

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 9th October, 2019										
Time:	11.00 am and 2.00 pm										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Brown</td> <td style="width: 33%;">Cllr Kemp</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Long</td> </tr> <tr> <td>Cllr Holway</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Rowe</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Abbott</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Brown	Cllr Kemp	Cllr Hodgson	Cllr Long	Cllr Holway	Cllr Pannell	Cllr Rowe	Cllr Pringle	Cllr Abbott	Cllr Taylor
Cllr Brown	Cllr Kemp										
Cllr Hodgson	Cllr Long										
Cllr Holway	Cllr Pannell										
Cllr Rowe	Cllr Pringle										
Cllr Abbott	Cllr Taylor										
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** **1 - 10**
- To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 11 September 2019;
- 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) 2428/18/FUL** **11 - 28**
- Upgrade and extension to existing play park and creation of bike track in woodland recreation area
"Meadowbrook" Shinnars Bridge, Dartington, Devon
- (b) 2407/19/FUL** **29 - 38**
- Erection of single dwelling.
"Tresco", Knighton Road, Wembury

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

	Page No
<p>(c) 4015/18/FUL</p> <p>READVERTISEMENT (Revised plans received) Proposal for 23 new holiday lodges with associated bases, parking and internal access road.</p> <p>"Salcombe Retreat", Lane To Soar Mill Motel, Malborough, Devon</p>	39 - 52
<p>(d) 2259/19/HHO</p> <p>Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (re- submission of 3978/18/HHO) Part retrospective.</p> <p>Sharpitor Cottage", South Sands, Salcombe.</p>	53 - 60
<p>(e) 2253/19/HHO</p> <p>Householder application for proposed first floorside extension.</p> <p>3 Highfield Drive, Kingsbridge</p>	61 - 66
<p>(f) 2045/19/HHO</p> <p>Householder application for proposed ground floor extension to form new shower room.</p> <p>3 Higher Brook Park, Ivybridge, Devon</p>	67 - 72
<p>(g) 2186/19/FUL</p> <p>Erection of a new building consisting of 4no. 1 bed 2 person apartments.</p> <p>"Vacant land between Davis Road and Townstal Road"</p> <p>Dartmouth, Devon</p>	73 - 88
<p>7. Planning Appeals Update</p>	89 - 90

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
11 SEPTEMBER 2019**

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr K Kemp
*	Cllr J Brazil (Chairman (pm only))	*	Cllr M Long
∅	Cllr D Brown	*	Cllr G Pannell
*	Cllr R J Foss (Chairman (am only))	*	Cllr K Pringle
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr T R Holway	*	Cllr B Taylor

Other Members also in attendance and participating:
Cllr J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Planning Senior Specialists; Planning Specialists; Deputy Monitoring Officer; and Senior Specialist – Democratic Services
	3193/18/ARM	Devon County Council (DCC) Drainage Officers and Specialist Place Making
	0062/19/FUL and 3398/18/FUL	Devon County Council (DCC) Highways Officer

DM.23/19

MINUTES

The minutes of the meeting of the Committee held on 14 August 2019 were confirmed as a correct record and signed by the Chairman.

DM.24/19

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:

Cllrs R Rowe and B Taylor declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being Members of the South Devon AONB Partnership Committee and they remained in the meeting and took part in the debate and vote thereon:

0842/17/FUL: READVERTISEMENT (Revised Plans and Application Form) Construction of new build dwelling with associated landscaping within the curtilage of a Grade II Listed Building – ‘Ashleigh House’, Fore Street, Kingswear; and

1744/19/NMM: Application for a non-material amendment following grant of planning permission 1780/18/ARM (additional bedrooms within roof space on plots 30, 38, 44 & 45 and provision of conservatories on plots 35, 36, 39 & 42) – Land at SX711 394, Adjacent to Malborough Park, Malborough.

DM.25/19 **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.26/19 **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:

a) 3193/18/ARM Land to the rear of Green Park Way, Chillington

Parish: Stokenham

Reserved Matters application for the development of 64 no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/0PA)

Case Officer Update: Since agenda published – 9 further letters of representation received raising new issues including:

- A request for more details of the proposed sub-station and swales;
- Impact of increased population on the SSSI (Site of Special Scientific Interest) and pollution;
- Continued concerns over the proposed Drainage Strategy;
- A detailed response from the objector who had registered to speak in response to the Devon County Council Briefing Note on the proposed Drainage Strategy.

Speakers included: Objector – Dr Bennett; Supporter – Mr Lewis:
Ward Member – Cllr Brazil

Recommendation: Conditional Approval

Notwithstanding the advice of the Devon County Council (DCC) Drainage Officers, a number of Members during the debate stated their grave concerns over the proposed drainage scheme and the comments made by the objector had only served to exacerbate these concerns further. In addition, some Members were of the view that the proposed drainage scheme would have a detrimental impact on the landscaping scheme and would be overbearing on those dwellings sited at the lower right hand side of the site.

Committee Decision: Refusal

Reasons:

The proposed layout and landscaping of the scheme would not be able to support a satisfactory drainage scheme and is contrary to Joint Local Plan Policy DEV 35.

b) 0842/17/FUL “Ashleigh House”, Fore Street, Kingswear

Parish: Kingswear

READVERTISEMENT (Revised Plans and Application Form) Construction of new build dwelling with associated landscaping within the curtilage of a Grade II Listed Building.

Case Officer Update: Corrections to published case officer report:
 - Onerous reference to a ‘garage’; and
 - Incorrect reference to the dwelling being a 4 bed property; and
 One further letter of representation but no new issues raised.

Speakers included: Objector – Mr Boyt; Supporter – Mr Evans; and local Ward Member: Cllr Rowe (NB. Cllr Bastone had declared an interest in this application).

Recommendation: Conditional Approval

In discussion, some Members highlighted the statement in Joint Local Plan Policy DEV 25 whereby any development within the Area of Outstanding Natural Beauty (AONB) should ‘conserve and enhance’ the AONB. These Members were strongly of the view that this application would not comply with this requirement and was therefore contrary to JLP Policy DEV 25. Some Members also commented that it would result in a loss of green space between dwellings. Furthermore, some Members felt that a new three-bed dwelling would not meet a local need for housing and considered that the proposals were therefore contrary to JLP Policy DEV 8. The Case Officer clarified local housing stock data and JLP targets for housing mix in the South Hams and Members accepted that this could not be justified as a specific reason for refusal.

Committee Decision: Refusal

Reason:

The proposals were contrary to JLP Policy DEV 25.

c) 1744/19/NMM Land at SX711 394, Adjacent to Malborough Park, Malborough

Parish: Malborough

Application for a non-material amendment following grant of planning permission 1780/18/ARM (additional bedrooms within roof space on Plots 30, 38, 44 & 45 and provision of conservatories on Plots 35, 36, 39 & 42).

Case Officer Update: None

Speakers included: Supporter – Mr Hutton; Parish Council – Cllr Yeoman; and Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accords with plans.

d) 0356/18/FUL Land at SX76840, West of Netherton Barns, Netherton, Kingsbridge TQ9 7RQ

Parish: Frogmore & Sherford

Change of use of land to accommodate two omni pods for self-catering holidays

Case Officer Update: Agent content to agree the detail of a foul waste drainage solution by condition thereby removing proposed refusal reason 3.

Speakers included: Supporter – Mrs Burden: Ward Member – Cllr Foss

Recommendation: Refusal

Committee Decision: Refusal

Reasons for Refusal:

1. The proposal would result in development in the countryside in a remote location that does not relate well to existing buildings or settlements.

In the absence of a compelling case for an exception to the policy requirements for development in the countryside, the proposal would result in unessential, unsustainable development in the countryside, inaccessible from local services, and to the detriment of local landscape character and therefore is contrary to policies SPT1, SPT2, TTV1, TTV2, TTV26, DEV15 and DEV23 of the Plymouth and South West Devon Joint Local Plan; and

2. The proposed development, together with upgrading of the vehicle access, proposed paths, parking, bin storage and use of the surrounding ground for outdoor recreation areas, by reason of the design, siting and separation from the nearby existing buildings, would fail to conserve or enhance the sensitive landscape character of the area contrary to policies SPT1, TTV1, TTV26, DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan.

e) 1295/19/ARM Beacon Park, Dartington TQ9 6DX

Parish: Dartington

Application for approval of Reserved Matters following outline approval 3631/17/OPA for erection of a mix of B1, B2 & B8 employment buildings.

Case Officer Update: An application had been received to discharge a number of the pre-commencement conditions.

Speakers included: Supporter – Mr Swallow; and Ward Member – Cllr Hodgson

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

1. Accord with plans;
2. Development to accord with Arboricultural Impact Assessment and Tree Protection Plan; and
3. Low Carbon Development.

f) 0062/19/FUL Marquis Devon, Lee Mill, Ivybridge PL21 9EE

Parish: Newton & Yealmpton

Demolition of existing workshop/office building. Erection of office and workshop buildings, extension to vehicle display area and alteration to existing access.

Case Officer Update: Applicants have offered to contribute 15% towards the £28,000 requested by Devon County Council (DCC) as part of a Section 106 Agreement. DCC is of the view that this is insufficient.

Speakers included: Supporter: Mr Brand; and Ward Member – Cllr Baldry (statement supplied)

Recommendation: Refusal

In the debate, Members were torn between their wish to support an expanding business whilst recognising that the applicants offer fell well short of the £28,000 requested by DCC. In conclusion, the Committee felt that this application should be deferred to enable for further negotiations to be carried out.

Committee Decision: Deferral to enable for further negotiations to be carried out.

g) 3398/18/FUL The Display Works, East Way, Lee Mill PL21 9GE

Parish: Ermington & Ugborough

Construction of side and rear extension to existing Warehouse

Case Officer Update: None

Speakers included: Supporter: Mr Oldroyd (statement read); and Ward Member: Cllr Holway

Recommendation: Refusal

In discussion, Members repeated a number of the issues that had been raised during consideration of the previous planning application (point (f) above refers) and, in light of these similarities, felt that a deferral to enable for further negotiations would also be appropriate in this instance.

Committee Decision: Deferral to enable for further negotiations to be carried out.

h) 2519/19/DCC Ivybridge Council Depot, Ermington Road, Ivybridge PL21 9ES

Parish: Ivybridge

County Matters application for change of use from vehicle depot (B8) to waste transfer station (Sui Generis). Including land previously used as householder waste recycling centre. Building works to include demolition of existing storage building and construction of waste transfer station building and associated litter netting.

Case Officer Update: None

Speakers included: Ward Members: Cllrs Abbott and Pringle

Committee Views: The Council declares its interest in the site as the landowner and that it has a contractual agreement with the Applicant (FCC) for the delivery of waste services and that this application is directly related to the Council's own waste strategy.

In its role as statutory consultee to this application process, the Council raises no objection subject to Devon County Council (as the Waste Planning Authority) ensuring adequate measures are put in place to manage and mitigate highway and environmental impacts including a recommendation for a green travel plan condition, consideration of the adequacy of the proposed car parking provision and resolution of the objection from DCC as Lead Local Flood Authority.

DM.27/19 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

The Planning Senior Specialist provided further details on specific recent appeal decisions.

(Meeting commenced at 11.00am and concluded at 5.10pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 11 September 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3193/18/ARM	Land to rear of Green Park Way, Chillington	Refusal	Cllrs Brazil, Hodgson, Holway, Kemp, Long, Pannell and Taylor (7)	Cllrs Abbott and Pringle (2)	Cllrs Foss and Pringle (2)	Cllr Brown (1)
0842/17/FUL	'Ashleigh House', Fore Street, Kingswear	Refusal	Cllrs Brazil, Hodgson, Holway, Kemp, Long, Rowe and Taylor (7)	Cllrs Abbott and Pannell (2)	Cllrs Foss and Pringle (2)	Cllr Brown (1)
1744/19/NMM	Land adjacent to Malborough Park, Malborough	Refusal	Cllrs Hodgson, Long and Pannell (3)	Cllrs Abbott, Brazil, Foss, Holway, Kemp, Pringle, Rowe and Taylor (8)	(0)	Cllr Brown (1)
1744/19/NMM	Land adjacent to Malborough Park, Malborough	Conditional Approval	Cllrs Abbott, Brazil, Foss, Holway, Kemp, Pringle, Rowe and Taylor (8)	Cllrs Hodgson, Long and Pannell (3)	(0)	Cllr Brown (1)
0356/18/FUL	Land West of Netherton Barns, Netherton, Kingsbridge	Refusal	Cllrs Brazil, Foss, Holway, Kemp, Long, Pannell, Pringle, Rowe and Taylor (9)	Cllrs Abbott and Hodgson (2)	(0)	Cllr Brown (1)
1295/19/ARM	Beacon Park, Dartington	Conditional Approval	Cllrs Abbott, Brazil, Foss, Holway, Kemp, Long, Pannell, Pringle, Rowe and Taylor (10)	Cllr Hodgson (1)	(0)	Cllr Brown (1)
0062/19/FUL	'Marquis Devon', Lee Mill, Ivybridge	Deferral	Cllrs Abbott, Brazil, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Rowe and Taylor (11)	(0)	(0)	Cllr Brown (1)
3398/18/FUL	'The Display Works', East Way, Lee Mill	Deferral	Cllrs Abbott, Brazil, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Rowe and Taylor (11)	(0)	(0)	Cllr Brown (1)

2519/19/DCC	'Ivybridge Council Depot', Ermington Road, Ivybridge	Agree the proposed consultation response	Cllrs Abbott, Brazil, Foss, Hodgson, Holway, Long, Pannell, Pringle and Taylor (9)	(0)	(0)	Cllrs Brown, Kemp and Rowe (3)
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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Staverton

Parish: Dartington **Ward:** Dartington and Staverton

Application No: 2428/18/FUL

Agent/Applicant:

Dartington Recreation Association c/o
Mandy Burton
Apple Tree Corner
Forder Lane
Dartington
TQ9 6HT

Applicant:

Dartington Recreation Association c/o
Mandy Burton
Apple Tree Corner
Forder Lane
Dartington
TQ9 6HT

Site Address: Meadowbrook, Shinners Bridge, Dartington, Devon, TQ9 6JD

Development: Upgrade and extension to existing play park and creation of bike track in woodland recreation area

Reason item is being put before Committee: The local Ward Member is concerned about the impact of the BMX bike track on the biodiversity of the woodland, having regard to Policy DEV26 of the JLP and the Council's recent declaration of a biodiversity emergency



Recommendation: Approval

Conditions (list not in full)

1. Time limit
2. Accord with plans
3. Submission of tree protection methodology prior to construction of the bike track.

4. Submission of a plan indicating where the replacement planting will be carried out, prior to construction of cycle track.
5. Adherence to the Ecology report
6. Written confirmation that the provisions in the ecology report have been properly created by a suitably qualified ecologist.
7. Prior to construction provision of a LEMP to be approved by LPA.
8. No lighting within the woodland
9. Development to be carried out in accordance with the submitted FRA and the following mitigation and a flood warning and evacuation plan and appropriate signage alerting the public to the flood risks

Key issues for consideration: acceptability of this location for the play park and bike track; impact on trees; impact on landscape; impact on ecology; impact on flooding.

Site Description: The site is at Meadowbrook play park which is located adjacent to three schools, and the outdoor swimming pool and community centre as well as a car park at Shinnars Bridge Dartington. There is a woodland included in the site and pedestrian access routes from the A385 and the access road to the community centre.

The play park has been described by the applicant (Dartington Recreation Association) as inadequate and dated, insufficient and not inclusive.

The woodland area is on the other side of the Bidwell Brook adjacent to the football pitch/playing fields. It is a small area of woodland which appears to be currently used by walkers in an informal manner.

The Proposal: To provide more exciting play equipment for a wider range of ages and abilities; attract active adults and children; a community hub and to provide a bike track in the woodland area.

Submitted in support of the application was a copy of the consultation event which took place in March 2015. The aim of the consultation was to get an initial impression of the needs and desires of the community for outdoor spaces in the parish in order to feed into the Neighbourhood Plan.

The conclusion of the report that there were a number of play and open spaces in the parish, but some were under threat of development. Safety was a concern and a desire to have car free walking and cycling routes. A need for multi-use community spaces was also identified As well as spaces which could act as a community focus.

Focus for improvements was around Meadowbrook and the Dorothy Elmhirst playing fields. Further consultations took place for both the play park and the bike track in June 2018 and February 2019 respectively.

The proposal for a bike track is supported by the Neighbourhood Plan, the local schools and the local BMX club. The track will consist of an inner pump track loop with berms (banked turns) and rollers and jumps and an outer skills loop, which will use the woodlands natural features and a range of surfaces to create varied and interesting obstacles. It will be suitable for 3 and 4 wheeled bikes as well as 2 wheeled bikes. The inner pump will be exciting and offer more advanced riders challenge.

Section 106 monies from local housing developments will contribute to the provision of additional sport and recreation facilities for Dartington Parish.

The play park alterations comprise:
Removal of splash pool
Hilltop lookout tower and flag
Toddler area with play frame, seating, role play and springers
Sensory play with music and sound
Inclusive path and tower
Outdoor table tennis and petanque court
Open area for flexible uses and community events
Trim trails equipment to top of mound, adventure slide and zip wire creating a circuit
Upgrades to swing sets, climbing frame and existing slide
Dynamic equipment including sunken trampolines, spinning net, roundabout and seesaw.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: No comments
- Town/Parish Council: Object Insufficient work on traffic generation and parking associated with the scheme. Members of the public present at the meeting raised objections about the bike track and associated parking.
- Drainage: If the EA are content with the fluvial flood risk aspect of the proposal, the drainage engineers will comment on the surface water.

Environment Agency: A planning condition relating to flood risk must be applied to any consent granted because part of the site lies in Flood Zone 3 and the condition would mean that the proposed development meets the NPPF requirements

Police Architectural Liaison: the Police have no objections to the proposal but ask that from a designing out crime, fear of crime and antisocial behaviour perspective the following attributes of Crime Prevention through Environmental Design (CPTED) are considered and implemented wherever possible. This includes measures such as convenient and safe routes; avoid conflicting uses being located next to each other; information boards; opportunities for natural surveillance; potential to extend CCTV; Clear sight lines should be maintained across the play park and woodland bike track promote a sense of ownership, respect, territorial responsibility and community; Management and maintenance; anti-graffiti finish applied; repair and management protocols;

Biodiversity:

This consultation response has been copied in full into the Planning Report because of the objections received about the biodiversity impact of the proposal.

This consultation response has been prepared following a site visit and upon review of the following documents/plans:

- Various plans associated with the proposed bike track
- Design & Access Statement
- Ecological Impact Assessment (EclA)
- Contractor's Method Statement

The consultation response takes into account relevant policy in the JLP (namely DEV26), as well as other national policy (namely Habitats Regulations, NERC Act), and other best practice guidance, policies and legislation as required/relevant.

