

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 15th January, 2020										
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 - 12

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 4 December 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) 3354/19/FUL

13 - 28

Proposed installation of a Peaking Gas Generation Plant with associated development to include vehicular access and security fencing
"Land at Ermington Road", Ivybridge"

(b) 3021/19/HHO

29 - 34

Householder application for single storey extension to dwelling
"11 The Coppice, Ivybridge"

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

	Page No
<p>(c) 3498/19/FUL</p> <p>Proposed Manege Area to be used in conjunction with existing Stables development. "Newpark Stables",,, North Huish"</p>	35 - 42
<p>(d) 0332/19/FUL</p> <p>READVERTISEMENT (Revised Plans Received) Construction of a new three storey private residence on a brownfield site currently occupied by three garages "Garages 7, 9 and 11", Christina Park, Totnes, Devon"</p>	43 - 52
<p>(e) 3391/19/HHO</p> <p>Householder application for rebuilding of boundary wall following partial collapse (Retrospective) "Cheesewring", Sandhills Road, Salcombe"</p>	53 - 58
<p>(f) 3353/19/TPO</p> <p>T1 - T7: Elm - Crown lift on North side to 3m from ground level, deadwood removal (exempt) and remove basal epicormic growth. To allow pedestrian access without damaging trees. "Land adjacent to", 7 Whimbrels Edge, Thurlestone"</p>	59 - 62
<p>7. Planning Appeals Update</p>	63 - 64

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

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

Other Members also in attendance and participating:

Cllrs J McKay, B Spencer and J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		HOP Development Management; Planning Senior Specialist; Planning Specialists; Deputy Monitoring Officer; and Specialist – Democratic Services
	3460/17/OPA	Flood Risk Manager, DCC
	2198/19/FUL	DCC Highways Officers
	1329/19/FUL	Specialist Strategic Planning

DM.39/19 MINUTES

The minutes of the meeting of the Committee held on 6 November 2019 were confirmed as a correct record and signed by the Chairman.

DM.40/19 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 T Holway declared a personal interest in application **3460/17/OPA: READVERTISEMENT (Revised Plans Received) Outline application** with some matters reserved for 7 self-build/custom build dwellings (five open market and two affordable self-build plots), by virtue of knowing the applicant and the neighbours. He remained in the meeting and took part in the vote thereon;

Cllr K Kemp declared a personal interest in application **0545/19/FUL: Demolition and rebuild of 2 existing dwellings – Hill Cottage, Herbert Road, Salcombe**, by virtue of knowing the applicant. She remained in the meeting and took part in the debate and vote thereon;

Cllrs R Rowe and B Taylor each 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:

2101/19/FUL: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL) – Lantern Lodger Hotel, Grand View Road, Hope Cove;

0545/19/FUL: Demolition and rebuild of 2 existing dwellings – Hill Cottage, Herbert Road, Salcombe;

2416/19/FUL: Provision of a menage – Land at SX 903 518, Kingswear.

DM.41/19

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.42/19

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) **3460/17/OPA** **Lutterburn Farm, Lutterburn Street, Ugborough**
Parish: Ugborough

Outline application with some matters reserved for 7 self build/custom build dwellings (five open market and 2 affordable self-build plots)

Case Officer Update: The Case Officer noted that further information had been submitted and circulated, and advised that the Flood Authority representative was in attendance to respond to questions

Recommendation: Delegate to the HOP Lead Development Management in consultation with the Chairman to conditionally approve 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 HOP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made, delegated authority is given to the HOP Lead to refuse the application in the absence of an agreed s106 Agreement.

During discussion, the Flood Authority representative responded to a number of questions of clarity. The local Ward Member stated that the proposed drainage scheme for the development had no prospect of achieving the desired result, as it was dependent on use of third party land, for which permission would not be given.

The Flood Authority representative advised that Ugborough was not high enough as a priority to receive funding from Defra towards a flood alleviation scheme, and therefore the Flood Authority would not be in a position to undertake flood mitigation works until at least 2021. The proposal before Members enabled flood alleviation work to be undertaken by a developer, more quickly.

The local Ward Member stated that a scheme had been previously proposed that included flood alleviation work being undertaken on the applicant's land. The HOP Lead confirmed that the proposal could not be approved subject to a condition stating that flood alleviation work must be carried out on the applicant's land. The Solicitor confirmed that refusal of the application on the basis of the proposed scheme not being achievable because of the objection of landowners was not a route that she recommended, and Members should proceed with caution.

Finally, Members agreed that they wanted to support the proposal, but would delegate final approval, subject to approval of a drainage scheme, (as previously submitted), between the applicant and the flood authority, and the HOP Lead, Chairman and local Ward Member.

Committee Decision: Delegate to the HOP Lead Development Management in consultation with the Chairman to conditionally approve planning permission, subject to the HOP Lead, Chairman and local Ward Member, and the applicant and Flood Authority, DCC approval of a drainage scheme

Conditions:

1. Reserved matters time
2. Reserved Matters details
3. Accord with plans
4. Surface water drainage strategy prior to commencement
5. Surface water adoption and maintenance strategy prior to commencement
6. Construction phase drainage strategy prior to commencement
7. Details of connection to and condition of receiving watercourse prior to commencement
8. Ecological Mitigation and Enhancement Strategy incorporating recommendations of the PEA
9. TEMS Mitigation Strategy
10. Landscape Plan prior to commencement
11. CEMP prior to commencement
12. Accord with details of Arboricultural Work and Tree Protection Plan
13. Highways details prior to commencement
14. Highways construction infrastructure prior to commencement

15. Unsuspected contamination
16. Written Scheme of Investigation
17. Finished floor levels of plot 6
18. Site road and ground levels across flood zone
19. No piping of western watercourse channel
20. No external lighting to be erected upon dwellings without agreement of details with LPA.
21. Accord with LEMP
22. Details of tree retention
23. Dev32 compliance
24. Flood Emergency Plan
25. Submission of revised LDC

b) 2101/19/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove

Parish: South Huish

Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc.) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)

Case Officer Update: None

Speakers included: Objector – Mr Ron Cole: Supporter – Mr Mark Evans: Parish Council representative – Cllr Alan Cooper: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions

1. Time
2. Accords with plans
3. Details of a minimum of 10 integral nest sites (swift bricks) to be agreed and provided
4. Parking and turning to be provided and retained
5. Material details and samples for external materials including roof, fascia, render type and balcony balustrades.
6. Hard and soft landscape scheme (full details of species, sizes, densities and locations of plants) to include the retention and enhancement of the existing boundary hedgerow, and material samples of hard landscaping. Scheme to be based on Landscape Concept Plan CD/C/553-01 D.
7. No works to or removal of boundary vegetation until a management plan has been submitted to and approved in writing by the LPA.
8. Hedge and tree protection

9. A lighting strategy, to include locations, fixtures, lumens, and measures to reduce light spill for any external light fixtures.
10. Unsuspected contamination
11. CEMP
12. Provision of electric vehicle charging points
13. Details of levels
14. Holiday use restriction on the 9 holiday let apartments
15. Owner's accommodation to be used by person who is mainly occupied in the management of the holiday units.
16. Pre-commencement – adoption and maintenance of drainage
17. Pre-commencement – detailed surface water drainage management scheme
18. Pre-commencement – construction phase surface water drainage management scheme
19. Pre-commencement – evidence agreed discharge rates with SWW
20. Travel plan for staff.
21. Full details of living walls including supplier, construction detail, proposed planting medium and plants and a maintenance schedules for life of wall.
22. Details of any ancillary structures including any fencing, gates, signage, sculptural features.
23. Louvres on first and second floor east facing windows to be provided prior to occupation and to be retained and maintained
24. During discussion, an additional condition was added that would prevent parking of cars and boats on the lawned area at the front of the building, other than the four overflow spaces already included.

c) 0545/19/FUL Hill Cottage, Herbert Road, Salcombe

Parish: Salcombe

Demolition and rebuild of 2 existing dwellings

Case Officer Update: None

Speakers included: Objector – Mr Martin Trenchard: Supporter – Mr Mark Evans: Ward Members – Cllrs Long and Pearce

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time Limit
2. Approved Plans
3. Materials
4. Obscure glazing
5. Surfacing
6. Boundary Treatment
7. Landscaping
8. Drainage details

9. Unexpected contamination
10. During discussion, Members requested an additional condition that would require landscaping on the side elevations of the proposal
11. During discussion, Members requested an additional condition to protect the tree at the front of the property
12. During discussion, Members requested an additional condition relating to details of the balcony

d) 2416/19/FUL Land at SX903 518, Kingswear

Parish: Kingswear

Provision of a manege

Case Officer Update: The Case officer apologised for errors in the report in the spelling of manege, in that the incorrect map had been attached, and the Parish Council representation had not been included

Speakers included: Supporter – Mrs Amanda Burden: Parish Council representative – Cllr Hector Newcombe: Ward Members – Cllr Hawkins (statement read) and Cllr Rowe

Recommendation: Refusal

During discussion, a number of Members were of the view that the proposal would not be visible, particularly with the proposed landscaping in place. Members also agreed that the proposal should be approved for reasons of highway safety.

Committee Decision: Conditional Approval

Reasons:

In the interests of road safety, reduction in carbon arising from reduced travel, improving and enhancing the AONB with the additional landscaping and biodiversity

Conditions (final wording to be agreed with HOP, Ward Members and Chairman)

- Standard Time
- Standard Plans
- Not for commercial use
- Additional landscaping
- Land returned if no longer used
- Drainage details
- No outside lighting

e) 2198/19/FUL Post Barn, Ashprington Cross, Ashprington**Parish: Ashprington**

Cladding of existing gate and topping off of stone wall (Retrospective)

Case Officer Update: None

Speakers included: Objector - Ms Jo Cooke; Supporter – Mrs Amanda Burden; Parish Council representative – Cllr Lydia Stocks; Ward Member – Cllr John McKay

Recommendation: Conditional Approval

Members had a detailed discussion on this item, and, having attended the site inspection, were concerned about road safety. A plan was shown that moved the wall, but the plan was connected to an earlier application that had since been superseded. There were discussions about the most appropriate height for a wall in that position, whilst accepting that a hedge could be grown with no limit on height. Throughout the discussion the overriding sense was that the application should be refused on the grounds of highway safety and the subsequent vote was unanimous.

Committee Decision: Refusal

Reasons

The increase in height of the wall has reduced visibility at a junction on a Class C County Road resulting in an unacceptable impact on highway safety, contrary to paragraph 109 of the National Planning Policy Framework; and Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2024.

f) 1329/19/FUL Commercial/Office unit, Endsleigh Park, Ivybridge**Parish: Ermington**

Construction of commercial/office building (Class B1), with associated car parking, access and landscaping

Case Officer Update: Letter of representation received from Ivybridge Town Council – read in full

Speakers included: Supporter – Mr Nick Toms; Ward Member – Cllr T Holway

Recommendation: Refusal

During discussion, some Members were of the view that the existing units resulted in the proposal not being development within a countryside location.

There were a significant number of new houses in Ivybridge, and this proposal would provide employment within walking distance. The recent Climate Change declaration supported this development by providing employment in a sustainable location, even though it had not been included as an employment site within the Joint Local Plan.

Committee Decision: Conditional Approval

Reasons:

Supporting a rural and sustainable employment site under DEV15

Conditions: (to be agreed with HOP, Chairman and Ward Members)

g) 2948/19/FUL **Land adjacent Sea View, West Hill, Heybrook Bay**

Parish: Wembury

Case Officer Update: An additional condition should be included for details of retaining wall for driveway to be submitted and agreed

Speakers: Objector – Mrs Nicola Cuthbert; Supporter – Mrs Maureen Smith; Ward Member – Cllr Brown

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. 3 year time limit for commencement
2. Development to be carried out in accordance with approved details
3. Sample of natural slate to be provided
4. Details of render to be provided
5. Details of joinery to be provided
6. Wall to be constructed from natural stone
7. Rooflights to be flush fitting
8. Tamar EMS
9. Compliance with drainage scheme
10. Retention of garage for parking/not be used for habitable accommodation
11. Construction and Environmental Management Plan (prior to commencement)
12. Development to accord with recommendations in ecology report
13. No external lighting
14. Removal of PD rights
15. Compliance with landscape scheme
16. Unsuspected land contamination
17. Carbon reduction measures to be implemented prior to occupation

h) 0379/19/FUL Land on east side of New Road, Bickleigh

Parish: Bickleigh

Erection of new dwelling, landscape enhancements and associated works

Case Officer Update: None

Speakers included: Objector – Mr Duncan Tilney; Supporter – Mr Richard Hawkes; Ward Member – Cllr Spencer

Recommendation: Conditional Approval

During discussion, Members had differing views on this application. Some members felt that the development would be an intrusion in the landscape, and that the proposal was not exceptional enough to be approved under Para 79 of the JLP. Other Members thought the proposal was exciting and the carbon neutrality of the design made it exceptional.

