

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 1st August, 2018										
Time:	2.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Brown	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Brown	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

1. Minutes

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To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 4 July 2018;

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

Members are invited to declare any personal or disclosable pecuniary 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) 3475/17/OPA

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Outline application with some matters reserved (only access to be considered) for residential development of up to 210 dwellings, public open space, green infrastructure, strategic landscaping and associated infrastructure

Proposed Development Site SX 857 506, Land South of Townstal Road, Dartmouth

(b) 0124/18/ARM

29 - 50

Application for approval of reserved matters following outline approval 58/0791/15/O for demolition of store and shelter and construction of 1no. residential dwelling (resubmission of 0428/17/ARM)

Proposed Development Site at SX 502 502, Bovisand Lane, Down Thomas

(c) 1710/18/HHO	51 - 56
Householder application for proposed alterations and extension 21 Court Park, Thurlestone	
7. Planning Appeals Update	57 - 58
8. Amendments to the Public Participation Scheme for Development Management	59 - 64

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
4 JULY 2018**

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr I Bramble	*	Cllr J M Hodgson (pm only)
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

Other Members also in attendance:
Cllr Bastone

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Senior Specialist, Planning Specialists, Deputy Monitoring Officer, Specialist – Democratic Services

DM.10/18 MINUTES
The minutes of the meeting of the Committee held on 2 May 2018 were confirmed as a correct record and signed by the Chairman, subject to minor corrections.

DM.11/18 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr R Vint declared a disclosable pecuniary interest in application **3631/17/OPA**: Outline application for the erection of a mix of B1, B2 & B8 employment spaces, together with access, parking, landscaping and other associated works with an extended time to commence development – Beacon Park, Dartington, by virtue of being a customer of the applicant and he left the room for the duration of the debate and vote on this item;

Cllrs R Rowe and J Hodgson declared a personal interest in application **3631/17/OPA**: Outline application for the erection of a mix of B1, B2 & B8 employment spaces, together with access, parking, landscaping and other associated works with an extended time to commence development –

Beacon Park, Dartington, by virtue of not being present at the previous meeting and therefore not hearing the full case officer presentation. They both remained in the meeting for the duration of this item but abstained from the vote;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

4257/17/OPA Outline application with some matters reserved for the demolition of existing buildings and the erection of 18 dwellings units (8 affordable) with associated highway access, parking and landscaping - Selworthy House, Warren Road, Kingsbridge

DM.12/18 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.13/18 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

3631/17/OPA **Beacon Park, Dartington**

Parish: Dartington

Outline application for the erection of a mix of B1, B2 and B8 employment spaces, together with access, parking, landscaping and other associated works with an extended time to commence development

Case Officer Update: Four further letters of representation received and summarised; additional late letter from the Parish Council read in full. In response to Parish Council comments, many aspects would be considered at Reserved Matters stage, and in respect of collaboration between the developer and the Parish Council, officers would support but could not insist that it take place.

Speakers included: local Ward Member – Cllr Hodgson

Recommendation: Authority delegated to COP Lead DM, in consultation with the Chairman, to grant conditional approval subject to completion of a s106 legal agreement.

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement

Committee Decision: Authority delegated to COP Lead DM, in consultation with the Chairman, to grant conditional approval subject to completion of a s106 legal agreement.

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement

Conditions:

1. Time limit for submission of reserved matters (5 years after approval of outline) and Time limit for commencement (5 years or 2 years after approval of last reserved matter)
2. Development to be carried out in accordance with approved drawings
3. Reserved matters to include appearance, landscaping, layout and scale
4. Reserved Matters Application to include: -
 - Noise assessment in accordance with BS4142:2014 where an external plant affixed to buildings is proposed
 - Lighting plan (showing lux contours/isoclines) to demonstrate that the proposal will not exceed light levels of 0.5lux within the 20m southern habitat corridor.
5. Percolating testing
6. Details of proposed permanent surface water drainage management system
7. Groundwater monitoring programme to be undertaken over a period of 12 months
8. Details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system
9. Details of proposed surface water drainage management system to serve development site for the full period of its construction to be submitted.
10. Scheme to deal with the risks of contamination prior to the development of each phase
11. Verification report
12. Unsuspected land contamination
13. Bus stop scheme
14. Details of road infrastructure to be submitted

15. Works within vicinity of hedgerow restricted until LPA has copy of licence for Dormice
16. Site preparation or vegetation clearance restricted until LPA has copy of licence for Great Crested Newts
17. LEMP to be submitted detailing habitat maintenance measures
18. CEMP to be submitted detailing timings and work methodologies
19. Provision of electric charging points
20. Provision of a travel plan
21. Construction Management Plan – to include details and timing of stopping up of access
22. Full hard and soft landscaping details
23. Full tree protection measures
24. Arboricultural method statement
25. Full cut/fill soil volume calculations and details of removal of surplus spoil to a licenced disposal facility
26. lighting scheme and lighting unit details
27. Use restricted to B1, B2 and B8
28. No lorries to be delivered or despatched from site between 23.00 and 07.00
29. No refrigeration units to operate on lorries between 23.00 and 07.00
30. Additional condition re finished floor levels
31. Additional condition re no development within the floodplain

4257/17/OPA Selworthy House, Warren Road, Kingsbridge

Parish: Kingsbridge

Outline application with some matters reserved for the demolition of existing buildings and the erection of 18 dwellings units (8 affordable) with associated highway access, parking and landscaping

Case Officer Update: One late letter of representation had been received commenting on the biodiversity response submitted as part of the application

Speakers included: Objector – Mr Robin East: Supporter – Mr Andrew Lethbridge: local Ward Member – Cllr Gilbert

Recommendation: Refusal

Committee Decision: Refusal

1539/18/ARM Land to west of Workshops, Church Road, Ermington

Parish: Ermington

Application for approval of reserved matters for 4 employment units (Use Class B1) on the employment land following consent 21/2734/14/VAR (Mixed use development comprising 32 dwellings and 0.1ha of employment land along with associated access, car parking, landscaping, open space and the provision of footpath link to village centre

Case Officer Update: The outstanding drainage objection from DCC flood team had now been removed following receipt of further information and subject to inclusion of planning conditions.

Speakers included: Objector – Mr Cliff Sumner: Supporter – Mr Dan Field: Local Ward Member – Cllr Holway

Recommendation: Conditional Approval

During discussion, and at the request of the local Ward Member, the matter of additional conditions was discussed. Members agreed to include additional conditions that would prevent refrigerated lorries from parking overnight in the allocated parking spaces with their refrigerated units running, and a condition that restricted the time of deliveries to the units so that they did not take place after 9pm and before 7am.

Committee Decision: Conditional Approval

Conditions:

- Accords with plans
- Unit 17 and 18 – rear facing windows to be obscure glazed and non-opening
- Material details and samples to be submitted and agreed
- Details of bin store
- Drainage scheme to be implemented and maintained
- CMP

DM.14/18 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases.

DM.15/18 PLANNING ENFORCEMENT INDICATORS

The COP Lead Development Management presented information regarding enforcement statistics. He advised Members that consistently more cases were being closed than opened.

During discussion, Members noted that the circulated lists were not always completely up to date, and Members asked that further sessions be set up for Ward Members to meet with the enforcement officers, as this was an effective way of exchanging up to date information on enforcement matters within Wards.

(Meeting commenced at 2.00pm and concluded at 4.15pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 4 July 2018

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3631/17/OPA	Beacon Park, Dartington	Conditional Approval	Cllrs Brown, Steer, Pearce, Bramble, Cuthbert, Foss, Hitchins, Holway (8)	Cllr Brazil (1)	Cllrs Rowe and Hodgson by virtue of being absent for the presentation and Cllr Vint by virtue of declaring a DPI (3)	(0)
4257/17/OPA	Selworthy House, Warren Road, Kingsbridge	Refusal	Cllrs Brown, Steer, Pearce, Bramble, Cuthbert, Foss, Hitchins, Holway, Brazil, Vint (10)	Cllrs Rowe and Hodgson (2)	(0)	(0)
1519/18/ARM	Land to west of Workshops, Church Road, Ermington	Conditional Approval	Cllrs Brown, Steer, Pearce, Bramble, Cuthbert, Foss, Hitchins, Rowe, Brazil, Vint (10)	Cllr Hodgson (1)	Cllr Holway (1)	(0)

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PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Stoke Fleming **Ward:** Blackawton and Stoke Fleming

Application No: 3475/17/OPA

Agent/Applicant:

Mr Robin Upton
WYG Planning
Hawkridge House
Chelston Business Park
Wellington
TA21 8YA

Applicant:

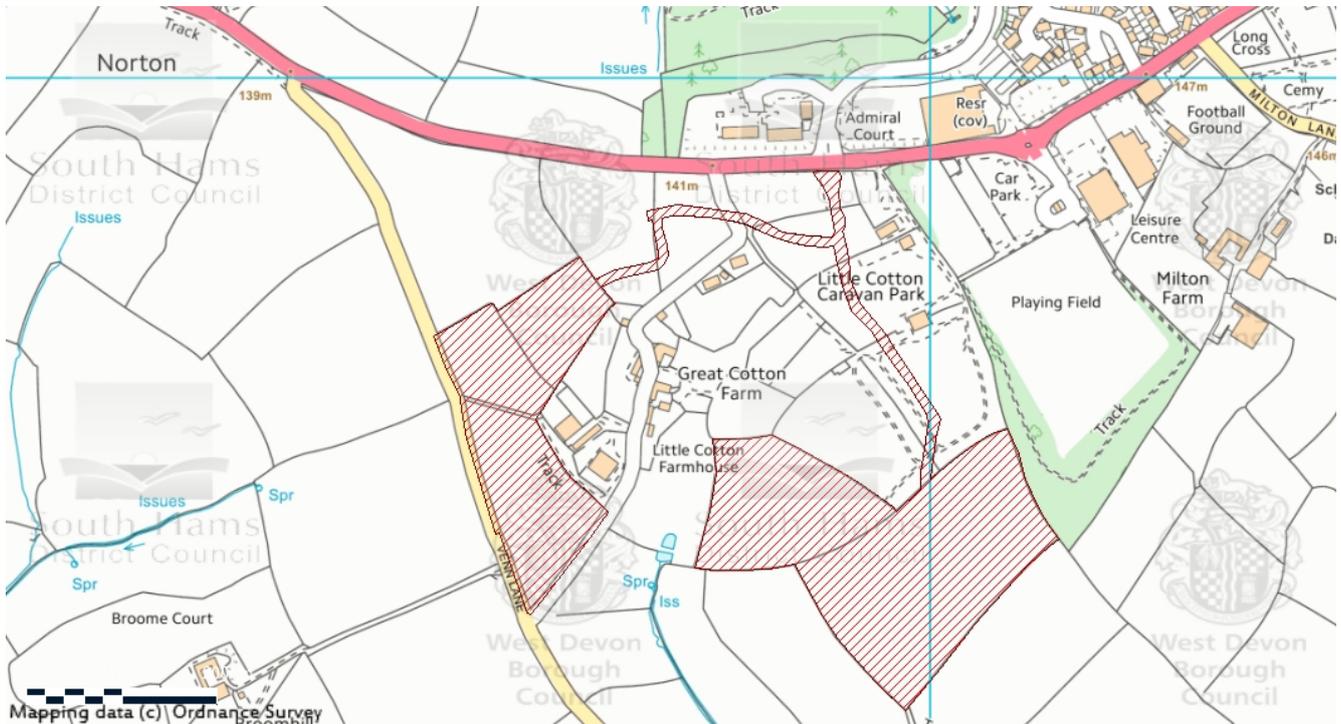
Millwood Homes (Devon) Ltd

Site Address: Proposed Development Site SX 857 506, Land south of Townstal Road, Dartmouth, Devon

Development: READVERTISEMENT (Revised plans) Outline application with some matters reserved (only access to be considered) for residential development of up to 210 dwellings, public open space, green infrastructure, strategic landscaping and associated infrastructure.

Reason item is being put before Committee

The Ward Member has requested that given the strategic importance of the site the application should be considered by DM Committee.



Recommendation

Delegate to CoP Lead Development Management, in conjunction with Chairman, to conditionally grant planning permission subject to a Section 106 legal obligation.

However in the event that the s106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead DM in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 legal agreement.

The conditions and terms of the Section 106 Obligation are set out below.

Conditions

1. Details of the appearance, landscaping, layout and scale (the reserved matters) for each phase or phases of the development shall be submitted to, and approved in writing by, the local planning authority before any development of the relevant phase begins, and the development shall be carried out as approved.
2. Application for approval of the reserved matters for the first phase of the development shall be made to the local planning authority not later than four years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for the first phase of the development.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan Ref. A097890drg02 dated 12 June 2017
 - Parameter plan A097890drf01v4
5. Notwithstanding Condition 4, no development shall take place until a phasing programme for the whole development hereby permitted has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing programme or any variation to this phasing programme that has previously been submitted to, and approved in writing by, the local planning authority.
6. Notwithstanding Condition 4, no development shall take place until a landscape and ecology management plan for the whole development hereby permitted has been submitted to, and approved in writing by, the local planning authority. The plan will reflect the recommendations of the EclA (August 2017). Development shall be carried in accordance with the approved plan.
7. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.
8. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365

Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy (Rev. Issue 2; dated 13th December 2017).

9. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices.

10. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

11. Notwithstanding Condition 4, no part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

12. Notwithstanding Condition 4, no development shall take place within an approved phase of the development hereby permitted until an ecological mitigation strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy shall be based on the proposed mitigation in the Ecological Impact Assessment (August 2017) submitted as part of the planning application. Development shall be carried out in accordance with the approved strategy.

13. Notwithstanding Condition 4, no development shall take place within an approved phase of the development hereby permitted until details of tree protection measures for that phase during construction have been submitted to, and approved in writing by, the local planning authority. The measures shall accord with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations and shall indicate exactly how and when the trees will be protected throughout the construction period. The measures shall include provision for the supervision of tree protection works by a suitably qualified arboricultural consultant. Development shall be carried out in accordance with the approved details and protection measures.

14. Notwithstanding Condition 4, no development shall take place until a construction management plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- The parking of vehicles of site operatives and visitors and car sharing promotion measures;
- the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- 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;
- Storage of plant and materials used in constructing the development;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction, prepared in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites;
- Measures to control noise and vibration (informed by assessment, if necessary)

- No construction work to be carried out, or deliveries received, outside of the following hours: 0800-1800 Monday-Friday and 0800-1300 on Saturdays and not at all on Sundays and public holidays; unless agreed by the planning Authority in advance;
- hours during which no construction traffic will be present at the site;
- Means of enclosure of the site during construction;
- Construction traffic signage strategy;
- Details of any road closure;
- The proposed route of all construction traffic exceeding 7.5 tonnes;
- Photographic evidence of the condition of adjacent public highway prior to commencement of any work; and
- avoidance and mitigation measures with respect to wildlife before and during construction.

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

- The access road and roundabout in phase 1 [application 15_51/1710/14/O (Appeal Decision APP/K1128/W/15/3039104),] has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway;
- The ironwork has been set to base course level and the visibility splays required by this permission laid out; and
- The footway on the public highway frontage between phase 1 and the Leisure Centre required by the phase 1 permission has been constructed up to base course level; and
- a site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

16. The development shall proceed in accordance with the programme of archaeological work as set out in the archaeological project design prepared by South West Archaeology (version 3, dated 15th January 2018) and submitted in support of this planning application.'

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

17. For internal roads on the site within an approved phase of the development hereby permitted; the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, surface water outfalls, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking arrangements and street furniture within that phase shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the local planning authority before their construction commences. The submitted details shall indicate, as appropriate, the design, layout, levels, gradients, materials and method of construction.

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

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

19. No part of the development hereby permitted shall be occupied until a verification report, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation, has been submitted to, and approved in writing by, the local planning authority.

20. The car parking arrangements approved under Condition 12 shall be laid out, surfaced and made available for use in connection with the units to which they relate, prior to their first occupation. The car parking arrangements shall be thereafter retained and kept permanently available for parking to serve the development hereby permitted.

21. Notwithstanding Condition 4, no development shall take place within an approved phase of the development hereby permitted until details of a lighting strategy for that phase has been submitted to, and approved in writing by, the local planning authority. The strategy will include a requirement for dark corridors around site boundaries to avoid impacts on commuting and foraging bats.

s106 (in combination with Phase 1)

Obligation	Phase 1 contribution	Phase 2 contribution (this application)	notes
Affordable Housing	11% (50/50)	30% (50/50)	No need for further provision in Phase 2
Employment Land	2.7 ha	None	
Education	£0	£250 per dwelling	Early years provision only. Sufficient capacity for primary and secondary
Local Centre	0.4 ha	None	No need for further provision
Crossing commuted sum	£11,000	£0	No change to access arrangements
High friction contribution	£9,000	£0	No change to access arrangements
On-site delivery of POS	Deliver on site	Deliver on site	Total provision of 54m ² per dwelling, including NEAP @ 4.16m ² per dwelling LEAP @ 1.6m ² per dwelling
Option of off-site NEAP or on-site provision	£75,000	£75,000	Preference if now for 1 on-site NEAP large enough for both phases
MUGA contribution	£303,228	£0	Preference is now for the MUGA to be delivered on Phase 1
MUGA commuted sum	£44,239.20	£0	Preference is now for the MUGA to be delivered on Phase 1
Sports pitch contribution	£207,878 (£866.16 per dwelling)	£866.16 per dwelling	Continue with off-site contribution for phase 2
Sports pitch commuted sum	£156,681.60 (£652.84 per dwelling)	£652.84 per dwelling	Continue with off-site contribution for phase 2
Off-site footway/cycleway links to Townstal	Provision by developer	None	No need for further off-site footway / cyclepath links
New footway/cycleway maintenance sum	£50,000	£0	No need for further off-site footway / cyclepath links
Park and Ride contribution	£50,000	£0	Requirement to enhance P&R met. Also no defined scheme.
Travel Plan contribution	£550 per dwelling	£300 per dwelling	The level is in accordance with DCC advice. Travel vouchers would need to be provided on occupation to maximise effect on modal shift
Welcome Pack (TP)	Provision to each occupier	Provision to each occupier	Repeat for phase 2

TRO contribution (revised speed limits)	£12,000	£0	Requirement met by phase 1
LEMP	Obligation	Obligation	Deliver on site
SUDS	Obligation	Obligation	Deliver on site
Working days	Obligation	Obligation	Repeat for additional houses
Cirl Bunting mitigation	N/A	£222,579	£74,193 per pair towards RSPB off-site habitat creation

The s106 would also make provision for ongoing maintenance of onsite open space and wildlife measures in perpetuity and in accordance with the LEMP; as well as meeting standard DCC Legal fees.

Key issues for consideration

The site lies partly within Allocation D1 of the Dartmouth Site Allocations DPD (2011) and partly within the countryside. It has, therefore, been advertised as a departure from the adopted development plan.

The key issue is, therefore, the consideration of whether or not there are material considerations that would justify allowing this development contrary to the provisions of the adopted development plan.

The first consideration in favour of the development is that in the absence of a 5 year housing land supply a material consideration is paragraph 14 of the NPPF and its presumption in favour of sustainable development.

The second consideration in favour of the development is that the site in combination with the permitted 'first phase' of development, reference 15_51/1710/14/O (Appeal Decision APP/K1128/W/15/3039104), forms proposed allocation TTV5 of the Joint Local Plan.

The key consideration that weighs against the application is the impact on the landscape, including the setting of the South Devon AONB.

Financial Implications (Potential New Homes Bonus for major applications)

It is estimated that this development has the potential to attract New Homes Bonus of £274,680 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description

The site is located west of Dartmouth and south of Townstal Road, as illustrated in the site plan at the start of this report. The site comprises a western and eastern section sitting either side of Great Cotton Farm and Little Cotton Farm

The northern boundary is formed by the area referred to above as Phase 1 of the proposed TTV5 allocation, a development of mixed uses including residential and employment. The A3122, which is the main road leading into and out of Dartmouth sits immediately north of Phase 1. North of the A3122 are employment and retail uses, beyond that open countryside.

The western boundary of the western section is formed by Venn Lane, which is a local road edged by banks and hedgerows; the eastern boundary of the western section directly abuts Great Cotton Farm; and the southern boundary is formed by the access track to the farm, which is also a local road edged by banks and hedgerows with some mature trees.

The western, southern and eastern boundaries of the eastern section directly abuts farmland and a camp site with hedgerows delineating of the site.

Both the western and eastern sections comprise open farmland with hedgerows. Farmland outside the site to the south falls away steeply into a valley.

The swathe of land running alongside the farm access would remain undeveloped from the junction with Venn Lane to the junction with the A3122.

The Proposal

The application seeks permission for up to 210 dwellings with 30% affordable housing (63 units). In addition to the development area 1.25 hectares of public open spaces would be provided with a further 1.79 hectares of green infrastructure. The public open space areas would provide areas of formal (equipped) and informal (grassed) areas of play. The green infrastructure areas would provide significant buffers at the periphery of the development together with strategic landscaping to mitigate the landscape impact of the development.

The masterplan and other accompanying drawings indicate that the east and west development areas would gain access through the Phase 1 development area. Submitted drawings show the approved Phase 1 area masterplan in opaque colours to distinguish it from the proposals that are the subject of this application.

This would combine with the approved phase 1, which has been granted planning permission for:

- up to 240 dwellings;
- 2.7 hectares of employment land;
- a local centre (0.4 hectares) in addition to the employment land;
- public open space and play areas commensurate with the number of dwellings proposed (1.3 hectares);
- a financial contribution to enhance the Park and Ride within a Section 106 (S106) Agreement
- off-site cycle path and foot path provision linking the site to Townstal; and
- retention of existing sports pitches (outside of the application site)

The submitted site location plan shows a red line around the phase 2 development area, but is also required to show how each parcel can connect to the existing adopted highway (Townstal Road) through Phase 1. The red line application area is therefore extended through the phase 1 area to meet Townstal Road. The remainder of Phase 1 is edged in blue to denote that this area is also within the control of the applicant.

The following drawings and documents are submitted in support of the application:

- Site Location Plan
- Masterplan
- Parameters Plan
- Landscape masterplan
- Application forms
- Planning Statement
- Design and Access statement (DAS)
- Statement of Community Involvement (SCI)
- Topographical Survey
- Ground Conditions Desk Top Study Report
- Results of a Historical Visual Impact Assessment
- Archaeological Assessment and Written Scheme of Investigation
- Ecological Impact Assessment

- Landscape and Visual Impact Appraisal
- Landscape Strategy
- Arboricultural Appraisal
- Tree Constraints Plans
- Flood Risk and Drainage Assessment (original and updated)
- Air Quality Assessment
- Noise Assessment
- Utilities Assessment (within DAS)
- Waste Management Plan
- Transport Assessment (including Framework Travel Plan)
- Draft Section 106 Heads of Terms

Consultations / representations

- Devon County Council Highway Authority

In their consultation response dated 14th November 2017 the Highway Authority raises no objection to the application; and sets out s106 requirements and proposed conditions.

It notes that the Transport Assessment demonstrates the development would not have a severe impact on the public highway in terms of capacity. This is in its own right and in combination with other development permitted at this location. The Highway Authority considers that all the assessed junctions perform adequately in the morning and evening peak periods.

The Highway Authority raises concern with respect to the design of the roundabout for phase one (not this application) and with respect to drainage. Both these matters are considered later in the report, with the conclusion being that it is appropriate to be addressed at the Reserved Matters stage.

- Highways England

In their consultation response dated 30th October 2017 Highways England considers that the proposed development (and noting the existing planning permission for development) would not have a severe adverse impact on the strategic highway.

Highways England raises no objection to the application.

- Devon County Council Education Authority

In their consultation response dated 7th November 2017 the Education Authority advises that there is currently capacity at the nearest primary school and secondary school to accommodate the number of pupils likely to be generated by the proposed development. A contribution of £52,500 (£250 per dwelling) is sought towards Early Years education, which is needed to ensure delivery of provision for 2, 3 and 4 year olds.

- Lead Local Flood Authority (Devon County Council)

In their consultation response dated 15th November 2017 the Lead Local Flood Authority raised concern. Following the receipt of additional information the LLFA confirmed in their response dated 7th February 2018 that the objection was withdrawn and that there is no in-principle objection, assuming that their specified pre-commencement planning conditions are imposed (see conditions and LLFA comments dated 7th February 2018)

- RSPB

In their consultation response dated 21st November 2017 the RSPB objected to the application on the basis of a lack of full survey for curlew buntings and possible under-recording of curlew bunting territories; and insufficient compensation proposed for loss of habitat for curlew bunting breeding territories.

Further concerns were raised with respect to bat surveys and monitoring not according with best practice.

Specifically the RSPB noted that the proposals would result in 200m of the total of retained hedges becoming the rear garden boundaries of dwellings between Phase 1 and Phase 2 developments and that there are two proposed play areas located within areas of retained grassland.

Concern was also raised with respect to light spill onto retained and created hedges from public realm provision and from individual dwellings.

The RSPB response also details suggested mitigation / enhancement measures for species including birds and hedgehogs.

- South Devon AONB Unit

The SD AONB Unit has made an objection verbally. Full details will be reported verbally to Committee.

- SHDC Environmental Health

In their consultation response dated 20th November 2017 the Council's Environmental Health Officer recommends a condition requiring a Construction Management Plan prior to the commencement of development; and the standard unsuspected contamination condition.

- SHDC Housing enabling

The Housing Enabling Officer in their consultation response dated 15th January 2018 expresses support for the proposed development, noting that dwelling sizes and tenure are matters to be considered ahead of / through a Reserved Matters application, should permission be granted.

- SHDC biodiversity

In their response dated 12th June 2018 the Council's Specialist approval of the application subject to conditions and s106 clauses. These have been included in the draft Conditions and the draft s106 Agreement.

- SHDC Open Space, Sport and Recreation

The Council's Specialist raises no objection subject to conditions and s106 clauses. These have been included in the draft Conditions and the draft s106 Agreement.