The submitted EclA is informed by a desk study and site assessment undertaken by the consultant ecologists in June 2018. The EclA considers the anticipated effect of the proposal upon wildlife, primarily assessing the likelihood of presence of protected species and habitats using the site, and the implications of the proposal upon any present. The EclA includes avoidance and mitigation measures where necessary to avoid or minimise (to an acceptable level in terms of legislation and policy) impacts upon wildlife.

The key points noted within the report are:

- The semi-natural broadleaved woodland has parts which are indicative of 'wet woodland' (a Devon BAP priority habitat, and NERC s41 habitat of principal importance – the objective for this woodland being 'no further loss') but not typical given the varied structure and composition of the woodland. The wood shows signs of a transition to a drier woodland and trees which favour such drier conditions as reflected by the tree species mix.
- The woodland site considered unlikely to be ancient in origin (historical tithe maps indicating the land was pasture), although some ancient woodland indicator species were recorded in low frequency.
- There are a network of informal paths within the woodland, with bare soil and little vegetation upon the paths.
- The site is not part of a nationally or locally designated site. The site falls within a sustenance zone associated with the South Hams SAC.
- No trees are proposed for removal or lighting required. Three oak trees (to be retained) on the boundaries of the woodland are identified as having moderate potential for roosting bats while other trees in the woodland do not have necessary features to support bat roosts. The woodland edges and corridor along Bidwell Brook are likely to support foraging and commuting bats (of most species, including Greater Horseshoe bats) – this can be assumed.
- The site is suitable for hazel dormice foraging and nesting, with some connectivity to the wider landscape and habitats to the northwest. Given the size of the woodland and current use (informal paths) the woodland does not have a continuous understorey and is considered sub-optimal habitat, nonetheless, there is potential that the woodland could be used by dormice (noting the reference in the report to low density of population of 2.2 dormice per hectare – this woodland being 0.2ha).
- The site may support toads, and breeding birds, with recommendations for avoidance, mitigation and also site enhancements made by the ecologist accordingly.
- Otters may use the Brook for foraging and transit, however are unlikely to use the woodland for breeding/resting up.
- The site has connectivity (via woodland and the Bidwell Brook) to habitats within the wider landscape – i.e. the woodland/Brook can be assumed to contribute to part of a wider ecological network.

Discussion

- The proposal may require some removal of branches obstructing safe use of the tracks. There is expected to be some minor removal of understorey. Neither are significant with respect to the woodland continuing to function as a supporting habitat to any protected species that may use the woodland (including dormice and bats) and play its role in contributing to the wider ecological network beyond the site boundaries.

The proposal is not contrary to policy with parts of the woodland being indicative of 'wet woodland.'

- There is no likelihood of significant effect on the South Hams SAC – greater horseshoe bat use of the woodland and adjacent habitats would not be affected by the proposal given the lack of lighting and minor scale of understorey removal. No further surveys are necessary to support this conclusion.
- The BMX tracks will follow existing tracks created by informal public use which are primarily already bare soil without vegetation.
- The EclA includes suitable avoidance and mitigation measures with respect to the approach to construction to ensure no contravention of wildlife legislation (including relating to dormice, breeding birds, bats, badger, otters).
- Enhancements are included in an effort to secure biodiversity net gain – these relating to bird nesting and bat roosting provision, and log piles suitable for reptiles and invertebrates, as well as increasing wildlife value of the adjacent woodland through creation of a glade. Management of these enhancements will be secured via a Landscape and Ecological Management Plan for the woodland.

Conclusion

With respect to policy and general approach to projects that may impact wildlife/habitats of interest, the mitigation hierarchy is the overarching principle – i.e. avoid impact, mitigate and as a last resort compensate. In this case, it would be remiss of me not to note that avoiding the siting of the BMX track within the woods would of course be a preference and instead siting the track on for example amenity grassland which has negligible ecological value. I note consideration of alternatives is made within the Design and Access Statement and it would be beyond the scope of my role/this response to assess these. This consultation response considers the acceptability of the proposal as submitted within this woodland site.

The woodland clearly has wildlife value, be that wet woodland, or in a form that may be transitioning to a drier woodland (reflected by species such as oak, ash, hazel and hawthorn), its recognised role in supporting protected species, and its contribution to the wider ecological network (including adjacent woodlands). The woodland is currently used by the public as per the network of informal paths, and applying the avoid/mitigate approach, with impact on the woodland habitat being minimised by routing the BMX track along these existing tracks. Habitat removal (in terms of understorey/branches) is limited and not such that would have a significant ecological impact on either the status of the woodland, ability to support protected species, or its contribution to a wider ecological network (it does not fragment the habitat onsite, or isolate the site in terms of continuity as part of a habitat corridor).

Measures to avoid or mitigate impacts during construction are detailed within the EclA and will be secured by condition, and the Tree Specialist has identified measures relating to the trees themselves. It is also necessary to apply a condition restricting the introduction of any lighting (albeit none is proposed, it is essential to ensure none can be erected in the future).

In terms of biodiversity net gain/enhancements, several measures are included both for protected species, and also to seek to increase the wildlife value of the woodland. If considering the biodiversity balance, whether the enhancements would secure a notable increase in biodiversity value over the existing could be considered questionable, however with respect JLP Policy Dev 26.5 which states; *'the level of biodiversity net gain required will be proportionate to the type, scale and impact of development'* and taking into account the proposed enhancements, I think it would unreasonable to suggest that the proposal is not policy compliant. (The same follows for Paragraph 170 of the NPPF which requires

developments to enhance the natural and local environment by '*minimising impacts on and provide net gains for biodiversity*' and Paragraph 175 '*opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*').

If minded to approve the application, please apply the following **conditions**:

- Adherence to recommendations within section 4 of the EclA.
- Provision of enhancements within section 5 of the EclA. Written confirmation that provisions have been properly erected/created upon completion to be provided by a suitably qualified ecologist.
- Prior to construction, provision of a LEMP (which could incorporate the tree planting and management prescriptions as requested by the Tree Specialist) detailing ongoing management of enhancements and woodland.
- No lighting shall be erected which would illuminate the woodland.

NB – I note reference in the Contractors Method Statement to removal of turf, topsoil, branches and deadwood from site. This is inconsistent with the recommendations of the EclA and should be amended.

(Note an amended methodology was submitted which addresses this last point).

Arboriculturalist:

The proposed route was assessed during an initial site visit and it is noted that the track principally follows the existing unmade track through the wooded area, avoiding the dominant trees. The discrete woodland forms a cohesive element of a much larger linear wood and as such it's safe retention is vital to ensuring continuing varied woodland and wildlife benefits.

There is likely to be a limited adverse on the health of trees whose roots are capped by the track to some degree, to offset this I would expect a number of mitigation tree whips to be planted as per the arborists recommendations, detailed in a plan with planting and management prescriptions included. A tree risk assessment of the proposed route should be undertaken in advance where matters of adequate height clearances, risk of falling parts onto track users, possible impact on stems and so on are assessed and a tree surgery schedule prepared in advance of any works. The track should be detailed to be retained on its edges by pinned tannalised boards, and no concrete footings used.

I do not consider that the actual track installation requires detailed arboricultural supervision during the works if consent follows. Matters of avoidance of tree damage should be addressed by the arborist including but not limited to

- a. Weight of plant intended to be used for the works
- b. Boom heights
- c. Use of non-toothed buckets to level (not lower) soil horizons
- d. Mitigation planting prescribed
- e. Storage of materials/ plant outside of the work zone.

To address the need for the required information a Tree Protection Method statement should be submitted for review prior to any commencement on site.

Recommendation

- No objection on arboricultural merit subject to submission of the noted Tree Protection Methodologies including construction activity control and mitigation planting proposals

Representations:

Representations from Residents

Comments have been received both in support and objecting to the proposals.

Support: (18 letters)

- Fantastic idea. What is needed in Dartington
- The playground and the woodland offer amazing opportunities for sport and recreation for the Parish.
- The designs are considering the natural environment including the trees
- The design maximises the use of natural materials
- The bike track contractors demonstrate a clear consideration of the woodland and have a track record of constructing tracks without impacting on the surrounding natural environment
- The large trees are staying so the woodland habitat will remain
- A key focus for the area has been improved recreation facilities
- At a time when children do not get enough outdoor activity this will help.
- It will also provide a place for community bonding.
- A worthwhile development
- The play park update is well overdue
- The bike track is a great idea and will enhance the use of the wood
- It has been a carefully planned proposal taking into account the biodiversity of the area and makes as little impact as possible
- Dartington has had to see an increase of 63% more dwellings in the last 15 years. This means more young people. The play parks in Totnes and Dartington are woefully inadequate and its time some investment was made in these facilities.
- It will provide a focal point for people in the area.
- There has been an impressive amount of time talking to people about the proposals.
- The play area has been dedicated to play since 1963. Improving these facilities has been highlighted repeatedly on the last decade or more.
- The plans take full account of the ecology of the area.
- It is hoped that the cycle track between Totnes and Dartington will be more used to access these facilities
- The design of the park and cycle track are engaging
- The facilities are away from homes so will not cause disturbance.
- Meadowbrook has the potential to become a hub for recreation and leisure in the area.
- Improvements to the park could pave the way for upgrading the swimming pool, tennis courts and community centre building.
- As a local business owner I am keen for people to enjoy the area and the ecology appears to have been given due consideration in the plans.
- Policy DEV27 Green and Play spaces supports development where it enhances the value of green space through sports, play provision and education. The proposal is positively aligned with Policy SO11 promoting healthy lifestyles and promoting outdoor activities in a safe and easily accessible environment.
- The positive impacts on health, wellbeing, community cohesion outdoor education far outweigh the negatives.
- An improvement to this area is long overdue.
- Good for locals and visitors

Objections (five)

- Not in favour of the cycle track because the woodland has species which indicate that it is an ancient woodland and therefore protected by law
- It has taken more than a thousand years to form and cannot be recreated or mitigated

- The wood is visited by many red and amber species - spotted fly catcher, song thrush, lesser spotted woodpecker, marsh tit, grey wagtail, otters, dormice, eels, salmon, trout, three species of bat, and is the flyway of Greater Horseshoe bats. Rare wet woodland plants including ragged robin and monkshood are found here too.
- This woodland is part of an essential wildlife corridor for many species. Other areas of this vital linear habitat have been damaged (Brimhay, Origins and Tweed Mills) making it even more essential.
- Removing the understorey and top soil and covering large areas with aggregate and asphalt will destroy and displace the above species forever
- Mature oak trees known as bat roosts have been identified in the report as needing limbs removed for the bike track and may well eventually be felled.
- The ecologists report claims that the woodland is drying out despite having many features of and species indicating wet woodland; a habitat protected by law as a priority habitat in the Biodiversity Action Plan due to its extreme rarity.
- The bike track is in an area identified as Flood Zone Three and a flood evacuation plan is proposed for cyclist's use.
- Only a Preliminary Ecological Assessment has been carried out. In such an important habitat containing European Protected Species, bat and bird surveys should have been carried out throughout the seasons.
- Despite acknowledging the damage light causes to Greater Horseshoe and other bats, the report states that lighting maybe used at a future date to deter criminal behaviour. Lighting cannot be prevented or controlled by planning.
- The report looks at the site as a small isolated area, whereas it is part of a vital corridor and should been seen in combination with the other linked habitats.
- A climate emergency has been declared locally and nationally. Removal of trees and other ecology and replacement with synthetic materials and impermeable ground cover conflicts with this
- No explanation is given as to why the bike track must be in this woodland. There are plenty of other sites
- No projections have been made for its usage. The provision is that of a city or theme park and will attract users from miles around. Existing parking is inadequate and large volumes of traffic will be generated on the already over polluted A385.
- Twenty nine pieces of play equipment in a small space is an over provision for the village. Building towers and a plastic tube on the mounds will be highly visible and is inappropriate for a rural setting.
- Impermeable and artificial surfaces will create increased run off into the Bidwell Brook.
- Out of character to provide so may facilities in such a small area
- Ait will be free and therefore will draw a large no. of visitors from outside the area and the resultant traffic generation.
- Many people will bring children and bikes form outside the area and create traffic problems.
- The track should have been provided off the existing cycle track between Totnes and Dartington
- Allowing people to arrive by car would be contrary to the climate change emergency.
- When planning facilities for our children's future, we must not create more traffic, air pollution and damage to the environment by loss of habitats and trees.
- The artificial surfaces, which include tarmac, artificial grass, self binding gravel, rubber banded mulch and grass matting all add to the urban feel and to the increase in runoff and flash flooding of the brook.

- The structures chosen we understand are durable with a good life, but being so, they are less natural than the locally made wooden play structures that would have been more appropriate and more natural in such a rural location.
- to provide play facilities at the expense of natural habitats when there are many other sites on this land and elsewhere along the Totnes- Dartington cycle path is both unacceptably damaging and ignoring the wishes of almost all children, who would not wish wildlife to be damaged for their enjoyment.
- The s106 money that is received from developers- who have already caused loss of many habitats in Dartington, should not be funding yet more habitat loss.
- The site is part of a network of wildlife corridors and the greater horseshoe bat flyway network. It links directly to the Dart and is a BAP priority habitat (wet woodland) also ancient woodland.
- Insufficient surveying of the protected species, bats reptiles dormice etc.
- This woodland is part of a woodland corridor from Peak Plantation opposite Droridge Lane to Lownard and on through Week. All species using it will travel between the habitats seamlessly.
- The brook is used by eels (extremely endangered), brown trout and salmon. All are very sensitive to pollution and runoff. Having far more impermeable surfaces close by- even after the dangers of runoff from the construction will be a real threat to the water quality of this brook for aquatic life.
- The track will be a visual urban style intrusion into a rural natural area.
- The DRA did not really consider other sites or whether this 'surplus area' was important as a wildlife habitat.
- A great opportunity to really engage children with wildlife, its needs and involve them in conserving wildlife has been lost here. Bird hides, quiet paths, leaving areas to regrow naturally and adding new trees to increase the wildlife corridor could provide a quiet contemplative area for children to relax and engage with nature after the bustle of the new play park on the other side of the brook.

A letter has been received from the applicants in response to the objections raised the main points are summarised as follows:

- Meadowbrook is surrounded by three schools, so the families that use the track after school, and during the school day, would be there already, not increasing vehicle journeys or parking requirements. The combined number of pupils is around 500. In the heart of Dartington, Meadowbrook is in walking (cycling) distance of most of the residents of the Parish.
- It can also be reached along the cycle path that links Totnes and Dartington, and it's possible that more families may be encouraged to cycle to school, and to visit the recreation facilities at Meadowbrook, with the prospect of a visit to the bike track, reducing traffic congestion.
- There is a 60 space car park adjacent to the proposed track, managed by Dartington Hall Trust who are in support of the project. During the school day, staff will bring pupils to use the track from Bidwell Brook school and from the River Dart Academy. Parking can be difficult during the school day, but at that time, there's unlikely to be many visitors in cars.
- For people coming in cars after school and at weekends there is plenty of car parking space at Meadowbrook. There is ample additional parking at The Shops at Dartington, across the road from the proposed track, and linked by pedestrian crossing.
- I would estimate the track would have 20 - 30 visitors after school, mostly pupils and families from Dartington Primary, and residents of Dartington and Totnes arriving by bike. At the weekends and holidays, we might have 50 visitors per day, weather

dependent. If the usage becomes an issue in the future, it's possible to fence the area and run closed sessions to control numbers.

Relevant Planning History

14/0911/76/1: OPA

Proposal Erection of 34 dwellings and construction of access/service roads and sewage treatment works

SiteAddress adjoining Special School Dartington

Decision Refusal: 25 Aug 76

14/1236/83/3: FUL

Proposal Trim trail

SiteAddress Playingfield opposite Dartington Central Office Dartington.

Decision Conditional approval: 08 Nov 83

ANALYSIS

Principle of Development/Sustainability:

The proposal is a community based project, to provide facilities for the local community. In terms of sustainability, and the strategic sustainability policies SPT1 and SPT2, the facilities are located at the edge of the village of Dartington, but close to two local schools and a public car park. SPT1 includes the principles of sustainable development which are around economy; social and environmental issues. The proposal will not necessarily bring direct economic benefits to the community as it is a facility for the community, however there will be indirect benefits in that it will encourage visitors to use the facilities, who will potentially then visit the local shops.

From a social perspective the proposal will provide better facilities for the local community to use; the bike track will promote health and also links with the cycle route into Totnes, which also promotes health benefits. It will also be free from discrimination as it will be accessible to all.

Environmentally, the proposal will better manage the woodland area where the proposed bike track is located and improve the play facilities in the park area. There are of course some concerns about the potential impact on the biodiversity of the woodland and on the trees. These issues will be explored more fully in the relevant sections further on in the report.

SPT2 provides more detailed guidance on sustainable development, which should ensure there is reasonable access to vibrant mixed use centres, including shops, health and wellbeing and community facilities; higher density living where good transport services exist; high levels of digital connectivity; have a good balance of housing types and tenures; promote resilience to future change; well served by public transport; have safe and accessible to the local wildlife rich environment with well-designed public and natural spaces; have services and facilities that promote equality and inclusion; have appropriate facilities to meet the needs of the local community; provide a sense of identity including the protection and enhancement of the natural and historic environment; explore opportunities for renewable energy and provide positive outcomes.

In the case of the play park and the bike track, it is located within walking distance of most, if not all residents of Dartington, it will provide an improved play park for the children in the community, at the schools as well as visitors to the area; the village is identified in the Joint

Local Plan for Plymouth and West Devon as a smaller town or key village, it states that these settlements...*“play an important role in supporting the dispersed villages and hamlets that are located throughout the rural areas, and which sustain a large number of rural communities. In order to maintain their function, a proportionate amount of new growth is appropriate to ensure that services and facilities are not lost, but can be sustained and enhanced where appropriate.”*

Facilities such as this are thus a vital component of the facilities that such villages offer to the wider rural communities as well as the local community.

Public Transport is well provided for in Dartington and the cycle track to Totnes is nearby and easily accessible from the play park and cycle track. It is considered that the proposal makes a contribution to the village which means that the proposal would comply with SPT2.

The proposal thus also supports the hierarchy of settlements identified in policy TTV1. TTV2 provides detailed *“objectives of rural sustainability”* The proposal meets these objectives by retaining and enhancing important community facilities and the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors.

