- Temporary cabins should not be supported and the land should be restored to its former condition
- Estate traffic should be redirected through the field of the proposed office rather than through the pub car park and village centre
- Overdevelopment for a hamlet the size of Bantham
- Could establish a precedent for other buildings outside of the settlement boundary
- This Estate Office does not require a coastal location
- Additional moorings will mean additional boats and congestion from associated traffic. Local roads are already congested, especially in summer months, and cannot cope with any additional traffic
- No designated parking for boats/towing vehicles
- Increased vehicle and boat movements resulting from proposal would not support rural tourism and leisure (such as the Estate's pheasant shoots)
- Little benefit to local economy as all profits go to the parent company in Oxfordshire. Unclear how this will create additional jobs; staff numbers are not clear. These benefits are unsubstantiated
- Not reusing an existing building and employing non-local consultants weakens the case for economic benefits and green economy
- No commercial need to justify harm to landscape
- Potential for applicant to apply for change of use in the future to use as holiday letting
- Potential impact on wildlife
- Most of the estate staff are not office-based and so a building of this scale is not necessary
- Light pollution from proposed glazing will cause harm to the AONB

- Inaccuracies in the application exaggerate levels of public consultation; lack of public consultation prior to submission
- Proposal will result in 'development creep' along the coast
- Conflicts with AONB Management Plan
- Building would be within a protected view referenced in the neighbourhood plan
- This is major development in an AONB. NPPF 172 is clear this should only be permitted in exceptional circumstances and it is in the public interest
- Applicant relies on it being previously developed land, but the untidy state of land cannot be used as justification for development
- Must exhaust all other possibilities, locations and buildings before new build can be considered
- No justification for this chosen location
- Contrary to neighbourhood plan, the local plan and the NPPF
- Detrimental to AONB, Undeveloped Coast, Heritage Coast, and South Devon Coastal Preservation Area without exceptional circumstances to justify it
- No commercial need to justify harm to landscape
- Design is neither locally distinctive or reflective of the village; completely out of character with surroundings
- Application documents do not address the principle of development, being not within a settlement, in the AONB and Heritage Coast Undeveloped Coast
- Fails to conserve and enhance the AONB, as required by the NPPF
- Contrary to DEV24 and DEV25, as well as the Neighbourhood Plan TP1.2, 1.4, 1.5, 22.1
- If approved, should contain a restrictive covenant to preserve the existing stone wall running up to the ticket booth and prevent car park barriers
- Monitoring could be adequately done by CCTV
- Question why the PC support this, but not the other application
- Even with mitigation planting, the changes made do not address the concerns, the most significant of which is the landscape harm
- No mitigation planting will be successful in this area due to exposure and salt spray
- Disagree that the Avon River justifies such a harbour office
- Note there are no letters of public support, but many objections
- Question the motives behind this and it will essentially be a visitor office for shoots. That does not need this coastal location
- Insufficient time has been given to respond to all the additional documents
- Adjacent to several listed buildings (cottages, Sloop Inn) and within site of Listed Jenkins Quay
- May damage important archaeological remains
- The principle of an Estate building is supported by many, however these comments also state that the design and location are not appropriate in this instance
- Should be dealt with alongside (and by the same officer) as 2786/20/FUL which seeks permission for a storage building
- Objections submitted to 2786/20/FUL are also applicable to 0227/20/FUL; traffic generation, size and landscape impacts, not justified; contrary to Neighbourhood Plan, harmful to AONB. Both applications contain misleading/inaccurate information and photographs
- The one letter of support contains many inaccuracies

Reference is made by some objectors to Save Bantham's petition of over 12,300 people; this is available on the Save Bantham website but refers to much more widescale development and is not a petition specifically made with regard to this particular application.

One letter of support has been received, noting the following:

- Whilst not agreeing with everything the Estate has done, they have invested generously and it is now well run
- A substantial enterprise requires a proper centrally located office in this location
- The location is where the public interact with the Estate and it offers estuary views

- Suggestions to locate it elsewhere are from those who do not recognise how the Estate works or the contours of the land
- It is a brownfield site, used for many years for storage and parking
- The building has a low profile, is well screened and within the village envelope
- The applicant has followed every amendment suggested by the planners

### **Relevant Planning History**

- 1218/18/FUL - Temporary change of use for 1.5 years of farmland to use for the siting of welfare cabins and vehicle parking and plant for contractors working on construction project at Clock Cottage; conditional approval
- 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
- 55/0037/06/CU - Change of use of agricultural land for car parking by residential tenants of Evans Estates; conditional approval

### **ANALYSIS**

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

This application essentially comprises two elements, the further retention of the temporary portacabins and compound area, and the construction of a new office building.

The principle of the temporary portacabins and compound were considered acceptable to facilitate works at Clock Cottage, under application 2909/17/FUL, listed above, and approved in October 2017. This was further extended under 1218/18/FUL (above), albeit the cabins increased in number to four, approved in August 2018 for a temporary period of 1 ½ years, after which date the site was to be restored to its former condition. The applicant stated at the time of application 1218/18/FUL, the increased size compound was needed as the main contractor needed more facilities; the position of the W/C was directed by the location of an existing manhole to avoid the need for a sewage pumping truck to empty a chemical facility. The larger site compound area allowed for a material set down and storage area and space for vehicles to manoeuvre within the site.