- SHDC Landscape Specialist

The Council's Landscape Specialist has raised concern with respect to the impact of the development on the landscape, including the setting of the AONB.

- Stoke Fleming Parish Council

Stoke Fleming Parish Council objects, setting out detailed concerns with respect to the following matters (initial representation 21st November 2011 – updated in an undated note that was uploaded 7th June 2018):

- visual impact on the AONB
- extent of the development on its southern boundary
- increased traffic on Venn Lane
- increased traffic congestion on the A3122

- Dartmouth Town Council

Dartmouth Town Council, in their response dated 23rd November 2017 recommends approval 'on the condition that the Town Council request and require that the St Ives Model be applied, that is the houses are primary residence only. Also that the affordable homes are built simultaneously and in parallel with the other houses.'

In a second representation dated 25th May 2018, the Town Council recommends approval 'with the proviso that there is a coherent approach in design to achieve unity with any future developments and public transport services.'

- Historic England

Historic England, in their consultation responses dated 29th May 2018 and 23rd November 2017, does not object, but raises concern that moderate harm is likely with respect to the setting of Woodbury Camp Scheduled Monument. HE advises that the Council should seek the opinion of the DCC Historic Environment Team in this respect.

- DCC Historic Environment Team

In their consultation response dated May 2018 DCC HET confirms that the programme of archaeological works as described in the revised Written Scheme of Investigation (WSI) prepared by South West Archaeology - (version 3, dated: 15th Jan 2018) and submitted in support of this planning application is acceptable to the Historic Environment Team.

The HET adds that in the light of the submission of this document their recommendation is that any consent granted should be conditional.

Representations from Residents

Representations have been received from six residents and cover the following points:

- extra traffic would have serious safety issues;
- Venn Lane is a narrow lane with restricted visibility and increased traffic will enhance danger and overspill into the already congested Stoke Fleming Village;
- situated on the brow of the hill so development would dominate the area;
- overdevelopment of the site and does not accord with the provisions of the current plan;
- impact on AONB;
- light pollution on AONB doesn't seem to have been considered;
- visible from Stoke Fleming;
- photomontages unrealistic and have no design details;
- drainage and impact on a well below the development;
- noise and disturbance to the detriment of Dartmouth as a desirable place to visit;
- Blackpool Valley is subject to flood risk, with development increasing flooding;
- Provision of medical practice absent, with the development of 400 homes overloading the already stretched Health Service and exacerbated by the recent closure of Dartmouth Hospital;
- local infrastructure is not suitable to support such a large development;

- access proposals and road layout appear to make no provision for adequate parking for residents, their visitors and the inevitable overspill that will arise during the tourist season due to proximity to the Park and Ride;
- most people will drive to and from the site, to Dartmouth and to Townstal, both of which are already suffering from parking issues to a greater or lesser extent
- layout / design looks very regimented and imposing being set on high ground;
- site boundary is different to the allocation boundary in adopted development plan and as proposed in the Joint Local Plan (TTV5);
- misleading statements regarding future availability of land;
- impact on habitats and species;
- importance of genuinely effective separation of development from the countryside of Venn Lane;
- Heritage and the effect on the setting of Woodbury Camp;
- Too little provision on social and low cost housing for locals;
- Not enough full time local employment to support the increased number of inhabitants.

Relevant Planning History

The site is part of the proposed TTV5 Allocation of the Joint Local Plan.

The neighbouring land, which forms the remainder of proposed TTV5 allocation was granted appeal in 2016. The application (reference 15_51/1710/14/O) was refused by the Council in 2015, as in offering 15% Affordable Housing the application was not considered to be compliant with Core Strategy Policy CS6, Affordable Housing; Affordable Housing DPD Policies AH1 and AH2; and the Affordable Housing DPD.

The application was subsequently granted planning permission at appeal in 2016 (reference APP/K1128/W/15/3039104) with 11% Affordable Housing. In the Appeal Decision the Inspector commented that the Council did not have a 5 year housing land supply and that the development would not be viable if a higher level of Affordable Housing was required.

ANALYSIS

Principle of Development / Sustainability

The adopted development plan (Dartmouth Site Allocations DPD 2011) allocated a site at this location that would accommodate at least 405 dwellings and 4.5ha of employment land. In comparison, therefore, the proposal would exceed the minimum provision for housing and would be below that envisaged for employment.

During the process of preparing the Joint Local Plan it was recognised that not all the land comprising Allocation D1 would be available during the plan period of the adopted development plan. Consequently, and to retain a similar scale of development, the Joint Local Plan proposes to allocate a different area of land. The application in combination with Phase 1 would be entirely consistent with the JLP proposal TTV5, which reads as below.

Policy TTV5, Land at Cotton is allocated for residential led mixed-use development. Provision is made for in the order of 450 new homes and 10,800 square metres of employment land (Use Classes B1).

Development should provide for the following:

1. A local community hub;
2. Retention of the existing sports pitches with any re-ordering only acceptable if it would result in enhancement of the facility;

3. Provision of both formal and informal open space;
4. Strategic landscaping to address the scale and prominence of the site, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside;
5. A scale, design and southern extent of development which is not overly prominent when viewed from the surrounding countryside;
6. Positive frontages onto the adjoining road network, especially the main road; and
7. Delivery of enhanced connectivity with the lower town for public transport, pedestrians and cyclists.

In the context of the adopted development plan the land lies in countryside. Given that the Council cannot demonstrate a 5 year housing land supply, however, the application must be considered against the provisions of a tilted balance applied to paragraph 14 of the NPPF. In this respect it is noted that this proposal, in combination with Phase 1, carries forward the principles and objectives set out in the 2011 Dartmouth Site Allocations DPD and is in accordance with the emerging development plan. Specifically the proposed development would meet the objective of meeting that identified housing need and affordable housing need that has otherwise not been met fully.

Through the process of preparing the Joint Local Plan a number of sites have been considered for development around Dartmouth. Given the need for this level of new housing it has been concluded that there are no sites better able to accommodate this level of growth without significantly affecting the character of the landscape, AONB, and visual amenity of the area.

The JLP Hearings have been completed and the Plan can be considered to be at an advanced stage. It is noted, however, that full weight cannot at this time be given to Policy TTV5.

Landscape

Given the scale of the proposed development, in combination with Phase 1, and the elevation of the site there will inevitably be significant landscape and visual impacts. This includes impacts on the setting of the South Devon AONB. For the avoidance of doubt, the site lies outside of and approximately 1 kilometre from the AONB to the south and east of the site.

Due to the elevation and sloping topography of the site these impacts cannot be fully mitigated. However, these impacts have been accepted in part by the grant of planning permission for the northern portion of the site and through the JLP decision to allocate the site.

The Landscape Specialist advises that the site lies within the setting of the AONB and has a very high landscape value. It forms part of the elevated rolling landscape that is a distinctive part of the setting of Dartmouth, visible on the approaches from the south and west. Although only a very short stretch of public footpath passes through the site itself, Venn Lane and the lane through Cotton form part of the recreational network, linking to bridleways and public footpaths extending to the south.

An elevated and open site, with gently rolling farmed fields sloping broadly to the south. There are expansive views across the site from surrounding high ground from all directions other than due north. Existing camping and caravanning uses are present to the eastern portion of the site, but are not widely visible.

The key sensitivities of the proposed development are:

- Development on the open plateau areas of the site, and that tipping down the slopes to the south would be visually prominent across a large area, including the AONB.
- Dense mitigation planting used to screen development would significantly diverge from the

simple, open, hedgerow bound field pattern.

- Large-scale development in this open location would erode rural character and intrude into open panoramic views valued in the AONB.

The Landscape Specialist concludes that given the scale of the potential development here, and the elevation of the site, there will inevitably be significant landscape and visual impacts resulting from its development, including impacts upon the setting of the South Devon AONB. Due to the elevation and sloping topography of the site, these impacts could not be fully mitigated. However, these have been accepted in principle by the grant of planning permission for the northern portion of the site.

Therefore, if development were to be promoted here, the following measures would help to contain and moderate the impacts of extending the permitted development further to the south:

- Substantial areas of open space and strategic landscaping along the southern extents of the site, with strategic landscaping extending into the development.
- Low density development to allow a tree canopy to develop within the site area (as open space/garden/street trees), with these and open spaces breaking up the massing of built form in wider views.
- Maximum two-storey development to limit the impact of development on the plateau.
- Muted roofing and façade materials, avoiding pale renders along the southern and western edges of the site.
- Careful design of street lighting to minimise light spill.

In relation to visual impacts, many of the photoviewpoints in the LVIA show the consistent, open and undeveloped landscape, within which large portions of the site would be clearly visible. Although many of the conclusions in Table 5-4 and 5-5 suggest minor adverse, small or negligible changes to views after construction, the Landscape Specialist concludes that the vast majority of them would result in a greater magnitude of change than suggested, and consequently, an adverse effect of greater significance.

A draft Parameters Plan has been prepared by the applicant with the objective of agreeing principles of the development parcels, public open space, and the strategic landscaping. This would be an appropriate mechanism to secure the mitigation principles outlined in the Joint Local Plan assessment, and would provide for the least harmful form of development in this location.

The submitted tree survey provides a fair representation of the trees and hedgerows on site. The indicative layout suggests the retention of all but one hedgerow. Otherwise, important trees and vegetation are located outside the developed areas and could reasonably be retained. Trees and hedgerows should be retained where possible throughout the development as the detailed design evolves.

A full Arboricultural Impact Assessment (including Tree Protection Plan and Arboricultural Method Statement) should be secured by condition, and should be carried out early in the process to inform the design

The Landscape Specialist considers that the proposed development would not be in accordance with policies DP2 and CS9, which seek to give great weight to the conservation and enhancement of the AONB landscape, and seek to conserve and enhance landscape character by:

- reflecting the needs and issues set out in identified landscape character areas;
- ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character)

- avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution.
(DP2)

Emerging Joint Local Plan policies, including DEV26 carry similar sentiments and it is noted that NPPF paragraph 115 requires great weight to be given to the effects upon the setting of the AONB in the planning balance.

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;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

It is considered that the provisions of the parameter plan, which would be a condition of approval, address the above matters substantially.

It is noted that representations have specifically referred to the potential harm for light pollution. This has been considered and the appropriate response is to include a condition that will require a lighting strategy with the objective of minimising harm to both landscape and biodiversity.

The final layout, form and design would be the subject of reserved matters applications.

Highways / Access

The site would be accessed from Phase 1. The Highway Authority is satisfied that this is appropriate.

The Highway Authority is also satisfied that there would not be a severe impact on the road network with respect to congestion or safety and that the proposed development is, therefore acceptable.

In the interests of promoting more sustainable patterns / forms of transport the Highway Authority recommends the following re secured through a s106 Agreement:

- Sustainable Travel Vouchers of a value of £300 per household
- A Travel Pack for each household

In reaching these conclusions the Highway Authority has considered the information submitted by the applicant and has considered the comments of residents, as set out earlier in this report.

Drainage / water quality

The LLFA has considered the relevant documents that accompany the planning application and is satisfied that there is not likely to be an adverse impact with respect to either the quality or quantity of run off. The concerns of residents with respect to potential flooding downstream and a specific reference to a well have been taken into consideration. The initial consultation response from the LLFA requested additional information from the applicant to ensure that the surface water drainage management plan took account of the worst case scenario. The applicant consequently amended submitted Drainage Strategy to the satisfaction of the LLFA. On the basis of the amended Drainage Strategy, the LLFA raise no objections to the development, subject to the conditions listed at the start of this report.

Biodiversity

It is noted from the ECIA and observations of the Council's Specialist that the site does not fall within a protected designation and the proposed development does not have the potential to impact on any protected site (including SAC, SPA, SSSI, CWS).

With respect to species, notable points are that a low population of common lizard has been recorded; three cirl bunting territories were recorded within or adjoining the site; and no trees or buildings with potential to support roosting bats were recorded within the application site.

Bat activity and static surveys recorded at least nine species using the site; common pipistrelle was the most frequently recorded species with low numbers of more scarce and light sensitive species including barbastelle, Myotis species and greater horseshoe also recorded. Highest levels of activity was associated with the eastern boundary.

The ECIA notes that the proposed development would include the following:

- retention and protection of the majority of hedgerows within the site;
- landscape / ecological buffers / corridors around key boundaries within the proposed development, linked to corridors within the Phase 1 development;
- landscape planting within the habitat buffers and public open space, incorporating new hedgerow planting, native tree and shrub planting and wildflower meadow;
- Sustainable Drainage System (SuDS) including attenuation basins providing new wetland habitat; sensitive public realm lighting scheme to ensure no light spill onto retained and created habitats / corridors; and
- bird and bat boxes on buildings and trees.

Development would include the loss of approximately 6ha poor semi-improved grassland and the loss of approximately 150m of hedgerow.