Policy DEV1 seeks to ensure that health and amenity is protected when development occurs. Amongst the requirements of the policy is the need to ensure that developments are accessible to all people. The proposal site has two special schools very close by, both of whom are in support of the proposal because of the potential benefits it could have to the pupils who attend, some of whom have physical disabilities and some with mental health disabilities. The bike track is able to be used by 2, 3 and 4 wheeled bikes.

Concerns have been raised by some objectors that the tranquillity of the woods would be affected by the bike track and so this may deter some members of the population from using the woods. However it is likely that there will be times when the bike track is not being used and so the tranquil nature of the woodland would prevail.

It is considered that the applicants have made good efforts to make the space and track as accessible to as many parts of the population as possible.

Policy DEV2 is concerned with Air, water, soil, noise, land and light. Developments should avoid harmful environmental impacts and health risks; avoid or mitigate impacts in an Air Quality Management Area (the application site is not within such an area); prevent deterioration of and where appropriate enhance and restore water quality and limit the impact of light pollution on local amenity and intrinsically dark landscapes and nature conservation; remediate contaminated land; protect soils on the best agricultural land; maintain or improve the noise environment and not cause an impact on any protected European Site.

Some concerns have been raised about the impact of the bike track in particular on Bidwell Brook, and on the woodland understorey. However as will be discussed below, both the ecologist and arboriculturalist are satisfied that the proposal is policy compliant.

Policy DEV3 is concerned with Sports and Recreation. The policy supports sport, physical activity and active leisure. The development proposal could be seen to be such a use. A need was identified for the enhancement of the play park and the cycle track through the work on community needs undertaken for the Neighbourhood Plan. The proposal therefore would comply with part 1 of the Policy.

Policy DEV27 seeks to protect and support green spaces. The proposal can be seen to help with this aim. It is enhancing an existing green space and adding the cycle track provision, meaning that the value of that green space is enhanced.

In principle the proposal meets the relevant policies as discussed.

Design/Landscape:

Policy DEV20 relates to place shaping and the quality of the built environment. Whilst the proposal is for play equipment and a cycle track, it would still impact on the local area and so should be considered in relation to the policy. The overriding aim of the policy is to *“Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape”*.

In this case the play park facilities have been the subject of numerous consultations throughout the evolution of the proposal and changes made as a result of those consultations, including reducing the overall numbers of pieces of equipment; using more natural materials and colours, creating more open space next to Meadowbrook Community Centre and adding more sensory play equipment. A wheelchair accessible second lookout tower has since been provided and a covered seating area.

So whilst there are a number of concerns expressed in the letters of objection about the equipment, it can be seen that considerable consultation has taken place to arrive at the scheme now before us. There are a number of different pieces of equipment which will provide a wide variety of play options. The existing landscape has been used to locate certain pieces of equipment. The equipment is what would be expected in a play park and is considered to be an acceptable design solution.

With regard to the cycle track, because of the sensitivities around the woodland and potential habitats and impacts on trees, the proposal has a light touch and uses natural materials where possible to prevent it appearing out of place. Again it is considered that the materials and light touch impact is appropriate in the woodland setting from a design perspective.

Neighbour Amenity:

There are no immediate residential neighbours and so the impact on residential amenity is not an issue in this case.

Highways/Access:

The Highway Authority have not made any comments on the planning application. In terms of potential traffic impacts which was a concern raised by the Parish Council, there is a reasonable sized car park adjacent which already serves the Community Centre and schools as well as those walking in the woods or on the playing fields. It is likely that local children using the park may well come from the schools located nearby in which case they will walk to the park. The site is also well within the village and so many, if not all people wanting to use the facilities could walk or indeed cycle. There will be a potential for more visitors to use the park and cycle track in the future. If the cycle track becomes successful, it may be that people will cycle to it using the cycle track from Totnes, or use the car park and possibly also the car park for the Dartington shops. The majority of users are however likely to be local people and with the car park next door, it is considered that there is adequate provision for the enhanced leisure facilities proposed.

Biodiversity:

Policy DEV26 in the JLP, seeks to protect biodiversity. There have been a number of objections with concerns about the ecology and biodiversity of the woodland area in particular. The applicants submitted an ecology report which was given consideration by the Council's ecologist. His full comments are supplied above in the Consultations section. The ecologist notes the hierarchy for consideration of wildlife and protected species – *“avoid impact, mitigate and as a last resort compensate”* In noting that hierarchy, he indicates that *“avoiding the siting of the BMX track within the woods would of course be a preference and instead siting the track on for example amenity grassland which has negligible ecological value.”*

He also acknowledges that the applicants in coming up with the proposal had considered other sites. The D and A submitted with the application confirms that *“several locations were considered for the bike track. The play mounds were ruled out as they are a focus for play, and there would be a risk to users of having bikes and children on foot in the same vicinity and they would be suitable for a pump track with regular bumps on which to practice kills..... There is an open area of land towards Week, but this area is much less accessible and bike users would have to cross the football pitch, potentially damaging it, use the path past the front door of Lownard Cottage and be close to the houses at Origins potentially causing a nuisance.*

The applicants have been asked again if there are any other alternative locations within their area for the track and they have confirmed that they have looked at the other options and the woodland with the various mitigations proposed is the option they have come up with. In reviewing the ecologists comments with regard to mitigating the activity. He confirms that *The woodland clearly has wildlife value, be that wet woodland, or in a form that may be transitioning to a drier woodland (reflected by species such as oak, ash, hazel and hawthorn), its recognised role in supporting protected species, and its contribution to the wider ecological network (including adjacent woodlands).*

In terms of the impact the development would have on the woodland however he is satisfied that *“The woodland is currently used by the public as per the network of informal paths, and applying the avoid/mitigate approach, with impact on the woodland habitat being minimised by routing the BMX track along these existing tracks. Habitat removal (in terms of understorey/branches) is limited and not such that would have a significant ecological impact on either the status of the woodland, ability to support protected species, or its contribution to a wider ecological network (it does not fragment the habitat onsite, or isolate the site in terms of continuity as part of a habitat corridor).*

Policy DEV 26 requires that **“Development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area.”** Specifically it requires the highest possible protection to European sites. The site does not lie within the South Hams SAC. And in any case the use of the woods would not be affected by the works needed on the understorey, as confirmed by the Councils ecologist in his response above.

The ecologist concludes in relation to biodiversity gain (part 5 of Policy DEV26) *“In terms of biodiversity net gain/enhancements, several measures are included both for protected species, and also to seek to increase the wildlife value of the woodland. If considering the biodiversity balance, whether the enhancements would secure a notable increase in biodiversity value over the existing could be considered questionable, however with respect JLP Policy Dev 26.5 which states; ‘the level of biodiversity net gain required will be proportionate to the type, scale and impact of development’ and taking into account the proposed enhancements, I think it would unreasonable to suggest that the proposal is not*

policy complaint. (The same follows for Paragraph 170 of the NPPF which requires developments to enhance the natural and local environment by 'minimising impacts on and provide net gains for biodiversity' and Paragraph 175 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity').

In concluding, the ecologist considers the proposal to be policy compliant and thus accepts the development subject to conditions"

As such there are no objections from the Ecologist for the development provided conditions relating to

- Adherence to recommendations within section 4 of the EclA.
- Provision of enhancements within section 5 of the EclA. Written confirmation that provisions have been properly erected/created upon completion to be provided by a suitably qualified ecologist.
- Prior to construction, provision of a LEMP (which could incorporate the tree planting and management prescriptions as requested by the Tree Specialist) detailing ongoing management of enhancements and woodland.
- No lighting shall be erected which would illuminate the woodland.

Trees:

The Councils arboriculturalist made comments in relation to the proposal and raised no objection. He acknowledged that there may be some impact on the trees health as a result of the track on the roots of some of the trees, but in order to compensate for that he would expect to see some new whips planted. He also requires a condition to be imposed to secure a Tree protection methodology.

When assessing the proposed development the Arboricultural officer confirmed that the route proposed through the woodland avoided the dominant trees. He also recommended that the track should be retained on its edges through the use of tannalised boards and not concrete footings.

Policy DEV28 relates to development which affects trees, woodlands and hedgerows. It indicates that development which would impact on Ancient Woodland; aged or veteran trees or woodlands of high amenity should not be permitted. The woodland here is not designated as Ancient Woodland and as indicated above the route avoids all of the dominant trees. It is therefore considered that the proposal does not harm the woodland and trees in this setting subject to the conditions recommended.

Flood risk:

Part of the site lies within Flood Zone 3 and so as such the Environment Agency are the competent Authority to consider the development. The EA are satisfied that "the proposed development is 'water compatible' and as such have no objection to the proposed development. They did have some queries with the Flood Risk Assessment submitted however and so have recommended a planning condition to ensure that the Development is flood resilient.

Planning balance and conclusion

The application has been submitted by Community based Association in order to try to enhance the community play facilities in Dartington, which has been acknowledged as being inadequate/ requiring improvement. The letters of support for the proposal indicate a strong degree of community buy in to the project and the facilities it will provide. There are however some concerns about the potential impact on the wildlife which might use the area and the woodland. When reviewing these concerns in the light of the specialist consultees - Ecologist and Arboricultural experts, neither find the proposal to be contrary to current planning policy.

Whilst the ecologist did indicate that it would be preferred if it was on amenity grassland, he also noted that there would not be harm caused by the proposal as long as relevant conditions were applied to any consent. The woodland is already used for informal walking paths and so human influence is already impacting in the area. Provided the works to install the track is properly managed and in accordance with the appropriate LEMP and Tree methodology, it is considered that the application meets planning policy and so as such should be approved.

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

Planning Policy

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 91,96,127, 164, 175 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan: Dartington currently does not have a Neighbourhood Plan in place.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s)received by the Local Planning Authority on

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

3. Prior to the construction of the cycle track a tree protection methodology shall be submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the agreed methodology.

Reason: To protect the trees on the site

4. Prior to the construction of the cycle track, a plan indicating the planting and management prescriptions for the whips (as mitigation) shall be submitted to and agreed by the Local Planning Authority. The planting shall then be carried out in accordance with the agreed plan

Reason: To ensure there is appropriate mitigation for the potential impact on the health of any existing trees.

5. The recommendations, mitigation and enhancement measures of the Ecology report, by Tor Ecology on 11/07/18, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

6. The enhancements referred to in Section 5 of the Ecology Report by Tor Ecology on 11/07/18, shall be carried out prior to the construction of the cycle track and written confirmation provided that the work has been properly erected / created upon

completion of the enhancements. The written confirmation to be supplied by a suitably qualified ecologist within 2 months of the completion of the works.

Reason: To ensure there is a net gain in biodiversity.

7. Prior to the construction of the cycle track, a Landscape and Ecological Management Plan (LEMP), shall be submitted including details of the ongoing management and enhancements of the woodland. The LEMP shall be submitted to and approved by the Local Planning Authority and the works shall then be carried out in accordance with the agreed LEMP.

Reason: In the interests of the wildlife on the site.

8. There shall be no lighting erected in or near to the woodland area without the prior written consent of the Local Planning Authority.

Reason: To protect wildlife.

9. The development shall be carried out in accordance with the submitted flood risk assessment (ref: John Grimes Partnership, July 2018) and the following mitigation measures it details:
 - A flood warning and evacuation plan shall be put in place to inform staff and users of the park what to do before, during and after a flood.
 - Signage shall be displayed to warn members of the public of the flood risks to the site.

Reason - To reduce flood risks to site users.

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PLANNING APPLICATION REPORT

Case Officer: Adam Williams

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

Application No: 2407/19/FUL

Agent/Applicant:

Mr Andy Coughlan - Cogi Design
The Chicken Shed
Beacon Hill
Newton Ferrers
PL8 1DB

Applicant:

Mr D Phillips
Tresco
Knighton Road
Wembury
Devon
PL9 0JD

Site Address: Tresco, Knighton Road, Wembury, PL9 0JD

Development: Erection of single dwelling

Reason item is being put before Committee *Cllr Brown: in my view the application this application would not have an impact on the landscape, contrary to the officer recommendation*



Recommendation: Refusal

Reasons for refusal

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development, which is located within the undeveloped coast, requires a coastal location. As such the proposal is contrary to Policy DEV24 of the Plymouth and South West Devon Joint Local Plan.

2. The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty and Undeveloped Coast. The addition of a large detached property would adversely impact on the visual amenity and landscape character, which would fail to be conserved or enhanced contrary to Plymouth and South West Devon Joint Local Plan Policies DEV23, DEV24 and DEV25 and the National Planning Policy Framework, specifically paragraphs 170, 172 and 175.
3. By reason of its scale and bedroom numbers, the proposal fails to address housing imbalances in the parish and it therefore contrary to Policy DEV8 of the Plymouth and South West Devon Joint Local Plan

Key issues for consideration:

Principle of Development

Impact on the South Devon Area of Outstanding Natural Beauty (AONB) and undeveloped Coast

Amenity

Highways

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

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected in September 2019.

Site Description:

The site is accessed via an agricultural track which also serves a small garage (domestic) and large property ('Tresco') and an established campsite / caravan site (all to the west of the site). A permissive path runs to the South which leads to Wembury Woods (National Trust)

The settlement boundary is 155 metres to the west, and there is a bus stop 150 metres to the west.

The site is within the AONB and Undeveloped Coast

The Proposal:

Development to provide a detached 4 bedroom property

Consultations:

- County Highways Authority – *standing advice*
- Town/Parish Council – *no objection subject to hedgerow retention*
- SHDC Landscape Specialist - *This response is based upon an examination of the planning file, submitted plans and site visit.*

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

Section 85 of the Countryside and Rights of Way (CROW) Act;

Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;

The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 172, due to its overall scale, however there are considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance.

The Landscape Impact Assessment Statement (cogi design; 2019.07.19) is noted.

Devon Character Area - Plymouth Sound Eastern Plateau

LCT 1B: Open coastal plateaux

Landscape Comments

The proposed development has been considered in the context of the landscape character assessments and relevant associated policies. Beyond the settlement boundary, and within the South Devon AONB and Underdeveloped Coast, the proposal seeks to introduce a new, modest sized dwelling into the residential curtilage (garden) of an existing large, single dwelling house. Within countryside, the site is bordered on three sides by agricultural fields, currently arable and a small barn within a storage yard, and former South West Water (SWW) reservoir (above ground covered water tank) to the east; to the west is Pilgrims Rest and touring/camping site. The SWW site is subject to a planning permission for a modern property as yet unbuilt (58/2080/15/F).

A permissive footpath navigated the southern and eastern boundary line before entering the farm track and on down to the Yealm estuary and Wembury Wood (National Trust). The overall character is strongly rural and despite the established existing uses, retains its special qualities and valued attributes as identified in the South Devon AONB Management Plan and Landscape Character Assessments i.e. The remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and dark night skies (especially where topography limits light spill from nearby conurbations) this is particularly created by the wide panoramic views to the east and a sense of having left the village itself as walkers (high sensitive receptors) head towards the estuary. The presence of isolated large dwellings in spacious gardens is recognised, and whilst having an impact, still maintains a sparsely settled character.

The site can be glimpsed through the adjacent vegetated boundaries and from the permissive path close to where it emerges onto the track. The proposed height would result in the roof being viewed from the village (Recreation Ground).

In summary, the addition of the proposed development, a relatively large (detached 3 to 4 bed two storey (dormer), would adversely impact on the visual amenity and importantly the landscape character, which would fail to be conserved or enhanced. It similarly does not appear to meet the tests as set out in DEV24 – Underdeveloped Coast. This is contrary to relevant landscape policy and therefore the current scheme cannot be supported.

Recommendation

An objection is raised

Reasons – Contrary to JLP Policies DEV23, DEV24 and DEV25

i LCT 1B Open coastal plateaux

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

Observations and comments

A scaled plan showing full surface water and foul drainage schemes with design dimensions and invert/cover levels of the soakaway have not been provided. Therefore we are unable to fully review the schemes.

Overcoming the objection

To overcome the objection the applicant will need to provide a scaled drainage plan showing full foul and surface water drainage schemes positioned in accordance with Building Regulations part H.

Following the submission of further information, the following response was received

Having reviewed the plans it would appear that the drainage field is located within 15m of the habitable parts of the building therefore cannot be supported. Moreover the drainage plan does not show designed dimensions of both proposed drainage schemes i.e. surface water and foul drainage.

Please provide a scaled plan showing treatment plant 7m and drainage field 15m away from habitable parts of all buildings, and surface water soakaway 5m away from all buildings/highways and 2.5 from other site boundaries with all its design dimensions.

Representations:

None

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

For the purposes of Joint Local Plan Policies, the site is outside a settlement boundary but very near to a sustainable settlement. The Joint Local Plan seeks to steer development to sustainable settlements. SPT2 states;

The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:

- 1. Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.*
- 2. Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.*
- 3. Have high levels of digital connectivity, supporting local communities and businesses and enabling data to be open, shared and used to better*

understand the area.

- 4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.*
- 5. Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.*
- 6. Are well served by public transport, walking and cycling opportunities.*
- 7. Have a safe, accessible, healthy and wildlife-rich local environment, with well designed public and natural spaces that are family friendly and welcoming to all.*
- 8. Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.*
- 9. Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.*
- 10. Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.*
- 11. Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.*
- 12. Provide positive outcomes in relation to the characteristics, aspirations and measurable standards set out through any supplementary planning document linked to this plan.*

Policy TTV1 outlines the hierarchy of sustainable settlements and policy TTV2 supports development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy. Wembury is one of the listed 'Sustainable Villages' (TTV2.3) - where development to meet locally identified needs and to sustain limited services and amenities will be supported.

As the site is outside but very near to the settlement the Joint Local Plan recognises that there is a need for housing in rural areas within policy TTV27, but housing in this location must meet a proven need for affordable housing and where financially viable includes a mix of affordable housing.

More importantly the site is within the Undeveloped Coast, Policy DEV24 therefore applies, it reads

Policy DEV24

Undeveloped Coast and Heritage Coast

Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*

5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.

Although the site is near the built edge of Wembury which has been extended to accommodate the new housing development off Knighton Road, for the purposes of policy the site still falls within the Undeveloped Coast and principally and in policy terms, there is no justification this proposal in this location, it does not require a coastal location and the council is able to demonstrate a 5 year housing land supply meaning proposals for housing can reasonably located outside the Undeveloped Coast. In order for a proposal like this to be deemed to 'require a coastal location' would be to tie homes in to a local connection restriction to recognise a housing need for a settlement that happens to be in the Undeveloped Coast, in this instance it would be very local (parish), recognising the nature of the policy and the very localised need that would be met and this would need to be tied to a much smaller property than what is proposed.