Since the works to Clock Cottage have finished, the cabins have been used as office accommodation and welfare for estate staff. It is requested a further period of 18 months be granted to facilitate the construction of the estate office building.

The second element of the application concerns the construction of a permanent office building to serve the Bantham Estate.

The site lies outside of the settlement boundary of Bantham village, as defined in the Thurlestone Neighbourhood Plan (TNP) under policy TP2. The adopted Plymouth and South West Devon Joint Local Plan (JLP) does not include any AONB villages within the list of sustainable villages referenced in Policy TTV25 (Development in the Sustainable Villages) as insufficient evidence was made available to the local plan Inspector to demonstrate that the impact on the AONB of development in these villages would be acceptable. However, this, and the site not being with the boundary defined by TP2, does not preclude development in this location; the principle of development in the countryside and adjoining AONB villages needs to be assessed on a case by case basis against relevant planning policies.

Paragraphs 2, 8 and 11 of the NPPF establish that applications will be determined in accordance with the Development Plan unless material considerations indicate otherwise; and that where considered to be sustainable development, permission should be granted. NPPF paragraphs 80 and 83 are of

particular relevance, requiring significant weight to be placed on supporting economic growth, including in rural locations, in well-designed buildings that respect the character of the countryside.

It is significant that the TNP objective (page 42) for the local economy is: 'To support existing businesses and provide new employment opportunities and to promote sustainable growth in the local economy which is appropriate to the parish's location within the South Devon AONB.'

Strategic Objectives SO8 and SO9 of the JLP seek to maintain the vitality and viability of the Smaller Towns and Key Villages, promoting the provision of homes, jobs, services and community infrastructure sufficient to enable the smaller towns and key villages to continue to play their important role as local service centres for their surrounding areas. This will be achieved through measures including enabling local employment opportunities that can support a thriving rural economy; sustaining, and where possible improving, the range of services and amenities available, including sustainable transport links to other settlements.

Strategic Objectives SO10 and SO11 are key considerations. These seek to ensure high quality development and appropriate infrastructure. In this respect development should support, provide for and contribute to:

- healthy communities;
- a diverse and strong economy;
- a positive legacy for future generations;
- benefits both to people and wildlife;
- the infrastructure needs generated by the proposal; and
- respond positively to the challenges of climate change, reducing carbon emissions and creating more resilient communities.

Spatial Policies in the JLP provide a policy steer for decision making in line with the above strategic objectives, to ultimately deliver sustainable development in appropriate locations. Policies SPT1, delivering sustainable development, SPT2, sustainable communities and SPT9/SPT10, transport, are key to every development decision.

Policy TTV1, Prioritising growth through a hierarchy of sustainable settlements, states growth will be distributed in a hierarchy of settlements as follows:

1. The Main Towns
2. Smaller Towns and Key Villages
3. Sustainable Villages
4. Smaller villages, Hamlets and the Countryside.

The application site, whilst adjoining the settlement, is classed as Tier 4 countryside. Development will 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.

In relation to TTV26, whilst part 1 is not relevant as the site cannot be classed as "isolated", part 2 is of relevance and requires proposals to respond to proven needs that require a countryside location, to not prejudice agricultural activities or affect rights of way, to reuse traditional buildings where this can be done without significant alteration or enhancement, and for the development to enhance the immediate setting.

Furthermore, whilst not a strict tourism or employment proposal, a large element of the purpose behind the development is to support the tourism and economies of the Bantham Estate. Policy DEV15 "Supporting the rural economy" gives support to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:



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

*Development proposals should:*

- i. Demonstrate safe access to the existing highway network.*
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

At Officer request, and in response to many objections suggesting the building does not need to be sited within this location, or that accommodation could be provided through alternative existing buildings elsewhere on the estate (the Coronation Boathouse is one such example), additional information has been submitted to justify the chosen location for this development and explain why existing buildings on the Estate have not been utilised.

- As set out within the application, a key function of the proposed building, and the determining factor in relation to the siting and design of the building, is the requirement for the building to provide a clear view of the estuary to allow the Estate to carry out their harbour master and ferry operation functions.
- In addition, the siting at the existing estate entrance to the beach allows effective overseeing and management of people and vehicles entering the beach area. The location and siting of the building are critical to it fulfilling its functional need.
- Quick and easy access to the ferry and harbour is required.
- CCTV is not considered adequate to meet important health and safety requirements.
- Contrary to suggestions, the Coronation Boathouse was unfortunately not suitable for conversion to the proposed office use due to flooding and access issues; it is accessed by a very steep narrow track, not suitable for regular vehicular access.
- Added to this, the Boathouse's location does not allow a clear view of the full Estuary, or the ability to manage activity on the road to the beach. Nor does it have any parking.
- It is essential that the Estate & Harbour Office building is positioned in the selected location so that it can perform the multiple functions required of it.
- The ticket hut does not provide permanent staff presence to manage any parking issues.
- The siting of the proposed office building is also within the existing estate yard, sited adjacent the existing stone workshop building, which will continue to be used for the storage of maintenance and health and safety equipment, and allow all estate management functions to be centralised in a single location.
- Siting the building within the existing yard has avoided the need to develop on a greenfield site and will avoid the requirement for further buildings in the future.
- A building further west was considered, but deemed unsuitable as it is more isolated from the village.
- The Estate has no other office accommodation and the current provision in the portacabins is unsuitable as a long term solution.
- Other sites do not contain suitable buildings to use or convert, and would not meet the functional location requirements.