Committee Decision: Refusal

Reasons:

1. The proposed development would not meet the requirements of Paragraph 79 in that it is not sufficiently innovative and does not significantly enhance its immediate setting and therefore is an unsustainable unsupported development.
2. The proposed development would have a detrimental impact on the ecology, in particular on the identified bat species.

DM.43/19 **PLANNING APPEALS UPDATE**

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

The Head of Development Management provided further details on specific recent appeal decisions.

(Meeting commenced at 9.30am and concluded at 17.10pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 4 December 2019

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
3460/17/OPA	Lutterburn Farm, Lutterburn Street, Ugborough	Conditional Approval	Cllrs Pannell, Abbott, Foss, Kemp, Long, Brown, Rowe, Taylor, Pringle (9)	(0)	Cllrs Hodgson and Rowe (by virtue of not being in attendance for the presentations at the previous meeting (2)	Cllr Brazil (1)
2101/19/FUL	Lantern Lodge Hotel, Grand View Road, Hope Cove	Conditional Approval	Cllrs Pannell, Abbott, Foss, Brown, Holway, Pringle, Rowe and Taylor (8)	Cllrs Hodgson, Kemp, Long (3)	(0)	Cllr Brazil (1)
0545/19/FUL	Hill Cottage, Herbert Road, Salcombe	Refusal	Cllrs Long, Foss, Brown and Pringle (4)	Cllrs Pannell, Hodgson, Kemp, Holway, Rowe, Brazil, Abbott and Taylor (8)	(0)	(0)
0545/19/FUL	Hill Cottage, Herbert Road, Salcombe	Conditional Approval	Cllrs Pannell, Hodgson, Kemp, Holway, Rowe, Brazil, Abbott and Taylor (8)	Cllrs Long, Foss, Brown and Pringle (4)	(0)	(0)
2416/19/FUL	Land at SX 903 518, Kingswear	Conditional Approval	Cllrs Foss, Hodgson, Long, Kemp, Abbott, Brown, Taylor, Rowe, Holway and Pringle (9)	Cllrs Pannell and Brazil (2)	(0)	(0)
2198/19/FUL	Post Barn, Ashprington Cross, Ashprington	Refusal	Cllrs Holway, Foss, Brazil, Abbott, Pannell, Long, Pringle, Hodgson, Rowe, Taylor and Brown (11)	(0)	(0)	Cllr Kemp (1)
1329/19/FUL	Commercial/Office Unit, Endsleigh Park, Ivybridge	Conditional Approval	Cllrs Holway, Abbott, Long, Pringle, Hodgson, Rowe and Taylor (7)	Cllrs Brazil, Pannell and Foss (3)	(0)	Cllrs Kemp and Hodgson (2)
2948/19/FUL	Land adjacent Sea View, West Hill, Heybrook Bay	Conditional Approval	Cllrs Holway, Foss, Brazil, Abbott, Pannell, Long, Pringle, Rowe and Taylor (9)	(0)	Cllr Brown (1)	Cllrs Kemp and Hodgson (2)
0379/19/FUL	Land on East Side of New Road, Bickleigh, Plymouth	Conditional Approval	Cllrs Brazil, Abbot, Foss and Brown (4)	Cllrs Pannell, Long, Rowe, Taylor, Holway and Pringle (6)	(0)	Cllrs Kemp and Hodgson (2)
0379/19/FUL	Land on East Side of New Road, Bickleigh, Plymouth	Refusal	Cllrs Pannell, Long, Rowe, Taylor, Holway and Pringle (6)	Cllrs Brazil, Abbot, Foss and Brown (4)	(0)	Cllrs Kemp and Hodgson (2)

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Ivybridge **Ward:** Ivybridge East

Application No: 3354/19/FUL

Agent/Applicant:

Mr B Lewis - Renplan Ltd
Renplan Ltd
Office 207, The Hive
6 Beaufighter Road, Weston-Sup
BS24 8EE

Applicant:

Conrad Energy (Developments) Ltd
C/O Agent

Site Address: Land at Ermington Road, Ivybridge, PL21 9ES

Development: Proposed installation of a Peaking Gas Generation Plant with associated development to include vehicular access and security fencing



Reason item is being put before Committee

Cllr Brazil – the proposal is of District wide significance and should be determined by DM committee

(Ward member Cllr Abbott also agree, as do adjoining ward members Cllr Holway and Cllr May)

Recommendation: Refusal

Reasons for refusal

1. The proposals, by virtue of their reliance on fossil fuels, are not considered to support of a Plan Area target to halve 2005 levels of carbon emissions by 2034 and therefore are considered to be contrary to policies SPT1, DEV32 and DEV33 of the Plymouth and South West Devon Joint Local Plan.
2. The proposals, by virtue of the proposed vent stacks and the scale and massing of the structures, the proposals will create further industrialisation and contribute to further erosion of Landscape Character, the proposals do not conserve or enhance landscape character and are therefore contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan

Key issues for consideration:

Principle – is the location acceptable for development and is the development proposal compliant with the strategic direction of the Joint Local Plan.

Climate Change – do the proposals represent best use of land in terms of balancing capability to decarbonise, provide for renewable energy and provide for energy resilience.

Landscape – are the proposals compatible with the surroundings, do they present demonstrable landscape harm.

Public Health – are the noise and air quality impacts acceptable

1. Site Description:

The site is located to the south of Ivybridge town centre with access taken from the slip road from A38 and Ermington Road.

2. The Proposal:

Three Gas Peaking Plants, the proposals will comprise the following equipment

- 3 generators, approximately 2MW capacity each, with 8.87m high vent stacks
- Each generator will have its own external transformer
- Each generator will have its own radiator fan unit and flue on the roof
- 1 x DNO building
- 1 x amenity cabinet
- 1 x gas kiosk
- 1 x oil storage
- 3 x CCTV unit
- 2.5m Palisade fence

3. Consultations:

- County Highways Authority – *Standing Advice*
- Environmental Health Section - *recommend acoustic screening*

- Town/Parish Council - *The site is located on the entrance to Ivybridge bordering open countryside. The Plant has an industrial appearance featuring 3 chimneys approximately 10m high, highly visible on the Erme Plym Trail, part of Devon's Coast to Coast route, and Members considered this to be inappropriate development and not in-keeping with the area. The neighbouring recycling centre was subject to major groundworks and landscaping in order to provide screening to protect the beauty of the surrounding countryside. In June 2019 the Town Council signed up to the Devon Climate Declaration, in conjunction with Devon County Council and South Hams District in order to meet the challenges of the declaration and tackle the climate emergency. This application would go against the Town Council's plan to reduce carbon emissions, and the Devon Climate Declaration to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations, and is therefore recommended for refusal.*
- SHDC Drainage – *standing advice*
- DCC archaeologist – *No comments to make*
- Natural England – *No objection*
- SHDC Landscape Officer - *Objection*

4. Representations:

4.1 The Petition

A petition with 907 signatories, the Petition was started by South Dartmoor Community Energy and the petition, to which members of the public counter signed, stated as follows

Conrad Energy have submitted a planning application to SHDC to build a gas peaking power station in Ivybridge. A gas peaking power station is one that can start up quickly to deal with the surges in electricity demand that happen at peak times, such as the evening when everyone is home watching TV, cooking, showering etc. They say we need it to cope with the intermittency of more renewable energy like wind and solar on the grid.

We oppose the construction of a new gas peaking plant because:

- *This will increase carbon emissions and SHDC and Devon County Council have declared a Climate Emergency.*
- *Nowhere in the documents supporting the planning application is there any mention of how much CO2 these gas engines produce.*
- *Also there is no mention of any benefit to the local community, no mention of any contribution to a community fund which is usual for schemes like this!*
- *We do NOT need a new power station, when there is a surge in electricity use, Western Power Distribution is already able to turn down demand by working with large businesses who are paid to switch off machines.*
- *It will not be used very often, so it is a waste of resources to build it.*
- *Alternatively, a better mix of renewables, including more wind generation, combined with smart storage technology and householders using less electricity at peak times would also avoid supply shortages at peak times. This would be cheaper and reduce carbon emissions.*

SDCE believe it completely inappropriate to build a gas-fired power station in this location. Low-carbon solutions are out there, this is not one of them!

4.2 Individual Letters of Representation

56 letters of objection were received, a summary of the issues raised are as follows

- SHDC have declared a climate emergency, Natural gas burning will increase carbon emissions
- very close to Green space, football playing field and local amenities.
- There renewable solutions that would be more suitable in this location.
- No mention of how much CO2 they produce
- not in keeping with the surrounding area
- within meters of housing in Marshall Drive and Leland Grove and new housing at Filham
- not necessary as there is a peak lopping gas fired station at Langage.
- add to the difficult traffic movements in that congested area
- design and appearance of the proposed facility unacceptable and out of place in this location.
- Other methods available
- makes no attempt to identify or compare alternative ways of addressing the need for peak power
- contrary to policies SPT1, DEV32 & DEV33, benefits do not outweigh the impacts

4.3 A letter of support was received from Western Power Distribution (WPD)

The letter details that peaking generation will mostly be required in May and June within the South Hams/Plymouth Constraint Management Zone (CMZ). WPD is expected future load growth in the area which will trigger major reinforcement across the wider area, WPD is looking to procure flexibility services to reduce loading on the South Coast interconnected network cable which runs from Ernesettle to Milehouse in Plymouth, they expect peak loads to exceed capacity up to 54 MW by 2021

5. Relevant Planning History

1050/18/FUL READVERTISEMENT (Revised Plans Received) Change of use to allow storage (Use Class B8), laying of compacted hard surface and erection of 2.4 metre perimeter fence Conditional Approval Land at SX633555 Ermington Road Ivybridge 10 April 2018

ANALYSIS

6. Principle of Development

6.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2. Policy SPT1 sets the framework for sustainable development for the Joint Local Plan, development and change across the three plan areas will be planned for and managed in accordance with the principles of sustainable development. Policy SPT1 has application to these proposals, it requires the *effective use of land is made for development through optimising reuse of previously developed sites, therefore*

reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes. Development where A low carbon economy is promoted and development where Demand for energy is reduced and opportunities for the use of renewable energy increased.

- 6.3. Whilst the Joint Local Plan has no policies which differentiate between types of power generation, the Joint Local Plan is clear its desire to reduce carbon emissions across the plan area by 2034 and transition towards a renewable means of energy supply. Policy DEV32 relates to delivering low carbon development and policy DEV33 relates specifically to Low Carbon and Renewable Energy, as such officers do not consider the plan is silent on matters relevant to the development proposal and it is considered that Paragraph 11(d) of the Framework is not engaged.
- 6.4. The site is previously developed land which was consented for storage use (use class B8) approved under planning reference 1050/18/FUL, the proposals do not seek to replace this permission, only to site the structures on part of the site that is currently unused. The site is located outside Ivybridge, a Main Town listed in policy TTV1, it's adjacent to Ermington Industrial Estate and between Ivybridge Recycling Centre and a Recreational Facility with countryside expanding to the east.

7. Proposal Explanation

- 7.1. The proposals seek permission for 3 Gas Peaker Plants to provide 6MW of electricity, Gas Peaker Plants are used to 'fill the gap' between high energy demand and low energy generation, an issue brought about by a transition to more renewable energy. In the UK this has predominantly been new Solar and Wind Farms, examples of these assets are found in the district, however the site will be connected to a National Grid gas main. Both prevalent renewable technologies are however 'weather dependant' and are not 'dispatchable'. This means they cannot be 'turned on' at any time, and only operate when the weather permits. Natural Gas is seen to have significantly lower carbon intensity than coal and is dispatchable but this is still a natural resource with a carbon cost and considered to be a fossil fuel.
- 7.2. According to the Department for Business, Energy and Industrial Strategy UK Energy Statistics, in 2018 a record 52.8% of electricity was generated from renewable resources. This however means that the UK is still heavily reliant on old inefficient and carbon intensive forms of electricity generation such as Coal Power and larger Gas Power Stations. Larger power stations are predominantly located in the Midlands and North of England, typically, electricity generated from these stations has to be transported long distances at high voltages to provide power to areas further away and its often argued that moving electricity is inefficient and increases the carbon intensity of grid supplied power and therefore decentralising energy generation is seen as more efficient. The Plan area does have a large scale Gas power plant which is located at Langage on the outskirts of Plymouth though.
- 7.3. Ivybridge and surrounding areas are connected to a mains supply and a modern 900MW Gas power station is located to the west on the outside of Plymouth at Langage which provides electricity, a peaking plant recently permitted within the same industrial estate in 2018 by Plymouth City Council before the adoption of the Joint Local Plan, Langage Power Station represents the southernmost point on the network.