In connection with this, there are issues in how the proposals accord with Policy DEV8 policy DEV8 'Meeting local housing need in the Thriving Towns and Villages Policy Area' which it seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing and create sustainable, inclusive and mixed communities. In Wembury, there is already a significant over-provision of large detached dwellings in the area and another one will do little to increase home ownership opportunities in what is an already expensive area. The agent had contested this through referring to the housing needs survey, A HNS is a snapshot survey regarding affordable housing needs in a given location. Policy DEV8 is driven by ONS data and a SHMNA that takes into account a much broader set of housing needs, and such a failure to meet the policy requirements will result in a significant policy objection. The argument that the need for more homes with disability access does not justify the proposal of large, detached dwellings. Such needs can also be adequately met in smaller sized homes configured within a semi or terrace. The agent had also made reference to young family members who are in housing need, and as such do not require disability access homes.

The proposal for a detached 4 bedroom property then, does not require a coastal location nor does it address imbalances in the housing stock and are therefore unacceptable in principle

Design/Landscape:

The proposed development is located in a highly sensitive location, beyond the settlement boundary, and within the South Devon AONB and Underdeveloped Coast, the proposal seeks to introduce a new, modest sized dwelling into the residential curtilage (garden) of an existing large, single dwelling house. Within countryside, the site is bordered on three sides by agricultural fields, currently arable and a small barn within a storage yard, and former South West Water (SWW) reservoir (above ground covered water tank) to the east; to the west is Pilgrims Rest and touring/camping site. The SWW site is subject to a planning permission for a modern property as yet unbuilt (58/2080/15/F).

A permissive footpath navigates the southern and eastern boundary line before entering the farm track and on down to the Yealm estuary and Wembury Wood (National Trust). The overall character is strongly rural and despite the established existing uses, retains its special qualities and valued attributes as identified in the South Devon AONB Management Plan and

Landscape Character Assessments i.e. The remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and dark night skies (especially where topography limits light spill from nearby conurbations)i. This is particularly created by the wide panoramic views to the east and a sense of having left the village itself as walkers (high sensitive receptors) head towards the estuary. The presence of isolated large dwellings in spacious gardens is recognised, and whilst having an impact, still maintains a sparsely settled character. The site can be glimpsed through the adjacent vegetated boundaries and from the permissive path close to where it emerges onto the track. The proposed height would result in the roof being viewed from the village Recreation Ground 604m to the south east.

In design terms, the proposals itself is of a modest appearance, comprising a 1.5 storey massing with an arrangement of roof pitches to reduce the overall scale, despite this the building will occupy a relatively large footprint and noting the highly sensitive landscape designations and its countryside location, the addition of the proposed development, a relatively large (detached 3 to 4 bed two storey (dormer), would adversely impact on the visual amenity and importantly the landscape character, which would fail to be conserved or enhanced. Contrary to policies DEV23, DEV24 and DEV25 of the Joint Local Plan

Neighbour Amenity:

The site is bounded on two side by neighbouring development, Tresco to the west and a former SWW site which has permission for a new dwelling to the west. Both sites are largely screened by tall hedgerow which affords a level of privacy between all 3 sites. The proposed development is not a height or scale that would otherwise result in a demonstrable level of overlooking from the proposed site and the adjoining neighbours nor appear overtly overbearing. It is considered the amenity impacts are low and not at a demonstrably harmful degree to warrant refusal on this issue

Highways/Access:

The site will be accessed via the existing access track and a break in the hedge, as with other sites served from this access track the proposals are not considered to have adverse impacts arising to access or highway matters, the lane is relatively straight and suitable visibility can be achieved, noting the low travel speeds expected, coupled with the low number site served by this track

Other Matters:

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

Planning Balance

The proposal for a detached 4 bedroom property within the AONB and Undeveloped Coast is contrary to policies DEV24 and DEV25 of the Joint Local Plan in the absence of justification which requires its coastal location By reason of its scale and bedroom numbers, the proposal fails to address housing imbalances in the parish and it therefore contrary to Policy DEV8. It is not considered that it's minor the economic and social benefits arising from its construction outweighs the harm arising from its location within the AONB, which is afforded the highest level of protection, and within the Undeveloped Coast.

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

Planning Policy

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Rob Heard
Thurlestone

Parish: Malborough **Ward:** Salcombe and

Application No: 4015/18/FUL

Agent/Applicant:
Malcolm Gigg - ARA Architecture
ARA Architecture
39 Rolle Street
Exmouth
EX8 2SN

Applicant:
Salcombe Park Ltd
Seaward
Salcombe Hill
Sidmouth
EX10 0NY

Site Address: Salcombe Retreat, Lane To Soar Mill Motel, Malborough, Devon, TQ7 3DS

Development: Proposal for 23 new holiday lodges with associated bases, parking and internal access road

Reason item is being put before Committee

Conflict with Marlborough Neighbourhood Plan Policy 27 (Touring Sites Conversion)



Recommendation:

Planning Permission Granted

Conditions:

1. Time Limit
2. Approved Plans
3. Details of Design and External Appearance
4. Highways/Construction Management
5. Materials
6. Landscaping
7. Boundary Treatment
8. Drainage
9. Ecology

Key issues for consideration:

- Principle of Development
 - Impact upon landscape
 - Highways
 - Drainage
-

Site Description:

The site the subject of this application consists of an existing holiday park with 34 no. caravans/lodges, 1 no. toilet block and the adjacent field to the north (which has a lawful use certificate for touring caravans and tents) within the curtilage of Salcombe Retreat.

The site lies in undulating countryside within the designated South Devon Heritage Coast and South Devon Area of Outstanding Natural Beauty. Vehicular access is located to the south-east corner of the site, and open fields lie beyond the site.

The Proposal:

The proposal is for 23 new caravan/lodges, including bases, associated parking and internal access road. In total this includes the siting of 10 no. 16 x 51 foot and 13 no. 16 x 40 foot lodges.

It can be confirmed that the application is not considered to be major development as the application site is less than 1 hectare and is not considered to have the potential to have a significant adverse impact upon the natural beauty and recreational opportunities provided by the AONB.

The application was originally for the lodge bases only but following discussion with the LPA the applicant has submitted full details including the scale, massing and design of the lodges.

Consultations:

- County Highways Authority – Support the proposals subject to conditions
- National Trust – object due to landscape intrusion

- Town/Parish Council – objection; see main Analysis section of report for reasons.

Representations:

Representations from Residents

Thirty six (36) letters of objection received to the original plans and a further five (5) received following submission of the additional information, raising the following points (summarised):

- The proposed increase is not modest and will harm the countryside
- The proposals will cause highway safety issues due to additional trip generation
- Never seen the site used by for camping/touring vans as stated by the applicant in their supporting information
- New lodges will drastically change the nature of the site and the additional vehicles will cause highway hazards
- The site will become over crowded
- The new units will be unduly visible within the landscape and visible from the south west coastal footpath
- Increase in traffic generation in the local area particularly as with few local amenities occupants will have to travel often
- Parking at the site will be difficult due to lack of available parking space
- Waste management at the site is poor and will be made worse by the proposals
- No demonstrated need for the proposals
- Too many lodges proposed, the site will be too densely occupied
- Poor parking on site will mean that the nearby lanes will be used by vehicles for car parking
- Loss of wildlife at the site due to new lodges
- The proposals will have a significant detrimental impact upon the environment
- There will be more noise and more pollution
- No safe green space will be retained at the site
- Very little consultation from site owners
- Reduced play area
- Parts of the application are misleading
- The proposals will have a detrimental impact upon the surrounding landscape
- We were told by the owners that they would definitely not be adding further lodges to the site when we bought ours in 2014
- An increase in the lodges as proposed will have a detrimental impact upon the surrounding environment, infrastructure and amenities
- There will be a loss of open space within the site with less room for dog walkers
- There have never been tents or touring caravans at the site as alleged by the applicant
- Further strain on infrastructure at the site
- 23 additional lodges will undermine the character of this protected landscape
- The proposals represent unsustainable development
- The vehicle movements generated by the proposals and suggested in the application are unrealistic
- The toilet block has never had toilets/showers in it
- Internet connection at the site is poor and will only be made worse by the proposals

- No provisions for over flow car parking at the site
- Dispute that there is a need for the proposals based on the fact that the lodges are all in ownership at present
- When we bought our lodge there was no indication that the site owners wanted to increase the number of lodges at the site
- Amenities at the site will be put under pressure by further occupants
- The recreational area will be significantly reduced
- We recommend a development of 10 lodges the most would be appropriate at the site
- The proposals represent over development of the site and are excessive
- The new lodges would place undue pressure on existing facilities at the site
- The new lodges will be visible from the coast path

Four (4) letters of support received on following grounds (summarised):

- The additional lodges will be good for the local economy
- The proposals will help build upon the areas tourism appeal
- More local jobs will be created

Representations from Internal Consultees

- Landscaping Team; no objection subject to conditions; see main Analysis section of report for further comments.

Relevant Planning History

33/2896/13/F; Application for extension of time in which touring caravans/motor homes can be sited at holiday park; **Refused 28/11/2013**

33/2590/12/MIN (approved on 15/11/2012) - Non material minor amendment (reduction in size of building) to planning application 33/0422/07/F (redevelopment of 34 lodge type caravans/landscape improvements/demolition and replacement of ablutions building and associated works) at Sun Park Caravan And Camping, Malborough, Kingsbridge, TQ7 3DS. **Conditional approval on 15/11/2012**

33/2535/10/F - Variation of condition 3 to planning approval 33/0422/07/F to extend occupancy by one month in any one year at Salcombe Retreat, Malborough, Kingsbridge, TQ7 3DS. **Conditional Approval 21/01/2011**

33/0422/07/F - Resubmission of application 33/1376/06/CU (redevelopment of 34 lodge type caravans/landscape improvements/demolition and replacement of ablutions building and associated works) at Sun Park Caravan And Camping, Malborough, Kingsbridge, TQ7 3DS. **Conditional approval 09/05/07**

33/1376/06/CU - Variation to existing layout (permanent stationing of 34 static caravans) together with the Change of Use of land from seasonal site (up to 95 Units) for touring caravans, motor homes and tents to the permanent stationing of 38 lodges (legally static

caravans) for year round holiday use (together with 1 similar lodge unit for permanent occupation by a Warden) 39 units in total, together with ancillary works (construction of access ways and standings), the installation of a sewage treatment plant, the demolition of the service (ablution) and garage buildings on site, and associated landscaping works at Salcombe Retreat (formerly Sun Park Caravan And Camping), Malborough, Kingsbridge, TQ7 3DS. **Withdrawn 30/10/2006**

33/0771/04/CLE - Certificate of Lawfulness for existing use of site for touring caravans, motor homes and tents on a seasonal basis between Easter Day and 30 September at OS8103 & Part OS8194 at Sun Park Caravan & Camping, Soar Mill Cove, Malborough, Kingsbridge, Devon, TQ7 3DS. **CLEUD granted on 01/09/2004**

ANALYSIS

Principle of Development/Sustainability:

The site lies within an existing long established holiday park known as Salcombe Retreat. Currently the park contains 34 no. caravans/lodges, 1 no. toilet block and an existing field to the north of the lodges which has a lawful use for touring caravans, motor homes and tents. Additionally, also within the curtilage of the holiday park, are the parks recreation facilities and amenities, which are located along the eastern boundary of the site adjacent to the public highway (Soar Road). There is also an existing private sewerage treatment plant (septic tank) located within the boundary of the site (north-west corner) which provides foul drainage for all of the existing lodges. The site the subject of this planning application lies within the northern section of the existing holiday park, on the part of the site that benefits from lawful use for tents and touring caravans.

The proposed development is within the boundary of the existing holiday park site and is thus not considered to be new development in the countryside, as it doesn't breach the boundary of the existing holiday park site and cannot therefore be considered development that encroaches into the surrounding countryside. It is considered to be development of an existing site rather than new development in the open countryside.

There are no policies within the JLP that specifically address existing tourism sites but there are a number of policies that address general development in rural areas. These are policies TTV26 (Development in the Countryside) and DEV15 (Supporting the rural economy).

Policy TTV26 (Development in the Countryside) of the JLP addresses new development in rural areas and states that:

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

- 1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*
 - i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
 - ii. Secure the long term future and viable use of a significant heritage asset; or*
 - iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*

- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

2. Development proposals should, where appropriate:

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

Whilst this policy doesn't specifically address tourism, the use is existing and this policy is aimed at proposals for new uses in countryside locations. As the site is part of an existing holiday park it is not considered to be isolated as the site already benefits from an established tourism use, and there are small scale services and amenities available at the site and within the local area. It is considered by officers that the proposal does not conflict with the aims and objectives of policy TTV26.

Policy DEV15 (Supporting the rural economy) is more relevant to this development proposal. This states that:

Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:

- 1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.*
- 2. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.*
- 3. Proposals should explore opportunities to improve internet connectivity for rural communities where appropriate.*
- 4. Support will be given to the reuse of suitable buildings for employment uses.*
- 5. The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.*
- 6. Development will be supported which meets the essential needs of agriculture or forestry interests.*
- 7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road*

network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.

8. Development proposals should:

i. Demonstrate safe access to the existing highway network.

ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.

iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.

iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.

Part 7 of this policy seeks to protect existing tourist development and states that new chalet facilities that respond to an identified local need will be supported, provided that the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.

The proposal seeks to improve the existing offer at the site and in relation to need the agent has provided the commentary below in their Design and Access Statement:

With property prices in Salcombe being extraordinarily high, there is less holiday accommodation of an affordable and high-quality standard and therefore no other alternative sites are available.

As aforementioned, the lodges are purpose-built holiday accommodation and not taking away potential homes for local residents.

Our clients have been running this well-established holiday park for many years and know their market and clientele very well. The typical types of customers wishing to purchase/use these holiday homes are predominantly retired seniors / grandparents, whom wish to buy for themselves and the extended family and grandchildren to use. They have often holidayed in Salcombe all their lives and as children holidaying with their parents and grandparents.

Our client can demonstrate a long waiting list of people wishing to purchase the lodges. If required, we can also provide a Business Appraisal in order to demonstrate the viability of business model and its need to expand.

The park provides holiday homes as low maintenance, due to this being provided as part of the lease. These are affordable luxury, with low overheads each year and they can be sub-let to gain income and pay for the necessary charges. It is not a long holiday season but they will always fill up in peak weeks and are in much demand, also concluding a very strong market and demonstrable need.

There are only a few other caravan parks in the area which are similar to Salcombe retreat; Thatches in Modbury and Bolberry House Farm, and Karrageen Caravan & Camping in Mulborough, these neighbouring holiday parks are small and cannot expand beyond their boundaries. They also do not represent as great comparable examples as they are not high-end venture like Salcombe Retreat. Soar Mill Cove Hotel, Salcombe and Higher Rew Camping site in Salcombe are the only other tourist accommodation in the immediate area.

It is considered by officers, that based on the information submitted, there is a demand for the additional lodges and that the site provides an appropriate location (given the existing lawful use) for the demand to be met on an existing site where there is infrastructure and amenities to support additional tourism development. The application is considered to be in general accordance with policy DEV15 (Supporting the rural economy) of the JLP. Impact upon the surrounding highway network and undeveloped coast are analysed in the highways and landscape sections below.

Further to the above, and in response to the comments raised in some of the letters of objection regarding the existing use of the site proposed for the additional lodges, a Certificate of Lawfulness was granted under reference 33/0771/04/CLE for use of the site for touring caravans, motor homes and tents on a seasonal basis (see planning history section above). This certificate relates directly to the site the subject of this planning application and establishes the use of this part of the site for touring caravans, motor homes and tents. This application for new lodges is considered to be an improvement on the existing lawful situation and will enable the Local Planning Authority to have control over the location, scale and appearance of new development at the site.

Design/Landscape:

The site is on the coastal plateau to the south of Malborough, in the heart of the South Devon Area of Outstanding Natural Beauty (SDAONB) and within the 'Undeveloped coast' policy area. This identifies the high sensitivity and importance of the location, where great weight should be given to conserving and enhancing landscape and scenic beauty in the SDAONB, which has the highest status of protection in relation to these issues. Proposals should therefore accord fully with relevant policies including DEV23 (Landscape character), DEV 24 (Undeveloped coast and Heritage Coast) and DEV25 (Nationally protected landscapes) of the JLP and reflect the objectives and policies of the SD AONB Management Plan. The scale and extent of development within designated areas should be limited.

The proposed development seeks to increase the number of lodges by expanding into the amenity areas currently used for dog exercising, play space recreation and touring vans, which also benefits from a Certificate of Lawful Development for use by motor homes, touring caravans and tents; as such it remains within the present boundaries of the site. The existing lodges, implemented following permission in 2007 to replace static caravans, are set within an established landscape scheme where trees are maturing well given the exposure and coastal winds. The peripheral landscape planting is strong and combines with hedgerow management. The enclosing new hedge banks within the site are also maturing but have illustrated the difficulties in establishing planting in a sometimes hospitable coastal environment.

The Councils Landscape Officer has been consulted and has made the following comments:

Overall the proposals would not see a significant change to the visual amenity or landscape character given the plateau topography and current site use which is reasonably well confined. It is acknowledged that there is reliance on hedgerow management to maintain a vegetative screen so this will be secured by conditions. Any proposed lodges (subject to details) would remain enclosed within established mature hedgerows, and on level land to the north of the current units. Additional lodges would likely result in some limited impacts from the rooves but these would be difficult to differentiate from the existing. Surrounding footpaths are principally level with or lower than the site. Whilst this has potential for skyline intrusion, officers are satisfied this is largely not the case and can be successfully mitigated, therefore views are anticipated to be conserved from all surrounding public footpaths.

Established tree planting within the site are beginning to appear above existing roof height and new planting will continue this process, leading to an overall steady improvement and enhancements of this well-established use. Opportunities to seek enhancement and net environmental gain remain important and therefore a comprehensive landscape scheme and management plan is required including tree planting along the northern boundary and has been included in the current application. The proposals see new tree planting and hedgerows both within, and on the boundaries of the site.

Officers are broadly satisfied that the proposed additional lodges would not result in significant harm to the protected landscape and the character and visual amenity would be conserved. The proposal can bring about enhancements through a collective approach to management of all boundary hedgerows and will secure new planting to further mitigate the current uses through the delivery of additional trees and hedgerows. Noting the application is for the bases only, any proposed lodges shall be of a similar scale, form and tonal finish as the existing units; external lighting shall be controlled and not placed above eaves height, similarly internal paths and routes should have limited low level lighting. This can be reasonably achieved by condition.

The proposals, which now include details of design, scale and massing, are considered to be acceptable with regards to landscape impact. The proposed lodges have been designed to match the existing and are high quality with regards to their external appearance, using a palette of materials that is appropriate given the use and location. The scale of the proposed lodges is also similar to the existing lodge development, with two lodge types proposed within this application in order to provide a 2 and 3 bed option. When considering the existing use of the site for touring vans and tents, the high quality of the proposed lodges and the landscaping improvements that can be secured, it is considered that the proposals will conserve and enhance the character and appearance of the site and wider area, having a positive impact upon landscape setting and the surrounding AONB.