It is clear from the policy considerations above, that this is a finely balanced case, with the application site sitting in a highly sensitive landscape.

A significant number of objections have been received and to date, no supporting representations. The majority of objectors do not feel the proposal is acceptable in principle, in this sensitive, protected location, that there are other more suitable locations and buildings available for an estate office, and that the portacabins should be removed from the land.

Given the justification provided by the applicant, Officers are content the location is justified. It is accepted that an office to serve the estate could be located anywhere on its land holding, however, this would not enable the building to fully serve all elements of the Estate management, namely, the monitoring of the estuary and access into and out of the beach and its car park. It is therefore considered acceptable for all of these functions to be combined in a single building, which will then enable the portacabins to be removed and that area of the site restored. It is noted the applicant states this will also avoid the need for any additional buildings in the future.

Should the new office building be approved, it is only logical to grant a further temporary consent for the cabins and compound, given there will be construction vehicles attending site, contractors needing to park and an area to store waste and materials. Conditions would be imposed to require the removal of all structures from the land and its restoration after construction.

Subject to compliance with other policies and demonstration that any benefits resulting from the development outweigh any perceived harm, the proposal is considered to be acceptable in principle, in conformity with the aforementioned policies.

### **Major development in the AONB**

Paragraph 172 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. "*

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 of 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.

Objectors have suggested that by the very nature of the development, it is major development in the AONB in the context of paragraph 172, that there are no exceptional circumstances and the application should therefore be refused.

The proposal is for a building measuring 116 square metres and a maximum height of 4.5 metres, along with the temporary use of the land for the siting of portacabins and parking. The building is considered to be small-scale and is wholly contained within the existing site boundaries. Notwithstanding landscape impacts that are discussed in detail later in this report, due to the topography, its impacts can be seen to be relatively well contained within the site itself.

Having regard to the character, nature and scale of the proposed development, and taking the local circumstances and context into account, the Council does not, therefore, consider the proposal to be paragraph 172 major development in the context of the South Devon AONB. Accordingly the need to apply the test of 'exceptional circumstances' does not apply.

In considering this application, the Local Planning Authority notes, however, 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.

### **Design/Landscape:**

The site lies within the South Devon AONB, the South Devon Heritage Coast and Undeveloped Coast (HCUC) and is also within the Thurlestone Neighbourhood Plan (TNP) area. AONBs are considered to have the highest status of protection and the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty within, as discussed above. The need to conserve and enhance the AONB is reinforced within JLP policies DEV23 and DEV25 and TNP policy TP1; DEV24 relates to the HCUC areas. The need for high quality design which is appropriate to its context and contributes positively to it is discussed within JLP policies DEV10, DEV20, DEV23 and DEV25 and NP policy TP1.

In addition to the Development Plan, the following legislation, policies and guidance are of relevance; Section 85 of the Countryside and Rights of Way (CRoW) Act; Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173; 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.

JLP policy DEV25 concerns Nationally Protected Landscapes. In assessing the proposal against DEV25, criteria 8i to 8ix are applicable, requiring development proposals located within or within the setting of a protected landscape to:

- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.
- v. Be located and designed to prevent the erosion of relative tranquility and, where possible use opportunities to enhance areas in which tranquility has been eroded.
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.
- vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the protected landscape.
- viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.

Areas of Outstanding Natural Beauty have a single statutory purpose, the conservation and enhancement of the natural beauty, contained within the CRoW Act 2000. The AONB Management plan for South Devon sets out the policy framework and priorities for action.

Econ/P3 Rural business, states that sustainable rural business initiatives will be supported where they maintain or enhance the special qualities or distinctive landscape character of the AONB and contribute to employment and prosperity.

To make a judgement as to whether the special qualities of the AONB are preserved and enhanced, it is important to note these are:

- Iconic wide, unspoilt and expansive panoramic views
- Fine, undeveloped, wild and rugged coastline
- A landscape with a rich time depth and wealth of historic features and cultural associations; and
- A breadth and depth of significant habitats, species and associated natural events
- Areas of high tranquillity, natural nightscapes distinctive natural soundscapes and visible movement.

JLP strategic policy SPT12 seeks to conserve and enhance protected landscapes, including AONBs and the Heritage Coast. Heritage Coasts are defined by Natural England to conserve, protect and enhance their natural beauty, heritage, flora and fauna, to facilitate their enjoyment and appreciation by the public, with social and economic needs of communities taken account of.