7.4. The application has not provided any information to explain why Langage Power Station fails to meet the energy needs of the District or identified the risks to supplying energy in connection with renewables which the application will address. Western Power Distribution, a local district network operator (DNO), have awarded a contract to Conrad Energy for the delivery of the project, WPD detail that peaking generation will mostly be required in May and June within the South Hams/Plymouth Constraint Management Zone (CMZ). WPD expect that future load growth in the area which will trigger major reinforcement across the wider area, WPD is looking to procure flexibility services to reduce loading on the South Coast interconnected network cable which runs from Ernesettle to Milehouse in Plymouth, they expect peak loads to exceed capacity up to 54 MW by 2021. District Network Operators (DNOs) are technology agnostic however and it's for the Planning System to determine whether the development is appropriate against the policy context and other material considerations.

8. National and Local Policy Context

8.1. National Planning Policy Statement for energy EN-1 (NNPS) reinforces the Government's commitment, as set out in the Climate Change Act 2008, to cut greenhouse gas emissions (GHG) by 80% by 2050, compared to 1990 levels. Whilst noting that EN-1 relates to major energy infrastructure, it nevertheless serves to demonstrate that energy and long been vital to economic prosperity and social well-being and that it is important to ensure that the UK has secure and affordable energy. The NNPS was published in 2011 acknowledges fluctuating energy demands associated with renewable energy at paragraph 3.3.11 in stating *'some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost-effective means of providing such back-up, particularly at short notice, it is possible that even when the UK's electricity supply is almost entirely decarbonised we may still need fossil fuel power'* This paragraph does acknowledge fossil fuel use will likely form a part of primarily decarbonised energy infrastructure. It further goes on to say at paragraph 3.3.12 that *'The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity'*

8.2. The National Policy Statement for Energy (EN-1) was written in 2011 when the UK was legally bound to the requirements of the 2008 EU directive which committed the government to "cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels."

8.3. Since then, in 2019, The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (S.I. 2019/1056), changed the required UK carbon reduction target to 100% from the 1990 baseline. Also in 2019, the Plymouth & South West Devon Joint Local Plan was adopted, and this development plan document bound each of the component local authorities to a minimum 50% carbon reduction from 2005 levels within the life of the Plan.

8.4. The RTPi published a report on smart energy in 2019 (<https://www.rtpi.org.uk/knowledge/better-planning/better-planning-climate-change/planning-for-a-smart-energy-future/>) it highlights the challenges associated

with meeting 2050 decarbonisation objectives, whilst not policy, the report indicates some challenges going forward regarding energy security and looks towards a future where nothing should be planned without having successfully demonstrated it is fit to take its place in a net-zero emissions future. South Hams District Council have declared a climate emergency and will be working with partner authorities to work towards developing an action plan to reflect IPCC advice to reduce carbon emissions by 45% by 2030 and reach 'net zero' by 2050. The RTPI report recognises, as does the NNPS, that energy storage capacity is integral to provide flexibility in the energy system. The report recognises the lack of policy direction related to storage projects and debate over whether storage projects should be considered as low carbon infrastructure, particularly Gas Peaking Plants.

- 8.5. The National Planning Policy Framework requires Local Planning Authorities to plan for Climate Change, paragraph 149 states *Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.* Policies DEV32 and DEV33 are consistent with this and provide the local policy requirements for energy supply.
- 8.6. Since the publication of the NNPS technology has changed and there is more public support (and from community energy providers/NGO's) for alternative means for dispatchable energy such as Biogas Peaker plants and battery storage to reflect a changing national direction in the urgency to reduce carbon emissions, as is reflected in the update Climate Change Act and locally, the Plymouth and South West Devon Joint Local Plan.

9. Evaluation

- 9.1. There is some disagreement as to how to classify Gas Peaker Plants, as they seek to 'fill a gap' brought about by a transition to a fully renewable energy future. In considering an appeal between Allerdale Borough Council and Rydberg Development Company Limited (APP/G0908/W/17/3189773) the inspector echoed another appeal for a similar development stating *'Combined carbon emissions from these peaking assets, along with renewable sites, can provide very low carbon power. In this respect, I agree with the conclusions drawn by the Inspector in the submitted appeal decision that the proposed plant could reasonably be described as low carbon energy 'associated infrastructure' as supported by paragraph 93 of the Framework.'*
- 9.2. Policy DEV33 seeks to increase the use and production of renewable energy to contribute to national targets. The criteria of the policy is only applicable to renewable energy, it states *'renewable energy development will be supported where.....'* it is therefore considered the spirit of the policy is to support fully renewable energy such as wind, hydroelectric and solar. Paragraph 6.133 of policy DEV33 does acknowledge a need for energy security by stating *The establishment of a clean, secure supply of energy has been recognised by successive governments as playing a key part in ensuring long-term economic prosperity, with a clear role identified for renewable energy and energy storage as part of the required energy mix.* This paragraph does make reference to energy storage, which this proposals is not. For instance, energy storage could relate to batteries to provide peaking energy demand and co-located with renewable energy which would be consistent with the objectives of the Joint Local Plan to reduce fossil fuel use. A report by Regen (who contributed to the RTPI report on smart energy) identify market viability for battery storage as being strong, for

instance, when co-located with existing renewable energy infrastructure
<https://www.regen.co.uk/publications/energy-storage-the-next-wave/>.

9.3. Furthermore, as of December 2019, RenewableUK published research which has shown that *the total cumulative capacity of battery storage planning applications has soared from nearly 6,900 megawatts (MW) a year ago to over 10,500MW today – enough to fully charge over a million electric vehicles. The market has developed extremely rapidly - in 2012, applications stood at just 2MW. The number of UK companies involved in the sector has grown over the past 12 months from 300 to more than 450 and the average battery project size has increased slightly from 27MW to 28MW.*

<https://www.renewableuk.com/news/news.asp?id=479977&hhSearchTerms=%22storage%22>

9.4. It is in the view of the Local Planning Authority that Gas Peaker Plants are inconsistent with Joint Local Plan policy objectives and will seek to undermine the Authorities commitments to reduce carbon emissions. Officers consider that alternatives do exist which both will secure long term energy security and meet Joint Local Plan objectives to halve 2005 levels of carbon emissions by 2034. Apart from seeking to bridge a gap between demand and generation, Gas Peaker Plants are often described as a decentralised means of providing local energy supplies. The plant would be connected to the Local Distribution Network and may improve the viability of the industrial estate by providing greater security of supply. It is understood that in the Ivybridge area, WPD are looking for 46MW of capacity to provide services starting in 2020 but have only secured 17MW so far.

9.5. On principle grounds, it is considered that the proposals do not comply with policies DEV32 or DEV33. Whilst it is acknowledged that the proposed plant would be a low utilisation peaking asset, which would not be in continuous operation, policy DEV32 establishes a need to deliver a low carbon future together with a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised renewable energy. The proposals would diminish the Authorities target to reduce carbon emissions within the Plan Area, this is considered to weigh heavily in the planning balance. The proposals are for decentralised energy, however the policy is clear in that development should identify opportunities to minimise the use of natural resources, which this proposal does not.

9.6. As with policy DEV33, policy DEV32 is silent on specific energy technology but officers consider that any technology/development that doesn't bring with it carbon savings can be resisted on the basis of not doing what the policy requires. Although it is understood that the number of hours that the plant may need to run under the WPD contract is likely to be very small, the cumulative impact can be great if more are proposed elsewhere around the district. Whilst precedent is rarely a material planning consideration, the Courts have recognised that where a Local Planning Authority can demonstrate that approval of an application is likely to make it difficult for it to refuse similar applications, precedent is a material planning consideration. Nationally, of the 4,442MW flexible assets uploaded to the grid by the 12th June 2019, generators contributed the most, with 3429MW (or 77%) comprising the total capacity, although the type of generator isn't classified it's thought to mostly be gas power (Pico, Flexibility and Visibility, 2019). The determination of one peaking asset within the district could compromise the ability to resist further development of this type in

principle (notwithstanding other material considerations). The proposals for Gas Peaking energy do not reflect a changing environment around sustainable energy supply and a more pressing need to reduce carbon emission. Simply put, principally, Joint Local Plan Policy provides a carbon emission target in the plan area and numerous decentralised gas power assets would compromise the three authorities to achieve this.

9.7. Policy DEV32.3 provides a hierarchy to consider, Development proposals are considered in relation to the 'energy hierarchy' set out below:

i. Reducing the energy load of the development.

The proposal will generate energy through non-renewable means

ii. Maximising the energy efficiency of fabric.

This is not relevant to this proposal

iii. Delivering on-site low carbon or renewable energy systems.

The proposal will provide energy through the use of Gas

iv. Delivering carbon reductions through off-site measures.

There are no proposals for this

9.8. Paragraph 6.127 of DEV32 reinforces this hierarchy in stating *Development should minimise energy demand, maximise energy efficiency and integrate the use of renewable and low carbon energy*

9.9. Paragraph 153 of the National Planning Policy Framework states that *Local Authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable*; no information has been submitted as to why renewable energy with energy storage is not feasible or viable nor why and existing 900MW power plant is not sufficient, or at risk.

9.10. Battery energy storage is becoming to fall in cost compared to gas peakers and becoming more efficient, particularly as batteries can respond much quicker than combustion turbines. Additionally, Hydrogenated Vegetable Oils (HVO) or alternative biofuels can be used to generate energy by gas turbine. Officers consider that renewable energy located alongside supporting battery storage would represent a policy compliant means of energy delivery and resilience. Although the Local Planning Authority must consider the proposal before it, the comparisons between alternatives are worth explaining and the NPPF and Policy DEV32 make it clear that development proposals must comply with the development plan unless alternative types can be discounted

9.11. The UK is moving to lower carbon sources, which is in line with the policy objectives in the Joint Local Plan and NPS EN-1 requiring transition to a low carbon economy over time. Whilst EN-1 does identify a potential need to meet the demands of peak gas demand, there is no support for the use of natural gas, a fossil fuel, to be converted into electricity to meet the peak demand for electricity. Although WPD have issued a contract for the procurement of a Gas Peaking Plant, DNOs, following the rules set by the energy regulator Ofgem, are to remain 'technology agnostic' and act as a neutral market facilitator. It's for the Local Planning Authority to determine the acceptability of the proposed development in line with local planning policy and other material sources such as the NNPS, NPPF, planning and energy act and Climate Change Act.

9.12. The transition to more renewable electricity storage facilities is referenced in paragraph 6.133 of the JLP. The applicant claims government and National Grid support for peaking power plants, but nowhere is there any specific up to date support for gas being used to generate electricity, simply an in principle recognition that unrestrained energy demand may not always be met through renewable energy generation alone. The policies of the JLP and the demands of the 2008 Planning & Energy Act could be met through the increased deployment of low-carbon peaking technology such biomass or energy from waste, or through enhanced storage technology aligned to existing renewable energy infrastructure. Even in 2011 EN-1 acknowledged that low-carbon energy sources such as biomass or energy from waste offer adequate response to peak load demand. There is no overt or explicit national policy support for the use of gas as an appropriate peaking fuel, but there is local and national policy conflict with using a fossil fuel in this manner and it's this matter that weighs negatively in the planning balance.

9.13. Peaking Plants are proposed on the basis that they fill a gap between demand and how much renewable energy is available. Given national and local direction to a transition to a low carbon economy, it follows that requirements from decentralised energy, storage and resilience, must too continually change with time, to reflect the transitioning energy market and the ability to insist on more carbon neutral means of energy delivery. The need for the proposed development must be assessed on the basis of the individual contribution of the proposed development to meeting the overarching policy objectives of security of supply and decarbonisation if it is submitted on that basis and justification sought on that basis.