Measures to avoid, mitigate and compensate adverse effects and provide ecological enhancement would include the following:

- habitat creation including wildflower meadow, wetland planting, native tree planting, and approximately 400m of new native hedgerow;
- protection of retained hedgerows and mature trees during construction through use of temporary barriers (e.g. Heras fencing), with post and wire mesh fencing installed alongside residential boundaries to reduce interference with hedgerows;
- incorporation of dark corridors around site boundaries to avoid impacts on commuting and foraging bats;
- a pre-construction badger survey to confirm the status of badger setts, with any setts that could potentially be damaged or disturbed during construction would be subject to a Natural England Badger Development Licence;
- habitat manipulation and a destructive search to displace individual reptiles and amphibians from the development area prior to site clearance
- A sum secured through the s106 of £74,193 per territory to compensate for the loss of three cirl bunting territories, to enable off-site strategic habitat creation and management (in accordance with the 'Wildlife and development guidance note: Cirl bunting' dated October 2017);
- removal of bird nesting habitat outside of the bird nesting season or subject to a pre-start check by an ecologist to ensure that no active nests were affected;
- a destructive search for hedgehogs would be undertaken prior to the start of construction, with hedgehog passes created in new garden fences to allow hedgehogs to move around and through the site post-development works;
- pre-commencement CEMP and LEMPs including all ecological management actions during the construction and post-construction phases respectively

The SHDC Biodiversity officer considers these mitigation measure to be acceptable.

Open Space Sport and Recreation

The Design and Access Statement sets out the following on-site OSSR:

- 1.25ha (59.5m2) public open space (0.78ha in eastern portion and 0.47ha in western portion);
 - 1.79 ha (74.5m2) amenity green infrastructure;
 - On-site NEAP in western portion; and
 - On-site LEAP in eastern portion.

This would combine with the provisions secured through Phase 1 to provide an appropriate quantity and mix (see s106 summary at the start of the report).

The outline masterplan provides for green space (combined public open space and amenity green infrastructure) in excess of that required by SHDC policy standards, this partly being possible because of site constraints requiring the amenity green infrastructure space to act as a visual buffer to filter views of the development to the south.

The potential exists for the green space to have multiple benefits for formal sports and play, informal recreation, biodiversity, landscape and SuDS (SuDS dependent on further testing). A balance would need to be achieved within the detail at reserved matters stage with respect to enabling the appropriate level of public access and management of particular areas for wildlife and SuDS.

It is proposed that the approach to delivering the OSSR elements from both phases will be co-ordinated and this will require a variation to the Phase 1 s106. Officers consider that this allows the opportunity to maximise benefits and give greatest scope to avoid nuisance in terms of neighbouring residents and wildlife. The details of the layout, form and management would then be established through the reserved matters process.

Specifically, the Phase 1 application secured a contribution for an off-site MUGA to be delivered by the District Council, with the intention that this would be at the adjacent Norton Fields. Flexibility exists with respect to this and the use of the off-site sports facilities.

Infrastructure

No objection has been received from any infrastructure provider.

Concern has been expressed by residents with respect to the provision of a medical practice. The scope exists to discuss this matter with the developer and other relevant parties, with the potential to incorporate in the Phase 1 development within the approved local centre area.

Heritage

Historic England advises that in the context of NPPF great weight should be given to the heritage impact.

It is noted that, at paragraph 17 of the NPPF, a core planning principle is to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF paragraph 132).

Officers consider that although it has been identified that the development proposal has the potential to cause harm to the setting of the identified heritage asset (namely, Woodbury Camp SAM, approximately 1 kilometre to the west of the site), such impact has been suggested to be 'moderate' equating to a less than substantial impact. Officers are mindful that a less than substantial impact still represents a harmful impact and as such when weighed in the balance great weight must be given to the preservation of the identified asset and its setting. This level of harm was also identified in respect of the approved phase 1 development.

When weighing the public benefits of this development proposal against the acknowledged moderate harm Officers conclude that the public benefits associated with the development in this particular instance outweigh the potential impact to the asset and its setting. The benefits are considered to be the provision of housing, including affordable housing; and open space, sport and recreation.

The mitigation of the impact on Woodbury Camp is in the form of dealing with an appropriate development boundary to the west side of the site adjacent to Venn Lane, with the parameters plan establishing a good set back and planting. In addition the landscape treatment and design of a suitable development edge will break up the massing of built form in wider views. The detail would be finalised through the reserved matters process.

It is considered, therefore, that the requirements of paragraphs 126, 129, 131, 132, 134, and 137 of the NPPF would be met.

Environmental Dimension

It is acknowledged that the development will result in some harm to biodiversity interests, as set out earlier in the report. The proposed mitigation measures, which can be secured at RM, would result in a net positive impact on biodiversity.

It is considered that the mitigation measures proposed and that can be secured at reserved matters would result in the net impact on biodiversity being acceptable, but still causing some harm.

Social Dimension

It is considered that the provision of housing, affordable housing (30%), which complies with the emerging JLP Policy DEV8 and the current evidence base with respect to viability; and open space, sport and recreation would have a significantly positive impact.

Dartmouth Town Council has requested that open market houses are restricted to primary residence and that the affordable homes are built simultaneously and in parallel with the other houses. It is not possible to restrict housing to primary residence as the Council has no adopted policy to require this. Similarly the Council cannot specifically require that open market and affordable housing are built at the same time, but Officers will seek to ensure Affordable Housing is built as soon as possible by working with the developer.

It is recognised that there would be some harm in terms of highway congestion, but it is noted that the Highway Authority is satisfied that the additional traffic would not result in an unacceptable or severe impact with respect to congestion or safety.

It is the view of Officers that this application would support the viability and maximising the potential benefits of the already permitted phase 1.

Economic

It is considered that the provision of housing, affordable housing and open space, sport and recreation would be significantly positive in terms of the direct impact of providing housing and facilities and in terms of the employment opportunities during construction and, to a lesser extent, maintenance.

Concern has been raised that additional noise and disturbance would be to the detriment of Dartmouth as a desirable place to visit. Officers recognise that one of the main reasons that visitors are attracted to the area is to enjoy what is a relatively undeveloped area, there is no evidence that additional development at this location would deter visitors.

Planning balance

Ahead of adoption of the JLP the Council is not able to demonstrate a 5 year housing land supply. In this context paragraph 14 of the NPPF requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The considerations of the environmental, social and economic dimensions in the context of the adopted development plan, the NPPF and the emerging development plan (the JLP) are set out above. It is considered that the benefits of the development are clear and significant. It is recognised specifically that there would be harm to the landscape, including the setting of the AONB, but this harm is not considered to outweigh the benefits.

Furthermore, it is considered that some weight can be attributed to Policy TTV5 of the emerging development plan. Policy TTV5 seeks to bring forward the development in this application together with that permitted as phase 1. The objectives of TTV5 are in accordance with those first established in the 2011 Dartmouth Site Allocations DPD:

- complements the town's historic core
- meets needs, particularly for affordable housing and quality jobs
- helps to regenerate the town's economy, vitality, community cohesion and self
- sufficiency to improve the quality of life
- establishes a new 'gateway' to the town; and
- protects and enhance the historic, natural and maritime environment of the whole town.

The boundary of the D1 allocation includes land to the east of the proposed TTV5 allocation that is no longer available. In order to retain a similar level of development across the whole allocation, TTV5 includes additional land to the south. It is concluded, therefore, that the proposed development would meet the long standing objectives for Dartmouth and should be approved.

The process of preparing and moving to adoption of the JLP has involved the consideration of a number of sites to meet the housing need of Dartmouth and the wider District. In balance, and recognising the inevitable harm to the landscape of the proposed development, the area of land identified in Policy TTV5 is considered to be the best option.

The proposed conditions and s106 Agreement reflect those attached to the planning permission granted for application 15_51/1710/14/O (Appeal Decision APP/K1128/W/15/3039104), and as advised by consultees.

If permission is granted Officers would work with the relevant parties to seek to co-ordinate the two phases of development through the reserved matters process.

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.

Relevant development plan policies:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS8 Infrastructure provision
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Dartmouth Site Allocations DPD

D1 Land West of Dartmouth

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the natural environment
SPT12 Strategic infrastructure measures to deliver the spatial strategy
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
TTV4 Spatial priorities for development in Dartmouth
TTV5 Land at Cotton
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV14 Maintaining a flexible mix of employment sites
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV32 Meeting the community infrastructure needs of new homes

Neighbourhood Plan

There is no made Neighbourhood Plan for the area.

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.

However, in the event that three months after this resolution, the ecology report raises issues not previously addressed or not resolved, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and delegated authority is given to the CoP to refuse the application in the absence of the above required details being properly addressed.

Conditions:

In Accordance with Plans
Time Limit for Reserved Matters applications
Compliance with the Recommendations of Ecology Report
External Lighting
Tree/ Hedge Retention
Tree/ Hedge Protection
Hedge Height Controls
Garage/ Parking Provision/ Retention
CEMP

Key issues for consideration:

The key issues are considered to be:

Principle of Development/Sustainability:

The principle of residential development on this site having regard to an extant outline approval on the site and the current reserved matters details having been submitted within the requisite time limit period.

Design/Landscape: Design and landscape considerations, having regard to the location of the plot at an important entrance/ exit to the village and location within the South Devon AONB, a designation of national importance and Undeveloped Coast.

Neighbour Amenity: The impact of the proposal on the amenities of nearby neighbouring occupiers.

Highways/Access: The suitability and safety of access and parking provision.

Ecology & Biodiversity: Whether species and habitats are adequately protected having regard to the previous ecology report and the need for an updated report as a result of the passage of time. A new report has been commissioned and the survey scheduled to take place on 20th July. It is therefore anticipated that an update may be possible for Members at the Committee meeting on 1st August (or if not available, then the issue is to be resolved within three months in accordance with the terms of the proposed resolution).

Drainage: Whether the site can be suitably drained, notably to address rainwater run-off concerns.

Site Description:

As described in the previous applications, the application site is a regular, roughly rectangular shaped plot located on the south western edge of the village of Down Thomas. The plot is adjacent to the current extent of residential built development on the south side of the road in

this part of the village, but the frontage of the site is partly enclosed by dilapidated and partially demolished structures including a stone shelter (described by locals as a former 'hovel') and a WWII air raid shelter.

Land levels on the site, as with the neighbouring land, are elevated above the level of the road. The properties adjacent to the east, on this south side of Bovisand Lane have been dug out such that their finished floor levels are comparable with the level of the lane outside and for the most part they are set forward fronting the lane. While the property directly opposite the site is similarly located at road level, it is set back off the highway. For the most part further east, properties on the north side of Bovisand Lane are also set back, but considerably elevated above the highway.

There is a tree towards the north-west corner of the application site, which lies outside but immediately adjacent to the site boundary. Previously it was described as being part of a Group Tree Preservation Order (TPO). However, there is no record of this and the tree officer has confirmed this is not the case. While the tree does not have a level of protection previously identified, nevertheless, impacts on the root system of this tree will need to be considered and addressed to secure its continued health.

The character of the wider area reflects its edge of settlement location. Beyond the site to the north-west is open countryside, where the rural character of the high coastal plateaux predominates. The main farmhouse of Paiges Farm is located on the opposite (northern) side of Bovisand Lane to the north. Its former barns and outbuildings are situated adjacent to it, converted to dwellings and extend around opposite the application site. A pair of historic cottages, 'The Cottage' and 'Rowden Cottage', neighbour the site to the east. Their frontages abut onto the lane at road level. As described above, their gardens, though narrow, are long which is typical of ancient settlement patterns. As with the application site, their rear garden levels are elevated. In the case of The Cottage, even though the level of the lane falls slightly between the application site and The Cottage, its rear garden is slightly correspondingly higher than the land level at the rear of the application plot.

There are a mix of property styles and designs locally, from traditional cottages, farmhouse and converted farm buildings to more modern dwellings.

The Proposal:

This application seeks approval of reserved matters following outline approval Ref: 58/0791/15/O for the demolition of the store and shelter and the construction of a dwelling. This is a resubmission following the refusal of reserved matters application (0428/17/ARM) for a larger dwelling set higher on the land.

The application forms indicate approval is sought for details of access, appearance, landscaping, layout and scale. Landscaping details are inadequate, having regard to the requirements for landscaping specified under the outline approval to which this reserved matters application relates and are not approved under the terms of this recommendation, about which more is said below under 'Design/Landscape' below.

The application has been revised a number of times during consideration in an attempt to address concerns and limit the impacts of the proposal on local character, a designated AONB, and on the amenities of neighbouring occupiers, most notably of The Cottage adjacent.

The plans have been re-advertised, and also since then, further revised to further reduce the finished floor level to a level now comparable with the level of Bovisand Lane outside the site. This followed a site meeting attended by local objectors.

The reserved matters approval now sought remains for a two storey, four bedroom house. Plans show a roughly square shaped house with separate detached garage to the front. The ground floor would comprise of an entrance hall, combined sitting room/ kitchen/ diner, WC/shower, utility room and study. At first floor, four bedrooms are proposed, three being en-suite.

The length and depth of the building have been reduced by circa 500mm in each direction. The roof has been modified, with the pitch reduced from 37 to 30 degrees and having extended eaves on the side adjacent to The Cottage in an attempt to further reduce heights in the proximity of The Cottage and thereby limit impacts on neighbouring amenity. These issues are considered in detail under 'Neighbour Amenity' below.

The smaller footprint of the building has also enabled it to be moved further away from the common boundary with The Cottage.