DEV24, relating to designate Heritage and Undeveloped Coasts, does not permit development in these areas unless it has demonstrated:

- A coastal location is required
- It protects, maintains and enhances the landscape
- It is consistent with Heritage coast objectives as set out in the AONB Management Plan.

Finally, policy DEV23 seeks to ensure development conserves and enhances landscape character, requiring proposals to be supported by LVIAs and providing appropriate mitigation.

A contemporary approach to the design of the building has been taken, with a part split level, part flat roofed building. The Council's Heritage Specialist, Landscape Specialist and the AONB Officer have provided input into the design of the building, given the sensitivities of the site. The Heritage Specialist did suggest that the element of roof to be finished in zinc would be preferable to be finished in corrugated iron, and that the building in so far as the powered coated eaves, is more akin to an industrial type building, rather than a building on the AONB.

The Design and access Statement notes that "...any attempt to try to mimic or draw influence from any particular building forms in the village was considered quite wrong." Therefore, it was decided to take a new approach, but to incorporate traditional materials. The colour pallet is respectful of its surroundings, and the natural materials chosen will generally resist weathering in this exposed location; it is worth noting TNP policy TP1 supports the use of natural materials. It is also noted that TNP policy TP1 requires buildings to be locally distinctive, designed to reflect the style and scale, being appropriate to the coastal and rural location. Whilst there are some modern elements in the vicinity, including the recently renovated Clock Cottage, which contains large expanses of glazing, the majority of buildings in the village are traditional, including some thatched cottages. It could therefore be concluded there is an element of conflict with this policy.

A landscape objection was originally raised against this application because it was considered the application had not demonstrated the proposal would conserve and enhance the natural beauty of the AONB, nor ensure the protection of the UCHC; it would therefore have been considered contrary to JLP policies DEV24 and DEV 25.

In relation to the design of the proposed building, there were three main areas of concern:

- the incongruous flat-roofed element of the building, along with zinc for the roofing material
- the extensive glazing
- the orientation of the building's footprint.

During the course of a number of discussions between the applicant's design team and SHDC Officers, and in consultation with the South Devon AONB Unit, amendments to the scheme have been proposed which have ultimately resulted in a more acceptable and appropriate scheme. Whilst individually, the design changes that have been made are small, in combination they have resulted in a building which Officers are now able to support.

To address some of the concerns about the roof design, the flat roofed element of the scheme now has a green roof system, replacing the zinc finish. The DAS confirms the intention to use locally appropriate, coastal heath /maritime plant species, which is welcomed. This will also provide some biodiversity enhancements. In addition, an appropriately specified green roof planting scheme will provide a degree of visual mitigation, through a palette of colour and textures appropriate within the context of the surrounding landscape.

The roof of the building has been designed to keep it as low as possible, avoiding large massing, without compromising on internal space. Were it to have taken a more traditional 2 storey slated form, its ridge would be significantly higher, making the building much more prominent; the pitch, as proposed, is too shallow for this section to be slated. The building stands a maximum of 4.5 m above ground level, considerably lower than the listed cottages to the east and the element of green roof will assist in assimilating the building into the landscape when viewed from a distance.

The greatest concern during the course of discussions was centred on the extent of proposed glazing, particularly for the upper level of the building. The drawings now indicate the following:

- The expanse of glazing is much reduced on the key north west elevation
- The wide, full height windows on the south east side will look directly into the existing windblown copse, which is to be retained, and do not therefore have no impacts on the wider landscape
- The full height windows on the south west and north east sides of the upper floor are relatively narrow and not in the most prominent positions, so they are considered acceptable
- The additional areas of solid facing materials will be a continuation of the natural stone, which is welcomed

In relation to the wider application site, the Landscape Layout Plan (drawing 435 100 P2, Rural Solutions) includes information for reinstatement the existing compound area; this is welcomed and will be secured by condition. Additional tree and hedgerow planting is also included. If successfully implemented and established, the proposals will achieve two key outcomes:

- They will help to screen the development from some viewpoints, which will reduce the visual effects of the incongruous flat roof, and the orientation of the building.
- The new planting and landscape scheme will also enhance the surroundings of the proposed building, and reflect local character. This will help to assimilate the scheme into the wider landscape.

All of this will help to mitigate some of the detrimental effects of the development on the sensitive location within the AONB, on landscape character, and on views.

At the request of the South Devon AONB Unit and SHDC Officers, the applicant provided a revised Landscape and Visual Impact Assessment (LVIA), which has included additional viewpoints and visualisations. These have been prepared following clearly described methodology, giving confidence in their accuracy.

It is considered the photomontages are helpful in providing a realistic understanding of how the proposals will appear in the selected views. Views from footpaths indicate that the proposed landscaping will help to assimilate the temporary compound (once restored) and the proposed building, into the landscape. The LVIA notes the removal of the portacabins and equipment from the

compound will be of substantial benefit, although it is noted this could happen regardless of the outcome of this application. However, as discussed earlier in this report, the Council accepts there is an operational need for this development in this location.