9.14. It is not considered that the creation of a gas-fuelled power plant would aid the transition towards a greater proportion of energy being created by renewable means, regardless of its timed activation or use. Instead, by proposing to meet peak demand through fossil fuel generated energy (reliant on pipeline supply of hundreds of miles and subject to price and supply volatility) this proposal would further dissociate consumers from any understanding of where their energy comes from, and hamper the transition towards what is a fundamental requirement of future energy strategy – managing consumer demand so that it better matches the energy generation patterns from renewable technologies, as expressed in policy STP1.2(v). The installation of gas peakers also absorb valuable grid capacity that could be used to facilitate more renewable energy, effectively blocking the installation of clean energy generators until such time that the national grid is upgraded with more capacity

9.15. Officers consider that in light of available alternatives that have not been assessed nor discounted, together with the impacts the development will have on the council's ability to meet its carbon reduction targets and the continued reliance on fossil fuels, the proposals are considered contrary to policies SPT1, DEV32 and DEV33.

10.Ivybridge Neighbourhood Plan (INDP)

10.1. As an adopted neighbourhood plan, it forms part of the overall development plan for the area. The neighbourhood plan has no policies relating to energy and can be considered to be silent in this regard. The vision and objectives of the INDP seek to encourage business, support economic sustainability and environmental sustainability through travel management and care of natural resources. Whilst

energy security is important for ensuring continued successful business, the proposal will use natural resources to secure that energy supply and can be said to both support and conflict with the vision and objectives of the INDP

11. Design/Landscape:

- 11.1. The site is located on the periphery of a largely industrialised area south of the A38, the structures will appear as utilitarian, urbanised structures. It is noted however that the site is adjacent to some storage containers (approved under 1050/18/FUL) and Ivybridge Recycling Centre which undermines the rural character of the area to a degree and acts as an edge of settlement feature. To the south is a recreational facility and recreational grounds and further east is open countryside
- 11.2. The site does not have any landscape designation, policy DEV23 concerns landscape impact, it reads;
Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Development proposals should:
- 1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness. Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees, hedgerows and watercourses that contribute to the character and quality of the area*
 - 3. Be of high quality architectural and landscape design appropriate to its landscape context.*
 - 4. Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquility has been eroded.*
 - 5. Restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness.*
 - 6. Where necessary, be supported by Landscape and Visual Impact Assessments and landscaping schemes that enhance that proposed development.*
 - 7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements.*
- 11.3. The councils landscape officer commented on the proposals and raised an objection, he commented as follows
- 11.4. *The proposed development is located within the Erme valley, on the fringes of Ivybridge close to existing light industrial uses and the Erme tennis centre. The plot of land is immediately adjacent to the Ivybridge Recycling Centre (IRC) and Container storage units, below the A38 to the north. Part of the site boundary has been planted with new hedgerows as part of the IRC access, with the other sides screened by existing mature highways planting. Historically the land use was open pastoral farmland with some particularly important vernacular boundary walls. The IRC has seen the introduction of earth bunds and landscape planting which mitigate the main new use. Useful reference has been made by officers to the LVIA that accompanied the original DCC IRC application; this is still considered to be relevant. This LVIA notes the sensitivities of the Landscape Character Areas, and draws reasoned conclusions about potential impacts from the IRC. Whilst the proximity of the*

proposed storage containers and IRC provide a degree of low level industrial character, officers are of the view that there will be visual harm arising from the 10m high gas engine flues, and massing and scale of the overall plant. This would result in a moderate/significant change to the current character, including being seen more widely where the skyline will be affected, creating a much larger industrialised character. On this basis, the proposals fails to accord with current landscape policy, which would not be conserved and enhanced; therefore the proposed development cannot be supported.

- 11.5. Officers concur with the comments made by the landscape specialist and as such, by virtue of the proposed stacks, massing and scale of the structures, the proposals will create further industrialisation of this landscape and cannot therefore be said to conserve or enhance landscape character and contribute to a further erosion here contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan

12. Neighbour Amenity:

- 12.1. There are no neighbouring dwellings in close proximity to the site. The proposals may have a noise impact and Air Quality impact to those using the recreational ground to the south
- 12.2. The councils Environmental Health team comments on the application as follows *We have no adverse comments to make regarding the Air Quality Assessment (ref; S2598-0209-0001EH) and I support its conclusions. It is worth noting the Air Quality Assessment (AQA) states that “the facility is intended to be run up to 2500 hours per year (equivalent to a little over an average of 8.6 days and nights per month) and goes on to use this as a conservative worst case scenario for assessing the level of impact. Noise*
With respect to the noise assessment (ref; 19 -133) we note it identifies in table 12 page 22 “A potentially adverse night-time impact of +5 dB upon NR2 (noise receptor 2) dependent upon context. The Noise report suggests the context to be applied is that use of this plant will be rare and only in the case of emergency, and this assumption therefore mitigates the potentially adverse night-time impact. This is not the conservative approach as adopted by the AQA. Recommendation; Our advice therefore would be to recommend inclusion of bunding and or acoustic screening in the site design that will mitigate and reduce to a minimum what would be a noticeable and intrusive impact of upon NR2 The details of acoustic screening is a matter that could be dealt with by condition
- 12.3. Given the comments provided, officers have no reason to conclude that the application would lead to a detrimental effect to amenity in terms of noise and air quality and accord with policies DEV1 and DEV2 of the Joint Local Plan

13. Highways/Access:

- 13.1. The site has an existing access and is not considered to generate a significant amount of traffic, officers do not have any concerns relating to Highway or Access matters

14. Planning Balance

- 14.1. The proposals are not considered to comply with policies DEV32 or DEV33. Whilst it is acknowledged that the proposed plant would be a low utilisation peaking asset, whilst it would not be in continuous operation, policy DEV32 establishes a need to deliver a low carbon future with a Plan Area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy. The proposals would diminish the Authorities target to reduce carbon emissions within the Plan Area and undermine this key objective, especially when alternatives are available.
- 14.2. The benefits of the development are identified and positioned by the applicant as providing energy security for a local geographic area. It has been described that the plant will provide energy as further transition to renewable energy takes place. However the some of the energy supplied to the locality comes from a large gas fired power plant rather than relying heavily on local renewable energy. A lack of evidence regarding alternatives has been provided which would justify the Local Authority making a determination which runs contrary to its policy and strategic objective in this instance, the benefits are therefore afforded little weight because of this
- 14.3. Whilst NPPF paragraph 154 seeks to ensure that LPA's support the need to facilitate renewable and low carbon energy as they contribute to cutting greenhouse gas emissions and although appeal decisions have classified Gas Peaker Plants as a 'low carbon' technology, the plant will emit GHG's and paragraph 154 of the NPPF refers to proposals that 'provide a valuable contribution to cutting greenhouse gas emissions'. The Framework focusses the attention of the planning authority to ensuring that developments which contribute to the reduction in greenhouse emissions are provided in the right place
- 14.4. The proposals, by virtue of the proposed 10m high stacks, massing and scale of the structures, the proposals will create further industrialisation of this landscape and cannot therefore be said to conserve or enhance landscape character and contribute to a further erosion here contrary to policy DEV23 of the Plymouth and South West Devon Joint Local Plan and this amounts to harm in the planning balance
- 14.5. The proposals are for decentralised energy, and the Local Plan, National Planning Policy Framework and National Planning Policy Statement for Energy encourage proposals for decentralised energy. Adopted Joint Local Plan the policies are clear in that development should identify opportunities to minimise the use of natural resources, Paragraph 6.127 of DEV32 reinforces this in stating Development should minimise energy demand, maximise energy efficiency and integrate the use of renewable and low carbon energy. The policy is clear in that any technology/development that doesn't bring with it carbon savings can be resisted on the basis of not doing what the policy requires and the Joint Local Plan has bound each of the component local authorities to a minimum 50% carbon reduction from 2005 levels, these matters are considered to weigh more heavily in the planning balance given that the proposals are specifically for energy provision.
- 14.6. The proposals do not accord with the adopted development plan policies, and the updated 2008 Planning and Energy Act which reflects in 2019 the urgent need to move away from fossil-fuel based energy sources. Policy DEV32 and DEV33 provides support for renewable and low-carbon energy infrastructure that contributes to meeting government targets for carbon reduction – which is considered to be a

more demanding target now than when the NPS EN-1 was written and adopted. The benefits of providing localised energy is not considered outweigh the harm associated with the use of fossil fuels and the ability for the authority to reduce carbon emissions from 2005 levels nor the contribution the structures will have on furthering the erosion of Landscape Character. The proposals are recommended for refusal.

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

15.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
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy

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

Ivybridge 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: Charlotte Howrihane

Parish: Ivybridge **Ward:** Ivybridge West

Application No: 3021/19/HHO

Agent:

Mr Graeme Barclay
14 Moorland View
Princetown
Yelverton
PL20 6QZ

Applicant:

Mr Wayne Child
11 The Coppice
Ivybridge
PL21 9TR

Site Address: 11 The Coppice, Ivybridge, PL21 9TR

Development: Householder application for single storey extension to dwelling



Recommendation: Refusal

Reasons for refusal:

The proposed extension, by virtue of its scale, use of materials, and architectural composition would be an incongruous addition to the dwelling. The proposal is of poor design which fails to take into account the characteristics of the local street scene, and as such, conflicts with policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan, and paragraphs 127 and 130 of the National Planning Policy Framework.

Reason item is being referred to Committee: Cllr Austen has requested that the application is heard at the Development Management Committee as he considers the design of the proposal to be acceptable, contrary to Officer recommendation

Key issues for consideration:

Principle of development, design, landscape impact, neighbour amenity.

Site Description:

The site is an end of terrace property within The Coppice, a cul-de-sac within the large residential area to the west of Ivybridge town centre. The entrance to the dwelling is currently located on the side elevation, with a proportionally large area of amenity space to the rear. The property, like the others within The Coppice, is a modern late 20th century house, in a mix of brick and render. A public footpath runs along the front of the site providing pedestrian access to a play area and other residential streets to the north and west of the site.

The site is not within any special areas of designation.

The Proposal:

The application proposes the erection of a single-storey extension to the side of the dwelling. The extension would be of an asymmetrical design, increasing in width as it extends back along the side of the existing property, so that the front elevation would be 3.4m wide, whilst the rear elevation would measure 4.75m in width. The proposal is for a flat-roof extension, with a height of approximately 2.9m. The materials proposed for the extension are black corrugated metal cladding, with a sedum green roof. Doors and windows would be powder-coated aluminium, also in black.

The second part of the proposal is to increase the size of an existing single-storey flat-roof extension to the rear of the dwelling. The extension would extend out just over 1m further for the rear elevation than the current extension, and would extend across the entire rear elevation of the original house. This part of the proposal would be rendered.

Consultations:

- County Highways Authority - no comments
- Drainage- no objection, subject to conditions
- Town Council - support

Representations:

None

Relevant Planning History

None

ANALYSISPrinciple of Development/Sustainability:

The principle of development to the side of the property is acceptable. Given the space available, and absence of neighbouring dwellings to this side of the site, Officers have no concerns with the principle of an extension to the side elevation. However, other material considerations such as design, and landscape impact, must also be considered and are critical to the acceptability of the specific scheme proposed.

Design/Landscape:

The site is within the The Coppice, a cul-de-sac of dwellings of uniform appearance, namely two storey dwellings of brick and render. Whilst the properties are of traditional late-20th century construction with little architectural or historic merit, there is an identifiable character and sense of homogeneity to the street scene. The proposed extension does not respect this vernacular, and the flat-roof construction and black metal profile cladding would introduce a harsh, industrial character to this distinctly residential environment.

Located on the side of the property, extending out in line with the existing front elevation, the proposal would be highly visible from public vantage points, particularly the footpath which runs along the front boundary of the site. The existing property is fairly narrow, with the front elevation measuring 3.8m wide, whilst the proposed extension would measure 3.4m across the front elevation. Given the asymmetrical design, widening towards the rear to a width of over 4.7, the extension would be of a scale which would compete with the original dwelling, rather than appearing as a subservient addition, even with the proposed boundary fence, which would not obscure enough of the development as to make the visual impact acceptable. When viewed from the public footpath, the extension would be nearly as wide as the front elevation of the house, a scale which is not considered to be appropriate given the incongruous materials proposed.