The greatest change is in the proposed ground floor internal finished floor level which has been reduced from a level of 50.0/ 49.0m (there was a discrepancy in the refused plans which showed two different levels, though it is understood the intention was for the FFL to be reduced to 49.0) down to 48.2m, a further reduction of 0.8m. The level of the rear garden varies slightly, but is in the region of 50.0 m. It can be seen that an overall reduction of circa 1.8m below existing rear garden level towards the back of the proposed dwelling is substantial and brings the finished floor level of the dwelling down now to a level consistent with the highway of Bovisand Lane outside the site, comparable with the relationship The Cottage and other properties along this side of Bovisand Lane have with the street.

Externally, walls are a mix of render and stone under a slate roof. Roof proportions are more appropriate, as is fenestration.

To the rear, proposed balconies have been scaled back with now one balcony to the master bedroom at first floor level, set on the side away from The Cottage.

These considerations are addressed in more detail in the report below.

Consultations:

- County Highways Authority: Standing Advice
- Wembury Parish Council: Maintain an objection to the revised plans. The changes proposed still do not reduce the scale and impact of the building enough to fit in with the existing cottage streetscene. Local residents have suggested that it would be more acceptable if the pitch of the roof is reduced to 25 degrees. The email accompanying the Parish comments advises there were about 30 residents at the Parish meeting with sheets circulated to members for their consideration. It was generally agreed that if the roof pitch was reduced from 30 to 25 degrees then it would probably be acceptable.

Representations from Residents

A number of comments have been received from local residents both objecting to and in support of the proposals. A site meeting has been held with local objectors. As the proposal has been subject to two re-consultation exercises, multiple responses have been received from occupiers of the same properties.

The occupiers of 18 properties have objected, submitting 42 responses covering the following points, summarised as:

- Roof height/ Pitch - even 300mm lower, is still a massive 8 feet above The Cottage ridge; If roof pitch reduced a further 5 degrees to 25 degrees, it would reduce height/mass/bulk/impacts of the building on neighbours and surroundings/ AONB; other slate roofs locally have a shallow pitch; sketches provided to demonstrate impacts; lower pitch would be more contemporary/ more sympathetic to its surroundings;
- AONB has national protection; primary purposes are to conserve and enhance/also meeting need for quiet enjoyment of the countryside/interests of those who live and work there;
- All but one of the residents in Bovisand lane object to the proposal/support is largely from outside the Bovisand lane area;
- Neighbour impacts: privacy, daylight; direct overlooking to property to the side and property opposite;
- Too high, over dominant, not in keeping, will dwarf adjacent building;
- New building should be in line and height in keeping with neighbours, with a side access to garage and off road parking to the side like others in the street;
- Building still too dominant and overbearing;
- Would still cause overlooking and loss of privacy;
- Property should be set down and match roof line like others do;
- How will traffic be managed during the build; Traffic management plan needed; 24 hour emergency access needs to be maintained; no turning exists beyond Bovisand Lane; disruption for residents and holidaymakers during construction;
- Sketches attached to support objections;
- Dispute accuracy of revisions;
- Possible the property will be visible from the Plymouth Sound SAC and detrimental to conservation designations; impact on nesting birds; updated ecology report needed;
- Building is at highest point in the area;
- Roof facilitates a third floor;

The occupiers of 10 properties support, submitting 19 responses covering the following points, summarised as:

- Local family/much needed within the village/boost sense of community;
- Acceptable contemporary design; variety of styles locally; acceptable materials; same as Farmhouse;
- Acceptable impact on neighbours;
- Plenty of space for parking;
- Changes reduce height and mass; fit in now with surroundings; looks like a bungalow (from the side);
- Concerns over traffic unfounded - a sunny day will increase traffic far more than one house;

- Revised plans are different/reduce size and massing/have considered the concerns of neighbours and worked to accommodate them;
- Ground level has been reduced to as low as practical to avoid flooding;
- Surrounded by trees property will sit well in surroundings;
- No overlooking of adjacent property;
- Planning application taking too long;
- Maintains a large garden;

All responses, for and against, can be viewed in full online.

Representations from Other Consultees

MOD Safeguarding: No safeguarding objections

Relevant Planning History

Ref. 58/0791/15/O - Outline application (all matters reserved) for demolition of store and shelter and construction of 1no. residential dwelling: Conditional planning permission granted 05.10.2015.

Ref. 0428/17/ARM - Reserved matters application following outline approval 58/0791/15/O for demolition of store and shelter and construction of 1no. residential dwelling: Refused 09.08.2017.

ANALYSIS

Following the grant of outline consent for a dwelling, a previous reserved matters submission was refused. The reasons for refusal relate to design and landscape character impacts and to residential amenity.

The main issue is whether the current reserved matters submission overcomes previous landscape, design and amenity concerns and falls to be determined on its own merits.

Principle of Development/Sustainability:

The starting point for consideration is the development plan and the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development which for decision making means approving development proposals that accord with the development plan and where the development plan policies are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

The site lies at the edge of and appears falls predominantly within the current and emerging settlement boundary for Down Thomas. The local Plan commentary on Down Thomas notes the site at the northern end of the village as being particularly prominent and where any future development should fully respect its prominent position.

The principle of residential development on this site has been established by the outline approval. The outline approval represents a strong fall-back position that a house can be built in this location and the principle of developing a house in this location has been established.

Having regard to the details of the proposal, any concerns about the proposed development conflicting with other requirements of the Framework and Policy, which also form part of the planning balance exercise, are explored in detail in the report below.

There is currently no deliverable five year supply of housing land. The principle of a dwelling has already been established through the outline application and this does not therefore weigh heavily in the planning balance.

Design/Landscape:

The previous application was refused on design and landscape grounds for the following reason:

1. The proposed development by reason of its size, design, and lack of local distinctiveness would be and incongruous feature in the landscape out of keeping with and harmful to, the character of the village and South Devon AONB. As such it does not achieve the very high standard of design necessary for all new development within a sensitive location in the South Devon AONB and Undeveloped Coastal Zone; and is contrary to policies CS7 Design, CS9 Landscape and Historic Environment of the adopted Core Strategy, DP1, High quality design DP2: Landscape Character of the Development Policies DPD policies TTV31, Development in the Countryside and DEV20 Place shaping and the quality of the built environment DEV24, Landscape character, DEV27, Nationally protected landscapes, of the emerging Joint Local Plan of the emerging Joint Local Plan and paragraphs 109 and 115 of the NPPF.

Elements of reasons 2 and 3 also relate to design (considered in the report below).

The site lies within the South Devon AONB, a designation of national importance. It is also within the Undeveloped Coast.

Approval is sought for appearance, layout and scale as well as access (considered under Highway/ Access below). Landscaping details are extremely limited, certainly not sufficient to satisfy the requirements of conditions 6 and 8 of the outline consent to which this reserved matters submission relates. Condition 8 of the outline application reads:

8. A Landscape Concept Plan shall be submitted and shall include:

- 1. Location of the site in relation to the surroundings;*
- 2. Extent of views into, and out from, the site;*
- 3. Existing natural and semi-natural features on, and around, the site;*
- 4. Proposed new landscape features to include indicative details of design levels, layout, plant species, size of stock and densities;*
- 5. How the proposed development assimilates into the local and wider landscape;*
- 6. How the proposed development reflects local landscape character;*
- 7. How the proposed landscaping scheme will incorporate mitigation and enhancements detailed in the Preliminary Ecological Appraisal (David Wills; 24.06.2015).*

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

All work shall be completed:

i) Prior to the occupation of the development for its permitted use.

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

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the area.

In terms of design, appearance, scale and landscape impacts, the previous reserved matters submission was considered unacceptable.

While no concept plan has been submitted, there are full details of siting, layout, levels, height, scale, bulk, massing, design and materials. Boundary screening is mature and has to be retained and reinforced in accordance with the original ecology report (the updated ecology report is awaited and no change is expected in this regard) and it is considered that the impacts of the proposal can be understood in the context of the requirement to retain and enhance boundary screening, both in the interests of AONB character and ecology.

The following measurements are provided to inform how the proposals have changed since the previous refusal of reserved matters and help gauge likely impacts. This is to help inform understanding, but the recommendation and any decision will be based on whether the submitted scheme is acceptable based on its individual merits.

Having regard to a comparison between the current proposal and the previously refused reserved matters application, the following changes have been made:

Dimension	Refused Scheme	Current Scheme
FFL	50.0/49.0	48.2
Footprint: Width: Front	7.8m	7.8m
: Rear	11.3m	10.8m
: Widest	12.1m	11.2m
Depth: Bay	12.3m	11.8m
: Study	11.75m	11.25m
: Lounge	8.3m	8.0m
Distance to The Cottage	4.0m	4.4m
Height to Highest Ridge	58.0	56.3
Height of Building	9.0m	7.8m
Roof Pitch	37 degrees	30 degrees

How these dimensions translate in practice and will appear on the ground is shown on the submitted drawings. For comparison purposes, the ridge height of The Cottage is 53.58m.

The relevant policies in relation to design and landscape in the adopted plan are: Policies DP1 High Quality Design and DP2, Landscape Character of the Development, CS7 Design and CS9 Landscape and Historic Environment.

Emerging JLP policies DEV20, DEV25 and DEV27 also have some weight, though this is limited in advance of the adoption of the JLP. Nevertheless these emerging Policies do not differ significantly in their aims from current policies.

The Framework is relevant, notably paragraphs 17, 60, 64, 109 and 115, as is advice in Planning Practice Guidance (PPG).

Policy DP1 requires all development to display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape.

Policy DP2 requires proposal to demonstrate how they conserve and / or enhance the South Hams landscape character by reflecting the needs and issues set out in identified landscape character areas, ensuring the design conserves and/or enhances what is special and locally distinctive about the landscape character, retaining, integrating and enhancing distinctive features such as field boundaries, trees and hedgerows, avoiding unsympathetic intrusion in the wider landscape and respecting the unspoilt nature and tranquillity of the area. The undeveloped coast will be protected.

Policy CS7 requires good design which respects local distinctiveness and character.

Policy CS9 requires great weight be afforded to the conservation and enhancement of the important characteristics of the AONB landscape.

Policy DEV20 place shaping and the quality of the built environment requires development proposals to meet good standards of design, contributing positively to both townscape and landscape and protect and improve the quality of the built environment, particularly through attention to detail.

Policy DEV27 nationally protected landscapes seeks to protect the AONB and its setting by Affording great weight to conserving its landscape and scenic beauty.

Similarly Policy DEV25 seeks to afford similar protection to the Undeveloped Coast.

Paragraphs 60 and 64 of the Framework advise decisions should not attempt to impose architectural styles or particular tastes and not stifle innovation, but that it is proper to consider local distinctiveness. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 109 affords protection to valued landscapes and paragraph 115 requires great weight should be given to conserving landscape and scenic beauty in the AONB which has the highest status of protection in relation to landscape and scenic beauty.

Among the 12 core principles for sustainable development under NPPF paragraph 17, is that development proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is a key area aspect of this proposal.

Planning Practice Guidance on Design (Para. 002) advises good design should consider amongst other things the impact of development on well-being.

The size of individual buildings and the elements which make up their design requires careful consideration as these factors, including height, bulk, massing, materials, siting, topography, levels, aspect and orientation, screening and opportunities for mitigation will affect how the building integrates within its setting.

This is a landscape of national importance. The Landscape Character Type (LCT) as defined in 'A Landscape Character Assessment for South Hams and West Devon' is LCT 1B: Open coastal plateaux. This LCT is characterised by high, open, gently undulating or rolling plateaux, dissected by deep combs and with notable coastal influence on windblown vegetation. Land use is mixed farmland, with arable dominant, and some localised recreational use. Sparsely settled with limited narrow roads, many rights of way exit, including the South West Coast Path. Extensive views of the sea can be had. From the site, at the edge of the village, the LCT characteristics are not readily apparent and there are no views of the sea. However, just a short distance to the south-west further along Bovisand Lane, the landscape characteristics become more apparent. It is this wider character that the development needs to respect. It is considered that the proposal, as now revised, is based on a better understanding of the site and its context and more respectful to the landscape character of both the built form of the settlement and the open countryside, defined AONB and Undeveloped Coast.

The general form of the building remains similar to the previously refused scheme, but reduced in scale, height and massing and incorporating changes to improve the relationship with neighbours and be more discreet and respectful at the village edge within the AONB.

A number of objections have been received on the basis that the changes don't go far enough in addressing previous concerns. Letters of support have also been received on the basis that the revisions now address concerns.

The building now has a slightly smaller span, reduced roof pitch and is set lower into the ground, now at a level comparable with Bovisand Lane, such that visual impacts are reduced to a significant degree. This is still a large building however, particularly when compared to the proportions of The Cottage next door, a low, narrow span traditional cottage. However, the needs and expectations of modern living have changed. Paiges Farmhouse on the opposite northern entrance to the village is a substantial building of comparable scale to the dwelling now proposed.

Set back from the highway, unlike The Cottage, the new dwelling will not be visible in the street scene for much the length of Bovisand Lane when approaching from the east. When approaching from the west, it will be prominent in close views, but viewed to a large extent in the context of the farmhouse at Paige's Farm on the opposite side of the lane. Together both buildings will frame the entrance to the village and to some extent define its character. Presently, this is done by Paige's Farmhouse alone when arriving from the west, and which will still dominate views from the west due to its position at the turn in the road. The retention and reinforcement of boundary screening will be important and reserved matters of landscaping details are still required to be submitted and approved.