Through the revised design, securing the landscaping proposals and tree protection (discussed later in this report) by condition, it is considered the proposed development has adequately addressed the concerns raised by the Specialist Officers.

Comments have been received stating that the design of the building is not appropriate for this location, is not the local vernacular, and that the TNP TP1 requires locally distinctive design, of an appropriate scale.

It is also accepted that there will be some adverse night time effects, but through conditions controlling the level of lighting and hours of operation, it can be ensured that lighting levels are appropriate, noting there will already be some visible light from nearby residential properties, over which the Council has no control.

Taking the above into consideration, it is considered the development will not result in harm to the character or landscape of the AONB and HCUC area. There is no conflict with the statutory purpose, to conserve and enhance the natural beauty set out in the CRoW Act 2000, or the South Devon AONB Management Plan. The proposal is therefore considered to be in accordance with these, along with JLP policies including SPT12, DEV10, DEV20, DEV23, DEV24 and DEV25, and TNP policy TP1.

### **Neighbour Amenity:**

JLP policy DEV1 requires proposals to safeguard the health and the amenity of local communities, through ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.

There is a good separation distance between the application site and the neighbouring properties, the nearest of which lies approximately 18m to the north east on the opposite side of the highway and further properties approximately 26m to the east; there is a copse immediately to the east of the site, and the proposed building has been designed to sit against this so it provides screening; the copse is to be retained and strengthened.

The office building will not result in a loss of light and it will not generate any overlooking to nearby properties; no objections in this respect have been received. Officers are satisfied that the proposal will not cause any harm to the amenity of neighbouring residents. However, it is considered prudent to impose a condition restricting working hours to ensure construction does not happen at unsociable hours and become unneighbourly.

The development complies with JLP policy DEV1, and TNP policies TP1 and TP22.

### **Highways/Access:**

It is proposed to utilise the existing vehicular access and parking, together with an additional 2 disabled parking bays provided close to the building itself.

The Highway Authority has offered no objections to the proposed development on highway safety grounds.

Many of the objectors refer to the already congested local highways and that this proposal will increase traffic to the area, thereby creating additional congestion and hazards. The application does

not seek to add new or additional uses to this location as the office/meeting facilities already occur from the site, in the portacabins.

Whilst there can be no control over how many visitors frequent the building, it is not anticipated the proposal will result in a significant level of additional vehicle movements that would be detrimental to highway safety. Any vehicles travelling along the access road, or entering/exiting the site would be at slow speed. There is also adequate room on site to enable turning so all vehicles can enter and exit in forward gear. It could also be argued that by having this presence permanently in this location will help alleviate any traffic or parking problems in the immediate area.

In so far as potential impacts from construction traffic, the details of this such as frequency of vehicles and timing of deliveries would be controlled as part of a Construction Management Plan condition. For any development it is inevitable there will be some traffic, but that alone is not a reason to refuse permission.

The objectors' concerns are noted, but in the absence of any objection from the Local Highways Authority, it is not considered a refusal based on traffic generation would be sustainable; there are no highway safety concerns that cannot be addressed by condition.

The application is therefore seen to comply with JLP policy DEV29 and TNP policy TP1.

### **Biodiversity**

Development plan policies require development to support the protection, conservation, enhancement and restoration of biodiversity and geodiversity. The application is supported by an Ecological Impact Assessment (EclA) from Green Ecology, dated January 2020. This concludes the site is of relatively low ecological value, with the development not predicted to have impacts on nesting birds, bats, reptiles or dormice, providing works are tied to be outside of bird breeding season. Any vegetation clearance should also be supervised by an ecologist.

The EclA is considered, by the Council's Biodiversity Specialist, to make a sound assessment of the site, the potential impacts of the proposal and necessary mitigation; the impacts are not considered to be significant. Enhancement measures including planting with native species, the green roof and the installation of bat/bird boxes on the building are proposed and it is considered these could reasonably deliver a net gain for biodiversity at the site.

The proposal includes wall lighting on the low stone dry wall and this is discussed in the EclA as being short timer, PIR lighting. The type of lighting and levels, as well as it being down-lighting only need careful consideration and full specification of this lighting will be required; a condition is proposed for this.

Subject to a further condition securing works in accordance with the measures and mitigation set out in the EclA, which are reflected on the landscaping drawings, the proposal is considered to accord with the relevant policies including JLP policies SPT12 and DEV26 and TNP policy TP22.

### **Flood Risk and Drainage:**

The application is accompanied by a detailed Flood Risk Assessment and Drainage strategy. This confirms the site is located in Flood Zone 1, an area of low flood risk. The report notes a stream, Buckland Stream, is located approximately 200m to the south, flowing in an easterly direction and discharging onto Bantham Beach; given this sits approximately 10m lower than the site, it is not considered to pose any flood risk to the development.

