

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 6th October, 2021										
Time:	10.00 am										
Venue:	Repton Room - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Brazil</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Abbott</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Long</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Rowe	Cllr Long	Cllr Taylor
Cllr Abbott	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Rowe										
Cllr Long	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 8 September 2021;
- 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) 4277/20/FUL** **9 - 18**

Lantern Lodge Hotel, Grand View Road, Hope Cove
Amendment to previously approved 2101/19/FUL for additional installation of 2 no. concealed gas tanks below lawn
 - (b) 1099/21/FUL** **19 - 34**

"Land Adjacent to Manor Cottage", South Milton
New 3 bedroom detached dwelling (Resubmission of 2731/20/FUL)
 - (c) 2679/21/FUL** **35 - 40**

"Wilma", Woodcourt Road, Harbertonford
Full planning application for Technical Details Consent for new dwelling following Permission in Principle application 0573/19/PIP

(d) 2855/21/HHO **41 - 46**
15 Church Way, Yealmpton
Householder application for formation of room in roof with rear dormer
(Resubmission of 0954/21/HHO)

(e) 2707/21/HHO **47 - 54**
Star House, Pleases Passage, High Street, Totnes
Householder application for alteration and extension to provide improved access
to roof terrace and replacement of roof material (resubmission of 1924/20/HHO)

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

(f) 2133/19/VAR **55 - 76**
Cottage Hotel, Hope Cove
READVERTISEMENT (Revised Plans Received) Application for variation of
condition 2 of planning consent 46/2401/14/F

(g) 2560/21/FUL **77 - 104**
Former Brutus Centre, Fore Street, Totnes
Demolition of existing building and redevelopment of the site to form 2 no retail
units, public car park and 42 Retirement Living apartments including communal
facilities, access, car parking and landscaping (resubmission of 4198/19/FUL)

***** The following application will not be heard before 3.30pm *****

(h) 2720/21/FUL **105 - 128**
Barby Lodge, Cleveland Drive, Bigbury On Sea
Full planning application for replacement dwelling (resubmission of
2828/20/FUL)

(i) 0788/21/OPA **129 - 140**
"Whiteoaks", Davids Lane, Filham
Outline application with all matters reserved for construction of 2 residential
dwellings

7. Planning Appeals Update **141 - 142**

8. Update on Undetermined Major Applications **143 - 150**

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in THE REPTON ROOM, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 8 SEPTEMBER 2021

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (Chairman)	*	Cllr G Pannell
*	Cllr D Brown	*	Cllr K Pringle
*	Cllr R J Foss (Deputy Chair)	*	Cllr H Reeve
*	Cllr J M Hodgson	*	Cllr R Rowe
*	Cllr K Kemp	*	Cllr B Taylor

Other Members also in attendance and participating:
Cllr J Birch;

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialists – Development Management; Legal Officer; IT and Democratic Services Officer.
6a		Viability Officer, Plymouth City Council; Specialist – Affordable Housing; Heritage Officer.

DM.19/21 MINUTES
The minutes of the meeting of the Committee held on 28th July 2021 were confirmed as a correct record by the Committee.

DM.20/21 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 B Taylor declared a personal interest in application 1129/21/FUL (Minute DM.22/21(b) below refers) as he was a Member of the South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon;

DM.21/21 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, and town and parish council representatives who had registered their wish to speak at the meeting.

PLANNING APPLICATIONS

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

6a) 2560/21/FUL “Former Brutus Centre”, Fore Street, Totnes, TQ9 5RW

Town: Totnes

Development: Construction of new dwelling with associated groundworks and landscaping.

Case Officer Update: The Case Officer clarified that it was £210,000, not £210, for affordable housing offsite contribution, as detailed in the attendant report. Concerns had been raised, with the Case Officer, about the build impact on the Red-wood tree roots system, and if the Tree Preservation Order had been breached: the Case Officer had not been able to consult with the Council’s Tree Officer but, if approved, could resolve post Committee meeting. The Case Officer updated the Committee with the two conditions that had been missed off the published report, which were that work would be outside the bird nesting season, and to receive details of the balconies.

It was also clarified that the application consisted of two storeys and a slightly recessed third storey, as opposed to the four storeys as outlined during the site visit.

It was stated that the loss of retail space was acceptable as the site had been on the open market for sale for a long time with no buyer. Officers also felt that the loss of 25 parking spaces in the public car park was acceptable as there was a sufficiency of car parking provision elsewhere in Totnes. Following a question from a Member, the Case Officer could not confirm the percentage loss of car parking spaces but would give this information after Committee. Although there were no significant species found on site, various ecological conditions had been attached to the application. The Case Officer confirmed she had not yet had a response from the lead Local Flood Authority.

One Member questioned whether the bin area was sufficient for the size of the development and queried how the bins would be emptied. The Case Officer suggested a site warden would move the bins but this was not confirmed with the applicant.

The south elevation window material was confirmed as high end and that the cladding material was still under discussion with the applicant but could be conditioned if approved. It was agreed that, if approved, the church tower view from Station Road would have to be built as shown and any loss to the view would be subject to enforcement action. There was some debate about the accuracy of the photo montage, so a request was made that an accurate plan

with the church and context in the background be requested from the applicant.

Following the case officer's clarification of the affordable housing contribution, the Committee heard from the Plymouth City Council Viability Officer who had been instructed to advise the Council and the Council's Affordable Housing Officer. Members were unhappy with the amount proposed by the applicant (£210,000) and requested greater detail as to how the amount had been decided upon. Members also queried whether the local housing need would be met by the application.

The Local Ward Member, who was in attendance, pointed out that in respect of the previous application on this site, which was being appealed, the Statement of Common Ground quoted the figure of £210,000 as the current affordable housing contribution as having been agreed. In view of the Committee's concerns, he requested that the Council's agreement to the affordable housing contribution in the Statement of Common Ground be withdrawn. Additional information with regard to the viability of the proposal and the affordable housing contribution should be sought before bringing the application back to Planning Committee.

The Committee were then asked to vote on deferral of this application until the additional information was received on the viability and affordable housing contribution calculations and a review of the demographic need for local housing in relation to retirement homes.

Following the Committee's approval to defer the application, the registered speakers were asked if they wished to speak at this Committee meeting or return when the application was reheard. All requested to speak at the future Committee meeting.

Recommendation: Approval subject to delegation to the Head of Development Management Practice, submission of amended plans to deal with the Heritage Specialist's detailed comments and the preparation of a Section 106 legal agreement to secure the following contributions: Affordable Housing: £210,000 as an offsite contribution Open Space Sport and Recreation: £19,968 towards improvements to sports and recreation facilities at Borough Park, Totnes.

Committee decision: Deferral and officers be instructed to withdraw the Council's agreement to an affordable housing contribution of £210,000 set out in the Statement of Common Ground in connection with the appeal against the previous refusal of planning permission on this site.

6b) 1129/21/FUL

**Land to rear of 62, Staddiscombe Road,
Plymstock, PL9 9LZ**

Parish: Wembury Parish Council

Development: READVERTISEMENT (Revised plans received) Technical detail for all aspects to Planning in Principle approval (2837/18/PIP)

Case Officer Update: The height of the proposed dwelling in relation to the nearby garage was clarified. The Case Officer gave an explanation of why the application had been deemed a sustainable location when planning in principle had been approved.

Speakers included: Objector – Jon Hearn; Supporter – Mr Paul Adams; Ward Member – Cllr Brown

Recommendation: Conditional approval subject to Section 106 obligation to secure Tamar EMS mitigation

Committee decision: Conditional approval subject to Section 106 obligation to secure Tamar EMS mitigation

Conditions:

1. 3 year commencement
2. Accord with plans
3. Drainage implementation
4. Landscape implementation
5. Provision and retention of privacy screen
6. Materials details
7. Implementation of DEV32 measures
8. Biodiversity enhancements
9. Construction Management Plan
10. No external lighting
11. Light reduction measures to windows
12. Unexpected contamination
13. Parking retention
14. PD removal
15. Garage condition reimposed

6c) 3423/20/FUL Rowan Cottage, Bugford, Stoke Fleming, TQ6 0LT

Parish: Stoke Fleming

Development: Construction of new outbuilding for use as ancillary residential accommodation with associated groundworks, including removal of existing garage.

Case Officer Update: No update

During the debate, Members questioned the impact of the building on local flooding and whether the new dwelling would be subservient to the main dwelling;

with one Member stating that the annexe was too separate, with independent access, and could be used in isolation, which was contrary to the Supplementary Planning Document. It was confirmed that, although not a material matter, the application did not have permission for the drainage to run off into the neighbouring farmer's field.

Members were concerned that this application constituted over development with the footprint of the annex being nearly the same size as the extant dwelling, giving rise to bulking.

Speakers included: Objector – Mr Keith Grey; Supporter – Mr Alan Houston; Parish Council – Cllr Marion Holmes; Ward Member – Cllr H Reeve;

Recommendation: Conditional Approval

Committee decision: Refusal with the reasons delegated to the Head of Development Management in consultation with the local Ward Member, the Chairman of the Committee and the Proposer and Seconder of the Motion.

DM.23/21 **PLANNING APPEALS UPDATE**

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

The Senior Specialist, Development Management, provided further details on specific recent appeal decisions.

DM.24/21 **PLANNING PERFORMANCE INDICATORS**

Members reviewed the performance indicators as outlined in the presented agenda report, with update on staffing levels within Development Management and Enforcement teams. A Member requested to meet with Planning Enforcement Officers to review cases within her local Ward.

DM.25/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the list of undetermined major applications.

(Meeting commenced at 10:00am and concluded at 1:20pm; 15 minute interlude at 11:25am.)

Chairman

Voting Analysis for Planning Applications – DM Committee 8th September 2021

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
2560/21/FUL	“Former Brutus Centre”, Fore St, Totnes, TQ9 5RW	Deferral	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (12)	(0)	(0)	(0)
1129/21/FUL	Land to the rear of, 62 Staddiscombe Road, Plymstock, PL9 9LZ	Approval	Cllrs Abbott, Brazil, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	Cllr Brown (1)	(0)	(0)
323/20/FUL	Rowan Cottage, Bugford, Stoke Fleming, TQ6 0LT	Refusal	Cllrs Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	Cllr Abbott (1)	(0)	(0)

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PLANNING APPLICATION REPORT

Case Officer: Claire Boobier

Parish: South Huish

Ward: Salcombe and Thurlestone

Application No: 4277/20/FUL

Agent/Applicant:

Trinity Square Developments
Airport House
Purley Way
Croydon
CR00XZ

Site Address: Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE

Development: Amendment to previously approved 2101/19/FUL for additional installation of 2 no. concealed gas tanks below lawn



Reason Item is being put before Planning Committee:

Head of Development Management considers it appropriate for Committee to determine this application since Planning Committee determined the original application 2101/19/FUL and previous applications at this site.

Cllr Long has also requested the application be determined by Planning Committee given the strong view of the Parish Council and other objections, also the possible conflict with policy, climate change and sustainability objectives.

Recommendation: Conditional Approval

Conditions:

1. Time Limit
2. In accordance with approved plans
3. Details and location of signage to warn of the presence of the gas tank to be provided
4. Details of bollards or other means of enclosure to prevent users of the carpark driving onto the lawn
5. Deliver on commitments set out in DEV 32 Summary document

Informative:

1. Proactive statement
2. Responsibility for compliance
3. To make applicant aware of the Hazardous Substances Consent process which, if required, would need to be applied for separately.

Key issues for consideration:

The key issues relate to the principle of the development and the impact on the character and appearance of the area and impact on amenity.

Site Description:

The 0.245 hectare site lies in Outer Hope, at the north western side of the settlement.

The application building was formerly a privately run bed and breakfast with 14 rooms to rent. To the front of the building, on the western elevation fronting the South West Coast Path, is an attached indoor swimming pool.

Lantern Lodge Hotel is bounded by residential development to the north, east and south. To the west of the site lies Cliff Road, which provides access to properties to the north of the site. To the west beyond the access road lies the South West Coast Path and the coastal cliffs.

The land slopes downwards from north to south. Properties to the north of Lantern Lodge Hotel, are at a higher level, and Cliff House to the south is at a lower level. The main ridge levels to these properties step down following the natural topography of the land.

Viewed from the west seaward elevation, the existing building is two storeys in height with a main pitched roof over that runs in a north to south direction parallel to the coastal footpath. Three pitched roof projecting gables are a distinctive feature of the western elevation. The pitched roofs are clad in red tiles, the walls are predominantly painted render, windows and doors are white uPVC. Most of the first floor of the seaward elevation benefits from a projecting balcony. The building housing the swimming pool is single storey in height and projects out from the front face of the main building by 15.4m. The main view of the swimming pool from outside the site is of its flat roof which is clearly visible due to the topography, this is a negative, alien feature in the landscape.

Planning consent was granted under consent 2101/19/FUL for the demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments.

The application site lies within the built up area of Hope Cove and lies within the South Devon Area of Outstanding Natural Beauty (AONB) and Heritage Coast.

Public Rights of Way run along the western and northern site boundaries.

The Proposal:

The application is for full planning permission for the installation of 2 no. gas tanks that would be concealed below the lawn, to serve the development granted consent under 2101/19/FUL.

The original consent 2101/19/FUL was proposed to have electric heating via heat pumps however the application is made due to reports by the applicant of limitations on local electricity capacity which is resulting in them requesting the use of gas tanks as an alternative.

Consultations:

- Environmental Health Section No objection

It is not anticipated that there would be any environmental health concerns in relation to this application to install a calor gas system as a back up to the alternative energy uses able to be provided at the site.

- South Huish Parish Council Object

South Huish Parish Council have considered planning reference 4277/20/FUL and unanimously OBJECT to the application.

The application does not support the South Huish Neighbourhood Plan policy SH Env 6, Encouraging renewable energy and low carbon development, it is also in contradiction of JLP policy DEV35 (Renewable and low carbon energy).

The original application was developed based on the use of low carbon technologies, SHDC approved it with this in mind and to return to fossil fuel is a huge step backward which must not be approved as it is totally out of line with the long-term policies of Government, District and Parish Council.

Representations:

Seven letters of objection have been received the concerns raised are summarised below (see case file for full representations):

- Applicant asking for gas tanks due to limitations on local electricity capacity, surely should be for developer to provide the necessary infrastructure and why was this capacity issue not picked up when development was planned?
- Astounded that documents show 26% reduction;

- Calor Gas is not a renewable or low carbon technology;
- Direct contradiction to carbon, climate and emissions policies adopted in the Joint Local Plan and the South Huish Neighbourhood Plan.
- Proposal doesn't accord with declared Climate Emergency;
- Proposal doesn't accord with government guidelines that from 2025 new dwellings should not be reliant on fossil fuels;
- Proposal will remove commitment made in previous application and increase use of fossil fuels;
- Seems counterproductive as in the not too distance future the development would be advised to replace the calor gas heating system proposed;
- Concern with regard to siting of tanks adjacent to cliffs thought to be unstable and overspill car park

Relevant Planning History

2101/19/FUL Lantern Lodge Hotel – Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments. Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The application is for full planning permission for the installation of 2 no. gas tanks that would be concealed below the lawn to serve the development granted consent under 2101/19/FUL.

The original consent 2101/19/FUL was proposed to have electric heating via 15 Air Source Heat Pumps (ASHPs), however, the application is made due to limitations on getting sufficient electricity supply locally, which is resulting in the request to use gas tanks as an alternative.

In order to increase the electricity supply capacity to the site to achieve the capacity required to serve the ASHPs, it would require the installation of new cables to increase capacity; this relies upon permission to run cables along third party land outside of the applicant's control.

This application is therefore made to provide gas tanks on land within the applicant's control in order to address the capacity issues they have found, without the need for third party consent.

The key policy for considering this application in the Local Plan is policy DEV32 (Delivering low carbon development), which requires developments to achieve regulated carbon emissions levels of 20 percent less than that required to comply with Building Regulations Part L. Further information has been submitted during the course of the consideration of this application to demonstrate that the proposal would provide 22.86 % less than the Building Regulations Part L requirement using the gas tanks or 26.95% with the additional provision of 3 ASHPs which calculations show could be delivered using the current available electricity supply out of the ASHPs proposed on the original scheme.

The Joint Local Plan was adopted prior to the Council declaring a Climate Emergency. It nonetheless, is the current Local Plan on which all planning applications should be determined against.

Whilst it is recognised that the Council and Central Government have declared a climate emergency, and the direction of travel is for the Country to phase out the use of non-renewable technologies and move to renewable technology methods and that granting consent for this development does not align with this direction of travel; the previous application proposal for use of electric to achieve energy supply for the development would be preferable, however Officers conclude that the applicant has demonstrated compliance with policy DEV32 of the current Joint Local Plan and has been able to demonstrate the proposal can achieve in excess of the required 20 % less than Building Regulations Part L which is the current policy requirement. Therefore, it is not considered that the Council currently has the ability to resist this development. In principle, therefore, on balance, the proposal is concluded to accord with the requirements of policy DEV32 of the Joint Local Plan.

The application site also lies within the South Huish Neighbourhood Plan designated area. Policy SH Env6 (Encouraging renewable energy and low carbon development) of the Neighbourhood Plan sets out that where planning permission is required the development of small scale renewable energy generation supported by the community will be encouraged. The Parish Council have suggested in their comments on the application that the proposal is contrary to this policy. However, whilst the policy encourages the use of renewables it does not specifically prevent the use of non-renewable sources and as such, it is not considered that this policy is sufficient to resist the principle of the proposed development.

In summation, on balance, on the basis of the information supplied, it is considered the proposal complies with current policies of both the Joint Local Plan and Neighbourhood Plan.

Design/Landscape and Ecological Considerations:

The site is located in the South Devon AONB and adjacent to the Heritage Coast designation.

The gas tanks would be concealed under the lawn. As a result, the development once completed is not considered to result in any adverse harm to landscape character or visual amenity.

The lawn is also considered to provide little ecological interest and a report has been submitted with this application to advise that no bat roosts were found in consideration of the main building Lantern Lodge. It is not therefore considered that the application would cause any adverse harm to biodiversity. Given the nature of the proposal, it is not considered necessary or appropriate to seek biodiversity enhancements

The proposal is therefore not considered to conflict with policies DEV23, DEV24, DEV25 or DEV26 of the Joint Local Plan or with policies SH Env2 or SH Env5 of the South Huish Neighbourhood Plan.

Neighbour Amenity:

As the proposed development would be concealed under the lawn it would not give rise to any neighbour amenity concerns.

The proposal is therefore not considered to conflict with policies DEV1 or DEV2 of the Joint Local Plan.

Health and Safety Considerations:

Concern has been raised with regard to the concealed nature of the tanks and peoples' knowledge of their presence.

If approved, it is recommended conditions be placed on the consent to ensure signage is provided to alert members of the public to the presence of the tanks and for the use of bollards or similar details to prevent users of the adjacent carpark inadvertently driving onto the lawn where the gas tanks would be concealed.

An informative would also be applied to the decision to make the applicant aware of the Hazardous Substances Consent process which, if required, would need to be applied for separately.

With these conditions applied, the proposal is not considered to conflict with policy DEV1 or DEV2 of the Joint Local Plan.

Highways/Access:

No changes are made to access arrangements. It is important to note that the proposed gas tanks would be located below the existing lawn and will not therefore reduce parking availability on the site. As set out above given that the gas tanks would be installed under the lawn and adjacent to a car park, to prevent any health and safety hazard from the potential for vehicles to drive on the lawn from the car park, a condition is recommended to be applied to secure some markers and signage to alert users of the car park to the presence of the tanks.

The proposal is not considered to conflict with policy DEV29 of the Joint Local Plan.

Other Matters:

As this is a stand-alone application for the gas tanks only, whilst it would be used in connection with the approved development at the site granted consent under 2101/19/FUL, there is no need to impose the conditions of this earlier consent onto the decision for the current application as these still stand on the original application decision.

Some concern has been raised with regard to the position of the lawn adjacent to the cliffs and stability of these cliffs. Whilst, this concern is noted, it is not considered that there are policy grounds on which to refuse the application on the basis of proximity to the cliff.

Conclusion:

Whilst it is recognised that the Council and Central Government have declared a climate emergency, and the direction of travel is for the Country to phase out the use of non-renewable technologies and move to renewable technology methods and that granting consent for this development does not align with this direction of travel; the previous application proposal for use of electric to achieve energy supply for the development would be preferable, however Officers conclude that the applicant has demonstrated compliance with policy DEV32 of the current Joint Local Plan and has been able to demonstrate the proposal can achieve in excess of the required 20 % less than Building Regulations Part L which is the current policy requirement. Therefore, it is not considered that the Council currently has the ability to resist this development. In principle, therefore, on balance, the proposal is concluded to accord with the requirements of policy DEV32 of the Joint Local Plan.

It is worth noting that the Joint Local Plan was adopted prior to the Council declaring a climate emergency however it nonetheless is the Local Plan on which current decisions should be determined. Furthermore, whilst the South Huish Neighbourhood Plan encourages the use of renewables it does not have a clear stance on resisting non-renewable sources in policy SH Env6 of the Neighbourhood Plan.

Officer recommendation, on balance, therefore is one of approval for this application based on current policies.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

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
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

South Huish Neighbourhood Plan

The site is located within the Neighbourhood Plan area for the South Huish Neighbourhood Plan. The key policy for the consideration of this application is:

SH Env 1 Settlement Boundaries and avoidance of coalescence
SH Env2 Impact on the AONB
SH Env 5 Locally Important Views
SH Env 6 Encouraging renewable energy and low carbon development

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

The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawings received by the Local Planning Authority on:

17 January 2021:

Site Location Plan
Landscaping Plan
Drawing no. 21392 Issue A Tank Details

26 February 2021:

Calor LPG Brochure Specification

14 May 2021:

DEV32 Summary Statement

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

3. Prior to the first use of the gas tanks hereby approved, details of signage proposed to be installed, including a plan to detail location of the signage on site and means of fixing to warn members of the public of the presence of the concealed gas tanks below the lawn shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the signage shall be erected prior to first use of the gas tanks in accordance with the approved details and thereafter shall only be removed from the site in the event that the gas tanks are removed.

Reason: In the interest of health and safety.

4. Prior to the first use of the gas tanks hereby approved, details of bollards or other means of enclosure to act as a preventative measure to prevent users of the car park driving onto the lawn where the concealed gas tanks hereby approved would be located, shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the bollards or other means of enclosure shall be erected prior to first use of the gas tanks in accordance with the approved details and thereafter shall only be removed from the site in the event that the gas tanks are removed.

Reason: In the interest of health and safety.

5. The development hereby approved shall be carried out in accordance with the commitments set out in the DEV 32 Summary Statement received by the Local Planning Authority on 14 May 2021. All measures contained within the hereby approved document in relation to use of renewable technologies to limit carbon emissions shall be implemented prior to first occupation of the development approved under planning consent 2101/19/FUL.

Reason: To ensure that the development contributes towards delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and to contribute towards the use and production of decentralised energy.

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.
3. Please be advised that if required, Hazardous Substances Consent would need to be applied for separately and this consent does not override the need for any other consents.

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PLANNING APPLICATION REPORT

Case Officer: Claire Boobier

Parish: South Milton

Ward: Salcombe and Thurlestone

Application No: 1099/21/FUL

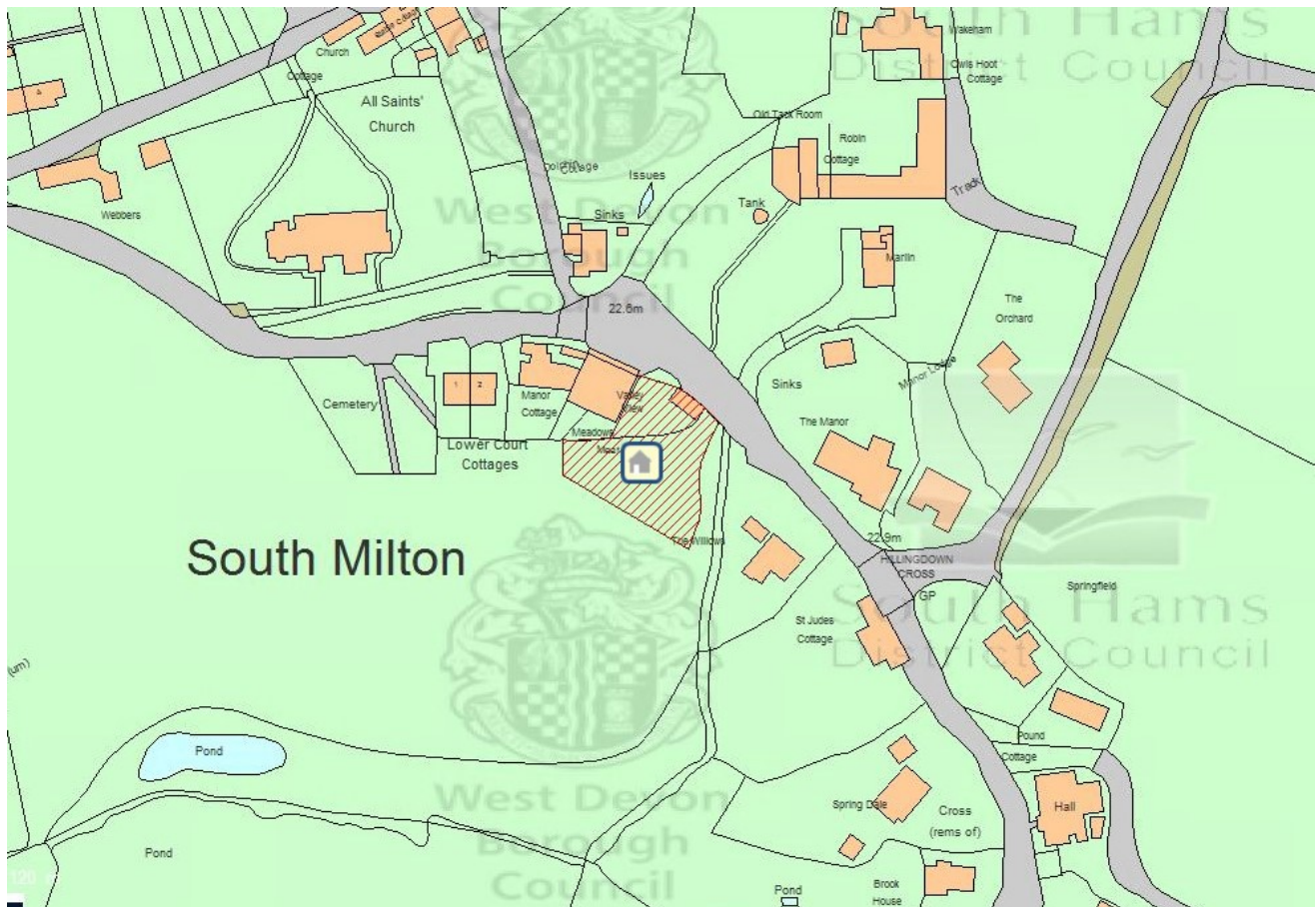
Agent:

Mr Louis Dulling - Sutherland PLS Ltd
1st Floor
1 Stamford Fort Cottages
Stamford Road
Plymouth
PL9 9SQ

Applicant:

Mr & Mrs Jinks
Manor Cottage
South Milton
TQ7 3JQ

Site Address: Land Adjacent to Manor Cottage, South Milton, TQ7 3JQ



Development: New 3 bedroom detached dwelling (Resubmission of 2731/20/FUL)

Reason item is being put before Committee:

Cllr Long has requested this case be referred to Committee for consideration and determination, give the support of the application by the Parish Council, and due to questions raised on the policy conflicts and interpretation with this application.

Cllr Pearce has requested this case be referred to Committee for consideration and determination, due to concerns with regard to a conflict between the Neighbourhood Plan policies and the Joint Local Plan.

Recommendation: Refusal

Reasons for refusal:

1. The proposed development of a dwelling in a countryside location fails to follow the strategic approach in the Plymouth and South West Devon Joint Local Plan (SPT1, SPT2 and TTV1) and with no agricultural, forestry or occupational need for a dwelling to be located in this rural area, the proposal would be harmful to the special characteristics and role of the countryside and contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan and the NPPF 2021 paragraph 80.
2. The location is not sustainable, has poor access to local services and amenities and would result in over reliance on the private motor car, meaning that the development of housing in this location would be contrary to the strategic principles of the Plymouth and South West Devon Joint Local Plan and specifically policies SPT1, SPT2 and TTV1 of the Plan as well as guidance in paragraph 8 of the NPPF 2021.
3. The application site is located within the Undeveloped Coast Policy area where development is only permitted where it requires a coastal location. The proposal for residential development does not require a coastal location and therefore permitting the proposed development in this location would conflict with policy DEV24 of the Plymouth and South West Devon Joint Local Plan.
4. The proposed 3 bedroom detached dwelling does not provide a dwelling type that responds to local housing need, would not address the imbalance within the existing housing stock and therefore the proposal would conflict with policy DEV8 of the Plymouth and South West Devon Joint Local Plan and paragraph 78 of the NPPF 2021.
5. Having regard to the design, siting and character of the proposed development and its visual prominence in this sensitive location, the proposed development would not enhance its setting, fails to conserve the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and will fail to maintain the character and distinctive landscape of this area of Undeveloped Coast. As such the development is contrary to policies DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan, policy E & CM1: Landscape Policy of the South Milton Neighbourhood Plan 2019-34 and paragraphs 174 and 176 of the NPPF 2021. The proposal would also conflict with the South Devon Area of Outstanding Natural Beauty Management Plan 2019-2024.
6. No evidence has been provided to demonstrate how the proposed development would assist the Council in reducing carbon emissions from new development as required by policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The Parish Council reviewed this application solely with reference to South Milton Neighbourhood Plan (SMNP).

The key questions raised by this planning application are:

1. Is the proposed development considered to be “infill”?
2. Does the proposed development comply with the SMNP policies?
3. Does the proposed development impact (beneficially or adversely) on South Milton “being an even better place in which to live and work” and on other matters set out in the SMNP narrative?

Infill

The proposed development is a single dwelling between Goldings and the Willows. The development is considered to be infill as:

- It occupies the space between two existing dwellings;
- It is a single dwelling and it matches other dwellings along this section of road; and
- It replaces a building that occupied the site until recently though it has a larger footprint.

It is noted that if the proposed development had not been classified as infill, it would not be supported by the Parish Council.

SMNP Policies

Environment and Coastal Management

The proposed development is considered to be in compliance with specific requirements set out in the sub-clauses a) to e) of Policy E&CM1. The view through the proposed entrance gate is important as it lies on the well-trodden walk around the village. Though not expressly identified in the SMNP, it is vital that this viewpoint is retained. It is noted that the applicants altered their original planning application to remove a garage that would have interfered with this view.

The proposed development is considered to be in compliance with specific requirements set out in the sub-clauses a) to d) of Policy E&CM2. With reference to sub-clause E&CM2 c), it is noted that the proposed development is at the inland margin of the area defined as Undeveloped/Heritage Coast. As such, it is considered that the proposed development will not have any material impact on this area.

The proposed development will occupy an area that was partly taken up by a former building with most of the remainder used as an access to Manor Cottage, as well as to productive farmland to the south. The proposed development will not have any material impact on productive farmland provided access is maintained through the development to the existing gate. The proposed development is therefore considered to be in compliance with Policy E&CM3.

The proposed development is not considered to have any material impact on biodiversity for similar reasons and is therefore considered to be in compliance with Policy E&CM4.

Housing

The proposed development is considered to be infill and therefore Policies H1 to H3 are not relevant.

According to the submitted plans and design statement the proposed development will be of a similar scale, height, material and layout as adjacent properties. Due to its location on the inside of a bend in the road it will have limited visibility from passers-by. The Goldings screens the proposed development from both nearby listed buildings, the Church and Manor Cottage.

The proposed development is currently not visible from the conservation areas in summer but might just be visible in winter from part of Shute Lane. The proposed development is not visible from the viewpoints (Figure 6.2 of SMNP) nor from the Fernley and Greenway views.

The proposed development is therefore considered to be in compliance with Policy H4 of the SMNP.

It is noted that the proposed dwelling will be lived in by the applicant and will not be a second home.

Employment

The proposed development does not include any offices or workplace and therefore Policy EMP1 of the SMNP does not apply.

SMNP Narrative

The proposed development does not compromise the vision or the objectives set out in the SMNP. The adoption of an air source heat pump is in line with the SMNP's support for renewable energy installations. The proposed mitigation measures for potential drainage impacts from the development are considered reasonable provided they are in place for the construction phase as well.

Conclusion

The Parish Council endorsed this review and resolved to support this planning application.

- **Archaeology**

Recommend application should be supported by Written Scheme of Investigation or if not provided upfront this should be secured by condition.

- **Trees**

No objection on arboricultural merit

- **Landscape Officer**

In principle objection

Landscape comments received on 03 August 2021:

Notwithstanding my stated comments about the improvement to the design of the proposed dwelling and the competency of the proposed landscape to give benefit to the setting of the new property, I do have remaining reservations about the principle of a dwelling on the site. When one sees the site, it becomes evident as to why this piece of land is included in the Undeveloped Coast designation of the JLP. Rather than simply a potential infill gap in the settlement, as is suggested on plan, the location and undeveloped nature of the site is important in providing a visual and physical connection to the more rural and undeveloped landscape to the south of the village. Such a connection is

disrupted elsewhere by the presence of existing built form and associated curtilage vegetation and garden boundary treatments etc., along the southern edge of the village.

The fact that there are dwellings to either side of the site, actually accentuates the absence of development on the site itself and emphasises its importance as a 'gap' in the settlement that would be lost if the proposed development, however improved from the previous submission, were to take place.

