

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 7th October, 2020										
Time:	11.00 am & 2.00 pm										
Venue:	Via Skype										
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="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Brown</td> <td>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:	Janice Young Specialist- Democratic Services 01803 861105										

1. Minutes

1 - 8

To approve as a correct record the minutes of the meeting of the Committee held on 9 September 2020

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) 2545/19/FUL

9 - 18

**"Land at Venn Lane", Norton
Retrospective application for
change of use of land to provide
site for the Stagecoach bus
depot and highway
improvements**

(b) 0857/20/HHO

19 - 30

**3 Edwards Close, Thurlestone
Householder application for first
floor extension**

	Page No
7. Planning Performance Indicators	31 - 32
8. Planning Appeals Update	33 - 34

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

Planning Applications Continued:

9. 0265/20/ARM	35 - 64
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**"Field To Rear Of 15 Green Park Way", Port Lane, Chillington
READVERTISEMENT (Revised
Plans Received) Application for
approval of reserved matters
following outline approval
0771/16/OPA (Resubmission of
3193/18/ARM)**

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD via SKYPE, ON WEDNESDAY,
9 SEPTEMBER 2020**

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 (Deputy Chair)	*	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 D O’Callaghan and J A Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Planning Specialist; Deputy Monitoring Officer; Specialist (Place Making); Democratic Services Manager; and Specialist (Democratic Services)

DM.06/20 MINUTES
The minutes of the meeting of the Committee held on 8th July 2020 were confirmed as a correct record by the Chairman.

DM.07/20 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr R Rowe declared a personal interest in all four applications as she was a Member of the South Devon AONB Partnership Committee. Cllr Rowe remained in the meeting and took part in the debate and vote thereon:

Cllr B Taylor declared a personal interest in all four applications as he was a Member of the South Devon AONB Partnership Committee. Cllr Taylor was also absent from the DM Committee on 12th February when application **2434/18/ARM** was original heard and deferred, therefore although he remained in the meeting, Cllr Taylor took no part in the debate nor vote thereon:

Cllr G Pannell declared a personal interest in **1180/20/FUL** as the applicant is the son of an acquaintance. Cllr Pannell remained in the meeting and took part in the debate and vote thereon:

Cllr T Holway declared a personal interest in application **1430/20/HHO** as he has family living opposite the applicant.

Mr D Wright declared a personal interest in application **1093/20/FUL** as he plays football with the applicants. Mr Wright remained in the meeting but stood aside from gatekeeping for this application.

DM.08/20 **PUBLIC PARTICIPATION**

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

DM.09/20 **PLANNING APPLICATIONS**

The Committee considered the details of the planning application prepared by the Planning Case Officer 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) 1430/20/HHO 14 Riverside Walk, Yealmpton, PL8 2LU

Parish: Yealmpton

Development: Householder application for extension to rear of property

Case Officer Update: No update

Speakers included: Supporter – Ms Sarah Lock; Ward Member – Cllr K. Baldry

Recommendation: Conditional approval

Committee decision: Conditional approval

Conditions: 1. Standard time limit
 2. Adherence to plans
 3. Materials to match
 4. Surface water drainage

b) 2434/18/ARM "Allocated Site K5", Land at SX 729 440, West Alvington Hill, Kingsbridge

Town: Kingsbridge

Development: READVERTISEMENT (Revised Plans Received and Amended Description) – Application for approval of reserved matters (appearance, landscaping, layout and scale) for 53 no. dwellings and associated garages,

infrastructure and landscaping following outline approval 28/0508/15/O for up to 60 no. dwellings, 0.5 hectares of employment land, 2 no. vehicular accesses, open space, play provision and drainage.

Case Officer Update: Another letter of representation had been sent to all Development Management Committee Members that morning. There had also been comments received from West Alvington Parish Council, Kingsbridge Town Council, and an additional Letter of Representation received. Kingsbridge Town Council had met the previous evening and voted 6-5 to object, and recommend refusal on grounds on house mix in JLP Dev 8. The Case Officer confirmed that the report had been concluded after the public consultation date, and any further representations that had been received following the completion of the written report, had been outlined at the Committee.

Speakers included: Supporter – Mr G. Hutton; Ward Members – Cllrs D. O’Callaghan and J. Pearce

It was confirmed that the Council’s Tree Officer was happy with the movement of the building away from the trees and hedges and that the protective fence during building was sufficient. However, it was agreed to move the protective fence away from the base of the hedge bank to increase that protection.

Recommendation: Grant reserved matters consent and discharge conditions 11 (foul drainage), 14 (landscaping) and 18 (LEMP) of 28/0508/15/O.

Committee Decision: Conditional approval – subject to the receipt of a revised Tree Protection Plan that moves the protective barrier for construction away from the base of the hedge that separates West Alvington Hill and the proposed apartment block.

- i. Conditions:
1. Development in accordance with the plans
 2. Full details and specification of any rootlock/hydroseed bank
 3. Before development proceeds above slab level, submission of a scheme for electric car charging points
 4. Inclusion of further areas of meadow/wildflower grass on western public open space
 5. Plan to accompany the LEMP and show the rotation of land for annual grass cut
 6. Details of play equipment and natural play areas to be submitted
 7. Details/samples of all external materials to be agreed
 8. All gates to rear gardens shall be same height as adjoining wall/fence and shall be lockable from both sides.
 9. Submission of details to show how the use of natural resources are minimised and how the development responds to climate change.

c) 1180/20/FUL

**Boatyard Building, Thorning Street, Salcombe,
TQ8 8DW**

Town: Salcombe

Development: Proposed change of use of first floor to open plan residential unit with B8 marine storage to ground floor

Case Officer Update: no update to report

Speakers included: Town Council – Cllr N. Turton; Ward Members – Cllrs M. Long and J. Pearce

During the debate it was clarified that the viability report had been published in May but the appendices were not published until the end of August, which was an error. However, no representations had been received on either the report or the appendices. Therefore, the publicity period was to be extended to 21 days from the publication of the viability report on the website to allow any further representations on the validity report and appendices to be made. Therefore, the conditional approval would be delegated approval from the Committee to the Chair, Ward Members, and the Head of Planning, subject to no additional comments raising material considerations.

Recommendation: Conditional approval subject to any comments on appendices and then delegated approval with Chair, Ward Members and Head of Planning

Committee decision: Conditional approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Flood evacuation plan prior to occupation
4. Flood resilient construction materials (prior to commencement)
5. Restriction of use of the ground floor to B8
6. To accord with precautions of ecology report
7. Unexpected contamination
8. Primary residency

d) 1093/20/FUL

**The Yard, Land at SX 699 454, Aunemouth Cross,
Bantham**

Parish: Thurlestone

Development: Change of use, renovation and extension of existing redundant

farm building to create multi-purpose community facility including co-working hub with surfboard shaping workshop and ancillary cafe; replacement of existing equine sand school area with new five-a-side 4G football pitch; construction of new skate bowl and children's adventure play facilities; creation of communal farm and proposed substantial landscape enhancement including construction of wildlife pond, planting of community orchard/tree nursery and wildflower meadow, associated landscape and ecological enhancement measures together with the upgrade and expansion of the existing car parking area

Case Officer Update: Another letter of support and one of objection had been received. The Case Officer had received a letter from the agent confirming the adjacent landowner had indicated he was very happy for any works on his land to be party to S106 agreement. It was confirmed that the AONB had been consulted but had not responded.

Speakers included: Supporter – Mr M. Evans; Parish Council – Cllr S. Williams; Ward Members – Cllrs K. Kemp, J. Pearce and M. Long

Recommendation: Refusal

The Applicant confirmed they had agreed with the Parish Council to remove lighting from the car park and over the pitch. During the debate Members highlighted the need for rural leisure facilities which were family orientated. The facility was also recognised as having an educational aspect. Members acknowledged that while this application was contrary to some aspects of the JLP, the application was educational, had biodiversity themes, and provided increased leisure and health and well-being options for locals and tourists which outweighed the contrary JLP issues. Members were keen to ensure that, should this venture fail, there was no option to develop on this site in the AONB and would be requesting conditions to ensure this was covered. The Head of Planning clarified the S106 is to provide visibility splay for access works outside of the applicant's control which the Landowner would have to sign.

Committee decision: Delegated approval Head of Development Management, subject to signing of a Section 106 agreement and conditions to be agreed with Chair of the Committee, Vice Chair, and Cllrs Holway (proposer) and Kemp (Secunder).

DM.10/20 **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 10:00 am and was suspended at 1:35 pm; restarted at 2:00 pm and concluded at 3:48 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 9th September 2020

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1430/20/HHO (Yealmpton)	14 Riverside Walk, Yealmpton, PL8 2LU	Conditional Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, Pringle, Rowe, Taylor (12)	(0)	(0)	(0)
2434/18/ARM (Kingsbridge)	Allocated Site K5, Land at SX 729 440, West Alvington Hill, Kingsbridge	Conditional Approval	Cllrs Abbott, Brown, Foss, Holway, Pannell, Pringle, Rowe (7)	Cllrs Brazil, Hodgson, Kemp, Long (4)	Cllr Taylor (1)	(0)
1180/20/FUL (Salcombe)	Boatyard Building, Thorning Street, Salcombe, TQ8 8DW	Conditional Approval	Cllrs Brazil, Brown, Foss, Holway, Pringle, Rowe, Taylor (7)	Cllrs Abbott, Hodgson, Kemp, Long, Pannell (5)	(0)	(0)
1000/20/FUL (Burlstone)	Land at Sx 666 559, Upper Lordswood Stables, Ugborough, Ivybridge, PL21 0LA	Delegated Approval	Cllrs Brazil, Brown, Foss, Hodgson, Holway, Kemp, Long, Pannell, (8)	Cllrs Pringle, Rowe, Taylor (3)	(0)	Cllr Abbott (1)
Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent

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PLANNING APPLICATION REPORT

Case Officer: Rob Heard
Fleming

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

Application No: 2545/19/FUL

Agent/Applicant:

Applicant:

Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Mr & Mrs R Perry

Site Address: Land at Venn Lane, Norton

Development: Retrospective application for change of use of land to provide site for the Stagecoach bus depot and highway improvements



Reason item is being put before Committee:

At the request of Cllr Helen Reeve due to concerns raised by objectors with regards to the location of the proposals.

Recommendation: Planning Permission Granted

Conditions:

1. Time Limit
2. Approved Plans
3. Landscaping

- 4. Drainage
- 5. Further details of staff facilities and storage

Key issues for consideration:

- Principle of Development
 - Landscape Impact
 - Highways Impact
-

Site Description:

The site comprises an area of rolled stone at the junction of Venn Lane and the A3122. It is located to the west of Dartmouth and is outside of the settlement, occupying a location which can be described as countryside, and is rural in character. Norton Park holiday park, consisting of over 260 chalets, is located to the north of the site just across the A3122.

The site is relatively flat although there is a slight drop in levels and the topography falls away to the south and west. The immediate surrounding context is defined by a rural landscape of fields and country lanes, with Dartmouth being the closest settlement. However, this is likely to change in the near future as consented development is undertaken on the site immediately to the east of the site across Venn Lane, which has planning permission for a mixed use development comprising 240 dwellings, employment land and open space.

The site is outside of the AONB and not affected by any other landscape designations.

The Proposal:

It is proposed to change the use of the land to provide a bus depot for Stagecoach, with associated highway improvements. The site will be used to store buses that are not in operation and includes some accommodation, in the form of storage containers, that will provide staff facilities and a lock up store.

Consultations:

- County Highways Authority; no objection.
- Parish Council; object on the following grounds:
 - The development is outside the development boundary in the Joint Local Plan
 - The location is inappropriate as numbers of HGVs will be accessing the main road and Venn Lane adjacent to a major housing development
 - It adversely affects views over open countryside
 - Since taking over the franchise Stagecoach have had time to look for a more suitable site for the depot but made no sign of doing so. The current site was only a temporary solution.

- Others

Representations:

Representations from Residents

Seven letters of objection have been received, raising the following points (summarised):

- Having been an owner of a chalet on an adjacent site for many years the road access around this location is most problematic. This development would significantly increase the density of families using and having to cross over the road on a bend . Equally as this traffic would be most likely towing caravans then the speed and manoeuvrability of vehicular traffic would be relevant. Other considerations from a sustainability point of view is that there is no footpath access from the site onto or along the adjacent road leading to an increased reliance on none public transport.
- I appreciate that such a facility is needed, and that the land is already being used for such (apparently without formal approval). However, it is yet another traffic egress onto a busy road. Apart from the existing traffic burden, there is a major new housing development under way which will reach down to within yards of the proposed site, there is another housing development proposed across the road at New Barn, and there is a new caravan site proposed just beyond the notorious Norton Bends.
- Traffic on Venn Lane is already difficult. Within about 50 metres of the junction with the Totnes - Dartmouth road it becomes single track with limited passing spaces. It is very frequently necessary for cars and vans to reverse back towards the main road to allow other vehicles to pass. That is already a dangerous manoeuvre because the turn into Venn Lane for traffic heading towards Totnes is very acute and there is no knowing if there will be a reversing vehicle as one comes round that corner.
- Utter madness to have a bus depot with such appalling egress onto the main road into Dartmouth. I cannot think what would possess anyone to even think of putting a depot here. The Norton bend is bad enough without adding turning buses across the highway into an unsightly and unsuitable piece of land.
- The roads in the area are already congested.
- The development will appear as the beginning of an industrial estate and the roads can't cope with it.

Representations from Internal Consultees

Drainage Engineer:

Landscape Officer; support subject to landscaping conditions.

Relevant Planning History

There is no relevant planning history at the site.

Adjacent site:

- 3627/19/ARM; Application for approval of reserved matters following outline approval 15_51/1710/14/0 (Appeal APP/K1128/W/15/3039104) for layout, scale, appearance and landscaping for 116 dwellings, public open space, highways, landscaping and associated works and discharge of conditions 6 (LEMP), 8 (ecological mitigation strategy, 9 (tree protection measures) and 12 (details of internal roads etc)of outline approval 15_51/1710/14/O. **Conditional Approval 7.2.2020**
- 15_51/1710/14/O; Outline application (with details of appearance, landscaping, layout and scale reserved for subsequent approval) for a mixed-use development comprising up to 240 dwellings, employment land (up to 2.7Ha), local centre (0.4Ha), formal and informal open space, strategic landscaping, cycle path and footpath provision and associated infrastructure, served off new primary and secondary accesses at Townstal Road (A3122). **Appeal allowed 24.3.2016**

ANALYSIS

Principle of Development/Sustainability:

The site was formerly part of an agricultural field that has previously been cornered off and surfaced in rolled stone, providing a level surface that has at times been used informally for the parking and turning of buses that provide the Park and Ride service to Dartmouth Regatta. It has also been used by Stagecoach for parking and a pair of double gates has been installed that provide vehicular access onto Venn Lane. These alterations have not been the subject of previous planning applications.

The adjacent site to the east, across Venn Lane, has been allocated under Policy TTV4 (Land at Cotton) of the JLP for a residential led mixed-use development for in the order of 450 new homes and 10,800 m of employment floorspace (Use Classes B1). Part of this site also benefits from planning permission for 240 new dwellings and new employment land. The existing base for Stagecoach was located on the site that is now proposed for new housing and employment land and the agent has stated within the application documents that Stagecoach now need to find an alternative base. This application will allow Stagecoach to remain in the area and this site is the closest available with regards to proximity to Dartmouth, thus reducing travel time and traffic movements.

Whilst Policy TTV26 (Development in the Countryside) would normally apply to sites that are outside of settlements, the local plan allocation and existing planning permission on the adjacent site will ensure that in the future, when considering the immediate context, the site will not appear as rural, and when the extant permission has been fully implemented, the site will be considered as edge of settlement, with good pedestrian links to Dartmouth through the JLP allocation and new development. For these reasons, no conflict with policy TTV26 is identified.

Design/Landscape:

The site is located in the corner of an existing field and the roadside boundaries (eastern boundary on Venn Lane and northern boundary on the A3122) are defined by existing mature Devon Hedges, only broken by the existing field gate that provides vehicular access to the site. There is also a mature Devon Hedge that separates the site from the adjacent field to the west, with the southern boundary at present open with no boundary separating the site from the field to the south.

The site is not particularly prominent, although the land falls away to the south and if any significant structures were proposed as part of the development they would be visible from some of the areas to the south. The application proposes a security fence along the southern boundary to separate the site from the adjacent field and details of this will be required by condition. It is also considered that to protect views of the site from the south, new planting will be required along the southern boundary to ensure that the rural character is retained.

The application states that staff facilities and storage are proposed and that these will be provided on the site through the provision of storage containers. Whilst it can be argued that such containers do not constitute development as they are not fixed to the ground, it is considered that the location, size and appearance of these facilities could have a significant impact upon the landscape in this location, and therefore a condition is proposed to ensure that the location, design and appearance of these facilities is agreed in writing with the LPA, so that the LPA retains control of any structures that are required at the site.

There is already a rolled stone surface at the site and this is proposed to be enlarged slightly around the perimeter of the site. This will not have a significant impact upon the landscape and is an appropriate hard surfacing material given the rural location.

Landscaping conditions are proposed to ensure that the application is compliant with policy DEV23 (Landscape Character) of the JLP, to secure new planting in appropriate locations and to ensure that any impact upon the landscape is mitigated.

Neighbour Amenity:

There are no nearby residential properties and the existing holiday park (Norton Park) is located across a busy A road and is not in close enough proximity to the site to be affected by the proposals. No conflict with Policy DEV1 (Protecting Health and Amenity is identified).

Highways/Access:

The site is accessed directly from Venn Lane through existing double gates. The application proposes improvements to the highway through the provision of splayed kerbs and the applicant has provided Swept Path Analysis to confirm the site is suitable to accommodate the vehicles proposed.

The County Highways Officer has provided the following comments:

The Highway Authority has re-visited the site and whilst it initially raised concerns over the forward visibility at the access, it also notes the Baker Estates site is now progressing and that

there are proposals included as part of the Baker Estates proposals to address the visibility issue at the location of concern. The Highway Authority has also checked the accident statistics reported to the Police over the last few years, which reveals there have been no accidents. On reflection noting the above and the low speeds present at the access location on Venn Lane the Highway Authority is retracting its concerns.

The proposals are not considered to raise any significant highways concerns and the application is in accordance with the aims and objectives of Policy DEV29 (Specific Provisions relating to Transport) of the JLP.

Drainage:

The proposals include an on-site below ground crated soakaway to disperse surface water at a controlled rate. A full retention class 1 oil separator is also proposed due to the site being used by commercial vehicles, in order to separate contaminants from surface water. This is considered acceptable in principle, with further information required by condition in order to satisfy the requirements of policy DEV35 (Managing flood risk and Water Quality Impacts) of the JLP.

Letters of Representation:

Seven letters of objection have been received, the points raised are listed above in the representation section of this report. The main points raised refer to highways impact and impact upon Norton Holiday Park. The County Highways Officer has been consulted and raised no objections and the facility is not new to the area, having been run previously from a site just to the east of the proposed site, across Venn Lane. Due to the application being a relocation, there will not be significant additional trips in the area as the operation has been run from a nearby site.

The amenities of the occupiers of chalets at Norton Holiday Park will not be significantly affected due to the separation distance between the site and the park, the self-containment of the park and existing boundary treatments and the fact that the sites are separated by a busy road.

Parish Council Comments:

The PC have objected to the application, the grounds are listed above in the Consultee section of this report. These issues are analysed in the main section of the report

Other Matters:

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

Planning Policy

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

of 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
TTV4 Land at Cotton
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV23 Landscape character
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

Neighbourhood Plan

The site is on the very edge of the Stoke Fleming Parish boundary. The proposals do not conflict with any of the policies in the NP. Section 10.4.3 states that discussion with Devon Highways is required for proposals on Venn Lane, and as stated above, this has been undertaken with regards to the proposals, which have support from DCC Highways.

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conclusion:

The proposals are part retrospective and seek to regularise use of a site at the junction of Venn Lane and the A3122, for use as a depot for Stagecoach. It is within the Stoke Fleming Parish and adjacent to the boundary with Dartmouth. Other than the use of the land, the application proposes to slightly increase the area of land that has been surfaced in rolled stone, to provide

improved surface water drainage, to install new boundary treatment to the southern boundary and to erect storage containers to provide staff facilities.

The use (regularisation) of the site for a depot is considered acceptable and the impacts arising from the installation of staff and storage facilities can be managed through use of planning conditions requiring additional landscaping at the site, which will ensure that any landscape impacts are appropriately mitigated. The application is therefore recommended for approval subject to conditions.

Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s); Site Location Plan, Vehicle Swept Path Analysis (0701/P1), Impermeable Area Plan and Drainage Strategy (0500/P2), Highway Layout (0700/P1), Survey (LUS1019_500_LS/0), Site Layout received by the Local Planning Authority on 6.8.2020 and 17.1.2020.

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. Within 3 months of the date of this planning permission, a landscaping scheme shall be submitted to and approved by the Local Planning Authority, also indicating the boundary treatment at the site.

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

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

4. PRIOR TO COMMENCEMENT

Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site. Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter. Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained. A pre- commencement condition is considered necessary to safeguard the environment in the interests of the amenities of the area.

5. Details of any containers required to provide staff facilities and storage at the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the scale, massing and appearance of any container and its location at the site. Development shall be undertaken in accordance with the approved details.

Reason: To ensure appropriate facilities are provided at the site and to protect visual amenity.

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PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Ian Lloyd

Parish: Thurlestone

Application No: 0857/20/HHO

Agent (if applicable):

Mr Stephen Guard - Stephen Guard
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East Allington
Devon
TQ9 7RA

Applicant:

Mr & Mrs D Gibby
3 Edwards Close
Thurlestone
Kingsbridge
TQ7 3BP

Site Address: 3 Edwards Close, Thurlestone, TQ7 3BP

Development: Householder application for first floor extension



Recommendation – Conditional Approval

Reason item is being put before Committee

The views of the Parish Council are contrary to the officer recommendation

Introduction/Background

The application property is one of a small development of 11 dwellings, being within the second (penultimate) of the final three phases of development of the Mead Estate, which originally began

in the 1960's. The most recent relevant history therefore surrounds this penultimate Reserved Matters submission in 2007 (Ref: 55/0804/07/RM) and in particular the Planning Statement which supported it. Thurlestone Parish Council raised no objection to the 2007 Reserved Matters submission, though wished to see a further height reduction if this was achievable. The Parish Council are concerned that this proposal is inconsistent with the original concept and ethos of the planned estate (full details provided in the consultation section and further details are discussed in the report below).

The Planning Statement accompanying the 2007 submission set out the planning history and policies to date and the design principles underpinning the proposals, together with details of the pre-application consultations undertaken. The layout and design of the cul-de-sac had been considered in great detail and subject to a Design and Conservation Panel Review. The houses were all individually designed, following a common theme and with a shared palette of materials. The historical documents also detail how the scheme was carefully planned, with an emphasis on strategic landscaping and ecology, along with a specific masterplan approach towards grouping buildings in clusters, keeping some gaps and siting 2-storey elements sensitively in relation to contours to avoid blocking views and reducing land levels to limit impacts in local and wider views.

The site lies within a very sensitive landscape setting, close to the southern boundary of the Mead development (with only the dwellings on the south side of Edwards Close nearer to the valley bottom), before open wetland and the agricultural fields of the open countryside rise again to the south.

To the north on higher ground are detached bungalows in Mead Drive.

The wider Mead development comprises a mix of single and two-storey properties of different styles and character. The estate has a spacious and green, open plan character of its own, distinct from the more historic village core. Edwards Close has a more modern feel, with less space for landscaping and more emphasis on the buildings, walls and hedges creating the boundaries and a different public realm character. Set at a lower level, the Edwards Close development is perhaps not as prominent in wider views as other parts of the Mead development. It is though indivisible from it and the development reads as a whole in distant views.

The whole area lies within the South Devon Area of Outstanding Natural Beauty (AONB). The application site is discreetly located and well screened in local views, set towards the eastern end of the cul-de-sac, but has some limited visibility in wider views from the south and west.

It is clear from the examination of the planning history, which involved a Planning Brief, public consultation events, a master planning approach and the involvement of the landowners, their consultant specialists, the Parish Council and wider public, that there has been much interest and exploration into how the Mead development was to be completed.

The 2007 Reserved Matters approval (55/0804/07/RM) set the access, siting and design and revised access arrangement for the erection of the 11 detached dwellings we now see constructed in Edwards Close.

The Proposal

55/0804/07/RM: This application seeks permission for a first floor extension to No. 3 Edwards Close to provide a family room above an existing attached single storey garage set to the eastern side of the house.

The application site is a part two, part single storey detached dwelling in a generous plot with shared access/shared courtyard, located on the north side of Edwards Close towards the eastern end of the cul-de-sac. The access is shared with No. 4 (for the avoidance of doubt whose occupiers object). The house opposite to the south is No. 5 (whose occupiers support). No representations have been received from the occupiers of the bungalow in Mead Drive having a boundary with the site.

The site lies within and towards the southern edge of the settlement boundary for Thurlestone.

Relevant Planning History

OA/WX/1193 Outline Consent for the erection of 84 dwellings granted 22.2.1960

55/0624/02/RM Reserved matters application for confirmation of 26 plots together with vehicular access points and drainage Granted 22.2.2005

55/0804/07/RM Reserved Matters application for the erection of 11 detached dwellings and access road (Phase 2) Granted 26.6.2007

Other Neighbouring History

11 Edwards Close 55/0092/12/F Resubmission of planning application 55/1592/11/F householder application for first floor extension over garden room and single storey extension to rear Refused 6.3.2012 Appeal Allowed 2.7.2012 (unimplemented/time expired);

2 Edwards Close 3595/17/HHO Householder application for a proposed first floor extension and installation of roof lights Granted 12.12.2017;

7 Edwards Close 55/1292/15/F Householder application for alteration and extension to dwelling Granted 3.8.2015;

Consultation Responses/Representations

Thurlestone Parish Council: Object - extension is not subordinate in scale and form to the existing dwelling, being at the same ridge height (drawing no SG20-04/05 - see South Elevation) and therefore contrary to NP Policy TP7.2.i.; that the proposal is likely to have an unacceptable impact on the amenity of neighbouring properties which will appear overbearing and have a dominant impact on the adjacent house (4 Edwards Close) and bungalow to the rear (37 Mead Drive) (see photograph attached) (NP Policy TP1.1); and that the style, scale and character of the proposal would not be proportionate and appropriate to the location, as it contravenes the planning rationale behind the approval of the original planning application for the Edwards Close estate (55/0804/07/RM) (NP Policy TP1.2). Edwards Close was designed so that there would be a mix of single and two storey dwellings across the development to avoid a regimented approach design in order to retain the views of the line of bungalows behind (including 37 Mead Drive) and respect the relationship between each of the new properties on the development. See Development Brief, page 2, para 2 (copy attached). Councillors felt that approval of this application would set an unacceptable precedent and unlike the Appeal decision for a first floor extension at 11 Edwards Close (55/0092/12/F), this extension is located within a shared courtyard and not on the periphery of the development.

A photograph from the rear of 37 Mead Drive was provided, together with a copy of the original Development Brief, planning appeal at No 11 and other photographs.

In response to the re-consultation the Parish Council reiterated the objection - Councillors find it necessary to provide further representations to clarify why this application fails to comply with key

policies in the Thurlestone Parish Neighbourhood Plan (NP). The NP was made in July 2018, it is part of the statutory development plan of the area and must be taken into account when determining this application.

1. Contrary to NP Policy TP1.2, the proposal is not appropriate and proportionate in terms of its design because it fails to respect the original planning rationale upon which planning permission was originally permitted for the development of Edwards Close (55/0804/07/RM). Copies of the original Committee Report and Planning Statement are attached which explain that this development generated a lot of local concern and much consideration was given to the site's setting and the relationship with neighbouring properties. Approximately 100 people attended a pre-application community exhibition and the layout and design was the subject of a 'design and conservation panels' examination. The approved scheme was therefore specifically designed so that the two-storey element of each house was 'dug down' and would be orientated perpendicular to the contours (roughly North-South) so as to limit the bulk and massing of the new buildings and reduce their impact on the coastal views of the existing one-storey properties to the rear. To this end, permitted development rights were also removed and a Development Brief (submitted with our earlier representations) was annexed to the land transfer of the development site, setting out the design objectives to be adhered to. The Committee Report included an extract from Planning Policy Statement 1 (para 35) advising that good design should endure not just for the short term but over the lifetime of the development, which remains the case today (NPPF 2019 para 127).

2. Contrary to NP Policy TP7.2.i, the proposal is not subordinate in scale and form to the existing dwelling. The design, scale and massing mirrors that of the existing dwelling so that when viewed from the shared courtyard, the South elevation, the house and extension read as a single structure. The ridge and eaves levels are the same and the extension is not distinguishable from the main two-storey dwelling. See drawing no SG20-04/07 Rev B and annotated photograph from the rear (37 Mead Drive) submitted earlier.

3. Contrary to NP Policy TP1.1, the proposal does not protect neighbouring residential amenity as it will appear dominant and overbearing to the house adjacent to it and to the single-storey dwellings to the rear. By our calculations, the North East elevation of the extension is only 8 metres away from the upstairs bedroom window of the adjacent no 4 Edwards Close. This is substantially closer than the 12 metres prescribed in the Council's recently adopted Supplementary Planning Document, which provides that LPAs have a responsibility to protect the existing amenities of all residents [para 13.17]. This is particularly relevant in Edwards Close, which is not densely developed and where a high level of privacy can therefore be expected [para 13.18]. The impact on the bungalows to the rear has already been dealt with in our earlier representations.

Further, Councillors are unaware of any material planning considerations that would dictate that this extension is not determined in accordance with the development plan. There was a similar proposal for a first floor extension over the garage at 11 Edwards Close but this was withdrawn in 2011. Reference has been made to an application for a first floor extension at no 11 which predated the NP and was granted on appeal in 2012 (LPA ref 55/0092/12/F). However, that extension was located at the rear of the property, adjacent to open space, and designed with ridge and eaves lines that were lower than those of the existing dwelling which the Inspector found "appropriately subordinate to it" [para 4 of DL]. The extension has not been built and permission ran out 5 years ago. We fail to see that decision can therefore be regarded a relevant material planning consideration for the purposes of determining the present application. As stated previously, for the above reasons, Councillors consider that this proposal would set an unacceptable precedent for the area and strongly object to the application.

Devon County Highways: No comment

Third Party Representations:

8 objections have been received from the occupiers of 4 different properties on grounds summarised as:

- Design, appearance & Density, Edwards Close is a dense development with houses close together, particularly No's 3 and 4 and raising the roof line of the garage to that of the main house will increase the density/crowding factor unacceptably;
- Shared courtyard, only circa 4 feet between garages, overly dominant;
- overshadowing & loss of light;
- Planned development of 11 properties of individual detail but having a uniform style with variation of roof heights to limit the blocking effect of 2 storey properties on Mead Drive;
- out of character, massing appearance;
- original Edwards Close development was very carefully designed to avoid blocking;
- create a precedent;
- while it is claimed that the new roof line is subservient to the main north-south ridge, nevertheless it would add height to the existing building, impacting both neighbouring houses and dwellings to the north on Mead Drive;
- Parish rejected plans for 11 Edwards Close and consideration of that application referenced massing effect, precedent, overbearing character and the officer's report referred to the potential misfit, location within AONB and Coastal Preservation Area, the need for good design that respects local character and avoids overbearing and dominant impact and the importance of good design qualities such as bulk, height, and visual emphasis taking into account local context;
- suggest withdrawal;
- Development Brief advises new development should be a "good neighbour with the existing Mead development, consideration given to the views currently enjoyed by existing properties on the Mead Estate and to the relationship between each of the new properties on the development to ensure where possible views are preserved;
- immediate neighbour agrees with the comments of the Thurlestone PC;
- revised drawings don't address concerns;
- original proposal unacceptably took away light from No. and minor change to the angle of the hipped roof does not "overcome the issue";
- mischaracterisation to say that No.4 would not be significantly affected because the main rooms open out to a different aspect. All the downstairs rooms except the kitchen have windows looking out on to the courtyard. Upstairs, the large landing and one bedroom would be particularly affected;
- increase in bulk would detract from amenity where two properties are so close;
- does not sit easily with AONB considerations or with the Neighbourhood Plan;
- references to what was approved for No.11 are made interchangeably between the first refused proposal and the second allowed proposal;
- reference to the original design principles being 16 years old are not relevant;
- reference is made to the Neighbourhood Plan being in support of home working, proposal use as a hobby room has been emphasised;
- unneighbourly;
- out of keeping;

3 submissions in support have been received from the occupiers of 2 different properties on grounds summarised as:

- having immediate visibility of the proposed extension consider it quite modest and being constructed with the same or similar materials have no or negligible effect on Edwards close and won't detract from the design of the surrounding properties;

- small alteration does not alter the original way the development was designed to fit in with the surrounding properties;
- nice to see at least half of phase 2 is now occupied by full time residents;
- other properties have received approval to make alterations, no reason why this should be deemed unacceptable;
- will improve the appearance of the house-providing matching materials and the same height windows are used-as the current easterly part of the building almost appears truncated;

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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.

DEV1 Protecting health and amenity
 DEV2 Air, water, soil, noise, land and light
 DEV10 Delivering high quality housing
 DEV20 Place shaping and the quality of the built environment
 DEV23 Landscape character
 DEV24 Undeveloped coast and Heritage Coast
 DEV25 Nationally Protected landscapes

SUPPLEMENTARY PLANNING DOCUMENT ADOPTED JULY 2020:

Particularly 13 APPENDIX 1: Residential extensions and alterations, paragraphs

13.6 13.7 - Visual impact

13.11 13.14 - Roofs

13.15 – 13.16 Windows

13.17 – 13.21 Privacy

13.27 – 13.29 Outlook (distances specified, including Fig 23)

13.30 & 13.34 - Daylight/Sunlight

Following a successful referendum the Thurlestone Parish Neighbourhood Plan was made as part of the statutory development plan for the area by South Hams District Council on 19 July 2018.

TP1: General Development Principles - particularly paragraphs 1 (Residential Amenity), 2 (Design), 4 (Dark Skies) and 5 (Natural Environment)

TP7: Replacement Dwellings and Residential Extensions- particularly paragraph TP7.2.i is subordinate in scale and form to the existing dwelling);

TP22: The Natural Environment – particularly paragraphs 1 character of skylines and quality of the area;

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the South Devon AONB Management Plan may also be a material considerations in the determination of the application.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Analysis

Decisions are to be taken in accordance with the provisions of the development plan unless material considerations dictate otherwise. The JLP and Thurlestone Neighbourhood Plan together contain the relevant development policies.

The entirety of Thurlestone Parish is located within the South Devon Area of Outstanding Natural Beauty (AONB). Heritage Coast and Undeveloped Coast policy protections are also relevant. As such, development is assessed having regard to the highest status of protection afforded to such nationally protected landscapes and the duty of the Council in relation to conserving and enhancing their landscape and scenic beauty.

Part of the vision of Thurlestone Neighbourhood Plan for how the community would like to see the Parish look in 15-20 years' time (para 2.9 page 14) is for:

“A vibrant coastal and rural community where the quality of life of its residents and the conservation and enhancement of the natural environment are paramount and where any development should be proportionate, balanced and sustainable in keeping with its designation within an Area of Outstanding Natural Beauty.”

It is appropriate to keep this in mind during considerations.

As with the appeal into an extension at No. 11 Edwards Close, the main issues are considered to be the effects of the proposal on the character and appearance of the area, together with any impacts on the amenities of neighbouring occupiers, notably the living conditions at No. 4 and 5 Edwards Close and also 37 and 39 Mead Drive.

Character and Appearance

Policies and Guidance seek to ensure developments are harmonious and accord with their surroundings. The JLP policies and SPD Guidance seek to achieve this, as do the policies of the Neighbourhood Plan. Policy DEV20 seeks to ensure the quality of the built environment is respected and landscape and AONB protection policies (DEV 23, 24 & 25) are all of relevance in the circumstances.

The Neighbourhood Plan requires (TP7 ii) requires extensions be subordinate in scale and form to the existing dwelling. Parish concerns centre on Neighbourhood Plan compliance and whether the extension is subordinate.

The recent Supplementary Planning Document (SPD) which seeks to explain and expand upon the JLP includes an appendix on residential extensions which advises they should relate well to the main dwelling and character of the area. They should generally follow the same architectural style and use the same materials as the original dwelling. Proposals should also respect the character of the area, including building form and layout, architectural style and materials.

Chapter 12 of the NPPF focuses on achieving well-designed places, consistent with the JLP and Neighbourhood Plan approaches. Chapter 15 conserving and enhancing the natural environment advises (paragraph 172) of the great weight to be afforded to conserving and enhancing landscape and scenic beauty in the AONB. Similarly paragraph 173 affords protection to Heritage

where decisions should be consistent with the special character of the area and the importance of its conservation.

The application site lies towards the eastern end of a cul-de-sac of modern detached dwellings in Edwards Close. As described under Background/Introduction above, this part of the estate was one of the final phases of the larger Mead development at the southern edge of the settlement.

Edwards Close is located on the lowest slopes of the estate. Beyond, to the south, the agricultural land rises towards the C classified single two-lane carriageway Ilbert Road to Whitlocksworthy Cross which links Thurlestone to South Milton and Upton. There are glimpsed views of the upper parts of the Mead Estate from the road, notably through field gates. Due to topography, views of the application site are only readily available from within the fields and from the direction of South Milton Footpath 7 which lies to the west/south-west.

When viewed at the distances from where public vantage points exist, the application development is seen against the backdrop of the bungalows and other houses on the higher ground of the estate. The estate has a mixed character, but is largely characterised by detached dwellings set in spacious grounds with an emphasis on landscaping and greenery as a result of the open plan front gardens.

Edwards Close is a departure from this, though as recognised by the Inspector in the appeal at No. 11, there is a coherent design approach, with a consistent palette of materials and broad architectural style. The Inspector also noted the individuality of the design of each dwellings and it is this variety which contributes positively to local character. As such, the acceptability or otherwise of any proposed addition will depend on its individual relationship with the host building and its immediate neighbours, together with any wider impacts locally if occurring. The Inspector noted (paragraph 3 of appeal decision notice 2 July 2012) that it is this evaluation which is important "...rather than playing any significant role in offering relief to the bulk and mass of the development as a whole, which includes a significant presence of 2-storey elements".

However it is noted that the Planning Statement which formed part of the 2007 Reserved Matters approval, places significant emphasis on the how the scheme had been carefully planned, grouping buildings in clusters, keeping some gaps and siting 2-storey elements sensitively in relation to contours and reducing land levels to limit impacts in local and wider views. In relation to the 2-storey elements, these are primarily oriented north-south, which reduces the 'blocking' effect in local views and the individual properties clearly designed along these principles. The 2-storey element proposed would be a departure from this, introducing a significant 2-storey element running along the contour. A number of the representations in objection, including from the Parish, reference this point.

The proposed first floor extension is above an existing pitched roof attached garage to the eastern side of the main 2-storey element of the dwelling, though part of the original house also already projects at 2-storeys beyond the main eastern flank of the main accommodation, linking into this garage.

The proposed roof is hipped, has been reduced from 35 degrees to 30 degrees, and would tie in with the existing ridge height of the 2-storey roof, in roofing materials to match. Coloured cladding at first floor would also match existing. Window fenestration would be a slight departure from the current first floor window design, but there are a variety of window sizes and proportions and the proposed windows are not considered to be out of keeping.

The existing single storey garage is a wide span, and with a steeply pitched roof. Though single storey, its ridge is high. It does though currently read entirely as single storey and provides variety and interest/contrast typical of the other buildings in the immediate locality. No. 3 has a

shared driveway with No. 4. No. 4 also has a comparable attached single storey garage adjacent to but separated from the application garage by circa 4 feet or so. The dwelling at No. 4 has a dominant presence in the courtyard as a result of its proportions and projecting gables, notably the southern-most gable which is wide, and has less variety of visible single storey elements in public views than some of the other dwellings locally. This is not a criticism, merely an observation, as what is of importance is the individual relationship between these two buildings.

Parish concerns focus on consistency with the past Planning Brief and masterplan approach along with Neighbourhood Plan compliance and in particular whether the extension is subordinate and therefore if not, inappropriate. While the addition is relatively small in terms of additional volume created and could therefore be seen to be subordinate, it does result in a 2-storey element of greater bulk than existing and therefore an assessment is required as to how appropriate this form of development may be.

Having the roof hipped in contrast to the current gable and keeping the roof to 30 degrees reduces the potential bulk of the roof. Notwithstanding this, there is an increase in bulk, magnified when read in conjunction with the existing 2-storey element. The existing covered veranda retains visual interest and viewed in isolation, the extension relates reasonably well to the existing form of the host building. It is arguable whether 2 additional roof lights are necessary and contribute unnecessarily to light pollution in the AONB (the rear has no windows so would be dark without one, but the benefits of the one on the front are marginal).

What the proposed extension doesn't achieve is subservience to the original building, nor reflect the variety of roof forms/component parts so typical of elsewhere on this part of the estate and which contribute so much to its appeal. The Parish concerns and those of others are understood in this regard. However, as required by the recent SPD, it can be argued that the form of addition proposed does generally follow the same architectural style and use the same materials as the original dwelling and seeks to respect the character of the area, including building form, roof form, architectural style (windows are different but not inappropriate) and materials. The form of development is not untypical of many proposed first floor extensions across the District. Notwithstanding this, the sensitivities of the AONB landscape are a factor.

Policies and guidance, including DEV 23, 24 and 25 and the AONB Management Plan seek to safeguard and protect important landscapes from visual harm, including from inappropriate built form.

Having regard to sustainability principles, adaptable accommodation, to meet the needs of evolving families is considered appropriate. Particular recently, with the increase in homeworking, adaptations to properties may become more sought after and providing flexible accommodation can be sustainable and reduce car travel. This though should not be at the expense of character.

It is considered that there are alternative ways of developing the property to provide a similar or comparable (if slightly reduced) extent of accommodation in a more subordinate form. The applicants provide an example with the roof ridge lower within their submission to demonstrate alternatives have been considered. In writing this report the author favours this alternative over the application scheme (subject to fenestration detailing). There are also other forms of development more appropriate but not considered such as a variation on the theme used at No. 7, whereby a dormer-like addition is set within and projecting above existing single storey pitched roof and provides greater visual interest, reduced bulk and still decent useable accommodation (though likely a more complicated build and slightly reduced internal footprint). Such an alternative approach here would be supported. However, we are only able to consider the application submitted (as currently revised) and must treat it on its individual merits.

The reality is that the existing single storey/proposed 2-storey element of the application property is very well screened in local views. Where it is sited, set back and screened by the main 2-storey dwelling in approaches, it has no real public visibility/prominence. This has a bearing on considerations. It will have some limited public visibility in wider views, but at the distances involved, would be seen and read as part of the estate and not erode or alter the appearance and relationship of the built form/green space to any degree which would be unduly noticeable or harmful in the wider landscape (sensitive though that landscape undoubtedly is). This conclusion is reached notwithstanding that the extension does not provide any break or is in any way subservient in terms of the overall bulk when viewed as a finished entity. A gap is still maintained in views to no. 4, including by the single storey garage separating them.

The impacts of the development are considered to be extremely localised.

Materials would match and, like the conclusions of the appeal Inspector at No. 11, it is not considered that the loss of the single storey element and the alterations to the appearance of the dwelling would be harmful, appear incongruous or out of keeping with the surrounding development to an extent that would warrant a recommendation of refusal.

In coming to this conclusion, it is appreciated that this is based on an evaluation of the design, design is subjective, and others may and have placed different emphasis and drawn different conclusions and those views are respected.

Neighbouring Amenity

In coming to the above conclusion, impacts have also been assessed on the amenities of the near neighbours. Objections have been received from the occupiers of No. 4, support from those in No. 5 and no response from the immediate neighbours in Mead Drive. Notwithstanding this all impacts are assessed, including outlook, on Nos. 4 and 5 Edwards Close and 37 and 39 Mead Drive.

No. 4 shares an access/courtyard with the application property and sits directly facing it. The single storey garage projects in a perpendicular manner towards it. The first floor flank would therefore come nearer to No. 4, but habitable room windows are still separated by the width of its own garage and more. It can be seen that the existing garage has a gable end, with ridge equivalent to the height of the eaves of the 2-storey element. Consequently, while guidance suggests gables are set 12m back, and the existing flank wall is circa 10m away from No. 4, there is already an impact and with the hipped roof it won't be significantly worse. Nevertheless there is an impact.

Daylighting impacts have been assessed through the submission and no significant of daylighting impacts arise.

There will be a greater bulk and associated increased sense of enclosure within the shared courtyard area as a result of the loss of one of the two single storey elements, but separation remains and no significant concerns arise in this regard. The principal outlook/orientation/amenity for nos. 3 and 4 is towards their respective private gardens, not the shared forecourt, though appreciably the windows facing west serve the rooms within.

While there will be an increase in visual enclosure as described above, given the extent of the change proposed, the development is not considered to amount to an unneighbourly form of development.

No. 5 to the south is set at a lower level, has a walled garden, and again its principal outlook is not toward the application site. The occupiers support the application proposals. At the distances involved no concerns arise.

The principle views of properties to the north nos. 37 and 39 Mead Drive are southwards towards the application site and the rear of the dwelling and garage are clearly visible from the elevated gardens. A photograph has been supplied from the rear garden looking towards the application site. It has also been used on behalf of the applicants to outline the planned extension to demonstrate how much/little outlook would be affected. Set at this higher level, with rear windows and gardens facing south towards the application site, views are largely across to the upper slopes of the valley beyond to the south, not directly at/onto the application premises. Views are presently blocked to a degree by the current form of the dwelling. No. 5 is visible in this view above the current garage and acts as a partial blocker, but is further away. Although there would be some limited reduction in what can open countryside can be seen in those views as a result of the increase in ridge height, this is not considered to amount to harm to outlook and any impacts could not be classed as unneighbourly. Windows are avoided towards the north to avoid loss of privacy, other than a roof light to afford light to the rear of the proposed room, and overall the proposal is not contrary to Policy DEV1.

Conditions are recommended to ensure the development takes place in accordance with the approved plans, material to match and for the removal of permitted development rights for new openings in the north or east elevations (the 2007 approval removed rights for the insertion of windows in the north of the original building) in relation to harm to neighbouring amenity; and to the south elevation/all roof elevations in relation to harm to local character (particularly the AONB and avoiding inappropriately designed windows/ more roof lights to minimise impacts on dark skies).

Other Matters

The issue of precedent has been raised by a number of parties. The estate is so individual, the properties are uniquely designed and have different relationships with neighbours and combined with the requirement for decisions to be judged on their own individual merits, this decision (whether ultimately approved or refused) will not act as a precedent.

Conclusions

The applicants have given consideration to the design and appearance and submitted alternatives for considerations as part of the Design & Access Statement. There are potentially other more preferable alternative solutions including some yet to be considered. However, the application falls to be determined on its own individual merits. Based on the above evaluation, the proposed 2-storey development, while not necessarily subordinate to the original building, has very limited public visibility and does not give rise to any undue harm within the local setting. Notwithstanding that there is no break and the side addition will appear as one mass, it will not be discernible as distinct or different from other properties locally or erode/alter the built/open form of the estate when viewed at distance and would not be harmful to the special character or natural beauty of the AONB. That is not to say that any form of development would be acceptable, it would not. It is though not considered to be an example of poor design. It adds to the bulk but not in a way which is unduly incongruous.

Having regard to the Thurlestone Neighbourhood Plan vision for a vibrant coastal and rural community where the quality of life of its residents and the conservation and enhancement of the natural environment are paramount and where any development should be proportionate, balanced and sustainable in keeping with its designation within an Area of Outstanding Natural Beauty, it is not considered that the proposed development would be prejudicial or harmful to

these aims. While the concerns of the Parish and local people are fully appreciated and understood (and this recommendation is based on an aesthetic judgement of design, weighed against the policies, and others may take a different view) on balance approval is recommended as proportionate and sustainable.

Recommendation

Conditional Approval

Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with Drawing Nos. Site Location Plan SG20-04/01, Block Plan SG20-04/02, Proposed First Floor and Roof Plans SG20-04/06A, Proposed Elevations SG20-04/07B and Proposed ground Floor Plan SG20-04/08.

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 provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no windows other than those authorised by this permission shall at any time be inserted in the northern, eastern or southern elevations (including the roof) without the express consent in writing of the Local Planning Authority.

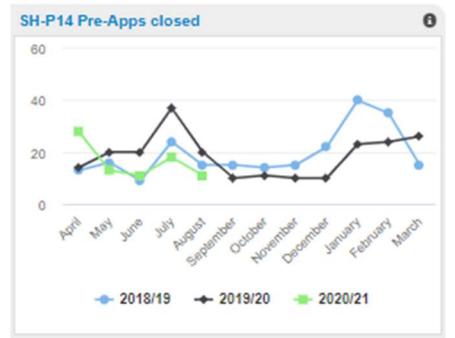
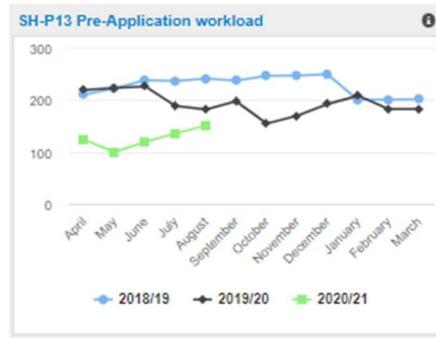
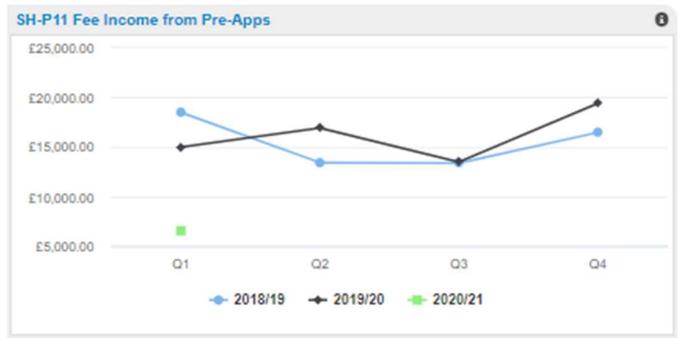
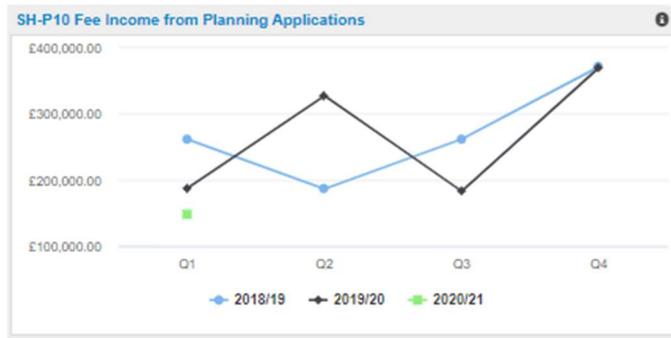
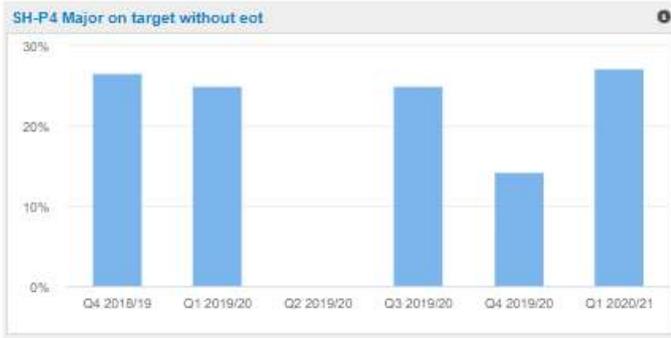
Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the amenities of neighbouring occupiers and/or the character and visual amenities of the development and locality, an Area of Outstanding Natural Beauty.

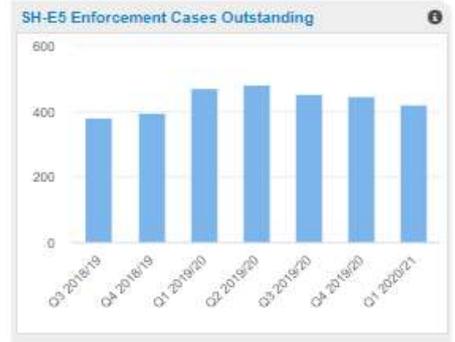
INFORMATIVES

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

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

Agenda Item 7





South Hams District Council Agenda Item 8

DEVELOPMENT MANAGEMENT COMMITTEE 7-Oct-20

Appeals Update from 25-Aug-20 to 24-Sep-20

Ward Dartmouth and East Dart

APPLICATION NUMBER : **0904/19/FUL** APP/K1128/W/20/3248200
APPELLANT NAME: Mr & Mrs :L Thorneywork
PROPOSAL : READVERTISEMENT (Revised Plans) New one bedroom dwelling at base of garden
LOCATION : 8 Thurlestone Gardens Dartmouth TQ6 9HG
APPEAL STATUS : Appeal decided
APPEAL START DATE: 13-May-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 24-September-2020

Ward Ermington and Ugborough

APPLICATION NUMBER : **3460/17/OPA** APP/K1128/W/20/3255870
APPELLANT NAME: Simon Baker (Turn away late appeal)
PROPOSAL : READVERTISEMENT (Revised Red Line Plan) Outline application with some matters reserved for 7 self-build/custom-build dwellings (five open market and 2 affordable self-build plots)
LOCATION : Lutterburn Farm Lutterburn Street Ugborough PL21 0NG
APPEAL STATUS : Appeal Lodged
APPEAL START DATE:
APPEAL DECISION: Declined to determine
APPEAL DECISION DATE: 01-September-2020

Ward Marldon and Littlehempston

APPLICATION NUMBER : **0421/19/FUL** APP/K1128/W/20/3252775
APPELLANT NAME: Mr Steve Porter
PROPOSAL : Change of use of the building known as "The Linhay" from ancillary accommodation into a separate residential dwelling with associated access and residential curtilage.
LOCATION : The Linhay Lower Westerland Barns Westerland Marldon Devon TQ3 1RU
APPEAL STATUS : Appeal decided
APPEAL START DATE: 17-June-2020
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 04-September-2020

Ward Newton and Yealmpton

APPLICATION NUMBER : **2436/19/FUL** APP/K1128/W/20/3248551
APPELLANT NAME: Mr Andrew Jagoe-Salter
PROPOSAL : New dwelling, associated parking/forecourt and soft landscaping (resubmission of 3241/18/FUL)
LOCATION : Land South of Lochalsh Lower Court Road Newton Ferrers
APPEAL STATUS : Appeal decided
APPEAL START DATE: 13-May-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 24-September-2020

APPLICATION NUMBER : **2758/19/ARM** APP/K1128/W/20/3250847
APPELLANT NAME: Pearce Fine Homes
PROPOSAL : Approval of reserved matters following outline approval 3139/16/OPA for erection of 12no. dwellings to include 6no. affordable units for the over 55s
LOCATION : Land Adjacent to Parsonage Farm Newton Ferrers PL8 1AT
APPEAL STATUS : Appeal decided
APPEAL START DATE: 17-June-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 15-September-2020

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **0313/20/HHO** APP/K1128/D/20/3250424
APPELLANT NAME: Mr & Mrs Brian Lavender
PROPOSAL : Householder application for construction of garage and associated works
LOCATION : 2 Devon Villas Devon Road Salcombe TQ8 8HD

APPEAL STATUS : Appeal decided
APPEAL START DATE: 29-June-2020
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 07-September-2020

APPLICATION NUMBER : **3391/19/HHO** APP/K1128/D/20/3250594
APPELLANT NAME: Mrs Sheila Jansen
PROPOSAL : Householder application for rebuilding of boundary wall following
partial collapse (Retrospective)
LOCATION : Cheesewring Sandhills Road Salcombe TQ8 8JP
APPEAL STATUS : Appeal decided
APPEAL START DATE: 29-June-2020
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 07-September-2020

PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury

Parish: Stokenham **Ward:** Stokenham

Application No: 0265/20/ARM

Agent:

Mr Peter Roberts - Barton Willmore
101 Victoria Street
Bristol
BS1 6PU

Applicant:

Mr Lewis - Acorn Property Group
C/O Agent

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

Development: Application for approval of reserved matters following outline approval 0771/16/OPA (Resubmission of 3193/18/ARM)



Reason item is being put before Committee: The Head of Practice (Development Management) considers in light of the previous reserved matters application being a member decision, that this resubmission therefore should be determined by Development Management Committee.

Recommendation: Conditional Approval

Conditions

1. RM time for commencement
2. Accords with plans
3. Secure delivery and maintenance of soft landscaping in LEMP

4. Details of thresholds where steps to dwellings are proposed to be agreed
5. Details of electricity sub-station and landscaping around sub-station to be agreed
6. Flat roofs shall not be used as a balcony/terrace/amenity area
7. Colours of materials to be used in external hardsurfaces to be agreed
8. Details of boundary treatments and retaining walls/slopes/structures to be agreed and implemented
9. External levels, including levels of gardens and public open space to be agreed
10. No raised decks or terraces to be provided/construction unless otherwise agreed by LPA
11. Within 3 months of the commencement of development full details of planting proposals along the southern site boundary shall be submitted
12. Materials to be agreed
13. Roof to be clad in natural slates, nailed and not hooked
14. Details of pedestrian access onto Coleridge Lane
15. The CMP to be agreed pursuant to condition 10 of 0771/16/OPA shall include measures to prevent contaminants from construction activities affecting the Kingsbridge to Salcombe Estuary SSSI
16. The surface water drainage scheme to be agreed pursuant to condition 19 of planning 0771/16/OPA to detail how operational phase run-off impacts have been development to prevent water quality impacts upon the Kingsbridge to Salcombe Estuary SSSI.
17. Details for overflow at land drain/spring
18. Noise assessment of pump
19. No works until the repair works on the existing highway sewer have been carried out,

Key issues for consideration:

Whether the details of the reserved matters (external appearance, scale, landscaping and layout) provide a high quality design and layout that sits comfortably in the wider landscape as well as within the general character of the area; impact on the amenity of existing neighbours, quality of the environment for future residents. Has this proposal addressed the previous refusal?

Site Description:

Chillington is located approximately 7km east of Kingsbridge, 2km east of Frogmore, 1.5km west of Stokenham, and 3km west of the coast and Torcross.

Chillington is centred on the A379 which is the main route from the coast at Torcross to Kingsbridge. The historic centre of the village sits either side of the road and more modern development has spread north and south of the main road. Chillington has a small village shop and post office, a doctor's surgery, a village hall and a pub. A primary school is located in nearby Stokenham. The village is on the No. 3 bus route from Dartmouth to Kingsbridge.

The site is allocated for up to 65 dwellings in the Plymouth and South west Devon Joint Local Plan (JLP). It is not covered by any constraints. The A379 is the boundary of the South Devon Area of Outstanding Natural Beauty, which lies to the south. Further south, approximately 400m from the site (as the crow flies) on the other side of the A379 and the built area of the settlement, is a watercourse which is within a Critical Drainage Area and Flood Zone 2; the site itself is Flood Zone 1, the lowest risk category.

The application site is situated on the northern edge of the village. To the north, east and west of the site lie open fields, to the south are the residential dwellings of the village, with the dwellings of Green Park Way adjoining the southern site boundary.

The 3 hectare site consists of three agricultural fields which sit behind the houses on Green Park Way and were last used for keeping horses. The site's boundaries are formed by a mix of trees and

hedgerows, fences and stone walls. There are also trees and hedges of varying quality along the field boundaries within the site; some of the trees are covered by a TPO.

The site is sloping, falling from 61.5mAOD at the highest northwestern corner to 45mAOD at the southeastern corner (lowest point) boundary. To the north east of the site is a group of commercial buildings. There is one existing building within the site, which will be demolished.

The Proposal:

This application before Members is a resubmission of 3193/18/ARM and once more seeks to agree the reserved matters of layout, scale, external appearance and landscaping. The number of proposed dwellings has reduced to 62, one fewer than the refused scheme.

The proposal is very similar to the previous proposal in that it provides for:

- 35% affordable dwellings (22 dwellings)
- A linear layout, dictated by the elongated shape of the site and the contours of the land.
- A single vehicular access from Green Park Way leading northwards into the site and then splitting east and west. The main road through the site will be built to adoptable standard with a footpath on the southern side of the road; for the initial access road, up until the point it splits into east and west, a footpath is provided on both sides; revised drawings have been provided to ensure compliance with the outline approval.
- A pedestrian link from the north east corner of the site onto Coleridge Lane.

The following changes have been made, described by supporting documents as an “...enhanced scheme for local residents, with improved relationships between the existing and proposed dwellings, based on a revised drainage scheme.”

Elements that have changed following the earlier refusal are:-

- Different house types proposed for plots 44 and 45 in response to residents concerns. These are also set a further 2.5 m away from the southern boundary with Green Park Way dwellings
- Bin collection points are included in the revised highway layout
- New drainage strategy; this broadly follows the earlier drainage strategy but includes fewer individual soakaways and fewer attenuation tanks on site
- The lower road has been realigned which allows more room to the north to accommodate the apartment building; this was originally proposed to the south of the road and has been replaced by bungalows, which are further away from existing properties
- The road levels to the east of the site have been lowered, allowing the dwellings to sit lower and further away from the existing dwellings
- The easternmost dwellings have been orientated to follow the road and sit further northwards, giving greater back to back distances and reducing building heights

The layout once more retains most of the existing field hedgerow boundaries and protected trees that are within the site, save for where the access road runs through the site. Supplementary landscaping is proposed to soften the site boundaries, to provide screening to the south and to create a green, pleasant environment within the site. Informal areas of public open space are provided within the site.

The dwellings have a net density of 28 per hectare, with a lower density to the west, where landscape sensitivity is considered greater. The housing mix is as follows:

Affordable - 22 units (35%), designed as tenure blind

4 x 1 bed apartments (50 sq m)

4 x 2 bed apartments (70 sq m)

1 x 1 bed dwelling (bungalow) (50 sq m)
8 x 2 bed dwellings (79 sq m)
5 x 3 bed dwellings (93 sq m)

Open market – 40 units
2 x 2 bed dwellings (112 sq m)
26 x 3 bed dwellings (121 – 166 sq m)
12 x 4 bed dwellings (139 – 160 sq m)

The scheme includes a mixture of detached, semi-detached and terraced homes, and includes 2 apartment buildings, 1.5 storeys high, towards the centre. The majority of dwellings are 1.5 storeys, although there are bungalows, split level dwellings and full 2 storey height dwellings. Some dwellings are on raised ground and a number of these along the south are split level to address the sloping ground. The 2 storey dwellings are mostly located to the north of the site, with split level/1.5 story dwellings to the south.

Dwellings on the southern boundary have been designed with dropped eaves and limited window openings to minimise overlooking and dominance. Slate hanging has been used in the upper elevations in some buildings to drop the perceived height of buildings.

Architectural styles vary within the scheme but follow a coherent theme, the design is contemporary but reflects the vernacular in terms of roof slope, materials and scale. Proposed materials include natural slate and render as the dominant materials with some buff brick and timber proposed.

The development seeks to address sustainability through a fabric first approach to building design through the use of triple glazing in some homes and low u-value building materials. Ventilation will use 'whole house' mechanical ventilation with heat recovery units – this saves energy by using waste heat from extracted air to preheat the fresh intake air.

In addition the majority of houses have a southern orientation to maximise passive solar gain and low water usage fittings will be installed to minimise water consumption, including restrictors on taps and dual flush WCs.

A total of 160 parking spaces are proposed; 147 allocated for the dwellings and 13 unallocated/visitor spaces.

With the exception of 4 of the 2 bed apartments, all dwellings and apartments have allocated parking provision which meets the SPD. Some have garages as well as off-street parking. In several cases, the provision exceeds the SPD requirements by 1 space, for example, the 4 bed dwellings have 4 spaces (the SPD refers to 3).

Of these allocated spaces, approximately 50% rely on tandem parking provision through parking in front of garages.

Consultations: (as of 24th Sept)

Full responses are available on the online planning file.

- **Trees:** No objection on arboricultural merit subject to the noted documents being made approved plans if consent follows.

- **Natural England:**

9th March 2020: Further information required to determine impact.

- **Environment Agency:** No comments to make

- **Affordable Housing:** Support
- **Police & Architectural Liason:**
19th March 2020: No further comments; refer to previous comments
- **County Highways Authority:**
15th April 2020: No further comments to make
23rd March 2020: No objection, but observations regarding ongoing maintenance of the site roads, parking arrangements, kerb heights, and street lighting. In terms of drainage, no objection subject to conditions/S106 obligation requirements. Full response can be seen on the Council website.
17th February 2020: Reserves recommendation to allow applicant to provide extra details requested
- **Lead Local Flood Authority (LLFA):**
9th June 2020: Briefing note submitted in response to objections regarding drainage. (Can be seen in full later in this report.)
15th April 2020: Objection withdrawn following submission of additional information, requests conditions. Accompanied by briefing note to explain why the objection was removed.
14th February 2020: objection, conflict with DEV35
- **South West Water-** No objection subject to surface water being managed in accordance with the Flood Risk Assessment & Drainage Strategy Plan submitted with the application.
- **Landscape:**
28th September 2020: The landscape drawing has been revised to reflect the latest scheme layout which was the primary remaining concern. It is a competent scheme and has addressed the other points raised previously
18th August 2020: (revised plans): Further details required, hard and soft landscape plans do not match following revisions. No cross-reference on the planting plans to the LEMP. Inappropriate species in native hedgerow mix.
- **Stokenham Parish Council:** Object:
17th July 2020 (revised plans): *‘Parish Council noted the amendments that had been made to the build heights at the eastern end of the proposed development. They however remained unconvinced that the drainage proposals presented a workable solution, either for the Green Park Way estate or for the village as a whole. The recent objection, by Alyson Cadd Harlington on behalf of the Green Park Way Group, raised the concern that the drainage scheme could not conform to condition 19 of the OPA Decision Notice and therefore represented a breach of that decision. Parish Council urged the DMC to fully examine this claim and respond to it fully. Parish Council further noted the Tree Preservation Orders on several trees on the site of the proposed development and trusted that DMC would ensure the developers’ complied with the same and ensured tree root protection areas. During initial pre application discussion Parish Council requested pedestrian access be connected from the footpath meeting the top corner of the development at the Coleridge Lane end to ensure walking and cycling safety. It was requested that this be included as a requirement for future safe usage although it was acknowledge that the*

Port Lane end could not be safely accommodated. Any Construction Management Plan must ensure that during construction all works vehicles were to be kept off general highways and retained on site’.

28th April 2020: ‘Objection as it was felt that the technical evidence relied upon did not consider potential increased risk of flood damage to properties lower down in the village, those that were already affected by flooding in the recent past. There appeared the potential for more properties to be affected in the future and it was questioned why the proposal did not allow for the roads to be permeable paving and for the water to remain on this land. As Helen Montgomery’s conclusion dated 15th April 2020 stated "... runoff will no longer pour off the site during rainfall events as the runoff will be attenuated safely on the site providing a betterment over the existing scenario" and questioned if this statement could act as an insurance guarantee to residents in the event that Devon County’s flood assessment was incorrect. The proposal as a whole would be out of keeping to the wider area being visible from the AONB. Concern remained as to why the plots at the east end were raised circa 2metres affecting the privacy and enjoyment of the properties directly below. The remodelling of the natural slope was wholly contrary to the nature of this green site and made the proposed development unnecessarily overbearing and unneighbourly to residents of Green Park Way. The overlooking and overbearing nature due to height, lighting and lack of pedestrian access points remained issues that would have a detrimental effect on living conditions of residents.’

20th March 2020: Parish Council had hoped that the resubmission of this application might have addressed some of the egregious defects of the original. After rigorous examination they had concluded that their hopes were misplaced: they could not support the development in its current form, and their objections were based on the following grounds: Surface Water Drainage Management scheme. Although substantially revised, this still retained many of the weaknesses of the previous application. The sizing of the scheme – and in particular the 740-cubic-metre tank in the south-east of the development, which took surface water from a substantial portion of the site – was questionable. It was based on FSR rainfall data from 1975, when best practice recommended the use of the much more recent FEH13 data. In this area of South Devon the latter dataset predicted up to 60% more rainfall. The tank was simply not large enough to manage the extra run-off that this more intense rainfall would generate. No exceedance route plans were indicated should the system not be able to cope. The tank had no agreed point of discharge: instead, two options were given, both of which were in their own way problematic. And in further contravention of Devon County Council’s Guidance for Sustainable Drainage Systems (Version 1.6, January 2017), which imposed, in Paragraph 10.2, a requirement on developers to provide a specific list of information for Full, Reserved Matters, or Discharge of Conditions Planning Applications, the developers provided no evidence that the capacity of the receiving watercourse was sufficient to receive concentrated flows from the site. The same paragraph also called for a Residual Risk Assessment to account for a failure in any part of the system. Not only had no such assessment been seen, but the maintenance plans that had been put forward required in some cases weekly intervention. Any plan reliant on such high-frequency interventions was extremely vulnerable to neglect, leading to premature failure. Any failure in the system would lead to inundation of the properties to the south in Green Park Way. Thus, the scheme failed to adhere to the fundamental principle enshrined in the NPPF, that flood mitigation in one area should not increase flood risk in another. OBJECT. Residual issues of Massing and Overlooking Parish Council acknowledged the improvements the developers had made in removing some of the worst-offending incidences of overlooking along sections of the development’s southern boundary. For reasons that are unclear, however, building heights had actually increased in the south-east corner, although it was noted that the sections provided by the developer’s architects actually obscured this important fact, and could even be said to be misleading on the issue. This point was made very effectively in Alyson Cadd-Harlington’s objection. As a result, the redesigned houses now loomed over the gardens of the houses in Green Park Way below in a highly oppressive manner, greatly increasing the issue of overlooking, and, crucially, failing to meet the developer’s original undertaking that they would be set into the hillside in a way that would not detrimentally affect the setting of the AONB opposite. OBJECT. Is this Sustainable Development? Despite the

recently declared Climate Crisis, very little attention had been given to the sustainability of the development. Leaving aside the usual greenwash of the “highly efficient glazing”-variety, there was no mention, anywhere, either in this application or the one that preceded it, of the primary fuel-type used to heat the new homes. There was clearly no provision for oil or gas tanks to be installed – these fuels would in any case be outlawed for new-builds within a year of the development coming online. So how were these houses going to be heated? There was insufficient space for Ground-Source Heat given the complex drainage and topology; and Air-Source Heat had its own issues, with noise and spacing. Given this, it was doubtful that the development could meet the Joint Local Plan’s Sustainability criteria. OBJECT

- **Frogmore & Sherford Parish Council:** Object-

19th March 2020: *‘This application creates an additional flood risk which will impact the village of Frogmore and the Frogmore and Sherford Parish Council submits the following observations and recommendation. Drainage Proposals; The 7.5 acre sloping development site sits above Green Park Way and we note that 62 houses are proposed. 18 houses will have their own soakaway and 44 houses will feed surface water run-off into a 740,000 litre capacity attenuation tank to be located in the south east corner of the site. The tank out-flow rate is specified as 9,000 litres an hour, releasing surface water into either pipe or open channel through Chillington, then discharging into the open watercourse which flows westwards down to Mill Lane, Frogmore and into Frogmore Creek. We are not confident that the applicant has applied ‘best practice’ in assessing rainfall data, commensurate with DCC guidance as Lead Local Flood Risk Authority (LLFA) and present-day climate change experience. Frogmore residents and visitors no longer need rely on ‘data sets’ to confirm the rapid rise in flood incidents over the last 10 years, exacerbated by further major developments lying to the east within the Frogmore Creek drainage catchment. Severe surface water flooding, impairing access, threatening property and public safety occurs regularly between Mill Lane and Frogmore Bridge during frequent periods of heavy rain. In addition, watercourse scouring and consequent ‘silt-wash’ is doing irreparable damage to the estuary’s salt water ecology. In order to avoid the risk of an imminent catastrophic event, no further major developments should be undertaken within Frogmore’s surface water catchment unless and until supported by a flood risk assessment which accounts current locally recorded statistics and climate science projected data. Flooding in the Frogmore Creek Catchment These photographs are a graphic illustration of recent flooding in Frogmore [Photos had to be removed in order for this objection to be uploaded, file too large, however there are several photographs showing recent flooding illustrating the above objections]. Feb 16th 2020 - Amenity ground adjacent to Mill Lane floods as rainwater overwhelms channels on its way towards Frogmore. Taken at low Tide. The same day - Water overflows onto the road at Frogmore, as capacity is exceeded. Fortunately this occurred at low tide and was not exacerbated by the flow being obstructed by water in the creek. February 13th 2020 - Rain water flowing down the valley from the east meets a high tide in the creek at Frogmore, completely flooding the bridge road. The vehicle pictured is attempting to turn south off the A379, which was also below water in Frogmore. The same day. Water will continue to accumulate around properties in Mill Lane until the tide recedes. Although work has been done to improve drainage along the fields adjacent to Mill Lane, these channels struggle to cope with persistent rain and permanently saturated ground, causing flooding and erosion of fields, and damage to the creek’s ecosystems. Recommendation Frogmore and Sherford Parish Council recommend that this application is REFUSED.*

Representations:

At the time of writing this report, 123 objections have been received in total. However, as the application has been subject to revisions and readvertisements, many objectors have submitted multiple representations. For clarity, the breakdown of representations is as follows:

Original submission: 53 objections from 40 households or organisations

Revised plans (April 2020): 55 objections from 37 households or organisations (24 of whom had objected to the original submission)

Revised plans (June 2020): 15 objections from 12 households or organisations (11 of whom had objected to earlier revisions of the proposal)

These objections are largely similar in content, and can all be seen in full on the Council's website. In summary, the reasons for objection are:

- Guarantee needed that development would not increase flood risk to nearby properties
- No indication that surface water drainage plans will work safely
- Dispute over proposed drainage system
- Every house should have its own soakaway and deal with their own surface water as the site is in Flood Zone 3
- Will pollute the SSSI and compound existing problems of pollution
- Will increase existing flooding issues on the road and within the local villages
- Conflicts with DCC SuDS guidance which states it is not acceptable to leave drainage details to conditions or reserved matters applications
- Similar to previous application
- Overdevelopment of sensitive site
- Impact on AONB
- Prominent position in the landscape
- Block parking does not look attractive
- AONB unit should respond to consultation
- Over-dominance to Green Park Way, reducing natural light and overlooking to existing properties
- Plots 44 to 49 are sat on a high platform on land already higher than existing properties
- Contravenes covenants in regard to the spring on site
- Two storey design and elevation position inappropriate and above village skyline
- Increased traffic using A379
- Road network cannot cope, particularly given the likely failure of the Slapton line
- Will impact the village community
- Infrastructure cannot cope with more houses
- No safe link for cyclists and pedestrians
- Potential light pollution
- Lack of information on renewable energy sources proposed to new dwellings
- Houses will not be affordable and so do not serve local need
- There are a number of empty properties in the village so where is the need for more houses
- Misleading plans and information submitted
- Construction should not be permitted at antisocial hours
- Proposed dwellings would overlook habitable rooms in Green Park Way; loss of privacy
- Green Park Way will become a building site and car park for contractors
- Misleading ground levels given
- Not enough local employment for residents of new houses
- General quality of submitted application is poor and concerned not everything is published online
- Suburban character is not appropriate
- Limited amenity and village benefit- paths, play areas, etc
- The government's push for new homes should not mean poorly planned development is allowed
- Absence of biodiversity mitigation or enhancement
- SHDC has declared a climate emergency so more renewable energy, and green and sustainable drainage systems should be required
- Proposal does not meet the JLP Sustainability standards
- It does not appear that all the information is being published online for public viewing

- Track between the site and Green Park Way would present a security risk to dwellings
- Request pedestrian access onto Coleridge Lane
- Numerous protected species have been recorded on the site
- Outline application stated that development should be no higher than 1.5 storeys; the expectation was mostly for single storey dwellings
- South West Water should've had input into the proposal
- Conflicts with conditions on the outline application
- Too many dwellings are proposed and this conflicts with the JLP consultation
- Questions raised regarding CCTV, security lighting, timing of street lighting

Most of the objections are related, at least in part, to the drainage information provided, or perceived lack of it. There is dispute with the data used for the calculations provided and general dissatisfaction with the information provided given the history of flooding within the village; these will be discussed in detail later in this report. It is worth noting the site is not in Flood Zone 3 as stated by some objectors, but in flood Zone 1.

Relevant Planning History

Outline planning has been granted on 7th March 2018 for up to 65 dwellings, including open market, affordable and retirement housing, with details of vehicular access only agreed; application 0771/16/OPA. This was subject to conditions and a S106 agreement which secured:-

- 35% provision of on-site affordable housing
- £300.00 per dwelling towards sustainable travel vouchers
- Public Transport Contribution £100,000 towards bus service enhancement
- £71,612 towards the provision of cirl bunting habitat.
- Onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field
- Offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments
- Securing public access in perpetuity to Public Open Space within the development
- Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- Primary school contribution £2,840 per dwelling; Secondary education contribution £2,736 per dwelling; Secondary school transport : £2,441.50 per pupil
- Age restrictions on dwellings to be secured in perpetuity
- The provision of a sustainable urban drainage scheme including management and maintenance responsibility and arrangements

Conditions imposed were as follows:

- Details of reserved matters; landscaping, appearance, layout and scale to be agreed
- Prior to commencement - Tree protection, Arboricultural Methodology Statement and Mitigation measures to be agreed
- Prior to commencement - submission of a Landscape and Ecological Management Plan
- Prior to commencement - submission of a Lighting Strategy
- Unsuspected contamination
- Highway features construction details and provision
- Prior to commencement – phasing programme to be agreed
- Site compound and car park to be constructed as first part of development
- Pre commencement - Construction Management Plan (CMP) to be agreed

- Parking strategy to be agreed
- Pre-commencement – percolation testing to be carried out
- Pre-commencement – 12 month groundwater monitoring programme
- Pre-commencement – detailed design of permanent surface water drainage management
- Pre-commencement – construction phase drainage scheme to be agreed
- Car parking/garaging to be retained
- Prior to commencement - barn owl survey to be undertaken
- Prior to commencement - renewable energy/energy efficiency
- Provision of ducting for fibre optic broadband.
- Removal of PD rights

A subsequent reserved matters application, 3193/18/ARM, which originally proposed 64 dwellings and was amended to 63 dwellings, was deferred by the Development Management committee on July 17th 2019 to allow for further drainage information to be submitted, and later refused by the Committee in September 2019 for the following reason:-

“It has not been demonstrated that the proposed layout and landscaping can support a satisfactory scheme of surface water management to adequately manage flood risk. As such the proposed reserved matters are contrary to DEV 35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019, in particular paragraphs 149, 150 and 165”

An appeal was lodged against this refusal and at the time of writing this report, remains undecided.

ANALYSIS

Principle of Development:

The principal of residential development has been agreed through the granting of the outline planning permission; it is worth remembering this allowed for up to 65 dwellings. The site is also allocated in the JLP, under Policy TTV24 for 65 dwellings. As set out in the outline application and secured in the S106, 35% of the dwellings are to be affordable. The age restricted dwellings have not been identified on the proposed site layout, but in line with Schedule 4 of the S106, will be identified prior to commencement of development; there will be between 10 and 15 such units.

This reserved matters application seeks to agree matters of layout, scale, external appearance and landscaping.

Comments have been received questioning the need for these dwellings and stating there are too many proposed. The principle has been agreed and cannot be revisited at reserved matters stage, but the proposal is now only seeking consent for 62 dwellings, below the maximum “permitted” at outline stage. The number/density of dwellings and other associated issues are discussed later in this report.

Landscape Impacts:

The site is on land rising northwards beyond the northern built up boundary of Chillington. It is not within a designated landscape but is within the setting of the South Devon AONB which lies south of the A379. At outline stage careful consideration was given to the potential landscape impacts of this development and it was identified that the western part of the site was most sensitive where consideration could be given to limiting building heights to 1.5 storeys, particularly to the east and where a strong landscape buffer would be required on the northern boundary to improve the landscape setting of the village.

The proposal does now include some 2 storey properties, although the majority are 1.5 storey, to which objections have been received. The outline application did not impose any conditions limiting the height of the dwellings and therefore, whilst residents' concerns are noted, it turns to this reserved matters application to determine if 2 storey dwellings are acceptable.

Policy DEV25 of the JLP states that:

The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings.

The landscape impact of the proposed development was considered by the Council's landscape specialist on the previously refused reserved matters application; given the similarities between the proposals, it is still considered relevant and are summarised as follows:

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

- *Section 85 of the Countryside and Rights of Way (CRoW) Act*
- *Sections 12 and 15 of the NPPF, in particular paragraphs 127, and 170, 172 & 173*
- *The National Planning Practice Guidance, particularly Section 8-001 to 8-006 on Landscape*
- *The South Devon AONB Management Plan and its Annexes*
- *Joint Local Plan - DEV23 Landscape Character and DEV25 Nationally protected landscapes*

Landscape comments

The sensitivity of the site, accepting its location outside of the South Devon AONB but within the setting were noted in the outline stage and have sought to guide and influence the initial approach for a landscape led development; this has proved challenging.

Discussions over the life of the application have led to some improvement in layout including setting into the ground and slightly orientating the dwellings located on the upper slopes, reducing the numbers of dwellings in the eastern corner, and more recently the addition of planting around the perimeters of the site to achieve higher standards of planting to mitigate the quantum of units. There remains some disappointment at the overall densities of the build which, if reduced, would have allowed for greater spacing between dwellings; and therefore providing an opportunity for additional planting within setting of individual buildings and garden spaces, and achieving a lower density transition of the village edge with the rural setting.

However, there has been a consistent approach to ensuring that impacts resulting from the proposed development do not adversely harm the setting of the AONB, and the wider landscape character, returning to the LVIA and reviewing of the more sensitive viewpoints. This has seen an overall improved northern edge to Chillington, and with the combination of existing hedgebanks and trees that extend south, down through the site, achieving reasonable screening and division of the development, and with the additional new planting around the periphery, the overall development is now broadly acceptable in landscape terms. On this basis, the development proposal accords with JLP policies which seek to conserve and enhance the landscape character and visual amenity.

Recommendation

No objection subject to conditions

In regard to the current application, a detailed planting scheme has been submitted. The Landscape Specialist requested some amendments be made. Revised plans have been received and the landscaping is considered acceptable.

The density of the proposal is 28 dwellings per hectare, which Officers do not consider is high and does not appear out of character with nearby developments. Government guidance no longer specifies set densities but the NPPF does, at paragraph 123, require policies and decisions to avoid low density housing, and to make optimal use of a site.

The layout provides each dwelling with adequate amenity space, and allocates small areas to the apartments; a communal area of open space is located around and close to the access road, as well as areas of wildflower grassland throughout the site. The majority of existing hedgerows remain.

Dwellings have been kept as low as is practical and the reconfiguration of the road has allowed for some to be set lower than originally proposed.

Noting that implementation and maintenance of the landscaping is secured at outline stage through submission of the LEMP, along with tree and hedgerow protection measures, all to be agreed prior to commencement of development, the proposed development is considered acceptable in terms of its wider landscape impact and impact on the setting of the AONB. A condition is imposed for details of all retaining walls and structures to be agreed to ensure they are appropriately designed.

Lighting is an issue of concern for objectors and whilst the LPA cannot control future occupants from fitting personal security lights (or even CCTV), the outline permission carries a condition for details of lighting to be submitted and agreed. Highway Street lighting will be largely designed in consultation with DCC Highways.

Design and layout:

Policies DEV10 (Delivering high quality housing) and DEV20 (Place shaping and the quality of the built environment) of the JLP give guidance on the standards new housing development should achieve.

The supporting Design and Access Statement (D&AS) demonstrates a considered approach to the design and layout of the proposed development that reflects and addresses the site topography and local context. Whilst the design and layout is similar to the previous application, the D&AS explains how the previous refusal reasons and comments from residents have been taken on board, resulting in the scheme now before Members (the changes made have been described earlier in the "Proposal" section of this report.

The scale and massing once more broadly follows the parameters shown on the illustrative drawings at the outline stage and with the previously refused reserved matters.

The dwellings to the southern part of the site are predominantly 1.5 storeys and where possible, they have been pulled slightly away from that boundary, towards the north; whilst no objections were noted to this element by Officers or at the previous Development Management Committee, this is seen as an improvement. The areas of the site considered less sensitive, such as the northern boundary, are generally where the 2 storey dwellings are located.

Similarly, the 1.5 storey apartment blocks have been relocated to the north of the road, and replaced by single storey properties, further reducing potential impacts upon the existing properties in Green Park Way.

Separation distances are now a minimum of 26 metres back-to-back; in many cases this is far exceeded, for example, at plots 48/49, the distance measures approximately 45 metres. This complies with guidance on the recently adopted SPD which requires a minimum distance of 21 metres for 2 storey development, increasing to 28 metres where a drop in levels could result in privacy concerns.

Additional cross section drawings have been submitted which demonstrate the relation between existing and proposed dwellings is acceptable, even taking into consideration the change in levels, and especially when considering the detailed landscaping proposals which will strengthen existing vegetated boundaries. Permitted development rights are proposed to be removed by condition and this will prevent additional extensions or works to roofs which might result in unneighbourly development.

Specific concerns have been raised by objectors with regards to plots 44/45 and 48/49; this is discussed in the next section of this report.

The linear layout is dictated by the shape and topography of the site, efforts have been made to make the layout more organic than originally proposed at pre-application stage to help the scheme sit more comfortably in the landscape.

The provision of informal open green space and retention of existing landscape features within the site helps to break up the massing of the development and introduce a feeling of space and greenness within the development; the net density is 28 dwellings per hectare. Many of the dwellings have front gardens which further softens the scheme, although having the southernmost dwellings as far north as possible means these cannot have front gardens; this is considered an acceptable compromise in order to minimise potential impacts upon existing dwellings. The use of a varied palette of hard surfacing materials will also add visual interest.

A variety of contemporary house types are proposed that are a successful blend of modern and vernacular. The dwellings mostly maintain traditional pitched natural slate roofs but incorporate modern box style dormers and glazing styles. Materials mostly reflect the vernacular including coloured render and natural slate hanging but also propose some buff brick and timber cladding. The use of timber cladding is minimal and used mostly to articulate smaller architectural features within the scheme and is considered acceptable. The specific details of materials can be dealt with by condition.

Frontages are open plan, and appropriate boundary treatments are proposed; rear amenity areas are separated by timber fencing and any boundaries facing the public realm are to be walls, with the exception of the side boundary to plot 1, where a timber fence is proposed running adjacent to the access point; a condition will be imposed to ensure a more appropriate boundary is provided here, given its visibility when entering the site, and to ensure the walls are finished with appropriate materials.

Subject to the above, the general layout, design and orientation of the dwellings is considered appropriate for the site and will create an interesting and pleasant living environment that will complement the character of the area.

Neighbour Amenity:

Concern has been raised by a number of residents of the adjoining houses in Green Park Way with regard to the development being overbearing and causing loss of privacy, and questioning why some plots are set on built up ground, making the development even more unneighbourly.

It is correct that in some areas of the site, due to the sloping ground and need to find a workable drainage solution, the ground has been made up. However, this current application has addressed that somewhat, and lowered some of the plots, namely those in the eastern end of the site. Being in the lower corner of the site the landscape impact of this is considered to be acceptable.

By reviewing the cross section drawings, a good assessment can be made of the levels and neighbour relationships. At the eastern end of the site, it can be seen that the dwellings have been pulled back considerably from the existing southernmost boundary (drawing A-P12-001 C). The finished floor level, as an example, of plot 47 does sit higher than the ridge of the nearest property in

Green Park Way, No. 51, however, this does not, in itself make the development overbearing or unneighbourly; there is a separation distance here of 45m (noting that all measurements are approximate and scaled from metric drawings), plus intervening boundary fencing and landscaping.

Plots 44 and 45, which have been a particular area of concern for residents have also been changed; the house type has altered and the floor levels reduced. It is no longer proposed to build these on significantly raised ground; the original drawings set the finished floor at 52200 and the revised drawings set them at 49350, some 2.85 metres lower.

Moving further west, the dwellings are proposed as split level/1.5 storey, set into the ground to minimise their overall height and prominence within the landscape; they appear single storey from the highway and 2 storey from the rear. The separation distances of around 28 metres are considered acceptable here, particularly when considering they are set down into the site, and there will be screening provided by vegetated site boundaries.

Towards the centre of the site, separation distances increase to around 33 metres, again considered acceptable.

Separation distances at the western end of the site are around 28 to 34 metres; the site here is less steeply sloping and through design, orientation, boundary treatments and proposed landscaping, it is not considered unneighbourly impacts would result.

Some house types feature flat roofs which could become accessible if a property owner installs a door or stair way resulting in unneighbourly impacts; a condition is proposed to prevent the use of these as amenity areas.

The properties on the north side of Green Park Way that back onto the site have, until now, enjoyed privacy in their gardens and rear aspects. To varying degrees their rear gardens are more or less secluded from the development site; some have existing vegetation which will help to screen, others have open boundaries to the development and trees/hedgerows are no longer visible. Some loss of privacy is an inevitable consequence of large scale development such as this however efforts have been made to minimise this and keep it to acceptable levels.

Along this southern boundary, planting is indicated as part of this application, showing a new hedgerow planted to the south with some tree planting. Whilst the landscaping scheme shown is considered acceptable (in relation to landscape and visual impacts) a condition is imposed to secure additional planting along this boundary, in order to further enhance screening and protect privacy.

On balance, whilst the concerns of residents are noted, the impact on residential amenity is considered to be acceptable for the reasons above and accord with policy DEV1 of the JLP.

Drainage:

At outline stage, drainage was a strong matter of contention with local residents very concerned about flood risk having regard to existing flood problems in the village and flooding that already occurs from time to time from the site, caused in part by a layer of impermeable clay close to the surface. The fact the site is on higher ground also raises concern from existing residents.

Drainage was also a major point of contention on the previous reserved matters application, which ultimately led to the application being refused by the Development Management Committee.

Drainage was conditioned at outline stage for full details to be provided prior to commencement for all stages of the development, from construction through to operation, to be informed by 12 months of percolation testing. It could be argued that therefore there is no need for the drainage to be assessed as part of this application, however, given it is integral to the layout and landscaping, plus in response to previous concerns, details have been provided.

As objectors point out, current DCC SuDS guidance does state that drainage details should not be left to reserved matters stage, but dealt with as early as possible. The outline application was accompanied by a detailed Flood Risk Assessment (FRA) and Drainage Strategy. This gave sufficient “comfort” to the Lead Local Flood Authority (LLFA) to recommend the final details be secured by condition; it is not now possible to turn the clock back on that decision.

The drainage scheme presented with the previous application was considered acceptable by the LLFA, nonetheless, a different detailed surface water management strategy has been put forward. It broadly follows the principles as set out at outline stage, and at the request of the LLFA, further work and amendments undertaken during this application process. This scheme is now agreed in principal, but does not override the aforementioned conditions and full, final details will be provided prior to the developer commencing work on site.

In response to the numerous lengthy objections and questions raised, DCC LLFA provided a briefing note to summarise the discussions between them and the applicant’s team:

Briefing Note to Support the Removal Of Objection By DCC As The LLFA And Statutory Consultee

Introduction

The aim of this briefing note is to explain how Acorn have taken on board the concerns of the residents and councillors whilst re-designing the surface water drainage strategy. This has produced a much better gravity fed sustainable drainage strategy which encompasses a mixture of on plot soakaways, permeable paving, a swale, an oversize pipe and two attenuation tanks to restrict the runoff rates to provide a betterment over the existing scenario. Furthermore, the revised strategy has committed to upgrading the major defects within the existing highway sewer within the village which generates an even greater benefit to the local area.

Major Changes Since Last Application

This submission sought to address the concerns of the locals and councillors associated with the previous application 3193/18/ARM. DCC LLFA, advised SHDC that the previous application was in line with local and national guidance and recommended approval. This application was subsequently refused at planning committee in September 2019 and the applicant has submitted a new application with a revised surface water drainage strategy.

With the previous strategy, the locals had concerns regarding the reliance on large communal soakaways, the pumping station, the use of perforated risers as flow control devices, factors of safety and soakaways being situated close to buildings. These issues have all been carefully addressed in this new submission. The communal soakaway is now an attenuation tank with a positive discharge into the sewer requisition which will be undertaken by South West Water under the Water Industry Act 1991. This means that there is no risk of infiltrated water re-emerging downslope in the village as the tank no longer infiltrates. The previously proposed pumping station has been removed completely and all flows can drain naturally to one of the two attenuation tanks. The perforated risers have also been removed and the on plot soakaways have been designed extremely conservatively, with a factor of 10, in excess of what DCC LLFA and Ciria SuDS Manual C753 (2015) require.

Ground Investigations

The applicant has undertaken three separate ground investigation studies so we have extensive data on the geology at this site. The applicant has also undertaken 12 months’ worth of groundwater monitoring extending from January 2017 to December 2017 so we are aware of seasonal fluctuations within the water table at the site. This is a requirement of our DCC Suds Guidance, BRE365 and Ciria SuDS Manual C753. The results indicate groundwater was found to be between 7.5 and 10 m below ground level and therefore once the seasonal maximum water table has been reached, groundwater is sufficiently deep at the site so it will not impact on the proposed soakaways.

In light of the data above, the on plot soakaways have been carefully designed below the clay layer, with a conservative factor of safety of 10 and with consideration for half drain down requirements, where the soakaway would be half emptied within 24 hours in readiness for a subsequent storm.

Diversion of the Spring

Initially, the proposal was to upgrade the pipe from a 100 mm diameter pipe to a 150 mm diameter pipe. We were concerned that the upgrade would result with more flow coming off the site which would then be restricted downstream when entering an existing 100 mm pipe. Consequently, the applicant has now proposed a 100 mm pipe to ensure there is no increase in flow downstream.

Maintenance Schedule

The applicant has produced maintenance schedules for the on plot soakaways, attenuation tanks, permeable paving and the swale feature. Part of the access road will be adopted by DCC Highways with the remainder of the drainage remaining private and will be maintained by a management company.

Exceedance Flows

Exceedance flows relate to flows generated by rare extreme events, above the design event of 1 in 100 year plus 40% for climate change. The applicant has carefully designed the exceedance flows which will be carefully routed away from properties and due to the steepness of the site, an earth embankment has been proposed to improve the flood exceedance routing at the site. Instead of flowing off the site during exceedance events, flows will be held back against the bund and redirected towards the highway in line with best practice.

Rainfall Data

There was discussion about FEH rainfall data being more appropriate. As it stands, FSR data is still acceptable as per the Ciria SuDS Manual C752. Taking into consideration the conservative design of the attenuation features, the factors of safety, we have no reason to discredit this data set.

Highway Improvement Works

The applicant has committed to undertaking much needed repair works on the existing highway sewer. The works involves undertaking remedial work on the major defects within the sewer, as identified within a CCTV survey. The works have been agreed with DCC Highways and will be undertaken before any connection from the development into the highway drain. The remedial works will provide a major betterment to the wider area within Chillington.

Water Quality

The applicant has proposed to use smart gullies on the private roads which will provide pollutant removal, in particular hydrocarbon and oil removal, to ensure that water quality will not suffer as a result of the development. A sustainable drainage treatment train comprising permeable paving and the swale will also ensure that adequate treatment of runoff has been undertaken prior to runoff discharging from the site in line with SuDs Mitigation Indices identified in Table 26.3 of the in Ciria SuDS Manual C753. This is particularly relevant due to the presence of the Kingsbridge Salcombe SSSI downstream.

Conclusion

We believe the revised sustainable drainage scheme offers a vast improvement compared to the previous strategy. The revised scheme benefits from utilising an array of sustainable drainage features such as a swale and permeable paving. The runoff will ultimately be restricted prior to discharge into the highway drain or the sewer requisition. This will mean runoff will no longer pour off the site during rainfall events as the runoff will be attenuated safely on the site providing a betterment over the existing scenario. In addition, the applicant has committed to undertake remedial works on the highway drain which is known to be in poor state of repair which offers an improvement within the wider village area.

We have worked closely with Acorn Developments, Sands Civil & Structural Chartered Engineers to improve the proposed surface water drainage strategy. We have also taken on board local knowledge from the residents of Chillington. We no longer have any reason to maintain our objection to the application. This revised scheme clearly fulfils all four pillars of sustainable drainage: reducing flood risk, improving water quality, providing biodiversity and amenity therefore we recommend the strategy is in line with local and national SuDS guidance.

The drainage proposals have once more attracted considerable objection. These objections can all be viewed in full on the file, but are broadly summarised as follows:

- Consider the site could be developed provided the design of both the site layout and drainage system were changed, and number of dwellings reduced considerably.
- Roads frequently flood in the immediate area and this development will make this worse. Gardens and houses will be put at risk.
- The outline approval carried very little detail, leaving it to Reserved Matters. In addition the surface water drainage, an absolutely crucial element of the whole proposal, was considered unworkable – so was set aside as a 'Pre-commencement condition', conflicting with DCC's own guidance document which states drainage should not be left to conditions and needs to be agreed at OPA stage.
- The current proposal collects the majority of the rainwater from across the site and intends to discharge it downhill; meaning the rest of Chillington and beyond needs to deal with the water.
- The developer is using older, less effective technologies and rainfall data. DCC LLFA are not demanding any better. The use of old technology shows a lack of understanding of current and future climate change. DCC even accept old rainfall data (FSR) from 1975, adapted with a 'protocol' that brings it 'up' to 1994. This does not instil confidence that this development is 'future proofed' for flooding in any way.
- Believe the LLFA have made comments without all of the information being made available.
- DCC's SuDS guidance is rarely fully implemented and a relaxed attitude is used, so developers are able to interpret it, or ignore it, as they have here. In some sensitive Critical Drainage Areas - and particularly here - the guidance should be rigorously adhered to, requiring high standards of design, using the latest sustainable drainage technology, to minimise flood risk and manage surface water efficiently and appropriately within the development itself by the individual new properties.
- As with the original application the applicant continued to update and/or alter the detail of the revised application over the course of several months. Whilst there may have been minor tweaks during this time, the system that forms the basis of the current revised application is based on the same approach as that which was proposed back in February.
- Whilst the applicant has made minor changes to the site layout, the significant changes they have made to the proposed drainage system fail to address many of the issues that were deficient in the original design and make the drainage system worse than it was in the original application.
- A comparison has been made:

	Original Application	Revised Application
Number of properties	63	62
Properties served by private attenuation tanks	20	0
Properties served by private soakaways	14	18
Surface management within own curtilage	34	18
Properties draining to soakaways and managing water on-site	63	18
Properties draining off site via attenuation tanks	0	44

Max volume of largest tank	492m ³	740m ³
Max depth/height of largest tank	1.2m	2m

- Rather than take the opportunity to improve the drainage system, the applicant has chosen to wind the clock back more than fifty years in terms of 'best practice'. Instead of trying to retain as much of the surface water on site as possible, as stated in both the SuDS manual and the reports that were produced prior to OPA being granted, they now propose to pipe the runoff from more than 70% of the development off the site via a single attenuation tank that is even larger than either of the two soakaways that were proposed for the original application.
- How can DCC be so confident that the scheme will not only work but will also provide 'betterment' when we do not know where the water is going to end up?
- DCC appear to be somewhat uncertain as to whether or not the site is suitable for infiltration.
- DCC state the development contains a number of SuDS features and these provide betterment. What is not stated is that the vast majority of this relates to the part of the site which is not covered by development; many of the features exist already in the greenfield site, for example, the Devon Banks.
- Why did the applicant and their consultants not even undertake a preliminary assessment of the drainage system using more recent rainfall dataset. The only logical explanation is they knew/suspected it would demonstrate the system would not work to the required standard. Notwithstanding this, DCC advise that the attenuation tank will provide a betterment as it will reduce the flood risk. At the very simplest level this might be considered to be true - the peak discharge rate from the site will be reduced.
- Reliance on attenuation tanks means that even during lower magnitude rainfall events the majority of rain will run off the site almost immediately. Whilst this is unlikely to cause issue during wetter months, in drier periods, water levels and flows in receiving watercourses will be lower, meaning that there will be less water available to dilute runoff from the development.

- Drip-feeding minor changes until people simply give in is a classic ploy, and appears to have been well implemented in this case. Similarly, it appears that a significant amount of technical material has been passed between the applicant and LLFA without making it into the public domain.
- The design of the proposal is based on a significantly higher density of development than was stated at the OPA stage and higher than the existing development at Chillington.
- DCC have confirmed the feature nearest our homes is a bund. However its location, composition and maintenance is vitally important to the residents whose homes are within feet down-slope of it. The *'exact location to be confirmed via submission of details'* is concerning.
- Drawings state the detailed monthly schedule of inspection and maintenance for the swale features elsewhere in the development, but there is no schedule for the bund, which itself forms a small swale I gather. Do we assume the maintenance of the bund would be the same schedule and process?
- Would like more detailed information on the exact location of this important feature please. It forms a 'dam' and is an integral part of the Flood Routing Plan, channelling exceedance flows along the rear of our properties and off the site.
- The bund is likely to be vulnerable to damage, removal or neglect, so making it not only useless but a potential flood risk in itself. Any storm water intended to flow along it will be stopped or possibly diverted south into any garden or property below the point of dam.
- If the bund is fenced off, this creates a narrow track; an unlit, unsupervised haven for dumping, kids and anti-social behaviour. Either way this is looked at it is a cause for concern and cannot work with the current layout and density.
- The solution is for a reasonable size bund and swale in a much wider open area, visible from several vantage points and a usable space so it could become a landscape feature in its own right, adding both visually and as an amenity for the residents.
- Revised plans now extend the fences of plots 44-45 and 36-37 so they now enclose the bund within their gardens, making the situation worse. However, if the reverse was proposed and all the gardens stopped short of the bund it would create an unwelcome, unmanaged and unsupervised area that we don't want either - and neither did the Police when it was proposed the first time.
- Is it plausible that the developers place the entire flood management feature at the southern boundary within private gardens? No flood prevention infrastructure should be under the control of private homeowners.
- The original scheme specified in Condition 19 was primarily on-site infiltration with all properties or pairs of properties having individual private garden soakaways. The current reserved matters scheme is primarily an off-site discharge scheme with only 18 of 62 homes having private soakaways, plus some driveways and parking areas that infiltrate into the ground. This conflicts with condition 19 on the outline application, which states:

"No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The design of permanent surface water drainage management system will be informed by the programme of approved BRE Digest Soakaway Design (2016) percolation tests, in addition to the results from the approved groundwater monitoring programme, and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. 4660, Rev 5, dated January 2017) Reason: To ensure that surface water runoff from the development is discharge as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems"

DCC LLFA have responded specifically to this final point:

The FRA was submitted in two parts. The Option B strategy shows underground attenuation in the form of oversized pipes just before the two connections; into the sewer requisition and into the highways network so the underground attenuation is keeping in line with what was approved previously. The principles of the drainage strategy were established at outline – they were not set in stone and we feel the strategy put forward is an improved solution for the site. The latest drainage strategy plan for the current application is 2501 P07.

Officers would emphasize the key here is the condition requires accordance with the “principles” as set out in the FRA, not “strict adherence” to it. Two options were considered at outline stage, one of which was shown in the FRA Appendices.

It is accepted there are some differences between the previous scheme and that now being presented, as referred to by the objectors’ summary above, but it is not considered the condition is breached.

In response to queries raised over the proposed bund, which runs at the rear of the gardens on the southern part of the site, DCC LLFA commented:

The bund is proposed to manage exceedance flows if the other tanks/ soakaways/ oversized pipes/swale become overwhelmed. This will only happen during very rare rainfall events which may not even be witnessed during the life time of this development. The inclusion of the bund is merely an additional fail safe measure over and above the design standard to direct flows away from existing properties backing onto the development and to route the runoff along the road within the development in line with best practice. It is the role of the management company to gain access to maintain the bund and homeowners will be made aware of it in their deeds. It is no different to management companies gaining access to maintain soakaways. Due to the nature of the feature, an earth bund, as long as it’s not removed then it will carry out its function if indeed it was ever called into play. It is quite different to an attenuation tank requiring specialist knowledge to maintain.

Officers would point out that whether the bund is in gardens, or divided by fencing, this will still result in objections. The Police Architectural Liaison Officer previously stated that fencing this off would be undesirable, at risk of encouraging antisocial behaviour. Having it publically accessible would also introduce activities immediately to the rear boundaries of the existing properties in Green Park Way, which has also attracted objections. The proposed solution is seen as the most practical and Officers would remind Members that the requirement for management and maintenance of all of the drainage as well as communal areas is covered in the S106 agreement.

Furthermore, in response to lengthy detailed objections from a third party, Dr Bennett, DCC issued a rebuttal statement:

Introduction

Upon request from SHDC we have produced this statement to provide clarity over Dr Bennett’s objection letter. A number of issues raised challenged the input from Devon County Council’s Flood & Coastal Risk Management team, which we believe are unjust. We take our role as statutory consultee extremely seriously following our SuDS Guidance for Devon (2017) and have worked very closely with SHDC and the applicant for two years on this application. We have spent more time and effort on this application than any other in the past 5 years since DCC became statutory consultee for surface water management. We have reviewed the contents of Dr Bennett’s letter and have compiled this Briefing Note in response. For clarity and contrary to what is reported, DCC as the Lead Local Flood Authority (LLFA) do not have any development targets whatsoever and for avoidance of doubt our statutory role is to provide advice to the Local Planning Authorities on whether the proposed surface water management system will function in accordance with the design parameters. The LLFA do not have any direct responsibility or involvement in the design process, as this will contravene the Construction Design & Management Regulations 2015, but will direct the applicant in accordance with national policy and local guidance to ensure the proposal meets the strict standards that have been

set. It should also be stated that we can only comment on the information provided to us and cannot unreasonably object to a proposal that does not make matters worse or provides a betterment.

This statement is intended to provide further details of points raised in Dr Bennett's objection letter, explaining why we have made the decisions we have and how these link to current national and local policy. We feel it is important that residents and councillors are party to correct and accurate information from an impartial source.

Firstly, we completely disagree that the new application 'makes the drainage situation worse'. The new drainage strategy provides a significant betterment in that it will pick up and store the surface water flows which currently flow off the three fields during rainfall events. The benefits will be provided to the residents of Green Park Way who currently have their highway flooded from this uncontrolled surface water pouring off the pre-developed site during rainfall events. The strategy also boasts a treatment train of various sustainable drainage techniques, one of the key principles of SuDS, via the provision of a swale and extensive permeable paving which has been completely ignored in the letter. It also fails to recognise that the applicant is committed to upgrading the public highway drainage system, at their own expense, which will provide further benefit to the residents of the village. The current highway drain has major structural defects throughout and Acorn will repair these defects as part of this proposal. This provides a significant betterment to the wider village of Chillington, not just the residents at Green Park Way. The previous surface water drainage strategy, although workable, relied on a pumping station and a series of perforated risers for controlling local flows, placing further onus on a private 2 management company. The new drainage strategy removes these maintenance risks.

The objection letter queries whether we accept that infiltration at the site will work. There has never been any doubt as to whether infiltration will work at the site. Three sets of site specific infiltration testing to BRE 365 have been undertaken. All three sets of infiltration test results indicated favourable rates of infiltration. Residents had concerns about subsidence of the large communal soakaways as well as potential groundwater re-emergence so the applicant took these views on board and provided more on-plot soakaways, as demonstrated by Table 1 in Dr Bennetts report. It is not normal practice for developers to seek opinion of local community groups on the design of surface water drainage system. However, in this instance the applicant has taken on board the concerns raised by the residents with the previous application, which goes above and beyond what is required. Dr Bennett's letter also states that the assessment of groundwater monitoring was not complete by September 2019 which is incorrect. This was clearly explained in a previous Briefing Note dated 30 th August 2019 linked to the previous drainage strategy put forward for this application.

The proposed strategy combines both the use of infiltration and attenuation. This formed the alternative drainage strategy which was approved at outline stage. This is evidenced in our DCC LLFA formal response dated 9th January 2019 for 0771/16/OPA. The combined option of infiltration and attenuation is clearly illustrated in the drawing entitled Surface Water Drainage Layout Option 2 - Combined Attenuation and Infiltration based scheme (Drawing No. 4660/503/02, Rev. A, dated 15th November 2016). In light of this the applicant is not departing from what was previously approved at the outline stage of planning.

Another issue which the letter raises is to do with the size of the attenuation tank proposed at the east of the site. The size of the tank is required to comply with current design standards (1 in 100 year rainfall event plus climate change) in line with the Non Statutory Technical Standards for SuDS (2015). The volume of storage being provided will achieve the standards required in both our local Suds Guidance and national guidance. The attenuation tank will be sited under the ground, as illustrated in the cross section identified on page 10 of the Design & Access Statement. For the majority of the time this tank will be completely empty or only partially full during periods of rainfall. Even on the rare occasion when the tank will be full, which has a likely probability of 1% in any one year, it will in fact weigh significantly less than the earth which is in situ at present.

There appears to be confusion over the understanding of the proposed sewer requisition and how these are determined. The process is a legal agreement between the applicant and the water company and not something that DCC would get involved with. The water company have already indicated that it is feasible which fulfils our requirements for this stage of planning. The letter mentions that the proposed strategy will route water into Flood Zone 3. The development's surface water flows will no doubt enter a watercourse lower down the catchment but at a significantly restricted rate. To imply that the applicant is routing water from a Flood Zone 1 area to Flood Zone 3 is misleading as any strip of land adjacent to a watercourse and the watercourse itself is designated Flood Zone 3 therefore this argument is invalid, otherwise there would be no discharges into any watercourses. 3 The letter states that there is a lack of supporting information for the proposed surface water drainage strategy however the applicant's drainage consultants have carried out individual calculations for each of the soakaways, the highway attenuation tank, the attenuation tank and runoff rates. A total of 16 calculations are currently available on the planning portal for this application and the calculations have been undertaken using appropriate and nationally accepted industry software.

The letter states that the sustainable drainage features proposed as part of this application already exist at the site. Having visited the site, I can accurately state that there is no existing swale feature or permeable paving at the site. The addition of these features provide biodiversity and amenity benefits to the site as well as treatment of the runoff in line with the 4 pillars of SuDS.

The proposed SuDS provision will manage the surface water runoff from the whole site in such a way as to at least mimic existing greenfield conditions and where possible to provide a betterment. Based on the drainage proposals for this site, including long-term storage, there will be a notable improvement and reduction in uncontrolled surface runoff and the positive discharge to be made via the public sewer requisition will transfer flows downstream beyond those properties at risk from the current surface runoff.

The applicant has met the requirements of the Ciria SuDS Manual C753 (2015) in terms of achieving the SuDS mitigation indices for the relevant pollution hazard level. The letter mentions that a 2.6 l/s discharge is unachievable from the flow control at the bottom of the soakaway. The flow control will be located at the bottom of the attenuation, not at the bottom of the soakaways as suggested in Dr Bennett's letter which by their virtue do not require flow control devices. Modern flow control devices can achieve flows as low as 1.5 l/s so the proposed 2.5 l/s discharge from the attenuation tank to the east of the site is entirely feasible.

The issue of exceedance flows was raised by Dr Bennett in his objection letter. Both the previous strategy and the last strategy adequately dealt with the exceedance flows safely at the site in line with best practice. The applicant has submitted a Flood Routing Plan 1101 P01 dated March 2020 which is available on the planning portal. It clearly illustrates that any exceedance flows will be routed along the internal access roads at the site and will be managed via an exceedance bund along the southern boundary of the site in line with current best practice. It should be highlighted that exceedance flows are those that will only occur as a result of an extremely rare rainfall event over and above the design event with less than 1% probability of occurrence in any one year, so these exceedance flows may not even be witnessed at the site at all considering the design standard and climate change allowance utilised within the design parameters.

The Environment Agency issued new Guidance on Flood Risk Assessments: Climate Change Allowances for Flood Risk Assessments in March 2020. The climate change allowance used within the strategy complies with the upper figure quoted within the report. The application is completely in adherence with the required climate change allowances.

The objection letter also questions the acceptance of the FSR rainfall data set by DCC. Current standards allow FSR dataset to be used within calculations. We cannot unreasonably refuse this dataset.

Conclusion

We have scrutinised the surface water drainage submission within this application and are satisfied that it complies with Policy DEV35 of the Plymouth, West Devon and South Hams Joint Local Plan 2014-2034, our SuDS Guidance for Devon (2017), the Non Statutory Technical Standards for SuDS (2015) and Ciria SuDS Manual C753 (2015). Currently there is an unmanaged, unrestricted discharge during rainfall events from the site as evidenced in the images below [images can be viewed on the file].

With the new drainage strategy, these flows will be picked up and conveyed to on plot soakaways, the highway attenuation tank or the tank to the east of the site. These flows will be stored and managed on the site with a restricted discharge providing a significant betterment over the existing scenario.

There is currently an appeal being pursued against the decision of refusal for the older application, so there is a significant risk that the less sustainable previous strategy could be approved at appeal if this current proposal is not accepted. Whilst we have reached a point of satisfaction for the previous proposal this current proposal is far more sustainable and with reduced maintenance risks.

Comments have been received questioning why SWW have not been involved or commented on the proposal. The developer has had discussions with SWW and as stated earlier in this report, SWW responded that they did not object, subject to the drainage being implemented as shown in the application drawings.

DCC Highways have confirmed that SWW are not responsible for the maintenance of most of the existing Green Park Way surface water sewers; DCC Highways are as these are highway drains. Coleridge Lane and the A379 contain SWW maintained combined public sewers.

Given the LLFA, as statutory consultee are satisfied that the drainage scheme provided is a workable solution. A condition is requested as imposed to ensure the repairs and enhancements to the highway drains are carried out before works commence. Together with the conditions attached to the outline permission and the maintenance being secured through the S106, it is considered this element of the application is satisfactorily addressed in compliance with JLP Policy DEV35.

Should any revisions to the drainage be made in such a way that impacts upon the layout or landscaping of the site, the applicant acknowledges a revised reserved matters application would need to be submitted; that is not a reason to refuse this current application however.

Highways/Access:

On the west side of the site adequate and convenient on plot parking is provided, with a minimum of 2 side by side parking spaces per plot plus garages. On the central and eastern side the development is denser however and there is some reliance on tandem parking. Whilst tandem parking can sometimes result in on street parking due to the inconvenience of 1 car having to move to let out the other car, there are 13 visitor spaces across the site; this should result in an acceptable level of parking provision and limited pressure for unplanned on street parking. Parking spaces, including garages, were conditioned at outline stage to be retained for parking and this was not seen as a fundamental issue when Members refused the earlier application.

Objections have been raised on the basis that the existing highway network cannot accommodate more vehicles and that there is not safe access for cycles or pedestrians. A pedestrian access point is proposed onto Coleridge Lane in the north east corner of the site. This route meets the road directly opposite a rural public right of way (PROW) so allowing easy connection into recreational walking routes. The path will also allow greater permeability and inter-connectivity with the village. It is unclear why objectors have questioned why this access is not provided. A condition is imposed for full details of this access to be provided to ensure it meets appropriate standards and is a safe, attractive link.

There is a safe pedestrian route into Green Park Way with footpaths available to all residents. The Highway Authority have raised no objection to this proposal or the access onto Coleridge Lane on safety grounds and Officers consider there are benefits to providing the connecting link to the PROW.

Matters relating to highways, access and parking are therefore considered to be acceptable.

Biodiversity:

This was addressed fully at outline stage, and the necessary LEMP plus financial contributions secured in the S106. The majority of site trees and hedgerows are to be retained, and additional planting provided as detailed on the landscaping drawings.

Noting once more Natural England have flagged a concern over the potential impacts to the SSSI, it is worth noting the following from the outline Officer report:

Concerns were raised by Natural England with respect the potential for impact from the proposed development on the water quality within Salcombe to Kingsbridge Estuary SSSI. A chain of correspondence between EAD Ecology and Natural England ensued within which further information and clarification was provided (from South West Water and the drainage consultants) which concluded with Julien Sclater of Natural England confirming in his email on 6th July that 'I am satisfied at this point and subject to resolving the detail at the appropriate stage, that our concerns regarding potential impacts upon the SSSI can be resolved for both construction and operational phases.'

Additional conditions are imposed to ensure this information is provided to ensure no detriment to the SSSI. Therefore, subject to compliance with the conditions and the S106 (the "appropriate stage" as referred to be NE above), it is not considered the proposal would result in any detriment to the biodiversity interests of the site, or wider area.

Heritage

There are no listed buildings in close proximity to the site, the nearest listed building are located within the historic village centre fronting the A379, set within the Conservation Area. Therefore, there will be no impacts upon any heritage features.

Other matters:

Objectors state the site is Flood Zone 3; it is actually Flood Zone 1.

Matters of access to water in the on-site spring and covenants relating to this are civil matters, and cannot be taken to be material planning considerations.

Lack of renewable energy/sustainability measures – DEV 32 requires applications to demonstrate a reduction in carbon generation of 20% over Building Regulations requirements. However, it must be remembered this is a reserved matters application and to now introduce new matters at this stage would be unreasonable. Some information regarding building sustainability has been provided with this application, but not any degree of details. However, it is worth noting that the outline approval carried a condition requiring submission of details to demonstrate a carbon reduction.

Comments have been made in that the drawings and levels are misleading but Officers disagree; there are many plans on file, some of which have been revised, and several have levels indicated on them. Whilst it can be confusing when there are numerous drawings, there is nothing to suggest any inaccuracies.

The LPA cannot force the developer to withdraw the application, to make design change or to reduce the number of dwellings, as has been suggested should be the case. The scheme must be determined as submitted, on its merits and in line with current policy and guidance.

Lack of local employment and infrastructure – the principal of this proposal has been set by the granting of outline consent. This consent was accompanied by a S106 agreement which secures contributions towards local infrastructure and facilities (open space/play space, transport contributions and so on), as well as the upgrade of an existing deficient highway drain. Benefits also exist in the form of 35% affordable housing and a minimum of 10 age restricted dwellings.

Planning Balance

The proposed development will deliver a high quality scheme which respects its rural setting and sensitive landscape location. The impact on neighbours has been mitigated as far as is reasonably possible and the impacts are acceptable and accord with Policy DEV1 of the JLP.

The proposed reserved matters of layout, external appearance, scale and landscaping are acceptable and the drainage scheme has been considered a betterment over the previous application, and as such it is again recommended that conditional reserved matters approval be granted.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts 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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). There is no neighbourhood plan in place for this area. Also of relevance is the South Devon AONB Management Plan.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions in full

1. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (i) the expiration of three years from the date of the grant of outline planning permission 0771/16/OPA; or if later
 - (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall in all respects accord strictly with the following drawing numbers:

Received 25.09.2020

2100 PO2 Section 38 Plan

2101 P04 Highway Layout Sheet 1

External Levels Plan 2401 P05

Drainage Strategy Plan 2501 P08

Flood Routing Plan 1101 P02

PL001 O Hard and Soft Landscape Plan Location Sheet

PL002 O Hard and Soft Landscape Plan Sheet 1

PL003 O Hard and Soft Landscape Plan Sheet 2

PL004 O Hard and Soft Landscape Sheet 3

PL200 N Planting Plan Location Sheet

PL201 N Planting Plan Sheet 1

PL202 N Planting Plan Sheet 2

PL202 N Planting Plan Sheet 3

Received 24.09.2020

A-P10-001 C Location Plan

A-P10-002 C Planning Layout

A-P10-003 C Materials Plan

Received 21.09.2020

A-P12-001 C Proposed Site Sections 1 of 2

A-P12-003 Proposed Sections 3 of 3

Received 09.06.2020

A-P12-002 A Proposed Site Sections 2 of 2

A-P19-3B01 B Affordable Housetype Planning Drawings

A-P21-001 B Street Scenes with Materiality

A-P21-002 C 3D Visuals

A-P22-001 B Schedule of Accommodation

A-P22-002 B Parking Schedule

Received 26.03.2020

2102 PO3 Highway Layout Sheet 2

2103 P03 Highway Layout Sheet 3

Received 07.02.2020

A-P12-003 Proposed Site Sections 3 of 3

A-P19-2B04 Housetype Planning Drawings

A-P19-3B02 Housetype Planning Drawings

A-P19-3B04 Housetype Planning Drawings

A-P19-3B06 Housetype Planning Drawings

A-P19-3B07 Housetype Planning Drawings

A-P19-3B08 Housetype Planning Drawings

A-P19-3B09 Housetype Planning Drawings

A-P19-3B10 Housetype Planning Drawings

A-P19-3B11 Housetype Planning Drawings

A-P19-3B12 Housetype Planning Drawings

A-P19-4B01 Housetype Planning Drawings

A-P19-4B02 Housetype Planning Drawings

A-P19-4B03 Housetype Planning Drawings

A-P19-1B01 Affordable Housetype Planning Drawings

A-P19-2B01 Affordable Housetype Planning Drawings
A-P19-APTS Affordable Apartment Planning Drawings
A-P19-GAR Garage Planning Drawings
A-P19-STO Refuse/Recycling Planning Drawings
TC 190301 – TPP Rev A 2
TC 190301- TPP Rev A 1
TC 190301 TIAP 2020

Received 17.01.2020

2201 P01 Highway Long Sections

2301 P01 Highway Construction Details

3. Details of the timing/phasing for the implementation of the soft landscaping and its long term maintenance shall be included in the Landscape and Ecological Management Plan required by condition 5 of outline planning permission 0771/16/OPA to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall take place in accordance with the approved details.

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.

4. Prior to development continuing above slab level on any dwelling hereby approved that will not have a level threshold to a principal door fronting the highway, details of the door threshold including details of steps, ramps and any walls or balustrading shall have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity.

5. Prior to its installation/construction details of the electricity sub-station including landscaping around it shall have previously been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity.

6. The roofs of any single storey elements/building projections shall not be used as external amenity or sitting out areas at any time.

Reason: To protect the amenity of adjoining residents.

7. Prior to their installation, details/ samples and colours of materials to be used in external hardsurfaces within the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity

8. Notwithstanding any details submitted as part of this application, prior to their installation details of all boundary treatments and retaining walls or structures shall be submitted to and approved

in writing by the Local Planning Authority. Details shall include measures for biodiversity enhancement such as the provision of hedgehog holes in fencing. Development shall take place in accordance with the approved details and shall be retained as such.

Reason: In the interest of visual and neighbour amenity and biodiversity.

9. Prior to development continuing above slab level on any plot details of external levels within the site as a whole, including levels of gardens and areas of public open space shall have previously been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and neighbour amenity

10. Notwithstanding the provisions of the Town and Country Planning (England) General Permitted Development Order, 2015, (and any Order revoking and re-enacting this Order), unless previously agreed pursuant to condition 9 above, no raised decks or terraces above 300mm above existing ground levels (measured at any point) shall be provided/constructed within the gardens of any dwelling hereby approved without the express consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity

11. Notwithstanding the details submitted and approved as part of this application, within 3 months of the commencement of development full details of planting proposals along the southern site boundary shall be submitted to the Local Planning Authority for approval. *The detailed proposals shall be designed in consultation with the residents whose gardens adjoin the southern site boundary.* The approved details shall be implemented and maintained in accordance with a timetable and maintenance schedule to be agreed in writing with the LPA as part of these detailed landscape proposals. No dwelling shall be occupied until these landscaping details have been agreed in writing by the Local Planning Authority and the planting and maintenance shall then take place in accordance with the approved details.

Reason: In the interest of visual and neighbour amenity

12. Notwithstanding any details submitted as part of this application, prior to their installation details and samples of all external building materials, including roofing materials, elevational treatments, door and window details and rainwater goods shall have previously been submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interest of visual amenity

13. Roofs shall be clad in natural slates which shall be fixed in the traditional manner using nails and not hooks.

Reason: In the interest of visual amenity.

14. Prior to the continuation of development above slab level on any plot full details of the pedestrian access onto Coleridge Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Development shall take place in accordance with the approved details.

15. The Construction Management Plan to be agreed pursuant to condition 10 of planning permission 0771/16/OPA shall include details of measures to prevent contaminants from construction activities affecting the Kingsbridge to Salcombe Estuary SSSI with details of how

these measures will be managed and maintained. Development shall take place in accordance with the approved details.

Reason: In the interests of biodiversity.

16. The surface water drainage scheme to be agreed pursuant to condition 19 of planning permission 0771/16/OPA shall provide explicit clarification regarding how the operational phase run-off impacts have been development to prevent water quality impacts upon the Kingsbridge to Salcombe Estuary SSSI. Development shall take place in accordance with the approved details and shall be managed and maintained as such.

Reason: In the interests of biodiversity

17. No part of the development hereby permitted shall be commenced until the detailed design of the overflow at the land drain/spring in the vicinity of the existing trough has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: This is needed prior to commencement to finalise levels in the existing trough area to provide an overflow from the existing land drain / spring feature and reduce the risk of overland flow.

18. Prior to its installation a noise impact assessment of the drainage pump hereby approved shall be submitted to and approved in writing by the Local Planning Authority and, if identified as necessary, the means of how noise impact will be mitigated shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be retained and maintained as such for the lifetime of the pumping station

Reason: In the interest of residential amenity

19. No works shall commence until the agreed repair works on the existing highway sewer have been carried out, with evidence submitted and approved by the local planning authority.

Reason: This is needed prior to commencement to ensure the highway drain is in a suitable condition to receive flows from this development to avoid posing a flood risk elsewhere in the village.