In terms of surface water drainage, the report notes there will be an increase in 568 square metres of additional impermeable area from the office, access and car park. Soil infiltration testing has taken place, and confirms discharge via infiltration is acceptable for this site. An indicative scheme has been proposed with an infiltration based Sustainable urban Drainage System (SuDS) in the parking and access area.

The Council's Drainage Specialist has assessed the drainage proposals, noting that the drainage details for the temporary contractor's compound were agreed as part of the previous applications and there is no objection to the continued use of this area for a further 18 months.

However, the SuDS for the proposed office building is located too close to the buildings and highway therefore cannot be supported. Sufficient information has been provided to demonstrate a workable scheme can be achieved on site, and it is requested conditions be imposed on any permission to secure the final drainage scheme.

There are no public sewers in the vicinity of the site. It is served by a private sewer network, which connects to a private package treatment plan located approximately 70 m to the south; this is owned by the applicant. It is proposed to connect into this system and this is considered to be an acceptable solution, however, no details have been provided to confirm its capacity and that it is in good serviceable condition. A condition is also proposed to secure this information.

On the basis the site has adequate land in which to accommodate drainage, Officers are satisfied there is a workable solution, subject to final details being secured by condition which will need to be agreed prior to works commencing given these are integral to the building design and site layout, in accordance with JLP policy DEV35.

### **Low Carbon Development:**

As set out in JLP Policy DEV32, the delivery of a low carbon future for Plymouth and South West Devon is required; consideration must be given to this in the design and implementation of all developments, in support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy.

Developments should minimise the use of natural resources over its lifetime, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure; major development should the aim to mitigate effects of changing climate. Layout and orientation should maximise natural heating, cooling and lighting.

The policy stipulates, amongst other criteria:

Development proposals will be considered in relation to the 'energy hierarchy' set out below:

- Reducing the energy load of the development
- Maximising the energy efficiency of fabric
- Delivering on-site low carbon or renewable energy systems
- Delivering carbon reductions through off-site measures.

DEV32 also requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction.

The proposal is not classed as major development and therefore does not need to meet any set reduction in carbon emissions.

The application documents confirm carbon reduction will be sought in several ways, through sustainable construction techniques, the use of natural materials, designing for passive solar gain as



far as possible given the design constraints, including a green (planted) roof, solar panels to the southern side of the sloping roof and LED lighting.

Consideration is being given to utilising an Air Source Heat Pump (ASHP), although the application does not propose any firm measures. To fit an ASHP would not be permitted development on a non-domestic property, requiring a planning application, so this cannot be conditioned. In any event, the other measures put forward are considered more than acceptable in addressing DEV32, subject to a condition securing final details and for Electric Vehicle Charging Points (EVCP) to be provided.

### **Trees:**

Policy DEV28 of the JLP precludes development that would result in the loss or deterioration of the quality of trees and woodland, requiring development to be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows.

The application is supported by an Arboricultural Report. The proposal does necessitate the removal of some existing trees on the site, however, the majority are retained and a comprehensive site-wide landscape strategy is proposed.

Whilst any tree loss is regrettable, the Council's Tree Specialist has offered no objections on arboricultural merits, subject to a condition ensuring that the tree protection measures and other recommendations contained within the arboricultural report are carried out is recommended. With the proposed condition, Officers are satisfied the proposal accords with the relevant policies including JLP policy DEV28 and TNP policy TP1.

### **Historic Environment:**

The application has been accompanied by a Heritage Assessment. The terrace of dwellings to the east are Grade II listed, as are other buildings in the village, including the Sloop Inn and Jenkins' Quay boathouse. The village does not have Conservation Area status.

Approximately 200m to the west of the site there is an area designated as Scheduled Ancient Monument (SAM) which covers Bantham Ham, the site of Roman and post-Roman settlement. A further SAM in the form of bowl barrows, is located to the south, in excess of 500m from the site.

The Heritage Assessment notes that the proposed site is not visible from the listed buildings adjacent to it, due to the intervening vegetation; this is to be retained so will provide screening and separation between the site and the dwellings. There will also be no impacts upon the SAMs due to their distances from the site.

It is noted the site hosts buildings that act as a gateway to the beach, that the building has a lower roofline than the listed cottages, is set back from the existing street scape and will be screened by existing vegetation. There is also a small benefit noted in that the current area used for parking and where the portacabins are sited will be rationalised, and that the existing "gatehouse" is to remain. The report concludes "...there will be no impact from this proposal on any of the heritage in the wider context...no harm to the significance of any of the designated/non-designated heritage assets of Bantham."

The Council's Heritage Specialist concurs there would not be harm to the setting of the listed buildings that would warrant refusal in principle, based on the distance from the heritage assets and also the existence of screening, subject to this being enhanced and secured by condition.

Any views of the proposed building in connection with the listed cottages when exiting the car park will be quite incidental and it is considered the new building will read as an honest, modern addition to the

locality. From distant views on higher ground to the south and from the coast path, it will read as an addition to the edge of the village.

It is concluded the effects are neutral and have no reason to object on the grounds of LB setting.