Though not visible from the road, the previous scheme had a number of prominent balconies to the rear which are reduced under the current proposals and considered to be an improvement.

The proposal as reduced is now considered to be of a size, scale and design which would no longer appear incongruous in the landscape within the AONB, as was previously considered

to be the case. The external dressing of the building has not changed significantly, but its appearance is now more discreet and respectful within, and of, its setting.

Landscaping and boundary treatment will be important elements in achieving a development that integrates well into the landscape. While overall, space exists for the retention of boundary hedges and supplemental landscaping, there is considered to be insufficient detail regarding exactly what will happen with levels changes to the trees and hedge boundaries, or of planting species, size, densities and management and maintenance. Significant excavation works are necessary to set the finished floor level of the building down towards the level of Bovisand Lane and tree/hedgerow protection issues arise. This also has amenity implications. Outline conditions remain to be discharged and an informative is recommended to this effect.

Night time impacts are a consideration within the AONB, notably light and impacts on dark skies. All dwellings will have an impact and this is no exception. Modern dwellings seek to improve natural light, which not only improves wellbeing but helps reduce the use of electricity and running costs. It can though have a negative impact on dark skies. Notwithstanding there are expanses of glazing, this is at the edge of a village where there is an expectation of night time lighting and no undue concerns arise. Nevertheless external lighting should ideally be low wattage and face downwards and away from hedges. The original ecology report requires lighting to be respectful and not illuminate boundaries. A condition requiring details of any external lighting is recommended in the interests of dark skies and to conserve the character and tranquillity of the AONB.

Subject to conditions, notwithstanding neighbour concerns, it is now considered the scheme can be supported as conserving the character of the AONB.

Neighbour Amenity:

Reasons for refusal 2 and 3 of the previous reserved matters submission related to amenity:

2. The proposed development by reason of its size, height, massing, and scale would have an overbearing impact on 'The Cottage', the neighbouring property, adversely impacting upon the amenities of that property. As such it is contrary to DPD policy DP3, residential amenity, which seeks to protect neighbours from unacceptable impacts such as (b) overbearing and dominant impact; and policy DEV1, Protecting amenity and the environment, of the emerging Joint Local Plan and paragraphs 60 and 64 of the NPPF.

3. The proposed development is situated in a rural edge of settlement location where high levels of privacy form part of the general amenity of residential properties. The provision of external balconies and a roof terrace, at an elevated would result in an unacceptable level of overlooking neighbouring residential property, encroaching upon their privacy. As such it is contrary to DPD policy DP3, residential amenity, which seeks to protect neighbours from unacceptable impacts such as (a) loss of privacy and overlooking DEV1, Protecting amenity and the environment, of the emerging Joint Local Plan and paragraphs 60 and 64 of the NPPF.

The proposal has given rise to objections from neighbours about amenity impacts and impacts on the well-being of neighbouring occupiers, notably the occupiers of those properties immediately bordering and opposite the application site and in particular impacts on the adjacent property to the east, The Cottage, is a cause for concern. Many

representations have been received about the perceived adverse impacts on neighbouring amenity.

A number of representations in support of the proposal have also been submitted. Representations consider that the changes made have gone far enough in overcoming concerns and that the development now has acceptable impacts. The applicants now consider the scheme as revised has no undue impacts on the amenities of neighbouring occupiers and this view is reflected by the supporters of the scheme.

Policy DP3: Residential Amenity advises development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. Unacceptable impacts will be judged against the level of amenity generally accepted within the locality and could result from loss of privacy and overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes. Emerging Policy and Guidance reflect these aims.

While gradients in Bovisand Lane are not steeply sloping in the vicinity of the site, there are some noticeable levels changes between the level of the lane and land levels at which properties locally are set.

Despite the lane leading to the coast and camping sites, which becomes a PRoW beyond the site, there are no footways, though much of the traffic is vehicular (and seasonal) and levels of privacy as a result of the nature of the public realm locally are not unduly low.

The majority of properties on the south side of the lane are set down at the level of the lane, with elevated rear gardens, similar to the way in which the revised proposal has also now been set down consistent with the level of Bovisand Lane. Most are set forward, close to the lane, including The Cottage next to the site. Some of the objectors consider the proposal should be at road level, set forward, with side parking, similar to others on the south side of Bovisand Lane. However, the application falls to be determined on its merits as submitted.

The application plot is narrow and in order to provide adequate off-street parking (considered to be essential), it is considered appropriate to set the building back sufficiently for parking in the proposed garage and on the frontage forecourt.

As with most streets where there are properties on both sides of the road, there is an element of overlooking which occurs as a consequence both of the relationship between dwellings and also from users of the public highway. Given that Bovisand Lane is relatively narrow and some of the properties are set close to the highway and also that some are set higher than their neighbours opposite, levels of amenity are such locally that there is perhaps a greater degree of mutual overlooking between the public faces of houses than elsewhere in the village, where the highway is wider and levels more consistent. That said, there are not currently significant privacy issues locally.

The Farmhouse diagonally opposite and dwellings formed by converting its outbuildings on the north side of Bovisand Lane are set at a level which is also consistent with the level of Bovisand Lane. However, for the most part these properties are also set back off the lane and/ or oblique to the dwelling proposed. Neighbour concerns have been raised about the amenity impacts of overlooking and loss of privacy, particularly from a floor to ceiling section of frontage glazing. Distances are such that overlooking and loss of privacy is not a problem. The glazing of particular concern to the neighbour directly opposite [part of the Paiges Farm converted buildings (No. 1)] serves a landing, not a habitable room, but is in any case too far

away from lounge or bedroom windows/ too oblique to cause undue overlooking. There is 20m between the front of the site and the neighbour's lounge window, which is off-set at an angle. The front of the proposed dwelling is also set well back from the edge of the site, increasing this distance further. It is the perception of overlooking that is considered to be the issue here rather than actual loss of privacy. Despite concerns, no undue loss of amenity is considered to arise.

Thereafter, further east, properties on the north side of Bovisand Lane are set up higher above the level of the lane. Unlike their counterparts opposite on the south side, these properties are set further back from the lane. No undue amenity issues arise with these occupiers.

Occupiers of 'The Cottage', the neighbouring property directly to the east, have raised concerns regarding adverse impacts on amenity. This is where there is the greatest potential for harm to amenity to arise. Policy DP3 residential amenity seeks to protect neighbours from overbearing and dominant impacts.

The building is sited such that its entire depth is beyond the back wall of The Cottage and will enclose a substantial part of the western side of its garden. Of consideration here is that there is a substantial tree screen which impacts on the garden of The Cottage during the summer when the tree canopy is full. It is understood the neighbours would welcome a reduction in the height of this screening. It is considered that landscape boundary details should include the minimum and maximum heights at which all boundaries are maintained and condition recommended accordingly.

Having regard to impacts of the proposed building on the amenities of neighbouring occupiers to the east, the size of the building and the elements which make up its design requires careful consideration as these factors, including height, bulk and massing, siting, topography and levels, aspect and orientation, screening and opportunities for mitigation will affect issues of overshadowing, overlooking, levels of privacy and any increased sense of enclosure.

Given the reductions in the size, height, massing and scale, the resultant building, though large, and still extending back into the site, well beyond the rear of The Cottage, is no longer considered to have such an overbearing impact on the amenities of occupiers as the scheme previously refused on amenity grounds. No first floor habitable window face east and light into these rooms is achieved by roof light windows set low in the eaves. The roof has been extended down on this eastern side to reduce the height of the eaves. Linked to lowering the building further into the ground, siting it further away (now 4.4m from the boundary) and a lower ridge, impacts are reduced. Taking into account the current circumstances of the high screen planting currently on this common boundary which in summer results in overshadowing of the garden of The Cottage, impacts are now considered to fall within acceptable limits. If reducing the height of this boundary screening, there would be more light afforded to the garden of The Cottage than is presently the case. The awaited landscaping details will specify what boundary measures are proposed and acceptable.

Substantial changes have been made to the design, size and position of proposed balconies to limit the potential for loss of amenity in the rear and an acceptable compromise reached.

The LPA has carefully considered all representations and independently evaluated the impacts of proposals. The conclusions drawn are based on this evaluation, not on the weight of representations.

On balance, amenity impacts weigh negatively in the planning balance. However, much has been done to limit impacts. Though this remains a large building, where impacts are considered to be at the margin of acceptability, nevertheless, impacts are not considered to be so great as to warrant refusal of permission. Neighbourliness is a yardstick by which developments can reasonably and pragmatically be judged. It is not considered that the proposal would not now be unduly unneighbourly, nor in conflict with policy DP3 or Guidance.

Highways/Access:

Bovisand Lane is a single 1-lane metalled carriageway, with a rural speed limit of 40mph. Due to the nature of the road, narrow and with a bend in the vicinity of the application site, the traffic speeds are much lower than the permitted limit.

The nature of the lane is such that it can become easily congested through on-street parking of delivery vehicles etc.

Cars and tourist caravans accessing the site can cause problems and there are no turning facilities for large vehicles beyond the site. This is the case not only for the application site, but for all properties in Bovisand Lane. It is through a particular issue for construction vehicles and large delivery vehicles may present a particular challenge. It is important not only for convenience but for emergency vehicle access if required. A construction environment management plan (CEMP) is considered necessary and a condition recommended accordingly.

It is important that off-street parking is provided. A Garage is proposed and the forecourt offers the potential for additional off-street parking. A condition is necessary to ensure the garage and parking is provided and retained.

Cars will have to reverse onto the highway which is regrettable. However, it is simply not practical to enter and leave the site in a forward gear. This is the case for most of the properties locally.

Despite the shortcomings identified above, traffic speeds are low, and while care will need to be taken when manoeuvring, no undue highways safety concerns arise and the proposal is not considered to be in conflict with Policy or Guidance.

Ecology & Biodiversity:

The key issue is whether species and habitats are adequately protected having regard to the recommendations of the previous ecology report and the need for an updated report as a result of the passage of time.

The site lies within the Cirl Bunting 2km Buffer Zone, though no significant issues were raised which could not be addressed through the retention and improvement of the trees and hedge boundaries.

Given the passage of time, as advised by SHDC's Specialist (assets) officer, who provides the expert ecology and biodiversity input on proposals, it is considered necessary to safeguard ecology and biodiversity interests to have an updated ecology report before any grant of permission. No barriers to development arose with the previous report and none as envisaged as likely. However, the updated report is commissioned and awaited and

Members will be updated at the meeting. It is envisaged that an appropriate condition is required to ensure compliance with any recommendations of the updated Ecology Report and take account of any requirements for the retention and improvement of boundaries and for biodiversity gain (as recommended under the previous ecology report).

Drainage:

Neighbours have raised concerns about surface water run-off, citing past drainage and localised flooding problems in the area. Drainage details are required to be submitted and approved under the outline conditions. Details would normally be required to be submitted now, but there are good reasons why it has not been possible to agree the design of the drainage scheme at this stage, as explained below. The key issue is whether the site can be suitably drained to address rainwater run-off concerns. Following initial objections from SHDC's drainage specialists due to insufficient information and a requirement for details of a fully designed drainage scheme that meets current standards, further discussions have taken place and clarification sought.

Due to the presence of the structures at the front of the site, it is not possible to get access for a water bowser to undertake percolation tests. In these circumstances SHDC specialists sought confirmation from the applicants that SWW would agree to a connection to the mains system in the event the percolation tests precluded a more sustainable drainage solution. This confirmation has now been provided by SWW.

Drainage details required to be submitted and approved under the outline permission are not yet considered acceptable. These details are still required to be submitted and approved, requiring testing and the most sustainable achievable drainage solution, with the fall-back of connection to the mains system if no more sustainable solution can be secured.

As such, sustainable drainage concerns are addressed and do not weigh negatively in the planning balance.

An informative is recommended regarding the need for drainage details to be approved prior to the commencement of development (other than the demolition of the buildings at the front).

Other Matters:

Amenities of future occupiers: The adequacy of proposed living arrangements for future occupiers is always a consideration. The proposal provides for a good standard of internal and external accommodation to meet the requirements for modern family living.

Heritage Considerations: There are no nearby Listed Buildings, Conservation Areas or other heritage assets whose setting may be potentially adversely affected by the development. Notwithstanding a third party objection on heritage grounds, no heritage concerns arise.

Construction Management: Neighbours have expressed concerns about the impacts of construction on access and highways safety. Bovisand Lane here is narrow, some properties have limited off-street parking and the site is close to a bend. The road also serves as access to holiday accommodation sites and tourist traffic can be high, including towed caravans. Bovisand Lane also becomes a PRoW (Wembury Footpath 11) beyond the application site, which links into Wembury Footpath 16 at Bovisand Bay.