The proposed side extension has a larger footprint than the original house. This not only goes against general design principles, which require extensions to be subservient to their host dwelling, but the size would accentuate the stark contrast in materials and exacerbate the visual intrusion into the street scene. The National Design Guide, published in October, emphasises that the right materials can greatly help new development to fit harmoniously with its surroundings, and this is reinforced in both local and national policy- The Plymouth & South West Devon Joint Local Plan requires development to have *'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character'* (policy DEV20) and to *'maintain an area's distinctive sense of place and reinforce local distinctiveness'* (DEV23). The current proposal appears to have shown no consideration of the local vernacular, which is contrary to both these local policies, and the National Planning Policy Framework, which require development to be *'visually attractive as a result of good architecture, layout...sympathetic to local character (and) surrounding built environment and landscape setting'* (paragraph 127). Paragraph 130 states that permission should be refused for development of poor design which *'fails to take the opportunities available for improving the character and quality of an area'*.

Overall, the proposal is therefore considered to be of poor design using inappropriate materials, which would negatively impact upon the local landscape character.

Neighbour Amenity:

The site is an end of terrace property, with a footpath and wooded area to the north-west. In front of the property is the continued footpath. Officers are therefore satisfied that the proposal would not harm the amenity of any neighbouring properties in terms of dominance or overlooking and therefore accords with JLP policy DEV1. No third-party representations have been received.

Carbon emissions:

The applicant states that the green roof has been proposed to reduce the carbon emissions from the development, although no evidence has been submitted to demonstrate that this would be the most energy efficient design, or that alternative options have been considered. Whilst low carbon development, and a reduction in emissions is an objective of the Joint Local Plan (policy DEV32), this forms part of the planning balance and does not necessarily override other material planning considerations. In this instance, Officers consider that alternative designs could also include measures to improve energy efficiency, and that this positive aspect of the proposal is outweighed by the harm arising from the poor design.

Highways/Access:

The existing highways arrangement would be unaffected.

Drainage:

The site is within a Critical Drainage Area, as identified by the Environment Agency. No objection is raised by the Council's Drainage Specialists, subject to conditions relating to surface water and foul drainage, should the application be approved.

Other matters:

The applicant references the Draft Supplementary Planning Document, in particular paragraph 13.7, which states that '*Occasionally, extensions which differ or even contrast with the original property can be acceptable. However, even where materials or designs contrast there should still be a harmonious relationship with the main body of the property being extended*'. Officers must stress that this is not an adopted document, it is currently out for consultation and therefore carries little weight in decision making. Nevertheless, Officers have never stated that an extension would have to match the existing property, contrasting designs can often be acceptable. However, in this instance, for the reasons given above, the design and scale are inappropriate and contrary to policy.

Summary:

Officers have tried to work positively and proactively with the applicant, repeatedly advising that while the principle of an extension in this location would be acceptable, an alternative design is necessary to secure a consent. Officers have suggested withdrawal of the application, and working with the applicant through the pre-application process to work towards a design which could be satisfactory to all parties. This was not accepted by the applicant, and so the application has been determined in its original form. Whilst Officers therefore have no objection to some form of extension on the site, the current proposal is of a design which would jar with the current property, and a scale which would dominate the original dwelling. As such, it represents an incongruous addition to the street scene, and is in conflict with both local and national policy and so is recommended for refusal.

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.

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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk & water quality impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF), guidance in Planning Practice Guidance (PPG) and National Design Guidance

Neighbourhood Plan

The site is within the area designated as part of the Ivybridge Neighbourhood Plan. This plan has been made and so forms part of the development plan. However, the site is not within any of the specific policy areas highlighted within the plan, and there are no policies regarding design or alterations to residential properties which would be relevant to the current proposal.

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: Adam Williams

Parish: North Huish **Ward:** South Brent

Application No: 3498/19/FUL

Agent/Applicant:

Mr Ian Hodgson - DMR Design
The Acorn Centre
Oak Court
Lee Mill Industrial Estate, Iv
PL21 9GP

Applicant:

Mr & Mrs C Collins
23 Southfield Avenue
Preston
Paignton
TQ3 1LH

Site Address: Newpark Stables, North Huish

Development: Proposed Manege Area to be used in conjunction with existing Stables development.



Reason item is being put before Committee

Cllrs Pannell and Smerdon wish the Committee to consider the relationship of the proposed development to the AONB and whether there is any impact on neighbour amenity

Recommendation: Conditional Approval

Conditions

1. Standard Time
2. Standard Plans
3. Not for commercial use
4. Additional landscaping
5. Land returned if no longer used
6. Drainage details
7. No outside lighting

Key issues for consideration:

The principle of development in the countryside, landscape impacts in particular impacts on the AONB, and amenity.

Site Description:

The site comprises a piece of land and some stables near Diptford, used for keeping horses, the stables are prohibited from livery functions. The site is in open countryside, within the Area of Outstanding Natural Beauty. The site itself is set behind a hedgerow and trees and has limited visibility from the public highway

The Proposal:

The proposal seeks permission to construct a ménage measuring 40x30m, the works will involve the formation of banking as part of the 'cut & fill' exercise in constructing/siting a flat area into a land that has a sloping topography

Consultations:

- County Highways Authority - no comments
- SHDC Drainage - This is an application for the provision of a sand school, therefore we have no comments.
- Town/Parish Council – objects on AONB grounds and is of the view the site is being used for livery purposes
- SHDC Landscape Specialist - In summary the proposed development would result in limited harm – low to negligible, and the overall landscape character is conserved if mitigation is secured by condition

Representations:

10 letters of support were received and 10 letters of objection were received.

In support, a summary of the comments are as follows

- Space to train competition horses off road
- Will prevent field being churned up
- Reduce travel from the site to another ménage
- Limited visual harm

- Other comments misunderstand schooling livery, suggests that the applicant can train other people's horses
- Applicant is a respected show jumping competitor

In objection, a summary of the comments are as follows

- Applicant has been using site for livery/commercial purposes
- Increased traffic
- Contrary to policy in terms of landscape impact and AONB impact
- Overlooking

Relevant Planning History

37/0610/12/DIS Mr K Sahraian-Jahromi

Discharge of conditions 6 (Landscaping details) and 8 (Schedule of materials) of planning approval 38/2989/11/CU. Discharge of condition Approved

Newpark Stables North Huish North Huish Devon TQ10 9NN 14 March 2012

38/2989/11/CU Mr K Sahraian-Jahromi

Retrospective application for the change of use of land to equestrian use and the erection of stable, quad bike and storage buildings. Conditional Approval

Newpark Stables North Huish North Huish Devon TQ10 9NN 22 November 2011

ANALYSIS

Principle of Development/Sustainability:

Sustainable development which are identified in that policy and include avoiding adverse environmental impacts and maintaining local distinctiveness and sense of place.

Policy TTV26 specifically applies to development in the countryside, and it includes a number of relevant points. Part 1 relates to isolated development such as proposed, but the proposal is not addressed by any of the exceptions given. Part 2 of TTV26 sets out a number of other criteria to apply within the countryside, but they are not relevant given the land is already in equestrian use and there are no bridleways or public rights of way across the land. The use of the land has already been changed from agricultural to equestrian under permission ref: 38/2989/11/CU. Therefore there is no principle change of use of the land associated with this application.

Policy TTV28 applies to horse related development in the countryside. This policy seeks to ensure there is adequate land for the number of horses to be kept, existing buildings are reused before new ones are considered and are commensurate with the number of horses and there is an agreed scheme of management for any ancillary development.

The applicant has provided a statement confirming various matters contained within TTV28 and the information provided here is considered to be acceptable given that there are existing stables on site and the proposal relates to an existing function.

Accusation has been levied regarding the commercial use of the site, the applicant is reminded that application 38/2989/11/CU prevented the use of the site for commercial purposes, a new ménage will also be limited in this respect. The accusations of commercial use cannot be a reason to refuse a ménage, rather this matter is for enforcement. The application must be considered in isolation on its own merits.

Design/Landscape:

The site falls within the South Devon AONB and the Heritage Coast and so is subject to the highest level of protection established at a national level in NPPF para 172 and at a local level by policy DEV25.

The site is located on high ground with an open aspect and views available from the fields to the east over the valley. Views are also available through the site entrance which are a sensitive receptor in rural locations where views into fields are often only achieved through gaps in the hedges. The land rises from the location of the stable building to the east after it falls, the ménage would need to be dug into a bank to create the necessary level surface.

The councils Landscape Specialist was consulted and provided the following comments

'The proposed sand school is within an area under existing equestrian use, including stables, subdivided paddock field system with post and rail, and manoeuvrable field shelters on sleds. The local and wider landscape is strongly rural in character under agricultural use – with mixed arable and pasture.

The site lies on sloping land which would necessitate some limited ground engineering, banking, and levelling but across a considerable area of land in order to create the sand school. Such operations could potentially fail to conserve and enhance the AONB, which as noted is characterised under LCT type - 5A. Inland elevated undulating land; a landscape of elevated undulating farmland, is generally open and treeless with little built development. It is valued for its remote and 'empty' character, sparsely settled and with high levels of tranquillity and experience of dark skies.

In noting the form and location of the sand school, the resultant works would change the landform at a local level but to a limited extent, sloping more acutely over approximately 2.5m drop across falling ground. There would be an opportunity to mitigate this with planting which would broadly accord with local character where historically some fields are more irregular in shape and smaller (east of North Huish). Additionally some further copse planting secured to the south-east corner, infilling between existing boundaries and the menage.

In assessing local viewpoints, these are considered to be limited mainly to the north and east from narrow, local lanes. The proposal will be seen in the context of a rural landscape but with equestrian activities. The proposed development would not be an obvious feature, and one that could be mitigated. There are some opportunities to seek enhancement, in particular to screen the horse lorry – through selective tree planting within the maturing hedge line to the north of the stables, and a small copse in the south east corner.

In summery the proposed development would result in limited harm – low to negligible, and the overall landscape character is conserved if mitigation is secured by condition. This is in consideration of the existing, established equestrian use and constrained nature of views from the undulating, hedge lined lanes and wooded valleys locally. There are limited opportunities for enhancement but notably some new additional tree planting within the existing maturing hedge to the east of the stables and planting around the sand school in the form of hedges and copse. The proposal would have a broadly neutral impact. It will be important to secure a strong and guiding condition.'

The landscape specialist, in noting the form and location of the sand school, the resultant works would change the landform at a local level but to a limited extent. Despite this, taking

account of the change that has occurred with the stables and the change of character of its supporting field system, there would be an opportunity to mitigate the local harm with planting and some further copse planting secured to the south-east corner, infilling between existing boundaries and the ménage. Subject to condition then, the proposals can provide for enhancement to mitigate the limited harm and the proposals are in accordance with policies DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

Neighbour Amenity:

No amenity issues due to the separation to adjoining neighbours, the use of the fields for equestrian activity already occurs so accords with policy DEV1.

Highways/Access:

The access is already established, as is the use of the land, so no highways issues are raised provided the condition to restrict commercial use is adhered to. The travel impacts are already established as the stables are permitted.

Other Matters:

Drainage – The applicant has stated the ménage would be free draining so the proposal would not result in additional runoff. If the application was recommended for approval further details would be requested to ensure this is the case, and if not a condition imposed to ensure a workable surface water drainage solution is secured.

Biodiversity Policy DEV26 requires all development to ensure biodiversity enhancements, but this should be “proportionate to the type, scale and impact of development”. If implemented, the landscaping condition and additional tree planting and hedge creation offers proportionate biodiversity gains commensurate with the scale of the development.

Planning Balance

Whilst the site lies within the AONB, the equestrian use of the site is an established feature, the development of a ménage will alter the landform somewhat, however it has been assessed that this impact will be limited locally. Mitigation is proposed by condition and the applicant has satisfied the relevant parts of policy TTV28. A condition will also be applied to prohibit commercial use. Overall the proposals are considered to be acceptable on balance, noting existing features and possible mitigation measures.

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
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape
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

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

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.

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;

Proposed Elevations Sections 1910/P2 – received by the Local Planning Authority on 07/11/2019

Scheme Design: Site Layout Plan 1911_P1 – received by the Local Planning Authority on 07/11/2019

1911_L1 Location Plan – received by the Local Planning Authority on 07/11/2019

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. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until full details of drainage scheme for the surface water have been submitted to and approved in writing by the LPA. The drainage scheme should follow the drainage hierarchy with soakaways as the first choice. Only if soakaways are not feasible will an alternative scheme be considered. Design steps as below

- Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trial logs and calculate the infiltration rate.
- Soakaways to be designed for a 1:100 year event plus an allowance for climate change. (Currently 40%)
- If the ground conditions are not suitable then a controlled discharge to a water course or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate. If the site is within a Critical Drainage Area then any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
- If discharging to the sewer written permission from SWW will be required.

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

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.

4. The manege hereby approved shall only be used by the owners of the immediately adjoining stable block for their personal use, and not for any commercial purpose.