Whilst the proposals are for additional lodges, the tourism use is not being extended into the Undeveloped Coast and are contained within the boundaries of the existing holiday site. It is thus considered by Officers that they protect, maintain and enhance the unique landscape and seascape character and special qualities of the area.

For the reasons outlined above, the application is considered to be compliant with policies DEV23 (Landscape character), DEV 24 (Undeveloped coast and Heritage Coast) and DEV25 (Nationally protected landscapes) of the JLP.

Neighbour Amenity:

The site is self-contained and there are no existing residential properties in close enough proximity to the site to be affected by the proposed development. The arrangement of plots on the site is typical of holiday park development and the layout causes no concern regarding relationships between the proposed plots. The application is in accordance with policy DEV1 (Protecting health and amenity) of the JLP.

Highways/Access:

The proposal seeks to extend the existing internal road within the site to provide access to the new lodge bases and additional overflow car parking. Access to the site from the local highway network will remain unchanged and there will be no disruption to the hedgerows and boundaries of the site.

The site has an established use for touring caravans and camping and it is considered that the trip generation associated with the proposals will be significantly less than that associated with the lawful use of this part of the site for touring caravans, motorhomes and tents.

The County Highways Officer has provided the following comments in his consultation response:

The Highway Authority notes that according to TRICS the proposals would be likely to generate in the region of 30 two way vehicle movements per day. The Peak (busiest) hour is between 10:00am and 11:00am daily for this type of use. It can be seen that daily it is predicted five vehicle movements would be travelling to and from the site in the busiest expected hour. It is considered that whilst there will inevitably be more delays for drivers on the C265 (Soar Road), it is considered noting the evidenced predicted traffic flows the impact is far from severe. There are numerous passing places which drivers can negotiate. The NPPF stipulates that development should not be refused unless the cumulative impact is severe.

Officers consider that there are no significant adverse impacts associated with the proposals. There is adequate car parking proposed within the site and the existing access is considered appropriate with regards to the additional trip generation from the proposed lodge bases. The proposals will not result in severe adverse impacts to the surrounding highway network and are considered to be in accordance with policy DEV29 (Specific provisions relating to transport) of the JLP.

Drainage:

Surface water soakaways are proposed for each unit in the form of a crate system which will control infiltration rates to ensure that flooding from excessive rainfall does not occur. This is shown on a plan submitted with the application titled *Surface Water Drainage Strategy*. Crate systems are common features of surface water drainage and although this approach is acceptable in principle further more technical details will be required by planning condition to ensure that the crate system is appropriate with regards to capacity and flow rates.

It is proposed to use a non mains foul drainage system at the site as connection to the main sewer is not feasible. The proposals involve utilisation of an existing private treatment plant at the site, which is in the form of a septic tank. The septic tank system can be altered and its capacity increased to accommodate new development. Whilst this approach is acceptable in principle, particularly as connection to the mains drainage is not possible, further technical details will be required by planning condition to ensure compliance with policy DEV35 (Managing flood risk and Water Quality Impacts) with regards to surface water and foul drainage.

Ecology:

The proposals will have limited ecology impacts. The site has existing mature hedgerows that define the boundaries and the proposals do not affect these existing features of the site. The new plots are on land that is laid to lawn and the Wildlife and Geology Trigger Table submitted with the application does not identify any sensitive receptors or significant ecology impacts. The application is in accordance with DEV26 (Protecting and enhancing biodiversity and geological conservation) of the JLP.

Neighbourhood Plan:

The Marlborough Neighbourhood Plan is a made document and an adopted part of the local policy framework.

Policy 27 (Touring Sites Conversion) is relevant to this planning application and states that *Conversely, the conversion of touring sites into more permanent sites – for lodges or additional static caravans, is not encouraged by the Plan and proposals for such are likely to be resisted as comprising “development creep”.*

It is acknowledged that the proposals are for permanent lodges. However, in this particular instance the proposals are not considered to result in development creep as they are contained within the existing campsite, and the landscape officer is satisfied that there is no landscape harm associated with the development.

Parish Council comments/Letters of Representation:

The Parish Council has objected strongly to the application, raising the following concerns at the time of the original submission (summarised):

- Numbers of existing touring pitches incorrect. Tents and touring pitches underused and not advertised. Comment regarding traffic increase.
- Insufficient infrastructure in place to sustain development, electric/water, refuse, overflow parking, size of toilet block.
- Contrary to Dark Skies Policy.
- Malborough Neighbourhood Plan the proposal contravenes this plan.
- The applicant has not demonstrated how they would conserve/enhance South Hams Landscape Character and respect the unspoilt nature and tranquillity of the area (DP2)
- Development will impair highway safety and traffic movements

Following submission of the additional details, the Parish Council have provided further comments:

1. The application goes against policy 27 of the Malborough Parish Neighbourhood Plan passed by the Examiner 6/11/18, by referendum 27/2/19 and accepted by SHDC 21/3/19. This policy concerns the conversion of touring sites into permanent sites lodges or static caravans.
2. No mention of the Neighbourhood plan was made in the Officers report
3. The landscape report dated 16/5/19 referring to bases only would appear to be not relevant to the readvertisement of this application which now refers to lodges. Will a new report be written.
4. The Parish Council believes that this application is a major development in the AONB and as such would be treated differently by the Joint Local Plan.
5. The site is clearly visible from many paths in the area, the S Devon coast path and parish paths 15, 8, and 17 that are either level or above the site. It is also clearly visible from the National Trust car park at Soar. There is mention in the officers report that the maintenance of

the hedges at 2.5 to 3 metres above the banks will provide a vegetative screen. This is the light of the western hedge by the existing lodges being cut right down to the bank allowing the lodges to be seen from below the site including the car park of the Soar Mill Cove Hotel.

6. There is the claim that this application will reduce traffic as opposed to the use of the field for camping and touring vans. But seeing that there has been no use of the field for that purpose since the lodges have been in place. The Parish Council believed that the number of pitches was reduced because of the first application allowing lodges into the camping field which subsequently lead to an application to reduce the size of the ablution block in line with this. This block now houses a shop/takeaway with a licence and other businesses is it still available for its original purpose if the threat to resume camping was carried out.

7. The Council has been advised that regulations for building do not allow any building closer than 15 metres from a drainage field. At present there are 9 lodges all ready sited on top of the drainage field as per the applicants drawing and another 5 of the proposed lodges will be, is this allowed? Neighbours have approached the Council to ask whether the sewage system is working correctly because of the smell they have to put up with. They are also concerned that the extra lodges will make the matter worse.

8. The Council is also concerned about parking on the site. At present the camping field is used as overflow parking for the existing lodges. In the plan there are 16 parking spaces and a recreation and play area in the remaining part of the field if the development happened. There are 7 lodges without road access who will need to park in the overflow car park which will leave little space,9, for the present overflow parking let alone the increase in the numbers.

9. Will the surface water system work without affecting the existing drainage field for the sewage system as they are in close proximity to each other. and have concerns that the planning officer is not duly considering the policies and legislation that are appropriate to the application despite having been referred to said legislation on a number of occasions!

With regards to these comments, the total number of tent and touring caravan plots listed in the Certificate of Lawfulness at the site is 65 tents and 15 touring caravans/motor homes. The drainage information submitted is considered acceptable with regards to the principles of foul and surface water disposal, although more technical details are required by planning condition. The level of amenities at the site is considered appropriate and all new lodges will be fully equipped with sanitary facilities and on plot parking so that there is no adverse impact regarding use of existing amenities/facilities at the site and parking provision. The proposals will not be obtrusive to the night skyline and will be viewed within the context of the existing site, which has limited evening lighting. There is unlikely to be significant light spill from the new lodges as they will not have significant levels of glazing and will not have glazed roofs. This is also controlled by planning condition. The Marlborough Neighbourhood Plan is analysed in the Neighbourhood Plan section below and landscape character and highways impact are already addressed in the main analysis section of this report (above).

The main planning issues raised in the letters of objection received (listed in the representations section of this report) that refer to the existing Certificate of Lawfulness, landscape impact, highways impacts, need and infrastructure impacts are all addressed above in the main analysis section of this report.

Conclusion:

The proposals are for 23 new holiday lodges at an established holiday park near Marlborough. The new lodges will be located within the boundary of the existing holiday site, on an area that

benefits from a certificate of lawful use (33/0771/04/CLE) for touring caravans, motor homes and tents.

The proposed new lodges will replace the touring caravans and tents and the site will become a static only site. This will bring about an uplift in visual amenity, as the new lodges will be of a high quality and will replace the more transient and informal arrangement of touring caravans and tents that have permission at the site. The opportunity to provide additional landscaping through the attachment of planning conditions will also help to soften the impact of the proposals and integrate the site into the rural landscape. The Councils Landscape Officer has stated support for the proposals, confirming that *the proposal can bring about enhancements through a collective approach to management of all boundary hedgerows and will secure new planting to further mitigate the current uses through the delivery of additional trees and hedgerows*. It is considered that the proposals will conserve and enhance the landscape setting and special qualities of the surrounding AONB.

There have been representations received in objection to the application and these have been addressed above in the analysis section of this report. There is also some minor conflict with policy 27 of the Neighbourhood Plan, but the special circumstances at the site (it being an existing site and not the creation of a new site, therefore not resulting in development creep), plus the general conformity with other relevant policies in the JLP and other identified benefits of the proposals lead officers to conclude that on balance the proposals are acceptable and the application is recommended for approval subject to conditions.

Other Matters:

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

Planning Policy

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Other material considerations include the policies of the National Planning Policy Framework (NPPF).

Neighbourhood Plan

Policy 27 (Touring Sites Conversion)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 2259/19/HHO

Agent:

Mr Christopher Stacey
Christopher Stacey Architecture
Venn Meadow Barn
Venn Cross
Denbury
Newton Abbot
TQ12 6EJ

Applicant:

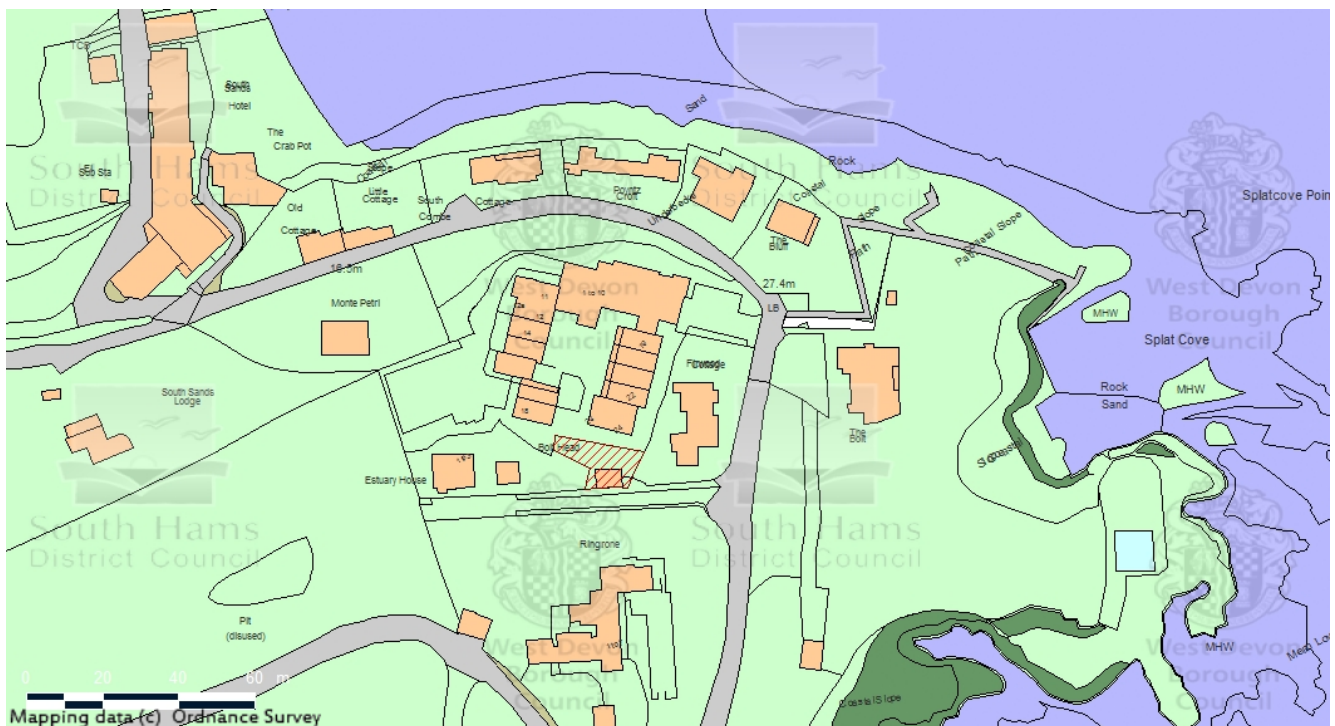
Miss P Westgate
56 Westmead Drive
Oldbury
B86 8QB

Site Address: Sharpitor Cottage, South Sands, Salcombe, TQ8 8LW

Development: Householder application for extension to living area, creation of en-suite bedroom wing, attached garage and courtyard garden (re- submission of 3978/18/HHO) Part retrospective.

Reason item is being put before Committee:

Cllrs Pearce and Long have concerns with regard to design and materials, parking, amenity, surface water drainage, impacts on the South Devon Area of Outstanding Natural Beauty, the Undeveloped Coast and the Heritage Coast.



Recommendation:

Conditional Approval

Conditions

Standard time limit
Adherence to plans

Key issues for consideration:

Recommendation

1. No objection on arboricultural merit subject.

- National Trust

See comments

I write in regards to the above mentioned planning application. The National Trust had previously written to the applicant to highlight an inaccuracy in the application form for the previous application reference 3978/18/HHO. Section 8 of the application form for the previous and the current application states that existing parking is on the lane. However, as set out in the attached letter, the lane outside the property is a private lane owned by the National Trust and there is no permission for parking on it. It is an access way only for those individuals with permission or right to use it as such. Therefore I can confirm that the information set out in the previous letter remains applicable to this application.

Representations: -

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

- Car Parking: Access to house not possible when both parking spaces occupied.
- Design: The built area breaches guidelines - new building covers approx. 75% of the site.
- Impact on important trees: Damage has already been caused to at least one of the protected trees next to the site. Any of the 3 protected trees could fall on the site.
- Many of the materials used are unsympathetic to a sensitive site. Two previous applications by previous owners for a house on the site have been rejected.
- The application wrongly assumes acquisition of neighbouring land on all boundaries.
- Contaminated land: no Phase II survey has been submitted with the application.
- Groundworks: No reference has been made to the changes in levels or the construction of retaining walls to the north and the west of the site.
- Wildlife Trigger Table: The applicant has stated that the proposal does not include works to a roof but this is incorrect.
- Further works have been undertaken beyond the site boundary at Firwood Cottage and these are not referenced within the application. These works comprise the erection of metal gates to the front of the application site and works to boundary walls.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/1218/74/3: FUL	Erection of double garage and drive	Estuary House South Sands Salcombe	Conditional approval: 25 Feb 75	
41/1472/76/3: FUL	Extension to provide guest suite	Firwood Cottage South Sands Salcombe	Refusal: 07 Feb 77	
41/1541/78/3: FUL	Renovation and extension of existing garage	Firwood Cottage South Sands Salcombe	Conditional approval: 19 Dec 78	
41/1029/81/3: FUL	Bar extension	Bolt Head Hotel South Sands Salcombe	Conditional approval: 11 Aug 81	
41/1453/81/3: FUL	Dining room extension and internal alteration	Bolt Head Hotel South Sands Salcombe	Conditional approval: 27 Oct 81	
41/1681/81/4: COU	Change of use from garage to chalet with kitchen bedroom & WC. with dinghy and tool store.	High Point South Sands Salcombe	Refusal: 19 Jan 82	AUN: Unknown: 10 Sep 82
41/1540/82/3: FUL	Alterations to Sunnysdene to form Manager's accommodation and carport.	Bolt Head Hotel South Sands	Conditional approval:	

		Salcombe Devon	19 Jan 83	
41/1539/82/3: FUL	Games room for hotel residents.	Bolt Head Hotel South Sands Salcombe	Conditional approval: 25 Jan 83	
41/1628/82/4: COU	Conversion to self contained dwelling unit for hotel staff.	Estuary House Bolt Head Salcombe	Conditional approval: 01 Feb 83	
41/0801/83/3: FUL	Extension	Estuary House Bolt Head Salcombe.	Conditional approval: 19 Jul 83	
41/1463/83/3: FUL	Extension to existing flats & change of use of flat 1 from hotel staff use to dwelling unit	Estuary House Bolt Head Salcombe.	Conditional approval: 08 Nov 83	
41/0324/84/3: FUL	Extensions to 3 existing flats	Estuary House Bolt Head Salcombe.	Conditional approval: 06 Apr 84	
41/1124/85/3: FUL	Extension for eleven bedrooms	Bolt Head Hotel South Sands Salcombe.	Refusal: 14 Jan 86	AUN: Withdrawn : 01 Jan 00
41/0287/87/3: FUL	Relief from conditional permission	High Point South Sands Salcombe.	Refusal: 31 Mar 87	
41/0811/87/4: COU	Change of use to hotel staff accommodation	High Point Bolt Head Salcombe.	Conditional approval: 22 Jul 87	
41/1806/87/3: FUL	Conversion of hotel and rebuilding of Sunnysdene to form 33 no. time share apartments together with ancillary access drainage and parking facilities	Bolt Head Hotel Salcombe.	Conditional approval: 01 Jul 88	
41/1377/91/3: FUL	Redevelopment of hotel site to provide 29 flats	Bolt Head Hotel Salcombe.	Withdrawn: 01 Oct 91	
41/0287/92/3: FUL	Redevelopment of hotel site to provide 27 flats	Bolt Head Hotel Salcombe.	Conditional approval: 14 Jul 93	
41/1513/96/3: FUL	Construction of additional six apartment units	Bolthead Hotel Sharpitor Salcombe.	Withdrawn: 30 Oct 96	
41/2076/96/3: FUL	Construction of six apartments	The Bolt Head Hotel Sharpitor Salcombe.	Withdrawn: 12 Feb 97	
41/1369/97/3: FUL	Formation of temporary works access for use during Phase 1 of redevelopment including partial demolition and subsequent reinstatement of management cottage	The Bolt Head Hotel Sharpitor Salcombe.	Conditional approval: 24 Sep 97	
41/0845/97/3: FUL	Amendments to approved plans for re-development of site to provide twenty seven flats	The Bolt Head Hotel Sharpitor Salcombe.	Conditional approval: 29 Jan 98	
41/1042/02/F: FUL	Demolition of hotel and erection of twelve flats and seven mews houses (Phase 2)	Bolt Head Hotel Sharpitor Salcombe Devon TQ8 8LL	Conditional approval: 21 Aug 03	
41/1461/04/F: FUL	Demolition of cottage and erection of new dwelling	Highpoint Cottage South Sands Bolt Head Salcombe	Refusal: 14 Sep 04	
41/0875/10/F: FUL	Demolition of existing and erection of new holiday cottage.	High Point Bolthead Salcombe TQ8 8LW	Refusal: 09 Jun 10	

41/1684/11/P REMIN: PRE	Pre-application enquiry for demolition of building and replacement with single storey wood framed house	Sharpitor Villa High Point Bolthead Salcombe TQ8 8LW	Pre app not concluded CLOSED: 25 Jan 12	
TEMP/09/208 0: FUL	Demolition of existing and creation of new holiday cottage	Villa Sharpitor Bolthead Salcombe TQ8 8LW		
3978/18/HHO	Application invalid - Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (part retrospective).	Sharpitor Cottage Bolthead Salcombe TQ8 8LW		Application void

ANALYSIS

Principle of Development:

The site hosts a single residential dwelling; the principle of development is therefore established.