In terms of the SAMs and archaeological impacts, the closest of the SAMs lies 200 m to the west. The area is of known high archaeological potential. The County Archaeologist considers there is potential for the construction process to expose and damage archaeological and artefactual deposits. An objection has not been raised, but a condition is required to secure a Written Scheme of Investigation prior to commencement of works to ensure any finds are recorded and analysed; this condition is imposed.

Historic England initially raised a concern, but revised this in light of the response from the County Archaeologist.

It is therefore considered the proposal complies with JLP policy DEV21 and TNP policy TP21.

### **Other Matters:**

Several objections have raised matters which are not material planning considerations. These include:

- The motives of the Parish Council in supporting the application
- The motives of the Estate and that the building is to be used for other purposes, or will be converted to holiday use in the future
- That all Estate applications should be dealt with together, by the same Planning Officer
- The use of non-local consultants to submit the application
- The claim that any profits generated by the Estate end up in Oxfordshire, with no benefit to the Bantham/local area.

In so far as references to other applications submitted by the Bantham Estate, each application must be considered on its own merits. Similarly, speculation about other uses for the building in the future cannot be taken into account, only what is currently proposed, although it is appropriate to impose a condition limiting the use of the building as an office to prevent changes being made under potential increases to permitted development. At the time of writing this report, no decision has been made on the other application.

Should the applicant seek to change the use of the building, a further planning application would be required and would be assessed against the policies in place at that time.

There is a wish for the original ticket booth building and the site boundary walls to be retained. The Council has no control over this and it would not pass the tests for imposing conditions to ensure these are retained, in that it is not necessary or reasonable, nor directly related to the development proposed. The applicant has stated there is no intention to remove this building and Officers would point out it would be impractical for the office building to replace the ticket booth given that vehicles would need to park up and occupants walk to the office to pay for parking.

It has also been suggested that insufficient time has been given to allow for representations to be made following the submission of additional documents. Officers consider that as the revised LVIA was received in October 2020 and the most recent revised drawings were received in January 2021, there has been sufficient time for interested parties to assess these. There has also been three rounds of public consultation.

The condition of the land and its use as a construction compound is not being used to justify the development, and whilst benefits from being able to restore it and remove the portacabins are noted, these do not weigh into the planning balance in a significant way.

Allowing this development will not set a precedent for further “development creep” towards the coast. Any subsequent applications would be assessed on their own merits, in accordance with the policies in place at that time.

Finally, in terms of there being no significant public benefits, as the development is not classed as major development in the AONB under paragraph 172 of the NPPF, there is no requirement for this to be demonstrated.

### **Planning Balance:**

As with any development, it is inevitable there will be a degree of harm, however, it is considered the benefits of this proposal to the management of the Bantham Estate outweigh any limited harm or change to the landscape that might occur.

The proposal will enable Estate management from a well-designed, purpose-built office building, which will also function for estuary/harbour supervision as well as managing vehicular and visitor access to the beach.

The proposed development is sympathetically designed, representing a modern addition to the village, such that it is complementary to the mixed local character and will conserve and enhance the AONB and UCHC. Elements of the buildings will be visible from public vantage points, but will be largely screened by vegetation and viewed against the backdrop of other built form in the immediate area.

The scale, siting, massing and design will not adversely impact on neighbouring amenity, given the topography, chosen positioning of the units, intervening buildings and planting, and separation distances.

Adequate parking and turning is provided within the site to prevent any significant increase in danger or inconvenience to users of the highway.

Energy efficiency is captured through a “fabric first” approach and the use of renewable technologies.

Whilst noting a slight conflict with TNP Policy TP1, and the significant number of objections received have been taken into consideration, on balance, the proposed development, in all other aspects, represents sustainable development which accord with local and national policy. As such it is recommended that conditional approval permission be granted.

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

### **Planning Policy**

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 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) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

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  
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  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and water quality Impacts

#### **Neighbourhood Plan**

The site is within the Thurlestone Neighbourhood Plan area. This plan has been made and therefore forms part of the development plan.

TP1 General Development Principles  
TP2 Settlement Boundaries  
TP8 New Economic Proposals  
TP21 Heritage Assets  
TP22 Natural Environment

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.

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. In relation to the “compound” and all structures and fixings within (portacabins, WC, fencing, geotextile membrane, hard-core and building materials), this permission is for a temporary period of 18 months from the date of this decision notice, after which the compound shall be cleared.

Reason: Permission is only granted having regard to the special circumstances of the case and in the interests of amenity.

3. The removal of the portacabins, W/C unit, fencing and geotextile membrane and hard-core as required by condition 2, and the land restoration shall accord with the details shown on drawing 435 100 Rev P2, and timescales in condition 6, unless otherwise agreed in writing.

Reason: In the interests of visual amenity of this sensitive site in the AONB.

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

Received 24<sup>th</sup> January 2020; Location Plan 435 101 Rev 01

Received 23<sup>rd</sup> October 2020; Landscape Layout 435 100 Rev P2

Received 5<sup>th</sup> January 2021; 1805 PL01 Rev C

1805 PL02 Rev C

1805 PL03 Rev B

1805 PL04 Rev B

1805 PL05 Rev B

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.