Reason: To ensure it does not result in additional traffic using the adjoining road and to justify the need for the manege within the AONB

5. No development shall take place until a 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:

- a concept statement explaining how the proposed landscape treatment conserves and enhances the special qualities of the AONB and responds to the landscape character of the area;
- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;

- materials, heights and details of fencing and other boundary treatments;
- 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 woodland 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 planting shall be implemented within the first planting season following practical completion. If within a period of five years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All work shall be completed in accordance with the timetable agreed.

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

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

Reason: To protect the countryside from intrusive development

7. If the manege is no longer required the land shall be restored to its former state within 12 months of the use ceasing, unless agreed in writing by the Local Planning Authority.

Reason: to protect the Undeveloped Coast from unessential development.

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Totnes **Ward:** Totnes

Application No: 0332/19/FUL

Agent/Applicant:

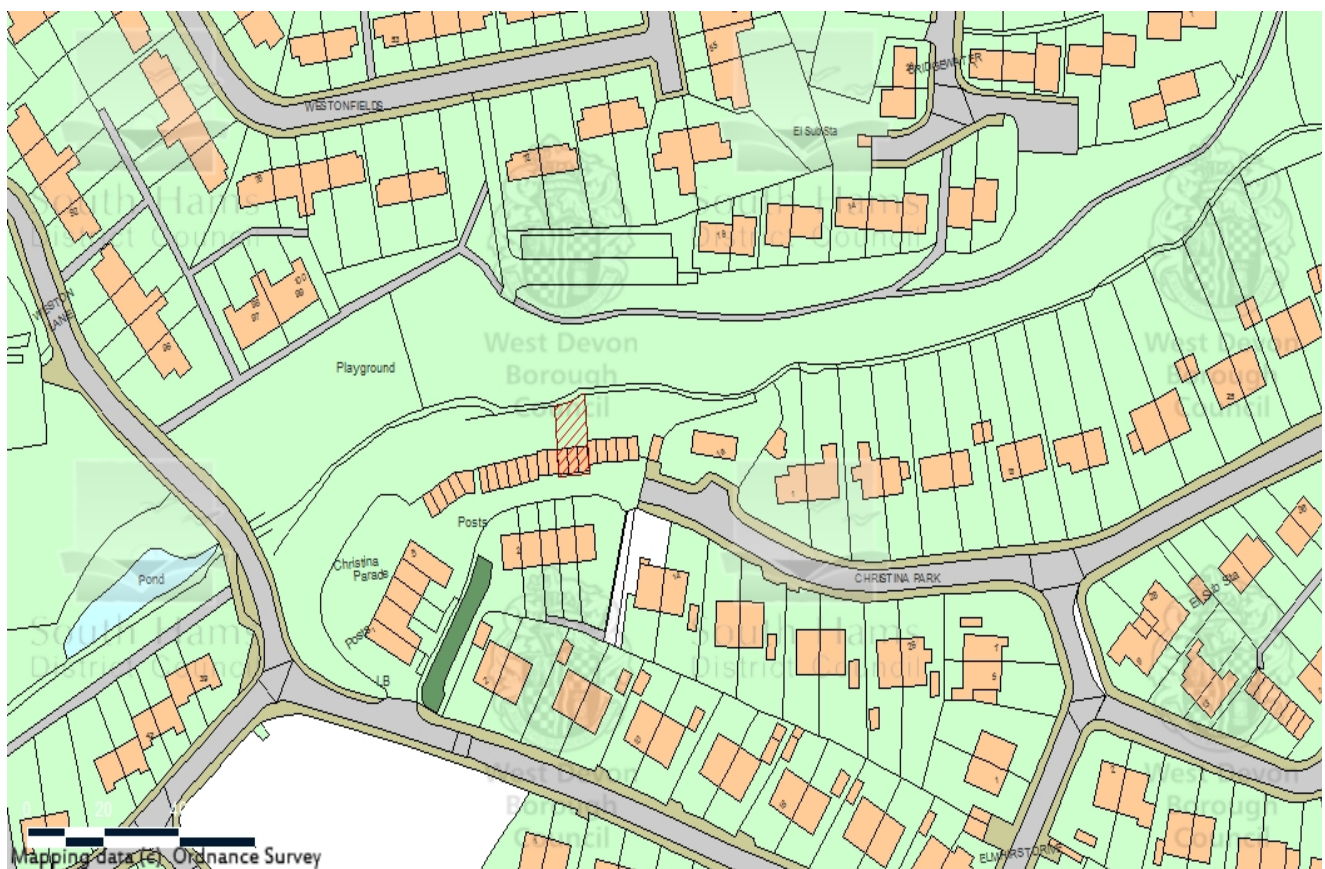
Mr Rud Sawers
Rud Sawers Architects
1 Dartmouth Close
The Plains
Totnes
TQ13 7QU

Applicant:

Mr Stuart Daniel
Chapel Cottage
Old Road
Harbertonford, Totnes
TQ9 7TA

Site Address: Garages 7, 9 and 11, Christina Park, Totnes, Devon, TQ9 5UT

Development: Construction of a new three storey private residence on a brownfield site currently occupied by three garages



Reason item is being put before Committee *Cllr Sweett*

Lighting/illumination, removal of trees, lack of parking, impact to Ecology, impact to townscape from chicken run greenspace, flooding

Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accordance with plan
3. Surface water drainage in accordance with submitted details
4. No external lighting
5. Materials
6. CMP (dust, parking, hours of working)
7. Details of internal and external lighting
8. Accord with ecology report
9. unexpected contamination
10. No part of the development, including any garden area, may extend below a level of 11.6 metres Above Ordnance Datum
11. The finished floor level of the lower ground floor shall be set no lower than 13 metres Above Ordnance Datum
12. Details of tree planting along northern boundary of the site

Key issues for consideration:

Principle, design, amenity, highways, flood risk, drainage

Site Description:

Site comprises three adjoining single-storey garages and land to the rear, located at western end of Christina Park. To the east will be a new dwelling approved under 1623/16/FUL for a similar scheme and further east is no.1a Christina Park, the site adjoins further single-storey garaging to the west. Ground level falls to north of the site. Within a critical drainage area and Flood Zone 2 and 3.

The Proposal:

Construction of a new three-storey 3 bedroom dwelling, comprising two bedrooms bathroom at lower ground floor level, another bedroom and car port at ground floor and living spaces at first floor. The building will appear two storey at the front and three storey at the rear owing to sloping ground levels, the building footprint will be 43sqm with total floor area being 131sqm

Materials: vertical stained larch timber cladding, aluminium windows, white brick chimney flue, timber decking with brick retaining walls, seamed metal roof.

Following revisions during the life of the application the proposals were amended to reduce the proximity of the terrace to the stream to the rear and include parking within the site and forms the ground floor of the proposals and also include sustainability measures such as solar panels, wildflower roof, bat and bird boxes under the eaves and air source heat pump

Consultations:

- County Highways Authority – *standing advice*
- Totnes Town Council – *Objection - The impact of a 3 storey building on the visual amenity from the 'Chicken Run' green space.*

No off-road parking – parking provision should be integral to the property to ensure emergency vehicle access at all times through Christina Park.

Large windows at the rear of the property will produce light spillage onto the ecological corridor (as will any external lighting).

Councillors request the views of: officials at Devon Highways on the impact of this development on accessibility of the Christina Park road; and the South Hams District Council Tree Officer on the four trees that will be felled to facilitate the development.

Following the submission of revised plans the town council comments were as follows

The Committee requests that the following conditions are included:

- limitations on external lighting on the rear of the property to reduce light spill onto the wildlife corridor; and

- additional planting in the garden to screen the wildlife corridor.

The Committee would like it noted that they were disappointed not to see any renewable energy provisions on a new build dwelling.

- SHDC drainage – *I am happy with surface water drainage scheme and suggest following condition:*

The drainage scheme shall be installed in strict accordance with the approved plans (submitted on 11th March 2019 14:44 via an email), 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.

- SHDC Ecologist – *avoiding lighting of the habitat to the north of the site (i.e. stream and tree corridor) should be the aim, albeit it would be subject to a level of light already.*
- SHDC Tree Officer - *The submitted information has been reviewed in accordance with the relevant Policies of the South Hams District Council Local Development Framework December (2006), West Devon Borough Council LDF Core Strategy Development Plan (2006-2026) and the Plymouth and South West Devon Joint Local Plan (2014-2034) and relevant industry British Standards/ Acts as appropriate.*
Review of the submitted information has been undertaken and it is considered that accurate description of the site and level of constraint posed by the trees is made.
The site is noted to have vegetation/ hedges/ trees/ wooded groups of limited potential arboricultural significance to the application and as such do not constrain the application.

Recommendation

No objection on arboricultural merit

- Environment Agency – *recommends conditions pertaining to site levels.*

Representations:

6 letters of objection were received raising the following material planning issues

- no provision for the connection to the main drainage system
- excavation of the made land on which the garages sit could well cause problems with the foundations of the terrace in which we live.
- Parking
- Dust, noise and disruption from construction
- Removal of trees and shrubs, impact to wildlife
- Additional traffic

Relevant Planning History

None.

ANALYSIS

Principle of Development/Sustainability:

The principle of development on this site is considered acceptable as it falls within the development boundary Totnes, subject to the considerations below.

Design/Landscape:

The proposed building has a modern appearance with a reverse pitched roof, large windows and timber cladding which would introduce a new architectural style to the existing street scene but seeks to replicate similar form, massing, scale and design as the dwelling approved to the east under planning application 1623/16/FUL, this was determined on 31st January 2017 and does not expire until 31st January 2020 and as such remains an active permission, given the similarities of the sites there is considered to be little material discernible differences between the two sites and for consistency the authority has acknowledged this. The primary differences with this proposal amount to building footprint, the recently approved application had a depth of 9.6m whereas the proposal has a depth of 7.8m

Christina Park is characterised by single-storey dormer bungalows that are predominantly rendered with tiled roofs. Subject to a condition on samples of materials, the introduction of the new materials proposed to the streetscene are considered to add diversity and visual interest within in an area of no particular architectural style worthy of preservation or replication, particularly given that they would replace poor quality garaging.

Given the fall in ground level the application site would be set at a lower level than the surrounding housing, and the reverse pitched roof would pull the bulk of the building away from the street frontage onto Christina Park. The height and bulk of the building is therefore considered to sit comfortably within the streetscene of Christina Park and in relation to the heights of the surrounding housing. It is acknowledged that due to the fall in land, and the reverse pitched roof, the rear of the building would effectively appear as three-storey which would be a significant change to the single-storey garaging. However, with the bulk at the rear of the site this would not impact on the streetscene of Christina Park.

An element of visual impact will arise from those using the 'Chicken Run' play park 37m to the north west as 4 trees will be removed meaning the proposed dwelling will be more visible and less obscured by trees, this visual impact could manifest itself upon residents living Westonfields, the nearest dwelling being 57m north and 50m North East. The land between the 'Chicken Run' and the site has a semi natural character, the removal of trees will eliminate any level of natural screening for the site and will appear obtrusive from this side of the site, the tree officer has confirmed that these are of little arborcultural merit. Given the distances involved from the Chicken Run, the built up context which can already be seen from positions here, and the intervening retained trees running along the stream, the proposal will subsume into its environment and over time will be read as part of the wider domestic character and accords with policy DEV20 of the Joint Local Plan

Policy DEV10 states;

New dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards. Sufficient external amenity space or private gardens should also be provided.

Internally a 3 bedroom, 3 storey home would require between 90 and 108 m² of internal space depending on the number of persons, discounting the garage the internal floor area is 119m², currently there are no prescribed standards for amenity space, noting the internal space and comparing to national space standards the proposals are considered to provide a good quality of accommodation and accords with policy DEV10

Neighbour Amenity:

Policy DEV1 of the Joint Local Plan requires planning applications to be assessed against the level of amenity generally in the area. In terms of amenity, the principle neighbour will eventually be those occupying the approved dwelling adjoining the site, the increased bulk of the proposal on the boundary with properties opposite is not considered to cause significant loss of amenity, an adequate level of separation will exist between the dwellings and the level of harm will be no greater than the resulting impact from the neighbouring site once completed in that new windows that would face over Christina Park are not considered to result in unacceptable loss of privacy given this cross street relationship and the oblique angles between the properties.

In terms of privacy to the future adjoining neighbour, no windows are proposed in either the west or east elevation facing the newer dwelling. The proposed house would introduce new elevated windows to the rear of the site, however given the separation from the houses on Westonfields to the North are not considered to result in significant loss of privacy.