It is clear that construction will potentially cause problems, particularly in the initial stages, particularly until the frontage structures are removed and access to the site to store materials etc. can be gained, but also from delivery vehicles blocking the road. It is apparently not possible for large vehicles to turn beyond the site, the road is a cul-de-sac and terminates at the holiday park. It will be important that deliveries are managed to minimise nuisance from the lane becoming blocked for lengthy periods, inconveniencing residents, through-traffic and interfering with emergency vehicle access. Provision will need to be made to ensure contractors park their vehicles well away from the site. It is considered necessary therefore to have a Construction Environment Management Plan (CEMP) to control these and other issues, including hours of use, prevention of pollution etc. This will be secured through planning condition.

Conditions: The report addresses the need for a number of conditions having regard to a combination of AONB, neighbour amenity, drainage, highways and other impacts. Permitted development rights have already been removed under the outline consent and an informative advising the applicants of this is recommended.

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.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

PT13 European Protected Sites – mitigation of recreational impacts from development

TTV30 Empowering local residents to create strong and sustainable communities

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV37 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Wembury Neighbourhood Plan is not sufficiently advanced to be a material planning consideration.

Summary/ Conclusions/ Planning Balance

This is a reserved matters submission seeking approval for details of access, appearance, layout and scale and follows a refusal of reserved matters for an earlier submission. Approval of landscaping details was also sought but the submission contains insufficient information to satisfy the requirements of conditions for landscaping under the outline consent.

It is considered that the proposal, set lower down and reduced in height and scale, would now sit more comfortably in the context of neighbouring buildings and not dominate at this edge of village location. This is important having regard to the weight to be afforded to the conservation of the natural beauty of the AONB.

The proposal is set back from the road and does not impact unduly on the amenity of occupiers on the opposite (north) side of the road. The building does extend back a considerable distance into the plot and will have an impact on the amenities of neighbouring occupiers to the east, though these impacts are now considered to fall within acceptable limits.

When weighed in the planning balance, it is considered that on the merits of the case, reserved matters approval can be granted. This is subject to the awaited findings of an updated ecology report.

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. The development hereby approved shall in all respects accord strictly with drawing number DBD0852/SLP received by the Local Planning Authority on 17th January 2018 and drawing numbers 852-01 Rev G and 852-02 Rev G .received by the Local Planning Authority on 18th June 2018.

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 development to which this permission relates must be begun not later than whichever is the later of the following dates (i) the expiration of three years from the date of the grant of outline planning permission or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. The recommendations, mitigation and enhancement measures of the Ecological Report, by xxx on xxx, 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 and the character of the AONB.

4. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority and all such lighting shall be low wattage, down-lighting and not illuminate boundary hedges.

Reason: To protect the AONB from intrusive development, safeguard dark skies and in the interests of biodiversity.

5. Except in accordance with the provisions of a landscaping scheme no tree, shrub or hedge, shall be felled, removed or otherwise damaged or destroyed unless four weeks prior notice in writing is given to the Local Planning Authority.

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

6. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of any subsequently approved landscaping scheme, by adopting the following:

- (i) All trees/ hedges to be preserved should be marked on site and protected during any operations on site by a fence;
- (ii) No fires shall be lit within the spread of the branches of the trees/ hedges'
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees/ hedges;
- (iv) Any damage to the trees shall be treated with an appropriate preservative.
- (v) Ground levels within the spread of the branches of the trees/ hedges shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality, an AONB.

7. The awaited landscape details shall include proposals for the minimum and maximum heights at which all hedge boundaries are to be maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupiers and the character and amenities of the site and locality, an AONB.

8. The proposed garage and forecourt parking hereby approved shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter permanently retained and maintained for purposes not precluding the parking of private motor vehicles.

Reason: To avoid congestion in the interests of residential amenities and the free flow of traffic.

9. Prior to the commencement of development hereby permitted, a Construction Environmental Management Plan (CEMP) detailing measures to mitigate or reduce the impact of the construction activities shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the following issues:

- Contractor and construction traffic management, parking and vehicle delivery protocol in order to avoid obstructing the highway and aggravating congestion on the local road network, especially peak hour summer traffic, including no contractor's vehicles or delivery vehicles to be parked or unloaded on any local roads at any time (except where large delivery vehicles are too large to be able to off-load on-site, a minimum 48 hours advance notice must be provided to all properties affected In Bovisand Lane as part of the vehicle delivery protocol);
- The size of vehicles and provision for the turning and manoeuvring of vehicles, with banksmen if necessary, having regard to the lack of turning provision in the vicinity and anywhere beyond the site;
- Pedestrian safety, including Bovisand Lane and the Public Right of Way along it further west;
- Emergency vehicle access protocol;
- Hours of operation of all activities (including no works to begin or vehicles to arrive before 8.00 am);
- Construction noise and vibration management;
- Highway mud management and cleaning;
- Water management (surface and groundwater);
- Complaint handling procedure including dedicated site manager contact name, telephone number and email address provided to all residents of Bovisand Lane;

Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers, the safety of highway users and the local tourist economy. A pre-commencement condition is necessary to minimise the effects of construction on local residents, the tourist economy and for highway safety reasons

Informatives

1. The applicant is advised the development to which this permission relates must be begun not later than 4th October 2015 to comply with the terms of condition 1 of outline consent ref dated 5th October 2015 in accordance with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. INFORMATIVE: CONDITIONS PARTIALLY APPROVED WITH THIS RESERVED MATTERS APPLICATION

Details of access, appearance, layout and scale which have been submitted under this reserved matters application pursuant to outline permission 58/0791/15/O are partially approved (subject to the above conditions and other relevant condition of the outline consent) and for the avoidance of doubt include:

6. (i) Layout of roads and footpaths to a scale of not less than 1/500, including materials, road gradients and sections;
- (ii) means of access from public highways, including visibility splays;
- (iv) number, layout, siting, design and external appearance of all buildings hereby permitted; the colour and materials to be used in the construction of external walls and roofs;
- (v) means of access to buildings and parking for motor vehicles;

3. INFORMATIVE: CONDITIONS STILL TO BE APPROVED IN RELATION TO THIS RESERVED MATTERS SITE

The following reserved matter and conditions of the outline consent are yet to be submitted/ approved and must be done so within the requisite period prior to the commencement of development (other than the demolition of frontage buildings):

Landscaping reserved matter outline condition 6:

- (iii) arrangements for disposal of foul and surface water;
- (vi) walls, fences and other means of enclosure;
- (vii) the location and species of all trees and hedges existing on the site and the location and layout of all open spaces and amenity areas.

Condition 7. Archaeology;

Condition 8. Landscaping details

4. The applicant is advised that details of surface water drainage required to be submitted and approved under condition 6 of the outline consent are still required and no development shall be commenced until full details of the most sustainable drainage option has been submitted and approved in writing by the Local Planning Authority (LPA), to include the following:

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 the infiltration rate is good, but due to site constraints a full soakaway can't be accommodated then a split attenuation / soakaway system should be considered to manage the surface water on site;

4. Only once all the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%);

5. 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.

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

6. A scaled plan is required showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership;

7. 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 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.

5. The applicant is advised that permitted development rights have been removed under the terms of the outline permission and no extensions, dormer windows or roof lights among other matters may be undertaken without planning permission first being obtained.

6. This authority has a proactive approach to the delivery of development. Early pre application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

7. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. Application forms and details of the current fees are available on the Council's website.

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PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Thurlestone

Ward: Salcombe and Thurlestone

Application No: 1710/18/HHO

Agent/Applicant:

Mr John Edwards
Rose Cottage
Shernal Green
Droitwich
WR9 7JS

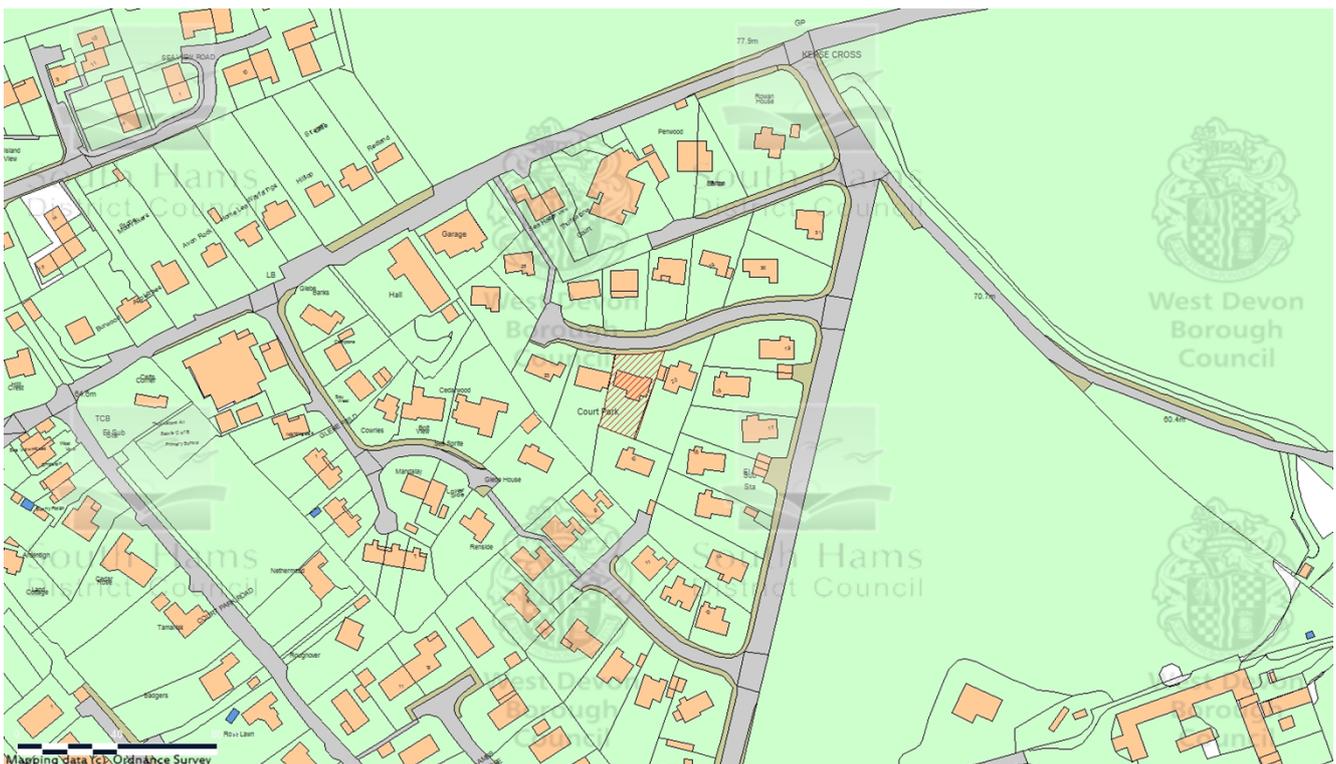
Applicant:

Mr & Mrs Paul Edwards
21 Court Park
Thurlestone
TQ7 3LX

Site Address: 21 Court Park, Thurlestone, TQ7 3LX

Development: Householder application for proposed alterations and extension.

Reason item is being put before Committee: The application was determined by Committee and therefore it is deemed that the Committee should determine the application with amendments submitted.



Recommendation: Conditional Approval

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 1330/07/E and 1330/13A(Location Plan), received by the Local Planning Authority on 26th June 2018.

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.

4. The 1.8m high wall as detailed on drawing 1330/07E on the west elevation of the ground floor deck hereby permitted shall be installed prior to the use of the terraced shall thereafter be retained and maintained.

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

Key issues for consideration: Design, impact upon the amenity and privacy to neighbouring properties and impact upon Area of Outstanding Natural Beauty.

Site Location

The site is located to the east of Thurlestone village centre on Court Park with access taken from Court Park Road. The property is a detached 1960's dwelling house with large gabled roof with dormers front and back and finished with rendered walls, UPVC windows and doors and concrete tiled roof.

Proposal

The proposal seeks a lower ground floor extension on the rear elevation to provide a TV room with a balcony above at ground floor level with access taken from the dining area and kitchen. The ground floor balcony has been extended out by 1m from previously submitted application 0421/18/HHO with access directly taken from the kitchen. The south eastern corner of the balcony has been angled on the corner to minimise overlooking to no. 20's rear garden and a 1.8m high wall has been proposed on the west (side) elevation of the proposed ground floor raised decked area.

At first floor level the existing rear dormer would be extended to the east of the roof to provide additional space to a bedroom with the insertion of a window to match existing.

The garage would be converted into additional living accommodation with removal of garage door and insertion of a window. The part of the front garden would have the construction of a low retaining wall with a hardsurfaced area to be laid to provide additional off street parking for 3 cars.

The extensions and alterations would be built in materials that would match that of the existing dwelling house.

Consultations:

- County Highways Authority No objection
- Environmental Health Section No comments received
- Town/Parish Council Object

Thurlestone Neighbourhood Plan Policy TP1.7 states that "A safe means of access and on-site parking should be provided." The Council considers that this extension will not leave enough room for 3 cars and it will result in on-street parking.

Representations from Residents

There have been no of letters of representation received to this application to date.

Relevant Planning History

0421/18/HHO	READVERTISEMENT (Revised Plans Received) Householder application for proposed alterations and extension (resubmission of 3075/17/HHO) Refused
3075/17/HHO	Householder application for proposed alterations and extension Refused

Analysis:

The previous application 0421/18/HHO proposed the installation of Juliet style balconies at first floor level an extension to ground floor terrace area and proposed hard surfacing of front garden.

The Committee refused the application for the following reason:

The proposed first floor full length windows with Juliet balconies would result in an unacceptable degree of overlooking and significant loss of amenity and privacy to the neighbouring properties within the immediate area and therefore would be contrary to Local Plan Policies Development Plan Document Policy DP3 (Residential Amenity) and emerging Plymouth and South West Devon Joint Local Plan policies DEV1 (Protecting amenity and the environment) and Thurlestone Neighbourhood

Plan Policy TP1 (General Development Principles) and the National Planning Policy Framework in particular paragraph 17.

This application seeks to remove the previously refused balconies and full height doors at first floor and therefore overcomes officer's previous concerns of overlooking to neighbouring properties and therefore make the application acceptable.

The increase in depth of the proposed decked area off the living room is considered to be acceptable as there is already an element of overlooking from the existing terraced area and it is over 6m from the boundary of the neighbouring property No. 20. The previous concerns raised by neighbour at No. 22 to overlooking and loss of privacy to the deck/terrace area if the boundary screening where to be removed has been addressed with the installation of 1.8m high wall along the entire length of the deck. Part of the boundary vegetation is not on the applicant's land and therefore not within their control hence the recommendation of installation of this wall would ensure that no overlooking or loss of privacy would occur and will be conditioned accordingly.

The increase in height of boundary screen on the west (side) elevation to the deck/terrace overcomes neighbours concerns of being overlooked during the winter months. The balcony has an angle section on the south eastern corner that would further reduce the ability of persons looking back into the living rooms of No. 20 Court Park and therefore this proposed balcony is in officer's opinion to be acceptable.

The proposed extension to the rear dormer to provide additional room to bedroom with a window is considered to be acceptable and would not result in any significant overlooking of neighbouring properties rear gardens than currently exists. It is acknowledged that the Design and Access Statement states that both neighbouring dwellings (No. 20 and No. 22), incorporate dormer windows along the full width of their respective rear elevations. Accordingly, the replacement of the Velux window with a dormer is in keeping with each of the immediate neighbours. No. 22 also incorporates dormer windows across the full width of its front elevation. Therefore this extension is in keeping with the existing and neighbouring properties.

Theses revisions overcome the concerns previously raised and therefore officer support would be given to this proposal.

The proposed alterations are not considered to adversely harm the character and appearance of the AONB and the site is located within the settlement boundary of Thrurlestone.

The Thurlestone Neighbourhood has been adopted and therefore policies TP1 – General Development Principles, TP2 – Settlement Boundaries and TP7 – replacement dwellings and extensions have been taken into consideration in determining this application.

Neighbour and Parish Comments:

At the time of writing this report there have been no letters of objection received to the application.

The Parish Council's objection to the provision of 3 cars on the front garden will not allow enough room for the parking and maneuvering of 3 cars and therefore it would be contrary to Thurlestone Neighbourhood Plan Policy TP1.7 states that "A safe means of access and on-site parking should be provided." This objection is noted though officers have measured the

distances of the front garden and compared this with submitted drawings and conclude that there is sufficient land to accommodate the 2 cars on the front garden and a further car on the existing driveway.

The proposed parking area complies with Highway Standing Advice and whilst there is no turning area provided the existing property benefits in having provision for 2 off street parking spaces with no turning area. Therefore it is considered that a safe means of access and suitable parking is provided.

Conclusion:

The amendments to this revised application are considered to be acceptable and address the previous concerns of overlooking and loss of privacy raised therefore officers recommend that this application be approved subject to recommended conditions.

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.

The relevant development plan policies are set out below:

DEVELOPMENT PLAN

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

- DEV1 Protecting amenity and the environment
- DEV2 Air, water, soil, noise and land
- DEV20 Place shaping and the quality of the built environment
- DEV24 Landscape character
- DEV27 Nationally protected landscapes

Neighbourhood Plan

This plan is adopted and is of material consideration:

- POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES
- POLICY TP2 – SETTLEMENT BOUNDARIES
- POLICY TP7 – REPLACEMENT DWELLINGS AND EXTENSIONS

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.

South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 1-Aug-18

Appeals Update from 27-Jun-18 to 20-Jul-18

Ward Bickleigh and Cornwood

APPLICATION NUMBER : **1743/17/FUL** APP/K1128/W/18/3199405
APPELLANT NAME: Mr & Mrs F Turner
PROPOSAL : New dwelling
LOCATION : 1 Old School House Cottage, Bickleigh, PL6 7AG
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 21-May-2018
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 20-July-2018

Ward Charterlands

APPLICATION NUMBER : **0203/18/PDM** APP/K1128/W/18/3199823
APPELLANT NAME: Mr R Wedd
PROPOSAL : Notification for prior approval for proposed change of use of agricultural building dwellinghouse (class C3) and for associated operational development (Class Q(a)&(b))
LOCATION : Barn at SX676515, Babland Cross, Modbury, PL21 0SA
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 17-July-2018
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **4416/17/FUL** APP/K1128/W/18/3202068
APPELLANT NAME: Mr & Mrs J Long
PROPOSAL : Erect replacement dwelling (re-submission of 1621/16/FUL)
LOCATION : Waves Edge, Challaborough, TQ7 4JB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 18-July-2018
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartington and Staverton

APPLICATION NUMBER : **1549/17/OPA** APP/K1128/W/18/3202528
APPELLANT NAME: Mr S Cockburn
PROPOSAL : Outline application (with all matters reserved) for construction of 9no. residential dwellings
LOCATION : Land at SX 787 641, North of Newlane End, Staverton, TQ9 6NY
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 19-July-2018
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3137/17/PAT** APP/K1128/W/17/3191716
APPELLANT NAME: Vodafone Ltd
PROPOSAL : Prior notification for proposed development by telecommunications code system operator for 15m replica telegraph pole, 2no microwave dishes and 2no equipment cabinets
LOCATION : Highways land adjacent Car Park, Shinnars Bridge, Dartington, Totnes, TQ9 6JD
APPEAL STATUS : Withdrawn
APPEAL START DATE: 24-May-2018
APPEAL DECISION: Withdrawn
APPEAL DECISION DATE: 29-June-2018

Ward Newton and Yealmpton

APPLICATION NUMBER : **1843/16/CLP** APP/K1128/X/17/3184976
APPELLANT NAME: Sovereign Park Home Developments Ltd
PROPOSAL : Lawful Development Certificate for proposed use of land for the stationing of up to

LOCATION : 30 static caravans for residential use
Battisford Park, Plympton, PL7 5AT
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 13-October-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 28-June-2018

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **0421/18/HHO** APP/K1128/D/18/3202598
APPELLANT NAME: Mr P Edwards
PROPOSAL : Householder application for proposed alterations and extension (resubmission of 3075/17/HHO)
LOCATION : 21 Court Park, Thurlestone, TQ7 3LX
APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 29-June-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **0653/17/FUL** APP/K1128/W/18/3202518
APPELLANT NAME: Mr G Rogers
PROPOSAL : Demolition of existing care home and redevelopment to form 4 new dwellings
LOCATION : Wells Court, Herbert Road, Salcombe, TQ8 8HN
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 19-July-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **3075/17/HHO** APP/K1128/D/18/3195944
APPELLANT NAME: Mr P Edwards
PROPOSAL : Householder application for proposed alterations and extension
LOCATION : 21 Court Park, Thurlestone, TQ7 3LX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 29-June-2018

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **3865/17/VAR** APP/K1128/W/18/3195750
APPELLANT NAME: Mr J Valentine
PROPOSAL : Variation of condition number 2 following grant of planning permission 1887/17/FUL to allow changes to approved plans to replace the approved slate cladding with horizontal weatherboarding
LOCATION : Sunny Cliff Hotel, Cliff Road, Salcombe, TQ8 8JX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 28-June-2018

APPEAL DECISION:

APPEAL DECISION DATE:

Agenda Item 8

Report to: **Development Management Committee**

Date: **1 August 2018**

Title: **AMENDMENTS TO THE PUBLIC PARTICIPATION SCHEME FOR DEVELOPMENT MANAGEMENT**

Portfolio Area: **Support Services**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **After Council 27 September 2018**

Author: **Kathryn Trant**
Specialist – Democratic Services

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RECOMMENDATION

That the Committee RECOMMENDS to Council that the proposed amendments to the Development Management Committee Public Participation Scheme be approved, as set out in Appendix 1.

1. Executive summary

1.1 This report seeks to make amendments to the Public Participation Scheme for Development Management, in light of General Data Protection Regulations.

2. Background

2.1 Members will be aware of the new Data Protection Regulations that came into effect from 25 May 2018.

2.2 As a result of the new regulations, the Council is reviewing how it uses personal data. One of the areas where people are identified is in the published minutes of Development Management Committee meetings, where registered speakers are listed.

- 2.3 Officers are of the view that registered speakers should be named in the minutes, however, the current public participation scheme does not clearly advise the public that names of speakers will be published.
- 2.4 To ensure the Council complies with processing data lawfully, fairly and in a transparent manner, the public participation scheme should be amended so that members of the public who are considering putting themselves forward as speakers are aware that their names will be published in the minutes and therefore in the public domain. They should also be informed that the Council is likely to archive these records and their name will not automatically be removed from the record at a later date.
- 2.5 Whilst amending the public participation scheme in light of GDPR, officers propose a further amendment to the scheme that reinforces the point to speakers that papers are not to be circulated at the meeting.
- 2.6 The revised public participation scheme (with proposed amendments illustrated in red font) is set out at Appendix 1 for approval.

3. Options available and consideration of risk

- 3.1 The proposed amendments to the public participation scheme will firstly ensure that the Council follows current data protection good practice and remove the risk of challenge, and secondly will formalise the rule that papers cannot be circulated to Committee Members at the Committee meeting.

4. Implications

Legal/Governance		The Council has a public participation scheme that sets out the rules in terms of public speaking at the Development Management Committee. The Council must comply with the Data Protection Acts (1998 and 2018) and the GDPR.
Financial		There are no additional financial implications directly related to this report
Risk		There are no additional risks directly related to this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		There are no equality and diversity implications directly related to this report.
Safeguarding		There are no safeguarding implications directly related to this report.
Community Safety, Crime		There are no community safety or crime and disorder implications directly related to this report.

and Disorder		
Health, Safety and Wellbeing		There are no health, safety and wellbeing implications directly related to this report.
Other implications		N/A

Supporting Information

Appendices:

A – Proposed Public Participation Scheme

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PUBLIC PARTICIPATION

WELCOME TO THE DEVELOPMENT MANAGEMENT COMMITTEE OF SOUTH HAMS DISTRICT COUNCIL

We allow people to speak directly to the Committee, but the Council has introduced a scheme so that the system operates effectively and in a well ordered manner. The following guidelines explain how the Committee deals with each item. These guidelines only apply to applications listed on the main schedule in the agenda. If you had wished to speak you should have given notice of your intention to Member Services to do so by 12.00 noon on the Monday prior to the Development Management Committee meeting held on the Wednesday of the same week (12.00 noon on the proceeding Friday if the Monday is a Bank Holiday). If you have given the proper notification you will be asked to address the Committee at the appropriate time.

Please be aware that if you address the Committee, your name will appear in the published minutes. The Council is likely to archive these records and your name will not automatically be removed from the record at a later date.

The order at Committee will be as follows:-

1. The Committee Chairman calls the item;
2. A planning officer presents the report containing the officer recommendation;
3. One objector may speak against the application (three minutes maximum or five minutes for a major application). If there is more than one objector then one person must be chosen as a spokesperson;
4. One supporter or applicant may speak in favour of the application (three minutes maximum or five minutes for a major application). If there is more than one supporter then one person must be chosen as a spokesperson;
5. Member only discussion, including any further questions to officers. The Chairman may ask the objector or supporter to clarify a point of fact in very exceptional circumstances;
6. Vote;
7. The Chairman may briefly explain the decision if necessary;
8. Next item.

The three (or five) minute maximum period will be your **only** opportunity to speak, unless the Chairman asks for clarification on a point of fact (see 5 above). Statements must be confined to matters which are material planning considerations. Comments on procedural issues should be avoided – they can be dealt with through the Council's complaints procedure.

If a decision is deferred (eg for a Site Inspection), resulting in a further report to the Committee at a subsequent meeting, no further opportunity for public speaking on the same application will be allowed, but the comments previously made will be taken into account.

However, if at the time of the original consideration of the application, there was no speaker in support or to object, then they will be allowed to speak when the application is reconsidered, provided that proper notice has been given.

Please note, the Chairman of the Committee will not allow papers to be circulated at, or tabled (placed on Member's desks) prior to, the meeting.

Additional photographs may be included in the Committee presentation, to be shown as part of the speaker's presentation. Please submit them electronically to the appropriate Planning Case Officer and to dm@swdevon.gov.uk by 12 noon on the Monday prior to the Committee meeting (12.00 noon on the proceeding Friday if the Monday is a Bank Holiday). It would be helpful to mark your email 'Urgent: DM Committee photographs for presentation – Application no: xxxx/xx/xx.