5. The building hereby approved shall only be used for office, staff welfare and meeting purposes in association with the Bantham Estate and for no other purpose under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 or in any provision equivalent in any statutory instrument revoking and re-enacting that Order.

Reason: In light of the justification for allowing this building in the sensitive AONB location, where other uses would be contrary to policy.

6. PRE-COMMENCEMENT. Prior to the commencement of development, full details of a hard and soft landscape scheme shall have been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be prepared by an appropriately qualified professional and shall include:

- existing features for retention and means of protection during the course of development;
- materials, heights, levels and extent of hard landscape treatment, including access and hardstanding areas;
- details, including design and materials, of any ancillary structures such as bin stores and signage;
- materials, heights and details of new fencing, gates and other boundary treatments, including hedgebanks;
- details of the proposed green roof including the supplier, construction detail, proposed planting medium and plants, and a maintenance schedule;
- the location, number, species, density, form and size of proposed tree/hedge/shrub planting;
- the location and species mix of grassland and meadow areas;
- the method of planting, establishment and protection of tree/hedge/shrub planting and of grassland and meadow areas.

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

All works shall be completed before the end of the current or first available planting season following practical completion of the development hereby permitted.

Any trees or plants that, within an establishment period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonable/practicable with other of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and the natural beauty of the AONB, taking account of the particular landscape characteristics of the site and its setting, in accordance with Development Plan Policies.

This is a pre-commencement condition because the landscaping on the site is integral to the acceptability of the development.

7. Works shall proceed in strict adherence to the recommendations and mitigation proposed in the Ecological Impact Assessment by Green Ecology dated January 2020.

Reason: In the interests of biodiversity net gain and preventing harm to protected species.

8. Prior to its installation, full details/specification of any lighting shall be submitted to and agreed in writing by the Local Planning Authority. Lighting shall be installed and maintained and per the agreed details, and no additional lighting installed without prior written agreement. The lighting shall only be operational during the working hours of the office building.

Reason: In the interests of avoiding light pollution.

9. Prior to their installation, details of the following materials shall be submitted to and agreed in writing by the Local Planning Authority:

- the finish for the larch boarding
- the colour/finish of the zinc roof
- the natural stone to be used for the external elevations of the building, a sample panel of which should be made available for inspection
- colour and finish of guttering, downpipes, windows, doors and railings.

The materials shall be implemented as agreed, and retained/maintained as such throughout the lifetime of the development.

Reason: To ensure the final appearance is appropriate for this sensitive location.

10. Development shall occur in line with the submitted DEV32 checklist, received on 5<sup>th</sup> January 2021, unless otherwise agreed in writing.

Reason: To ensure that the units are built in a way to minimise energy consumption and harmful emissions.

Note: The installation of an Air Source Heat Pump is not currently permitted development and will require an application for planning permission.

11. Prior to construction above slab level, full details of proposed electric vehicle charging points to be provided, shall be submitted to and agreed in writing by the Local Planning Authority. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such.

Reason: In the interests of air quality and the environment.

12. PRE-COMMENCEMENT. Prior to commencement of any part of the site the Local 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) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to outside 8:30am - 9:30am Monday - Friday, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load/unload building materials, with confirmation that no construction traffic or delivery vehicles will park on any County highway for loading/unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) the means of enclosure of the site during construction works;
- (i) details of wheel washing facilities and obligations and measures to reduce dust
- (j) the proposed route of all construction traffic exceeding 7.5 tonnes.
- (k) details of the amount and location of construction worker parking.

Reason: this is a pre-commencement condition to ensure works are carried out in an appropriate manner, in such a way as to not cause harm to the amenities of neighbouring properties or at a risk to highway safety.

13. No construction, demolition or engineering works (including preparation, remediation or investigation) shall take place on any Saturday, Sunday and Bank/Public Holiday. Such works shall only take place between the hours of 8.00am and 6.00pm Mondays to Fridays inc. unless otherwise previously approved in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the application site outside of these permitted hours.

Reason: To safeguard the residential amenities of the locality.

14. PRE-COMMENCEMENT. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, full details, to demonstrate condition and capacity of the existing foul water system, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be connected to this system prior to the first use of the building, and retained thereafter.

Reason: This is a pre-commencement condition to ensure works are carried out in an appropriate manner, in the interests of the prevention of pollution.

15. PRE-COMMENCEMENT. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, full details of the surface water drainage system (SuDS) shall be submitted to and approved in writing by the Local Planning Authority. Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.
4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.

5. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

6. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.

The 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: Reason: This is a pre-commencement condition to ensure works are carried out in an appropriate manner, 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.

16. Development shall be carried out in accordance with the following document:

- An Arboriculture Report on Trees at or adjacent site for new office by Rupert Baker, dated June/July 2020.

Reason: To ensure the protection of the trees/hedges before any activity commences on site, in the interests of visual amenity.

17. PRE-COMMENCEMENT. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: This is a pre-commencement condition to ensure an appropriate record is made of archaeological evidence that may be affected by the development.