Though undoubtedly a betterment of the previous application submission, it is felt that the principle of development on the site, as submitted, would not accord in landscape and visual terms with DEV24 and the Undeveloped Coast designation. The current undeveloped character of the site would be entirely removed with the proposals in place, and the connection from the adjoining highway, and the therefore from the community and village, to the undeveloped countryside would be greatly and permanently diminished. As per the wording of policy DEV24, the 'unspoilt character' of the site would be lost. A new dwelling on the site with its inevitable associated domestic noise and activity would reduce the perceived level of tranquillity of the site and though the proposals introduce new trees and planting on the site these would be perceived as mitigating the proposals rather than providing true enhancements to the landscape of the Undeveloped Coast at this point; and which the policy identifies as a 'unique landscape'.

My position as to having no objection to the proposed scheme has to be revised and I do have an 'in principle' objection to the proposed development as outlined above and based upon on the ability to accord with Policy DEV24 in landscape and visual terms.

Original landscape comments received:

The application site and its environs are entirely within the South Devon AONB and the Heritage Coast designation. The southern and eastern part of the site appears to be within the Undeveloped Coast designation.

The application site is located within the 4D Coastal Slopes and Combes landscape character type (LCT). The key characteristics and attributes of the LCT include a valley landscape, scrubby vegetation, small to medium scale irregular shaped fields, earth banks and tall hedges, and stone boundary walls and gateposts. Post and wire fences are noted as force for change and their replacement with new hedges is encouraged.

The LCT notes that the local traditional vernacular includes the use of local stone, whitewash, slate or thatched roofs.

It is considered that the application presents a typical small scale field and contains some characteristic features such as a stone gatepost. The site currently forms a noticeable gap in the existing street frontage and affords some views of the wider countryside to the south. Aerial imagery suggests that the site contains some existing tree/shrub vegetation. Post and wire fencing currently defines much of the site boundary.

The proposed dwelling is located in part of the site which would still in theory allow views across the site to the higher ground to the south. A building on the site, of the scale proposed, would have only a limited effect on the shape and complexity of the existing settlement pattern.

In character terms, the proposals, although modern in design, do appear to reference the traditional local style and vernacular as advocated in the AONB Management Plan guidelines. The proposals appear to feature a slate roof, render and the use of natural stone, which is fully supported. The proposals also retain the existing stone gatepost which is a feature of the site and which adds to the streetscape.

The proposals are supported by a competent and considered landscape scheme. The inclusion of a native species hedge to define much of the site boundary is a positive aspect of the development. Once established the new hedgerow will contribute to the character of the site and the wider landscape and will be perceived as an enhancement. The hedgerow will also be functional and will help to screen the curtilage of the proposed house in views from the AONB to the south and west.

Similarly, the inclusion of fruit trees within the proposed planting palette would contribute to the character of the area. The suggested tree species also include several non-native species and cultivars, but it is considered that these in the context of the rear garden of the proposed property would not be detractors.

Recommendation: No objection

- Drainage No objection

Representations:

Two representations have been received from the same respondent with photos attached which raise the following concerns:

- Concern with regard to right of way being suggested in application submission and land ownership;
- The change of use granted in 2001 which the applicants are seeking to justify the application does not extend to the majority of the land upon which it is proposed to build the house nor does it extend to much of the land proposed to be garden;
- There was no need to demolish the existing barn on site;
- The applicants have not been granted permission to use the field gate, with its limited visibility as residential access to the proposed dwelling.

Relevant Planning History

2731/20/FUL New 3 bedroom detached dwelling. Withdrawn

47/0416/01/CU Brookside, South Milton, Kingsbridge Change of use from agricultural land to residential garden. Approved 2001

ANALYSIS

Principle of Development/Sustainability:

The principle of this development falls to be considered against the housing strategy and detailed policies in the Joint Local Plan (JLP) for Plymouth and South West Devon. The

relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how sustainable development should be delivered in the JLP Plan area. In addition TTV1 is relevant as it deals with housing in the Thriving Towns and Villages Policy Area, within which the application site is located.

In relation to SPT1 it promotes sustainable development, and sets out the environmental economic and social aspects of sustainable development. This strategic policy underpins the other policies in the Plan which supports sustainable development across the Plan area.

SPT2 ensures that sustainable development is delivered in the Plan Area and in this case, the proposal fails to meet some of the criteria which are contained within the policy. Criteria 1 is concerned with access to community facilities, such as shops, health services, daily needs. The site is not well placed for accessing services by walking and would be reliant on a car. Therefore the proposal site would not be classed as a sustainable location for the purposes of this policy.

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, 'Smaller Villages' and 'Hamlets' are not identified as part of the Policy TTV1.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, 'Smaller Villages' and 'Hamlets' are not identified as part of the Policy TTV1.

Paragraph 5.5 of the JLP explains that policy TTV26 - Development in the Countryside will be applied 'outside built up areas'.

South Milton is not identified in the Joint Local Plan as a main town, smaller town or key village or a sustainable village and would therefore fall into the last category, Tier 4, in the sustainable hierarchy set out in policy TTV1 of smaller villages, hamlets and countryside for the purpose of TTV1 which requires development to accord with policy TTV26 which considers development in the countryside.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, and only part 1 applies to development proposals considered to be in isolated locations. The second part of the policy is applied to all development proposals that are considered to be in countryside location.

Paragraph 5.169 of the JLP provides reasoned justification for TTV26 in general, and explains how the policy works in conjunction with TTV1 and the settlement hierarchy, in particular 'the delivery of new homes that are distant from existing services and amenities do not represent a sustainable solution to the need for new homes in rural areas.' This accords with the wider spatial strategy for meeting housing and employment needs in the TTV policy area, which

seeks to direct the vast majority of development towards the named sustainable settlements identified in paragraphs 5.8 - 5.10 of the JLP.

Whilst, the site would not be considered isolated for the purposes of part 1 of this policy, part 2 of the policy requires that any development in the countryside must be justified on the basis of an agricultural, forestry or other occupational need, or re-use traditional buildings that are structurally sound.

The proposal would not be re-using a traditional building which would be considered a heritage asset and have merit in its retention and it does not meet any of the other criteria. The proposal therefore does not meet Policy TTV26 or the requirements of para 80 of the NPPF which likewise would only support housing in rural areas in exceptional circumstances where it responds to needs of an essential rural worker.

The proposal would therefore conflict with the Council's spatial development strategy for residential development by forming a new dwelling in an unsustainable location that is divorced from the nearest settlement and if allowed would undermine the spatial strategy set out within the Plymouth and South West Devon Joint Local Plan.

The location is not sustainable, has poor access to local services and amenities and would result in over reliance on the private motor car. No agricultural, forestry or occupational need for a dwelling to be located in this rural area has been provided, and the proposal does not re-use a traditional building.

The proposal in principle would therefore be harmful to the special characteristics and role of the countryside contrary to policies SPT1, SPT2, TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan.

Furthermore, the site falls within the Undeveloped Coast policy area. Joint Local Plan policy DEV24 which relates to the Undeveloped Coast Policy Area sets out as follows:

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

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

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

Given that the proposed development of a residential dwelling would not require a coastal location it would fail to meet the limited exceptions for accepting development in the

Undeveloped Coast Policy Area. Whilst it is recognised that in the supporting statement a previous application at the site for use of part of the site as garden land is cited this only relates to part of the site and does not provide justification for supporting a residential dwelling in the Undeveloped Coast. The proposal would fail to meet DEV24.1 in that it could not be demonstrated that it requires a coastal location and the proposal would also fail to meet DEV24.2 in that officers note that there are other suitable sites within the Parish that do not fall within the Undeveloped Coast, such as the land allocated for housing in policy H1 of the South Milton Neighbourhood Plan. Furthermore, looking at the Council District as a whole, there will be other suitable sites for housing which are not within the Undeveloped Coast that could make provision for the one dwelling sought in this application. There would therefore be an in principle objection to residential development on the application site due to its conflict with DEV24 of the Joint Local Plan.

The Neighbourhood Plan housing allocation (policy H1) allocates a site for housing development to respond to local need. This, combined, with the Council being able to demonstrate the required 5 year housing land supply, confirm that the Council's housing need can be met outside the Undeveloped Coast including the settlements specifically identified within the higher tiers of the Joint Local Plan settlement hierarchy which are suitable for supporting growth. There is therefore no need to accept development within the Undeveloped Coast.

Furthermore, the proposal, as submitted, does not provide a dwelling type that responds to local housing need or is a form of development which is supported by local housing evidence. ONS data shows that for South Milton whilst there is an under provision of 3 bedroom properties, there is not an under provision of detached properties in South Milton. Therefore, by supporting the proposed application this would not address the imbalance within the existing housing stock. The proposal would also conflict with policy DEV8 of the Joint Local Plan which seeks to ensure that new development addressing existing housing mix imbalances within the District and would also conflict with SPT2(4) which also seeks to create a balance of housing types and tenures to meet identified housing need.

Overall, for the reasons given above, there would be an in principle objection to residential development in this location.

It is noted in the supporting planning statement submitted with this application that to meet the requirements of the Neighbourhood Plan, the applicant has advised they would accept the principle occupancy condition required by the Neighbourhood Plan as set out in para 7.30. However, this would not overcome the in principle policy objections in the Joint Local Plan and NPPF to residential development on this site as set out above.

Design/Landscape:

The site is located in part in the Undeveloped Coast and is entirely within the South Devon AONB.

Policies DEV23, DEV24 and DEV25 require that development conserves and enhances the natural beauty of the protected landscape with particular reference to their special qualities, distinctive characteristics and valued attributes of the area. DEV 24 protects against development that would have a "...detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast", and DEV 25 protects against harm to the South Devon AONB.

The design has been revised in this application compared to that considered in the previous application and the Council's Landscape Officer has confirmed that in considering the design of the dwelling and proposed landscape scheme in isolation to its setting the design changes made and provision of a landscape scheme compared to the withdrawn application is an improvement with the submission of a competent and considered landscape scheme that could be secured by condition if minded to approve and the reference in the design to the traditional local style and vernacular through the use of slate roof, render and the use of natural stone as advocated in the AONB Management Plan guidelines and required by the design criteria for new housing set out in policy H4: General Housing Policy of the South Milton Neighbourhood Plan.

Whilst, it is recognised from the Parish Council comments received that they in their deliberations of this application have concluded that the application is infill.

Officers would not concur with this conclusion. When one sees the site, it becomes evident as to why this piece of land is included in the Undeveloped Coast designation of the Joint Local Plan. Rather than simply a potential infill gap in the settlement, as is suggested when one looks at the site in plan form, the location and undeveloped nature of the site is important in providing a visual and physical connection to the more rural and undeveloped landscape to the south of the village.

Such a connection is disrupted elsewhere by the presence of existing built form and associated curtilage vegetation and garden boundary treatments along the southern edge of the village. However, this visual and physical connection is still present at the application site and the proposal to introduce built form into the undeveloped site would disrupt this.

The fact that there are dwellings either side of the site, actually accentuates the absence of development on the site itself and emphasises its importance as a 'gap' in the settlement that would be lost if the proposed development were to take place.

Though, the proposal is a betterment of the previous application submission, it is felt that the principle of development of the site, as submitted would still not accord in landscape and visual terms with policy DEV24 of the Joint Local Plan which seeks to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area which would be eroded if this development were to be allowed.

The current undeveloped character of the site would be entirely removed with the proposals in place, and the connection from the adjoining highway and associated hard surfaced parking and turning area and therefore the view for the community and village, to the undeveloped countryside would be greatly and permanently diminished. The 'unspoilt character' which policy DEV24 of the Joint Local Plan seeks to protect would be lost.

Furthermore, a new dwelling on the site with its inevitable associated domestic noise and activity would reduce the perceived level of tranquillity of the site and although the proposals introduce new trees and planting on the site these are only being proposed as mitigating measures for the proposals rather than providing true enhancements to the landscape of the Undeveloped Coast.

The proposal would therefore be contrary to policy DEV24 of the Joint Local Plan and also the NPPF which seeks to maintain the character of the Undeveloped Coast.

As the site is also within the South Devon AONB, policy DEV25 of the Joint Local Plan further requires development proposals to:

- *Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- *Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
- *Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- *Be located and designed to prevent the erosion of relative tranquillity.*

The NPPF, in relation to AONBs, requires great weight to be given to conserving landscape and scenic beauty

The introduction of built form in this location would not respect the scenic quality of the area nor would it prevent the erosion of the tranquillity enjoyed as a result of the undeveloped character of the site. The proposed introduction of built form and associated residential paraphernalia would fail to conserve or enhance the special qualities of the South Devon AONB. The presence of the dwelling, formalisation of the access through the use of a grasscrete service, parking and turning area and 'curtilage' would result in a clear change to residential character, and the domestication of an agricultural landscape.

Although removal of permitted development rights for certain domestic buildings could limit residential paraphernalia, there is only so much that planning can do in terms of controlling domestication of the landscape once its use is changed to residential. Given the site's location within the AONB and Undeveloped Coast, in a location visible at close proximity from well used routes as highlighted in the Parish Council comments, the domestication of this landscape would result in harm to the character and natural beauty of the protected landscape of this area

There would therefore be an in principle landscape objection to the proposed residential development on this site. For the reasons set out above, the proposal would not conserve and enhance the natural beauty of the protected landscapes it falls within and the proposal would therefore be contrary to policy DEV23, DEV24 and DEV25 of the Joint Local Plan.

Neighbourhood Plan compliance:

The Parish Council in their further comments on this application looking specifically at the policies of the Neighbourhood Plan advise that they don't consider the proposal would conflict with policies E & CM1 and E & CM2 nor have any material impact on policy E & CM4.

Whilst, Officers would concur with the Parish Council in relation to policy E & CM1 that the proposal does not conflict with the specific requirements set out in the criteria of this policy (a) – (e), officers do consider that the development does not perform well against the overarching text of this policy which states like policy DEV25 of the Joint Local Plan in relation to AONB development that 'development proposals should seek to conserve and enhance the special qualities of the South Devon AONB'.

For the reasons given in the design/landscape section of this report officers do not consider that the proposal would conserve and enhance the special qualities of the South Devon AONB and would therefore fail against the overarching text of policy E & CM1 of the South Milton Neighbourhood Plan in addition to failing against policy DEV25 of the Joint Local Plan.

Having referred to E & CM2 of the South Milton Neighbourhood Plan, Officers concur with the views as set out in the Parish Council comments that the proposal would not conflict with the specific requirements of this policy nor would it have a material impact on policy E & CM4 Biodiversity Policy of the Neighbourhood Plan subject to landscaping being secured by condition if minded to approve in the interest of biodiversity enhancement.

The Parish Council comments advise that they consider policy H1 and H3 are not relevant to the consideration of this application. Officers, would concur that H3 which relates to land to the rear of the village hall for play space provision is not relevant. However, whilst the application site is not at the site allocated for housing in policy H1 officers do consider that the fact there is a housing allocation within the Neighbourhood Plan to meet the housing needs of the Neighbourhood Plan area is relevant to the determination of this application for the reasons given in the principle of development section of this report.

Overall, it is considered that the proposal fails to accord with policy E & CM1 of the Neighbourhood Plan. Furthermore, the fact there is an alternative site allocated for housing in the Neighbourhood Plan for the Parish which has been deemed to be a suitable and appropriate site to bring housing forward in the Parish to meet local housing need, is a material consideration in the determination of this application.

Impact on Heritage Assets:

The site lies adjacent to the Conservation Area and therefore consideration needs to be given to the impact on the setting of this.

The impact of the proposals on the setting of the Grade I Listed Church of All Saints and Grade II listed Manor Cottage also require consideration.

Having considered the proposal in relation to the setting of these listed buildings and the adjacent Conservation Area, Officers conclude that the proposed development would not result in harm.

The proposal would not conflict with DEV21 of the Joint Local Plan.

Neighbour Amenity:

Given the orientation of the proposed dwelling and its relationship to the nearest neighbours to the North West, it is not considered it would raise residential amenity concerns in terms of being overbearing, resulting in loss of light or resulting in an unacceptable level of overlooking/loss of privacy. The proposal is therefore not considered to conflict with policy DEV1 and DEV2 of the Joint Local Plan.

Highways/Access:

The parking and turning areas proposed would provide adequate space to meet the parking space requirements as set out in the SPD to meet the requirements of policy DEV29 of the Joint Local Plan. Whilst the access proposed would have limited visibility, this is not dissimilar to other accesses in the area and without an objection having been received from Devon County Council Highways, it is not considered that for a single dwelling the Local Planning Authority would have cause to argue that the development should be refused on highway safety grounds on the grounds of unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe, the requirement threshold to be met to refuse a development on highway grounds as set out in paragraph 111 of the NPPF.

Archaeology Considerations:

The proposed development lies within the historic core of South Milton and adjacent to Manor Cottage, a 16th century dwelling, and, as such and as mentioned in the submitted Heritage Statement, there is potential for groundworks associated with the construction of the proposed development to expose archaeological and artefactual deposits associated with the early historic settlement here. The impact of development upon this should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team at Devon County Council recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest.

As the proposed development is considered to be unacceptable for other reasons, the Written Scheme of Investigation has not been requested upfront, however if minded to approve it is recommended this be secured by means of a pre-commencement condition being applied to any approval decision.

Flood Risk and Drainage:

The site is not in a high risk flood zone (flood zone 2 or 3) and therefore in flood control terms it is an acceptable site for residential development.

Full drainage details have been provided with the application to demonstrate that a workable drainage scheme can be accommodated on site; the Council's Drainage Specialist has confirmed this is acceptable. Therefore, if permission is granted, a condition can be applied to ensure the drainage scheme is installed in strict accordance with the approved plans and maintained and retained for the life of the development.

DEV32 Compliance:

No evidence has been provided to demonstrate how the proposed development would assist the Council in reducing carbon emissions from new development as required by policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

Other Matters:

The representations received have raised land ownership queries; The applicant has signed certificate A to advise that they own the land the subject of this application and whilst officers have queried this as a result of the representations received to ensure the applicant is satisfied that they own all the land the subject of the application; the Council has to take the certificate signed at face value and land ownership and rights of way are civil legal matters which would not preclude the determination of this application.

Conclusion:

The submitted application has not addressed the concerns raised in the consideration of the previous application. The principle of the development is at odds with the current Development Plan and therefore the application is recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

South Milton Neighbourhood Plan 2019-34

E & CM1: Landscape Policy
E & CM2: Coastal Environment Policy
E & CM4: Biodiversity Policy
H1: Land allocation policy for housing
H4: General Housing Policy

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

The Plymouth and South West Devon Supplementary Planning Document (SPD) July 2020 was adopted by Plymouth City Council on 22 June 2020, West Devon Borough Council on 9 June 2020 and South Hams District Council on 16 July 2020.

South Devon Area of Outstanding Natural Beauty Management Plan 2019 - 2024

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Elizabeth Arnold

Parish: Harberton **Ward:** West Dart

Application No: 2679/21/FUL

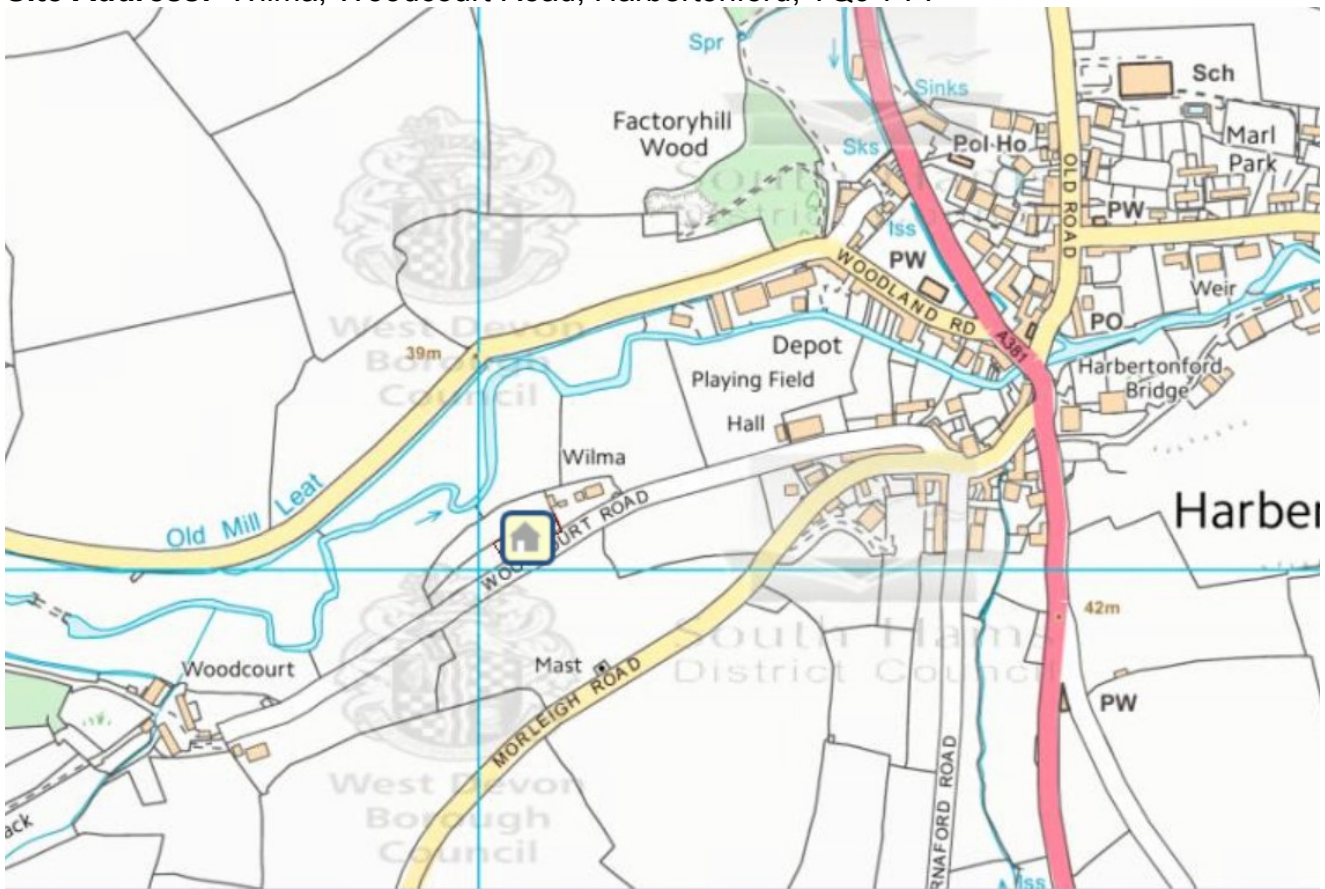
Agent/Applicant:

Mr Stephen Guard - Stephen Guard
Architects
2 Efford Corner
East Allington
Totnes
TQ9 7RA

Applicant:

Mr Liam Nally
Wilma
Woodcourt Road
Harbertonford
TQ9 7TY

Site Address: Wilma, Woodcourt Road, Harbertonford, TQ9 7TY



Development: Full planning application for Technical Details Consent for new dwelling following Permission in Principle application 0573/19/PIP

Reason item is being put before Committee: Related to a staff member

Recommendation: Delegate approval to Head of Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to an amended application form.

Conditions:

- 1) Time

- 2) Accordance with approved plans
- 3) Materials to be submitted
- 4) Landscaping
- 5) In accordance with Preliminary Ecological Appraisal
- 6) Drainage
- 7) Land contamination
- 8) Construction management plan
- 9) Removal of PD rights
- 10) No external lights

Key issues for consideration:

Principle/Sustainable Development
Design/Landscape
Neighbour Amenity
Highways/Access
Living conditions for future occupiers
Flood Risk and drainage
DEV32 Carbon Reduction
Biodiversity

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

Site comprises the residential curtilage of the dwelling known as Wilma, located on the north side of Woodcourt Road to the east of the village of Harbertonford. Woodcourt Road comprises a residential lane serving a number of properties and terminates at Woodcourt Farm. The site is within 200m of the village hall and approximately 500m from the post office and public house. Although detached from the tight urban form of the built up part of the village and separated from the village hall and football club buildings by playing fields and a field used for equestrian activities, the site none the less is in relatively close proximity to the village core. Woodcourt Road is a narrow, single-track unlit lane.

The Proposal:

The proposal is for the erection of a 2 storey, 3 bed dwelling, with associated parking and amenity space. This is a full application for technical details following the approval of permission in principle under application 0573/19/PIP.

Consultations:

- County Highways Authority
Should accord with standing advice

- Drainage

We are no longer providing formal responses for the following applications that meet the Low and Medium risk criteria Refer to standing advice?

- Trees
 - No objection on arboricultural merit subject to the Tree Survey being made an approved plan if consent follows
- Haberton Parish Council

It was RESOLVED to make NO OBJECTIONS however the Parish Council express serious concerns about traffic, access and impact on flooding and would require provision of a construction management plan for any future development. The Parish Council would like to see a full response from the Environment Agency on the plans.

Officer response: The provision of a Construction Management Plan can be conditioned. As the site does not lie within Flood Zones 2 or 3, there is no requirement or provision to consult the Environment Agency (who would not respond as outside of an area identified at risk).

Representations:

No responses were received.

Relevant Planning History

0573/19/PIP – Application for permission in principle for one new dwelling (refused 18/7/19, Approved at Appeal 20/1/20)

ANALYSIS

Principle of Development/Sustainability:

The principle for the erection of a new dwelling was previously considered and approved at Appeal, where the Inspector concluded that although separated from the village hall and football club buildings by playing fields and a field in equestrian use, it was located in relatively close proximity to the built up core of the village.

Design/Landscape:

Policy DEV10 advises that housing development should be of a high quality in terms of design and resilience and provide adequate space to achieve good living standards. Housing development should be designed to integrate within adjacent developments and not appear an unrelated addition.

Policy DEV23 requires development to ‘conserve and enhance landscape, townscape and seascape character and scenic and visual quality’. It goes on to say in DEV23.3 that the development should be of ‘high quality architectural and landscape design appropriate to its landscape context’.

The proposed dwelling is 15.2m in width and 5.83m in depth, set beneath a gabled roof of 6.33m in height and with a single storey projection of 2m in depth across part of the front elevation. This is set slightly off centre towards the rear of the site, with a parking and turning area to the right (north east) of the dwelling. The building is a relatively simple structure with a slate roof and the walls a combination of natural timber weatherboard and render. The plans also indicate that the ridge height would slightly higher (approximately 0.5m) than the adjacent buildings but not significantly so and the design would be comparable.

The proposal would result in the loss of part of the existing hedgerow (6.7m) along the road, which is unfortunate but necessary to gain access to the site. However additional hedge planting on Devon banks (11.8m) are proposed to the south west, marking the extent of the

curtilage of the dwelling and along the side of the parking area, which would also provide additional screening of the dwelling, when viewed from the road. Detail of the landscaping could be conditioned to be provided if all other aspects of the proposal were acceptable.

The proposed dwelling is relatively modest and the design would be compatible with the character and appearance other properties within the village. Therefore in terms of appearance, the proposal would be considered acceptable.

Neighbour Amenity:

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

Policy DEV2 advises that development proposals which will cause unacceptable in or off-site risk or harm to human health, the natural environment or living conditions will not be permitted.

The application site is separated from other dwellings within the village. The nearest property, The Studio, is situated approximately 10.25m to the side and 2m to rear of the proposed dwelling. Given the degree of separation and the orientation of the properties it is not considered that the proposal would significantly impact on the amenity of the existing occupiers.

Highways/Access:

The proposal would create a new access onto the road and provide 2 parking spaces and an adequate turning area to ensure that any vehicles would be able to enter and leave in a forward gear. The provision of 2 spaces for a 3 bed property would comply with adopted parking standards and it is noted that the Highways Officer has not raised any objections to the proposal.

Living conditions for future occupiers:

DEV 10 advises that housing development should be of a high quality in terms of design and resilience and provide adequate space to achieve good living standards

The Nationally Described Space Standards advise that a 3 bed, 5 person house over two floors should have a minimum floor area of 93sqm. The proposed dwelling has a floor area of approximately 160sqm. Therefore adequate space would be provided.

Dev 10 further advises that sufficient external amenity space should be provided. The Plymouth & South West Devon Joint Local Plan 2014-2034 Supplementary Planning Document states that for a detached dwelling there would be a minimum requirement of 100sqm. The property would benefit from a garden area in excess of these requirements.

It is therefore considered that the proposal would provide an appropriate living environment.

Sustainability:

The submitted planning statement has confirmed that the proposed dwelling will be constructed so that it will exceed Building Regulations by 10%-20%. Details of this to ensure compliance with Policy DEV32 could be conditioned for submission if all other aspects of the proposal were acceptable.

Biodiversity / Ecology:

A Preliminary Ecological Appraisal has been submitted with the application. This identifies that the site is part of a commuting route for a single Greater Horseshoe Bat, likely to be roosting some distance from the site to the south-west, which lies close to a known commuting route along the Harbourne River for low numbers of this species during the summer months. The report advises that the development of a single dwelling in this location is unlikely to lead to significant impact on the bats to navigate the Harbourne Valley provided light spill from the dwelling is limited. The amount of hedgerow to be lost in the creation of the access will be offset by the creation of a new Devon hedge bank on the south western boundary, which would also help provide an enhanced linear feature for bats and birds and reduce light trespass towards the orchard. Compliance with the requirements of the Preliminary Ecological Appraisal could be conditioned if all other aspects of the proposal were acceptable

Drainage:

The proposal includes a package treatment plant and drainage field to the west of the dwelling. The planning statement advises that the field shown measures 25m in length based on fairly good ground conditions and percolation tests will be carried out as required. The plans also indicate a soakaway of sufficient size will be provided within the garden area.

Conclusion

The principle for the erection of a dwelling was previously approved under application 0573/19/PIP. This application complies with that permission. The design of the property is considered acceptable and it would provide suitable living accommodation and parking provision for future occupiers.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan 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
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)

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

NEED TO ADD CONDITIONS IN FULL HERE

PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Rachel Head

Parish: Yealmpton

Ward: Newton and Yealmpton

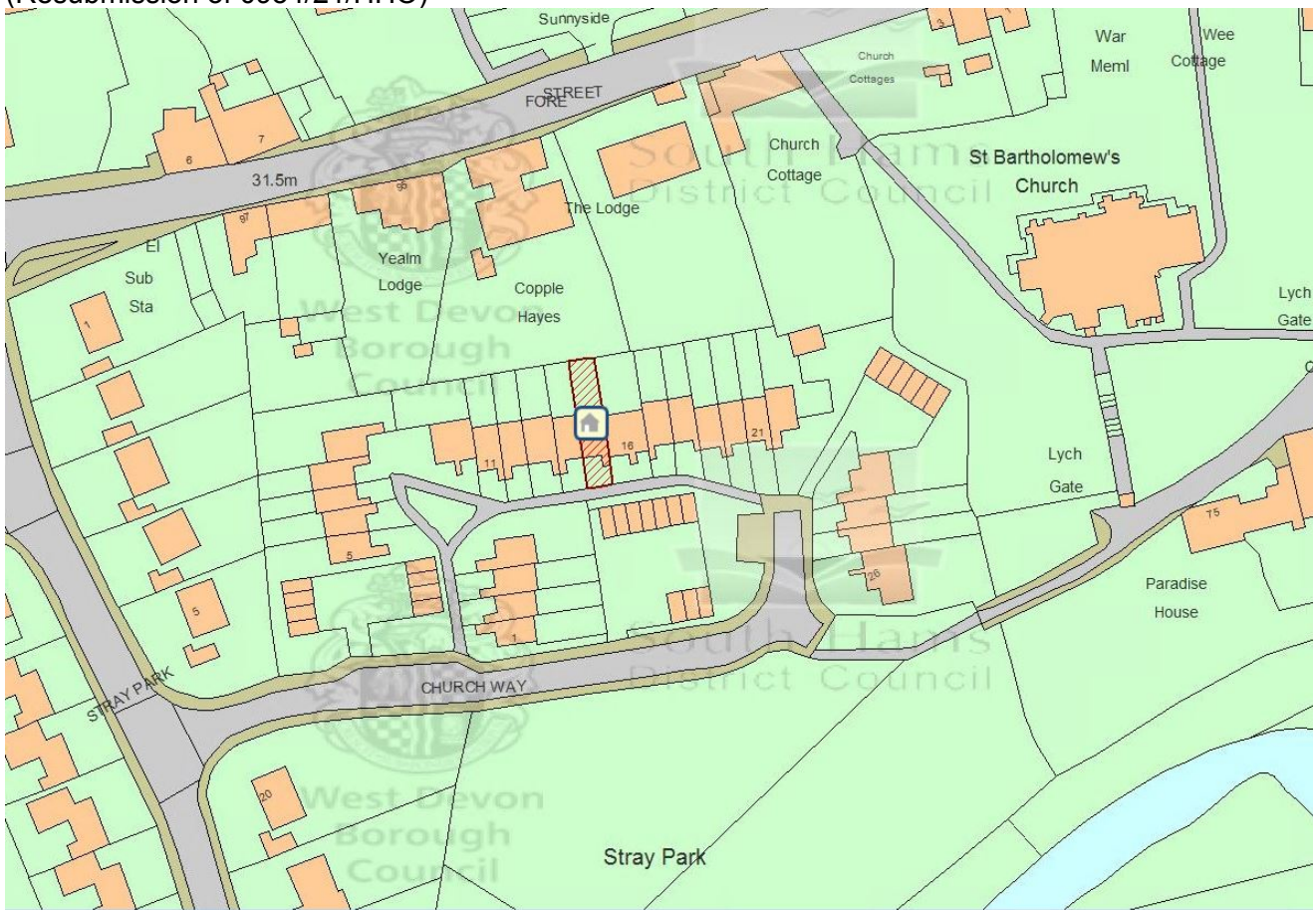
Application No: 2855/21/HHO

Applicant:

Mr Bell and Miss Askem
15 Church Way
Yealmpton
PL8 2LA

Site Address: 15 Church Way, Yealmpton, PL8 2LA

Development: Householder application for formation of room in roof with rear dormer (Resubmission of 0954/21/HHO)



Reason item is being put before Committee: Cllr Thomas wishes to call the application to committee for the following reason:

“The impact of the development on the AONB and neighbouring amenity is a matter of planning judgement and as such I would like the committee to consider what weight should be given to these material planning considerations.”

Recommendation: Refusal

Reasons for refusal:

1. The proposed flat-roofed dormer by reason of its scale, massing and design is considered harmful to the character and appearance of the existing dwelling and the wider local area. It is not considered to be a subservient addition to the property, and results in poor design which does not conserve or enhance the South Devon AONB. It is therefore contrary to policies SPT1, DEV20, DEV23 and DEV25 of The Plymouth and South West Devon Joint Local Plan (2014-2034), paragraphs 13.51- 13.53 of the Supplementary Planning Document (2020) and paragraphs 130, 134, and 176 of the National Planning Policy Framework (2021).
2. The development would have a detrimental impact on the amenity of the neighbouring property, 16 Church Way, due to the overbearing impact of the proposed dormer. As such is contrary to policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014- 2034) and the guidance of the Supplementary Planning Document (2020).

Key issues for consideration:

Principle of development, design, impact on AONB, neighbour amenity

Site Description:

The property falls within the built form of Yealmpton, on the south side of the village, to the north of the River Yealm. The site is a two storey, mid-terrace property of late 1970s construction. The walls are rendered and it has a tiled pitched roof.

The site is within the South Devon AONB. It falls just outside of the Yealmpton Conservation Area, and there is a grade II listed building 40m to the north of the site.

The Proposal:

The proposed development is for a loft conversion including a flat roof dormer extension to the rear (north) of the property. The dormer comprises the height and width of the roof plane with one 3 pane window to the rear. The proposed materials are concrete tile hung walls to match the existing roof of the property.

The proposal is a resubmission of a previous application 0954/21/HHO; this application was refused due to the design, scale, and massing, as well as the impact on neighbour amenity. The proposed dormer is identical to the scheme previously considered and refused. It has not been reduced in height or width.

Consultations:

- County Highways Authority: No highways implications.
- Yealmpton Parish Council: Object - YPC are in agreement with the planning officer previous decision that the proposals design is detrimental to the local character.

Representations:

Two letters of support from one neighbour has been received and covers the following points:

- Property is set higher up and would not block views or light entering windows.

- No impact on neighbouring property or surrounding area as cannot be seen from road/public area.

Relevant Planning History

- 62/1034/75/3 Erection of 26 no. terraced houses, 26 garages and ancillary works – Conditional Approval: 29 Jan 1976
- 0954/21/HHO Householder application for formation of room in roof with rear dormer – Refusal: 16 Jun 2021

ANALYSIS

Principle of development

The site is located within the built form of Yealmpton and hosts an existing dwelling. The principle of the development is therefore established, subject to all other material planning considerations.

Design/Landscape

It is acknowledged that the existing dwelling is not of any significant architectural merit, however the proposed dormer extension is considered to be an incongruous addition to the existing property. Due to its scale and massing, which spans the whole width and height of the roof, the original pitch of the dwelling would be completely lost by the proposal and as a result, the dormer would become an overly-dominant feature of the property. No other properties on the terrace have dormer extensions to the front or rear, and the development is therefore not considered to be in-keeping with the characteristics of the area.

Appendix A of the Supplementary Planning Document (SPD) provides guidance on the scale and design of dormers:

‘The positioning of dormer windows is important. They should not appear squashed towards any of the roof edges, and should be proportionate to the existing windows below.’ (13.51)

‘Dormer windows are only acceptable on the front roof of a property if this is a feature of nearby properties and if they are sensitively designed and located.’ (13.52)

‘Dormer windows are generally more appropriate at the rear of a property providing they are located below ridge height and are sympathetically designed. Where the rear of the building is very prominent, such as at the end of some terraces, design criteria will be stricter.’ (13.53)

This proposal fails to comply with this guidance and policies DEV20 and DEV23 of the Joint Local Plan, which require development to have proper regard to the pattern of local development in terms of ‘*style, local distinctiveness, visual impact, massing, height, and landscape character*’, amongst other things (DEV20.2). Policy DEV23 also emphasises the need to ‘*maintain an area’s distinctive sense of place, and reinforce local distinctiveness*’ (DEV23.1)

The site falls within the South Devon AONB. Policy DEV25 requires that proposals “*conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*”. The proposed extension would utilise vernacular materials in-keeping with the locality however the scale, mass and design of the dormer extension would be a dominant feature on the existing property and is therefore could not be considered to conserve and enhance the special qualities of the AONB. The proposal fails to comply with local plan policy DEV25.

The Parish Council object to the proposal, stating their agreement with the previous decision (0954/21/HHO) and noting that the design is detrimental to the local character.

No concerns have been raised in respect of the proposed materials/finishes.

The proposal affects the setting of the Yealmpton Conservation Area and setting of nearby Listed Buildings. However, due to the topography of the site and trees that would screen the proposed development, it is not considered that the extension would have an adverse impact on the Yealmpton Conservation Area or the setting of the nearby Listed Buildings.

Neighbour Amenity

The proposal is not considered to have a significant overlooking or loss of privacy impact on the amenity of the neighbouring properties. Due to the topography of the site which is lower than the properties to the rear, off Fore Street, and the distance between them (approximately 33m) it is not considered that the proposal will have a significant detrimental impact on the neighbouring properties to the rear of the site.

Two letters of support from the neighbouring property (No.14) have been received who express no objections to the proposal and state it will not impact on their property.

Despite this, due to the mass and scale of the dormer extension, Officers considered that the proposal does have the potential to have an overbearing impact on the neighbouring properties, in particular number No. 16 which is a single storey property, the proposed is therefore considered contrary to local plan policy DEV1.

Ecology

The Ecological Appraisal provided within the submission of the application states there is no evidence of use by bats within the building. However, the report sets out precautionary measures to avoid any harm during building works, and in accordance with the NPPF, the report also provides for biodiversity gain in the form of a bat box on the site. As such, subject to condition, the proposal is considered to accord with local plan policy DEV26.

Highways/Access

The proposal would not impact upon the existing highways arrangement.

Conclusion

The proposal is considered to be of a scale, massing and design that is out of keeping with the simple, traditional form of the existing dwelling and terrace and fails to preserve and enhance the South Devon AONB. It has the potential to be overbearing to neighbouring properties, and therefore conflicts with policies SPT1, DEV1, DEV20, DEV23, DEV25 of the JLP, and associated paragraphs of the NPPF. The application is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

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
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The development site is not located within an area covered by a Neighbourhood Plan.

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

Plymouth and South West Devon JLP Supplementary Planning Document (2020)

South Devon AONB Management Plan (2019-2024)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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impact on the outlook and privacy of this building, due to the proximity of the roof terrace to the habitable rooms of the proposed dwelling. The development therefore conflicts with policy DEV1 of the Plymouth & South West Joint Local Plan (2014- 2034), paragraph 132 of the National Planning Policy Framework (2021), paragraphs 13.17, 13.20, 13.22, 13.23, 13.26, and 13.27 of the Joint Local Plan Supplementary Planning Document (2020)

Key issues for consideration:

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

1. Site Description:

- 1.1. The site is set back from Totnes High Street, and accessed on foot from the High Street via Pleases Passage. There is also a rear access to the site from North Street. The property is a two-storey terraced property includes a single-storey flat roof extension.
- 1.2. The site is within the Totnes Conservation Area and is grade II listed. There are grade I and II* listed buildings in close proximity to the site, on the High Street, and Totnes Castle, and Scheduled Ancient Monument, is 50m to the west of the site.

2. The Proposal:

- 2.1. The proposed development is a first-floor extension to the property. The extension would be of a flat-roof design, extending out from the roof, just above the existing eaves, onto the existing flat roof area. The walls would be zinc sheeting, with a powder-coated aluminium door accessing the flat roof.
- 2.2. The development description given by the applicant is *'Householder application for alteration and extension to provide improved access to roof terrace and replacement of roof material'*. The roof terrace referred to in the development description refers to the existing flat roof. Although the applicant states that she has been informally using this flat roof as amenity space for a number of years, it is a flat roof with no balustrading, no decking/flooring, and in planning terms, is a flat roof, and not a terrace. There is no history of a planning application for a roof terrace in this location, and although Officers advised, prior to submission, that a lawful development certificate could be applied for to regularise the use of the flat roof as an external amenity space, no such application has been submitted to date.
- 2.3. The existing floor plans describe the space as 'flat roof', whilst the proposed plans indicate 'roof terrace'. For these reasons, Officers consider it necessary to consider the planning merits of the roof terrace referred to in the development description, and indicated on the plans, as part of the application, as in planning terms, this terrace would be a new development, regardless of how it may have been used informally in the past.
- 2.4. As part of the creation of this terrace, planters are proposed as a means of screening to the north and south of the flat roof.

Consultations:

- County Highways Authority- no highways implications
- Historic England- no comments to make

- Town Council- support

Representations:

Two letters of support have been received. These letters can be seen in full on the Council website, but can be summarised as follows:

- Other neighbours have roof terraces and overlook one another
- Proposed would enhance the view of neighbours
- Additional greenery would encourage wildlife
- Roof terrace needs to be accessible
- Current means of escape is inadequate
- Materials are in keeping with the site and Conservation Area
- Confident that applicant would carry out the works sensitively

One letter of objection has been received. The letter can be seen in full on the Council website but can be summarised as follows:

- Applicant currently uses flat roof as an amenity area without planning permission
- Using the flat roof as a terrace adversely impacts upon the living conditions of the adjoining building
- Proposal is the same character as the previous application which was not supported by Officers
- Objector's property has an extant permission for conversion to residential use and this is a material consideration
- Proposed extension is larger than a dormer
- Extension is unrelated to the grain and pattern of development in the Conservation Area
- Incongruous feature to the property which competes with the traditional townscape
- Roof plan show the position of the extension incorrectly, it would be closer to their building than is shown
- Flat roof does not reinforce local distinctiveness
- Proposal would have a harmful impact on the setting of the adjacent listed building
- Previous conditions regarding the existing rooflight were clear that the development had to be flush with the roof, contrary to pattern of proposed development
- Roof terrace would look directly into principal bedrooms of ground floor and first floor
- Noise and disturbance to the property from the roof terrace
- Neighbours property would be completely hemmed in by development
- Claim that the extension is needed to provide safe emergency access is spurious as they already use the rooflight to access the flat roof
- Means of escape would have been considered when the building was originally converted
- No consultation with the neighbours
- Other roof terraces and green spaces referenced and within the vicinity of the site (apart from Butterwalk House) have not been granted planning permission and are breaches
- Supporting photos submitted by the applicant are distorted and misleading
- Design & Access Statement references screening, but no screening is included in the application

Relevant Planning History

- 2708/21/LBC- Listed building consent for alteration and extension to provide improved access to roof terrace and replacement roof material (resubmission of 1925/20/LBC)- conditional approval
- 1924/20/HHO- Householder application for alteration and extension, formation of roof terrace to provide amenity area. Replacement of roof material- withdrawn

- 1925/20/HHO- Listed building consent for alteration and extension, formation of roof terrace to provide amenity area. Replacement of roof material- withdrawn
- 56/1178/99/F- Reconstruction and raising of roof to lean-to and new window to west elevation- conditional approval
- 56/0476/98/4- Change of use to single residential unit- conditional approval

ANALYSIS

3. Principle of Development/Sustainability:

- 3.1. The site is an existing residential dwelling with the town centre. The principle of alterations and extension within the curtilage of a residential property is therefore acceptable, subject to all other material planning considerations.

4. Design:

- 4.1. The proposed extension is a small-scale addition to the property. As a flat-roof structure, it would read as a subservient addition to the main dwelling, and despite being at first-floor level, the extension is of a small-scale and proportional to the main roofspace. As such, the development is not considered to attempt to compete with the host dwelling.
- 4.2. The walls would be clad in zinc, and although this is a more contemporary material, the tone of the extension would be similar to the existing property, and this would provide a distinction between the new elements of the property, and the more historic part of the building.
- 4.3. As such, the proposed development is considered to be of an acceptable design, and accords with policy DEV20 of the JLP.

5. Landscape & Heritage:

- 5.1. An objection has been received, stating that the extension is not in keeping with the pattern of development of the Conservation Area, and is incongruous and not in keeping with the site and locality. Although the site is within the historic core of the town, and the general form of the former burgage plots behind the High Street can still be identified, there has been a clear evolution of this area, with various modern additions visible to the buildings, such as the existing flat-roof extension to Star House, lean-tos, dormers, rooflights. Given the small-scale nature of the development proposed, the relatively obscured position of the extension, and the proposed materials, the extension is considered to be acceptable in terms of landscape impact.
- 5.2. The Council's Heritage Specialist has visited the site, and is currently determining the listed building consent which accompanies this planning application. He is satisfied that the proposal would not harm the setting of the Conservation Area, or the special architectural or historic qualities of the listed buildings, for the following reasons (quotes from LBC report 2708/21/LBC):

'In this instance the proposed works are deemed to offer a neutral intervention and the detailed elements of the scheme are considered to be both sensitive and appropriate for the building and as such accord with both local and national conservation plan policies.

When viewed as a whole the rear ranges (including Star House and beyond) of 51 Fore Street follow a similar vein to the typical historic pattern of development within the town in that the rear ranges run perpendicular to the High Street and the principal buildings that front it and parallel to the historic burgage plots in which they sit.

Officers are content that by virtue of the relatively small scale nature of the development proposals and the siting of the 'dormer access' on a lower secondary modern roof the legibility of the 'historic' roof form cascading down through rear ranges will not be adversely impinged upon and the materials as proposed will render an offering that sits most quietly in both immediate and wider context. Nor will it diminish an understanding of the natural hierarchy of the rear ranges when viewed in the context of the principal listed building and its associated historic ancillary outbuildings thus securing the preservation of its setting.

Officers are content that the proposed new 'dormer access' extension will not erode or impinge on the special interest of the listed building, nor that of those which sit in close vicinity. Nor will it appear as an incongruous structure within the Conservation Area but rather sit quietly and harmoniously when viewed in both an immediate and wider context.

Officers welcome the proposed replacement of the man-made fibre-cement roof slates with a natural slate on the main roof which will deliver an enhancement to not only the immediate listed building but also the wider Conservation Area.'

- 5.3. Subsequently, the proposal is considered to preserve the setting of the Conservation Area, and would not harm the listed building or the setting of nearby heritage assets. Historic England had no comments to make on the proposal, and the application is considered acceptable with regard to policy DEV21 of the JLP, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Neighbour Amenity:

- 6.1. The extension itself is of a scale and position that it is not considered to impact on the amenity of neighbouring properties with regard to overlooking, daylight, or privacy. However, as previously detailed, the development also includes the creation of a roof terrace on the existing flat roof, which would be accessed from the proposed extension.
- 6.2. Although the applicant states that the flat roof has been used informally for a number of years, there is no history of a planning application ever being submitted for this terrace, and it has not been regularised through the lawful development certificate process. No operation development (flooring, balustrading, screening, etc) has been carried out to create a terrace area, although upon visiting the site, there were some plants on the flat roof.
- 6.3. As it is referenced in the development description, and shown on the proposed plans, the creation of a roof terrace on the existing flat roof is considered to be part of the proposed development and as such, the impact of this terrace on the amenity of neighbours must also be considered in the assessment of the application.
- 6.4. The closest property to the roof terrace is Hopwood Swallow, to the immediate south of the site. Although it is currently an office building, it benefits from two extant planning permissions for conversion to residential use (56/0831/03/F for change of use and conversion to two flats, and 2970/20/FUL for change of use and conversion to a single dwelling). As both of these permissions are extant, and can still be implemented, the impact of the terrace on the future residential use of the Hopwood Swallow building is a material planning consideration.
- 6.5. The proposed roof plan shows the roof garden with planters, which are described as screening to the roof terrace. This planting screen is shown as being approximately 1.6m in height, but with substantial gaps between the plants shown. Although the planting is clearly just indicative, it demonstrates the lack of solidity and ineffectiveness of proposing

planting as a means of screening. Officers are also mindful that planters are temporary, moveable items, which do not constitute development in themselves. It is therefore considered that a condition requiring their placement and retention would not be enforceable in the same way that a privacy screen, fence, etc, could be. Even if planting is accepted and conditioned, there is no guarantee that the plants would thrive and become so established that they would provide enough of a screen between the terrace and the neighbour.

6.6. Due to the compact nature of the building layout in this part of the town, there is a passageway, of a width of approximately 1.3m between Star House and the north elevation of the Hopwood Swallow building. Although the extent of the roof terrace, demarcated by the planter 'screening' is set back from the edge of the flat roof, it would still only be approximately 4m from the windows of the neighbouring building. The plans approved for both conversions to residential use show these windows are serving habitable rooms, and the only outlook from this property/these flats would be these windows, facing north towards the flat roof of Star House.

6.7. The Supplementary Planning Document (SPD) to the JLP notes that *The LPAs have a responsibility to protect the existing amenities of all residents. Any alteration or extension should not have an unacceptable effect on the standard of living offered to occupants of homes that are to be extended and their neighbouring properties.*' (para 13.17). It goes on to provide more guidance specifically related to roof gardens:

'(13.22) Balconies and roof gardens can be unacceptable in higher density areas because of the impact they can have on the privacy of neighbours' gardens or habitable rooms. In assessing a proposal for a balcony or roof garden the degree of overlooking will be considered.

(13.23.) As well as overlooking, balconies can also create generate additional amenity impacts if they are positioned close to the site boundary such as noise. Consideration should be given to the location of any proposed balcony to prevent amenity impact to neighbouring properties.

(13.24.) Alternative designs, such as setting back the balcony/roof garden in rear extensions to reduce overlooking or a privacy screen will be considered on a case by case basis'

6.8. The proposed roof terrace would be in such close proximity to the north elevation of the Hopwood Swallow building, that it is considered to have a harmful impact on the amenity of future occupants of this building. An external amenity space less than five metres from a bedroom/living room window would clearly result in unacceptable levels of overlooking between the two, as well as potential noise disturbance to these habitable rooms.

6.9. Whilst the SPD notes that screening can sometimes be used to overcome overlooking, it also warns that screening *'should be of a scale that does not unreasonably affect the outlook or daylight of the neighbouring property.'* (para 13.26). Due to the extremely small distance between the sites, Officers consider that any installation of a height and solidity that provides sufficient screening between the two is likely to be overbearing and harmful to the outlook of the occupants of the Hopwood Swallow building. Screening would also not resolve the potential noise disturbance, and would therefore not be appropriate in this instance to address the concerns of neighbour amenity.

6.10. Other neighbours have written in support of the proposed terrace, stating that the additional greenery would be welcomed, and that other neighbours have terraces and all overlook each other. Notwithstanding comments from the objector that most of the nearby terraces are unauthorised and have not been granted planning permission (this is a matter

which they could report as a planning breach if they wished and is not a consideration of this proposal), Officers would note that these neighbours would experience mutual overlooking between external amenity spaces, across a greater separation distance. There is a significant difference in the impact on these neighbours, than the Hopwood Swallow building, where occupants of the terrace would be looking directly into bedrooms or habitable living space at close proximity.

- 6.11. The proposal is therefore considered to have a harmful impact on the outlook and privacy of the Hopwood Swallow building, and that this would conflict with policy DEV1 of the JLP, and associated paragraphs of the SPD.

7. Highways/Access:

- 7.1. No changes to the existing highways arrangements.

8. Other matters:

- 8.1. The applicant has claimed in the Design & Access Statement that the extension and access on to the roof terrace is required to provide safe egress from the dwelling in the event of an emergency. When visiting the site, Officers were able to access the flat roof via the existing rooflight with relative ease. This is therefore not considered to be a justification in itself for the development.
- 8.2. The suggestion from the applicant and neighbour that the proposal would lead to more planting and wildlife on the flat roof is noted. However, putting plants or more greenery on the roof is not in itself development, and is not dependent on the granting of planning permission for the proposed works. There are already some plant pots on the roof, and there is nothing to stop the applicant adding more plants to encourage wildlife if she chooses to.

9. Summary:

- 9.1. Whilst the design and scale of the proposed extension is considered to be acceptable, the inclusion of the roof terrace within the development would result in harm to the residential amenity of the building to the south. This harm could not be mitigated by screening due to the proximity of the flat roof to the adjacent windows, and the proposal therefore conflicts with policy DEV1 of the JLP. It is therefore recommended for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The site is within the Totnes neighbourhood plan area. This plan is at Regulation 16 stage, but is likely to go back to Regulation 15 stage due to proposed amendments to the plan. The neighbourhood plan can therefore be given limited weight in the decision-making process. However, the relevant policies have been considered and the development is not considered to conflict with these policies:

Policy En2: Development and Design

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

Plymouth & South West Devon JLP Supplementary Planning Document (2020)
Totnes Conservation Area Appraisal

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury
Thurlestone

Parish: South Huish **Ward:** Salcombe and

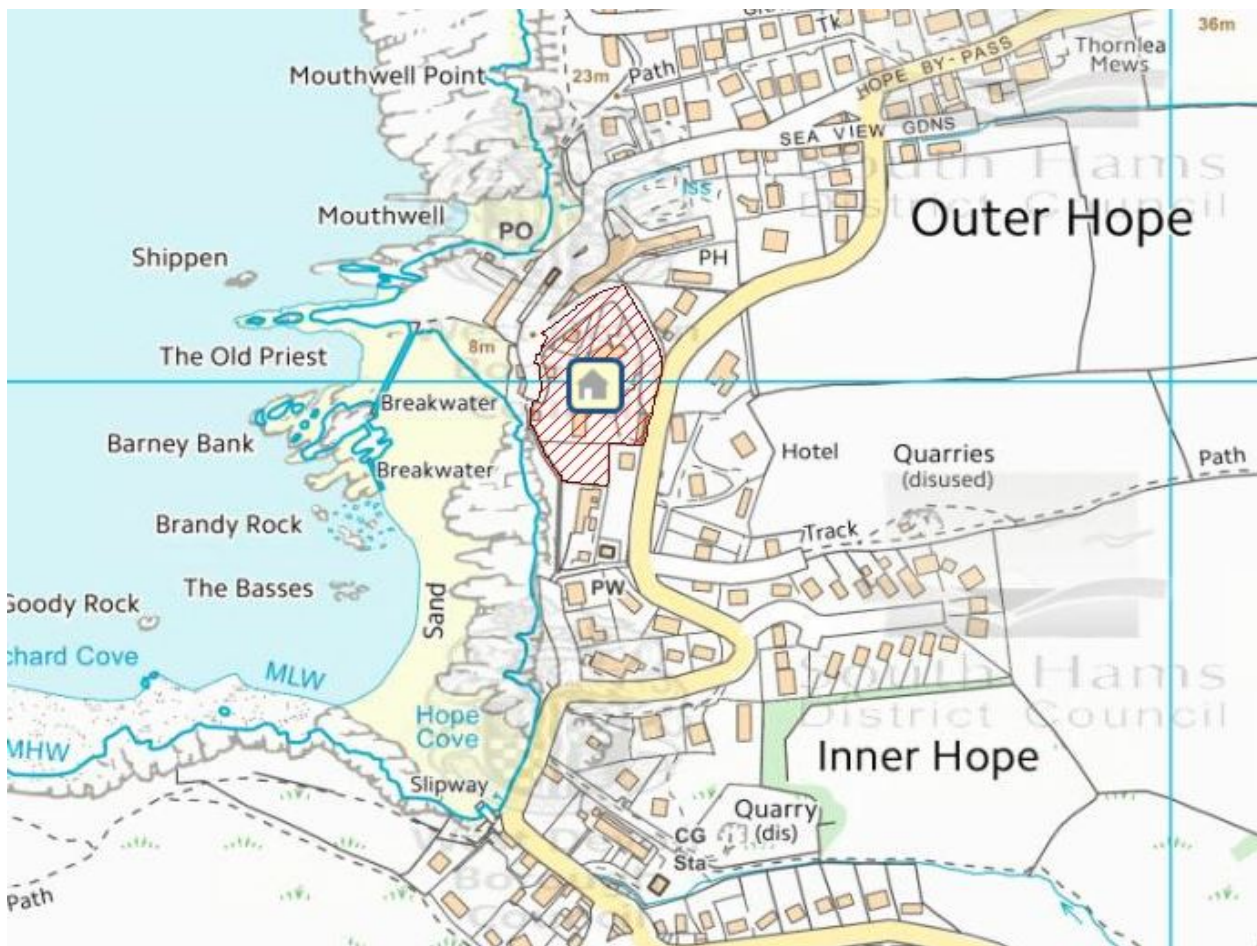
Application No: 2133/19/VAR

Agent/Applicant:
Mr Mark Puddicombe - Hart-Ireson
Limited
6 Yeo Business Park
Clyst St Mary
Exeter
EX5 1DP

Applicant:
Mr William Ireland
The Cottage Hotel
Hope Cove
TQ7 3HJ

Site Address: Cottage Hotel, Hope Cove, TQ7 3HJ

Development: READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F



Reason item is being put before Committee: Given the sensitivity of the site's location within Hope Cove, the South Devon AONB and Heritage Coast that this application relates to a previous application that was determined by Committee, and in light of significant public interest it is considered Committee determination is necessary.

Recommendation: Refuse.

Reasons for refusal

1. The development, by reason of its size, massing, increased height and use of orange roof tiles has an overbearing and bulky visual impact upon the character and setting of Hope Cove village. Whilst it is recognised that permission has been granted for the redevelopment and a significant expansion of the hotel, as a result of the multitude of changes made during the construction in comparison to the approved scheme, the proposal is considered to have a significant adverse impact on this sensitive, protected landscape, failing to demonstrate it will conserve and enhance the natural beauty of the South Devon Area of Outstanding Natural Beauty and the special character of the Heritage Coast. The development is therefore considered contrary to policies DEV15, DEV20, DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan, the National Planning Policy Framework including, but not limited to, paragraphs 11, 176, 177 and 178, South Devon Area of Outstanding Natural Beauty Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and South Huish Neighbourhood Plan policies EC01, ENV2 and HBE3.

2. The development, by reason of its scale, form, increased height, extent and close proximity, would have an unduly overbearing and unneighbourly impact on the adjoining dwelling 'West View', further emphasized by the orange tiles and railings on the roof. As such the development is contrary to policies DEV1, DEV15 and DEV20 of the Plymouth and South West Devon Joint Local Plan, the National Planning Policy Framework paragraph 11, 176, 177 and 178, South Devon Area of Outstanding Natural Beauty Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and South Huish Neighbourhood Plan policies EC01, ENV2 and HBE3.

Key issues for consideration:

Is the development (Phase 1, as constructed and not in accordance with the approved plans) acceptable in terms of landscape/AONB impacts, and impacts upon nearby residential properties.

Site Description:

The Cottage Hotel first opened as a small guest house in 1927. It has since been much altered and extended over the years; the applicant's family have run the business since 1973.

The hotel occupies a prominent location in Outer Hope Cove, in an elevated position above the immediate old village to the north and west. More modern development adjoins the link road to Inner Hope Cove to the east and south. The South West Coastal footpath adjoins the western site boundary.

The hotel enjoys panoramic views of the coast and as a consequence of its relatively elevated position, the site is also open to views from much of the surrounding coastal area and footpaths.

The site lies wholly within the South Devon Area of Outstanding Natural Beauty and Heritage Coast; it is outside the Undeveloped Coast. A Scheduled Ancient Monument, the Iron Age cliff castle known as Bolt Tail Camp, lies approximately 350m to the south west.

The site lies within the settlement boundary of Hope Cove, as defined in SHNP Policy SH Env 1.

The hotel is accessed from the road to the east. The hotel car park is located on the upper part of the site adjacent to the road. The whole site is generally open with little landscaping. Work has started on Phase 1 of the previously approved scheme (46/2401/14/F), appearing near complete externally.

The closest residential properties not in the ownership of the hotel, are 'Atlantic Lodge' approximately 27m to the north east and directly adjoining the vehicular access to the hotel and harbourside; 'West View' approximately 16m to the south east, sharing a boundary with the site and directly overlooking it to the north and west; and 'Old Colonial House' immediately to the south, also sharing a boundary with the site.

The Proposal:

This application seeks, via Section 73 of the Town and Country Planning Act, to vary condition 2 (approved plans) of the previously approved application 46/2401/14/F, in order to regularise works that have taken place on Phase 1; the approved scheme comprised of 4 phases, relating to the entire hotel building. Phase 1 represents an extension to the southern end of the building.

For the benefit of Members, the approved application was detailed as follows in the Officer's report:

The proposed development relates to extensions and alterations to The Cottage Hotel to provide 56 bedrooms, 3 staff and owners' accommodation, new parking facilities, new restaurant bar, lounge and function room. A new two storey car parking decks is to be constructed to the rear of the hotel, in the position of the existing car park. 38 spaces are located at ground floor and 40 spaces at first floor. The upper parking level is open and no higher than the existing car park.

A proposed phasing plan has been put forward, following in depth conversations with both the owners and operators of the hotel and construction specialists, to ensure that the hotel itself can be maintained and run during the individual construction phases. This is central to the applicant's business plan.

The phasing of the proposed extension and internal alterations to hotel are to be broken down into approximately four phases.

Drawing no. 6634/320 comprises an existing and proposed identification drawing showing the proposed extensions and alterations together with an outline of the existing hotel area and footprint. This drawing is able to show that two extensions are to be constructed on both sides of the existing structure together with extensions to the rear of the existing hotel. The area indicated to the front of the hotel is the restaurant and lobby area only together with a conference centre at lower ground floor and does not extend up to the full height of the

overall building. This is clearly indicated on elevational and floor plan drawings included within this application.

The existing car parking arrangements will be retained during phases 1 and 2. The new two storey parking decks will be constructed as part of phase 3 and completed prior to occupation. The new hotel servicing arrangements will also be included in phase 3.

PHASE ONE

Phase One of the proposed works will not require the demolition or alteration to the existing as this will be a new extension to the East side of the existing hotel that will be interconnected to the inner corridors by a temporary weathered and covered walkway. The proposed phase will offer three lettable rooms at ground floor level and an owners apartment at both first floor and second floor level, this having a separate access from the rear of the hotel and integral parking within the unit.

PHASE TWO

This phase will require the demolition of the end East wing of the hotel and allow for Phase One to be connected to the main hotel, this incorporating four bedrooms at ground floor level together with the increase in the restaurant capacity and enhancement to the main internal kitchens and lounge entrance lobby area to the restaurant.

Rear stairs and service corridors will also be created in this phase, this incorporating the tunnelling out for the lower ground floor level conference centre.

At first floor level there will be an additional three bedrooms together with all of the laundry and rear storage areas for the hotel.

This proposed phase will also include the rear fire escape staircase and secondary lift shaft for use by hotel guest in the East wing.

Two additional bedrooms and three stores will be created at roof level.

To the underside of the new restaurant extension the shell will be constructed and finished with windows and glazing doors.

PHASE THREE

This phase will incorporate the alteration to the existing hotel and the creation of the new main feature staircase and bank lifts, the retention and alteration to the existing front lounge and demolition and removal of the existing reception and Cove Room at ground floor level.

At first floor level a steel frame will be erected over the existing hotel and the creation of eight new bedrooms at first floor level together with ancillary staff accommodation, binstorage and snooker rooms, arcade and gym will all be constructed.

At second floor level eight new bedrooms will be created together with the new main entrance lobby and reception/offices for the running of the main hotel, this including the entrance lounge and luggage stores.

At roof level an additional eight bedrooms will be created with interconnection between Phases Two and Three.

PHASE FOUR

Phase Four is the West extension to the main hotel and will create at ground floor level four new rooms.

At first floor level five rooms together with the main fire escape to the end of this section of the building.

Second floor level will have seven new rooms together with ancillary stores and storage for staff use.

At roof level an additional three rooms will be created again with storage.

The application was originally submitted in order to include the 4 additional rooms that have been constructed at lower ground floor levels. These were designed as bedrooms, but in light of Parish concerns, have been changed to “storage”. During consideration of the application it was discovered that several elements that have been constructed did not accord to the approved plans. To avoid any possible misunderstanding of the proposal, an additional drawing was requested to clearly illustrate the differences, particularly the differences in height.

The following are the elements that differ to the approved plans:

- Height increase of approximately 0.58m to the ridge of the southern end, and 0.82 to the ridge of the gable; this excludes the railings that have been fitted around the roof
- A lower floor has been installed comprising of 4 rooms
- Gabion baskets have been placed to the front of the building, below the additional rooms
- Windows are of different sizes/positions and additional windows have been installed
- The balcony/screening differs to that approved
- The internal layout has been reconfigured (does not materially affect the application)
- The roof covering was approved via conditions discharge as Marley Eternit Smooth Red; orange pantiles have been fitted

Following the Case Officer’s site visit, it is apparent that works to the car park at the rear have not been carried out in accordance with the approved plans in so far as the car park being bound by wire fencing; the approved plans showed timber boarding with planting around the car park, providing a good degree of screening; this does not form part of this planning application however and the applicant has stated works have not yet commenced on this part of the approved scheme. The approved landscaping scheme appears not to have not yet been implemented across the site, and in light of the changes made during construction, it is likely this could not be implemented as approved.

Furthermore, several conditions attached to the original permission requiring details to be agreed prior to commencement or installation appear to remain outstanding, those being condition 3 - details of drainage, condition 7 – details of lighting and condition 13 – details of windows (prior to their installation.) This application does not seek to include those details or address the conditions.

Consultations:

County Highways Authority: No highways implications

SHDC Landscape Specialist: Objection. Will have harmful effects on this sensitive, protected landscape. Has not demonstrated it will conserve and enhance the natural beauty of the AONB, nor the special character of the Heritage Coast, and therefore considered contrary to policies DEV23, DEV24 and DEV25 of the JLP.

AONB Manager: Objection. Concurs with SHDC Landscape Specialist

South Huish Parish Council:

9th April 2021 - South Huish Parish Council reviewed this application in their April meeting and unanimously approved to support the Variation of Condition 2

16th June 2020 - Object. If approved, the following conditions are essential:

1. The rooms are to be used for storage only and will not, at any time, be allowed to be converted to hotel or ancillary accommodation
2. All windows in the storage rooms must be permanently screened
3. The gabion wall must be conditioned to ensure it is planted to allow natural vegetation to grow

20th September 2019 - SHPC have reconsidered their response. We withdraw previous comments and have no objection

15th August 2019 - strongly object due to the following:

If the storage area is converted to bedrooms there will be no storage available and due to the size of the hotel, storage will clearly be required. It is not acceptable to lose this storage area only to seek to build an alternate storage area at a later date. Has it been ascertained where the items for storage will be kept and why there is no longer a need for such a sizeable storage area? These answers need to be provided prior to any decision being made.

The additional bedrooms will put further strain on an already struggling sewage system. No further accommodation is acceptable at this location.

The increase in bedrooms will have a further negative impact on the parking situation. There is already insufficient parking at this site. Additional bedrooms will cause a further detrimental impact leading to vehicles parking and blocking the busy road to the property.

Negative impact on the environment and to the AONB.

This application supports no essential needs, is not complimentary to the surrounding area and SHPC unanimously OBJECT.

Representations from Residents

All representations can be viewed in full on the Council's website at:
<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/192133>

14 objections (from 9 individuals) have been received following 3 consultation periods and cover the following points:

- Consent was granted against officer advice. The Exceptional Circumstances to do so are not clear
- The original approval should have been “called in”
- No business case has been put forward for damaging the AONB or Hope Cove
- The extra height and extra floor should be rectified; there is no good reason for such errors
- Panoramic views across Bigbury Bay are about to be destroyed
- Phase 1 is part of a larger project and any increases now will continue for the rest of the development, inflicting further damage on the AONB. Construction of Phase 1 began with a clear breach of planning
- The view from Bolt Tail is now dominated by the hotel
- Lighting to the pathways is too bright and at waist height rather than foot level, causing considerable light pollution
- Question how the development has been able to proceed with more than 30 amendments
- Disproportionate to the character of the original hotel and not in keeping with the village
- The height is anti-social and unnecessary; more overbearing than originally agreed
- Reduces light to neighbouring properties
- Significant impacts on immediate full time residential properties, including bank slippage
- Dust and noise pollution; windows have to be kept shut throughout the year
- Works often take place on Sundays and Bank Holidays, and no warning is given
- The roof tiles were never agreed as bright orange pantiles; they are inappropriate and further dominate views and harm the AONB
- The roof is even higher than approved (0.58 and 0.82m, plus the additional height of the railings) and also includes railing that are ugly and higher than approved; why are railings necessary?
- The lower floor has been changed into bedrooms without approval
- Impacts upon views from properties
- Hope Cove is a small, picturesque fishing village which tourists flock to for its quaintness. Now it is witnessing the most monumental destruction on a grand scale
- Inconstant planning decisions – residential properties are not allowed to extend or improve, but this overdevelopment has been allowed
- If allowed, the height should be reduced by 1 storey to account for the extra rooms built at lower ground floor level
- Illustrations that supported the original approval were misleading, showing a smaller, grey building with grey roof tiles
- Additional windows have been installed and views can be gained from the balconies into neighbouring properties because the screening is now much lower
- An arguably over-dominant 3 storey building has become a definitely dominant 4 storey building, dwarfing the rest of the village

Comments also made concerning the lighting of the Lobster Pod area, that it is intrusive at night; those do not form part of this application

147 letters of support have been received, summarised as follows:

- As a regular visitor over a number of years it is a real shame to read some of the objections being put forward from what appear to be non-permanent residents of Hope Cove
- The family have one goal, to improve the hotel and amenities for the benefit of all
- The hotel is the heartbeat of the village and whilst staying, guests use other village businesses
- Out of season, hotel guests keep income coming in to Hope Cove.
- Hope Cove will still be very beautiful, hopefully more people will come to visit more regularly and everyone will benefit in the uplift the hotel will provide
- Consider it is a sensible outcome to allow the extra 4 bedrooms created from the store rooms in the new part of the Hotel
- In a village where at least 5 hotels have closed, extra rooms would be a great tourism asset
- The Cottage Hotel is a major employer in the district and one of the only two hotels left in the village. Allowing this development would help to ensure the long term viability of the Hotel

- Note the landscape objection has only been carried out from an office
- The objections are subjective and changes marginal
- SHDC has not been proactive and the delays are costing money
- Change is inevitable

Relevant Planning History

The hotel has been subject to many planning decisions over the years relating to alterations and extensions to the property. Of particular significance by reason of the nature and size are the following:

46/1012/80/3: Remodelling and extensions of The Cottage Hotel. Refused and subsequently dismissed on appeal, decision letter dated 22/12/1982

46/909/81/O: Alterations to The Cottage Hotel and new staff accommodation. Refused and subsequently dismissed on appeal, decision letter dated 22/12/1982. The Inspector found the central consideration to these appeals to be the economy and visual impact and effect on neighbour amenity. The proposals related to extensions comprising a 62 bedroom hotel and not dissimilar scale to the approved proposal. The general massing and scale was considered to have an unacceptable impact on the AONB.

46/0936/83/3: Alterations and extension to hotel including indoor swimming pool. Approved August 1983

46/340/87/3: Alterations and extensions to The Cottage Hotel. Refused April 1987

46/2401/14/F - Development and extension of hotel to provide 56 bedrooms, 3 staff and 1 owner's accommodation, new parking facilities plus new restaurant, bar, lounge and function room. Approved by Committee against Officer recommendation

It is worth mentioning here that prior to the submission of 46/2401/14/F, pre-application discussions were held (1490/13/PREMAJ), which included presentation to the Council's Design Review Panel on two occasions. The letters may be viewed in full on the Council's website.

The Panel's conclusions were:

- The proposed building would harm the village and its setting, in part to its excessive size (the justification for which remains unconvincing) but also to the client-led design approach which, in turn, is a result of the requirement to preserve and build around the existing structure.
- The suggested 7-year building programme would likely cause immense and protracted disruption to this small, relatively inaccessible community due to noise and heavy traffic.

It is understood some design amendments were made prior to the application submission, but these were not considered sufficient enough to enable Officer support.

ANALYSIS

Principle of Development/Sustainability:

The approved application, 46/2401/14/F, was judged against the previous development plan, being South Hams Local Development Framework Core Strategy (2006), South Hams Rural Areas Site Allocations Development Plan Document(DPD) 2011 and 'Saved' policies from the South Hams Local Plan (1996). This new application must be judged against the current policies and development plan, which is the Plymouth and South West Devon Joint Local Plan (JLP) and the South Huish Neighbourhood Plan (SHNP). The NPPF has also been updated, and it should be recognised that additional weight has been placed on conserving and enhancing protected landscapes such as AONBs; this has been reinforced through the recent (2019) Glover Review.

Paragraphs 2, 8 and 11 of the NPPF establish that applications will be determined in accordance with the Development Plan (documents listed above) unless material considerations indicate otherwise; and that where considered to be sustainable development, permission should be granted.

NPPF paragraphs 81 and 84 are of particular relevance, requiring significant weight to be placed on supporting economic growth, including sustainable rural tourism that respects the character of the countryside.

Spatial Policies in the JLP provide a policy steer for decision making in line with the sustainability objectives.

Policies SPT1, "Delivering sustainable development" and SPT2, "Sustainable communities" are key to every development decision. These support sustainable economic growth, require development to utilise low carbon technology and building methods, support service provision in and the assets of communities, including accessible greenspace, that meet the needs of local people (discussed in more detail later in this report).

SPT12, "Strategic approach to the natural environment" is also of relevance, noting that development will conserve and enhance the landscape and scenic beauty of the South Devon AONB, protect and enhance within the South Devon Heritage Coast. Paragraph 1 requires development to avoid harmful impacts, and where these are unavoidable, to adequately mitigate or, as a last resort, fully compensate.

The next level in the policy hierarchy is the Thriving Towns and Villages Policy Area, the TTV policies.

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

...enabling each town and village to play its role within the rural area:

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

The adopted JLP does not include any AONB villages within the list of sustainable villages referenced in Policy TTV25 (Development in the Sustainable Villages) as insufficient evidence was made available to the local plan Inspector to demonstrate that the impact on the AONB of development in these villages would be acceptable. However, this does not preclude all development in the AONB; the principle of development in AONB villages needs to be assessed on a case by case basis against relevant planning policies

As Hope Cove is not a listed village under TTV1, it falls under Tier 4, as a smaller village.

Policy TTV2, “Delivering sustainable development in the TTV Policy Area” states:

The LPAs will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver a prosperous and sustainable pattern of development. In addition to the provisions of Policies SPT1 and SPT2, specific objectives of rural sustainability to be supported through development include [limited to those of relevance to this application]:

- 3. The growth and expansion of rural businesses and enterprise.*
- 5. The delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.*

The final policy tier to consider is “Development Policies”. The most applicable to the principle of the development is DEV15. Whilst supporting the rural economy, it is considered applicable to this situation. DEV15 notes:

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

Development proposals should:

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

This proposal does not raise any issues in terms of points i, ii or iv above, but point iii must be considered; this is discussed later in this report.

In terms of the South Huish Neighbourhood Plan (SHNP), it is noted that one of the key objectives is to safeguard the local economy and tourist industry. Policy SH EC01 relates specifically to tourism related employment, but seeks to retain hotels by preventing the change of use, so is not strictly relevant to this proposal.

Another key objective of the SHNP of great relevance to this proposal is :

Respecting the unique setting and qualities of the parish within the South Devon AONB.

Taking the above into consideration, and together with the previous approval, it is clear that the principle of the expansion of the hotel, that is, development for the purposes of tourism in this location, is compatible with the general objectives of the NPPF, the JLP and the SHNP.

The development is wholly contained within the hotel grounds, will naturally have some social and economic benefits, albeit these have not been quantified; environmental impacts are considered later in this report. The principal of introducing additional accommodation is acceptable, however, the acceptability of what has been built must be judged against all other policies and guidance, with clear demonstration that any benefits outweigh the harm.

Major Development in the AONB

Paragraph 176 of the National Planning Policy Framework (NPPF) states that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.”*

Paragraph 177 follows on that planning permission should be refused for major developments in these designated areas *“...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. ”*

The NPPF makes it clear that whether a proposal amounts to 'major development' is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not synonymous with the definition of a 'major planning application', that is in terms of floor/site area or the number of dwellings, but whether the development could be construed as major development in the ordinary meaning of the word, having regard to the character of the development in its local context.

The application concerns an extension to an already sizeable building, seeking retrospective consent via a variation of the approved plans condition for the changes listed in the proposal section above. The building is not considered to be small-scale. In fact, it is the opposite, and the largest in the village. Whilst development is contained within the existing site boundaries, the hotel is highly apparent when viewed from public vantage points in all directions. The building is particularly visible at its full extent (now appearing as 4 storey given the under build that has occurred) from the beach/harbour, and the coastal footpath.

Having regard to the character, nature and scale of the proposed development, and taking the local circumstances and context into account, the Council considers the proposal is paragraph 177 major development in the context of the South Devon AONB.

This application has not been accompanied by any supporting information or justification, which makes it difficult for Officers to assess it against the criteria above and conclude there are exceptional circumstances that justify approval, and that development is in the public interest (criterion a), particularly when mindful there is already a consent in place which provides for the expansion of the hotel at a level which was deemed sufficient by the applicant at that time.

Clearly the development cannot take place outside of the designated area (criterion b).

As discussed later in this report, the increase in height, massing and use of orange roof tiles are considered to be harmful to the character and appearance of the protected landscape, and these cannot be moderated in any way (criterion c).

Therefore, it is considered there is a clear conflict with paragraph 177 and this directs that development should be refused in the absence of exceptional circumstances or public interest.

Design/Landscape

In considering this application, the Local Planning Authority must give due regard to the overriding statutory duty of conserving and enhancing the natural beauty of the AONB (set out in the Countryside and Rights of Way Act 2000, s85) as well as policies in the NPPF, the JLP and the management plan for the South Devon AONB. It is not a case that an approval already exists, so that duty is set aside.

JLP Policy SPT1 “Delivering sustainable development” requires development, amongst other criteria, to meet the needs of local people, avoid environmental impacts and respect, maintain and strengthen sense of place and local distinctiveness through high standards of design.

SPT2 “Sustainable linked neighbourhoods and sustainable rural communities” requires development to provide a positive sense of place, through good design and protection and enhancement of the natural and historic environment.

TTV2 “Delivering sustainable development in the TTV Policy Area” supports the growth and expansion of businesses, and sustainable rural tourism which benefit communities, visitors, and respect the character of the countryside and historic settlements

JLP Policy DEV15 supports:

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

requiring development to:

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

DEV20 “Place shaping and the built environment” requires development to meet good standards of design, contributing positively to townscape and landscape giving proper regard to the wider development context, visual impact, scale massing height, landscaping and character

DEV23 “Landscape character” requires development to conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Adverse effects should be avoided, mitigated or compensated.

DEV24 “Undeveloped Coast and Heritage Coast” states :

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

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

DEV25 “Nationally protected landscapes” states:

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. In considering development proposals the LPAs will:

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 3. Give substantial weight to other natural beauty criteria, including the conservation of wildlife and cultural heritage in the AONBs and great weight to the conservation of wildlife and cultural heritage in Dartmoor National Park.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*
- 5. Encourage small-scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore the protected landscapes.*
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape’s special qualities and distinctive characteristics or valued attributes.*
- 7. Support proposals which are appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area.*

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

South Huish Neighbourhood Plan Policy SH ENV2 "Impact on the South Devon Area of Outstanding Natural Beauty" requires development;

In addition to National and Development Plan policies and guidance controlling development in the South Devon AONB, Undeveloped Coast and Heritage Coast, development within the Parish should, where necessary due to the size and scale of the development must demonstrate:

- a) *how it maintains the intrinsic character of the landscapes affected;*
- b) *why it cannot be accommodated reasonably outside the Heritage Coast and Undeveloped Coast designations;*
- c) *How the natural assets and constraints of a development site have been assessed. Substantial harm to or loss of irreplaceable habitats such as ancient woodland and within historic boundary features, banks and ditches should be wholly exceptional;*
- d) *how opportunities for improving public access to and the enjoyment of the coast have been included.*

Policy SH HBE 3: "Design Quality within the Parish" states:

Development proposals in South Huish Parish should demonstrate high quality design and will be supported where:

- *They are innovative and locally distinctive using a palette of materials that respond to and integrate with the local built surroundings, landscape context and setting. The use of local stone is supported and imported stone from outside the South Hams discouraged. A contemporary design solution will be supported providing it respects the context and setting.*

Regard must also be paid to the South Devon AONB Management Plan, mindful that AONBs have a single statutory purpose, that being the conservation and enhancement of the natural beauty of an AONB, which is enshrined in the Countryside and Rights of Way Act 2000. The South Devon AONB Management plan, required by and prepared under the same act, is a material consideration in determining this application. Amongst other things the plan sets out

the policy framework for AONB management together with priorities for action. Where there is a perceived conflict between policies, the statutory purpose for AONBs overrides following the established Sandford Principle:

Where irreconcilable conflicts exist between conservation and public enjoyment, then conservation interest should take priority

This principle was updated in the 1995 Environment Act, to say;

If it appears that there is a conflict between those purposes...attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.

Support is given to this application through Policy Acc/P1 "Sustainable Tourism" which seeks a sustainable, year-round tourism industry which benefits from and contributes to the environmental quality of the area. Activities and initiatives to extend the main tourism season and to assist in promoting the area to overseas visitors will be supported, and Policy Econ/P1 "Rural economy" which states the growth of the area's economy will be supported where sustainable economic growth and the health of natural resources sustain each other. Employment sectors having a traditional association with the AONB and which conserve or enhance the AONB's special qualities will be promoted and supported.

However, these policies cannot be taken in isolation and must be read together with the remainder of the Management plan, where strong policy conflicts exists:

Lan/P1 Character - The special qualities, distinctive character and key features of the landscape and Heritage Coast will be conserved and enhanced

Lan/P2 Technical Assessments - The use of Landscape Character Assessments will continue to be advocated so that decisions respect, maintain and where possible enhance landscape character contributing to the special qualities of the AONB.

Lan/P5 Skyline and Views - The character of skylines and open views into, within and out of the AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought with improvements to reduce visual impacts of unsightly past development.

Plan/P1 Plan-making - Planning policies will give great weight to the purpose of conserving and enhancing the natural beauty and special qualities of the AONB, while supporting limited development that is appropriate to its setting, is in keeping with its character, and meets the economic and social needs of local communities.

Plan/P2 Decision-taking - Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the AONB, supporting development that is appropriate and proportionate to its setting, seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB.

The Council's Landscape Officers had previously observed that the overall height of the building would not be increased, commenting that the front elevation, with additional stonework on the lowest storey and glazed openings, would increase the overall massing and dominance of the seaward elevation when seen from highly sensitive viewpoints to the south-

west (including Bolt Tail), and at closer quarter from the SW Coast path. With the belief that there would be no increase to the overall height above the approved proposal, the margin of increased harm was deemed not significant and an objection was not raised.

However, following the receipt of additional drawings which enabled a thorough comparison to be made between approved and “as built”, it is now evident there is an increase in the roof height from that approved of between 0.58 and 0.82m (excluding the additional height of the railings), affecting the majority of the ridgeline of the redeveloped building (Phases 1, 2, 3 and 4); this raises legitimate concerns that the higher, cross wing gable sections in Phases 2 and 3 will therefore increase in height by an equivalent amount.

In light of the identified increase in height of Phase 1 and possible equivalent increase in height of subsequent phases of the build, the margin of harm identified is now deemed significant. The subsequent phases of development will need to tie in with the as-built Phase 1 roof and the likely ‘knock-on’ effects of the increased roof height in Phase 1 must be taken into consideration.

The Landscape Officer is of the opinion that the increased height of the proposal is unacceptable as it increases the overall massing and dominance of the seaward elevation. It will also increase the adverse visual effects on views experienced from the neighbouring property, West View. The Case Officer and AONB Manager concur with this view.

To elaborate on the concerns raised, the creation of a new, lower ground floor to include four rooms with glazing creates a significant amount of additional under-build to the development. The use of these can be conditioned to prevent them being bedrooms, but their use makes little difference in terms of visual impacts. This underbuild effectively turns a 3 storey building into 4 storey, resulting in a significant increase in massing and therefore additional visual impacts, particularly when viewed from the beach and coastal footpath from Bolt Tail direction. This increased amount of under-build, combined with the hard gabion retaining features rather than the originally approved soft landscape surrounding the southern extension to the building, results in further adverse visual effects.

The gabion basket wall appears filled with randomly sized, grey stones, not very well packed or finished, and visually not particularly attractive. These gabions did not feature on any approved plans, nor on the landscaping plans, and only appear on the plans submitted for this current application. However, this element could be dealt with by way of a planning condition for more appropriate stone to be used, if approved.

The Landscape Specialist also noted the drawings indicate a list of climbing plants for the base of the baskets, although confusingly also indicate that the proposed plants may trail down over the gabions. There is insufficient detail submitted to indicate how this will be achieved and no indication of how the wider site layout and landscaping will be amended to respond to these new features.

Concern is also raised in relation to the approved Landscape Strategy and detailed planting plans. The external layout illustrated on the Proposed Site Plan for the application now under consideration and the layout of the external areas illustrated on the approved landscaping plans are very different. What has now been constructed for Phase 1 will affect the approved landscaping, and possibly make it undeliverable, at least in the southern part of the site, so revised plans would be required for approval; this could be conditioned.

A further concern is also noted in that the orange tiles used on the as-built are not what was agreed through conditions discharge (Marley Eternit Red Smooth), and are uncharacteristic of the local area. These tend to draw the eye towards the building, and further add to its dominance. Attention is drawn to references in the approved scheme mentioning that grey clay tiles or slates might be more attractive; the illustrations indicated muted red/grey roofing, which blended in with surroundings. What exists now is very different to that previously shown.

Even though it was granted permission, the previous development was acknowledged to result in adverse harmful impacts on the landscape character and visual amenity, and to the protected landscape in particular, due to the form, scale and massing of the proposal. Approval was given by Members because the benefits were deemed to outweigh the harm.

Whilst it is recognised that permission has been granted for the redevelopment and a significant expansion of the hotel, and that is a material consideration lending weight in support, Officers are unable to support any further increase in the form, scale and massing of the scheme above that approval, which would occur if this retrospective application is approved. As a result of the multitude of changes made during the construction in comparison to the approved scheme, the proposal is considered to have a harmful effect on this sensitive, protected landscape. Overall, the application has not demonstrated that the proposals will conserve and enhance the natural beauty of the AONB, nor the special character of the Heritage Coast, and would therefore be considered contrary to policies DEV15, DEV20, DEV23, DEV24, and DEV25 of the adopted JLP, NPPF 11, 176, 177 and 178, AOB Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and SHNP EC01, ENV2 and HBE3.

Neighbour Amenity:

As previously detailed, there are a handful of directly adjoining neighbouring properties.

‘Atlantic Lodge’ sits approximately 27m to the north east of the hotel, directly adjoining the vehicular access point. This is at the opposite end to Phase 1 where works have taken place and it is not considered the proposal would have any detrimental impacts upon its occupiers.

‘West View’, a modest sized detached bungalow lies approximately 16m to the south east of the original hotel building, shares a boundary with the Hotel, to the north and west, but now the Phase 1 extension has taken place, is set directly behind it, just under 13m distant; the boundary of the dwelling is around 5m from the hotel rear elevation. This property is set on higher ground than the ground floor of the hotel, although due to the land rising up to the rear, the hotel car park is on a similar level to the property.

‘Old Colonial House’ immediately to the south, also shares a boundary with the Hotel, and is set at a similar level to the ground floor.

Objections have been received from West View and Old Colonial House.

The previous approval must be taken into consideration when determining what the impacts are upon all residential properties, and not just those who have made representations. There can be no doubt that the scheme, as approved, would have resulted in detrimental impacts upon residents, and in fact, this formed one of the 2 proposed refusal reasons:

The proposed extensions, by reason of their scale, height, extent and close proximity, would have an unduly overbearing and unneighbourly impact on the adjoining dwelling 'West View'. As such the development would be contrary to the provisions of South Hams Development Policies DPD policy DP3.

Members considered the resultant harm was outweighed by the benefits the proposal would bring, although it does not appear these were quantified and nothing has been put forward to support the current application.

However, the development, as built, stands higher than approved, as well as there being an extra lower ground floor through underbuild. Railings have also been installed on the roof, and together with the bright orange pantiles, which differ from the agreed red roof tiles, further emphasising and drawing attention to the imposing nature of the building in relation to neighbouring properties.

The entire view from West View, both inside the property and on its seaward facing terrace (its immediate garden area) is now dominated by the roof and rear elevation of the hotel, reducing its outlook to what Officers consider to be harmful and unacceptable. The carpark boundary treatments, which also do not accord to the approved plans in that it is not fenced or screened, also results in an unneighbourly impact and the ability for car headlights to shine directly into the side of West View. However, this is not part of the current application and as the applicant has stated is part of a later phase, is not a factor to weigh into the balance for this application.

Given the levels in relation to Old Colonial House, whilst there can be no doubt this property has been impacted, the height increase above the approved scheme is not so significant, and matters raised in relation to overlooking from balconies and additional windows could be controlled by way of a planning condition, were a scheme to be approved.

The overarching aim of the NPPF, in section 2, is achieving sustainable development; this includes a social objective meeting present and future needs of all. Section 12 of the NPPF seeks to achieve "well-designed places" requiring applicants to take account of community views, demonstrating active engagement (paragraph 132).

JLP Policy DEV1 "Protecting health and amenity" requires development to safeguard the health and amenity of local communities. Paragraph 1 is of particular relevance and states:

"Ensuring that development provides for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents..."

Furthermore, given Hope Cove is not a named settlement in TTV2, it is considered appropriate to refer to Policy DEV15, "Supporting the rural economy". Paragraph 1 supports business growth where there are no adverse impacts on neighbouring uses, and paragraph 8 *iii. requires development to demonstrate a positive relationship with existing buildings, including scale, design, massing and orientation.* The application fails to do this.

As set out above, the increase in height, rooftop railings and use of bright orange pantiles, result in an overbearing and incongruous development and one which significantly reduces the outlook from West View to unacceptable levels, which is in clear conflict to the aims of the NPPF and Policies DEV1 and DEV15.

Highways/Access:

The application, given it just relates to changes to the building, raises no highways implications. There are no conflicts with DEV29 or NPPF Section 9.

Other Matters:

- Site drainage and ecology are not affected by this application.

- A question has been raised regarding a possible “call in” by the Secretary of State (SoS), to enable consideration as to whether the application should be referred to him for determination under s77 of the Town and Country Planning Act 1990. It is noted that a referral request was submitted to the SoS when application 46/2401/14/F was being considered, and in that case, the Council were directed to not issue permission until the SoS had considered the proposal and it was eventually decided that the Council could go ahead and make the decision. In that instance, however, the letter noted “This direction does not, of course, prevent your Council from considering the application, forming a view as to the merits or, if they are so minded, refusing permission.”

No such direction from the SoS has been received at the time of writing this report and Officers have contacted the Planning Casework Unit (PCU) to establish if a call-in request has been submitted to the SoS. The response from the PCU is:

The Secretary of State does not act on a third party request to call in a planning application, until or unless the relevant Planning Committee have resolved to approve the application. The decision to approve or refuse should be taken by the Council under normal due process regardless as to whether or not a request to call it in has been made.

A premature request was made to call in this application by a third party. That third party was advised...to make a request via PCU only if the Council is minded to approve the application and their concerns remain.

To my knowledge no further request has been made.

Given the Officer recommendation is one of refusal, should Members be minded to agree, there is no prohibition to issuing the decision.

- Objectors comments referring to how the applicant has been allowed to build not in accordance to the approved plans and not relevant to the determination of the application. However, Officers do believe that some of the plans originally approved did not accurately reflect existing ground levels as cross section drawings appear to show the hotel building set lower than it is now in relation to neighbouring properties.

- Whilst some conditions imposed on approval of 2401/14/FUL were agreed, Officers can find no record of conditions 3, 7 or 13 being agreed; these required details of glazing, lighting and drainage. However, that in itself is not a matter for this planning application, but for an application to discharge those conditions or enforcement.

Planning Balance:

As set out in the AONB Management Plan under Policy Part/P1 “Legal duty of regard”, local planning authorities must have regard for the purpose of AONB designation in the conduct of their functions and decision making, as required by Section 85 of the Countryside and Rights of Way Act 2000.

Officers recognise that permission has been given for a substantial extension and redevelopment of the hotel, albeit approved by Development Management Committee against Officer recommendation. That is a material consideration which lends weight towards approval of this application. The scheme will also, undoubtedly, provide benefits in terms of employment and the local economy, although it is noted that no supporting documentation has been put forward to support that.

However, the NPPF has an overarching aim of sustainable development, which includes economic, social and environmental objectives, and decisions must be taken in accordance with the development plan as a whole. As identified in this report, the development conflicts with many local and national policies.

The increase in height, additional lower floor and the use of orange pantiles for the roofing push the development beyond what can be considered acceptable, to the point where it fails to conserve and enhance the protected landscape as required by local and national policy.

Further harm is caused to the neighbouring property directly at the rear, in that the building is now so overbearing and unneighbourly in that it dominates the outlook from that property, resulting in significant harm to the amenities and living conditions of its occupants.

Therefore, the recommendation is one of refusal.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

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

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment
 SPT12 Strategic approach to the natural environment
 TTV1 Prioritising growth through a hierarchy of sustainable settlements
 TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
 TTV25 Development in the Sustainable Villages
 TTV26 Development in the Countryside
 DEV1 Protecting health and amenity
 DEV2 Air, water, soil, noise, land and light
 DEV15 Supporting the rural economy
 DEV19 Provisions for local employment and skills
 DEV20 Place shaping and the quality of the built environment
 DEV21 Development affecting the historic environment
 DEV23 Landscape character
 DEV24 Undeveloped coast and Heritage Coast
 DEV25 Nationally protected landscapes
 DEV26 Protecting and enhancing biodiversity and geological conservation
 DEV29 Specific provisions relating to transport
 DEV31 Waste management
 DEV32 Delivering low carbon development
 DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The South Huish Neighbourhood Plan was adopted by the Council on 20th May 2021, after referendum on 6th May 2021. Relevant policies include:

- EC01 Tourism related employment and retention of hotels
- ENV1 Settlement Boundaries
- ENV2 Impact on the South Devon AONB
- ENV5 Locally important views
- HBE3 Design quality within the Parish

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

- Plymouth and SW Devon Supplementary Planning Document
- South Devon AONB Management Plan 2019-24
- Part IV Countryside and Rights of Way Act 2000 (particularly s84 and s85)
- Glover Review of England's Designated Landscapes (Sept 2019)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Totnes **Ward:** Totnes

Application No: 2560/21/FUL

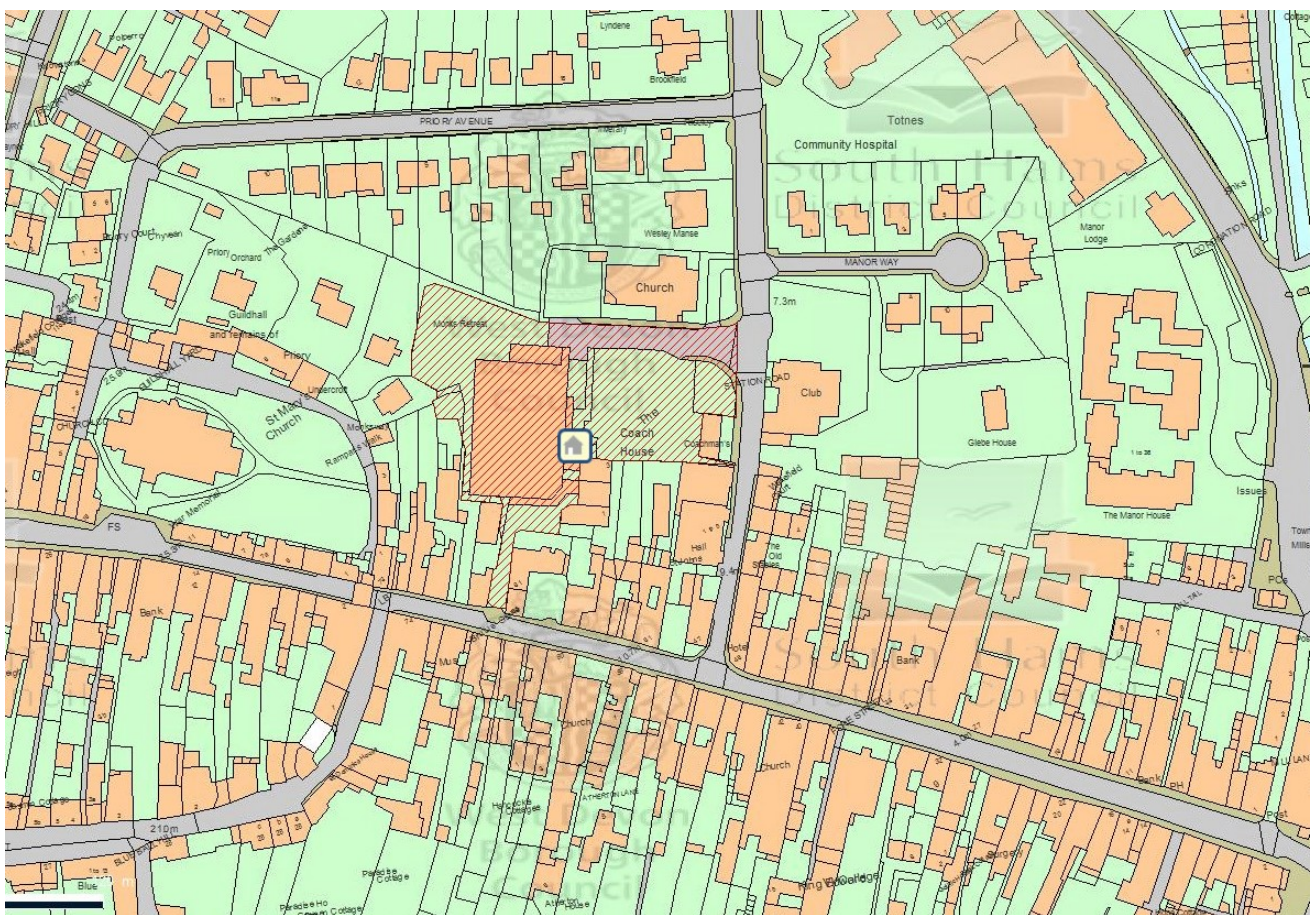
Agent/Applicant:

Mr Matthew Shellum
Planning Issues Ltd
Churchill House
Parkside
Ringwood
BH24 3SG

Applicant:

Churchill Retirement Living Ltd
Churchill House
Parkside
Ringwood
BH24 3SG

Site Address: Former Brutus Centre, Fore Street, Totnes, TQ9 5RW



Development: Demolition of existing building and redevelopment of the site to form 2 no retail units, public car park and 42 Retirement Living apartments including communal facilities, access, car parking and landscaping (resubmission of 4198/19/FUL)

Reason item is being put before Committee: The Development Management Committee at the meeting on 8th September requested further viability information to be provided in relation to the Affordable housing contribution. The Committee asked for the application to be represented to them at the October Committee.

Recommendation: Approval subject to delegation to the Head of Development Management Practice, for the preparation of a Section 106 legal agreement to secure the following contributions:

- Affordable Housing: £410,000.00 as an offsite contribution
- Open Space Sport and Recreation: £19,968 towards improvements to sports and recreation facilities at Borough Park, Totnes.
- On-going management and maintenance of both the communal garden and public realm areas, as well as public access in perpetuity to the public realm areas.

Conditions

1. Time limit
2. Accord with plans
3. WSI
4. No development in the bird nesting season
5. Details of the balconies and how they will be fixed to the building to be submitted and agreed.
6. Unexpected contamination
7. Construction management plan
8. Access complete before occupation
9. Access improvements carried out prior to occupation.
10. External lighting strategy to be agreed by LPA
11. LEMP
12. CEMP
13. Detailed landscape plan to be submitted and agreed prior to development above slab level.
14. No building or vegetation clearance to take place in bird nesting season.
15. 1:20 shop front plans to be submitted
16. Junction of materials to be submitted to and agreed
17. Location and angle of photovoltaics to be agreed
18. Location and type of plant to be agreed
19. Roof specification to be agreed
20. Natural stone sample and to be laid on its natural bed.
21. External finishes
22. Parapet wall details to be submitted
23. Railings around site to be submitted and agreed
24. Rainwater goods
25. Details of public route
26. Tree protection measures.
27. Prior to the commencement of development a Waste Statement in accordance with Para 8 of the NPPF and W4 of the Devon Waste Plan to be submitted.

Key issues for consideration:

Loss of retail space; loss of public parking spaces; proximity to listed buildings; Impact on listed buildings; impact on the conservation area; impact on neighbouring developments, affordable housing provision; and design; biodiversity; drainage.

Site Description: The application site, comprises the former Budgen's store in the centre of Totnes. The site includes the supermarket site (which has been empty for some time); the pay and display car park and two small independent retail stores.

The site area is approximately 0.49 hectares. It is directly behind Fore Street, the primary shopping street and is accessed off Station Road. To the north of the site is inter war residential development and the rebuilt St Mary and St Georges Catholic Church (mid 1980's). To the south east and west is mixed commercial, retail development - Fore Street

and to the east is a mix of mid-19th century and more recent development and mixed commercial and residential development. The floor area of the current proposal is 1,378 square metres and the overall floor area of the proposed development is 3,127 square metres.

The site lies within the Fore Street and the Plains Conservation Area. There are a number of listed buildings and significant non-designated heritage assets within the vicinity of the site, including the Little Priory (grade II listed); No 61 Fore Street (Grade II listed); St Marys Church, the Guildhall and the East Gate are all Grade 1 listed.

The Old Coach House is adjacent to the southern site boundary. It is not listed but recognised in the Totnes Conservation Area Appraisal as historically important. It is natural stone built with a natural slate roof, set back from the road edge.

The site slopes gently from west to east. There is a small grassed area next to the existing entrance to the site, which has a large redwood tree, which has significant townscape value. The red line for the site does not include the tree, but car parking is proposed within the canopy area.

The Proposal:

The previous application on the site was refused for the following reasons:

1. The proposal fails to acknowledge the sites' historic context and as such neither preserves or enhances the character or appearance of the Conservation Area (of which the site is part), neither does it preserve or enhance the special architectural or historic interest of the listed buildings or their settings which surround the site, contrary to Policy DEV21 of the JLP; The NPPF paras 190 – 200 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The proposed design does not relate positively to its context in terms of massing, scale, style and layout, being a large single building in a context of smaller plot's and tight knit morphology, resulting in harm to the character of the area, contrary to Policy DEV20 of the PJLP and para. 127 of the NPPF 2019.
3. Insufficient information has been submitted to enable the Local Planning Authority to assess the impact of the development on the redwood tree on the site (which is covered by a Tree Preservation Order). The proposal fails to meet policy DEV28 of the Plan. In addition the proposal fails to demonstrate a net gain in biodiversity on the application site, which is a requirement of Policy DEV26.5 of the Plymouth and South West Devon Joint Local Plan and paras. 170 (b) 170(d) and 175 (d) of the NPPF 2019.
4. Insufficient information has been submitted to ensure that the proposal will provide safe vehicular and pedestrian facilities both within the site and on the adjacent Station Road to the satisfaction of the Local Planning Authority. Without this information the Local Planning Authority cannot confirm the highway safety of the proposal and as such is contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan and para. 108 and 110 of the NPPF 2019.
5. The proposal does not provide any affordable housing in line with policy DEV8.3, neither does it provide any off site contribution in lieu of on-site provision. The

Local Planning Authority have examined the viability statement submitted to justify a zero contribution to affordable housing and find that there is a sound basis to seek an off-site contribution. The proposal is therefore contrary to Policy DEV8 of the Plymouth and South West Devon Joint Local Plan and para 64 of the NPPF 2019.

6. The drainage proposals for the site do not provide sufficient information to be able to determine that the site can be adequately and appropriately provided for in terms of surface water drainage. The lack of information results in the proposal being contrary to Policy DEV35 of the Plymouth and South West Devon Joint Local Plan, the emerging supplementary Planning document supporting the Plan and para. 165 of the NPPF 2019.

7. The proposal has failed to provide the appropriate surveys for European Protected Species that may be on the site, without which the Local Planning Authority cannot be sure that such species would not be lost or habitat destroyed by the development proposal. The proposal is therefore contrary to policy DEV26 of the Plymouth and south west Devon Joint Local Plan, guidance in the emerging Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and Para's 175(a) and 177 of the NPPF 2019.

8. The proposal does not demonstrate on a plan, the climate change measures which will be used on the development to meet policy DEV32 in the Plymouth and South West Devon Joint Local Plan. Without a plan indicating the location of photovoltaics or underground heat source pumps, the LPA are unable to ensure the measures are undertaken as part of the development. The NPPF 2019 states in para 150 (b), that proposals should help to reduce greenhouse gas emissions.

The current proposal sees the demolition of the Brutus centre (also known as the former Bugden's store) and redevelopment to create 42 retirement living apartments, 26 one bed and 16 two bed retirement living apartments, associated communal facilities, landscaping, vehicular access and parking, 25 public spaces and 14 spaces for the retirement home. 2 retail units are also proposed facing Fore Street.

The proposed building has been designed with the built form set around a central amenity space for the residents. The facades therefore have to address quite different contexts. The eastern elevation faces onto the car park, and is the most publically visible as the car park and entrance have an open aspect. Public views of the south elevation are from Fore Street, but are funnelled by the snicket that is a pedestrian route from Fore Street through the car park and the proposed building; this will be retained. The west elevation from a public vantage point has limited views being partly screened by the trees and private houses along the boundary of the site. Private views from the residential development to the north also prevent public views from a distance, but is viewable from the access road and the Church of St Mary's adjacent to the access road.

The building proposed is a mix of 2 and 3 storeys in height. The pedestrian entrance is to the north of the building, where the proposed reception is glazed at ground floor level, enabling views through to the inner amenity area.

The east elevation is 3 storey (with a raised ground floor because of the levels across the site), with a two storey element at the northern end. The 2 storey element wraps around the

building extending along the north elevation, but with a setback second floor, with 2 storeys over the entrance lobby and then a block of 3 storey elements broken up at roof level with the use of pitched roofs and gables.

The west elevation is almost entirely 3 storey with a 2 storey element at the southern end, with pitched roofs plus a flat roof element which picks up on the flat roof elements on the east and north elevation. The south elevation contains the two retail units, which have been designed in a contemporary way and sit forward of the rest of the building which has picked up on the width of the burgage plots and the more traditional roof pitches in this part of Totnes. Slate hanging above the shop units and on the shop fronts pick up on the slate hanging of the property to the west of the snicket.

A question was raised at the site visit about the difference in floor area between the existing building and the proposed building and the information was again requested at the DMC. The floor area of the existing building is 1378 sqm. The proposal scheme is 1372sqm. The proposed building over 3 floors has a gross internal floor area (GIA) of 3,127sqm.

At the previous DMC, questions were also raised about the size of the bin store and how the waste from the site would be dealt with. The applicant confirms the following:

"In respect to waste there is an internal refuse room which can be seen marked in blue on the site plan which has the ground floor plan imposed. We have internal refuse room for these forms of development so residents do not have to go outside in winter months to drop off their refuse. Page 61 of the Design and Access statement provides the necessary information with regard to bin store capacity. I would note that retirement housing schemes in general have occupancy rates which are 50% lower than typical open market equivalents as many of the units are single person occupancy. This does mean that the level of waste creation is also reduced. A calculation is provided on Page 61 specifically for this scheme identifying a requirement for 5250L of bin space and our proposal is for 6600L in the form of 6 x 1100l bins. One of these bins can be dedicated for recycling purposes."

A further question was asked in relation to the visual images of the proposed building and whether that can be considered an accurate representation. The applicant has confirmed that *"the images produced by Nicholas Pearson Associates are verified visual images. The D and A explains the methodology, equipment and lenses. Each visual also has photos of position and equipment taken as evidence. The tripod with the camera is set at an eye height of 1.65m and uses a lense as close to the human eye as possible. They are in my experience unchallengeable at appeal and we stand by them as accurate."*

An additional plan will be provided at the Committee indicating an outline of the existing building on the proposed elevation.

Consultations:

County Highways Authority: Recommend conditions relating to construction management plan; access, parking, loading and unloading and turning areas to be completed prior to occupation; access improvement works to be completed prior to occupation

Environmental Health Section: CEMP and Unexpected CL condition recommended.

Noise: The report concludes that the apartments will comply with the Noise Policy Statement for England guidelines if provided with standard design of windows and ventilation. We agree with this conclusion.

Air Quality: The report concludes that there will be no significant effects and EH agree with this.

Contaminated land: No significant contaminants are predicted that will not be removed during the demolition and oversite works. We agree with this conclusion but recommend that the “unexpected contamination” condition is included on any approval.

CEMP: Being a town centre site, with restricted access for deliveries and restricted parking for site workers recommend and CEMP and CMP.

Town/Parish Council: Totnes Town Council would like to acknowledge the steps taken by Churchill to answer some of the concerns raised in response to the initial planning proposal and we believe that the design is much improved.

The Council would however like to emphasise the following points:

- S106 monies. We are very unhappy with the S106 contribution from Churchill, which we don't feel is adequate in any way. We would like to see an affordable provision of no less than 30% in the home itself and extra contributions to town no less than for £400,000 as suggested by a SHDC officer last year, to help mitigate the impact that the home will have on the town. We would like to see this money kept in Totnes to help with our serious traffic situation and to support our strained health service.
- We would like to see the remaining few public parking places kept for the public and not be lost to residents of the home. We would like an assurance that permits for the remaining places will not be offered to residents. This could possibly be dealt with in a S106 agreement.
- We acknowledge the plan to put in two electric charging points into the car park, but we would like to see at least six charging points to encourage the use of electric cars by residents of the home and to also provide this asset to the town, which is very much lacking in electric charging points.
- Although we acknowledge improvements to the overall design and bulk of the building and are happy to see that the materials used are more in keeping with the overall style in the conservation area of town, we would like to see further improvements particularly to the mass and bulk of the building, which is very imposing in this sensitive area of town, abutting as it does, two Grade 1 scheduled monuments and the conservation area in the heart.
- The town council requires an assurance that the throughway from Fore St to Station Rd is wide enough to accommodate two wheelchairs passing each other. The loss of car parking space in this most central of car parks has been flagged up by our local disability advocate group, as very problematic. Those with mobility issues use the Brutus car park more than any other group.

Landscape: The general approach shown on the ‘Residential Landscape Strategy Plan is acceptable, although noting that detailed planting proposals will be required. There is some discrepancy between some of the landscape plans and therefore highlights the need for more detailed planting proposal, showing planting layouts, schedules of plants including numbers, and specification information all on one sheet.

No objection to the planting mixes and species selected, and the planting specifications are broadly acceptable, although only allow for one year establishment maintenance and provide no indication of maintenance operations. I would therefore concur that a condition should be applied to any consent to ensure that the detailed landscaping proposals should be submitted prior to any development above slab level, including full specification for establishment maintenance and information to confirm the on-going management arrangements and operations.

I would agree with OSSR colleagues that any S106 agreement will need to secure on-going management and maintenance of both the communal garden and public realm areas, as well as public access in perpetuity to the public realm areas.

Archaeology: Recommend a programme of archaeological recording in accordance with a written scheme to be submitted and approved. A pre-commencement condition is recommended.

Historic England: Acknowledge that there have been improvements to the design by *“breaking down the bulk of the building into smaller components and with the introduction of more modelling and detail to the elevations, without seeking to replicate historic facades.”* However HE does have concerns about the introduction of the flat roof corner. The recommendation from HE is therefore: *Historic England does not object to the application. However, we consider there are some aspects of its design which fail to respond fully to its historic setting. This means that the proposal does not make the most of an opportunity to better reveal or enhance the significance of surrounding heritage assets.*

It is for your Authority to consider, taking advice from your own heritage specialists, whether that would actually cause harm to the significance of those heritage assets which would need to be weighed against any public benefits derived from the proposal.

Tithe issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 197 and 206 of the NPPF.

In determining this application you should bear in mind the statutory duty of: Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas

Historic Environment Specialist:

South elevation with shopfronts

The general composition of the important view from Fore St is much as discussed. Details are so important and a lot could be covered by conditions but I have some observations as per previous comments that I would like to see addressed.

- I wonder about the treatment of the gap between the shopfronts. It appears unresolved and would likely become advertisement space which is unnecessary and not a good outcome. A continuous fascia makes some sense, spanning the two different elements for this elevation, but it would be improved if the stonework filled this space below fascia level. It is also an opportunity for an artwork or some form of interpretation material to be installed - more consideration is needed.
- The treatment of the parapet and how this then abuts the slate hanging is also unresolved. I have repeatedly asked that parapets be indicated as either granite or slate – a simple annotation is all that is needed at this time.
- I can't think of a slate hung building in Totnes with a shopfront where the slate hanging does not begin immediately above the fascia – this may help to tie the elevation together better by giving the slate hung element its own character and the other half being a complementary contrast.
- A contemporary shopfront design is welcome but needs to be of high quality design and materials – both are very unclear as shown. We have asked for more detail as 1:100 scale drawings are inadequate for such important features. 1:20 minimum is expected.

East elevation to Station Road

The composition is much improved by the introduction of the bay windows framing balconies. The strip of slate hanging to the right at parapet level seems a gratuitous feature that adds no positive merit that I can see. I don't object to there being some flat roofing in this location where there has not been historic development and it can be said to give better views to the church tower.

- In all iterations to date stonework has been the primary material for this elevation but now there is an abundance of white render with minimal stonework which is a negative change.
- The amendment to the proportion of window openings to have vertical emphasis is welcome but the inverted 'mullion and transom' subdivision is awkward. Assuming only top sections are opening the actual appearance will be nothing like what is shown. The treatment of the fixed lower sections is not stated and I suspect will be infill panels not glazing. I would like to see a more architecturally positive and user friendly approach as this design will dissect the fine views for the residents.
- Along with other key details the provision of bespoke and architecturally considered ironwork to balconies and boundaries is really important to make this development a welcome presence rather than just another generic building.

Tree Specialist: I had a meeting with their arborist where as far as I'm concerned all matters appeared to be agreed, and that an updated TPP and AIA would be forthcoming. If it mirrors our conversation I would be unlikely to have no objection to either of the schemes.

Ecology and Biodiversity: The ecology survey is sufficient and there are unlikely to be any impacts on any protected species. Biodiversity matrix requested. Conditions recommended.

The adopted Joint Local Plan Supplementary Planning Document requires major developments to ensure a 10% net gain in biodiversity – this development is classified as a major development under the JLP.

It is noted that a net gain report (Tyler Grange, June 2021) has been submitted, but in order to comment on the suitability of the proposed landscaping/habitat creation the applicant must submit a Defra metric calculation spreadsheet for comment, which clearly evidences that the scheme will lead to a 10% net gain in biodiversity.

Affordable Housing: Comments from the Affordable housing team and the viability assessor from PCC, will be available as a verbal update at the Planning Committee meeting.

LLFA: DCC's Flood and Coastal Risk Management Team have no in-principle objections to the planning application, but there was a further revision to the surface water drainage document which the applicant has submitted.

South West Water: South West Water will need to know about any building work over or within 3 metres of a public sewer or lateral drain. We will discuss with you whether your proposals will be affected by the presence of our apparatus and the best way of dealing with any issues as you will need permission from South West Water to proceed.

Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant.

Police Architectural Liaison officer: Security recommendations, including access controlled gates and fencing/railings prior to plot 11; battery and cycle store to be designed to Secure by Design standards; Deep recessed areas between plots 2 & 3 should be removed and

external spaces for plots 9, 19 and 11 lack neighbourly overlooking – reduces natural surveillance; Open access from the public realm on the east elevation could attract unwanted loitering. The railings should be designed such that they cannot be climbed.

Open space Sport and Recreation: These comments should be read in conjunction with my previous comments dated 21 April 2020. It should be noted that since those comments were made, the Plymouth and South West Devon Joint Local Plan SPD has been adopted with its supporting Developer Contributions Evidence Base.

Amenity Areas

As previously, given the nature of the development, it is considered that the provision of a communal space for residents only (as opposed to a public open space) is appropriate, and the quality of space is more important than the quantity. The comments on 'Landscape and External Amenity' on page 66 of the revised Design and Access Statement are noted.

The general approach as shown on the 'Residential Landscape Strategy Plan (Drawing 12551/P04e) is considered suitable, although the specific planting proposals should be reviewed by the Landscape Officer.

It is noted that the communal area has been reduced in size since the previous submission (presumably to allow other design comments to be addressed), and thus it is recommended that the provision of external patios to ground floor level apartments, and balconies to first and second floor apartments, is maximised to provide private/semi-private space for as many of the new residents as possible.

As previously, the general approach to the public realm areas is supported – the specific planting proposals should be reviewed by the Landscape Officer. The provision of information boards and seating within these areas is welcomed, as well as the proposed potential to incorporate them into the Totnes Garden Trail.

The s106 agreement will need to secure on-going management and maintenance of both the communal garden and public realm areas, as well as public access in perpetuity to the public realm areas.

Other OSSR Facilities

As set out in my previous response, a contribution towards local sports and recreation facilities at Borough Park is considered justified.

In accordance with the new Joint Local Plan Developer Contributions Evidence Base the required contribution would be £19,968 towards improvements to sports and recreation facilities at Borough Park, Totnes.

DCC Waste: Major development proposals should be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels. No such Audit has been provided. A condition is recommended.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Objections – 6 letters

- Excessive housing for the elderly in town is not supported by sufficient health care – MIU closed.
- It is aimed at incomers and so distorts the demographic and social character of Totnes.
- Totnes does not need town centre flats for the elderly. It needs housing for young people and families.
- The loss of parking will adversely affect the town.
- The site could provide more parking or employment.
- It will kill the town centre
- During construction, there will be increased use of the road by large vehicles, impacting on residents environment
- The increase in noise will impact on those people working from home
- The development should be providing for the youth of the town and for affordable housing.
- The giant Sequoia Tree is under threat despite an conservation orders
- There are too many retirement home in Totnes already and not enough small supermarkets.
- Design and appearance
- Impact on the Conservation Area and Listed buildings
- Over dominance
- Traffic generation.

Support 2 letters

- We should be pleased a company wants to invest in Totnes
- They have revised their plans and listened to the feedback
- The current eyesore should be removed
- Would they be able to make a financial contribution to Bob the Bus?

Relevant Planning History

56/0497/83/3: FUL

Proposal Demolition of existing buildings construction of supermarket and retail shopping development with ancillary car parking together with new Roman Catholic Church
Site Address Land behind 61 Fore Street and car park together with The Crichele Station Road Totnes.

Decision Conditional approval: 03 Jul 84

56/1624/84/3: FUL

Proposal Upgrading 61 and change of use to Presbytery upgrading 59 Fore Street Erection of Supermarket Shops and 4 Flats together with associated parking and landscaping
Site Address Nos. 59 & 61 Fore Street site of former Council Offices r/o 59-65 Fore Street.

Decision Conditional approval: 17 Jan 85

56/0546/05/F: FUL

Proposal Refurbishment of existing store including external alterations and new refrigeration plant

Site Address Somerfield Store The Brutus Centre Fore Street Totnes TQ9 5RW

Decision Conditional approval: 13 Jun 05

56/0860/10/AD: ADV

Proposal Advertisement consent for 5 x fascia signs and car park signage

Site Address Co-op / Somerfield Store Fore Street Totnes TQ9 5RW

Decision Conditional approval: 18 Jun 10

56/1367/13/TCA: TCA

Proposal Leylandii Hedge - Reduce by 2.5m in height and trim both sides

Site Address Co-Operative Retail Services Ltd Unit 4 Brutus Centre Station Road Totnes (Car Park)

Decision Tree Works Allowed: 22 Jul 13

0627/20/TCA

T2: Giant Redwood - Stabilisation of deadwood, crown lift existing canopy to establish 4m clearance above car park area, pruning of canopy extents (limited to tertiary branches and foliage only) on Southern canopy extents to establish 2m clearance between foliage and The Coach House, installation of Cobra tree bracing system to establish flexible control to movement extents of primary lateral branches in close proximity to The Coach House.

"Former Budgens", Station Road, Totnes

Decision: Approval 3/4/2020

4198/19/FUL

Demolition of existing building and redevelopment of the site to form 2 no. retail units, public car park and 41 retirement apartments, including communal facilities, access, car parking and landscaping.

Refused 24/6/2020. Appeal hearing still outstanding.

ANALYSIS

Principle of Development/Sustainability:

The principle of this development in Totnes must be considered against development plan policies, national policy and other material considerations.

In relation to the principle of locating a development of 42 retirement flats and parking and 2 retail units in the town centre, reference must be made to the strategic policies SPT1 and SPT2 as well as the hierarchy in policy TTV1, which promotes development according to the size and facilities in a settlement, with the main towns such as Totnes being a focus for growth.

Policy SPT1 reinforces (with additional detail) the 3 dimensions of sustainable development contained in the NPPF 2021. The policy states... *"The LPAs will support growth and change that delivers a more sustainable future for Plymouth and South West Devon."* The policy proceeds to describe the tenets of sustainable development: a sustainable economy; a sustainable society and a sustainable environment.

Economic impacts

Loss of retail has a negative impact on the towns economy, however it must be recognised that the supermarket has been closed for some time and no other occupiers have come forward in that time to utilise the space. The now empty building is not adding anything to the local economy and the longer it remains in this state could have a negative impact on the economy.

The replacement of retail with residential can be argued to have a negative impact on the economy, however the occupation of the 42 apartments with elderly people would mean that more money would be spent in the local shops, which are within easy walking distance of the site.

The contributions towards off site affordable housing and the facilities at Borough Park provide some public benefit from the development.

Social

Retail premises have a social impact on an area by encouraging social interaction. The use of the land for residential for the elderly will result in less social interaction and the way in which the building is designed with an inner courtyard area turns its back on the areas around the building.

However, the introduction of specific housing for the elderly in the town centre will add to the demographic of the town centre, with all local facilities on the doorstep. Access to public transport and the ability for residents to walk to all of these facilities is also a positive social benefit of the scheme. This complies with policies E7 and E8 of the draft Totnes NP, which encourage walking and cycling and the use of public transport. This site is well placed to ensure that walking is the primary transport to local facilities.

The current building has been empty for some time and is not a positive foreground for the historic buildings to the west of the site and in this application the climate change agenda has been more thoughtfully and proactively promoted.

The use of the building will result in more footfall in the local area, with comings and goings to the building as well as for other local people with the retained public car park. It does therefore present opportunities for social interaction.

Environmental:

The final aspect of policy STP1, relates to environmental sustainability, which promotes the use of brownfield sites, which this site is; seeks gains in biodiversity; seeks to minimise pollution and adverse environmental impacts of development and promotes local distinctiveness and sense of place through high standards of design. These issues will be discussed later in the report.

Policy SPT2 encourages development in communities such as Totnes, where: daily needs can be met; higher densities do exist and can be accommodated; have a good range of housing types and tenures - this is again an issue which will be discussed further on in this report; well serviced by public transport. Totnes is connected to the main railway route to Cornwall and London; there are numerous bus services to the surrounding area. There is access to green spaces and other urban spaces. There are facilities provided for all levels of the population, with schools for primary aged children and secondary education; there are employment opportunities, healthcare and arts culture and community facilities.

The principle of residential development in Totnes is supported by the Plan.

Another key consideration in relation to the replacement of a former supermarket with residential development in the town centre is the fact the loss of retail. Policy DEV18 seeks to ensure that shops in primary and secondary locations in town centres are not lost unless there are particular circumstances....

1. Development within centres should maintain the vitality and viability of the centre as a whole and ensure that the centre retains its role in the retail hierarchy, meeting the needs of the area it serves.

2. Development within centres should create an attractive street frontage and not cause unacceptable fragmentation or isolation of retail premises or a frontage.....

4. In the Thriving Towns and Villages Policy Area the LPA will support proposals which:

i. Result in the loss of ground floor premises in retail use (Use Class A1) within primary frontages to uses within Use Class A2 and A3 only where they do not create a continuous frontage of more than two non Class A1 uses and would not result in more than 15m of continuous frontage in non-Class A1 use.

ii. Do not result in more than:

30 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Dartmouth and Tavistock;

40 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Kingsbridge;

45 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Ivybridge and Totnes; and

60 per cent of the overall number of units within the defined Primary Shopping Frontage being in non-Class A1 uses in Okehampton.

iii. Provide uses outside Classes A1, A2 or A3 in ground floor premises within primary frontages only where the use would achieve a significant improvement in the vitality and viability of the centre.

iv. Result in the loss of ground floor premises in retail use (Use Class A1) within secondary frontages to other main town centre uses where they encourage footfall within the centre and support the main functions of the rest of the centre.

v. Within the wider centre, provide a broad range of uses which contribute to vitality of the area and do not lead to inactive frontage.”

The application site lies in the area described as secondary shopping frontage. The proposal does include two new shop units facing towards the pedestrian route from Fore Street, however this does not make up for the floor space lost from the supermarket. It is understood that the site has been marketed for some time as a food retail outlet, with no takers.

Part 4.iv. of the policy allows for other ‘main town centre’ uses, where they encourage footfall and support the main functions of the rest of the centre.

Whilst it would not be described as a main town centre use, residential development is located within the town centre, in the form of flats above shops and the other forms of residential at the edges and in the peripheral parts of the town. This site is secondary frontage, where there is no retail to its north, east or west. The site has been marketed for some time with no takers and the use of the land for residential for the elderly, will result in more footfall utilising the town centre uses from the development. The retained car parking will also mean there is a footfall through the snicket to the town centre. Two smaller retail units are proposed closest to the town centre and because of their size are likely to be more appealing in a town such as Totnes. Officers therefore consider that the loss of the supermarket in this secondary location is acceptable in this case.

As this site lies within the secondary shopping frontage, and two new retail units are proposed at the point where the building faces towards Fore Street, the proposal complies with Policy DEV18 and the loss of retail is balanced by the introduction of users who will utilise the shops and services in the town centre and the two new retail units.

Loss of parking:

The proposal would take up a larger land area than the supermarket building currently does and as such 25 of the current 50 car parking spaces will be lost from the site. The spaces were previously owned by Bugden's, but since its closure have been public car parking. A number of letters of objection express concern about the loss of the car parking, concerned that the loss will impact on the success of the town centre and impact the local businesses through the loss of parking.

There are no specific planning policies in the JLP regarding loss of parking spaces, however the draft NP policy E10 is relevant. *"Development that would involve the loss of public car parking will not be permitted unless that loss is made up for elsewhere which will be of equal benefit to the overall functional sustainability of the town or it can be demonstrated that the parking is no longer needed due to changes in vehicle use."*

It is also clearly a matter which is important to the local community and the retail policies in the plan seek to ensure that the town centre remains vital and viable. During the pre-application process the scheme started with the total loss of public parking spaces. However through negotiations, 25 public spaces are now provided. 14 spaces are also provided for the occupants of the proposed apartments.

Whilst there is still a loss of spaces, and there is no provision proposed elsewhere, bearing in mind the other car parks for the town and the ability in some areas to park on street, officers consider that the loss will not impact on the vitality and viability of the town centre.

A question at the last DM Committee was with regard to providing a percentage figure of the loss of 25 spaces. This information is being compiled and will be available for the Committee meeting.

Affordable Housing:

Plymouth and South West Devon Joint Local Plan policy DEV8.3 states: *"Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified."*

The previous application proposed no affordable housing and no contribution to offsite affordable housing (hence the reason for refusal on that issue), however discussions with the Council's viability expert resulted in amendments to the viability statement such that the scheme at the time of the previous committee indicated an offsite contribution of £210,000.00. Members were not satisfied with this level of contribution and therefore instructed officers to seek further guidance on the viability of the proposal and the ability for a larger contribution to be available.

Running in parallel with this application is an appeal, against the previous refusal, which is due to be heard on 28th/29th September 2021. In consultation with the appellant and the Inspector, agreement has been reached that the appeal will be delayed for 2 months so as to allow the Council to seek relevant evidence in support of the Council's case on viability.

The appellant has also provided a different (without prejudice) offer of £410,000.00 towards off site affordable housing. The Housing team and the existing viability consultant are reviewing this and their response will be provided at the DMC meeting.

The policy as indicated above does require 30% unless robustly justified. Further information is awaited from the applicant with regard to the justification for the amount and the off-site

contribution and will be shared at the DM Committee. In terms of on-site contribution however the applicant has always maintained that the Churchill's model, which requires an ongoing maintenance contribution by the occupiers does not work well when adding affordable housing into the mix.

Local Housing Need

The JLP requires officers to consider housing need when determining applications for residential development. Policy SPT2, seeks to ensure that sustainable settlements:

"4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.

5. Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services."

Local housing need is also promoted in paragraph 61 of the NPPF.

This planning application includes a submission relating to the need for housing for the elderly in the South Hams, which refers to the NPPF 2019 and the fact that the elderly are identified in paragraphs 61 and it introduces a paragraph on Housing for Older and Disabled People. It goes on to refer to the NPPG, which provides further commentary on the provision of housing for the elderly.

The only reference in the JLP planning policies to housing for older people is in policy DEV8 which states that the LPA's will seek to deliver a wide choice of high quality homes..... The following provisions will apply.....:

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

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

ii. Housing suitable for households with specific need.

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

The applicant's report makes reference to the NPPF for the provision of accommodation for specialist housing for the elderly to address the need. The report refers to a document by Devon County Council (Joint Strategic Housing Needs Assessment Devon in June 2018), which identifies the need for accommodation for older age groups. Reference is also made to a planning tool called SHOP (Strategic Housing for Older People analysis tool). The Report suggests that for South Hams District there would be a need for 1,200 sheltered housing units to 2035.

The report concludes that based on Policy DEV8 there is a need for older persons housing and it ties in with the County Council's objectives. It goes on to conclude that the current provision for the elderly is in rented accommodation and shared ownership, with only one scheme of 30 private sector short leasehold properties in Totnes. The JLP, however, was not assessed or provided data about the need for housing for the elderly.

In response, the Council cannot argue that the population is not aging. However the Council also have an up to date Development Plan and during the examination of the plan the inspector did not require the 3 Councils to carry out any assessment of need for the elderly population. The plan does acknowledge that older people can be considered alongside other

local housing needs such as for young people and working families and those who have a specific need, in Policy DEV8. The aim of the policy is to ensure that there is a balanced mix of house types, tenures and sizes within the settlements in the Thriving Towns and Villages policy area.

The draft Neighbourhood Plan also makes reference to housing and local need, “specifically increasing the number of smaller homes to meet the needs of local young and older people”. The Strategic Housing Market Assessment, also identifies the need for smaller homes in the town.

Policy C4 in the draft NP, encourages developments of 11 or more, to have 75% to be one and two bedroom dwellings. In this case 100% are 1 and 2 bedroom homes for older people. The benefit of this style of development is that other properties within the town will become available for families and younger people as the older people downsize to this type of development.

The town centre location, is also of relevance, allowing for sustainable forms of transport – walking and cycling and use of public transport is a relevant consideration in policy SPT2. The extent of the need identified by the applicant’s submission has no policy basis, so whilst material to the application, carries little weight. However policy DEV8 does accept the need for housing for the elderly and there are very few opportunities currently in the town for ownership of elderly persons’ accommodation. The proposal also provides 1 and 2 bed units which are promoted in the SHMNA for the whole of the district. It is therefore considered that the tenure and type of housing proposed is acceptable and policy compliant.

Design

The previous proposal did not relate well to the context and appeared to ignore the rich, characterful and historic context. Hence two of the reasons for refusal of that application. The applicants have taken the refused application to appeal, but have also been looking to overcome the reasons.

The design, layout and materials have therefore been reconsidered and discussions have taken place with the Planning Specialist and the Heritage Specialist to try to provide a proposal which is more appropriate in this sensitive location adjacent to listed buildings and within the Conservation Area.

Negotiations have resulted in the building design changing significantly. The entrance has been moved to a more visible location and is proposed as an open glazed link. The materials, in this case, clearly identify it as the entrance to the building.

The previous blank facades have been replaced with more articulation through the provision of balconies, bay windows, plus building elements which step forward and backwards. The roofscape has been improved through the recognition of the narrow burgage plots that will have once been part of this historic part of Totnes, albeit they are still larger in scale. The roof form also reflects the narrow building forms still present in and along Fore Street adjacent to the site.

The inclusion of some areas of flat roof have been used where possible to create more private outdoor space for residents. The shop units are more simple and contemporary in their aesthetic and whilst acknowledging the context in terms of materials, are still identifiable as a modern infill into the historic context.

In terms of materials, the proposal is to use slate roofing and slate hanging on some areas of the building, natural stone and render. The Heritage Specialist has identified some concerns with the detail of the fenestration and the placement of some of the materials and so this will be subject to further discussion once the principle of the development has been approved, but prior to a decision being issued.

Impact on Conservation Area and Listed Buildings

Heritage Specialists had grave concerns about the previous proposal and the fact that it did not relate positively to its context. Some of the issues previously raised by the Design Panel had also not been taken on board. Negotiations between the Conservation Specialist and the Planning Specialist, with the applicant have resulted in many changes to the proposal to try to address these concerns.

The Conservation Area Plan for Fore Street and The Plains, identified many of the buildings on Fore Street to the south of the site as either listed buildings or historic buildings with a positive impact. Some of the buildings along Station Road are also both listed and historic buildings with a positive impact.

The Historic Environment Specialist has identified some concerns, which have been communicated to the applicant and may result in amended plans prior to the committee, however the number of concerns are much reduced from the previous proposal and are matters which can either be dealt with by condition or negotiated post committee, whilst waiting for the Section 106 to be produced.

As stated by the Historic Environment Specialist in relation to the previous application, the current building on the site does mean that the starting point in terms of considering this proposal sets a low bar. Policy DEV21 in the JLP seeks to ensure that impact on historic assets is properly considered and local character and distinctiveness is sustained by conserving and where appropriate enhancing the historic environment. The application submission contains a Heritage Statement which indicates an understanding of the historic context and acknowledges the fact that the current building on the site does not make a positive contribution to the Conservation Area.

The Plymouth and South West Devon Supplementary Planning Document (adopted July 2020) indicates that *“Where less than substantial harm is identified then the LPA is required to consider whether other public benefits arising from the proposed development outweigh this harm. If this is considered to be the case, then the development may be approved.”*

Para 6.64 in the SPD provides a ‘simple checklist’, such that if development meets the list then there is more likelihood that the development will preserve/enhance the character and appearance of the Conservation area.....

- *“The retention or reinstatement of authentic/original features like authentic windows and doors, stone walls, cast-iron rainwater goods, chimney stacks, decorative architectural detail and distinctive wall finishes or claddings;*
- *The avoidance of incongruous features like poorly designed windows and doors, panel fencing, satellite dishes and mass produced ‘add-ons’ like porches;*
- *The incorporation of wall or roofing materials that are prevalent in the area; and/or,*
- *The introduction of new buildings that add quality and interest to valued street scenes and views.”*

As this is a new build on a site with a building which does not enhance and conserve the character and appearance of the Conservation area, the first criteria is not relevant. The

issue of the doors and windows has been raised by the heritage specialist and the details will be negotiated. Most of the materials proposed are prevalent in the area, and those that are not or are inappropriately placed on the building will be negotiated. And finally the proposed building has been broken up in terms of its massing, the elevations have been better articulated. There are details which still require some refinement as per the Heritage Specialist's advice but in principle the proposal is far better and relates more positively (accepting the fact that it has to be a single building) than the previous refused proposal.

Landscape: Whilst landscape colleagues were not consulted on the proposal, the submission as it stands only provides a landscape strategy. From both a biodiversity perspective and detailed design of the landscaping, it is considered that a condition should be applied to any consent to ensure that the detailed landscaping proposals should be submitted prior to any development above slab level. Policy C1 in the draft NPP also seeks high quality public realm, particularly in the historic core. This proposal includes the improvement of the lane through to Fore Street as part of the development. The space will be resurfaced and improved with seating and a central planted area. The detail of this will be conditioned.

Open Space provision: The application does not provide for open space on the site and so as such the OSSR specialist has requested an off-site contribution to improve facilities at Borough Park. Policy DEV4 in the JLP seeks the provision of playing pitches on site where practicable, however in this case, there is no space for such provision and the slope on the site would make it impossible to provide. The policy allows for an off-site provision if it can't be provided on site. Policy C2 in the draft NP also suggests an alternative site of the same size should be provided, however this has not been offered in this case and the policy does also allow for off-site provision.

Trees: On the previous scheme (and which was subject to a reason for refusal) the impact of the development on the redwood tree (outside of the application site but within an area where parking is proposed) was a concern to the Tree Specialist. Subsequent discussions between the Tree Specialist and the applicant's arborist agreed some changes which were acceptable, but which are subject to the submission of some additional plans (currently awaited).

Neighbour Amenity:

The building has been designed to be less substantial in terms of bulk and massing. Breaking up the roofscape to be more reflective of the narrower roof style in the vicinity has helped to reduce the scale of the building. Whilst the proposal remains to be a single building, the design tools used has succeeded in reducing its overall impact.

Whilst it is acknowledged that such buildings have a large footprint and there needs to be an ability to flow through the building, it has been broken up to reflect the roofscape of the context; to provide small private outdoor spaces for some of the residents;

Distances

There are residential properties to the north of the application site on Priory Avenue. Currently there is a high hedge. The benefit of the hedge is that the properties at the rear are protected from development on the site. A fence is proposed to replace the hedge and whilst this may be appropriate, the hedge is already established and because of its width, would create a more natural and potential slightly greater screening for the properties to the south. It is considered that the hedge should be retained or replaced.

The distance window to window of the proposed properties and the residential properties on Priory Avenue is more than 21 metres, however rear garden areas will be able to be overlooked from the upper floors of the proposed flats. However because of the distance, it is not considered this issue would be a reason to refuse the development and so the proposal would not harm residential amenities of the properties to the north.

The other sides of the proposal are retail and commercial units on Fore Street, the churchyard and further residential units to the east and Station Road and the Catholic Church to the west. Station Road has commercial uses and shop units towards the north and the Totnes Conservative Association to the south as well as further residential properties.

The impact on these uses is less of a problem, because they are not residential in nature.

Highways/Access:

The highway authority have no objections to the proposal and acknowledge that there remains a public car park within the scheme. In total 25 public car park spaces will be lost as a result of the development. Conditions recommended.

Climate change: The application includes the submission of a Sustainability Statement. The Statement proposes the following measures:

Fabric first specifications

Thermostatic heating controls

Movement sensor lighting where appropriate

Photovoltaic arrays on the roof space

Low internal water consumption measures

A site waste management plan during the construction phase.

2 electric vehicle (EV) car charging points in the public car park and 4 in the resident's car park.

Policy DEV32 requires that all developments consider reduction in carbon emissions, by minimising use of natural resources and considers re-use or recycling materials in construction; take account of projected changes in temperature, rainfall, wind and sea level in its design; use good layout, orientation and design to maximise natural heating, cooling and lighting and reduce heat loss area; and all major developments to provide data relating to natural light and utilising low carbon or renewable energy generation.

The Waste Authority have also asked for a waste strategy for the site to be requested on any permission given, which will indicate how the waste arising's on the site will be dealt with, so this matter can be conditioned.

The proposal includes a large amount of solar arrays as indicated on drawing number 10104TN/PA205, and a fabric first construction will mean that insulation levels are high and utilising low water consumption measures will also add to the reduction in carbon on this development. A plan has also been provided indicating where EV charging points will be located to future proof the development proposal. Officers consider that the measures provided will secure a reduction in carbon sufficient to be 20% more than Building Regs Part L requires in accordance with policy DEV32.

Drainage:

The Lead Local Flood Authority have reviewed the current proposal and have no in principle objections to the development, but are seeking some additional information in relation to the surface water drainage scheme as a result of the amended design. This is to ensure that the

changes will not have an effect on the locations of any surface water drainage feature. It is possible that the layout change could impact the location of the surface water storage. The information has been requested.

Ecology and Biodiversity: An ecology survey was submitted with the application and relevant surveys have been carried out on the site with regard to protected species. The County ecologist has reviewed the report and is satisfied that the development will not impact on any protected species.

With regards to a net gain in biodiversity as required by the JLP SPD, some additional information has been requested by the ecologist to ascertain the amount of net gain the development delivers. That information is currently being reviewed by the ecologist, however the information does indicate a 35% increase in biodiversity as a result of the development, which more than meets the target of 10% indicated in the SDP.

Letters of representation

6 letters of objection were received, concerned about the impact of the development on the town centre; loss of parking; construction noise; impact on the redwood tree; the tenure of the development and that elderly person housing should not be in the town centre. Some of these issues have been dealt with in the bulk of the report, however in terms of parking there are a number of other car parks in the town centre which provide parking, such as Victoria Street car park; Heath Way car park; Steamer Quay car park; as well as smaller car parks such as the one on North Street and on South Street. There is also parking along Fore Street, High Street and The Plains for short term parking. There will also be the remaining 25 on the application site. Officers consider that the loss of 25 spaces is not a sufficient number to warrant refusing the proposal.

Officers also consider, as has been mentioned further in the report, that the use of the site for residential development is acceptable, because of the potential for increased footfall in the town centre and its location close to local facilities and public transport will benefit the occupants. The JLP does acknowledge the need for homes for young families and for affordable housing and this development will be contributing a sum of money to provide affordable housing elsewhere in the town. However Policy DEV8 also identifies the need for housing for the elderly which this application provides. The town centre residential tends to comprise currently flats above shops; small terraced houses in the side streets as well as larger town houses on the periphery of the centre along the upper parts of High Street. Officers therefore consider that the use of the site for housing for the elderly is appropriate and enhances the current mix of housing types in the town centre.

The impact of the development proposal on the Sequoia tree has been fully investigated by the Council's tree Specialist and he is satisfied that the changes agreed with the applicant's arborist will ensure the continued health of the tree.

The letters of support underline the benefits of the proposal to the locality, in removing the eyesore that is currently on the site and because the design has taken on board feedback from the previous approval.

Town Councils' comments.

Officers note that the Town Council feel the design is improved, but still raise concerns about the bulk and massing, in relation to the two listed buildings. Whilst this concern is noted the Historic Environment Specialist and Historic England accept the new proposal acknowledging that the mass has been broken up through the use of the smaller roofs and the flat roofed

elements in locations where the views of the historic assets are important. As neither of the consultees object to the current development in principle, I would defer to their expertise in these matters.

The Town Council have also mentioned concern about the small amount of affordable Housing contribution. Now that this sum has been increased to £400,000.00, officers assume this is acceptable to the Town Council. With regard to the Section 106 monies and where it will be spent. The affordable housing officer has confirmed in her consultee response that the money will be used for affordable housing in the town. The OSSR money is also destined for Borough Park and an improvement to its facilities and the other S.106 contribution will be towards the maintenance of the public realm around the building including the route through to Fore Street.

With regard to the proposed public parking spaces, it is regrettable that some spaces are being lost, 25 will remain and officers have sought confirmation from the applicant that there will be the requisite number of disabled spaces available.

As regards EV charging points, it is noted that the applicant has proposed 2 in the public car park and 1 in the occupier's car park. The Town Council are requesting more (6). This provision is being discussed with the applicant.

Conclusion:

This proposal to replace the former Bugden's supermarket with 42 retirement flats and 2 retail units has overcome the reasons for refusal on the previous application (4198/19/FUL). The loss of a retail unit in the secondary shopping area is accepted on the basis that the use, whilst primarily non-retail will lead to additional footfall into the primary shopping areas of the town and as such maintain the vibrancy of the town centre.

In terms of affordable housing, because of the nature of the use (flats for the elderly) officers are content that a contribution towards affordable housing elsewhere in the town and will require a Section 106 agreement to secure this.

The new proposal provides sufficient carbon reduction measures and has addressed previous concerns about the lack of ecology surveys.

The layout of the scheme is vastly improved and the layout and massing, much more successfully reflects the roof scape of Totnes and breaks down the massing effectively. Detailed design concerns with regard to the placement of materials; fenestration details and how the junctions of materials will work still need some further discussion, so these aspects of the proposal have been conditioned. A Section 106 Agreement has already been drafted because of the pending Informal Hearing, so if the Committee were minded to approve, the decision can be delegated to the Head of Planning to finalise the Section 106.

The application is recommended for approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT4 Provision for employment floor space
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
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
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan: Totnes Neighbourhood Plan has reached Regulation

The relevant policies are:

Policy En1: sustainable development and the settlement boundary

Policy En2: Development and Design

Policy En3: Historic and Built Character

Policy En6: Enhancing local environmental capacity

Policy En8: Domestic and small scale waste management

Policy E3: The Town Centre

Policy E6: The Green Economy

Policy E7: Sustainable Transport

Policy E8: Walking and Cycling

Policy E10: Car parking

Policy C1: The Public Realm

Policy C2: Public Open Spaces

Policy C4: Housing

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

Totnes Conservation Area Appraisal (Fore Street and The Plains)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 10104TN/PA201; PA202; PA203; PA204; PA205; PA206; PA207; PA208; PA209; PA210; PA211, received by the Local Planning Authority on 25/6/2021.

12551- PO4e; PO6 Rev E Plan 1; P06 Rev E Plan 2, received by the Local Planning Authority on 9/7/2021

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. No development beyond slab level shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. Prior to development beyond slab level, full details of the hard and soft landscaping of the open space, including, fencing, surfacing, bins and benches shall be submitted to and approved by the Local Planning Authority. The space shall be constructed and equipment placed in accordance with the agreed details.

Reason: To ensure the space is appropriately landscaped and supplied with associated equipment, as on the approved plans.

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

Reason: To ensure, in accordance with the Joint Local Plan and paragraph 199 of the National Planning Policy Framework (2018), that an appropriate record is made of archaeological evidence that may be affected by the development.

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

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

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

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

(a) the timetable of the works

(b) daily hours of construction

(c) any road closure

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays Inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements taking place on Sundays or Bank holidays unless agrees by The local Planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases

(g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present on the site;

(i) the means of enclosure of the site during construction works;

(j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;

(k) details of wheel washing facilities and obligations;

(l) the proposed route of all construction traffic exceeding 7.5 tonnes;

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

Reason: In the interests of residential amenity and highway safety.

8. No part of the development hereby approved shall be occupied until the access, parking facilities, commercial vehicle loading/unloading area and turning areas have been provided and maintained in accordance with the Proposed Site Plan Drawing 10104TN/PA201 and retained for that purpose at all times.

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

9. Prior to the occupation of any part of the building the access improvement works shown on drawings 135.0022.006 B and 135.0022.007 B shall be completed to the satisfaction of the Local Planning Authority.

Reason - In the interests of highway and on site safety.

10. Prior to any development extending beyond slab level, a detailed landscaping scheme to include the biodiversity measures indicated in the Biodiversity plan shall be submitted to and agreed in writing by the Local Planning Authority.

The agreed details shall be implemented in the first planting season following completion of the development and shall be retained and maintained for a period of 5 years from the implementation of the scheme.

Reason: To ensure the landscaping scheme is implemented and established on the site.

10. A Lighting Strategy will be submitted for agreement with the LPA. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational activities. Lighting will be implemented in such a way as to avoid any light spill (maximum 0.5lux) onto wildlife habitat (trees, scrub, vegetation etc.). We will require written confirmation from an ecological consultant that they are satisfied with the lighting proposals with regards to wildlife before this condition can be discharged.

Reason: To protect wildlife from intrusive levels of light.

11. Prior to development above slab level, a Landscape and Ecological Management Plan will be submitted to the LPA which will include details relating to habitat creation, species specification and management. This will need to be agreed in writing with the LPA.

Reason: to ensure the protection and proper management of protected species.

12. Prior to the commencement of development, a Construction and Environmental Management Plan will be submitted. This will include details of environmental protection throughout the construction phase of development. Details of the tree protection plan will be included within this. This will need to be agreed in writing with the LPA.

Reason: To ensure the construction of the development does no impact on any protected wildlife.

This is a pre commencement condition because it is essential that this information is provided prior to work commencing which could harm protected wildlife.

13. No building or vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: to protect nesting birds.

14. Prior to its construction detailed drawings and sections at 1:20 scale of the shopfront shall be submitted to and agreed in writing by the Local Planning Authority. The shopfront will then be installed in accordance with the agreed drawings.

Reason: To ensure the detailing of the shop front respects the historic character of the area and provides a high quality of finish.

15. Prior to commencement above slab level detailed drawings of all of the area on the building where different materials join shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the detailed junctions are satisfactorily resolved.

16. Detailed drawings of the balconies and how they will be attached to the building shall be submitted to and approved by the Local Planning Authority in writing prior to their installation.

Reason: To ensure they are appropriately.

17. Details of any plant to be placed on the roof of the building shall be provided to the Local Planning Authority and agreed in writing prior to its installation. Any plant shall be installed in accordance with the agreed details.

Reason: To protect the historic assets from any development which would impact on the setting.

18. Prior to the installation of the photovoltaic panels on the roof, details shall be submitted to and approved by the Local Planning Authority in writing. The works shall be carried out in accordance with the approved details.

Reason: To ensure the panels are in appropriate locations and angles in relation to the position of the sun.

19. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority. The slates on the roof shall be fixed in the traditional manner with nails rather than slate hooks.

Reason: To ensure that the development displays good design practice in respect of the historic context.

20. The natural stone to be used shall be submitted to and approved by the local planning authority prior to its installation. The stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. The stonework shall be carried out using the agreed stone.

Reason: To ensure that the finishes are appropriate to the locality.

21. Samples of all of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority prior to their installation. The works shall be carried out using the agreed materials.

Reason: To ensure the development respects the historic context.

22. Prior to its installation, details of the top of the parapet walls shall be submitted to and approved by the Local Planning Authority in writing. The topping shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenity.

23. Prior to its installation, details of the railings to be installed around the periphery of the development shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenity.

24. Prior to their installation details of the locations of rainwater goods, flues, ducts , vents and any other external attachments shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details and in the agreed locations.

Reason: In the interests of visual amenity.

25. Prior to its installation detailed plans of the new landscaped finish to the public route through from the site to Fore Street shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plans.

Reason: To ensure it is appropriate for its purpose and in the interests of visual amenity.

26. No works shall take place to construct the public parking spaces until protection measures for the Redwood tree have been submitted to and approved by the Local Planning Authority. The protection measures shall be put in place prior to any works in this area of the site.

Reason: To ensure the tree is protected during construction works.

27. Prior to the commencement of any development in the site, including demolition, a Waste Audit Statement shall be submitted to and approved by the Local Planning Authority in writing. The audit should be in accordance with guidance in para. 8 of the NPPF 2021 and Policy W4 in the Devon Waste Plan and should include: on-site reuse of inert material

Reason: To ensure that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance.

Informative:

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Bigbury **Ward:** Charterlands

Application No: 2720/21/FUL

Agent/Applicant:

Mr David Glassock - David Glassock
Architecture
38 New Meadow
Ivybridge
PL21 9PT

Applicant:

Mr And Mrs Johnathon and Jen Marshall
Barby Lodge
Cleveland Drive
Bigbury On Sea
TQ7 4AY

Site Address: Barby Lodge, Cleveland Drive, Bigbury On Sea, TQ7 4AY

Development: Full planning application for replacement dwelling (resubmission of 2828/20/FUL)



Reason item is being put before Committee: Councillor Taylor has asked that the proposal be heard by Committee because of the number of objections to the development proposed

Recommendation: Approval

Conditions

1. Time limit
2. Accord with plans

3. Samples of materials
4. Unexpected contamination
5. Removal of PD rights to extend
6. Landscaping to be in accordance with plans and implemented in first planting season.
8. Garage to be used for parking of cars and domestic storage only
9. Adherence to ecology report
10. Soakaway or attenuation tank position to be agreed prior to commencement of development.
12. Adherence to ecology report.
13. Construction Management Plan

Key issues for consideration: Impact on neighbours, design; scale; massing; impact in the AONB

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description: The application site is located at the corner of Cleveland Drive and Parker Road in Bigbury on Sea. The site is currently occupied by a bungalow with some under build on a rectangular plot. The current dwelling sits across the site, with its front elevation (as are most in this area) facing south west towards the sea.

Bigbury on Sea is within the area designated as South Devon Area of Outstanding Natural Beauty and Heritage coast.

The Proposal: This is a resubmission of an application which was refused in June of this year.

The previous application was refused for the following reasons:

1. The proposal by virtue of its new position on the site, creates a negative impact on neighbouring properties to the north, west and east in terms of overlooking and the perception of overlooking, being dominant and overbearing and causing a loss of outlook contrary to policy DEV1 of the Plymouth and South West Devon Joint Local Plan and policy BP7 of the Bigbury Neighbourhood Plan and para. 127 of the NPPF 2019
2. The scale and massing of the proposed dwelling would have a negative impact on the street scene and as such be out of character with the area contrary to policy DEV20 in the Plymouth and South West Devon Joint Local Plan and policy BP7 of the Bigbury Neighbourhood Plan as well as para. 127 of the NPPF 2019.

The proposal remains as a replacement of the current 3 bed bungalow with a 4 bedroom dwelling, plus snug. The proposal has changed since the previous refusal in the following ways:

- The proposals have been brought forward by 1750mm, making the rear of the proposals now in line with the store of Barby Lodge.
- Increased rear garden amenity space.
- Distance between Willows and Barby Lodge 8.9m
- The depth of the terrace along the eastern elevation is reduced by 1m
- West facing first floor window facing Durley Dene omitted.
- 2 additional roof lights proposed to south elevation in lieu of the omitted West facing window.

The proposed replacement dwelling, still provides an undercroft garage slightly deeper (measuring 5m x 7.3 m) a store room behind the garage; an entrance hall/boot room with a small shower /WC and plant room. A ground floor which provides an open plan kitchen, living and dining area, a master bedroom, a study, bathroom and separate WC. A first floor in the roof slope providing 3 bedrooms, an office, a family bathroom a further WC and a further lounge area at the eastern end of the building.

Around the east and south of the proposed dwelling is an area of decking, which extends across the front and down the eastern side up to the rear boundary (the decking along the eastern side of the house, measuring 2metres wide by 13m on the eastern side and 4.5 by 17 metres across the front. At the rear, there is a rectangular area of grass, with a raised bed adjacent to the boundary wall with the rear property Willows. The decking at the front extends over the front garden area. In the front of the proposed decking is an area of garden which will provide for the drive/parking area to allow for cars to enter from one side (off Cleveland Drive) and exit onto Parker Road. The undercroft element of the proposed dwelling is set back under the decking and as such the area of space in the front garden for the parking and turning of vehicles is slightly larger than the site plan indicates which has the decking shown. The distance between the garage front wall and the front hedge is 6.7m and from the front of the entrance door and the front of the drive is 5.5metres.

Stone boundary walls are proposed along the front boundary with planting on top to align with the existing hedgerows on the site. Along the eastern edge of the site, the grass verge which is existing will be retained, behind which is proposed a rendered wall (as existing) and laurel hedging. A pedestrian gate to the rear of the house from Parker Road is also included as existing.

The existing boundary to the north east will be retained as it is. Currently Barby Lodge and Durley Dene are joined by their respective garages. The proposal removes the garage and places it under the house. The new boundary with Durley Dene is proposed as a rendered wall. A footpath to the rear of Barby Lodge inside of the boundary wall. Further towards the front a new stone boundary wall with planting is proposed. Pedestrian access to the front of the proposed dwelling will be via the path to the west of the garden boundary walling onto the decking on front of the bedroom gable wing.

Consultations:

- County Highways Authority: No comments to make.
- Town/Parish Council:

The Parish Council considered that the revised scheme did not address the reasons for the refusal of the previous application Ref: 2828/20/FUL and bringing forward the proposed dwelling creates additional problems.

In terms of the negative amenity on the neighbouring properties to the north, west and east of the proposed dwelling the proposed development will still result in overlooking of the properties to the north (Willows), to the east (Highfield) and now direct overlooking of the living room, kitchen and

bedroom at the front of the property to the west (Durley Dene) due to the raised upper ground floor platform, which is now situated between 1.5m to 3m in front of the house.

The proposed dwelling will still be dominant and overbearing on the amenities of all of these properties due to the massing, increase on width and increase in height.

It will also result in loss of outlook from the back of Willows and the back as well as front of Durley Dene. Overshadowing of the front and rear windows of the living room and the rear patio of Durley Dene is also an issue.

In terms of scale and massing the building is similar in size, in fact slightly larger in floor area, and would still have a negative impact on the street scene. It would also be out of keeping with the character of the area, which in this part of Bigbury on Sea is primarily bungalows. The increased height of the dwelling will also be now more apparent when viewed from Cleveland Drive and Parker Road.

The raised platform at the upper ground floor extending across the front of the property along Cleveland Drive and down the side of the property on Parker Road is now going to result in another dominant feature detrimental to the street scene and is likely to result in significant noise nuisance to neighbouring properties due to its size and height a full storey above the Cleveland Drive street level.

A new issue now arises due the proposed dwelling projecting in front of the main building line, contrary to Policy BP7(iii).

The Parish Council also referred to the amount of floor to ceiling windows particularly at upper ground floor level as well as the large window with Juliette balcony on the first floor eastern gable end of the property. These windows will result in excessive levels of light pollution contrary to Policy BP7(vii).

A further major issue now arises due to the bringing forward of the lower ground floor as there will now be insufficient space to park three vehicles and still be able to manouver into and out of the parking area in forward gear. This will now result in problems of highway safety contrary to Policy BP(viii) of the Neighbourhood Plan. Policy BP27 – Parking provision requires space for 3 cars for dwellings of 3 or more bedrooms. This proposed dwelling is described as a 4 bedroom property but it has two studies and two large living rooms (upper ground floor and first floor) making this an extremely large house, more than 3 times the size, in terms of gross internal floorspace, of the existing dwelling which is a 3 bedroom bungalow.

It was considered that the development is an overdevelopment of the plot. It is too large in overall size for the size of the plot, the ridge height is 1.3m above its current height and still 0.5m above that of the neighbouring property, Durley Dene, and the eaves height at the rear is also a metre higher than the current eaves height.

The proposed building still extends too far back on the plot as well as too far forward causing severe harm to the amenities of Willows and Durley Dene by reason of it being overly dominant and intrusive, impacting on outlook and resulting in overshadowing of the private patio area at the rear of Durley Dene and over shadowing to the living room windows at the rear and front of the property.

There would also be overlooking of Willows at the rear, Highfield on the east side and the front of Durley Dene to the west.

As a consequence to the above the proposed development would be in conflict with Policy BP7 criteria (i), (ii), (iii), (vi), (vii) and (viii) as follows:

Criterion i) Proposals should reflect the appearance and character of the area and have regard to the design guidelines in the village studies;

Criterion ii) The height, scale and density of development should reflect the existing grain, height, density and pattern of development in the surrounding area;

Criterion iii) The front building line should be maintained;

Criterion vi) The proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers by reason of loss of outlook, loss of important views, loss of privacy or overlooking, overbearing and dominant impact, noise and other disturbance;

Criterion vii) Proposals should be designed to limit light pollution;

Criterion viii) There should be a safe means of access to the site and adequate off street parking.

The proposed development is also contrary to the Design Guidance set out in the Bigbury on Sea Village Study (Appendix 9) including the criteria 'to reduce or retain the maximum height of roofs including those of extensions, on new builds or alterations and extensions to existing properties to that of the original, unless the increase in roof height is consistent with that of neighbouring properties and/or does not impede on the views of surrounding properties.

The Parish Council also recommended that any new development allowed on this site should be subject to the condition, now being included for any new build within the parish, that there should be no external lighting without prior approval of the local planning authority.

- Drainage: Standing advice

Representations:

Representations from Residents

Comments have been received and cover the following points:

Objections: 18 letters received.

- Massive change to the footprint and skyline
- Impact on neighbours
- The plans are not in line with the neighbourhood plan
- The proposal would create a dangerous precedent.
- Too large for the plot
- It will block crucial views and cause overlooking to neighbours
- Very little change from the previous application
- Mass and density is not in line with the Neighbourhood Plan
- The increase in size is not appropriate for the site
- Allowing the development would make a mockery of the NP
- Balconies cause loss of privacy to neighbours
- The proposal has more storey's than the existing building and will dominate the street scene
- This proposal is completely out of character due to its size, mass and scale
- Overbearing and overshadowing on the neighbouring property
- Impacts of demolition on carbon footprints – the existing building could be retained and upgraded
- Light and noise impacts from the decking
- Design is attractive but inappropriate for this site
- The amendments made to the proposal are too minor and moving it forward has other impacts
- Setting the front gable in front of the adjoining neighbour impacts on their views.
- Parking and vehicle access will be restricted.
- The front building line is no longer respected

- Bringing the proposal forward means that the proposed dwelling will look much higher from Cleveland drive.
- Increased potential for overlooking of Durley Dene from the front area of decking. The decking is 5.5m from the lounge window and 11.5 m from a front bedroom of Durley Dene.
- Overdevelopment
- 3x more internal area than the current house and the equivalent of 7 or 8 bedroom house of habitable rooms.
- The terrace area extends out the front and east of the dwelling and is approximately 1000 sq feet (approximately 92 square metres) [officer added] of space.
- All of the sites neighbours are bungalows.
- Overshadowing in the morning of the rear amenity area and lounge of Durley Dene.
- The current proposal does not address the reasons for refusal of the previous application.
- Opposed to any building in Bigbury on Sea being raised in height or exceeding its current footprint.
- The open terrace on the east will look down towards the garden, kitchen, dining area of Highfield, which will impact in terms of noise, light, overlooking.

A letter was also submitted by the Bigbury Neighbourhood Plan group with concerns about:

- The projecting front gable would now intrude on the outlook and views from the front bedroom window of Durley Dene.
- The proposal still intrudes on the outlook and views from the main bedroom window and patio at the rear.
- Increase in height and massing of the proposed dwelling as well as the large platform at the front of the proposal would be more prominent in the street scene.
- The outside terrace is likely to cause noise and disturbance to the neighbours
- The east elevation would overlook the neighbour to the east
- The terrace which will be above the hedge height of Highfield will impact on the property to the east.
- The proposed ridge height will be above Durley Dene
- The increase height width and overlooking from Barby Lodge will still impact on Willows to the north.
- Policy BP27 of the NP requires parking for 3 cars for units of 3 or more bedrooms. Garages are not counted as car parking spaces. There appears to be insufficient space on the front forecourt for 3 cars to be parked.
- Still an overdevelopment of the site and still creating a negative impact on all neighbouring properties.
- The current proposals do not deal with the perception of overlooking neither being dominant and overbearing. The revisions are still contrary to NP policies BP7 (i), (ii), (vi), BP7 (vii) and Policy BP7 (Viii) and Policy BP27 regarding access and car parking.

Support: 4 letters received

- Modern designs should be encouraged in Bigbury on Sea
- The plans show a family home with exceptional ecological and environmental features
- A family home would have positive effects on the neighbourhood
- Minimal impact on surrounding houses and the street scene
- It fulfils all of the requirements of the Neighbourhood Plan
- The building footprint is the same as existing
- The hedge lined perimeter wall provides privacy
- The current floor level of the building will remain the same as the existing building
- The main view from the rear property is from the front terrace, which is obscured by the neighbours bamboo screen
- Living opposite the property, it will be beautiful to look at
- The increase in height is not significant and the footprint is the same as existing.

Relevant Planning History

2828/20/FUL

Barby Lodge, Cleveland Drive, Bigbury On Sea, TQ7 4AY

Application for replacement dwelling

Refused, 3/6/2021

ANALYSIS

Principle of Development/Sustainability:

The proposal must initially be considered against the fundamental approach to development contained in the Plymouth and South West Devon Joint Local Plan, which promotes sustainable development. Policies SPT1 and SPT2 provide guidance both on the principle and detail of sustainable development and TTV1 provides the hierarchy for growth in the Thriving Towns and Villages Policy Area.

Bigbury is not identified in the Plan as a Sustainable Village because of its location within the South Devon AONB. Para. 5.165 in the Plan acknowledges that “great weight should be given to conserving the landscape and scenic beauty in such settlements.

Neighbourhood Plans can however bring forward positive allocations to meet local housing need.” However proposals must be considered against policy DEV25. This consideration will be provided in the landscape section below.

Bigbury Neighbourhood Plan is a Made Plan and so therefore is a formal part of the Development Plan.

The site is within the settlement boundary allocated in the Neighbourhood Plan.

The proposal is in compliance with BP2 , which allows for “Replacement of existing dwellings, providing these are not shown in the Plan as statutory or local heritage assets, will generally be supported providing the proposed development accords with the Policy BP7 – General design principles for new development and other relevant Policies of the Plan.”

Policy BP4, relates to principal residency, but the policy specifically excludes one for one replacements which is the case here.

The principle and sustainability of the proposal is policy compliant.

Design

NP policy BP7 General Design Principles for new development, sets out the Neighbourhood Plan requirements for design of new development. Policy DEV20 in the Joint Local Plan also contains design requirements for new developments.

Policy DEV20 in summary seeks to ensure that developments meet a good standard of design; use of locally distinctive materials and relationship to context; have regard to the pattern of local development; achieving a good quality sense of place; appropriate landscape design; community safety is considered and where possible rectifying environments which have been damaged in the past.

Policy BP7 in the BNP, seeks development to be locally distinctive, and to reflect the character of the area, but also accepts innovative contemporary design provided it does not have a harmful impact on the overall appearance and character of the area.

Part ii of the policy seeks to ensure that height scale and density of development should reflect the existing grain, height density and pattern of development in the area. And natural materials are preferable. Part iii relates to the front building line which should be maintained

and part iv seeks to protect the verges in front of properties. Part v also seeks to protect front boundary walls and hedges.

Part iv looks to protect neighbour amenity and part vii seeks to restrict light pollution. Part viii seeks a safe access to the site; and adequate off road parking; and parts ix, x and xi seek to ensure appropriate infrastructure is provided, natural features and heritage assets are protected.

In terms of local character, there is an eclectic mix of properties in this part of Bigbury, some of which have been extended in recent years. The property behind the site, Willows whilst a bungalow, has been built up at its southern end to take account of the sloping land. It also has permission to increase the roof height in order to accommodate a loft conversion. The adjoining bungalow (which would be separated from the property as a result of this development), Durley Dene is modest in scale and height, although higher than Barby Lodge at present. It is single storey in nature. Further to the north there is a large two storey dwelling in a very large plot. In front of the site there is a wider larger bungalow.

In the area there are a variety of property types, although a predominance of bungalows in the immediate vicinity. Along Ringmore road there is a recent 3 storey development of apartments. The properties in the area are all detached and set in their own plots. Materials, age and dwelling types in the area do vary quite considerably, although there is a predominance of render finishes on many of the properties as existing.

In this case the existing bungalow on the site is of a modest scale and is attached via the garages to the adjacent and similar style bungalow to the east. The design of the development proposed is larger than the existing property, which has still been raised as a serious concern by a number of residents, the NP committee and the Parish Council. The applicant has suggested that he is keen to provide a larger dwelling for his family whilst also trying to respect the design of the properties around it and meet the NP policies.

The ridge height has increased by approximately 1.3m. The footprint of the dwelling has also increased by 15 square metres. The architect has increased the overall amount of accommodation by utilising the space underneath and the roof space, without increasing the footprint significantly. The slope on the site has been utilised to create a garage space underneath the dwelling and the bungalow finished floor level above has been retained with an increase in the roof height to accommodate rooms in the roof space. Roof lights have also been added to the roof slope. The glazing design proposed is a more contemporary approach and proposes a number of floor to ceiling windows and doors.

For this revised application the proposed dwelling has been moved forwards on the site by 1.7metres. In all other respects in terms of the size the proposed building remains the same.

In terms of the size of the property, there is no planning policy in either the JLP or the NP which prevents this occurring. The Supplementary Planning Document does make reference to size in relation to replacement dwellings. Whilst it is guidance and not policy it states:

“11.78 With regard to the size of a replacement dwelling, there will be two key elements taken into account when considering if the proposal represents a ‘significant’ change: Whether the proposal will result in a harmful landscape or visual impact, and,

Whether the proposal changes the size of dwelling, by number of bedrooms, to such a degree that it fails to meet the household needs of the area.

11.79 The size of the replacement dwelling should be considered within the wider site context. If a replacement dwelling represents a similar massing and form to the building it is replacing, it is unlikely that it will be considered to have a 'significant' impact.

Enhancements in terms of design, and positive responses to the constraints and opportunities of a site will be taken into account when considering the impact of the replacement dwelling when compared the dwelling it is replacing."

In terms of footprint the proposed dwelling is approximately 0.5metres deeper and 2 metres wider than the existing dwelling and adds a forward facing extension. The plans also indicate an area of decking around the dwelling which makes the size of the replacement appear much larger. The decked area has decreased in size since the previous application. It has been brought back from the Eastern side by approximately 1 metre and at the front 300mm has been taken off. Decking is a form of amenity space in the same way as a lawn or planted areas or hard surfacing. The existing property already has a hard landscaped rear area which is walled and extends up to the boundary with the neighbouring property's Willows and Durley Dene. However the issue with the decking in this case is that whilst it is at the same level as the ground floor of the dwelling, because of the proposed under croft, the decking is raised off the ground at the front and parts of the side of the proposed dwelling.

The proposed dwelling is higher than the existing dwelling by 1.3 metres and higher than Durley dene by 0.5 metres. The NP Plan policy BP7(ii) *"The height, scale and density of development should reflect the existing grain, height, density and pattern of development in the surrounding area. The materials used for the external elevations should preferably be natural materials and be consistent with those used for other buildings in the locality."*

In this case, the proposed replacement dwelling is higher than the building it is replacing but only 500 mm higher than the adjacent dwelling – which is the only other dwelling along this part of Cleveland Drive on the same building line as the proposal site. In considering the height in isolation, what harm is caused by this relatively minor increase in overall height in relation to the adjacent property? The policy indicates that the height scale and density should 'reflect' the existing grain, height, density and pattern of development. Officers consider that a .55 increase on a neighbouring property would not be sufficient to indicate that the proposal does not reflect the existing, when there are properties of many different heights within the vicinity.

Clearly it is not appropriate to take just the height into account, as the scale of the development is also relevant. The applicant is seeking to increase the overall size of his property by utilising the levels change on the site to incorporate an under croft area for parking and utility space. This leaves the ground floor of the proposed dwelling at the same height as it is currently and aligns with the ground floor level of Durley Dene. This remains the case with the revised plans.

The use of the under croft area allows for the site to accommodate garage space under the existing footprint, whilst maintaining the ground floor level in line with the adjacent property.

By moving the proposal forward on the site the bulk of the building moves forward such that the amount

In terms of materials the proposal indicates the use of a slate roof; photovoltaic slate like tiles; white render for the walls; stone facing to the front wall of the under croft area; timber

garage doors; grey aluminium windows with timber sliding louvre sections to provide internal shade and externally to break up the amount of glazing. Steel columns are proposed to hold up the brise soleil on the front terrace and timber panelling to break up the amount of glazing to the front and side elevations.

Whilst the use of slate is a good quality natural material, there is little of it in the immediate area, which is generally concrete or manmade tiles. It is officers view that the use of natural slate is preferable to the use of concrete tiles on the roof, so whilst it is not commonplace locally, it is a quality and robust material, which is still considered to be appropriate and in accordance with the Neighbourhood Plan BP7 (*The materials used for the external elevations should preferably be natural materials and be consistent with those used for other buildings in the locality, providing these do not detract from the appearance and character of the surroundings*).

Appendix 9 of the NP is a useful description of the historical development of Bigbury on Sea and makes many references to the area within which the application site is located. There is concern expressed in the Appendix about the fact that *“Many plots are now being redeveloped in a way which seeks to maximise the value of the site with little consideration being given to the amenity of the existing residents.”* And in referencing the layout of this part of Bigbury on Sea it states *“The development was designed in a grid form layout with careful attention being given to the location, height and spacing between properties to ensure that at each level the occupiers of all properties would have the advantage of good views of the beach, sea and coastline. The local community consider that the ethos behind this existing planned development should be protected and any new development should fully respect this important concept.”*

In considering this part of the Neighbourhood Plan, the applicant has attempted to preserve the footprint of the existing development, only increasing it by 15 metres squared. The proposal also makes use of the slope upon which it is located to provide additional accommodation within the footprint. Additional accommodation is also proposed within the pitched roof. This has involved an increase in height of 1.3 metres.

Officers do not consider that the proposal harms the planned layout and form as described in Appendix 9 in the NP. The proposal does increase the amount of accommodation, but this has been achieved by making the best use of the slope on the site and incorporating space in the roof space. The front and side hedges will be retained (apart from the area where the exit is proposed). The front building line has been maintained; An access is provided; The grass verge which is a common feature along these roads has also been preserved. The amount of space the proposed dwelling occupies on the site is in relative terms only marginally larger than the existing dwelling and is still smaller than Durley Denes' footprint.

Officers consider that the proposal meets policy BP7 and has respected the planned development form in this part of Bigbury on Sea as identified in Appendix 9 of the Neighbourhood Plan.

The revised submission must address the previous reasons for refusal which relate to the position of the dwelling on the site and the impact of the proposal on the neighbouring properties and the scale and massing of the proposal and its impact on the street scene.

In terms of impact on the neighbours, the current proposal has removed the high level window on the northwest elevation adjacent to Durley Dene and the remaining two

windows are high level with opaque glass. The bulk of the dwelling has moved forward on the plot such that the impact in terms of being overbearing has been reduced. The neighbour however still has concerns about this aspect of the proposal.

By moving the dwelling forward the front gable of the proposal also moves forward, The neighbour has provided photographs which indicate that the gable will impact on his views, however officers are not able to verify the accuracy of these photos and it must be stressed that the front gable does not extend any further forward than that of the front gable on Durley Dene.

Officers do acknowledge that there will be an impact on some of the views from Durley Dene, when looking towards the extreme south east. however it is a small part of these views and it must also be remembered that private views are not a material consideration in the planning process. It is public views which are material.

The proposal is also now further away from Willows behind the site. There is therefore now a distance of 7.5 metres to the boundary and 8.5 metres to the wall of Willows. There is a secondary window on the elevation of Willows facing the development, which the existing property blocks views from this window. So the proposal whilst higher will not make the situation any worse. As previously stated private views are not material considerations.

In terms of potential for overlooking. The Willows is set approximately 1.4metres above the ground floor of the proposed dwelling. In addition there is a wall and fence of 1.8 m high between the application site and the Willows. The distance between the proposal rear wall and the approved conservatory on the Willows is 12.6 metres, and is from an office window as opposed to a main living space. The existing dwelling has rear windows only 11 metres from the side wall of the Willows, so the proposal is making the situation worse by 1 metre, which officers do not consider to be significantly more than the current situation.

With regards to Highfield which is located on the other side of Parker Road, as previously determined the window to window distance between the two properties is just over 21 metres which is identified in the SPD as being a sufficient distance between two windows. It also has to be acknowledged that there is an existing window on the same elevation. Officers can acknowledge that the perception of overlooking is increased as a result of the increased height of the window, however because the distance complies with guidance in the SPD a reason for refusal cannot be justified.

Landscape:

The site and surroundings lie within the South Devon AONB. Policy DEV25 in the JLP states that this designated landscape must be given great weight in the decision making process and landscape quality and scenic beauty should be conserved and enhanced by development. Policy BP18 in the NP also seeks to protect this valued landscape, also referring specifically to the need to conserve and enhance the natural landscape and scenic beauty of the AONB, as well as wildlife; cultural heritage, built heritage; avoiding light pollution; avoiding development which would cause undue noise or disturbance and retaining the winding paths and lanes in the area.

In this case, it is clear that the applicants want to create a bigger house, but it is also clear that they have attempted to produce the larger house in a way which does not impact significantly on the built form in the surrounding area and respects the building lines, ridge heights, boundary treatments, materials and footprints of surrounding houses. The proposal does introduce more areas of glazing than currently exist, which may have an

impact in terms of more light spill. However the plot is located within an already developed area, set within other dwellings, which will both screen and reduce the impact of light pollution and be seen as part of an area of built development which will already cause some degree of light spill. As the site is well within the built form the impact of the proposed dwelling will not stand out from the surrounding development. By keeping the building low, the proposed building will be seen within and as part of the settlement.

In terms of the proposal conserving and enhancing the natural landscape and scenic quality of the AONB, the site lies within the built up area of the village and the attempts to limit the increase in ridge height; the respect for existing building lines; the retention of the existing boundary treatments, the use of render, which is very common in the area, will all contribute towards conserving the existing character of the area. The natural qualities of the AONB are a short distance away and so the proposed replacement dwelling will not impact on the natural qualities of the wider AONB landscape, but neither will it stand out as something which is incongruous, because of the attempts to limit its impact as discussed above.

The policies also seek to ensure that the proposal enhances the AONB landscape. The proposal retains the grass verge around the site which is a common feature in this part of Bigbury and also proposes enhanced landscaping along the boundaries. A natural stone slip cladding along the lower ground frontage will ensure that this part of the building is recessive. The low boundary wall at the front of the site is also retained with planting above. These measures will ensure that the proposal will blend into and appear an intrinsic part of the area more quickly than if a totally different external finish and boundary treatment were proposed.

It is concluded therefore that the proposal does serve to conserve and enhance the landscape qualities of the AONB by retaining many of the features required in the NP which will allow the proposal to blend more quickly into its context. The proposal meets policy DEV25 of the JLP and Policy BP18 of the NP.

Neighbour Amenity:

There have been a number of letters of objection to this proposal, although less than for the previous proposal as well as some letters of support. As with the previous application, the report will focus on the properties immediately to the north, northeast and south of the property.

Willows

The revised proposal sees the dwelling is located 1.7 metres further towards the front (south) of the site meaning that the bulk of the dwelling will now be 9 metres away from the wall of the neighbouring dwelling to the north (Willows). The dwelling, Willows is located approximately 1.2 metres from the boundary with Barby Lodge.

In terms of loss of privacy to the Willows, there are 3 high level windows in the rear of the proposed dwelling with roof lights above. The room is not a main living area and the high level windows will reduce the ability to overlook the Willows. The proposed dwelling is also set down the hill from the Willows. There is an existing wall and fence along the rear boundary which is approximately 2.3 metres high. There is one window in the end elevation of Willows. The primary windows for the Willows face east and west, where there are equally good views of the coastline and sea. With the lower floor level of the proposed dwelling it is more likely that the Willows would overlook the proposed property rather than the other way around. This was the case with the previous application and the current one.

The proposed dwelling has moved nearly 2 metres back and is now only 2 metres closer than the existing dwelling as opposed to 4 metres closer for the previous application. There is one window in the side elevation which would not be considered to be a primary window. The difference in finished floor levels between the two properties means that the window in the side elevation currently looks at the roof of the existing dwelling. The additional height will not make any difference to the view, because there is currently no view from the side window. In planning law there is no right to a view and so as such there would be no reasonable ground to refuse the application on the basis that a view from a side window would be blocked by the development.

Officers consider that the current proposal is an improvement from the perspective of the the property know as Willows.

Highfield

Concern has also been raised from the neighbour to the south east of the site in a property known as Highfield. Photographs have been supplied that indicate views of the existing dwelling from the garden of this property as well as inside the house. The height and mass of the proposed dwelling at Barby lodge will increase from the perspective of this neighbour. The dwelling will also be approximately 1 metre closer to Highfield. However the wall to wall distance between Highfield and the proposed dwelling would be just over 21 metres. There will also be a boundary wall along the eastern boundary of the proposed replacement dwelling and there is a boundary hedge along the boundary of Highfield.

From the photographs submitted, as existing there is a window in Barby Lodge which faces Highfield. With the proposed plan there are 2 large ground floor windows and a floor to ceiling first floor window proposed, with a Juliette glazed balcony facing Highfield. The revised plan indicates a slight decrease in the size of the floor to ceiling window. The ground floor windows are obscured by the boundary planting along the application site and along the boundary of Highfield.

The proposed window is larger than the existing window on the side of the dwelling. It also has a Juliette balcony (glazed) on the outside of it. This is a building regulation requirement where there is a floor to ceiling window at height. However officers can understand that the occupiers of Highfield would be concerned because of the balcony that occupiers would be standing at the window taking in the views. The Supplementary Planning Document suggests 21 metres is an acceptable distance between windows of properties in terms of overlooking. In this case the windows will be 21 metre away and so as such the proposal complies with the SPD guidance.

The proposal is in compliance with the relevant guidance on distances and so therefore does not impact on the property Highfiled.

Durley Dene.

The proposal is closer to the boundary with Durley Dene than the existing which has a garage width between the two properties. The current proposal reduces the amount of wall which would be visible from the rear garden of Durley Dene, but there is more visible than the existing situation. Whilst it is accepted that the proposal will increase the amount of visible wall, that amount is reduced by approximately 2 metres with the current proposal.

Currently there is a wooden fence and planting on the Durley Dene side of the boundary and a rendered wall on the Barby Lodge side of the boundary. The proposal indicates a

rendered wall, the height of which is not specified on the plans. There is a balance between providing a boundary which prevents loss of privacy and one which appears overbearing. If approved Officers would recommend a condition to secure more details of the boundary with Durley Dene.

There is concern that the rear windows of the proposed dwelling would overlook the garden area of Durley Dene and with the proposed dwelling moving forward on the site, this could be argued to be more likely. However as with many houses located along a road, there is invariably an amount of overlooking to neighbours garden areas. However with the building located where any overlooking would be from an oblique angle and only to the rear of the garden at Durley Dene.

Concerns about the impact of the front facing gable part of the proposed scheme have been raised and photographs with the extension superimposed on to it have been provided by the objector to demonstrate the impact of both the gable itself and also the area of balconied decking in front of the gable. In reviewing the impact of the gable, it does extend in front of the building line and as a result does impact slightly on the view currently enjoyed by the occupiers of Durley Dene. However as previously stated in planning lay private properties are not entitled to a view. However it should be noted that Durley Dene as indicated in the photos has a view from the headland in front of Bantham across the bay over the top of the bungalows in front on Cleveland Drive to Burgh Island and beyond.

The additional concern by this neighbour is that because of the area of decking in front of the gable, there will be an opportunity to overlook their front garden and potentially look into the windows of their property. The applicant has responded to this issue by reducing by 300 mm the width of the decking to 1.5metres and also indicates that the purpose of the decking in this location is not for sitting out purposes as there is plenty of other space for sitting out, but as a means of accessing the decking from the pedestrian access along the side of the proposed dwelling. If this is the case the only overlooking possible would be when [people are exiting the decking from this point. The potential for this route to cause harm by overlooking is therefore minimal.

The occupiers of Durley Dene, in their letter of representation provided images of the shadowing diagrams submitted with the planning application. The objector suggested that the increased height of the proposal dwelling would lead to a considerable loss of light into their rear garden.

Having reviewed the photographs submitted and considered the proposal against the SPD, it is considered whilst there may be some small loss of light for some parts of the day (in the morning) in the winter months, but not so much that it would harm the residential amenities to any great extent.

It is considered that the impact on the neighbouring properties will not harm their residential amenities any more than is already the case.

Highways/Access:

Access to the plot remains as existing, with an additional opening proposed onto Parker Road, so as to allow for an in and out flow for vehicles. The Highway Authority have not made any comments on this and it is considered that the area does not suffer from any passing traffic and only those that reside in the properties in this part of Bigbury use the roads. The roads are relatively narrow and so excessive speeds are not possible. The proposal is for a replacement dwelling and therefore there will not be any significant

increase in traffic as a result of the development. As such the use of the additional egress point for the one family that will occupy the property, is acceptable from a highway safety perspective.

Drainage:

The proposal for drainage is to retain the link to the foul sewer and South West Water have confirmed that this is acceptable to them. They have also confirmed that an attenuated surface water discharge is acceptable if soakaways are not acceptable. The proposal indicates that surface water will be disposed of in the existing main sewer, which is as existing. Policy DEV35 in the JLP requires that drainage solutions should provide sustainable urban drainage systems, such as soakaways or attenuation, or other more natural forms of surface water management on site. The site lies in Flood Zone 1 where the likelihood of flooding is of lowest risk. As a detailed scheme for the disposal of surface water run off has not been provided, I will add a condition to the consent for a soakaway or attenuation tank proposal for surface water drainage to be submitted prior to the commencement of development. It is considered that it is needed prior to commencement because drainage will be one of the first aspects to be considered when undertaking ground works on a site.

Ecology:

An ecology report was submitted in support of the application, which identifies that “The proposed demolition of the bungalow will not disturb or harm bats; will not disturb, obstruct or destroy any areas used by bats for roosting; will not affect the distribution or abundance of local populations; will not impact on any potential foraging habitat; and will not have an adverse impact on any commuting activity.

No further survey work or mitigation is necessary.”

Neither were there any signs of bird nests or bird nesting activity. No reptiles were found at the time of the survey, however there was some habitat which would be suitable for slow worms and whilst none were found, the report suggests a precautionary approach at the commencement of development.

Two bat boxes are recommended to help achieve net gain in biodiversity. It is proposed to place a condition on the consent to ensure adherence to the ecology report and its recommendations.

Climate Change: The proposal has identified a number of ways in which carbon reduction measures can be incorporated within the scheme,

The roof is proposed as slate, but will also incorporate PV slates.

Air source Heat pump and water recycling

Use of Nudura which is an insulated concrete formwork for construction, which has very little waste products.

Policy DEV32 seeks to ensure that any new development reduces its carbon footprint. It is considered that the measures proposed would help reduce the developments carbon footprint in accordance with the policy.

Objections from the Parish Council and the Bigbury Neighbourhood Plan Group.

Many of the concerns raised by objectors to the proposal, the Parish Council and the Neighbourhood Plan group have been discussed in the report, particularly with regard to

the JLP and the NP policies, however this section deals with those concerns not previously covered.

The impact of the dwelling on the corner of the junction of Cleveland Drive and Parker Road and the impact on the street scene. The Parish express the view that this will be more significant now because of the fact that the dwelling is further forward on the site. Bringing the dwelling forward will mean that it is closer to the corner and because the land slopes down Parker Road, the proposed dwelling will seem more prominent on the corner. However it is still not as far forward as the existing dwelling on the site. The Parish contend that this impacts on the character of the area as the area is predominantly bungalows. The presence of the proposed dwelling on the corner will be more than the previous proposal, but what must be examined is the harm that will cause. The dwelling itself is slightly higher and the undercroft will be mainly hidden from the road by the walls and hedging along the boundaries of the site. Officers are not convinced that the harm would be significant.

The timber decked terrace would be a dominant feature. Officers concede that the timber decking does make the appearance of the proposed dwelling larger, this is because of the fact that the undercroft level has been built and so the decking appears to be at a higher level. However it is no higher than the existing ground floor of the dwelling on the site. As the land in front and underneath the proposed dwelling will be excavated, the impact of the decking is emphasised. In this application the size of the deck has been reduced.

Lack of space to park 3 cars.

The area of land at the front of the proposed dwelling has been reduced in size as a result of bringing the building forward. The space now measures 17 metres across by between 5.7 metres and 5.5 metres. A standard parking space is 2.4 m by 4.8 m, so 3 cars would be able to be parked in front of the property.

Officers do not consider that the replacement dwelling will be out of proportion by virtue of the fact that the ridge height has increased by a minimal amount; the footprint is only marginally larger. It is just that the architect has utilised the sloping nature of the site to accommodate garaging and has incorporated rooms in the roof in order to reduce the impact of the increase in size of the accommodation. In relation to the accommodation provided the mass and scale and bulk has been kept to an absolute minimum.

Noise impact

The design does include a lot of decking, which does give the impression that the proposal is larger than it actually is. However the use of decking in garden areas is not a policy concern. Use of garden areas for play, socialising and so on could occur in any of the gardens in this area and is not made worse by the use of decking instead of grass.

Overdevelopment of the plot

The garden area around the proposed dwelling meets the SPD guidance for garden/amenity space for a detached dwelling. It is therefore not considered to be an over developed plot.

The NP seeks to not raise ridge heights.

The NP policy, in relation to ridge heights states following:

“Reduce or retain the maximum height of roofs including those of extensions on new build or alterations and extensions to existing properties to that of the original, unless the

increase in roof height is consistent with that of neighbouring properties and/or does not impede on the views of surrounding properties.”

The proposal is consistent with the general roof heights in the area. There is not a consistent ridge height along Cleveland Drive. The proposal changes the roof height such that it is 500mm above Durley Dene. Currently Durley Dene ridge height is 870mm higher than Barby Lodge. These figures do not however indicate significant increases in ridge height and in line with the NP policy BP7.

Conclusion

This previous planning application was refused for the following reasons:

1. The proposal by virtue of its new position on the site, creates a negative impact on neighbouring properties to the north, west and east in terms of overlooking and the perception of overlooking, being dominant and overbearing and causing a loss of outlook contrary to policy DEV1 of the Plymouth and South West Devon Joint Local Plan and policy BP7 of the Bigbury Neighbourhood Plan and para. 127 of the NPPF 2019
2. The scale and massing of the proposed dwelling would have a negative impact on the street scene and as such be out of character with the area contrary to policy DEV20 in the Plymouth and South West Devon Joint Local Plan and policy BP7 of the Bigbury Neighbourhood Plan as well as para. 127 of the NPPF 2019.

In reviewing this proposal against the reasons for refusal, officers consider that the relocation of the dwelling reduces the amount of wall on the boundary with Durley Dene at the rear; prevents overlooking of the rear garden by taking out the long window and obscure glazing the high level windows. It does result in the front gable extending forward of Durley Dene and thereby blocking out a small part of the view when looking to the south east. The coastline along from Bantham and the sea at Bantham and the sea along to Burgh Island remain in that view. Officers have concluded that this small obstruction to the view is not significant enough to warrant refusing the application. With regard to the potential for overlooking from the narrow part of the decking in front of the proposed bedroom gable, this will form the entrance onto the balcony and so is not likely to be a space where people will stand and look into the adjacent property at an oblique angle.

For Willows, the dwelling is moved to 9 metres away and there is an increase in height of just under a metre, which was the same as previously. There is no loss of view to the south west as the existing dwelling already blocks that view. The relocation does create a little more space between Willows and Barby Lodge and the difference between the existing dwelling and proposed is now reduced to 2 metres. Officers do not consider that the proposal impacts negatively on the residential amenity currently enjoyed by the occupants of Willows.

With regard to Highfield the changes made, indicate a reduction in the width of the decking along the eastern boundary of the site. The owners of Highfield were concerned about the potential for noise from the decking. The decking along the eastern edge has been reduced to a width of 2 metres, which could still be used for sitting out and until the hedge grows up along the side of the proposed dwelling, could result in overlooking from a standing position. However the distance between the decking and Highfields is 21 metres or more and noise can emanate from nearby properties whether there is decking, grass or hardstanding in the garden.

Conclusion

Officers consider that the revised scheme has overcome the first reason for refusal. With regards to the second reason for refusal, the proposed revisions have not reduced the size of the proposed replacement dwelling.

Officers recommended the previous application for approval because it was their professional opinion that the proposal was acceptable and met planning policy. The revised scheme in essence is the same as the previous proposal but essentially moved forward in the plot to reduce the impact on the two closest neighbours. Officers are still of the view that the proposal is acceptable and meets planning policy but the revised scheme does not address the 2nd reason for refusal as no reduction in size has been achieved. As officers were of the view that the scale was not an issue previously then the recommendation for this application must be to approve the scheme.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Bigbury Neighbourhood Plan is a Made Plan.

The relevant policies are:

BP2 Other housing development
BP4 Principal Residence
BP9 Design

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

South Devon AONB Management Plan and Planning Guidance

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2.The development hereby approved shall in all respects accord strictly with drawing number(s) DGA P01 Location Plan: DGA P11 Proposed elevations received on 14/07/2021
DGA P12 Rev A Proposed elevations
DGA P12 Rev A Proposed elevations, received on.
DGA P08 Rev A Proposed site plan
DGA P06 Rev A Proposed ground floor plan
DGA P09 Rev A Proposed entry level plan
DGA P07 Rev A Proposed first and roof plan, received by the Local Planning Authority on , 10/09/2021.

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.No development shall commence beyond slab level until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4.If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.
Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

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

5.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) no openings other than those authorised by this permission shall be at any time be inserted in the west elevation of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

6.Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting this Order, no development of the types described in Part 1 of the Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission.

Reason: To enable the Local Planning Authority to exercise control over development, which could materially harm the character and visual amenities of the development and locality in the interests of the character and appearance of the area.

7. Notwithstanding the plans approved under this consent no new windows shall be installed in the west elevation of the dwelling hereby approved unless otherwise approved in writing with the Local Planning Authority.

Reason: To protect the privacy of the neighbours rear garden.

8. Prior to commencement above slab level a landscaping scheme for the site, to include boundary planting shall be submitted to and agreed by the Local Planning Authority. The landscaping shall be implemented in accordance with the agreed plans

The approved landscaping scheme shall be implemented in the next available planting scheme after completion of the development hereby approved and shall be maintained and replaced as necessary for a period of 5 years from the date of implementation.

9. The garage hereby approved shall be used for the parking of vehicles and domestic storage only and shall not be used for any other purpose without the express written consent of the Local Planning Authority.

Reason: To prevent use of the garage for purposes which are unsuitable in a residential area.

10. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 3rd September 2020, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

11. No development shall commence beyond the demolition of the existing building until the details of the surface water and foul water system to be installed is submitted to and approved by the Local Planning Authority. The foul and surface water drainage shall be submitted in accordance with the approved plans.

Reason: To ensure there is appropriate drainage installed on the site which meets policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

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

(a) the timetable of the works

(b) daily hours of construction

(c) any road closure

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements taking place on Sundays or Bank holidays unless agrees by The local Planning Authority in advance.

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases

(g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present on the site;

(i) the means of enclosure of the site during construction works;

(j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;

(k) details of wheel washing facilities and obligations;

(l) the proposed route of all construction traffic exceeding 7.5 tonnes;

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

Reason: In the interests of Highway Safety.

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander and Ugborough

Parish: Ugborough **Ward:** Ermington

Application No: 0788/21/OPA

Agent/Applicant:

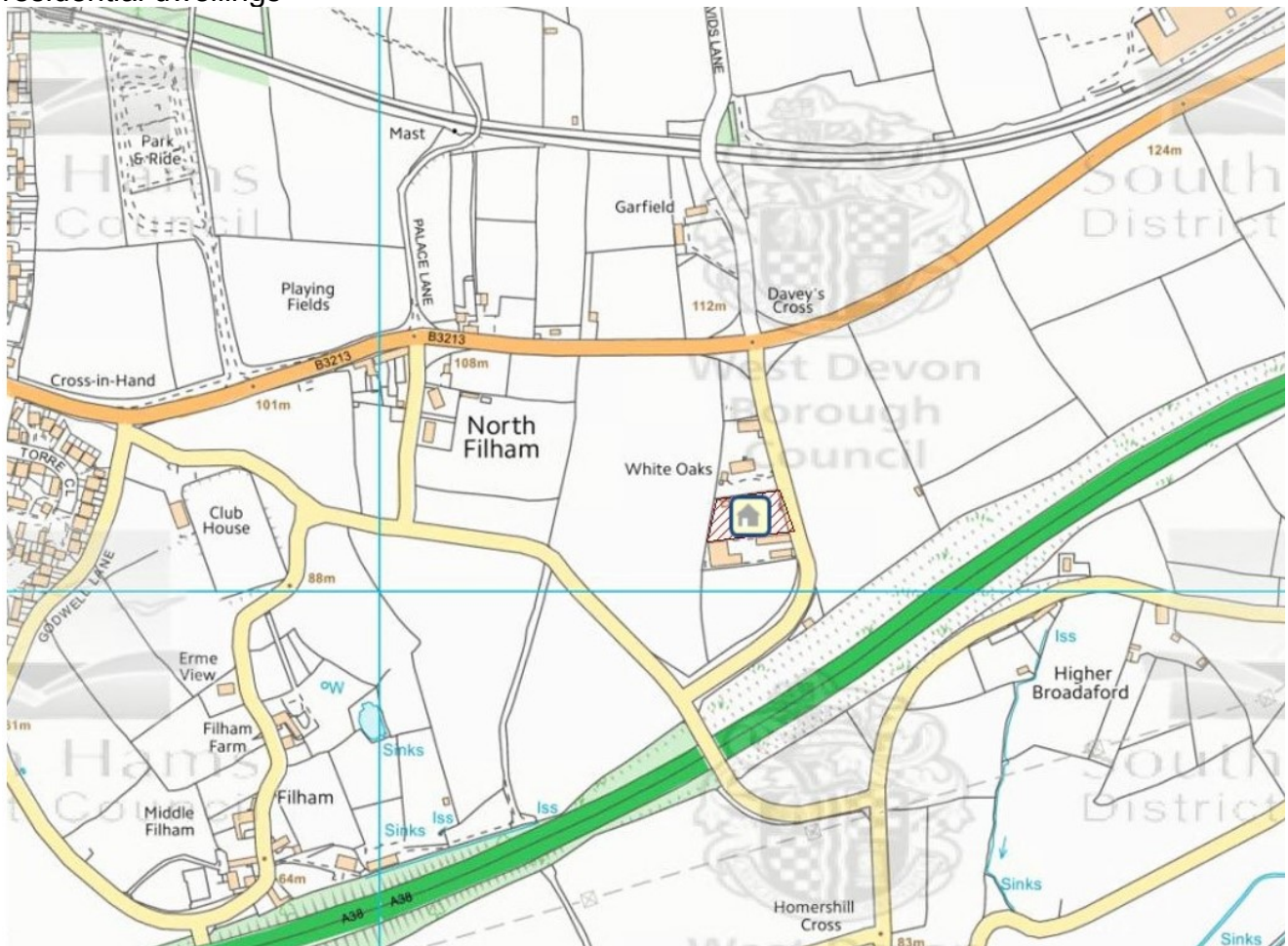
Mrs Rachel French
Whiteoaks
Davids Lane
Filham
Devon
PL21 0DW

Applicant:

Mrs Rachel French
Whiteoaks
Davids Lane
Filham
Devon
PL21 0DW

Site Address: Whiteoaks, Davids Lane, Filham, PL21 0DW

Development: Outline application with all matters reserved for construction of 2 residential dwellings



Reason item is being put before Committee: Councillor Holway would like the application to be considered by Committee because he felt the Inspector had implied that once the adjacent allocated development had been approved and constructed, it may change the nature of the area.

Recommendation: Refusal

Reasons for refusal

1. The proposed development of two dwellings in a countryside location fails to follow the strategic approach in the Plymouth and South West Devon Joint Local Plan (SPT1, SPT2 and TTV1) and with no agricultural, forestry or occupational need for them to be located in this rural area, would be harmful to the special characteristics and role of the countryside and contrary to Policy TTV26 of the Plymouth and South West Devon Joint Local Plan and the NPPF 2021 paragraph 80.

2. The proposed location in the countryside is too far removed from the nearest settlement to enable a walk or cycle to local community facilities, meaning that the development of family housing is considered to be in an unsustainable location contrary to the strategic principles of the Joint Local Plan for Plymouth and South West Devon and specifically Policy SPT1, SPT2 and TTV1 of that Plan as well as guidance in paragraph 8 of the NPPF 2021.

3. The development of two new dwellings and associated domestic paraphernalia would impact negatively on the rural character of this area, which despite there being some local development still presents as essentially sparsely developed and rural in nature, contrary to Policies DEV20 parts 2 and 3 and DEV23 in the Plymouth and South West Devon Joint Local Plan and Policy UG11 and UG12 in the Ugborough Neighbourhood Plan, as well as para. 78 in the NPPF 2021.

4. The proposal indicates provision for two 4 bedroom dwellings, where the locally identified need is for 3 bedroom or smaller terraced housing and so as such the locally identified need is not being met, contrary to policy DEV8 in the Plymouth and South West Devon Joint Local Plan and para. 78 of the NPPF 2021.

5. The development would require a large visibility splay from the entrance to the site which could result in significant hedgerow loss, the impact of which would be harmful to the rural character of David's Lane, contrary to policy DEV23 of the JLP and UG12 of the Neighbourhood Plan, and guidance in the NPPF 2021, para. 130.

6. Insufficient information has been submitted to demonstrate that the site in a critical drainage area can provide appropriate attenuation to slow down the flow of surface water in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan and para. 167 of the NPPF 2021.

7. The proposal has failed to provide for the impact of the development on the Tamar Estuaries Special Area of Conservation, contrary to policy DEV of the Plymouth and South West Devon Joint Local Plan and para 174 of the NPPF 2021.

Key issues for consideration: Location of the development; adjacent allocated residential site; local housing need; neighbour amenity; landscape impact; highways.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they

can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

A disused former campsite on the eastern edge of Ivybridge. The site is currently an open grassy paddock with modest former amenity buildings to the camp site. The site is bounded by a large detached dwelling in a large plot to the north, a large residential development site under construction to the west, light industrial units to the south and open fields to the east. The site is accessed from a road that runs along the eastern boundary. The boundaries are defined by mature hedges and trees.

The Proposal: Outline permission is sought for the construction of two detached dwellings

Consultations:

- County Highways Authority – no objection given planning history but recommend improvements to visibility splay and hard surfacing of first 6m of site access.
- DCC Ecology – No objection subject to conditions
- Drainage – Object: Insufficient information – request drainage plan and soakaway percolation test
- Ugborough Parish Council – support.
- Strategic Planning: Object.
Summary
 - The site location remains the same as the previous refused planning application and dismissed appeal.
 - the distance from existing services and amenities remains the same as the previous refused planning application and dismissed appeal.
 - The application site is still functionally separate from TTV7, it is physically removed by the existing site boundary and there are not any new community facilities and services provided by TTV7 which would constitute a material change in the sustainability credentials of the application site since the previous decisions at the site.
 - The site is associated with the rural pattern of development on Davids Lane and to the east of TTV7.
 - The site is not considered to be within Ivybridge neither is it part of a separate smaller town, key, or sustainable village and thus is considered to be within the “countryside” as defined by Policy TTV1 of the JLP.
 - The proposal remains the same and the applicant has not attempted to provide evidence of unmet affordable or occupational housing need to accord with Policy TTV27 or TTV26. Such considerations are required by Policy TTV1 when considering proposals in the countryside, including those on the outside edge or near to settlements.
 - The current application is therefore in conflict with policy TTV1 of the JLP.
 - The site does not qualify for support from Ugborough Neighbourhood Plan Policy UG5 due to existing policy conflict with JLP Policy TTV1, however would not fulfil criteria two in any case.

Representations:

Representations from Residents

comments have been received both in support and objection to the development, covering the following points:

Support (2 letters)

- Site is well served by local amenities and transport links
- Proposal would fit in with other development in the surrounding area

Object (1 letter)

- There is already too much development in the Ivybridge area and local infrastructure cannot cope, this development would add to the existing pressures.

Relevant Planning History

1486/18/PRE Proposed construction of two detached dwellings

1386/19/OPA Construction of two dwellings – Refused (Appeal Dismissed)

The Appeal was dismissed. The Inspector indicated that the site was located in the countryside as identified in policy TTV1; it was not in a sustainable location in regards to access to facilities and services. In relation to the allocated site adjacent the Inspector concluded that *“Whilst I acknowledge the allocation of this site within the development plan, there is no guarantee that the site will be developed or indeed when; whether functional links would be provided between services and the appeal site; or the specific form of development within the allocated site. Although the situation may change in the future this is the circumstance at the present time.”* [officer underlined]

In relation to the idea of the site being infill development the Inspector concluded.. *“Owing to the separation between developments, in my mind it also represents a substantial gap in the frontage between built form and does not represent a logical infill site for the purposes of UG5 of the Ugborough Neighbourhood Plan 2018 (NP).”* He further described the surrounding area as *“loose-knit and informal in its form.....the addition of two dwellings within the site would further consolidate built form in this area at odds with the generally dispersed pattern of development.”*

ANALYSIS

Principle of Development/Sustainability:

This is resubmission of an application which was refused in 2019 and then dismissed at appeal in January 2020. The previous reasons for refusal are provided above and the Inspector concluded that the site was in the countryside and therefore the Strategic policies SPT1 and SPT2 were relevant to the consideration, as was TTV1. He described the site as follows:

...” it would fall within category 4 smaller villages, hamlets and the countryside where development is only permitted where it supports sustainable development and communities (as detailed in SPT1 and SPT2) and detailed within TTV26. In this regard I consider Policy TTV26 ‘Development in the countryside’ is of direct relevance to the appeal proposal.”

In considering this new application, the only change that has occurred since the refusal and dismissed appeal is the fact that the allocated site on land to the west of this site has begun to be built out. Therefore the nature of the land to the west has changed.

The applicant in their planning statement suggests that *“the Bloor Homes scheme immediately to the west of the site now has planning permission and is under construction,*

therefore it is clear that the site can no longer be considered as a countryside location but rather it is at the edge of the main town of Ivybridge.”

They go on to suggest that it is no longer primarily a rural landscape and neither is it sparsely populated. In actual fact the site is still rural in character and the area to the north west and south retains the rural character. That landscape has not changed as a result of the development of the allocated site. It is still sparsely developed.

The D&A also makes reference to other developments in the area, which are coming forward. (TTV6 site(57/2472/14); Springfield Orchard(4254/20/FUL) and two dwellings at Filham cottages (0786/16 and 1534/19).

The first site referred to is an allocated site in the JLP and so has undergone significant assessment through the JLP process. The Springfield Orchard site has yet to be determined and in any case is an exception site, because it is for affordable and social rent housing. The third development at Filham was granted after an appeal against non-determination when the Council did not have a 5 year housing land supply, judged the site to be in a sustainable location because of its position adjacent to the settlement boundary in place in 2016.

As with the previous application, the principle of this development falls to be considered against the housing strategy and detailed policies in the Joint Local Plan (JLP) for Plymouth and South West Devon. The relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how sustainable development should be delivered in the JLP Plan area. In addition TTV1 is relevant as it deals with housing in the Thriving Towns and Villages Policy Area, within which the application site is located.

In relation to SPT1 it promotes sustainable development, and sets out the environmental economic and social aspects of sustainable development. This strategic policy underpins the other policies in the Plan which supports sustainable development across the Plan area

SPT2 ensures that sustainable development is delivered in the Plan Area and in this case, the proposal fails to meet some of the criteria which are contained within the policy. Criteria 1 is concerned with access to community facilities, such as shops, health services, daily needs. The site is not well placed for this and would be reliant on a car, the application site is too far removed from the services and facilities of Ivybridge to be considered walkable. The centre of Ivybridge is nearly 2 km away and the Community School is approximately 1.6 km away. The road to these places has a pavement but has no street lights for the first kilometre and the pavement is narrow and of poor quality in many sections. This site is not in a location which allows for easy walking and cycling to local facilities and services. It is therefore an unsustainable location and contrary to SPT2 of the JLP.

The adjacent allocated site whilst next door does not provide any route from the application site through TTV7 to the facilities in Ivybridge. Therefore the proposal site remains distant from the facilities which would indicate that it is in a sustainable location. Any walking and cycling routes to Ivybridge this remain the same as when the previous application was refused and dismissed at appeal.

The application site is located at the east of TTV7, further away from the town, and is separated by continuous established mature border planting. There would be neither new direct pedestrian nor vehicular access between the two sites and TTV7 will not be providing new community facilities for which new family homes at the application site would benefit.

The application site is most related in character to Davids Lane where the vehicular and pedestrian access is proposed. This area is predominately characterised by loose knit commercial and agricultural buildings as well as open farmland and its associated hedgerow borders. Although there is a residential dwelling north of the application site on Davids Lane, the route remains a single track unpaved country lane bordered by Devon banks and no pavements and not a residential street. Any new residents would be required at times to walk towards oncoming traffic to reach the B5034, further lowering the desirability of active travel contrary to the aspirations of the JLP.

The Policy officer in his response states: *The distance of the site from services and facilities coupled with its rural characteristics do not lead to the conclusion that the application site is a part of the main town of Ivybridge, neither is it part of a separate smaller town, key village, or sustainable village as identified by TTV1. The site does not relate well to the existing edge of settlement, and the completion of the adjacent allocated site does not alter this relationship, since the eastern boundary of TTV7 comprises of a single continuous hedge that clearly marks the edge of its built form. The location of the application site therefore falls within the last tier of adopted settlement hierarchy – “Smaller villages and the Countryside”. In such locations TTV1 states that “development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.”*

In this case, policy TTV26 sets out the relevant expectations for residential development in the countryside adjacent to or near to the edge of existing settlements. To accord with this policy, the applicant needs to consider whether it is possible to prove an agricultural, forestry or other rural occupational need for housing at the application site to accord with Policy TTV26 2(iv). Without such evidence the proposal is in conflict with policy TTV1 of the Development Plan.

The conflict with TTV1 disqualifies the proposal from support of Ugborough Neighbourhood Plan Policy UG5 which provides support to infill development subject to a proposal being otherwise “development that complies with planning policy”. Officers do not consider the site fulfils the requirements of an UG5 infill site as defined by the Ugborough Neighbourhood Plan, a “small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings”. As was the conclusion of the Inspector at the previous appeal. *“Owing to the separation between development, in my mind it also represents a substantial gap in the frontage between built form and does not represent a logical infill site for the purposes of UG5 of the Ugborough Neighbourhood Plan 2018 (NP).”*

Housing need

A further in principle issue with the provision of new housing is the consideration of whether the housing type, size and tenure meets a locally identified housing need. Policy DEV8 in the JLP provides the basis of this consideration. It states:

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

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

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

ii. *Housing suitable for households with specific need.*

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

Whilst the proposal is in outline, the D & A and site plan propose two detached 4 bedroom open market dwellings. The ONS data for this area indicates that there is an oversupply of 4 bedroom dwellings and an undersupply of 3 bed dwellings and terraced housing . The SHMNA data indicates that 2 and 3 bedroom units are the current local housing need.

In terms of tenure, there is an overall need for affordable housing in the South Hams and there is a focus on the need for smaller 1 and 2 bedroom units.

The NP discusses in the housing section the need for affordable and general housing. It also makes reference to the type of housing needed, as follows:

“This Plan seeks to encourage a mix of housing types which meet locally identified needs, including housing suitable for older people and homes for young people and families wishing to remain in the Plan Area. This will ensure the Plan Area continues to have a diverse population through offering a variety of housing, including affordable homes.

The new housing will be made up of a variety of housing:

Small pockets of development including affordable homes, self-build and open market housing. This will be within or close to the existing boundaries of settlements, with consideration given to access to major roads, public transport and key services. (Reference JLP Policies TTV30 and TTV31).

Conversions of redundant farm buildings.

Infill of single dwellings where appropriate.”

The NP acknowledges that development in most parts of the Plan Area are unlikely to meet sustainability criteria, due to constraints of the road network; lack of public transport and absence of local services as well as impact on the landscape. The application site is just such a site.

The NP also refers to the allocated sites to the east of Ivybridge in the JLP part of which do lie within the Ugborough NP area. These sites it suggests”*will meet local need, including affordable homes. Not only will the Filham developments meet the small number of affordable homes needed in the Plan Area but also will provide housing in a sustainable location with good access to public transport, the major road network, locals services and facilities and local schools.”*

Officers therefore conclude that the proposals do not comply with the NP or the JLP and in terms of housing need, there is not currently a requirement for 4 bedroom detached dwellings, contrary to Policy DEV8 in the JLP.

Design/Landscape:

The design and landscape issues have partly been considered in the principle section above, as with the principle of the proposed development the landscape issues as discussed in the previous application for this site, remain relevant.

The site has no specific landscape designations. It remains to be associated with the primarily rural landscape to the east, rather than the development to the west. There is a mature Devon hedge between the allocated site and this site and that provides a robust edge to the allocated site.

The current proposal fails on the same basis as previously. It would serve to consolidate the development in the area which is currently sparsely populated with ad hoc developments rather than there being any sense of a hamlet or community.

Whilst there was a caravan site many years ago, in recent years the site has been a green field contributing to the rural landscape character. The introduction of two additional dwellings would therefore still lead to consolidation of sparsely located development in a rural area. And as such in landscape terms it would have a detrimental impact on the primarily rural character which currently prevails, which would be contrary to policy DEV20 of the JLP and the issues identified by the Inspector remain *“I conclude that the proposal would have a significantly harmful effect on the character and appearance of the area and would not accord therefore with Policy DEV20 of the JLP which seeks to, amongst other things, ensure that development has regard to pattern of local development and sense of place; and Policy UG5 of the NP that seeks infill sites that are within a restricted gap in a continuity of existing frontage or built up area.”*

The NPPF defines Previously Developed Land as follows:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

The site is a green field where the remains of any earlier surface structures have since blended into the landscape such that the site is no longer considered to be previously developed land.

Neighbour Amenity:

The applicants' dwelling would be the nearest neighbour to the proposed two dwellings, and whilst at this stage the application is in outline, the applicants have indicated that they would be proposing 1 and ½ storey properties to avoid impacting on Whiteoaks, in terms of loss of privacy and being overbearing. As currently proposed there would not be an adverse impact on residential amenity of Whiteoaks if restricted to 1.5 storeys by planning condition, and therefore accords with JLP policy DEV1.

Highways/Access:

The Highway Authority have acknowledged the caravan site previously on the site. Detailed drawings of the proposed access have not been provided as the proposal is currently in outline with all matters reserved. There is currently a field gate access to the site. A block plan has been submitted with the application indicating an access road to the two proposed dwellings. Parking is shown to be provided for each dwelling. A turning area is also indicated for each dwelling.

In terms of visibility splay, the Highway Authority indicate that a splay of 33m x 2.4m x 33m x 600mm height is provided to account for 25mph conditions. The proposal indicates 20 metres, which would be appropriate for a 30mph road. At this stage therefore the proposal

does not meet the required visibility splay as set out in Highways consultation response. It could be argued that as access is not proposed at this stage that these detailed design issues could be considered as part of the reserved matters application. However it should be noted that with a much longer visibility splay were required it could result in considerably more hedgerow cut back or loss, which would also impact on the rural character of Davids Lane.

Drainage

The drainage proposed for the site is surface water to go to a soakaway and foul drainage to be dealt with via a septic tank. The site lies within a Critical Drainage area, where the environment agency have identified the risks of flooding. The advice in such areas is that : *any site, discharging surface water to a watercourse or public sewer, must attenuate the flow to mimic the green field runoff for a 1:10 year rain fall event.* There is insufficient information provided to indicate whether the proposals would meet these requirements, which often require some kind of attenuation prior to discharge either to a private sewer or a watercourse.

Ecology:

The ecology report submitted in support of the application, is an update of the survey submitted for the previous refused application. The update confirms that the site is effectively the same as previously.

The update concludes that the Oak and hawthorn trees in the eastern boundary should be safeguarded but the Ash may need removing because of Ash dieback. It also states:

It is important to retain the tree line along the boundaries as 'linear commuting features' which are likely to be of value to bats and birds using the area. Replacing the Ash with Sycamore will help to provide faster growing screening and also provide a suitable replacement to Ash for some dependent wildlife species.

In conclusion the report states that

The large amount of development currently taking place to the north and immediate west of the Site is likely to have significantly eroded the value of the survey Site to wildlife and the introduction of further predators in the form of domestic cats is likely to have a knock-on effect on the suitability of the Site for nesting birds, reptiles, amphibians and small mammals.

DCC ecology have reviewed the survey and have no objections subject to suitable conditions.

Biodiversity:

The outline submission does not contain any biodiversity information, so if the proposal were to be approved a condition would be required which would secure biodiversity net gains in accordance with policy DEV26 of the JLP.

Climate Change: Policy DEV32 seeks to ensure that all new development supports the aim of reducing the carbon footprint of the development to meet the Plan Area target to halve 2005 levels of carbon emissions by 2034. As this application is in outline, with all matters reserved it would be necessary to add a condition if the application were to be approved to secure appropriate measures to reduce the carbon footprint of the development proposed.

Tamar European Marine Site

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of

the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by a Section 106 Agreement, but would be required to be secured prior to any decision being made if it were to be approved.

Conclusion:

The principle of the development is at odds with the current Development Plan and therefore the application is recommended for refusal.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of 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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is 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 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV7 Land at Filham
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1

Ugborough Neighbourhood Plan is a Made Plan.

Relevant policies:

UG3: Traffic flow

UG4: New housing

UG5: Infill sites

UG11: Landscape character

UG12: Design

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8, 11, 47,55, 74, 75,79,80, 126, 157, 167,174, 180 and guidance in Planning Practice Guidance (PPG). SPD

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 6-Oct-21

Appeals Update from 25-Aug-21 to 23-Sep-21

Ward Dartmouth and East Dart

APPLICATION NUMBER: **0673/21/HHO** APP/K1128/D/21/3277812
APPELLANT NAME: Mr Cawley
PROPOSAL: Householder application for erection of an amateur radio aerial (part retrospective)
LOCATION: 16 Yorke Road Dartmouth TQ6 9HN **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 21-September-2021
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Kingsbridge

APPLICATION NUMBER: **3943/20/FUL** APP/K1128/W/21/3276041
APPELLANT NAME: Mr & Mrs J Perry
PROPOSAL: Erection of replacement dwelling and garage, relocation of access and associated works
LOCATION: Appleford Bowcombe Road Kingsbridge TQ7 2DJ
APPEAL STATUS: Appeal decided
APPEAL START DATE: 25-June-2021
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 22-September-2021

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **3629/20/FUL** APP/K1128/W/21/3279039
APPELLANT NAME: Mr Nick Grodhunce and Dave Pollard
PROPOSAL: Application for demolition of outbuildings, reconfiguration of Post Office and construction of 2 no. new dwellings with associated parking
LOCATION: 5A Butt Park Terrace Churchstow TQ7 3QN **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 26-August-2021
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Marldon and Littlehempston

APPLICATION NUMBER: **4148/20/FUL** APP/K1128/W/21/3272800
APPELLANT NAME: Mr Aaron Doonan
PROPOSAL: Construction of self build detached dwelling and associated landscaping
LOCATION: Land Adjacent To Lower Westerland Farm Totnes Road To Westerland Lane Marldon TQ3 1RU **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 25-May-2021
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 25-August-2021

Ward Newton and Yealmpton

APPLICATION NUMBER: **0693/20/FUL** APP/K1128/W/21/3269242
APPELLANT NAME: Mr J Steven
PROPOSAL: Construction of six accessible holiday lodges and associated landscaping and biodiversity enhancements
LOCATION: Alston Hall Holbeton PL8 1HN **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 26-May-2021
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 21-September-2021

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **1770/20/FUL** APP/K1128/W/21/3271970
APPELLANT NAME: Mr David Watkins
PROPOSAL: READVERTISEMENT (Revised site description) Provision for general purpose agricultural building

LOCATION: Land at SX 726 406, Malborough associated with Land at Lower Mill park West Alvington **Committee**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 10-May-2021
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-September-2021

Ward Stokenham

APPLICATION NUMBER: **0265/20/ARM** APP/K1128/W/21/3272629
APPELLANT NAME: Acorn Property Group
PROPOSAL: READVERTISEMENT (Revised Plans Received) Application for approval of reserved matters following outline approval 0771/16/OPA (Resubmission of 3193/18/ARM)
LOCATION: Field To Rear Of 15 Green Park Way Port Lane Chillington **Committee**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 26-May-2021
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 01-September-2021

APPLICATION NUMBER: **3193/18/ARM** APP/k1128/W/20/3247657
APPELLANT NAME: Acorn Property Group
PROPOSAL: READVERTISEMENT (Further Revised Plans Received) Reserved Matters application for the development of 64no. dwellings (including market, affordable and retirement housing), landscaping and associated works following grant of Outline consent 0771/16/OPA
LOCATION: Land to the rear of Green Park Way Chillington TQ7 2HY **Committee**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 17-June-2020
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 01-September-2021

Undetermined Major applications as at 24-Sep-21

	Valid Date	Target Date	EoT Date
0612/16/OPA Patrick Whymer Brimhay Bungalows Road Past Forder Lane House Dartington Devon TQ9 6HQ	8-Aug-16	7-Nov-16	
Outline planning application with all matters reserved for redevelopment of Brimhay Bungalows. Demolition of 18 Bungalows to construct 12 Apartments, 8 units of specialist housing for Robert Owens Community Clients and up to 10 open market homes.			
	Valid Date	Target Date	EoT Date
3704/16/FUL Charlotte Howrihane Creek Close Frogmore Kingsbridge TQ7 2FG	22-Nov-16	21-Feb-17	1-Oct-21
Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)			
	Valid Date	Target Date	EoT Date
3749/16/VAR Charlotte Howrihane Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG	23-Nov-16	22-Feb-17	1-Oct-21
Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F			
	Valid Date	Target Date	EoT Date
3628/17/FUL Patrick Whymer Oak Tree Field at SX 778 588 Tristford Road Harberton Devon	20-Nov-17	19-Feb-18	28-Feb-21
Erection of 12 dwellings, workshop/office, associated landscaping and site development works			
	Valid Date	Target Date	EoT Date
0936/19/ARM Bryn Kitching Land at SX 857 508 adjacent to Townstal Road West of Dartmouth Dartmouth	15-Mar-19	14-Jun-19	31-Dec-21
READVERTISEMENT (Revised plans received and amended development description) Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR for layout, scale, appearance and landscaping for 123 dwellings, public open space, landscaping and associated works and approval of details reserved by conditions 5, 6, 8, 9 & 12 of planning consent 0479/21/VAR			
	Valid Date	Target Date	EoT Date
2133/19/VAR Cheryl Stansbury Cottage Hotel Hope Cove TQ7 3HJ	12-Jul-19	11-Oct-19	31-Jan-21
READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F			
	Valid Date	Target Date	EoT Date
3197/19/OPA Cheryl Stansbury Land adjacent to New Park Road Lee Mill Nr Ivybridge	2-Oct-19	1-Jan-20	1-Oct-21
Outline application with some matters reserved for residential development of up to 25 residential units including vehicular access, estate roads, landscaping, open space, drainage, infrastructure and all associated development (resubmission of 1303/18/OPA)			
	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)	9-Jan-20	9-Apr-20	18-Dec-20
Outline application for up to 360 dwellings and associated landscaping, new access points from Towerfield Drive and Pick Pie Drive and site infrastructure. All matters reserved except for access.			
	Valid Date	Target Date	EoT Date
4185/19/OPA Ian Lloyd Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)	9-Jan-20	9-Apr-20	18-Dec-20
Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace			

(A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access.

	Valid Date	Target Date	EoT Date
4158/19/FUL Cheryl Stansbury	17-Jan-20	17-Apr-20	6-Feb-21
Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park Ropewalk Kingsbridge Devon		READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, car parking and landscaping	
3752/19/OPA Jacqueline Houslander	11-Feb-20	12-May-20	6-Apr-21
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA		READVERTISEMENT (Amended description) Outline application with some matters reserved for residential development of 17 dwellings	
0761/20/OPA Jacqueline Houslander	5-Mar-20	4-Jun-20	20-Aug-21
Vicarage Park Land North of Westentown Kingston 4LU		TQ7 Outline application with some matters reserved for 12 new houses. Alterations to existing access and construction of access road. Realignment and creation of new public rights of way, provision of public open space and strategic landscaping (Resubmission of 4068/17/OPA)	
0995/20/VAR Anna Henderson-Smith	1-Apr-20	1-Jul-20	19-Feb-21
Hartford Mews Phase 2 Cornwood Road Ivybridge		Variation of conditions 4 (LEMP) and 13 (Tree Protective Fencing) of planning consent 3954/17/FUL	
3623/19/FUL Cheryl Stansbury	14-Apr-20	14-Jul-20	5-Oct-21
Land off Godwell Lane Ivybridge		Full planning application for the development of 111 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure	
0868/20/ARM Jacqueline Houslander	29-Apr-20	29-Jul-20	28-May-21
Development Site at SX 612 502 North Of Church Hill Holbeton		READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14no. dwellings, of community car park, allotment gardens, access and associated works including access, layout, scale appearance and landscaping (Resubmission of 0127/19/ARM)	
1419/20/FUL Jacqueline Houslander	2-Jun-20	1-Sep-20	15-Jan-21
Land West of Beara Farm Woolston Green Landscope		READVERTISEMENT (revised plans received) Demolition of existing concrete barn and construction of fourteen dwellings including five for shared ownership/affordable rent (resubmission of 2176/18/FUL)	
2508/20/FUL Anna Henderson-Smith	12-Aug-20	11-Nov-20	6-Jan-21
Moor View Touring Park Modbury PL21 0SG		READVERTISEMENT (Revised plans received and amended development description) Proposed expansion and development of holiday lodges and associated works to existing touring and holiday park	
3841/20/OPA Bryn Kitching	3-Dec-20	4-Mar-21	11-Jun-21
Land At Sawmills North of A385 Dartington		READVERTISEMENT (additional information and updated highway access plans) Outline application with all matters reserved, except for access, for up to 40no. residential units	

and associated public open space and infrastructure

	Valid Date	Target Date	EoT Date
3842/20/OPA Bryn Kitching Land At SX 783 624 Broom Park Dartington	3-Dec-20	4-Mar-21	11-Jun-21
		READVERTISEMENT (additional information and updated highway access plans) Outline application with all matters reserved, except for access, for up to 80no. residential units and associated public open space and infrastructure	
	Valid Date	Target Date	EoT Date
4254/20/FUL Anna Henderson-Smith Springfield Filham PL21 0DN areas	23-Dec-20	24-Mar-21	
		Proposed development of redundant nursery to provide 30 new dwellings for affordable and social rent, a new community hub building, conversion of existing barns to provide ancillary spaces and landscaping works providing communal and playgrounds	
	Valid Date	Target Date	EoT Date
0100/21/FUL Tom French Land at SX 5688 5556, South of Plympton Devon PL7 5HQ of	13-Jan-21	14-Apr-21	
		Construction of 1no 15000ftsq business unit and 2no 10000ftsq business units (Class uses B1(a)(b)(c), B2 & B8) in place of previously planning approved site layout (reference 1878/19/FUL)	
	Valid Date	Target Date	EoT Date
0544/21/FUL Jacqueline Houslander Land at Stowford Mills Station Road Ivybridge PL21 0AW	15-Feb-21	17-May-21	17-Jun-21
		Construction of 16 dwellings with associated access and landscaping	
	Valid Date	Target Date	EoT Date
0642/21/VAR Jacqueline Houslander Lower Coombe Royal Stentiford Hill To Sorley Cross Kingsbridge TQ7 4AD	22-Feb-21	24-May-21	
		Application for variation of condition 13 of planning permission 4182/18/FUL	
	Valid Date	Target Date	EoT Date
1118/21/ARM Ian Sosnowski Sherford Housing Development Site To Wollaton Cross Zc4 Brixton	23-Mar-21	22-Jun-21	13-Aug-21
		Application for approval of Reserved Matters for strategic infrastructure including strategic drainage, highways, landscaping, Phase 2 of the Community Park and open space/play as part of Phase 2D of the Sherford New Community pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)	
	Valid Date	Target Date	EoT Date
1431/21/ARM Ian Sosnowski Sherford New Community Land South of Main Street Elburton Plymouth PL8 2DP was	15-Apr-21	15-Jul-21	17-Sep-21
		Application for approval of Reserved Matters for 259no. dwellings on parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)	
	Valid Date	Target Date	EoT Date
1490/21/ARM Tom French Sherford New Community Commercial Area North of Main Street Elburton Plymouth	20-Apr-21	20-Jul-21	13-Aug-21
		Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 drivethrough restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)	
	Valid Date	Target Date	EoT Date
1491/21/ARM Tom French Sherford New Community Green Infrastructure Areas 6	20-Apr-21	20-Jul-21	13-Aug-21
		Application for approval of reserved matters for Green	

and 18 North of Main Street Elburton Plymouth PL8 2DP

Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)

	Valid Date	Target Date	EoT Date
1159/21/FUL Cheryl Stansbury	23-Apr-21	23-Jul-21	20-Oct-21

Land at West End Garage Main Road Salcombe TQ8 8NA

Erection of 22 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)

	Valid Date	Target Date	EoT Date
1582/21/ARM Tom French	27-Apr-21	27-Jul-21	

Sherford New Community Land East of Orion Way Elburton Plymouth PL8 2DP

Application for approval of reserved matters for 116 residential dwellings, on parcels 1B-E, 1B-F, 1B-G and 1B-J including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping as part of Phase 1b of the Sherford New Community pursuant to approval under 0825/18/VAR (which was an EIA development and an Environmental Statement was

submitted)

	Valid Date	Target Date	EoT Date
1826/21/ARM Ian Sosnowski	14-May-21	13-Aug-21	

Sherford New Community Plymouth

Application for approval of reserved matters for 207 no. dwellings on parcels 1, 2, 4, 5, 6, 7, 8, 9 and 11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)

	Valid Date	Target Date	EoT Date
1827/21/ARM Ian Sosnowski	14-May-21	13-Aug-21	

Sherford New Community Plymouth

Application for approval of reserved matters for 163 no. dwellings on parcels 21, 22, 25, 29, 30, 31 and 32, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 2D of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

	Valid Date	Target Date	EoT Date
1503/21/FUL Elizabeth Arnold	19-May-21	18-Aug-21	

Development Site At Sx859483 School Road Stoke Fleming open

Erection of 20 dwellings (incorporating 6 affordable homes) with access, landscaping, parking, public space and associated works

	Valid Date	Target Date	EoT Date
1557/21/VAR Elizabeth Arnold	10-Jun-21	9-Sep-21	

Alston Gate Malborough TQ7 3BT

Application for removal of condition 1 (development start date) and variation of conditions 2 (approved drawings), 5 (boundary treatments) and 6 (landscaping scheme) of planning permission 0106/20/VAR

	Valid Date	Target Date	EoT Date
1558/21/VAR Elizabeth Arnold	10-Jun-21	9-Sep-21	

Alston Gate Malborough TQ7 3BT

Application for removal of condition 2 (development start date) and variation of conditions 3 (approved drawings), 9 (energy supply), 10 (occupation), 11 (landscape & ecological management plan) and 16 (surface water) of planning permission 0105/20/VAR

	Valid Date	Target Date	EoT Date
1825/21/VAR Elizabeth Arnold Bidwell Solar Farm Dartington	15-Jun-21	14-Sep-21	Application for variation of condition 16 (decommissioning works) of planning consent 14/1040/13/F
	Valid Date	Target Date	EoT Date
2510/21/ARM Ian Sosnowski Sherford New Community Land South of Main Street Elburton Plymouth PL8 2DP	22-Jun-21	21-Sep-21	Application for approval of Reserved Matters for 140no. dwellings on parcels 26, 27, 28 and 33, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was as submitted)
	Valid Date	Target Date	EoT Date
2560/21/FUL Jacqueline Houslander Former Brutus Centre Fore Street Totnes TQ9 5RW	9-Jul-21	8-Oct-21	Demolition of existing building and redevelopment of the site to form 2 no retail units, public car park and 42 Retirement Living apartments including communal facilities, access, car parking and landscaping (resubmission of 4198/19/FUL)
	Valid Date	Target Date	EoT Date
1867/21/ARM Bryn Kitching Land South Of Junction Between Townstal Rd and Nelson Rd Dartmouth TQ6 0LB	14-Jul-21	13-Oct-21	Application for approval of reserved matters following outline approval 15_51/1710/14/0 (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR for layout, scale, appearance and landscaping for the construction of a 69 bed care home (use class C2) provision for parking, gardens, access and associated works
	Valid Date	Target Date	EoT Date
2400/21/OPA Jacqueline Houslander Avon Centre Wallingford Road Kingsbridge	15-Jul-21	14-Oct-21	Outline application with some matters reserved to demolish existing buildings and provide 11 No. 3 bedroom dwelling houses and 4 No. 1 bedroom flats
	Valid Date	Target Date	EoT Date
1375/21/ARM Claire Boobier Beacon Park Dartington	19-Jul-21	18-Oct-21	READVERTISEMENT (Amended advert reasons) Application for approval of reserved matters following outline approval 3631/17/OPA relating to Building 3, for the erection of a mix of B1, B2 & B8 employment spaces and associated works together with a drainage scheme
	Valid Date	Target Date	EoT Date
2842/21/FUL Elizabeth Arnold Briar Hill Farm Court Road Newton Ferrers PL8 1AR	20-Jul-21	19-Oct-21	Full Planning Application for extension to holiday park comprising construction of 14 holiday lodges and associated drive access, parking and landscaping
	Valid Date	Target Date	EoT Date
2817/21/ARM Anna Henderson-Smith Noss Marina Bridge Road Kingswear TQ6 0EA	29-Jul-21	28-Oct-21	Details of Reserved Matters and discharge of conditions, relating to layout, appearance, landscaping and scale, in respect to South Bay Phase (Residential Southern) comprising the erection of 27 new residential units (Use Class C3). Also provision of 58 parking spaces, cycle parking, creation of private and communal

amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to planning permission 0504/20/VAR

		Valid Date	Target Date	EoT Date
3053/21/ARM	Anna Henderson-Smith	5-Aug-21	4-Nov-21	
Noss Marina	Bridge Road Kingswear	TQ6 0EA	Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021	
			(Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters	

		Valid Date	Target Date	EoT Date
3054/21/ARM	Anna Henderson-Smith	5-Aug-21	4-Nov-21	
Noss Marina	Bridge Road Kingswear	TQ6 0EA	Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 17 - Hillside (Residential Hillside) of the redevelopment of Noss Marina comprising the erection of 8 new homes (Use Class C3), provision of 21 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021	
			(Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters	

		Valid Date	Target Date	EoT Date
3118/21/ARM	Bryn Kitching	9-Aug-21	8-Nov-21	
Proposed Development Site Sx856508	A3122 Norton		Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 143 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA and approval of details reserved by conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 17 and 21 of that consent.	
Cross To Townstal Road Dartmouth				
3078/21/VAR	Bryn Kitching	9-Aug-21	8-Nov-21	
Proposed Development Site Sx856508	A3122 Norton		Variation of condition 4 of outline planning permission 3475/17/OPA (for 210 dwellings, public open space, green infrastructure, strategic landscaping and associated infrastructure) to revise approved parameter plan A097890drf01v4 to 180304 P 01 02 Rev C.	
Cross To Townstal Road Dartmouth				

		Valid Date	Target Date	EoT Date
1393/21/VAR	Cheryl Stansbury	9-Aug-21	8-Nov-21	
Development Site At Sx 794 614	Ashburton Road To Clay		Application for variation of condition 5 (approved plans) of planning consent 3945/18/VAR to include design and layout changes	
Lane Dartington				

		Valid Date	Target Date	EoT Date
3119/21/FUL	Bryn Kitching	10-Aug-21	9-Nov-21	
Proposed Development Site Sx856508	A3122 Norton		Full planning application for the erection of 32 residential units (situated within both phases 1 and 2) and associated works	
Cross To Townstal Road Dartmouth				

		Valid Date	Target Date	EoT Date
3120/21/FUL	Bryn Kitching	10-Aug-21	9-Nov-21	
Proposed Development Site Sx856508	A3122 Norton		Planning application for attenuation basins, pumping stations, public open space, landscaping and associated works in connection with	
Cross To Townstal Road Dartmouth				

the residential and employment development of land to the north/ east

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