Design and Materials

The Town Council have objected on the basis that the design and materials are poor in the context of the AONB location. Other objections have been received on the basis that the proposal represents overdevelopment of the site, given that the majority of the plot is now covered by the development.

While it is noted that the design and materials are not aesthetically pleasing; the development is limited to a single storey and is not widely visible from the public realm, due to the presence of a high stone boundary wall to the south elevation and the presence of other, taller, surrounding buildings, including the Bolt Head flats to the north. It is not considered that the proposal is so significantly harmful as to warrant a refusal solely on this basis.

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that it conserves the natural beauty of the AONB through the single storey design which has minimal impact within the wider landscape. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable.

Ecology

Objectors have noted that the Wildlife Trigger Table has been incorrectly completed, as works to an existing roof were undertaken as part of the current proposal. While this is the case, unfortunately, it is not possible to address this retrospectively as any changes that may have affected protected species have now been completed.

Drainage

The applicant has stated that the site was previously paved before construction works began, as such it is not considered that the existing proposal will result in increased surface water run-off from the site. No changes to foul drainage arrangements are proposed. As such, the proposal has been considered against the SHDC Householder Drainage Guidance and is considered acceptable on this basis.

Highways

The National Trust have advised that parking is not available within the lane outside the site as stated by the applicant and that the lane is an access road only and the applicant does not have permission to park there. While this information is noted, the issue of parking on the lane is considered to be a matter to be resolved directly between the applicant and the National Trust.

Commenters have noted that when two cars are parked on the site (as shown on the plans), it is not possible to access the dwelling through either of the doors. Plans show that the parking space within the site measures 2.4 x 9.8m. DCC Highways Standing Advice requires a minimum of 9.6m to accommodate two cars when parked in tandem; the proposal ensures that this requirement is met. However, the Standing Advice requires a width of 3.2m where the parking area also serves as pedestrian access, as in this case. As such, it is not considered that the proposal complies with DCC Highways Standing Advice and the current layout of parking spaces relative to access doors means that the parking spaces are unlikely to be used as shown. However, it is considered that one car could be accommodated within the site although it is acknowledged that this is contrary to the DCC Highways Design Guide (2001) that advises two spaces are provided for a one bedroomed dwelling. Having regard to the previous parking arrangements and that the current proposal does not seek to increase the number of bedrooms within the property, it is not considered that the proposal will result in a significant increased risk to highways safety through increased demand for parking and is considered acceptable on this basis.

Comments have been received that metal gates have been erected at the front of the dwelling; Officers have advised the applicant that these works fall outside the scope of the current application and that in any case, access gates should not open across a highway. The applicant confirmed in writing on 16 September 2019 that the gates had been removed.

Contaminated Land

Objectors have noted that a Phase II Contaminated Land Survey has not been submitted with the application, as was required for a previous scheme. Discussions with the Council's Environmental Health Officer have concluded that the main element of risk is from ground gas migration into the property and this would be alleviated by a radon barrier. Environmental Health have alternative powers to deal with contaminated land and can seek remediation where there is evidence of a source, pathway and receptor. At present, there is insufficient evidence to require such remediation, however, it will be noted that the building did not comply with planning controls and there is a risk that contamination may exist and the property could be determined under Part IIA of Environmental Protection Act 1990 in the future. As such, there is no objection to the current application at this time

Trees

Objectors have raised concerns regarding the damage to protected trees arising from the development. The Council's Tree Officer has reviewed the submission documents and undertook a site visit to assess the impact to the trees covered by TPO: 447 and has confirmed that there is no objection to the current proposal on arboricultural grounds.

Land Ownership

Objections have been raised on the basis that the applicant has built on land belonging to adjacent neighbours. Officers consider that the relevant notices have been served on these land owners and any further dispute is considered a civil matter, beyond the scope of this report. Other comments relate to works undertaken outside the red line site boundary on third party land; it is considered that any such works fall outside the description of development as set out at the start of this report and are therefore beyond the scope of this planning application.

Principal Residence

The Town Council have objected on the basis that the application creates an entirely new dwelling and should be subject to a principal residence restriction (secured via a Section 106 agreement) to comply with Neighbourhood Plan policy SALC H3. A review of the planning history has confirmed that while in 2004, an application on the site was refused on the basis that it would result in the creation of an independent dwellinghouse in the countryside, in 2010, this was no longer cited a reason for refusal to a subsequent application. There is no record of enforcement action in this regard and as such, it is concluded that the site has acquired lawful use as an independent dwellinghouse through the passage of time. As such, the current proposal would not amount to the creation of a new dwellinghouse and Salcombe Neighbourhood Plan Policy SACL H3 would not apply

Conclusion

This is a finely balanced decision but overall the impacts of the proposed development are considered to be acceptable; it is therefore recommended that the application be granted conditional approval.

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

Planning Policy

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

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

Neighbourhood Plan

A Neighbourhood Plan is under preparation for the Parish of Salcombe; it was approved at public referendum on 25 July 2019. As such, the policies can be afforded substantial weight and it is not considered that the proposal conflicts with the policies below;

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

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

Site Location Plan 1:1250

Layout of Parking Space 3215.04

Floor Plan 3215.02

Elevations 3215.03

Received by the Local Planning Authority on 11 July 2019

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.

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 2253/19/HHO

Agent:

Mr Joe Owen
Derry Owen Architects
The Warehouse
Prince Of Wales Road,
Kingsbridge
TQ7 1DY

Applicant:

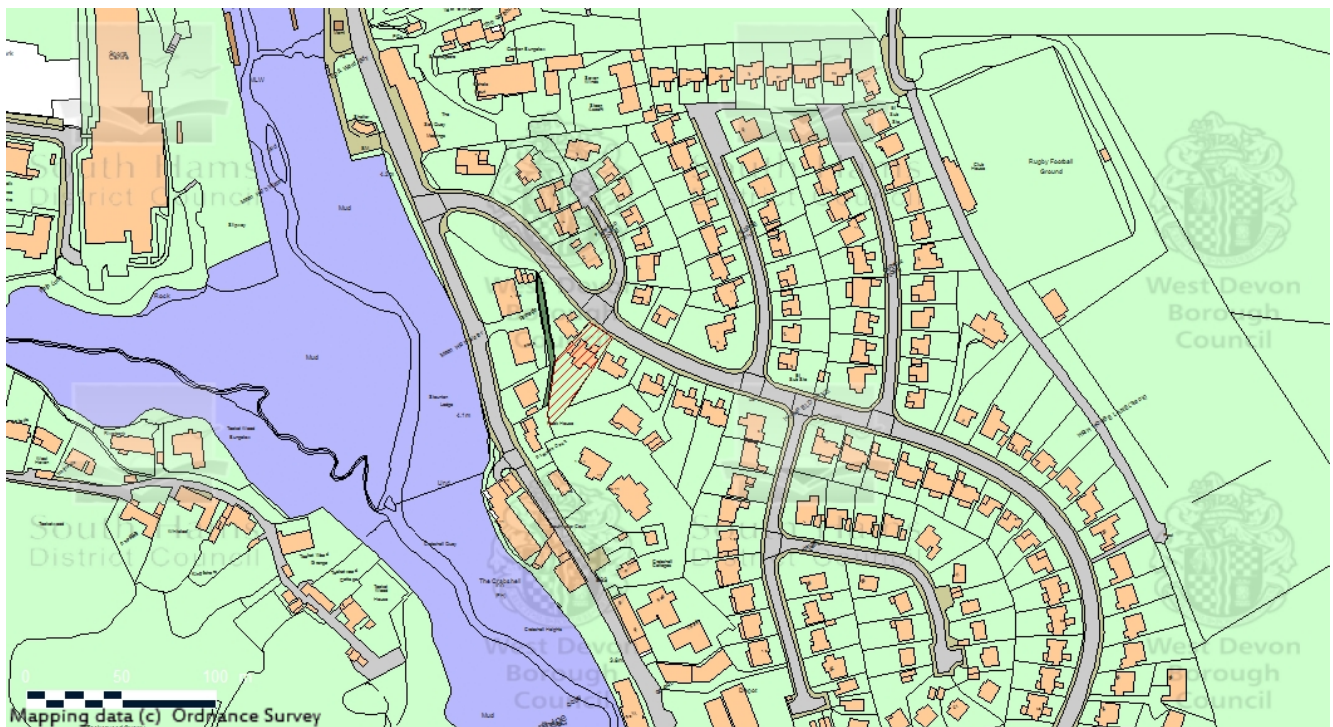
L Christopher
3 Highfield Drive
Kingsbridge
TQ7 1JW

Site Address: 3 Highfield Drive, Kingsbridge, TQ7 1JW

Development: (Revised plans) Householder application for proposed first floor side extension.

Reason item is being put before Committee:

Cllr O'Callaghan has concerns with regards to overdevelopment, over dominance and potential overshadowing and loss of light.



Recommendation: Conditional approval

Conditions

Standard time limit
Adherence to plans
Materials samples
Obscure glazing

Key issues for consideration:

Design, scale and massing, neighbour amenity.

Site Description:

The site is located within the residential area of Highfield Drive, within the built form of Kingsbridge. The site hosts a single, detached residential dwelling with off-road parking to the front of the dwelling and gardens to the rear. The main dwelling has been extended and altered during its lifetime. Due to the topography of the surrounding area, the dwelling appears as a bungalow when viewed from within Highfield Drive; a further storey of accommodation is evident below street level when viewed from the south west elevation (from within the rear garden).

The site is located within South Devon Area of Outstanding Natural Beauty.

The Proposal:

The applicant seeks to construct a side extension at first floor level, above the existing studio on the north west elevation of the main dwelling. The proposal includes a Juliette balcony on the south west elevation of the extension. The applicant proposes the use of horizontal weatherboard cladding on the first floor extension only.

- County Highways Authority No highways implications
- Kingsbridge Town Council Objection

KTC: Recommend Refusal on the grounds that:

- the layout and density of the proposed extension represents over-development of the site, and
- the potential negative impact of further on-road car parking in the locale which already has known parking issues.

Representations:

Two letters of objection have been received and cover the following points;

- Plans as drawn are incorrect. The extension appears on the plans to be within the boundary of 3 Highfield Drive. It actually straddles the boundary of 1/3 Highfield Drive as it is proposed to be built on a party wall. Therefore any fascias, soffits will exceed the boundary.
- As the land at 1 Highfield Drive is 1.5 metres lower, the existing wall is already overpowering without adding a further 4 metres to accommodate the proposed extension.
- Overdominance:
 - This development with double doors will allow overlooking of the garden of 1A Highfield Drive and will be dominant above the Party Wall.
 - Overshadowing and loss of light:
 - It will cast a shadow over 1A garden in the morning.
- Other:
 - Will they be erecting scaffolding to build the gable wall.
 - The roof overhang (NW elevation) appears to overhang the boundary to 1A.
 - Are fully double glazed double doors and a Juliette balcony necessary for a dressing room. Perhaps an obscure window would be suitable should the application be recommended for approval.
 - The building noise and intrusion will spoil the enjoyment of the outside space of 1A which directly adjoins the proposed development.

Three letters of support have been received and cover the following points;

- The application is supported as the properties on this side of the road face due south and get full sunshine and light all day. The design will not compromise the neighbouring property. It is crucial to keep updating properties for the benefit of families living here. Designs are sympathetic in keeping with the neighbourhood.
- Good for the value of properties on Highfield drive and the surrounding area.

Relevant Planning History

None recorded.

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts an existing residential dwelling; the principle of development is therefore established.

Design and Materials

Objections have been received on the grounds that the proposal represents overdevelopment of the site. The applicant seeks to extend and reorder existing living space; the new development is limited to first floor level above an existing extension and remains subservient to the host dwelling. On this basis, the proposal is considered acceptable.

The applicant has proposed the use of cladding within the scheme. Cladding is not part of the local vernacular in Kingsbridge and where its use is proposed, each case will be considered on its own merits. In this instance, the area to be clad is comparatively small relative to the whole building and having regard to the general architectural quality of the surrounding area, it is not considered that the use of cladding is so significantly harmful as to warrant refusal. It is considered appropriate to secure the details of the cladding by condition, in the interests of visual amenity.

Neighbour Amenity

Concerns have been raised that the Juliette balcony on the south west elevation will overlook the rear garden of the neighbouring property, no. 1 Highfield Drive. Due to the topography, density, siting and orientation of dwellings in the area surrounding the application site, there is a high degree of mutual overlooking between neighbours. It is not considered that the overlooking from the proposal will result in a significant increase in overlooking and as such, the proposal is considered acceptable on this basis.

Officers were concerned that the proposed first floor window to the new bathroom may give rise to overlooking of the neighbouring property, no. 1 Highfield Drive. In this instance, Officers requested an obscure glazed, top hung window to be secured by condition, in the interests of the residential amenity of adjacent occupiers. This is also reflected on the revised plans submitted by the applicant.

Concerns have also been raised regarding loss of light to no. 1 Highfield Drive as a result of shadowing by the proposal. While it is acknowledged that there is likely to be a small amount of shadowing when the sun is due south at certain times of year and for limited periods during the day, given the topography, density, siting and heights of existing buildings surrounding the application site, it is not considered that shadowing impacts are so significantly harmful as to warrant a refusal on this basis.

Comments have also been received that any building work will result in noise and intrusion for the residents at no. 1 Highfield Drive. While such impacts are likely to be temporary and limited to the area immediately surrounding the site, separate legislation exists to protect these residents from statutory nuisance. As such, the proposal is not considered to result in a significant detrimental impact on neighbour amenity or privacy or amenity and is considered acceptable on this basis.

Highways

The Town Council are concerned that the proposal will exacerbate pressure on car parking availability in Highfield Drive. The proposal does not seek to create additional bedrooms nor does it result in the loss of a garage or parking provision within the curtilage of the application site. While the LPA does not currently have adopted parking standards, having regard to Devon County Council's Highways Standing Advice, it is not considered that the proposal will result in an increased risk to highways safety.

South Devon AONB

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that it conserves the natural beauty of the

AONB through the use of complementary materials within the scheme. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable.

Boundary Issues

Concerns have been raised that the original proposal overhang the boundary of the neighbouring property, no. 1 Highfield Drive. Revised plans have been received that indicate the proposed first floor extension has been pulled back from the boundary, which is considered to resolve this issue. Queries with regards to the potential impacts of scaffolding during the construction phase are considered to be beyond the scope of the report; similarly, party wall issues are not a material planning consideration.

Conclusion

On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

Planning Policy

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment

DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

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

Neighbourhood Plan

A Neighbourhood Plan is currently under preparation for the Parishes of Kingsbridge, West Alvington and Churchstow but it has not yet reached a stage where it can be considered material to the decision making process.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers; Site Location Plan - 2442.SLP

Block Plan - 2442.SBP

Received by the Local Planning Authority on 18 July 2019

Plans and Elevations – As Proposed 2442.02 A

Received by the Local Planning Authority on 28 August 2019

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

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

Reason: In the interests of visual amenity.

4. The window within the north east elevation serving the first floor bathroom as shown on drawing 2442.02A shall be obscure glazed and top hung and permanently retained as such, unless otherwise agreed in writing with the Local Planning Authority.

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

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PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Ivybridge **Ward:** Ivybridge West

Application No: 2045/19/HHO

Agent:

Mr John S Rowe
52 Southgate Avenue
Plymstock
Plymouth
Devon
PL9 9LW

Applicant:

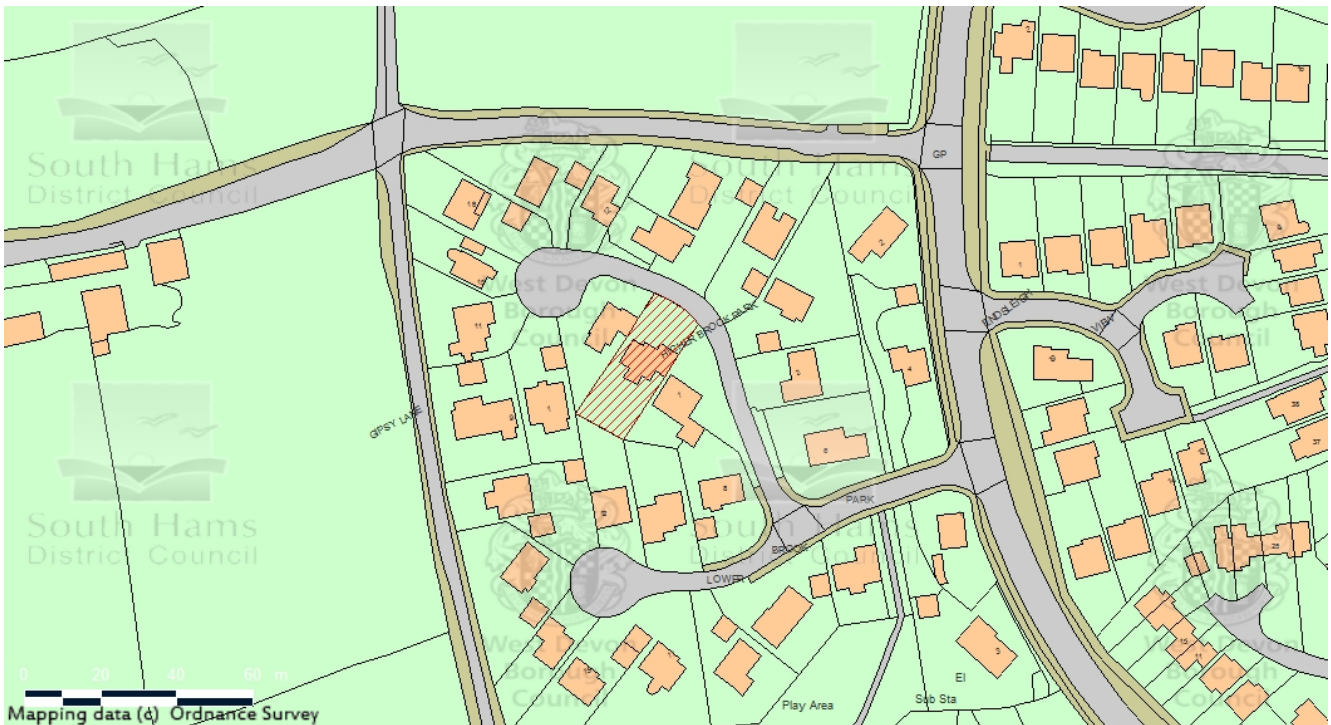
Mrs A Luscombe
3 Higher Brook Park
Ivybridge
PL21 9UA

Site Address: 3 Higher Brook Park, Ivybridge, Devon, PL21 9UA

Development: Householder application for proposed ground floor extension to form new shower room.