Residents have raised issues that could arise from construction in terms of noise, dust, and access given the site constraints, many of these issues can be dealt with through an appropriately worded construction management plan to control hours of working, construction traffic and dust treatment. A CMP wasn't conditioned with the recent approval adjacent to this site but given that this application will likely cause cumulative impacts and therefore a CMP condition is considered justified in this instance

Highways/Access:

No parking space was provided upon submission as per the adjacent site. The proposals would result in a 3 bedroom home without any off street parking. Whilst this is considered to be less of an issue within a town setting, it cannot be disregarded that the occupiers will not own at least 1 car. The nature of this part of Christina Park narrows and at the end is a cul de sac where some bollards are, there is little space to turn and cars parked in front of the house and in front of garages outside of the ownership would be considered to detriment public convenience

Upon revision, a garage was identified on plan within the ground floor however this only measures 2.6 x 4.9m which is below standard, Garages should 6m x 3m internally according to Manual for Streets 2007. A further amendment was submitted increasing this to 6m x 3m to satisfy dimensions as outlined in the 'Manual for Street 2007' and therefore deemed acceptable.

Ecology:

The Ecology report found no evidence of bats in the garages with little potential for roosting (no further surveys required) The site is not within current South Hams Greater Horsehoe Bat SAC but in close proximity to the flyway buffer

Four trees are proposed to be removed and there a stream running along the wider wooded area, running off the River Dart it seems so probably of potential foraging value, a preliminary ground level bat tree roost assessment was done as part of the ecology report but the survey identified that the trees had no obvious roost features. Overall, it was recommended that should any trees or shrub be cleared between March and June then qualified ecologist should confirm the absence of breeding birds prior to clearance.

In terms of light spill issues, it is noted that the wider site to the north is already subject to a level of light spill being within the built up area of Totnes. The impact of light spill caused by the windows has been evaluated by the Councils ecologist and subject to the submission of details pertaining to the features and technical nature of internal lighting the impacts to protected species could be reduced but also noting the intrusion already established by the adjoining approved site. The proposals are therefore considered to comply with policy DEV26 of the Plymouth and South West Devon Joint Local Plan

Other Matters:

Drainage and Flooding

The site falls within a critical drainage area and Flood Zone 2 and 3, however the drainage strategy has been revised in line with recommendations of the Council's specialist drainage engineers and an acceptable solution proposed. However, the Environment Agency objected to the application owing to the fact that part of the site (the rear terrace) is located within Flood 3b, a functional flood plain, following plan revisions the EA had amended its comments to suggest finish floor level conditions. Officers had contacted the Environment Agency as to whether or not a sequential test is required as this did not form part of their consultation response, it was confirmed that as the building plot itself is not within the flood zone, the proposals have taken a sequential approach to development by locating the building outside of the flood zone.

DEV32 Compliance

The proposal commits to providing measures such as solar panels, wildflower roof, bat and bird boxes under the eaves and an air source heat pump

Conclusion

The principle of developing this brownfield site within the development boundary of Totnes is considered acceptable. While the design and materials are acknowledged to have a modern appearance that would introduce a new architectural style, this is considered to add to the visual interest of the streetscene and the proposals commit to providing an energy efficient home, these aspects are considered to weigh positively in the planning balance. Concern has been raised regarding the bulk and mass of the proposal from longer views to the north, however the impact is considered acceptable in the context of the surrounding housing and the neighbouring approval, whilst every application must be determined on its own merit, the approval of an almost identical proposal on an adjoining site must be borne in mind. The proposals would not have a significant impact on the amenity of the adjoining neighbours. Ecological issues and amenity issues arising from construction are considered acceptable subject to conditions. Overall the benefits of the proposals outweigh the harm and officers recommend that conditional planning permission is given.

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

Planning Policies

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

PLY61 Strategic infrastructure measures.

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

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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 169 and guidance in Planning Practice Guidance (PPG).

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.

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)

Revised plan - 280_P(--)009 Proposed Site Section - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 002 Prop LOWER GROUND Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 003 Prop FIRST Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 004 Prop ROOF Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 100 Prop SITE Plan - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)005 Proposed SOUTH (front) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)006 Proposed NORTH (rear) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)007 Proposed EAST (Side) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--)008 Proposed WEST (Side) Elv - Received by the Local Planning Authority on 11/11/2019

Revised plan - 280_P(--) 001 Prop GROUND Plan - Received by the Local Planning Authority on 11/11/2019

Contamination Report - C61859 Christina Park PIR – Received by the Local Planning Authority on 13/02/2019

Tree/hedge survey - Tree Constraints Plan 05220 - TCP – Received by the Local Planning Authority on 14/02/2019

Tree/hedge survey - Arboricultural Impact Assessment Report - Received by the Local Planning Authority on 14/02/2019

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. The drainage scheme shall be installed in strict accordance with the Critical Drainage Area - Flood Risk Assessment and Drainage Strategy received by the Local Planning Authority on 11th March 2019 14:44 via an email, it must be 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.

4. No external lighting shall be installed unless agreed in writing by the local planning authority.

Reason: to ensure the ecological corridor to the north of the site is not disturbed.

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

Reason: In the interests of visual amenity.

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

(a) daily hours of construction.

(b) hours during which delivery and construction traffic will travel to and from the site.

(c) the location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored. (d) details of proposed parking areas for contractors/workers.

(c) details of how dust will be kept to a minimum

Reason: In the interest of highway safety and the amenity of neighbouring residents.

7. Prior to development above dpc level details of internal lighting and north facing glazing treatments shall be submitted to and approved in writing by the Local Planning Authority. The lighting and glazing treatments shall be installed in accordance with the approved details and maintained in perpetuity

Reason: to help protect the ecological corridor to the north of the site from light spill from the new dwelling.

8. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat & Nesting Bird Survey by Colmer Ecology Dated January 2019 with strict adherence to the measures in section 5

A post-development report by the consultant ecologist confirming that the recommendations in this report have been followed and enhancements properly incorporated must be submitted and approved in writing by the Local Planning Authority prior to occupation

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended) and in accordance with Policy DEV26 of the Plymouth and South West Joint Local Plan

9. 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.

10. No part of the development, including any garden area, may extend below a level of 11.6 metres Above Ordnance Datum, in accordance with drawings 'Proposed Site Section 280-P(-)009 Revision B' and 'Proposed Lower Ground Plan 280-P(-)002 Revision D'.

Reason: To ensure no increased flood risk elsewhere.

11. The finished floor level of the lower ground floor shall be set no lower than 13 metres Above Ordnance Datum, in accordance with drawings 'Proposed Lower Ground Plan 280-P9_0002 Revision D' and 'Proposed Site Section 280-P(-)009 Revision B'. The finished floor level of the ground floor shall be set no lower than 15.85 metres Above Ordnance Datum, in accordance with drawings 'Proposed Ground Plan 280-P(-)001 Revision E' and 'Proposed Front (South) Elevation 280-P(-)005 Revision C'.

Reason: To reduce flood risk from sources to the front and rear of the property.

12. Prior to development above dpc level, details of new tree planting denoted on approved plan 280_P(--) 002 Prop LOWER GROUND Plan, must be submitted to and approved in writing by the Local Planning Authority

Reason: in the interests of biodiversity

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 3391/19/HHO

Agent:

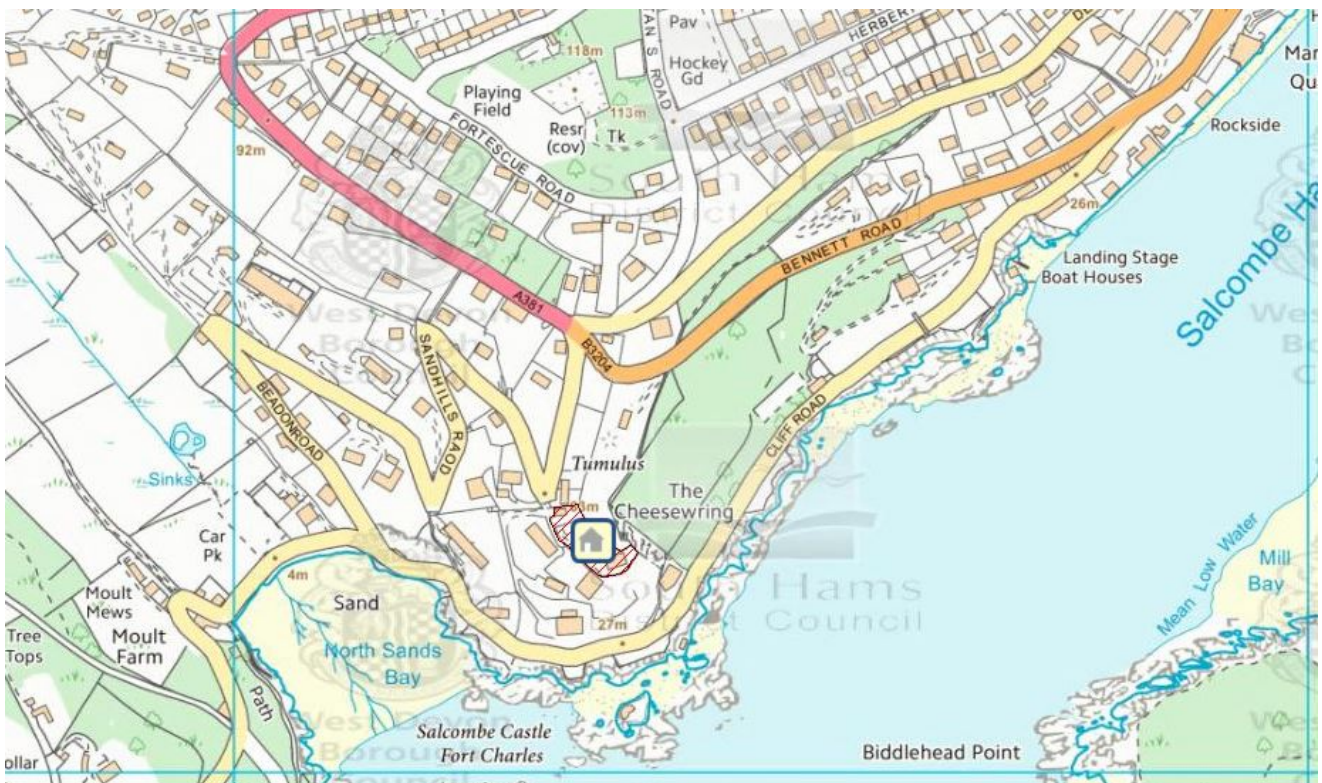
Mr Dominic Warren - rawspace
22 Upper Mall
London
W6 9TA

Applicant:

Mrs Sheila Jansen
Cheesewring, Sandhills Road
Salcombe
TQ8 8JP

Site Address: Cheesewring, Sandhills Road, Salcombe, TQ8 8JP

Development: Householder application for rebuilding of boundary wall following partial collapse (Retrospective).



Reason item is being put before Committee

Cllr Long considers it is appropriate for the Members of Committee to determine the key issue of public amenity with this application given the height and location of the rebuilt wall.

Recommendation: Conditional approval

Conditions

Standard time limit
Adherence to plans

Key issues for consideration:

Impact on public amenity views from the public footpath adjacent to the site and impact on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located c. 1.1km south west of Salcombe town centre, accessed via Sandhills Road. The site is set in an elevated position above the estuary and enjoys panoramic views of the area. The Cheesewring is a single, detached dwelling of contemporary design set in landscaped gardens.

The Proposal:

The applicant seeks retrospective planning permission for the rebuilding and increase in height of the stone boundary wall to the north east of the site, adjacent to Salcombe Footpath 24. Footpath 24 connects Bennett Road to the north with Cliff Road to the south of the site. The section of footpath directly adjacent to the application site slopes steeply downward from north to south, with a zig zag layout to reduce the gradient for users; the surface is currently unmade.