Reason item is being put before Committee:

The application is referred to Committee by Cllr May who considers that the disposal of the surface water to the mains system is acceptable.



Recommendation: Refusal

Reasons for refusal

The proposed method of surface water disposal via the mains sewer rather than to a soakaway, where it has not been demonstrated that a soakaway is not a viable option for managing surface water, is considered contrary to the adopted policy of the Plymouth and South West Devon Joint Local Plan DEV 35 Managing Flood Risk and Water Quality Impacts (4 and 7) and the guidance contained within the National Planning Policy Framework (2019) including, but not limited to, paragraphs, 155-165.

Key issues for consideration:

Design and materials, surface water drainage.

Site Description:

The site is located within a residential cul-de-sac within the built form of Ivybridge, c. 1.4km west of the town centre. The site hosts a detached, two storey residential dwelling, with off-road parking and double garage to the front of the site. The site is located within Ivybridge Critical Drainage Area and permitted development rights have been removed.

The Proposal:

The applicant seeks to construct a ground floor extension to the front elevation of the dwelling to accommodate a new shower room.

Consultations:

- | | |
|---|--------------------------|
| • County Highways Authority | No highways implications |
| • Town Council | Support |
| • South Hams District Council Drainage Engineer | Objection |

Recommendations – Objection

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

Observations and comments

The site is within a Critical Drainage Area, as designated by the Environment Agency. This means that the surface water must be controlled on site, if this is not possible then any discharge from the site must be attenuated to the 1:100 year + 40% cc event and the discharge limited to the 1:10 year green field runoff rate.

SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.
2. Discharge to a water course, attenuation maybe required.
3. Discharge to the public sewer, attenuation will be required and permission from SWW.

No details of the surface water drainage have been provided. The site is small and the proposed development doesn't leave much space for the SuDS. A drainage assessment will be required to ensure that a workable solution is possible.

Overcoming the objection

To overcome the objection the applicant will need to provide the details of the most sustainable drainage scheme. Design steps are as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
4. The offsite discharge will need to be limited to 1:10 year Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. 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.
5. If discharging surface water to the main sewer, then written permission from SWW will be required.

6. The proposed development should not compromise the existing drainage arrangements, details will be required to confirm what the existing drainage arrangements are and that these won't be affected by the proposed development.

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

- South Hams District Council Drainage Engineer (additional information received)

No objection subject to condition

Recommendations – No Objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

Observations and comments

The site is within a Critical Drainage Area, as designated by the Environment Agency. This means that the surface water must be controlled on site, if this is not possible then any discharge from the site must be attenuated to the 1:100 year + 40% cc event and the discharge limited to the 1:10 year green field runoff rate.

SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

1. By infiltration, soakaway.
2. Discharge to a water course, attenuation maybe required.
3. Discharge to the public sewer, attenuation will be required and permission from SWW.

Following our previous objection the applicant has provided SWW written consent to discharge surface water to their main sewer. However an attenuated offsite discharge can only be considered once use of the soakaway, as a first choice, has been fully explored and discounted.

Suggested conditions

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

1. 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. SuDS to be designed for a 1:100 year event plus 40% for climate change.
3. The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate.

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

4. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority.

5. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. A pre-commencement condition is considered necessary due to the presence of application site within CDA.

Representations:

None received.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
21/0398/81/1: OPA	Residential development	Land south of Woodland Road Ivybridge	Refusal: 28 Apr 81
12/21/27/0892/83/1: OPA	Residential development	Woodlands Woodland Road Ivybridge.	Conditional approval: 17 Aug 84
21/1346/84/2: ARM	Erection of 39 houses with associated roads and landscaping	Fields 0012 and part 1412 Woodlands Ivybridge.	Conditional approval: 31 Oct 84
21/0840/85/2: ARM	Erection of 31 no. one- and two-storey dwellings together with landscaping screening and garages	Fields O.S. 0012 and part O.S. 1412 Woodlands Ivybridge.	Conditional approval: 02 Jul 85
27/1859/98/F: FUL	Erection of rear extension	3 Higher Brook Park Ivybridge PL21 9UA	Conditional approval: 18 Jan 99

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Ivybridge and currently hosts a residential dwelling; the principle of development is therefore established.

Design/Landscape

The proposal comprises a modest ground floor extension (approximately 8m²) to the front elevation of the dwelling to accommodate a new shower room. The design, scale and massing of the proposed extension is subservient to the main dwelling and the monopitch roof closely mirrors that of the main dwelling. The proposed materials match those of the main dwelling and the proposal has minimal visual impact within the street scene. The proposal is considered complementary to the existing dwelling and is acceptable on this basis.

Neighbour Amenity

It is not considered that the proposal will have a detrimental impact on neighbour amenity due to the size and siting of the proposal within the plot.

Highways/Access

Vehicular access to the site is as existing and no changes to parking arrangements are proposed, as such, it is not considered that the proposal will result in an increased risk to highways safety.

Surface Water Drainage

The South Hams District Council Drainage Engineer initially objected to the proposal, as there was insufficient evidence to demonstrate that a suitable surface water drainage scheme could be achieved on the site. The applicant supplied further information and on this basis, the Drainage Engineer withdrew his objection and recommended a surface water drainage condition. The condition must be discharged prior to commencement as the application site is located within a Critical Drainage Area. The applicant was advised of the proposed condition in writing on 02 September 2019. The applicant refused to accept the condition on the basis that they consider a soakaway is unnecessary, as a direct connection to the mains sewer is available. It should be noted that the proposed drainage condition allows for the direct connection to the mains sewer but only after the use of a soakaway has been proven unfeasible. Further discussion regarding this matter took place between the applicant

and the Council's Drainage Engineer, including a site meeting on 10 September 2019, in order to try to resolve the situation but parties were not able to reach a mutually acceptable drainage solution.

As the site is located within a Critical Drainage Area, "SuDS should be designed to reduce or manage the surface water as close to source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted" (SHDC Drainage Engineer). In this instance, it has not been first demonstrated that the use of a soakway is unfeasible and therefore direction connection to the mains sewer is considered contrary to the principles of SuDS and contrary to the adopted policy of the Plymouth and South West Devon Joint Local Plan DEV 35 Managing Flood Risk and Water Quality Impacts (4 and 7) and the guidance contained within the National Planning Policy Framework (2019) within but not limited to paragraphs, 155-165.

Conclusion

The proposal is considered acceptable with respect to design, scale and massing, materials, neighbour amenity, ecology and highways safety. However, the proposed method of surface water disposal via the mains sewer, rather than to a soakaway is considered contrary to the adopted policy of the Plymouth and South West Devon Joint Local Plan DEV 35 Managing Flood Risk and Water Quality Impacts (4 and 7) and the guidance contained within the National Planning Policy Framework (2019) including, but not limited to, paragraphs, 155-165 and it is therefore recommended that the application be refused.

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

Planning Policy

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including, but not limited to, paragraphs, 155-165 and guidance within the Planning Practice Guidance (PPG).

Neighbourhood Plan

Following a successful referendum, the Ivybridge Neighbourhood Plan was made at Executive Committee on 7 December 2017. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Ivybridge Neighbourhood Area.

It is not considered that the proposal conflicts with the policies in the Plan, as listed below;

POLICY INP1: Town Centre Regeneration
POLICY INP2: Town Centre land east of the River Erme
POLICY INP3: Glanville's Mill Site
POLICY INP4: North of Fore Street
POLICY INP5: Community Facilities
POLICY INP6: Housing and Employment
POLICY INP7: Traffic and Movement
POLICY INP8: Historic and Natural Environment

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Jeffrey Penfold
Dart

Parish: Dartmouth **Ward:** Dartmouth and East

Application No: 2186/19/FUL

Agent/Applicant:

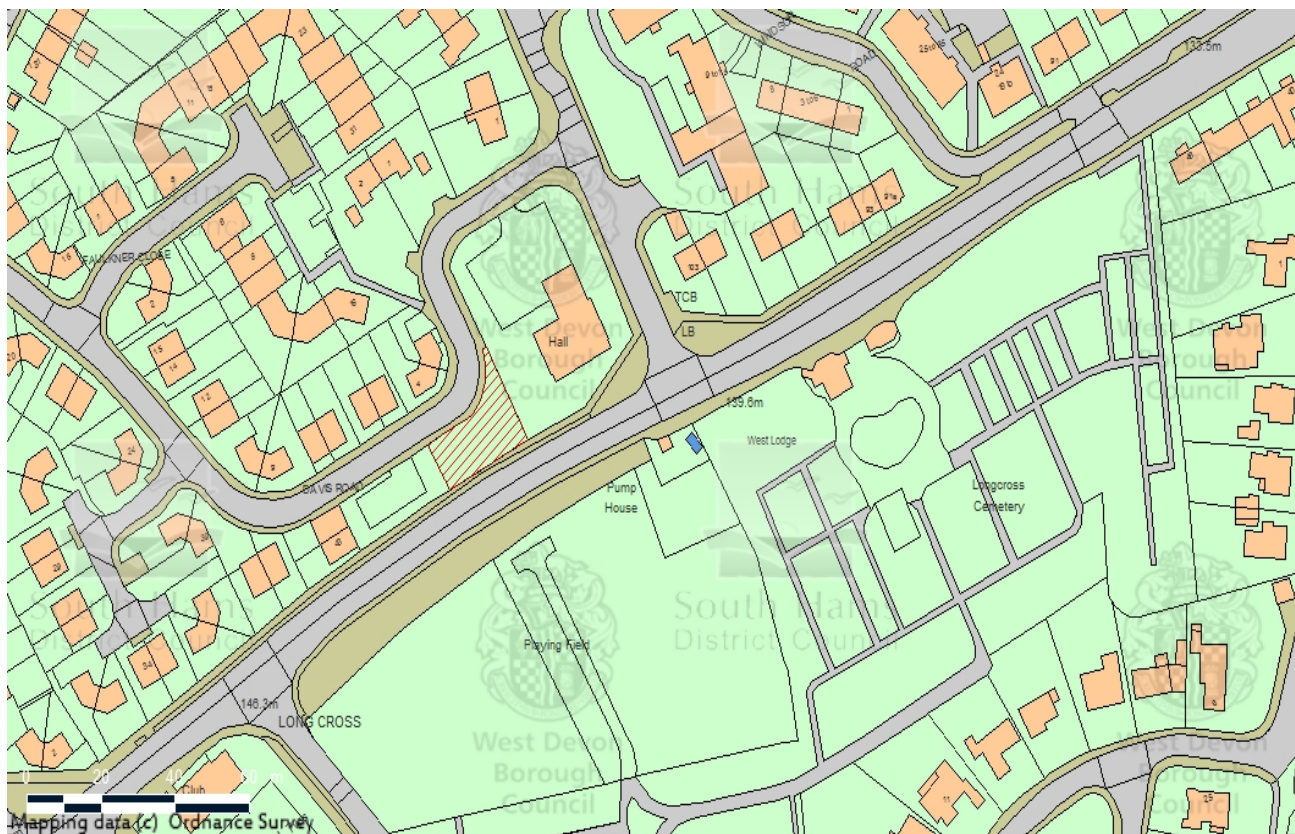
Philip Bent - HexxHome Ltd
Bowman House
2-10 Bridge Street
Reading
RG1 2LU

Applicant:

Sarah Massey - Dartmouth United
Charities
3 The Quay
Dartmouth
TQ6 9PS

Site Address: Vacant land between Davis Road and Townstal Road, Dartmouth,
Devon, TQ6 9LJ

Development: Erection of a new building consisting of 4no. 1 bed 2 person apartments



Reason item is being put before Committee – *The freehold of application site is owned by South Hams District Council.*

Recommendation: Recommendation: Delegate to HoP 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 Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The terms of the Section 106 Obligation are:

£5,850 towards improvements to open space, sport and play facilities at Davis Road/Brittania Avenue public open space.

Conditions:

1. Time Limit
2. Approved Plans
3. Unexpected Land Contamination
4. Vehicle Crossing
5. Construction Management Plan
6. Surface Water Drainage
7. Foul drainage
8. Landscaping scheme
9. Samples
10. Remove PD Rights
11. Electric Vehicle Charging Points.
12. Details to demonstrate that ensure that the ventilation system will not exceed the permitted development level for Air Source Heat Pumps which can be found in MCS020.

Informative:

1. *A Section 184 Highways Act Licence will need to be applied for to enable works on the highway to form the vehicle cross overs.*

Key issues for consideration:

Principle / Sustainable Development
Design and Visual Impacts
Neighbouring Amenity
Flooding / Drainage
Highways / Access
Ecology / Biodiversity
Low-carbon development
Open / Green Space
Trees.

Site Description:

The application site is located between Davis Road and Townstal Road (A312) in Dartmouth. The site is located within a predominantly residential area to the north of Townstal Road, with

Townstal Community Hall directly to the east and a bus stop to the west. To the south of Townstal Road is a mixture of allotments, playing fields and commercial units.

The site is currently vacant with no existing structures and can be accessed from Davis Road with pedestrian access via Townstal Road.

The topography of the site forms a steep fall across it running south to north. Existing mature hedges run the length of the site along Townstal Road and between the site and the Townstal Community Hall site, with the remainder of the site having no boundary treatment along the north or western boundaries.

The area is well served by public transport with a bus stop adjacent to the site on Davis Road. The Stagecoach South West service no. 90 provides a service into Dartmouth every 30 minutes. To the south of the site further bus stops provide services to Dartmouth, Cotton, Exeter and Kingsbridge.

The site is not located in a flood risk zone nor within a Critical Drainage Area. The site is not located near any listed buildings.

The site is located within a SSSI Impact Risk Zone, the Dartmouth Neighbourhood Plan Area and the South Ham Landscape Character Area. It is noted that the application site is owned by South Hams District Council.

The Proposal:

The application proposes the erection of four one-bed apartments within a two-storey apartment building formed as two wings accessed via a centrally located external stair case.

Each 50sqm apartment comprises of a double bedroom, bathroom, large storage cupboards and open plan living, dining and kitchen area.

Generous floor to ceiling and large windows provide an airy and bright internal environment with good views.

The appearance of the apartment building, although hexagonal in plan is treated in a similar way to many of the neighbouring houses. The building is visually split horizontally with a base treatment and a contrasting upper level treatment.

The building is accessed via Davis Road, with off-street parking. The existing mature hedges will be retained providing a visual and acoustic buffer between Townstal Road and the proposed building.

External amenity space is provided at ground floor level which consists of a lawn and specimen trees. Shrub planting at the back of the pavement will provide a visual buffer and seasonal interest.

Car parking is provided at the rate of 1no. car parking space per dwelling. Each dwelling is provided with secure cycle parking and recycling / refuse storage within the curtilage of the site.

The number of units proposed fall below the threshold to trigger a planning requirement to provide either off-site or on-site affordable housing. The Council as freehold landowner has

indicated an intent to apply a covenant to the lease of the land requiring the properties to be delivered as affordable rented units with rents capped at no greater than local housing allowance rents. This however would be secured outside of the planning process.

Consultations / Representations:

6 objections have been received in response to the public consultation exercise, raising the following concerns:

- Not for local people
- Norton View development is big enough
- Loss of green space
- Over development
- Noise / air pollution
- Increase in vehicles in a busy area
- Safety of residents
- Design and appearance out of keeping
- Access / Parking.

Consultation responses:

DCC Highways: No objection subject to conditions.

Environmental Health: Objects:

Recommending refusal of the application on the basis that the proposed noise environment provides for a poor level of amenity in the proposed garden space, also mechanical ventilation adds its own noise source and this has not been addressed in the report, this could be dealt with by condition to ensure that the ventilation system does not exceed the permitted development level for Air Source Heat Pumps which can be found in MCS020.

Drainage: No objection subject to conditions.

Trees: *no comments.*

OSSR: *In accordance with JLP policies DEV 4 and DEV27, and based on levels of reasonable contributions for OSSR provision detailed within the SHDC OSSR Supplementary Planning Document 2006 (which we are using until a new SPD is adopted), we would seek a contribution of £5,850.*

The closest OSSR facility, and most obvious recipient of the funds, is the public open space at Davis Road/Britannia Avenue which is owned by Live West and includes hardstanding for kick-about, as well as play equipment. I've contacted Live West to get an update on their plans for the play area and will let you know as soon as I hear back. But, subject to them having a suitable project, I would look to secure £5,850 towards improvements to open space, sport and play facilities at Davis Road/Brittania Avenue public open space.

Dartmouth Parish Council: Objects: *Recommend Refusal on the grounds of Over development on a small site, not in keeping with the Street Scene and completely out of character, loss of amenity and would not be situated on the right site for this project*

South West Water: No objection with some informatives provided.

Natural England: No objections.

Relevant Planning History

None.

ANALYSIS

Principle / Sustainable Development:

The policy starting point for this application is that of JLP Policy TTV1, which states:

Prioritising growth through a hierarchy of sustainable settlements:

The LPAs will distribute growth and development delivering homes and jobs in accordance with the following hierarchy of settlements, enabling each town and village to play its role within the rural area:

- 1. The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area.*
- 2. Smaller Towns and Key Villages - which will receive support for growth commensurate with their roles in supporting the small villages and hamlets.*
- 3. Sustainable Villages - where development to meet locally identified needs and to sustain limited services and amenities will be supported.*
- 4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.*

The application site is located within a predominantly residential area and is clearly within a built up area being served by local transport and in close proximity to other similar housing developments. Dartmouth is identified as a Main Town within JLP Policy TTV1 – and is considered one of the most suitable locations for sustainable growth within the South Hams.

It is noted that no neighbourhood plan has come forward for the Dartmouth area.

In assessing the site for its sustainability, it is noted the site lies close to an existing bus stop. The Stagecoach South West service no. 90 provides a service into Dartmouth every 30mins. To the south of the site lies further bus stops providing services to Dartmouth, Cotton, Exeter and Kingsbridge.

The site is also sited immediately next to a community village hall to the north east and approximately 0.3m from the nearby Lidl supermarket which is reachable via a lit pavement. As such, no concerns are raised in respect of the site's sustainability and it is considered the proposal accords with JLP Policies TTV1, SPT1 and SPT2.

In light of the above, officers are satisfied that the application site is located within a sustainable location.

JLP Policy DEV8 states the following:

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

The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:

1. A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:

i. Homes that redress an imbalance within the existing housing stock.

ii. Housing suitable for households with specific need.

iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

2. Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.

3. Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified.

The application proposes the erection of 4no. 1-bed flats within a two-storey apartment building.

The council's evidence base for the Dartmouth area confirms that there exists an over provision (14%) of 1-bed properties within the Dartmouth area.

Following discussions with the council's policy team, it has been confirmed that the housing data used to inform JLP Policy DEV8 may not fully identify the real issues influencing housing mix in a given area and a site specific assessment is sometimes required. In the case of Dartmouth, it has been agreed that in this instance, the provision of 4 x 1no. bedroom properties would be an acceptable response to housing need for the Dartmouth area given the likely affordability of the properties and the positive response of the development to JLP Policy DEV8.

As such, the proposal is likely to accord with JLP Policy DEV 8 (1) in providing a type of housing type and tenure appropriate to the area and this is supported by local housing evidence. Given the quantum of development, the proposal does not engage requirements to provide for an affordable housing contribution as per JLP Policy DEV8 (2) (3) or DEV9.

As such, the proposal accords with JLP Policy DEV8.

Design and Visual Impacts:

The proposed development will be erected as a single unit featuring a consistent fenestration across both ground and first floor levels. The proposed materials include:

- Aluminium coping coloured to match vertical cladding
- Aluminium birds beak corner flashing and window reveals / head, coloured to match window frames
- Dark grey vertical board on board cladding.
- Double glazed uPVC window / doors; smooth anthracite grey.
- Concrete base, acid etched Portland finish.

The proposed materials are considered sympathetic to the area and respond well to the properties located to the immediate north (small group of corner properties on Davis Road) which have adopted a similar design approach at ground and first floor levels in terms of colour finishes.

The proposal is considered a contemporary addition to the area and this progressive approach to design is welcomed. It is noted that concerns were raised via objections to the proposal's response to the character and appearance of the area however, it is noted that the proposal does not lie within a conservation area, an AONB nor the countryside. The proposal, although somewhat novel in its design, is not considered to exist as an overly incongruous addition nor as a design which wholly fails to reflect the dominant character, appearance and vernacular in this area.

When viewed along the street scene of Davis and Townstal road the contemporary design would be a considerate and future-proofed design which seeks to promote contemporary design within the area.

With regard to the proposal's footprint, there will remain sufficient space within the site so as to provide for rear amenity space, although it is acknowledged that due to road noise levels the quality of the space is diminished. The proposal allows for a degree of movement in and around the site with a suitable buffer between the proposal's elevations and site limits so as to not appear as overly dominant nor excessive when considered within the context of the site and wider area. The proposed landscaping scheme to the southern, eastern and western elevations will provide a degree of screening that will ensure this novel building does not appear overly prominent when viewed from Townstal road nor appear as a distraction. The set-back from the southern boundary further ensures this.

Given the site's proximity to the street scene along Townstal Road, samples of materials will be requested for submission and consideration by the council.

When viewed from the south, east and west, the proposal, by virtue of its modest ridge and eaves level height will ensure the bulk, mass and scale of the proposal will not imbalance the existing relationship with the dominate ridge level heights of the row of properties along Davis Road.

A suitable condition shall be attached to any planning permission granted to ensure the submission and consideration of a landscaping scheme.

The development proposes a limited number of windows facing the properties opposite to the north and this has been as a result of progressive pre-application discussion with the council. This approach is welcomed for amenity reasons discussed later in this report.

The bike store and bin storage is a welcomed feature of the development: it is within the site limits of the application site and within good distance for refuse pick-up. Users will not face

difficulty in collecting or depositing household waste to the storage area. The architect has confirmed that this element of the proposal will be waterproofed and secure.

The site is surrounded by other residential developments and is considered to be within a predominantly residential area. As such, the proposal will not exist as an alien addition. As such, the proposal is considered acceptable in terms of design and visual impacts and would likely accord with JLP Policy DEV20.

Neighbouring Amenity:

A main concern of this development both currently and at pre-application stage is the potential for intervisibility / loss of privacy between the habitable rooms to the north elevation and the properties to the north along Davis Road (nos. 3 and 4 – corner properties).

It is also noted that objections have been received which raise concerns over potential loss of privacy / intervisibility between the two properties.

The windows proposed the north elevation at both ground and first floor levels are restricted in their width so as to reduce any potential loss of privacy / intervisibility between the proposal and properties along Davis Road. Although the windows will serve habitable rooms in the form of double bedrooms, it is not considered that these rooms will have the greatest amount of human activity in them when compared to other rooms within the proposal e.g. living rooms. There is also a separation distance of 12m between the western most units and No. 4 Davis Road and at least a 15m separation distance between the eastern most unit's north facing habitable window and No. 3 Davis Road.

Taking into account the:

- Restricted width of the glazing at ground and first floor levels;
- The habitable rooms being that of bedrooms which will not likely be the most frequently used part of the dwellings; and
- The separation distances between the properties being at least 12m

The likely amenity impacts concerning intervisibility / loss of privacy will be limited in their impacts and suitably mitigated to a satisfactory level so as to not give rise to any significant, detrimental amenity impacts upon the living conditions of the residents at Nos. 3 & 4 Davis Road.

In addition, it is not considered likely that the proposal, by virtue of its size, scale, massing and positing in relation to the properties to the north will likely give rise to any loss of daylight and or sunlight or overbearing impacts given the limited ridge level height.

JLP Policy DEV10 requires housing proposals to provide for a suitable standard of accommodation. The National Space Standards requires that a 1 Bed 2 Person dwelling over 1 floor (1B2P) provides for 50sqm of floor space. The proposal provides for at least 50sqm of floor space across all units. The double bedroom also provides for a floor space of at least 11.5sqm and this is also considered acceptable as too is the proposed storage provision.

Overall, the proposal is not considered likely to give rise to any significant, detrimental amenity impacts and accords with national space standards. As such, the proposal accords with JLP Policies DEV1, DEV2, DEV8 and DEV10.

Noise

This application is supported by an acoustic report which has indicated that noise levels in the external amenity areas will be in the region of 60dB daytime compared to an acceptable level of 50dB. The Council's Environmental Health Specialist has objected on this basis.

The proposal is for 4 x 1 bed apartments. At present the Council has no adopted minimum standards for the provision of amenity space for apartments and in many cases apartments have been approved without any external amenity space. On this basis it is considered unreasonable to refuse planning permission on the basis of poor quality amenity space when there is no actual requirement at present to provide amenity space at all. Being one bed properties these will not accommodate families.

Flooding / Drainage:

The council's drainage officer makes the following comments:

Recommendations – No objection

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.

Observations and comments

This is a small scale minor development for the erection of a new building consisting of 4no. 1 bed apartments with associated parking facilities. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753).

SuDS should be designed to reduce or manage the surface water as close to the source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.

- 1. By infiltration, soakaway.*
- 2. Discharge to a water course, attenuation maybe required.*
- 3. Discharge to the public sewer, attenuation will be required and permission from SWW.*

The proposed surface water drainage scheme is for an attenuation system discharging in to SWW dedicated surface water sewer, SWW consent has been provided. An attenuated discharge can only be accepted once use of the soakaway, as a first choice, has been fully explored and discounted.

The proposed plans have indicated some potential locations where infiltration system could be accommodated such as behind the parking spaces for units 1&2. Therefore use of the soakaway should be fully explored and discounted before an attenuated offsite discharge can be considered.

The response from South West Water confirms the potential for the application to connect to the mains sewerage system and this is considered acceptable. The applicant is therefore reminded of the comments made by South West Water. A suitable condition shall be attached to any permission granted for the submission of details concerning foul drainage.

As such, subject to conditions, the proposal accords with JLP Policy DEV35.

Highways / Access:

In this instance, the proposal provides for 1no. car parking space per dwelling and in the absence of any prescribed car parking standards, the proposal is considered to provide for a suitable amount of off-street car parking for this development, in this location.

As such, subject to conditions the proposal accords with JLP Policy DEV29.

Ecology / Biodiversity:

The application is accompanied by a Wildlife Trigger Table which confirms that a Wildlife, Geology or Invasive Species Report is not necessary.

As such, the proposal accords with JLP Policy DEV26.

Low-carbon development:

The accompanying design and access statement provides commentary on the sustainability of the proposal and confirms:

- wall insulation
- uPVC windows
- Thermal bridges
- Airtightness
- Low / medium risk to overheating
- LED lighting
- MVHR efficiencies.

Given the scale of the proposal constituting minor development, the proposed initiatives are considered suitable so as to positively respond to JLP Policy DEV32.

Open / Green Space:

It is noted a number of objections concern the loss of the area of green / open space upon which the proposal will be sited. In reviewing the immediate vicinity and the accessibility for residents to access green / open space a number of other areas provide for similar if not better open / green space provision for local residents to enjoy. This includes:

- Land to the south of Townstal Road
- Allotments to the south of Townstal Road
- Recreational / playing pitches to the south of Townstal Road
- Other green areas around the Community Centre to the east of the site.
- A good sized play area along Britannia Avenue.

As such, on balance, although it is recognised that the proposal would give rise to the loss of a small area of green / open space, the proposal provides for some mitigation in the form of positive landscaping to conserve the application site and does not seek to remove the entirety of the green area. When considering the social benefits of the proposal in providing affordable housing to the area of Dartmouth and economical benefits of the construction phase, the proposal is considered to outweigh the environmental impacts which are considered to be both limited and supplemented by other provisions within the immediate vicinity.

As such, the proposal accords with JLP Policy DEV27.

Trees:

The council's trees officer maintains no objections to the proposal on arboricultural grounds. It is noted that the existing hedge to the southern elevation facing Townstal Road shall be retained and this is welcomed as a means of screening the main bulk of the proposal.

As such, the proposal accords with JLP Policy DEV28.

Planning Balance:

Environmental: it is recognised that the proposal would give rise to the loss of a small area of green / open space which has been raised via a number of objections. The proposal provides for some mitigation in the form of positive landscaping to conserve the application site and does not seek to remove the entirety of the green area. It is also noted that a s106 agreement seeking financial contributions for Open Space and Sports Recreation will also be received, for the improvement of local facilities. Further, the proposal would not give rise to any significant landscape or any other environmental harm that would cause the proposal to be deemed unacceptable.

Social: the proposal would provide for lower cost housing in the Dartmouth area in an attempt to provide accessible housing for couples and / or single professionals. The proposal responds positively to the housing needs of Dartmouth and the wider South Hams in this respect. Although some concerns are raised in respect of amenity impacts, these have been deemed acceptable and outweighed in light of the positive introduction of affordable housing. The proposal is also considered to constitute sustainable development by virtue of its location and access to local facilities which is afforded significant weight.

Economical: the proposal would provide economic benefits to the Dartmouth area during the construction phase.

Overall, the limited amenity impacts and loss of a small area of open space are outweighed by the environmental, economical and social benefits of the proposal. As such, the proposal is considered acceptable and recommended for planning permission.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of

the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV7 Meeting local housing need in the Plymouth Policy Area
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: The Dartmouth Neighbourhood Plan is at an early stage of production and as such, no weight can be applied to it at this stage. It is recommended that the applicant maintains awareness of this plan and any relevant housing / site specific policies which would concern a later planning application.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

1. Time Limit:

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

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

2. Approved Plans:

The development hereby approved shall in all respects accord strictly with drawing number:

Proposed Plans – Ref: 2391_PL 100C – At Scale: 1:50 @ A1 / 1:100 @ A3. Received: 12/07/2019.

Proposed Street Elevations – Ref: 2391_PL201C – At Scale: 1:200 @ A3. Received: 12/07/2019.

Proposed Elevations – Ref: 2391_PL202C – At Scale: 1:100 @ A3. Received: 12/07/2019.

Proposed Elevations – Ref: 2391_PL203C – At Scale: 1:100 @ A3. Received: 12/07/2019.

Proposed Sections – Ref: 2391_PL300C – At Scale: 1:100 @ A3. Received: 12/07/2019.

Proposed Illustrative View – Ref: 2391_PL 900B – NTS. Received: 12/07/2019.

Proposed Illustrative View – Ref: 2391_PL 902C – NTS. Received: 12/07/2019.

Block Plan – Ref: 2391_PL002D – at Scale: 1:500 @ A3. Received: 12/07/2019.

Design and Access Statement – Studio Partington – Ref: 2391_PL_PSS01. Received: 12/07/2019.

Proposed Site Plan – at Scale: 1:50 @ A1 / 1:100 @ A3. Ref: 2391_PL004C. Received: 12/07/2019.

Proposed Ground Floor Plan – at Scale: 1:50 @ A1 / 1:100 @ A3. Ref: 2391_PL005C. Received: 12/07/2019.

Site Location Plan – at Scale: 1:1250 @ A3. Ref: 2391_PL001C. Received: 12/07/2019.

SUDS Assessment for planning application for Davis Road Dartmouth on behalf of Dartmouth United Charities. Received: 11/07/2019.

Geotechnical and Geo-environmental Assessment – Report No: 11022 – March 2019 – Version 1. SouthWest Geotechnical LTD.

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. Unexpected Land Contamination:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local

Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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

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

4. Vehicle Crossing:

The commencement of any dwelling shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority: The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed up to base course; The vehicle crossing on the road frontage of the dwellings have been completed.

REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.

5. Construction Management Plan:

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

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

- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

6. Surface Water Drainage:

Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below: Details to confirm the use of the soakaway has been fully explored and discounted before an offsite discharge can be considered.

SuDS should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

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.

The permeable parking should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

7. Foul drainage:

Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA), and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of the prevention of pollution.

8. Landscaping scheme:

No development shall take place until full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- arrangements for stripping, storage and re-use of top soil;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- materials, heights and details of fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, and any hardstanding areas;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;

- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

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

9. Samples:

Details and samples of any external finishing materials to be used for this development that do not match those of the existing building in colour, form, profile, texture and size shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.

Reason: To ensure that the development is in character with the existing building and its surroundings.

10. Remove PD Rights:

Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A, B, C, E, F and Part 2, Class A shall be carried out on the site, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity.

11. Electric Vehicle Charging Points

Prior to the commencement of development the applicant shall submit to the Local Planning Authority for approval in writing full details of proposed electric vehicle charging points to be provided. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management. The development shall be carried out in accordance with the agreed details and shall be made available for use prior to the first occupation of the building(s) to which they relate, and retained thereafter as such.

Reason: To protect air quality and support sustainable development in accordance with emerging Joint Local Plan policy DEV2 and NPPF paragraph 148.

12. Noise mitigation

Development shall not continue above slab level until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the internal ventilation system does not exceed the permitted development level for Air Source Heat Pumps which can be found in MCS020. Development shall take place in accordance with the approved details and maintained and retained for the lifetime of the development.

Reason: In the interest of residential amenity

Agenda Item 7

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 9-Oct-19
Appeals Update from 1-Sep-19 to 27-Sep-19

Ward Allington and Strete

APPLICATION NUMBER : **3400/18/FUL** APP/K1128/W/19/3228098
APPELLANT NAME: Kingswood Homes Ltd
PROPOSAL : Demolition of buildings and redevelopment of site with 3no. detached dwellings
LOCATION : Blindwells Hynetown Road Strete TQ6 0RS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 12-June-2019
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 25-September-2019

Ward Marldon and Littlehempston

APPLICATION NUMBER : **3649/18/FUL** APP/K1128/W/19/3227246
APPELLANT NAME: Mrs Jemma Major
PROPOSAL : Construction of new 3 bedroom dwelling in garden
LOCATION : Weatheracre House Longcombe TQ9 6PP
APPEAL STATUS : Appeal Lodged
APPEAL START DATE:
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 05-September-2019

Ward Newton and Yealmpton

APPLICATION NUMBER : **2748/18/OPA** APP/K1128/W/19/3230262
APPELLANT NAME: Mr & Mrs D Hansford
PROPOSAL : Outline application with all matters reserved for demolition of existing derelict self contained annex and replacement with detached dwelling (resubmission of 4105/17/OPA)
LOCATION : Landfall Court Wood Newton Ferrers PL8 1BW
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 19-June-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 13-September-2019

Ward Salcombe and Malborough

APPLICATION NUMBER : **1345/19/FUL** APP/K1128/W/19/3233811
APPELLANT NAME: Mr Alan Cookson
PROPOSAL : Demolition of dwelling and erection of 1 detached dwelling with off street parking
LOCATION : Loring View Loring Road Salcombe Devon TQ8 8BL
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-September-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **0439/19/FUL** APP/K1128/W/19/3233438
APPELLANT NAME: Mr James Allen
PROPOSAL : Demolition of existing bungalow and detached garage and erection of 2no. dwellings
LOCATION : Rock Point Knowle Road Salcombe TQ8 8EQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-September-2019
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **1322/18/FUL** APP/K1128/W/19/3234364
APPELLANT NAME: Mr Joseph Cooray
PROPOSAL : Erection of single dwelling
LOCATION : Batson Hall Farm Higher Batson Salcombe TQ8 8NE

APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-September-2019
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **2066/18/FUL** APP/K1128/W/19/3234073
APPELLANT NAME: Lantern Lodge Hotels Ltd
PROPOSAL : READVERTISEMENT (Revised plans) Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments
LOCATION : Lantern Lodge Hotel Grand View Road Hope Cove TQ7 3HE
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-September-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Stokenham

APPLICATION NUMBER : **2107/18/OPA** APP/K1128/W/19/3230899
APPELLANT NAME: Mr Tim Brettell
PROPOSAL : Demolition of existing building and construction of new replacement dwelling with associated parking relocated on the site
LOCATION : Millbay Cottage East Portlemouth TQ8 8PU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 27-June-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-September-2019