- County Highways Authority No highways implications
- Town Council Objection as the new wall had been built too high (as much as 50% in some places) and removed a public amenity view from the adjacent footpath.
- SHDC Tree Officer Application reviewed: no comments offered

PUBLIC CONSULTATIONS**Representations:****Representations from Residents**

Comments have been received and cover the following points:

None received.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/0176/85/3: FUL	Extensions and garage	Cheesewring Sandhills Road Salcombe.	Conditional approval: 02 Apr 85
41/0556/92/3: FUL	Erection of bedroom/hall/garage extension	Cheesewring Sandhills Road Salcombe.	Conditional approval: 29 May 92
41/0094/96/3: FUL	Erection of greenhouse	Cheesewring Sandhills Road Salcombe.	Conditional approval: 15 Mar 96
41/0636/99/F: FUL	Erection of sun lounge and sun deck	Cheesewring Sandhills Road Salcombe TQ8 8JP	Conditional approval: 26 May 99
41/0431/10/F: FUL	Householder application for alteration and extension to the existing balcony and deck area	Cheesewring Sandhills Road Salcombe TQ8 8JP	Approval: 17 May 10
41/0547/13/F: FUL	Replacement dwelling	Cheesewring Sandhills Road Salcombe TQ8 8JP	Withdrawn: 03 May 13
41/2095/13/F: FUL	Resubmission of application 41/0547/13/F for a replacement dwelling	Cheesewring Sandhills Road Salcombe TQ8 8JP	Conditional approval: 31 Oct 13

41/0031/12/PREMIN : PRE	Pre-application enquiry for replacement dwelling	Cheesewring Sandhills Road Salcombe TQ8 8JP	Pre application - Officer support: 02 Dec 13
41/2358/14/MIN: NMM	Non-material minor amendment (lowering of main house and relocation of pool) to planning approval 41/0547/13/F	Cheesewring Sandhills Road Salcombe TQ8 8JP	Conditional approval: 17 Dec 14
1275/18/TPO	T1: Sycamore Fell, infected with rot, increased exposure by removal of T2; T2: Sycamore Fell, due to extensive decay in base of trunk.	Cheesewring Sandhills Road Salcombe TQ8 8JP	Tree works allowed: 12 Apr 18

ANALYSIS

Principle of Development

The site currently hosts a single residential dwelling within the built form of Salcombe; the principle of development is therefore established.

Public Amenity

The Town Council have objected on the basis that the wall has increased in height by 50% in places and removes a public amenity view from the footpath adjacent to the application site. While this is correct, the increase in the height of the wall will increase security and privacy for the occupants of Cheesewring. It is not considered that the loss of a public amenity view from a very short section of the footpath, which is not easily accessible to a wide range of users due to its steep gradient and unmade surface, is so significantly harmful so as to warrant a refusal solely on this basis. It should also be noted that the Devon County Council Public Rights of Way Officer was consulted as part of the application and has not offered any comments on the scheme. As such, the proposal is considered acceptable with regard to policies DEV1, DEV2, DEV20, DEV23 and SALC B1.

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 the design and materials have a neutral impact on the AONB, thereby conserving the natural beauty of the AONB. 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 with regard to the provisions of DEV25 and SALC ENV1.

Other Matters

As the proposal comprises the rebuilding and increase in height of an existing wall it is not considered that the proposal would impact on trees and hedgerows and as such, is not considered to conflict with DEV26 or DEV28.

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.

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
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows

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: Draft Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2019, South Devon AONB Management Plan (2019-2024).

Neighbourhood Plan

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. 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 and Block Plan 601 001 001
Proposed Site Plan 604 110 .001
Proposed Elevations 689 001
Received by the Local Planning Authority on 28 October 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.

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Application to work on Trees protected by a Tree Preservation Order Assessment and Recommendation



Tree Preservation Order : TPO Ref: 851 G1

Site Address: Land adjacent to 7 Whimbrels Edge Thurlestone TQ7 3BR

Application Register No : 3353/19/TPO

Applicant: Mrs Judy Pearce

Proposed works: T1 - T7: Elm - Crown lift on North side to 3m from ground level, deadwood removal (exempt) and remove basal epicormic growth. To allow pedestrian access without damaging trees.

Date of Application : 29/10/2019

Representation Period ends: 26/11/2019

Target Decision Date : 18/12/2019

Reason item is being put before Planning Committee: The applicant is a member for SHDC Salcombe & Thurlestone Ward

Site assessed by : L Marshall

Date : 19/12/2019

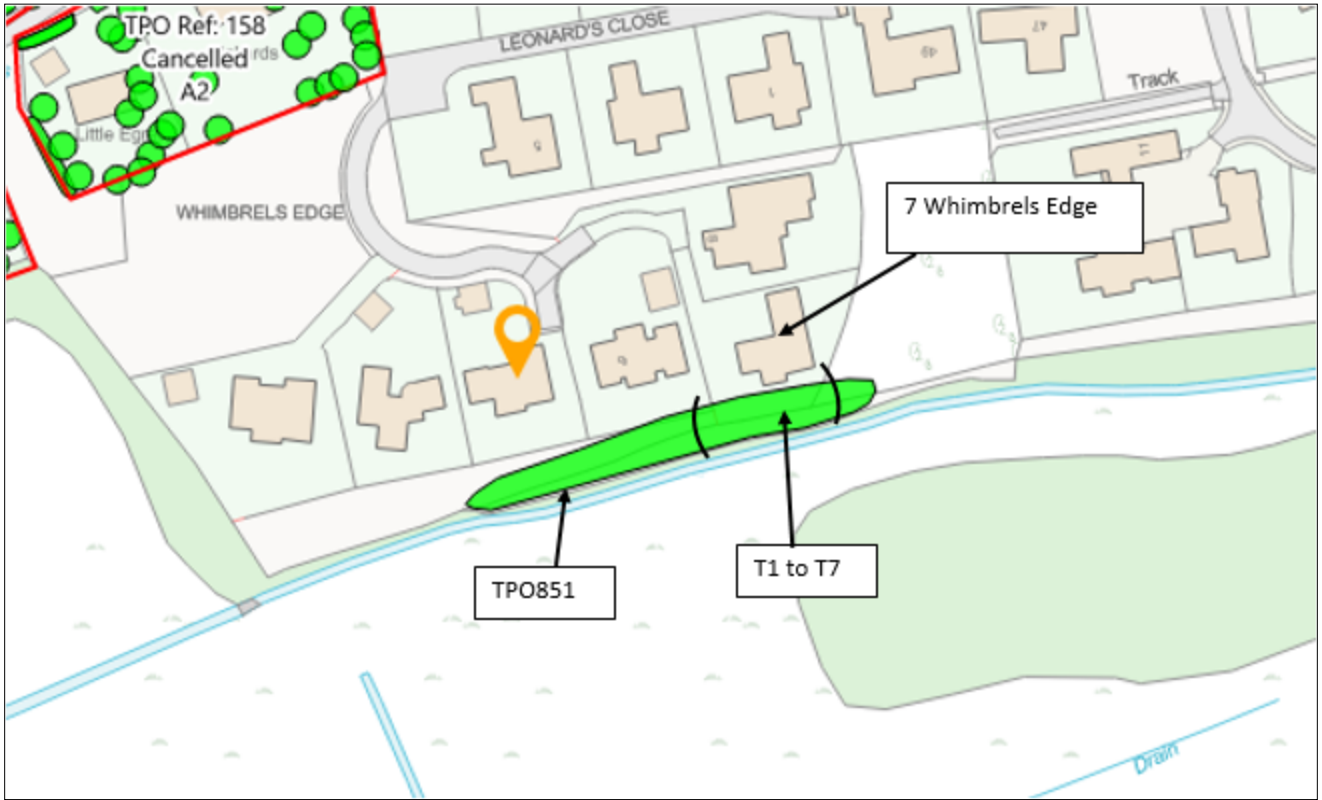


Figure 1: Site location plan



Figure 2: North Dr aspect of trees over lawn

Recommendation: Approval

Requirements of consent:

1). All approved pruning works are required to be undertaken in their entirety in accordance with B.S.3998 2010 Tree Work - Recommendations

Reason

To ensure all works are undertaken in accordance with current industry best practise as detailed within B.S.3998 2010 Tree Work - Recommendations and to ensure works do not deviate from attached conditions.

2). The consent hereby granted is conditional on the tree being managed in the following manner:

- a. That the permitted crown lift to the Northern aspect of the canopy noted within this decision notice may be undertaken on a cyclical management basis. Repeat pruning may be triggered when clearances reduce to less than 2.5m from the level of the lawn below the subject branches.
- b. The crown lift is strictly limited to achieving a 3m clearance between ground level and the lowest foliage.
- c. No further requirement for permission will be required from the Local Planning Authority for a repeat of those works allowed within this decision notice.
- d. This cyclical permission relates solely to those works approved within this decision notice.
- e. The approved crown lift should not be achieved by the removal of branches greater than 75mm in diameter and should not entail the removal of primary branches back to the parent stem.

Reason

To reduce the requirement upon the tree owner to undertake recurring tree work applications that prescribe reasonable and arboriculturally appropriate tree surgery works.

Key issues for consideration:

The impact on the contribution made to public visual amenity locally if the works are approved.

The proposal:

The application seeks consent for the Crown lift on North side to 3m from ground level, deadwood removal (exempt) and remove of basal epicormic growth

Appraisal:

During the site visit it was noted that the small diameter pendulous branches were growing at a height of between 1.5 and 2 over the lawn to the newly built property.

The proposed works are ordinary garden maintenance and will not adversely affect tree health or the visual amenities of the area given the small scale of the works and the limited visibility of this lower Northern aspect of the trees crown. Minor basal growth is present.

The works are in the interests of good arboricultural management and will engender a positive relationship between property occupiers and the purposefully retained protected trees group if approved, and controlled by Conditions as recommended.

Consultations:

- Salcombe Town Council

Consultation responses

- Support from the Town Council

Conclusion

Due consideration has been given to the amenity value of T1 to T7 and the potential impact of the works upon this contribution to the local wooded character of the area. Officers are satisfied that no adverse impact will be appreciable.

Recommendation

Approval with Conditions 1 & 2 attached as above.

South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 15-Jan-20

Appeals Update from 22-Nov-19 to 3-Jan-20

Ward Dartmouth and East Dart

APPLICATION NUMBER : **3717/18/CLE** APP/K1128/X/19/3226155
APPELLANT NAME: Mr Benedict Downing
PROPOSAL : Lawful development certificate for use of part of building as single dwellinghouse
LOCATION : Coombe Paddock Coombe House Lane Stoke Gabriel TQ9 6PU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-December-2019
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Newton and Yealmpton

APPLICATION NUMBER : **0195/19/VAR** APP/K1128/W/19/3234577
APPELLANT NAME: Ryearech Ltd
PROPOSAL : Variation of condition 3 of planning consent 37/1714/15/F (Proposed housing development comprising 16 dwellings and associated access road, car park and landscaping) for slate roofs to numbers 8-12 and 14-17 fixed with hooks rather than nails
LOCATION : 8-12 & 14-17 Peters Field Newton Ferrers Devon PL8 1BU
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 29-August-2019
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 02-December-2019

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 Devon TQ8 8EQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 02-September-2019
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 31-December-2019

APPLICATION NUMBER : **0550/19/FUL** APP/K1128/C/19/3228354
APPELLANT NAME: Yellow Bridge Developments Ltd
PROPOSAL : Retrospective application for a change of use from residential/office/storage to residential at first floor
LOCATION : Creek House Island Street Salcombe TQ8 8DP
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-December-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: Dismissed (Refusal)
APPEAL DECISION DATE: 05-December-2019

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: Dismissed (Refusal)

APPEAL DECISION DATE: 13-December-2019

APPLICATION NUMBER : **3440/18/CLP** APP/K1128/X/19/3222974

APPELLANT NAME: Mr David Auden
PROPOSAL : Lawful development certificate for proposed amalgamation of two flats into one dwellinghouse

LOCATION : Upper Pillars Eddystone Road Thurlestone TQ7 3NU

APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 25-July-2019

APPEAL DECISION: Dismissed (Refusal)

APPEAL DECISION DATE: 28-November-2019

APPLICATION NUMBER : **4152/18/FUL** APP/K1128/W/19/3240806

APPELLANT NAME: Mr & Mrs Trevor and Pauline Rendle

PROPOSAL : Erection of 3 dwellings

LOCATION : Land at The Holt Bolberry Road Hope Cove TQ7 3HT

APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 17-December-2019

APPEAL DECISION:

APPEAL DECISION DATE:

Ward South Brent

APPLICATION NUMBER : **2817/19/FUL** APP/K1128/W/19/3242849

APPELLANT NAME: Mr Jeremy Burgess

PROPOSAL : New dwelling (resubmission of 1270/19/FUL)

LOCATION : Wagland Farm Halwell TQ9 7LB

APPEAL STATUS : Appeal Lodged

APPEAL START DATE: 30-December-2019

APPEAL DECISION:

APPEAL DECISION DATE: