

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 10th November, 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 - 12

To approve as a correct record the minutes of the meeting of the Committee held on 6 October 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) 3389/21/TPO

13 - 16

"Endsleigh", Jubilee Road, Totnes

T1: Oak - Removal of limb at approximately 7 metres from ground level on the East side due to extending to roofline of neighbouring property

(b) 3155/20/FUL

17 - 28

"Daynes Farm", Harberton

Erection of farm shop/butchery building and provision of associated infrastructure

- (c)** 3792/20/FUL 29 - 50
"River Dart Academy", Shiners Bridge, Dartington, Devon

READVERTISEMENT (Revised plans received) Planning application for erection of a new school building on the site of the current school, new reduced car park, associated hard and soft landscaped play areas, new boundary treatment to the site, removal of 8no. C grade trees and 2no. U grade trees and demolition of two temporary classroom units

****Upon the conclusion of the above agenda item, the meeting will be adjourned and reconvened at 2.00pm****
- (d)** 0647/21/FUL 51 - 60
"Asherne Lodge", Strete

Construction of a stone finished car park
- (e)** 3047/21/HHO 61 - 66
38 Linhey Close, Kingsbridge

Householder application for detached garage including extension to existing first floor terrace and regularisation of replacement boundary wall (resubmission of 1229/21/HHO)
- 7.** Planning Appeals Update 67 - 68
- 8.** Update on Undetermined Major Applications 69 - 76

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in THE REPTON ROOM, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 6 OCTOBER 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:
Cllrs T Holway; J Pearce; and D Thomas.

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Senior Specialists – Development Management; Legal Officer; Planning Specialists; IT Specialist; and Democratic Services Officer;
Item 6a		Strategic planning officer;
Item 6f		Landscape officer
Item 6g		Plymouth City Council Viability Officer, South Hams Affordable Housing Officer

DM.26/21 MINUTES
The minutes of the meeting of the Committee held on 8th September 2021 were confirmed as a correct record by the Committee.

DM.27/21 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 applications 4277/20/FUL, 1099/21/FUL, 2855/21/HHO, 2133/19/VAR and 2720/21/FUL (Minutes DM.29/21(a), (b) (d) (f) and (h) below refer) 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;

Cllr K Kemp declared a personal interest in application 2133/19/VAR (Minutes DM.29/21 (f) below refers) as she knew the applicant. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr R Foss declared a personal interest in application 2133/19/VAR (Minutes DM.29/21 (f) below refers) as he had eaten at the establishment. The Member remained in the meeting and took part in the debate and vote thereon.

DM.28/21 **PUBLIC PARTICIPATION**

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

DM.29/21 **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) 4277/20/FUL Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE

Parish: South Huish

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

Case Officer Update: One extra objection letter of representation had been received.

Speakers included: Supporter – Simon Bird; Parish Council – Cllr J Hocking; Ward Members – Cllrs M Long and J Pearce;

The Ward Members were in agreement that had the original application come before the Committee with this proposed energy supply, there could have been a very different outcome to that decision. This was because the original application's energy credentials tipped the balance to supporting the development. One Ward Member disputed the applicant's claim that there was no space on site for an electrical substation.

During the debate, Members stated that this request was a retrograde step and would lead to future costs to replace the then obsolete form of energy, and approval would be difficult to defend in light of the Council's declaration of a climate change emergency. Members also expressed concerns regarding the structural integrity of the cliff to cope with the hole that the gas tanks would require. It was also noted that the Western Power Distribution had not confirmed that they were unable to provide an enhanced electricity supply to the site only that they could not guarantee the ability to provide this until legal agreements were secured to run cables through land outside of the applicant's control.

A motion to defer the application was proposed and seconded but declared lost on the vote.

Recommendation: Conditional Approval

Committee decision: Refusal

Reasons for Refusal:

Proposal, by virtue of its reliance on fossil fuels, was considered to represent a retrograde step for the application site compared to the previously proposed scheme, for the redevelopment of this site in terms of means of energy provision. It would not positively contribute to support the Joint Local Plan's aims to increase the use and production of renewable and low carbon energy to contribute to national targets for reducing carbon emissions. Furthermore, insufficient evidence had been submitted to show that the necessary agreements could not be reached to bring an enhanced electricity supply to the site, as previously proposed, as the means of energy provision for the site to negate the need for reliance on fossil fuels.

6b) 1099/21/FUL Land adjacent to Manor Cottage, South Milton, TQ7 3JQ

Parish: South Milton Parish Council

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

Case Officer Update: The Case Officer clarified the definition of in-fill and that, whilst the report for Dev32 had not been submitted, this would be required if the application was conditionally approved.

Speakers included: Objector – Mr John Walliss; Supporter – Mr Louis Dulling; Ward Members – Cllrs M Long and J Pearce.

Whilst one Ward Member had concerns regarding the compliance of the site with the definition of in-fill, and the site being within the Undeveloped Coast area, the other Ward Member felt that the site did comply with in-fill and was at the very edge of the Undeveloped Coast area. One Ward Member outlined the conflict between the Joint Local Plan and the South Milton Parish Neighbourhood Plan, it was, however, noted that the Parish Council were in support of this application.

During the debate most Members agreed that the site fitted the definition of an in-fill site. It was noted that the applicant had offered to add an Section 106 agreement for primary residency. The Lawyer clarified that the condition for primary residence could be effected by either an S106 agreement or a Unilateral Agreement, and that this was not a policy requirement as a result of the number of dwellings proposed.

Recommendation: Refusal

Committee decision: Conditional Approval delegated to Head of Development Management (DM) in consultation with the Chairman of the DM Committee and the local Ward Members

Conditions

- 1) Time limit for commencement (3 years)
- 2) Accord with approved plans
- 3) Prior to first installation, materials to be agreed
- 4) Drainage scheme to be installed in accordance with approved plans
- 5) Landscaping to be implemented in accordance with approved scheme
- 6) No external lights unless details first agreed
- 7) Parking provision prior to first occupation and thereafter retained
- 8) Prior to commencement archaeological written scheme of investigation to be submitted and agreed
- 9) Unsuspected contamination
- 10) Prior to commencement – Construction management plan
- 11) Adherence to DEV32 Compliance Statement
- 12) Removal of Permitted Development rights

6c) 2679/21/FUL Wilma, Woodcourt Road, Harbertonford, TQ9 7TY

Parish: Harberton Parish Council

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

Case Officer Update: The Case Officer highlighted the slight increase in red outline to accommodate drainage but no principal difference between the published report and the report as presented to the Committee.

Recommendation: Delegate approval to Head of Development Management, in conjunction with Chairman of the Committee, to conditionally grant planning permission, subject to expiry of the consultation period.

Committee decision: Delegate approval to Head of Development Management, in conjunction with Chairman of the Committee, to conditionally grant planning permission, subject to expiry of the consultation period.

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

6d) 2855/21/HHO 15 Church Way, Yealmpton, PL8 2LA

Parish: Yealmpton Parish Council

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

Case Officer Update: No update

Speakers included: Supporter – Miss H Askem; Ward Member – Cllr D Thomas;

The Ward Member in attendance confirmed that there was no representations from the Parish Council and they had not objected to the original application, although they were supportive of the Officer recommendation this time. It was his view that the overlooking outlined by the Case Officer was not pertinent as there was already substantial overlooking, and the impact on the AONB (Area of Outstanding Natural Beauty) was limited as it was in keeping with the rest of the estate. The extension would bring significant benefit to a local family.

During the debate, the Committee was updated by the Members who had entered the premises on the site visit where it was confirmed that there was already a degree of overlooking. One Member outlined that there would be no loss of amenity and that the flat roof would not be out of place in this particular area. Reasons for overturning the officer's recommendation were that the application was not in a prominent position, and would not be detrimental to the AONB in this particular locale. There was already a degree of overlooking and one Member felt that, in the current climate emergency, this development would make the best use of the home.

Recommendation: Refusal

Committee decision: Conditional approval delegated to Head of Development Management (DM), in consultation with the Chairman of DM, and the local Ward Members.

Conditions:

1. Time limit
2. Accord with plans
3. Materials to match existing

4. Adherence to ecology report

6e) 2707/21/HHO **Star House, Pleases Passage, High Street, Totnes, TQ9 5QN**

Town: Totnes Town Council

Development: Householder application for alteration and extension to provide improved access to roof terrace and replacement of roof material (resubmission of 1924/20/HHO)

Case Officer Update: The Case officer confirmed that a Certificate of lawfulness had been submitted but was not yet registered.

Speakers included: Objector – Mr P Swallow; Supporter – Ms G Jensen;

During the debate, some Members felt that the safety and well-being of the owner outweighed the neighbour's amenity issue. It was also stated that the application was in keeping with the nature of the town and that green spaces were increasingly important. There were discussions around the possibility of imposing a condition for a planted screen by the neighbour's window. Following a tied vote, the Chair used his casting vote to conditionally approve the application.

Recommendation: Refusal

Committee decision: Conditional approval delegated to the Head of Development Management (DM) in consultation with the Chair of DM and the local Ward Members

Conditions:

Standard time limit
Accord with plans
Details of any external lighting
Details of landscaping
Details of materials
Natural slate roof

6f) 2133/19/VAR **Cottage Hotel, Hope Cove, TQ7 3HJ**

Parish: South Huish Parish Council

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

Case Officer Update: Following a question at the site inspection, the Case Officer confirmed there were no solar panels on the approved plans. One objector had removed his

objection while four additional objection letters had been received from two people. The Case Officer highlighted the impact on the Heritage Coast and on the property to the rear, West View.

It was also noted that the gabion baskets had been roughly packed and resembled rubble, whereas it was possible to pack gabion baskets to create an impression of a stone wall. There was also no planting scheme for how the gabion baskets would be softened in appearance. This impacted on the outlook of the hotel.

It was confirmed that there had been no evidence supplied that the Health and Safety Executive had requested the railings on the roof, and that the height increase was significant compared to the approved plans of 2015.

The Case Officer confirmed that should the application be refused, the applicant was not expected to reduce the building all the way back but to reduce the height of the extension to the approved height of the approved plans of 2015.

Speakers included: Objector – Mrs D Stoop; Supporter – Mr W Ireland; Parish Council – Cllr Jo Hocking; Ward Members – Cllrs J Pearce and M Long;

Whilst one of the Ward Members remarked that the economic benefit of the hotel was an over-riding factor, the other Ward Member outlined the loss of amenity on the property behind due to the increased scale and height versus the approved plans. She felt that the unauthorised pods were also an issue. It was clarified that the roof tiles had not been signed off and were markedly different to those that were originally approved.

During the debate Members stated that this was a difficult decision to make with some Members feeling that the economic impact on the business was paramount while other Members felt that the increase in mass, size, and loss of amenity to the neighbours had a significant impact, with the Council's Landscape Specialist and the AONB both raising concerns. Members also commented on the colour of the roof tiles. Members deferred the application so that mitigation could be explored as follows:-

1. Alternative roof safety railings
2. Detailed landscaping scheme
3. Roof tiles to be more like those agreed under conditions discharge

Members also reiterated that when the remaining phases were built, they must be at the ridge height and size as approved in 2015.

Recommendation: Refusal

Committee decision: Deferral

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

Town: Totnes

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)

Case Officer Update: Further to enquiries when the application came before the Committee on 8th September 2021, the Case Officer confirmed that the plan could accommodate the refuse vehicle. It was confirmed that the applicant had offered £410,000 for the Affordable Housing off site contribution. It was confirmed that the Vacant Building Credit, which allowed for the extant building footprint to be taken off the proposed footprint, reduced the affordable housing contribution (as identified in Policy DEV8) from 30% to 18%. The Case Officer confirmed that the loss of 25 parking spaces, as proposed in this application, would reduce parking spaces within Totnes by 3% and that the remaining 25 spaces would remain as a public car park.

Speakers included: Objector – Mr J Van As; Supporter – Mr M Shellum; Totnes Town Council – Cllr R Hendriksen; Ward Member – Cllr J Sweett;

During the debate it was confirmed that the Affordable Housing element was acceptable from the viability point of view once all costs were taken into account. Members were disappointed with the development that was presented to the Committee, but acknowledged that there were no planning policies or reasons that could be applied to refuse the application.

Recommendation: Conditional approval, subject to Section 106 agreement to secure the affordable housing contribution; the OSSR contribution and ongoing maintenance of the public realm areas

Committee decision: Conditional approval, subject to Section 106 and additional conditions on the retention of the retail units

and that the car park shall remain as a public short stay car park in perpetuity

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. 20 shop front plans to be submitted
15. Junction of materials to be submitted to and agreed
16. Location and angle of photovoltaics to be agreed
17. Location and type of plant to be agreed
18. Roof specification to be agreed
19. Natural stone sample and to be laid on its natural bed.
20. External finishes
21. Parapet wall details to be submitted
22. Railings around site to be submitted and agreed
23. Rainwater goods
24. Details of public route
25. Tree protection measures.
26. 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.

**6h) 2720/21/FUL Barby Lodge, Cleveland Drive, Bigbury on Sea,
TQ7 4AY**

Parish: Bigbury

**Development: Full planning application for replacement dwelling
(resubmission of 2828/20/FUL).**

Case Officer Update: The applicant had moved the dwelling forward on the site and the Case Officer outlined how the new view would be seen by neighbours. No visuals in presentation as both the objector and supporter had questioned each other's accuracy, so none were

included.

Speakers included: Objector – Mr J Munday; Supporter – Mr J Marshall;
Parish Council – Cllr V Scott; Ward Member – Cllr B Taylor;

During the debate, one Member stated that in bringing the dwelling forward but with no other changes, it had made the dwelling look bigger in the street scene. Some Members felt that the dwelling would be too overbearing and would impose too much on the neighbours. Members also felt that the suggested wraparound of the decked area along the front and eastern side would have a significant impact on the street scene and could set an unwelcome precedent. It was felt that the reasons for refusal at the Committee meeting held on 26th May had still not been addressed by these proposals

Recommendation: Conditional approval

Committee decision: Refusal

Reasons for refusal:

Overdevelopment of the site, more negative onto street scene, (scale, massing, DEV20). NPPF changes to paragraph numbering – virtue of new position, overlooking and perception of overlooking still with window removed. Final refusal wording to be delegated to Head of Development Management (DM), Chair of DM Committee, and Ward Member.

6i) 0788/21/OPA Whiteoaks, Davids Lane, Filham, PL21 0DW

Parish: Ugborough

Development: Outline application with all matters reserved for construction of 2 residential dwellings.

Case Officer Update: There was no update.

Speakers included: Supporter – Miss R French; Ward Member – Cllr T Holway;

The Ward Member outlined his reasons for stating that the site was considered to no longer be in the countryside, with the nearby development progressing. He was also of the opinion that the site was sustainable.

During the debate Members noted the proximity to a major development and that this impacted on the classification of this application as in the countryside. Members also felt that this site was in-fill between established businesses and a nearby private dwelling, thereby allowing for an exception.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management, in consultation with the Chair of Development Management (DM) Committee, Cllrs Hodgson and Pringle (as proposer and seconder of the proposal to conditionally approve), and the local Ward Member

Conditions:

Approval subject to Section 106 agreement for Tamar SAC contribution, drainage info to be submitted before decision is issued, biodiversity condition to be added., Primary residency condition to be offered by the applicants.

DM.30/21 **PLANNING APPEALS UPDATE**

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

The Head of Development Management, provided further details on specific recent appeal decisions. One Councillor thanked officers for the work done on one application which had resulted in the Inspector upholding the decision of the Council.

DM.31/21 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

The list of undetermined major applications was noted.

(Meeting commenced at 10:00 am and concluded at 6:20 pm, with lunch at 1:30pm and a ten minute break at 4:10pm.)

Chairman

Voting Analysis for Planning Applications – DM Committee 6th October 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>
4277/20/FUL	Lantern Lodge Hotel, Hope Cove	Deferral	Cllrs Brown, Foss (2)	Cllrs Abbott, Brazil, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (9)		Cllr Hodgson (1)
		Refusal	Cllrs Brown, Kemp, Long, Pringle, Reeve, Taylor (6)	Cllrs Abbott, Brazil, Foss, Pannell, Rowe (5)		Cllr Hodgson (1)
1099/21/FUL	“Land Adjacent to Manor Cottage”, South Milton	Approval	Cllrs Abbott, Brown, Hodgson, Long, Pringle, Reeve, Rowe, Taylor (8)	Cllrs Brazil, Foss, Kemp (3)	Cllr Pannell (1)	
2679/21/FUL	“Wilma”, Woodcourt Road, Harbertonford	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (12)			
2055/21/HHO	15 Church Way, Yealmpton	Approval	Cllrs Abbott, Brown, Hodgson, Kemp, Long, Pringle, Reeve, Rowe, Taylor (9)	Cllrs Brazil, Foss (2)	Cllr Pannell (1)	
2707/21/HHO	Star House, Pleases Passage, High Street, Totnes	Approval	Cllrs Abbott, Hodgson, Kemp, Long, Reeve (5) (*)	Cllrs Brown, Foss, Pringle, Rowe, Taylor (5)	Cllrs Brazil, Pannell (2)	
2133/19/VAR	Cottage Hotel, Hope Cove	Refusal	Cllrs Brown, Hodgson, Pannell, Pringle (4)	Cllrs Abbott, Foss, Long, Reeve, Rowe, Taylor (6)	Cllrs Brazil, Kemp (2)	
		Deferral	Cllrs Abbott, Brazil, Foss, Hodgson, Kemp, Long, Pannell, Pringle, Reeve, Rowe, Taylor (11)	Cllr Brown (1)		
2560/21/FUL	“Former Brutus Centre”, Fore St, Totnes, TQ9 5RW	Approval	Cllrs Abbott, Brazil, Brown, Foss, Pannell, Pringle, Reeve, Rowe, Taylor (9)	Cllrs Hodgson, Kemp, Long (3)		
2720/21/FUL	Barby Lodge, Cleveland Drive, Bigbury on Sea	Refusal	Cllrs, Brown, Foss, Hodgson, Long, Pringle, Reeve, Rowe, Taylor (8)	Cllrs Abbott, Brazil (2)	Cllrs Kemp, Pannell (2)	
3423/20/FUL	“Whiteoaks”, Davids Lane, Filham	Approval	Cllrs Abbott, Hodgson, Long, Pringle, Reeve, Taylor (6)	Cllrs Foss, Kemp, Pannell, Rowe (4)	Cllrs Brazil, Brown (2)	

((*) application conditionally approved by virtue of the Committee Chairman’s Casting (Second) Vote))



Application to work on Trees within a Conservation Area Assessment and Recommendation



Tree Preservation Order : 636 Endsleigh, Jubilee Road, Totnes G1

Site Address (from where the tree arises): Endsleigh Jubilee Road Totnes TQ9 5BP

Application Register No : 3389/21/TPO

Applicant: Cllr John Birch, Golden Oktober, Jubilee Road, Totnes, TQ9 5BP

Agent: Mr Jacob Kneebone, Rondeval, Jubilee Road, Totnes, TQ9 5BW

Proposed works: T1: Oak – ‘Undertake a lateral branch reduction to the limb overhanging and in contact with roof by 3m’ (as varied following site visit consideration and discussion with applicant)

Date of Application : 03 September 2021

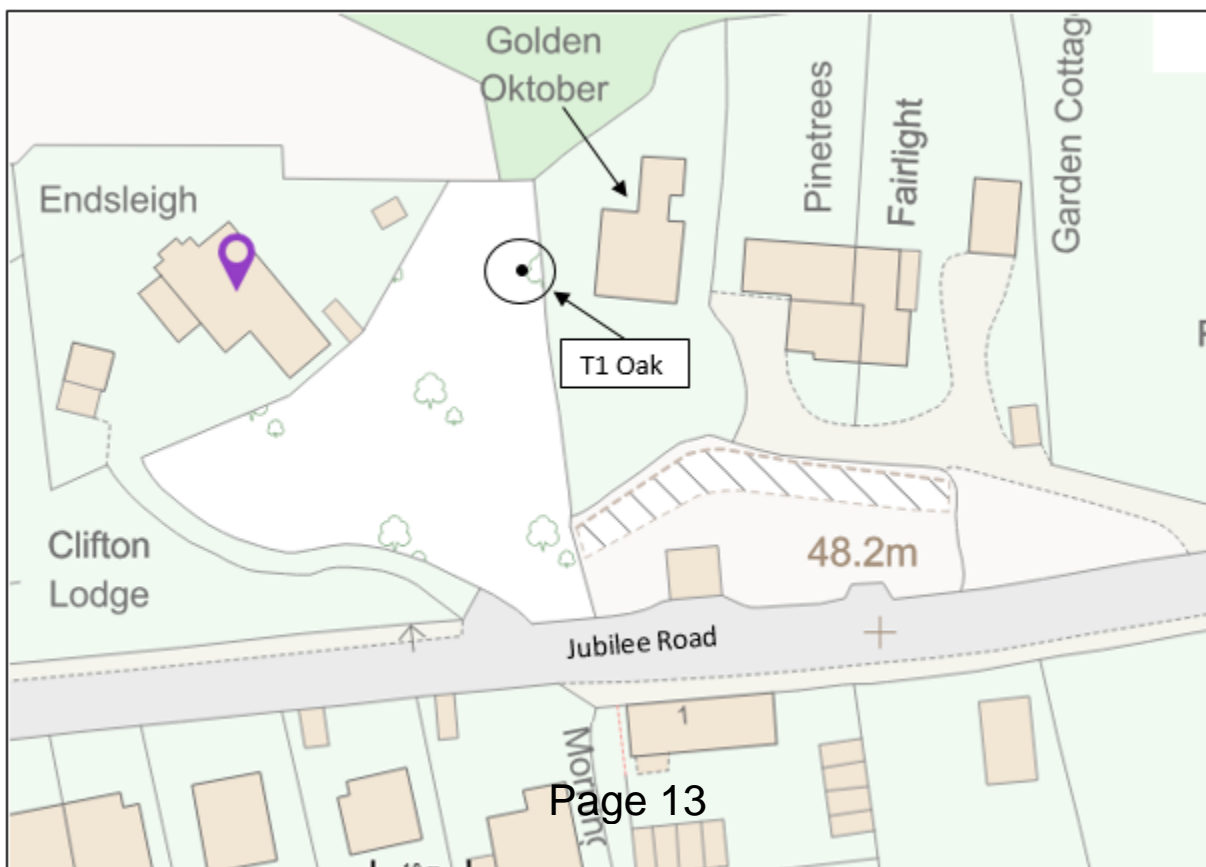
Representation Period ends: 31 October 2021

Target Decision Date : 29 October 2021

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

Site assessed by : L Marshall

Date of site visit : 12/10/21



Recommendation: The Council grants consent for the proposed lateral reduction to the limb overhanging and in contact with the roof of Golden Oktober by 3m

Requirements of consent:

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

Reason

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

2. The consent hereby granted is conditional on the tree being managed in the following manner: -
 - a. That the permitted reduction to the lateral branch noted within this decision notice may be undertaken on a cyclical management basis.
 - b. That repeat pruning may be undertaken when clearances reduce to less than 1.5m between the branch regrowth from the previous pruning point and the property.
 - c. No further requirement for permission will be required from the Local Planning Authority for a repeat of those works allowed within this decision notice.
 - d. This cyclical permission relates solely to those works approved within this decision notice.
 - e. The approved targeted reduction works should not entail the removal of branches measuring more than 100mm when measured over the bark.

Reason

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

Key issues for consideration:

The impact on the local amenity and character of the area if the works are approved given the removal of live branch material.

The proposal:

The application seeks consent for the lateral reduction to the limb overhanging and in contact with the roof of Golden Oktober by 3m

Appraisal:

During the site visit it was noted that the peripheral foliage from the noted limb was extremely close to the roof and that when either wet or during windy days would be highly likely to be in contact with the roof. In this scenario whilst the effect is generally just that of brushing across the tiles/ gutter there is a firm possibility that branches could be trapped under a tile or within the gutter and cause damage when subject to wind gusts as they are forced out. Furthermore the regular noise of the movement of branches across the roof would be disturbing to persons sleeping in any room below.

The initial works as submitted by the agent requested the removal of an over large limb that would leave a large wound on the stem, which may act as an entry point for decay causing fungal spores or wood boring insects.

Following an onsite discussion with the applicant it was agreed that a longer term sustainable option that achieved the desired clearances, whilst maintaining tree health, was available by the lateral reduction not removal of the whole limb. The description was updated accordingly to reflect this lessened works prescription.

Consultations:

- Totnes Town Council
- County Council Highways
- Totnes Tree Warden
- Totnes Ward Members

Consultation responses (as of 25/10/2021)

- There have been no consultation responses received at the time of this report, consultation period ends on 31/10 so an oral update will be provided at committee

Conclusion

Due consideration has been given to the amenity value of T1 and its contribution to the local sylvan character of the area and the impact that the proposed works would have upon this contribution.

Officers are satisfied that the lessened works will have no significant impact on visual amenity locally given the presence of further adjacent trees or to ongoing tree health given the smaller pruning cuts that will be undertaken to achieve the clearance proposed.

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Harberton **Ward:** West Dart

Application No: 3155/20/FUL

Agent/Applicant:

Mr James Whilding - Acorus
Addlepool Business Centre
Woodbury Road
Clyst St George, Exeter
EX3 0NR

Applicant:

Mr D Camp
Daynes Farm
Road From Broadpark Stile Cross
Harberton
TQ9 7FB

Site Address: Daynes Farm, Harberton, TQ9 7FB

Development: Erection of farm shop/butchery building and provision of associated infrastructure



Reason item is being put before Committee: Councillor McKay wants the application to be heard by Committee because:

The proposal should be supported and is in accordance with policy DEV15.

Recommendation:

Refusal

Reasons for refusal

1. The proposed development does not meet the requirements for sustainable development, as set out in Policies SPT1, SPT2 and TTV1 and whilst farming itself is appropriate in the countryside, it is not essential for a butchery and farm shop to be located in the open countryside. The proposal does not demonstrate that locating the development in the countryside would meet the principles of sustainable development.
2. The impact of the access to the development with its wide visibility splay would result in the significant loss of Devon hedge and two trees, one of which is protected. The impact of the visibility splay on the rural landscape would be significant and would harm the rural character currently apparent in the area contrary to Policy DEV23 of the Plymouth and South West Devon Joint Local Plan and para 170 of the NPPF 2019.
3. The proposal would not meet policy DEV15.8 in the Plymouth and South West Devon Joint Local Plan, as it would introduce significantly more private cars to the area and walking and cycling would be dangerous along narrow rural lanes; as well as lacking any relationship with the existing buildings on the farming enterprise.
4. The use of timber effect cladding would not be acceptable in design and landscape terms and so the development would fail to meet policies DEV23 and DEV20 of the Plymouth and South West Devon Joint Local Plan or the NPPF paragraph 170 and 163.
5. No ecological information has been submitted with the proposal and the proposed loss of a hedgerow and trees would be very likely to have an impact on ecology. The Local Planning Authority are therefore unable to confirm whether protected species would be harmed as a result of the development, contrary to Policy DEV26 in the Plymouth and South West Devon Joint Local Plan and para. 175 of the NPPF 2019, as well as sections 40 and 47 of the NERC Act 2006 and Part 3 of the Habitats Regulations 2017.
6. No carbon reductions measures have been provided to demonstrate that the carbon footprint of the development has been reduced, contrary to Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and para. 153.

Key issues for consideration: Principle; location of development; access; impact on the countryside and landscape; design; highway impacts; carbon reduction; ecology.

Site Description: The application site is located in the countryside approximately 700 metres north of the A391 and approximately 800 metres from Harberton village centre.

The farm has a dwelling, plus 3 large agricultural buildings and a smaller farm building on the north eastern end of one of the larger buildings. There is a yard area between the buildings. The Design and Access Statement indicates that *“Daynes Farm is a family owned holding, which forms part of the Applicants’ wider farm business.”*..... *“The applicants operate their farm business on an organic basis, and grow arable crops and rear livestock, namely beef cattle, lambs and goats.”*

The adjacent road which would serve the development is a narrow rural road with passing places only. Devon hedgebanks run along the edge of the road.

The landscape is not covered by any landscape designations. Agriculturally the land is Grade 2 which is described as very good quality agricultural land.

The Proposal:

The building is proposed to be located in a field to the north east of the farmhouse. The field is currently grazing land. Vehicular access to the site is proposed via an existing field gate with a track running diagonally across the field to the proposed location of the building.

The access plan indicates that there would be orchard trees planted in the land surrounding the access track.

The position of the access has been changed and a revised plan submitted which indicates the access moving north to a point where there is an existing field gate. To create a 70m visibility splay at this access point a further oak tree would need to be felled.

The access track is proposed to be compacted hardcore leading to a similarly surfaced parking area next to the proposed building, providing 5 spaces, one of which has larger dimensions to accommodate disabled vehicles.

It is proposed that the shop will sell meat and seasonal vegetables predominately grown by the farm business and processed on site. Currently the applicants have some direct sales, however this will increase with the provision of the necessary facilities on site.

The proposed building is a flat roof, single storey building, with a steel framed and timber effect cladding. The building measures 10 metres by 3 metres and is marginally above 2 metres at its highest point.

Consultations:

- County Highways Authority: Consultation response to original access, dated 16/12/2021. The proposals are likely to increase the amount of traffic using the existing access, which is restricted in visibility terms. Unfortunately a very large native tree is situated on the northern side of the access that is the causation for the lack of visibility and concerns are raised that in order to comply with the national guidelines, the tree would need to be removed to form the recommended visibility splay. The access is currently made up of a loose bound stone material.

Revised details were provided and the Highway Authority commented further as follows:

Following initial concerns raised by the Highway Authority regarding the available visibility at the existing access it is noted the applicant has produced an alternative access arrangement plan (Drawing 200-05), which includes a new vehicle access further to the north. The Highway Authority has revisited the site to check whether the presented visibility splay dimensions are adequate and concludes that they are agreeable. There is however a lack of detail on the drawing in respect of the following -

- Visibility splay height (recommended to be 600mm).
- Typical cross section through the visibility splay to show how it will be treated in terms of levels, planting and visual appearance.
- 12mm height kerb at the access between the concrete apron and the carriageway.
- Drainage details to show how water will be prevented from discharging and pooling on the highway.
- Any gates to be set back enough from the highway to accommodate the largest expected vehicle.
- Gates to open inwards towards the field.

- Whilst the new vehicle access is welcomed from a highway safety perspective, no details are submitted to physically restrict vehicle access to the farm shop from the original access.
- Details should be submitted showing what measures will be introduced prior to the farm shop opening to the public. These details can then be conditioned appropriately.
- Construction/Material Details of the access track and parking/turning areas between the Farm Shop/Butchery building and the highway should be requested to demonstrate that mud, stones, water and debris will not be deposited on the highway and also to ensure that the track is visually acceptable

- Environmental Health Section: No EH concerns relevant to planning
- Town/Parish Council: SUPPORT the application with the following comments:
The Parish Council refers the planning authority to the results of the 2015 Harberton Parish Neighbourhood Plan consultation survey, noting that when asked for their view on rural land use, 87% agreed or strongly agreed that they would support the development of more farm shops selling local produce and 72% of respondents agreed or strongly agreed that they would like to see organic farming develop over the next 15 years.
The Parish Council notes Highways visibility concerns and proposed removal of a large native tree. The Parish Council does not wish to lose the tree, but if it has to be removed, the landowner follows the Woodland Trust guidelines to plant 3 trees to any 1 removed.
- Tree Specialist: The tree specialist was concerned about the original access position because of the presence of two large trees, which he served a Tree Preservation Order notice. His original response was objection as being contrary to Policy DEV 28 of the JLP.

The new plan indicates the proposed access moving northwards so that it has to cross the field diagonally down to the location of the proposed farm shop. The proposed new access also involves the felling of a tree in order to provide a visibility splay. Revised comments indicate support in this case:

No objection on arboricultural merit subject, noting a requirement for a landscape plan to mitigate for the lost tree and soften the access track.

- Drainage: No objection, subject to conditions for full details of the surface water and foul drainage to be submitted for approval.

Representations:

35 letters of support have been submitted, with the following summarised comments:

- Fantastic proposal which supports the sustainable growth of this local business.
- As we move away from intensive agriculture it is local initiatives like this where traditional farming models are allowed to diversify and value added at source.
- This will enable the family to supply quality homebred fed meat and other produce direct to the consumer
- Less food miles and full traceability of where the food is from
- Support and encouragement should be given to local businesses.
- There is overwhelming support for a shop in the area in the emerging Neighbourhood Plan
The farm is located within walking distance of the farm
Meets the Council's climate change goals – organic meat; reared on the premises.
The loss of the trees whilst sad, the applicant is keen to plant new trees.
- Having a farm shop nearby would be welcomed.
- The NP supports the development of more farm shops selling local produce (87% agreed).
- Locals would also be in favour of a replacement tree planting scheme.

- Will be able to walk or cycle to the farm shop.
- We should be supporting businesses fulfilling low carbon endeavours
- The farm is within easy reach of two villages and there is already some sale of the organic meat.
- We should be supporting local farms.
- At the moment villagers need to drive to Totnes or Harbertonford to access shops.
- The family have worked hard to develop their organic meat business.

Relevant Planning History

23/1898/13/F

Harberton Totnes Devon TQ9 7FB

Erection of permanent agricultural workers dwelling

Conditional approval, 20/09/2013

381/17/AGR

Daynes Farm Broadpark Style Cross to Fordbarn Cross along Zc205 Harberton Devon TQ9 7FB

Agricultural prior notification for the erection of an Agricultural building

Ag Determination details not required.

ANALYSIS

Principle of Development/Sustainability:

The principle of the proposed development must be considered against the underlying philosophy of the Plymouth and South West Devon Joint Local Plan which indicates support for sustainable development. Policies SPT1, SPT2 and TTV1 provide for growth in sustainable locations. Policy TTV1 provides a hierarchy for growth in the Thriving Towns and Villages Policy Area of which this application site is part. This site would fall within the countryside. Development in the countryside is the 4th tier in the hierarchy, with the highest tier being development in the main towns of the Policy Area, where wider services are available. In tier 4 areas development will only be permitted where *“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 Design and Access statement indicates that *“Currently despite the livestock being reared organically, there is no ability for the applicants to have the livestock slaughtered and processed organically and therefore they are unable to market them on this basis. The Applicants are therefore seeking to provide their own butchery facilities to enable them to directly market their organically reared stock and to sell seasonal vegetables.”*

2.4 The proposal is deemed to be ancillary to the ongoing agricultural enterprises on the holding and wider farm business. The ability to add value and maximise alternative income streams is particularly important for farming businesses such as Daynes Farm.”

Whilst this is a laudable aim, the reasoning provided does not provide a justification to support the principles of sustainable development, as required by Policy TTV1. The reasoning also only relates to the butchery element of the proposal and does not provide any justification at all for the farm shop element of the proposal. The proposal does not comply with the principles of locating development in sustainable locations as proposed by policies SPT1, SPT2 and TTV1.

Policy TTV26 as referred to in Policy TTV1 relates to development in the countryside. The policy states:

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

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

2. Development proposals should, where appropriate:

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

In this case the proposal seeks to erect a farm shop and butchery building to the north of the existing farm buildings, with a new access route across the field from the existing entrance. The building proposed is single storey, steel framed with timber cladding.

Policy TTV26 makes reference to isolated development (part 1 of the policy) and differentiates this from the general criteria which must be met in the countryside as a whole (part 2 of the policy). The application site is located in the open countryside down narrow rural lanes. However the village of Harberton is under a kilometre to the north, where there is a church, a parish hall and a public house. The A391 is a short distance away which provides access to Totnes and Kingsbridge. When considering isolation using both the Braintree and Bramshill rulings, the site is close to existing farm buildings and the farmhouse and there is another farm complex to the north east on adjacent land, so it is not physically isolated, but it is some distance from the settlement of Harberton, and so it is not edge of settlement, so would not meet the Bramshill ruling (which accepts that ‘isolated’ can be considered away from settlements). The Braintree ruling for isolated states that to be isolated development must be far away from people and places. In this case officers consider that it would meet the Braintree ruling.

Therefore, it is worth considering Part 1 of the policy. In order to be an acceptable development under part 1, the development needs to meet the criteria outlined. In this case the development is not a dwelling and so some criteria must be discounted, however neither does it meet any of the other criteria. The proposal would therefore be contrary to TTV26.1 The second part of the policy TTV26 is relevant. The proposal is for a new build and not a conversion and the uses are proposed as a farm butchery and farm shop. The second part of

the policy does not allow for such uses as it is not essential that the farm shop or indeed the butchery be located at the farm. They could just as easily be located in or on the edge of a settlement and thus in a more sustainable location. It is considered that the proposal fails to meet policy TTV26.

Policy DEV15 in the JLP supports the rural economy. The opening statement states *“Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy.”*

Parts 5, 6 and 8 of the policy are relevant to this proposal. Part 5 states:

“The creation of new, or extensions to existing, garden centres or farm shops in the open countryside and unrelated to a settlement will only be permitted if the proposed development is ancillary to, and on the site of, an existing horticultural business or existing farming operation, and provided that 75 per cent of the goods sold will be produced within the immediate and adjoining parishes.”

The proposal is located on an existing farming operation so would meet the policy in that regard. Subsequent information received from the applicant indicates that *“90-95% will be produced on the holding with the remainder sourced from local producers from the South Devon Veg co-op.* The proposal can therefore be said to meet part 5 of the policy.

Part 6 states: *“Development will be supported which meets the essential needs of agriculture or forestry interests”.* In this case the development of the farm shop cannot be said to be essential to the purposes of agriculture and forestry.

The butchery could be said to support the agricultural needs of the farm, by providing a space on site in which to butcher the animals reared on the farm. The result of this will clearly be to reduce food miles in relation to the cattle, as they would not need to go to an abattoir elsewhere and potentially brought back to local shops to be sold to the consumer. The farm shop would also be selling produce mainly from the farm. However these uses are to support the farm rather than essential to it. As a consequence the proposal does not meet part 6 of the policy.

Part 8 applies to all employment development in rural area and states:

“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.”*

In this case the visibility splay required to create an appropriate access to the site results in the loss of a significant amount of hedgerow and a large oak tree. The visibility splay will create an engineered access in an area where such an access will be incongruous and completely alter the character of the lane to the detriment of the character of the area as a

whole. Officers conclude that whilst a safe access could be provided, the visual impacts would be too significant.

The proposal would result in an increase in the number of trips by private cars. Whilst there is a bus which runs past the site, *“the 164 Totnes-Kingsbridge bus route which passes four times a day six days a week.”* as described in the Travel Plan and walking and cycling along these rural roads is possible, without any pavements or street lighting it would be dangerous for pedestrians.

The applicant’s Travel plan indicates that the intention would be to provide 5 car parking spaces, a bike rack and EV charging points for bikes and cars on the site. The shop would have limited opening times to begin with, and one member of staff 1 day per week. *“Delivery vehicles would be minimal as 90% of the produce is from our own farm. The farm shop is to be run/managed by the family onsite.”* Other measures proposed are:

- A travel information pack..., include a map of where we are, distances to the bus route Daynes Farm is on. Distance from the Totnes train station (2.9 miles away) and distance from the national cycle path (1.3 miles on country roads).
- The electric car & EBIKE charging points would be powered by the solar panels already in place.
- Daynes Farm is on the 164 Totnes-Kingsbridge bus route which passes four times a day six days a week.
- promote using public transport as an easy accessible way of getting to us.
- Promote walking from Harberton(0.6 miles); Harbertonford(1.2 miles) and Totnes(2.5 miles).
- *“We are a forward thinking organic farm; the environment matters to us. The promotion of walking, cycling, bus use and lift sharing is really important and we will maximise this.”*
- Encourage residents/employees to switch their travel to a more sustainable mode.

Whilst the measures indicated in the travel plan are positive for local people, there is nothing in the Travel Plan about the marketing approach. If it is the local area that the applicants are providing for, how will this be managed? The aim of the proposal to be able to sell their organic produce is a laudible one, but it is assumed that it will need to be a viable operation and one which will probably require more than just local custom. How will traffic from the A391 be managed?

Officers consider that the Travel Plan has not gone far enough in terms of the wider customers that may be attracted to it. The issue of deliveries to the farm has been addressed, but the issue of the farm delivering their goods has not. Is it the intention to deliver to local outlets?

Item three and four in policy DEV15.8 relates to the relationship with existing buildings. The Farm shop is to the north east of the existing farm buildings. Approximately 35 metres away, which is a considerable distance. It would not be seen in the landscape as part of the farmyard, but as a separate building, particularly as it is also set on higher land than the other farm buildings. It therefore does not have a positive relationship with the existing farm buildings on the farm. In terms of scale the building is far smaller than the farm buildings on the site already. No narrative about the potential re use of those existing buildings has been provided with the application. If this siting is the only one, it is too far removed from the existing farm buildings.

Officers therefore conclude that whilst some areas of policy DEV15 are satisfied, overall there is insufficient evidence, to demonstrate that all of the issues with travel to and from the

shop have been addressed and appropriately mitigated, nor is it essential for agricultural or forestry purposes that it be located in the countryside. The proposal is therefore contrary to Policy DEV15.

Design/Landscape:

The proposed building is single storey measuring 10 metres by 6 metres. Half of the building is proposed as farm shop, Of the other part of the building, half would be the butchery and processing area and the other half comprises the chiller and a wc and entrance lobby. The majority of the building would therefore be for the farm shop.

The building has a flat roof and details of the material to be used on this element of the building has not been provided. The walls are described on the application form as being timber effect cladding on a steel frame. Timber effect cladding would not be acceptable in this rural area. The material can be appropriate in built up areas of towns, but not in the open countryside, where more natural materials should be used. If real timber cladding was used it would fade to a grey/silver colour and blend naturally into the countryside. The timber effect cladding would not fade and would appear an incongruous material, and would impact negatively on this rural location contrary to Policy DEV23 and Policy DEV20 of the JLP.

The proposed building and long access drive also extends the farming enterprise into a new field. Whereas the existing farm is compact and contained, the proposed building and in particular the long access track as well as the significant removal of hedge and a mature tree for the visibility splay would impact on the landscape negatively.

Neighbour Amenity:

There are no immediate neighbours to the farm and so there are no residential amenity issues.

Highways/Access:

Subsequent to the discussions about the tree and the access, an alternative access was proposed further away from the farm access and across a field currently laid to grass. It would also involve the removal of a hedgerow tree to create appropriate visibility. The Tree Specialist has accepted the loss of the tree in this case on the basis that a further tree would be planted and that the access track would need to be softened. The highway authority have indicated that there is insufficient information for them to be completely satisfied with the proposal and suggest a condition be applied to the consent to seek the additional information.

Officers are of the view that a condition may be acceptable, but in the first instance it is necessary to consider the impact of the visibility splay on the landscape.

The required visibility splay indicated on the drawings is 35 metres in each direction. Of that 35 metres at least 30 metres in each direction of existing Devon hedgerow would be lost. The hedgerow in this location are relatively high and established. The loss of the hedges would impact significantly on the character of the road, which is currently narrow, small in scale and lined with hedgerows and trees. The loss of a 70 metre section of hedge in order to create a visibility splay would, Officers consider, be detrimental to the character of the lane.

Whilst the Highway officer is content to wait for detailed drawings of the visibility splay Officers are concerned that this approach would be accepting of the principle of such a large visibility splay in a rural single track lane. Officers are of the view that the new position of the

proposed access is unacceptable because of the landscape impact. Policy DEV23 seeks to ensure that development conserves and enhances the landscape. This proposal would fail to do so.

Drainage:

The application site is in Flood Zone 1, where the risk of flooding is low. It is proposed that surface water run off would be piped to a nearby watercourse and foul drainage will be sent to a new septic tank. Any waste washings would be collected in a separate container and disposed of offsite by a registered contractor. The drainage engineers is satisfied with these measures subject to receiving detailed information prior to development extending beyond slab level.

Ecology:

A wildlife table was completed indicating that there would be no impacts on ecology as a result of the development. However the proposal does involve the loss of a significant stretch of hedgerow and two large trees, as well as grassland where the building, access track and car parking area are proposed. It is considered that if the application were to be carried out there could be an impact on ecology and protected wildlife the extent of which cannot be considered as no ecology report has been provided.

Climate change:

The applicant's supplementary statement and travel plan indicate that by having a butchery on site, there will be a reduction in food miles as they would no longer need to take their cattle to an abattoir elsewhere. Officers acknowledge that this would be a benefit in terms of reducing the carbon footprint. However, no other carbon reduction measures have been proposed. The Planning statement indicates that there are existing solar panels on one of the agricultural buildings, however policy DEV32 seeks all new development to provide carbon reduction measures. As none have been specifically provided for this development proposal, the proposal fails to meet that policy.

Support for the proposal

It is noted that there are many letters of support for the proposal as well as support from the Parish Council. The letters of support refer to the reduction in food miles; the need to support local businesses; the benefits of diversification; the support needed for less intensive farming techniques. All of these issues are supported by the Local Authority, however in this case the manifestation of the farm shop results in the removal of a substantial amount of Devon hedge; the loss of a tree; the change in character of the road and area' potential impacts on ecology and no new carbon reduction measures. All of which mean that the proposal contravenes adopted planning policy.

The Parish Council have made reference to the emerging NP noting the local support for more farm shops. Officers acknowledge this and agree that farm shops do add to the local economy, however in agreeing this they should also not impact on the principle of sustainable development identified in the strategic policies in the Plan nor impact on the environment within which they are located. Unfortunately in this case officers are of the view that the impacts of the proposal outweigh the benefits of a farm shop in this location.

Conclusion

The proposed development does not meet the requirements of sustainable development as set out in Policies SPT1, SPT2 and TTV1 and whilst farming itself is appropriate in the countryside, it is not essential for a butchery and farm-shop to be located in the open countryside.

The impact of the development with a wide visibility splay would result in the significant loss of Devon Hedge and two trees one of which is protected. The impact of that on the rural landscape would be significant and would therefore be contrary to Policy DEV23. Whilst Policy DEV15 does allow for new farm shops in the open countryside, it does not meet the policy because there has been no demonstration that 75% of the goods sold would be from immediate or adjoining parishes and in any case the proposal would not meet part 8 of the policy. In design terms the proposed farm shop is some distance from the existing farm buildings and would therefore be seen on its own. This as well as the proposed use of timber effect cladding would not be acceptable in design and landscape terms and so the development would fail to meet policies DEV23 and DEV20. No ecological information has been submitted and the significant proposed loss of a hedgerow and trees would be very likely to have an impact on ecology. Finally no carbon reductions measures have been provided to demonstrate that the carbon footprint of the development has been reduced. The proposal 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).

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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The application lies in the area covered by Harberton Neighbourhood Plan. The Plan is currently at regulation 7 stage whereby an area has been designated, but there are no specific policies in place at this stage.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 157, 167, 174, 179, and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Staverton

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

Application No: 3792/20/FUL

Agent/Applicant:

Mr Ben Mitchell
Kendall Kingscott
Glentworth Court
Lime Kiln Close
Stoke Gifford
BS34 8SR

Applicant:

Gaynor Boyden
WAVE Multi Academy Trust
River Dart Academy
Shinners Bridge
Dartington
Devon
TQ9 6JD

Site Address: River Dart Academy, Shinners Bridge, Dartington, Devon, TQ9 6JD



Development: Planning application for erection of a new school building on the site of the current school, new reduced car park, associated hard and soft landscaped play areas, new boundary treatment to the site, and removal of 8no. C grade trees and 2no. U grade trees and demolition of two temporary classroom units

Reason item is being put before Committee: The Local Ward member considers that the application should be considered by Committee.

Recommendation: Refusal

Reasons for refusal

1. The application site lies within an area designated as Flood Zone 2 and 3 and the Flood Risk Assessment submitted has not demonstrated that the proposal will be safe for its

lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, contrary to Policy DEV35 of the Plymouth and South West Devon Joint Local Plan and para 164 of the NPPF 2021.

2. The proposed 2.8 metre high security fencing proposed for the majority of the perimeter of the site is considered visually intrusive and impactful on the existing trees on the site and as such is contrary to the principles set out in policy DEV20 and DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 130 and 131 of the NPPF 2021.

Key issues for consideration:

Principle / Sustainable Development

Design, Visual Impacts, the SWD Landscape Character Area (7 – Urban)

Neighbouring Amenity

The Historic Environment

Drainage / Flooding

Highways / Access

Ecology / Biodiversity

Trees.

Background:

The application site comprises the existing River Dart Academy; an alternative provision school which aims to work closely with primary and secondary schools to provide support to the most vulnerable students.

Students attend River Dart as a result of adverse childhood experiences, traumatic experiences or undiagnosed SEND needs. Students have often been permanently excluded from their previous school or have been referred to the pupil placement panel or medical pupil referral panel, and therefore arrive at River Dart at various stages of their schooling.

The academy seeks to create a nurturing environment for students to get back on track and either return to regular mainstream schooling or complete Year 11 at River Dart. The academy is run by Wave Multi Academy Trust (MAT) which delivers education to pupils across Devon and Cornwall.

The school is currently housed within two temporary buildings and a Grade II listed building at Shinnars Bridge. The site is limited in terms of external play area and it is noted that the existing situation / on-site provision is not well suited to provide a secure and comfortable environment for SEN pupils or for the teaching staff. The existing buildings are purported to be poorly insulated and security, fire safety, heating, cooling and ventilation are a constant issue.

Modern solutions are required as the current school buildings are not well suited and cannot facilitate an engaging and therapeutic environment. Wave Multi Academy Trust were successful in their bid to the Department for Education for funding to construct a new building which will be purpose designed and built with their pupil's needs and the surrounding environment in mind.

Site description:

The current River Dart Academy site is two small parcels of land (total 0.71 hectares) to the west of the A385/A384 intersection. The site's area is physically segregated by Bidwell Brook which is crossed via a pedestrian bridge. The northern part of the site consists of an area of grassland, dilapidated buildings and car parking. The south side of the Brook serves as the current accommodation for the school. The school is currently housed within two temporary buildings and a Grade II listed building, Dartington Church of England Primary School, at Shidders Bridge.

The site is located within the SWD Landscape Character Area (7 – Urban), a Greater Horseshoe Bats SAC, the Dartington Parish Council / Neighbourhood Plan Area and a SSSI Impact Risk Zone. The northern-most element of the application site is part located within Flood Risk Zones 2 & 3 with the southern-most element located within Flood Risk Zone 1. The site is also noted as being within a Critical Drainage Area

Also in close proximity to the application site is the Grade II Listed Pair of Gate Piers immediately South of Dartington Church of England Primary School, and further to the east lies the Grade II listed Shidders Bridge House.

The Proposal:

The proposed development entails the construction of a two storey teaching space. The original submission indicated a bland rectangular building design on the area currently used as a car park in the northern part of the site. The building will include 6 classrooms, a main hall, specialist teaching spaces for art, science and food technology, staff accommodation, group rooms and ancillary spaces.

Car parking provision will be re-provided to suit the demand of the school. The plans indicate 25 total parking spaces, 2 of which are disabled and 5 are designated for taxi and minibus drop off. Separate hard play areas will be provided for secondary and primary pupils adjacent to the building, with a multi-use games area located centrally. The existing vehicular access point will be retained off the A384.

There are currently 22 pupils that attend the school, and the current Published Admission Number (PAN) is 40 pupils. The school will be built to meet a maximum pupil capacity of 48 to future proof the scheme. However, the number of pupils attending the school will not increase as a direct result of the proposals and the PAN will remain at 40.

The proposal has been amended, reduced in size and scale and is now reminiscent of a set of terraced cottages as opposed to an institutional building. Whilst this results in a building which does not look like a school at all, it does have a better relationship with the surrounding more domestic scale development in the village.

Materials proposed are natural slate; render and stone facing.

Consultation responses:

Environmental Health: no concerns regarding the potential for any contamination to affect the new build construction or users of it so do not require any further potentially contaminated land information.

There are no significant external or inherent noise sources with the potential to affect off site receptors so do not anticipate any environmental health concerns with regards to noise.

Dartington Parish Council: The Council considered the revised application at its meeting on July 14th and is unable to support this application and has the following additional comments:

1. Important information is still missing especially in relation to:

1. The future intentions of the existing grade 2 listed building.
 - It should be clarified whether the building can be adapted or extended and retained for educational use.
 - The Council is concerned the building should not be converted to housing.
2. Landscape and green space:
 - There is an inadequate and faulty landscape plan which cannot be delivered.
 - Too little green space is provided and there is no space for children to play.
 - The Council is concerned that trees might be felled as they are seen as a potential “escape route” by children and more information is needed about this potential tree felling.
 - Decorative shrubs are proposed which may not be the most appropriate treatment.
 - The extent of the area covered by tarmac is a particular concern.
 - The beech hedge is outside the site boundary, so ownership requires clarification before work is carried out.
3. The impact of the development on wildlife.
 - The impact on bats especially has not been considered, particularly in regard to the 2.8m fence which will affect flying bats.
 - Greater horseshoe bats need a dark development and there is no evidence this has been considered.
4. A lighting strategy for the site.
 - There is conflicting information provided about lighting meaning a lighting strategy which provides an overview is necessary.
 - A high density of lighting is inherent in this design around the buildings and in the car park area which will be lit with E13 streetlights. The impacts of this have not been addressed.
 - The council feels it is disingenuous to claim that the lighting is low level for the MUGA when this is irrelevant because the entire site will be flood lit.

2. Flood risk.

1. Only parts of the site are suitable for the proposed development and the application must fail the Sequential Test. According to the Flood Risk assessment, 65% of the site is in flood zone 3 which has a high probability of flooding and 5% of the site is in flood zone 2 which has a less high probability of flooding. This means that 70% of the site is at risk of serious flooding. Buildings in “More Vulnerable” categories must pass the Exception Test before they can be built in flood zone 3 and the following two elements must both be satisfied:
 - the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It is still not clear that this application satisfies these conditions.

2. The Council is concerned that flooding will be exacerbated by the in-combination and cumulative effects of other development including BMX and bike track on adjacent land.

3. The Council is concerned that high fencing will stop water flow.
4. The Council notes that that the Environment Agency on 9/6/21 objected strongly because parts of the site are in flood zone 3 and the Bidwell Brook must be allowed to overflow during storms.
5. The loss of absorbent surfaces and woodland habitat contributes to the flood risk. The Council suggests that removing the MUGA and reducing parking on site would reduce flooding.

3. Design:

1. The Council appreciates the radically changed design as a response to comments, but it would like to reiterate its concerns about the scale and massing relating to the new build and its proximity to the existing historic buildings and the main road.
2. The Council is concerned that the revised building design still does not respect the historic local character at this prominent position in the village.
3. The Council feels the chain link security fencing all around the site is inappropriate and intrusive in this location, being too high and too close to the Bidwell Brook. The Council requests that the fencing be reconsidered.

4. Ecology:

- The Council notes that County Ecologist had expressed concerns as the site has high bat activity and dormice present.
- The Council feels the site should be a Dark Development and lighting should be limited to 0.5 lux for the benefit of wildlife, bats especially.
- The Council notes that the loss of woodland habitat causes damage to wildlife and particularly impacts flyways for bats.
- The Council feels that the habitat trade-offs: providing bat boxes and spreading wildflower seeds is box ticking and inadequate. Spreading wildflower seeds in particular can be damaging to the local flora.

Trees:

No objection on arboricultural merit subject to the following documents being made approved plans if consent follows:

- Arboricultural Impact Assessment: Unreferenced 7/10/20
- Arboricultural Method Statement: Unreferenced 7/10/20.

The following revised/ new supporting documents have been reviewed

- Site Plan: 181074-503 P14

It has been brought to my attention that a 2.8m high permanent fence is proposed to be installed amongst the canopies of several mature trees and adjacent to their stems. If approved this would be likely to necessitate the removal of significant live crown portions to afford space.

The applicant has not demonstrated that this height of fencing can be installed without adverse impact on trees to be retained and therefore I am unable to support this element of the application.

Revised recommendation

I would recommend the removal of this aspect of the application, but continue my no objection response for the wider scheme.

Opens Space, Sports and Recreation: Objection, based on concerns over the relationship with the adjacent park and play area to the north. Recommends additional planting to reduce the impact of the building (in terms of reducing the visual impact of the building and potentially moving the building away from the northern boundary).

Suggest an offsite contribution to a MUGA rather than providing one on site. It could then be used by the school and the wider community. If this is not possible, could the MUGA on site be used by the community outside of school hours – to be secured via a planning condition.

Ecology: Initial comments from DCC ecologist requested further information be submitted. That additional information was provided, but the ecologist has yet to provide comments. Their comments will be available for the Committee. If they remain concerned, there may need to be an additional reason for refusal.

Landscape:

Any development proposals in this location must be sensitive to relationship of the site with the adjacent settlement; the nearby open spaces, and the close proximity of the valued habitats of the Bidwell Brook corridor, in order to avoid harming the recognised character of the area. The previous submission raised a number of concerns but it is felt that the revised building design is more sensitive and sympathetic to the landscape and townscape setting. The wider Landscape character is felt to be conserved. At a more localised level, the proposed building appears to fit in relatively unobtrusively with the pattern of development, and for that reason officers are satisfied that the proposal would accord with JLP landscape policies and their objectives.

There are, however, some details in relation to the hard and soft landscape design that require further consideration:

- The future intentions for the Grade II retained building are not clear, and the reinstatement proposals for the site, where buildings are to be demolished, is not explained. The Site B area, including areas to be replaced with landscaping, is not included in the external works hard or soft landscaping proposals.
- The site plan and planting plan both show some areas of path to be self-binding gravel (west and south of MUGA, and north of new building), and the hard landscape plan shows all path surfacing to be asphalt. Asphalt would be supported across the site as a more practical choice.
- Officers are concerned that the extensive lengths of 2.8m high security fencing will have an unacceptable adverse impact on visual amenity in this location, and would request that the layout for this high fencing is reconsidered.
- How will the 2.8m security fencing be installed amongst existing trees, without harming them where canopies are lower than 2.8m?
- The planting plan indicates that the new beech hedge is outside the redline boundary of the site so the ownership and long term management of the hedge requires clarification.
- It is noted that the planting plan contains a label stating that the existing tree canopies are to be cut back and lifted to allow sufficient light for the proposed shrub planting. Given the extensive tree canopies around the site, and the amount of shade cast, especially along the western boundary, the appropriateness of including areas of proposed native shrub mix is questioned.
- Officer's comments about the soft landscape proposals and tree species selection should be noted.

I would recommend that the SHDC Tree Officer's view should be sought on the acceptability of the installation of security fencing, and proposed trimming of retained tree canopies to facilitate ornamental planting growth below.

Recommendation:

Officers are satisfied that the proposal would accord with JLP landscape policies and their objectives, so no objection on Landscape merit, subject to clarification of issues identified above.

Noting the issues raised in relation to the hard and soft landscape proposals currently presented, if Officers are minded to recommend approval, acceptable, detailed hard and soft landscape proposals could be secured by condition.

Devon County Council Education services: Devon County Council had previously reviewed other potential sites for this education provision, within its own and other public ownership. The other sites have been discounted. There is insufficient available funding to support a site purchase.

Historic England: No comments

Natural England: As submitted, the application could have potential significant effects on greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC), and Bulkamore Iron Mine Sites of Special Scientific Interest (SSSI). Your Authority will be required to undertake a Habitats Regulation Assessment (HRA) before determining this application.

The proposed development site falls within a greater horseshoe bat sustenance zone associated with the South Hams SAC bat roost at Bulkamore Iron Mine. Sustenance zones are key feeding and foraging areas for greater horseshoe bats associated with the South Hams SAC. The permanent loss of existing or potential bat habitat or increased illumination within the sustenance zone and has the scope to adversely affect the favourable conservation status of the SAC bat populations.

The South Hams SAC – Greater horseshoe Bats. Habitats Regulations Assessment Guidance (October 2019) sets out the information required to undertake a detailed HRA, including the bat survey requirements.

Natural England must be consulted on any Appropriate Assessment the LPA prepares, prior to determining the planning application.

Environment Agency:

First response received 21 Jan 2021.

We object to this proposal on grounds that the submitted flood risk assessment (FRA) has not demonstrated that the proposed development will represent betterment on the current situation on site, and not increase flood risk elsewhere. We recommend that the application is not determined until a satisfactory Flood Risk Assessment (FRA) has been submitted.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse

a planning application.

This response was based on the fact that the vast majority of the site lies within Flood Zones 2 and 3 and therefore the site is at risk of fluvial and surface water flooding. The site also has a known history of flooding (2012 being a particularly bad year). A number of specific issues were raised by the EA which the FRA needed to address.

[Officer note: Discussions have taken place since the initial objection between the applicants drainage engineers and the Environment Agency and in relation to the revised building design.]

Environment Agency, latest response: July 2021:

We maintain our objection to the proposed development on flood risk grounds in particular the potential to increase the risk to third parties. Further to our previous correspondence on the 9 June 2021, which set out some of the main issues with the flood risk assessment (FRA)/design (which are still valid) we provide the further reasoning below.

Before you determine the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the National Planning Policy Framework (NPPF) if you have not done so already.

Reason

As outlined in our previous responses, the site is at significant flood risk, with large parts of the site classed as functional floodplain (flood zone 3b), i.e. the area in which flood water flows during a flood event. Changes to their essential operation will increase flood risk to third parties (including other local schools) which is contrary to NPPF paragraph 163. The proposed school building, the required security fencing and MUGA pitch are not suitable for this location due to the flood risk. We have records of the site flooding on average twice a decade, to various depths/hazard classifications.

The risk is of fluvial flooding and surface water flooding.

The security fencing around the site, represents a major obstruction to flood flows that cannot be compensated for. It will catch flood debris and raise water levels around the site, impacting the other schools. The loss of flood storage/conveyance would also impact land downstream, such as the main road and commercial businesses. The NPPF is clear that, when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Whilst the proposed building could be raised above the flood level and provide a safe route to higher ground, the rest of the site will flood, with significant/extreme hazard and be a "Risk to Life". The footprint of the proposed building would extend into the functional flood flow route, and would require adequate compensation.

We have previously advised that a small building in the north east corner of the site would be acceptable. This included a small amount of parking with types of fencing acceptable in flood risk terms. The current proposal goes significantly beyond this previous advice.

Whilst we can provide a flood alert for this area (i.e. flooding is possible, be prepared) specific flood warning cannot be provided for the Bidwell Brook and therefore we cannot inform the occupants that flooding is expected and to take immediate action.

In addition, we maintain our concerns regarding the FRA and the flood model upon which the FRA is based. In order for us to accept the results of the model, we would need to review the full model, in conjunction with our historical records.

We recently met with the applicant to discuss the flood risk and there appears to be no design changes that can be made (the security fencing must be part of the design) in order to make the development acceptable in terms of flood risk, therefore we must maintain our objection.

Devon & Cornwall Police: No objections in principle, but highlight that school buildings can be vulnerable to criminal activity. Recommends that the school building be designed to meet the principles of Secured by Design Schools Guidance 2014.

Devon County Council – Education: Support as it supports children and young people who require additional educational support. The existing buildings are not suitable for delivering a modern personalised curriculum and the temporary classrooms are nearing the end of their life.

DCC Highways: Recommend approval subject to conditions

Representations from Residents:

275 letters of objection have been received in relation to the previous proposal as well as the current proposal, although there have been less in relation to the current proposal.

In summary relate to the following points:

- Design and Visual Impacts (appearance, scale, massing, density, materials, out-of-keeping with other nearby buildings, impacts upon character and appearance of the area, overdevelopment of the application site, 'Gateway', 'Hostile', 'Industrial')
- Impacts upon adjacent play park / overshadowing / loss of light
- Impact on the historic environment (redundant use of the listed building)
- Ecology / biodiversity (proximity to Bidwell Brook)
- Drainage / flooding (drainage and run-off to Bidwell Brook)
- Trees (removal of apple orchard / proximity to woodland)
- Privacy / Over- dominance
- Light pollution / Greater Horseshoe Bats and lack of surveys
- Other candidate sites should be considered (Aller Park & Foxhole on the Dartington Estate, King Edward Community School, Totnes (amongst others)).
- Highway Safety / Increase in vehicular traffic / poor air quality / car parking / pedestrian safety / taxi levels
- Low-carbon development (absence of plan to accord with JLP Policies DEV32 & DEV33)
- Concerns as to why the existing building cannot be re-used and improved.
- Intrusive security fencing at 2.8m high
- Accompanying documentation insufficient to assess impacts on heritage assets and the proposal's likely visual impacts.
- Noise and smell disturbances (waste & dust)

18 letters of support have been received and cover the following points:

- Current facilities are poor and difficult to create a positive learning environment
- A new purpose built building designed to meet their needs will help ensure these young people feel valued and get the high standard of education they deserve.

4 undecided representations have been received and cover the following points:

- Impacts upon Greater Horseshoe Bat habitats, flyways and roost destruction
- Radio tracking surveys required
- In-combination effects of lighting
- Licenses from Natural England.
- Impacts on other European Sites (SAC etc)
- Concerns over fencing, design and visual impacts and car parking provision.

Objections from local organisations in relation to the previous scheme (Dartington Swimming Committee; Dartington Recreation Association; 2 x Parish Councillors (in their private capacity)

- Do not object to the school building but do object to the design.
- Loss of privacy and overlooking of play park and the swimming pool
- Overshadowing in the vicinity
- Over dominance
- High security fencing will impact on the local area
a solid, two story rectangular block of no architectural appeal or sensitivity to the location on the main highway into the village.
- The building backs onto the park without acknowledging its existence.
- The metal fence and tall industrial style building will change the character of the play park.
- Insufficient landscaping
- No ref to Neighbourhood Plan
- Existing adopted Open Spaces, Sport and Recreation Strategy is proposing a MUGA 200m to the north. Could this not be a shared facility?
- Loss of trees and undeveloped greenspace
- Impact on ecology
- This proposal will have a negative impact on the amenity value of the playpark.
- The nearby listed buildings will be detrimentally affected by the large, out-of-character appearance of the proposal.
- Missing information
- Harm to designated and non-designated heritage assets
- Over development
- No Heritage assessment has been provided. Para 192 of the NPPF requires an LPA to take account of sustaining the significance of heritage assets by a) keeping them in viable use, consistent with their conservation, b) recognising the positive contribution a heritage asset can make to sustainable communities, and c) the desirability of new development making a positive contribution to local distinctiveness and character.
- Para 193 of the NPPF places 'great weight' on the conservation of designated heritage assets.
- Contrary to Policies DEV20 and DEV21 DEV23 and Dev29 in the JLP
- Information was uploaded after the Parish had been consulted, this is unreasonable and resulting in less transparency.
- Insufficient evidence in the heritage statement to demonstrate the assertion that the proposal will have no impact on the listed building.
- The intervening trees between the application site and the listed building will not screen the development from the listed building. Some of the trees are proposed to be removed and there will be views between the two buildings.
- No visual impact assessment has been submitted.

- The tree report is not an adequate arboricultural report. It evaluates trees in terms of its subjective opinion of amenity, not wildlife and fails to understand the original use and locally distinctive nature of the site
- What will happen to the school if the temporary buildings are removed. What will its use become?
- Viable options should have been discussed at pre-application with the Council's heritage specialist officer
- The brick and fibre-cement cladding proposed are contemporary utilitarian building products which appear to have been chosen for economy and no/low maintenance.
- The industrial northlight roof profile of this pitched roof bears no relation to the Gothic Revival slated roofs which are a principal feature of the listed building.
- The applicant has failed to demonstrate an understanding of the significance of the heritage asset, making it impossible to assess the harm.
- The other heritage assets in the area should also be assessed - St Mary's school (listed at Grade II); the immediate South of the application site, are two terraces of listed Grade II C19 almshouses built in limestone random rubble with timber mouldings; well-preserved early C20 village hall on the same scale (non-designated heritage asset) with Gothic Revival detailing over the porch. Grade II listed Shinners Bridge Farmhouse and curtilage-listed buildings
- this cluster of Gothic Revival buildings at Shinners Bridge has significant group value.
- Taken together, the Gothic Revival buildings, the non-designated heritage assets, the gables and prominent stacks of Shinners Bridge farmhouse, and the former Cider Press buildings form an architecturally coherent group.
- The landscape character of the setting is appropriately semi-rural, enhanced by dense tree cover, woodland, informal boundary treatments, rubble walls, green banks, and substantial open green space.
- The development will completely alter the semi-rural setting of the listed village school, and permanently compromise its architectural quality.
- The applicant does not appear to have considered options which might mitigate harm., including maintaining the listed building in use, and ensuring its future contribution to the sustainability and vitality of the community.
- There is no clear and convincing justification for the replacement of the temporary buildings. No alternative use has been proposed; this puts the school at risk of long-term neglect and decay
- The scale, mass, proportions, and design of the proposed development do not respect the coherent group of small-scale Gothic Revival and vernacular buildings.
- The development will be a dominant, and visually intrusive feature in long views on the approach into Dartington.
- Several mature trees need to be removed to accommodate the development.
- The car park is too small and does not accommodate pedestrian space or sufficient turning space
- The building is overly urban in character, is oriented to maximise the visual impact; overbearing on surrounding uses and incongruous.
- The 2.8m security fence, will severely affect views on A384 approaches from the North, and views from the Shops at Dartington.
- the continuous perimeter fence proposed will appear inappropriately defensive in this gently landscaped context.
- The building is large and industrial in style.
- the materials include a great deal of concrete with a high embodied carbon and cladding.
- The design looks very similar to many clone industrial buildings that pay no reference to its locality.
- The very high metal fencing is intrusive and urban in nature.
- Detrimental to the Greater Horseshoe Bat population.
- No dormouse, or otter surveys.
- Question marks over the number of trees which are graded 'C'

Relevant Planning History

14/0293/01/CM

Shinners Bridge Dartington Totnes TQ9 6JD

Variation of a condition to allow all temporary units to remain on site for a period of a further five years COUNTY MATTERS APPLICATION

County Matters Application (consultee only)

Conditional approval 10/04/2001

14/1860/13/CM

Shinners Bridge Dartington Totnes Devon TQ9 6JD

County matters application for additional teaching accommodation, parking, hard play area and external storage. Landscaping and site works

County Matters Application (consultee only)

Conditional approval 9/10/2013

ANALYSIS

Principle of Development/Sustainability:

The principle of replacing a school facility with another building for the same purpose falls firstly to be considered against the strategic policies SPT1 and SPT2 in the Plymouth and South West Devon Joint Local Plan. The strategic aims of the plan are towards the provision of sustainable development in line with Government guidance contained in the NPPF 2021. The JLP policies provide direction in SPT1 by focussing development on the contribution it makes to the 3 arms of sustainable development: economic; environmental and social. Policy SPT2 provides more detail about what makes sustainable development.

The proposal to replace a school which already exists within this settlement would contribute to many of the objectives in policy SPT2. The principle of this development is therefore supported.

Design

The initial proposal generated a lot of local representation objecting to the development, with the design being one of the main concerns. The building was described as industrial, bland, out of context. The previous proposal was a rectangular block with little character and would not have contributed to the sense of place identified in Policy SPT2.

The current proposal is a much altered proposal. It is located on the same footprint as the previous proposal, but is smaller and its design has been altered considerably.

The current proposal is reminiscent of a terrace of cottages, with articulation provided through the dormers in the roof and the double gables end elevations. The materials proposed are natural slate for the roof and a combination of render and stonework on the walls. The revised Design and Access statement describes the changes:

“The roof is pitched at 45 degrees and is finished with slate tiles, strongly reflecting the roofs of historic buildings around Dartington.

- Stone cladding is proposed to feature walls of the building - around the main entrance, and to the most prominent facade that faces onto the A384. This strongly reflects the material choice of the historic buildings in the facility

- *Architectural chimneys are employed to the gable ends of the building as a further nod to the use of chimneys in the number of listed buildings in close proximity to the site. Dartington Church of England Primary School, Shinners Bridge House, Shinner's Bridge Cottages and Spending Cottages, all grade II listed, all are characterised by their use of stone, slate pitched roofs, gable ends and chimneys.*
- *Render is featured along the other facades of the building in two neutral tones that do not demand attention but break up the length of the facade. The simplicity of render sits well against feature stone elements and reflects the material choice of some of the closest residential buildings to the site.*
- *The first floor classrooms feature dormer windows and roof lights that maintain functional teaching spaces internally whilst articulating and breaking up the roofscape."*

The proposed design has taken the Dartington context into account, providing a natural slate roof, elements of render and stonework and chimneys (albeit false) which is a particular feature of many properties within Dartington. Whilst it does not look like a typical school building, it is considered that in this case the context demands a more creative solution. The building will be visible by passing pedestrians and drivers along the A385 and will be more acceptable in this setting than the previous design. It is considered that the proposal would meet Policy DEV20 in the JLP.

A further issue which was of concern to local residents, the Parish Council and the Council's Landscape Specialist as well as Planning Officers was the proposed fence around the site and its height. The proposal is for a 2.8m high wire mesh enclosure fencing - green around most of the perimeter of the site. The entrance area is 1.2m high hit and miss timber fencing.

Officers discussed the height of the fence with the DCC's education representative and the architect, as 2.8 metres seems excessive. The response was that the height was required because the children are prone to leaving the site. Whilst this may be the case, the fence also appears to run through areas where there are existing trees and the footings of the fence could impact on the root systems of the trees, and the upper parts of the fence could impact on the branches of the trees. The Tree Specialist has identified that there will be an impact on the trees if the fence remains in the scheme.

The applicants do not wish to alter the height or location of the fencing and so it is considered that the visual and possible impact on the trees is not acceptable and contrary to Policies DEV20 and DEV28.

Landscape:

The area in and around the site is partially tree covered, particularly as it runs along the Bidwell Brook. The proposal has attempted to ensure as few trees as possible are lost as a result of the development. The Council's Tree Specialist has confirmed that there are no arboricultural objections to the development provided that the relevant documents are made subject to an accord with plans condition.

Objections to the loss of trees on the site have been received. The applicants indicate that they have tried to keep the tree loss to a minimum, and the Arboricultural Impact Assessment indicates that "*the trees to be removed have a relatively low visual amenity value and their loss will not have a significant impact on the character or appearance of the local area.*" It is also indicated that more trees will be planted than are due to be removed. Apple trees are being proposed as part of the planting replacement scheme and the significance of the Erman's Birch (T806) as part of a group of trees planted in memory of a primary school teacher has also been noted. It is agreed that if it is not possible to relocate the tree (which

will be the first course of action) a semi mature replacement will be planted. The other trees within this group are to be protected.

The Landscape Specialist has also provided comments on the proposal and whilst there are no in principal objections to the development, highlights a few matters which require due consideration, as identified above. There is a question over the use of asphalt and some areas of self-binding gravel. The preference would be (from the Landscape Specialist's perspective) for asphalt across the scheme. This issue can be dealt with by planning condition if necessary.

The 2.8 m fencing is also an issue for the Landscape Specialist, particularly in relation to its adverse visual impact and its impact on tree roots and canopies because of its height, when installed. The Tree Specialist also raised concerns about the 2.8m high fence proposed for the perimeter of the school site and expressed concerns about the impact of the fence on the trees. It was suggested that the fence be removed from the application. As it is still on the application and has been described as an essential part of the proposal, it remains part of the application.

Some of the proposed planting is also shown outside of the red line plan and as such the application would not be able to control these areas. This particularly applies to the beech hedge.

There remains some concern about the impact of the development on the existing trees and as such the Landscape Officer would defer to the Tree Specialist to comment in the acceptability of native low level planting under the tree canopies and whether it is acceptable to lift the canopies to allow for light to penetrate to the woodland floor.

A number of the objections to the development also make reference to the impact on the development on the existing trees, however the Tree Specialist has indicated that provided the construction takes place in accordance with the Arboricultural Impact Assessment and Method Statement, there are no concerns, except for the provision of the fence, which is not acceptable and results in conflict with Policy DEV28.

Heritage:

The Heritage Statement within the Design and Access statement states that the large number of trees on the site and surrounding the existing school site, prevent any views between the listed building and the proposed building. The other listed buildings such as the cottages on Cott Road and Shinners bridge house "*are not visible from the proposed building location, nor is the proposed building visible from these properties.*"

In coming up with this revised proposal the architect and Council's Heritage Specialist reviewed the existing listed buildings in the area and acknowledged that "*Dartington Church of England Primary School building, Shinners Bridge House and the terrace cottages is grey Devonian limestone rubble, with a steep dark grey slate roof. They feature gable ends and prominent chimneys.*"

The Heritage Specialist recognised that "the distance between the application site and the designated heritage assets is considerable with limited inter-visibility." He also noted that "the proposal offers considerable benefits in terms of the setting of the grade II school by virtue of removal of the temporary classroom buildings."

Details of what would happen to the existing listed building on the site were raised in some of the letters of representation and at the moment no information has been forthcoming about the future use of that building. There are no objections to the proposal from a heritage perspective.

Neighbour Amenity:

There are no residential properties immediately adjacent to the proposal site. There will therefore be no residential amenity impacts from the development. The proposal site lies within an area where education is a primary land use. Dartington Church of England Primary School lies to the north of the site; Bidwell Brook Special Education School lies to the north east.

The Dartington outdoor swimming pool and the adventure park are to the north east. As is the newly permitted cycle route through the woodland. It is a space where the community meet in different guises. Some of the objections to the development relate to the surrounding uses and there is concern from objectors to the scheme that the building will overlook the swimming pool and nearby park. Having reviewed the plans and the location of the swimming pool the distance between the two uses is approximately 86m away and Officers do not consider that there will be any overlooking from this distance. In addition there is intervening tree cover between the proposed building and the swimming pool.

As for the park immediately to the northwest, it is much closer than the swimming pool to the proposed building. The elevation of the building facing the play park contains 3 classrooms at first floor level and 2 at ground floor level with an eating / teaching space on the ground floor.

Whilst there may be occasional looking out of the windows from the proposed school building, this would be no worse than for houses which are located adjacent to parks or the public car park adjacent to the park or the community centre further north. In fact likely to be less because of the limited times the students would be able to look out of the windows. The proposed plans also indicate a hedge along the northwest boundary outside of the proposed 2.8m wire fence, so this would prevent any overlooking from the ground floor rooms.

It is not considered that the location of the school is a substantive reason to refuse the proposal.

Highways/Access:

The highway authority have requested additional information for the bell mouth at the entrance to the site. A condition can be applied to any consent to secure this.

Drainage:

Part of the application site lies within Flood Zone 2 and 3 and as such the NPPF requires the sequential test to be applied to the development proposed. A Flood Risk Assessment (FRA) has been provided and indicates that the majority of the site lies within Flood Zone 3 (an area with a high probability of flooding). The far northeast corner and far south west corner of the site is in Flood Zone 1. 33% of the site is in the medium to low risk of flooding.

The location of the new teaching building is predominantly within the “very low” to “low” risk northeast corner of the site. In terms of surface water risk, the FRA indicates that

“During a “high risk scenario” (more frequently occurring), the northeast corner of the site, where the building is to be located, is not expected to experience any flooding.

- *During a “medium risk scenario” (medium frequently occurring), the northeast corner of the site, where the building is to be located, is again, not expected to experience any flooding.*
- *During a “low risk scenario” (less frequently occurring), the northeast corner of the site, where the building is to be located, is expected to experience some surface water flooding, of up to 300mm depth, coming from the land above the school site to the north.”*

The FRA also commented that over the design life of the building when considering a 1:100 year scenario plus climate change (identified as 13%)

In terms of planning, the site is predominantly (circa 65%) in Flood Zone 3 (high risk), with circa 5% in Flood Zone 2 (medium risk) and circa 30% in Flood Zone 1 (lowest risk). Circa 70% of the site is at “medium” or “high” long-term flood risk.

The use of the building would be described as ‘more vulnerable’ (NPPG- para 66 table 2).

In terms of the sequential test, Devon County Council have written in relation to the application that *“no other suitable County or public-ownership sites are available within the county for the school. Devon County Council also confirmed that the location of the school is strategically well placed to support learners.”* It has also been confirmed that there is insufficient funding available to purchase another site for the school.

A sequential approach to the location of this school has therefore been carried out and no other sites are available for this specific school requirement.

As such the exceptions test is triggered. The exception test (para 160 NPPF) indicates that to pass the exception test, both of the following 2 elements must be satisfied.

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The site is currently in use for education and for children with additional needs. There is an undoubted community benefit from such provisions and it is understood that there are only 3 such provisions in Devon. Therefore in terms of sustainability benefits to the wider community the proposal will meet that test.

The location of the building in the part of the site with the lowest flood risk is argued by the applicant that the building will be safe for its lifetime (circa 60 years).

The applicant also argues that the occupancy rate of the school is also a relevant consideration. The FRA states...*“Assuming 10 hour occupancy per day, 5 days per week for 40 weeks per year, represents an occupancy rate of just 23% per year.”*

The FRA proposes as a result of the modelling that the ground floor level of the proposed building should be at 16.75m AOD, which is a cautionary level as the modelling indicates that slightly less could be achieved.

The layout plan indicates that safe egress is provided via path around the north and east side of the building via a new gate to the B384 highway. The path is at 16.35m AOD rising to 16.7m AOD at the site boundary which would, the applicant indicates, provide a safe and dry egress route. In addition a Flood Warning and Evacuation Plan is being developed, which would propose evacuating people before the onset of flooding.

Other areas of the site will be subject to some level changes – parking and circulation levels are to be raised by approximately 130mm and the area where the MUGA is proposed will be dropped by a similar amount.

In those areas flood predictions indicates:

Circulation and mini bus/taxi drop off = 0.10m to 0.4m

Car park = 0.35m to 0.95m (worst case scenario)

MUGA = 0.5m to 0.8m.

The modelling by the applicant also indicates that flooding will not be increased elsewhere as a result of the development. Attenuation tanks are proposed to accept the surface water run-off from the site.

As can be seen the Environment Agency have had a number of meetings with regard to this site and maintain their objection to the proposal. They maintain concerns with regard to:

- The model used to test the flood risk across the site;
- The potential risk to third parties
- Has the sequential and exceptions test been satisfied?
- Significant risk of flood, with large parts of the site in the functional flood plain (flood Zone 3b);
- The building, the security fencing and the MUGA are not in a suitable location
- Security fence represents a major obstruction to flood flows – catching debris and raising flood levels and potentially impacting downstream.
- Accept that the building could be raised to provide a safe egress, the rest of the site will flood, with significant/extreme hazard and 'be a risk to life'

The Environment Agency consider that the proposal will not meet part b of the exception test and will not be safe for its lifetime taking account of the vulnerability of its users, and will increase flood risk in the surrounding areas and will not reduce flood risk overall.

The objection is therefore a considerable issue for the project as a whole and the development would be in conflict with both the NPPF 2021 and policy DEV35 in the JLP if approved.

Ecology and biodiversity:

The many trees and the river in and around the site results in an area where wildlife is prolific. An ecology survey was submitted with the application and further information was requested by the Council's ecology representative as there was insufficient information to provide clear recommendations. That information has now been submitted, however as of writing this report a response from the ecologist has not been received.

It is noted from the updated ecology report that all species of bat were recorded on the site, including Greater Horseshoe bats. In addition badgers, dormouse, nesting birds,

invertebrates, otters and reptiles were all found within 1km of the application site and all are likely to be present in some form or other.

Recommendations from the ecology report include:

- Development should be carried out on the basis of the lighting strategy submitted
- No vegetation clearance works should take place between 1st March and 31st August inclusive
- An exclusion zone should be installed with Heras fencing along Bidwell Brook to prevent potential impacts to the watercourse and any wildlife (including otters) that may use it.
- The proposals could cause injury/harm to reptiles in the compost heap in the north-western corner of site. It is
- Recommended that an ecologist deconstructs the compost heap by hand and any reptiles are removed to a pre-constructed small hibernaculum if carried out in winter, or to a pre-determined suitable area of the site if carried out in the summer.
- The scheme will achieve a net biodiversity gain of 33% primarily due to the enhancement of amenity grassland with wildflower meadow seed mix. Other enhancements include new native shrub planting, replacement trees for those lost as part of the works and an integrated bat box and two (sets of three) swift boxes on the southwest elevation of the new teaching block.

Conditions would need to be attached to any consent, to ensure these measures are properly undertaken.

It is also noted that the biodiversity net gain from the development is 33% which is significantly more than the 10% recommended in the Supplementary Planning Document.

Initial comments by the ecologist requested additional information and that an HRA was undertaken. The comments and HRA have not yet been received, however will be available for the Committee meeting and will be provided through a verbal update. If the comments still raise concerns with the proposal, it may be necessary to include an additional reason for refusal.

Climate change:

An energy statement was submitted in support of the application which indicates that Air Source Heat Pumps (ASHP) are deemed the most appropriate renewable technology, which achieved a Co2 saving of 44.4%.

Other measures proposed are:

- Site layout – building oriented to have the short side of the building facing south to reduce solar gains in summer. The classrooms are along the longer side which will receive solar gains in the winter.
- Fabric first reducing the U values.
- Energy efficient lighting
- It was found that the use of ASHPs was the most practical and low carbon means of heating the building. Photovoltaics are not proposed because of the huge Co2 saving provided by the ASHP.

It is considered that the proposal in terms of carbon reduction measures incorporated would meet policy DEV32 requirements. If members were minded to approve the proposal against officer advice, an amended plan would need to be received showing the position and size of the air source heat pumps as they would require planning permission in their own right on a building of this nature.

Parish Council and resident objections to the development.

The Parish Council have provided a long list of concerns with the proposal, which are provided in the earlier part of the report. Some of the issues raised have already been considered in the bulk of the text, however those that have not will be considered below.

- Support the principle of the school
- Overdevelopment
 - o Poor Design
 - o Poor Heritage statement
 - o Overlooking
 - o fencing
- Flooding implications
- Environmental concerns.

The objector letters are along similar lines. It is positive to note that the principle of the school is generally supported. Some of the concerns raised through letters of representation are based on the previously submitted scheme and certainly in terms of design the current proposal is more sympathetic to its context than the previous version. In fact there have been 18 representations since the revised design, far less than when the scheme was originally submitted, when over 275 objections received. The amended design is therefore more favourable.

In terms of design, the proposed building is smaller in scale and size and is more appropriate to its context, as well as using appropriate and better quality materials.

The Heritage Specialist has confirmed that the proposal would not impact on the listed buildings within the vicinity; the Tree Specialist has also confirmed that the trees to be removed are acceptable, but that the fence should be removed from the application because of the impact on the existing and retained trees.

Planning balance and conclusion:

The proposal seeks to provide improved accommodation for a group of children with additional needs already located on the site. The social, economic and community benefits of the proposal are acknowledged and accepted. In principle, the proposal is acceptable. In terms of design the current proposal is far better than the one which was originally submitted and whilst it does not represent an institutional style of building this is perhaps a better approach, visually, in terms of the context of the site.

It is acknowledged that there are many letters of objection and the Parish Council have listed many reasons why the proposal should not be accepted. Officers consider that the amended scheme have addressed some of those concerns.

However, the issue with this proposal is the fact that there is a strong Environment Agency objection to the proposal which after much discussion is unable to be overcome. The Local Planning Authority faced with such an objection and the fact that despite the proposal passing the sequential test, failing to meet both of the exception tests, (The NPPF 2021, para 159 makes it clear that both tests must be met), Officers feel unable to recommend approval contrary to this advice despite some of the other aspects of the proposal being considered acceptable.

In addition the security fencing is also a concern for several consultees from a visual perspective and as such, it too must be a reason for the recommendation to refuse the application.

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

SPT13 Strategic infrastructure measures to deliver the spatial strategy

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation

DEV4 Playing pitches

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

DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts.

Neighbourhood Plan:

Dartington Neighbourhood Plan has reached regulation 7 stage in the process for producing a Neighbourhood Plan. There are no policies currently formulated and as such the Plan at this stage has no weight in the planning decision.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 11, 47, 93, 95, 98, 112, 120, 126, 131, 134, 153, 157, 159, 161 – 165, 167, 180, 182, 197, 202 and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Claire Boobier

Parish: Strete **Ward:** Allington and Strete

Application No: 0647/21/FUL

Agent:

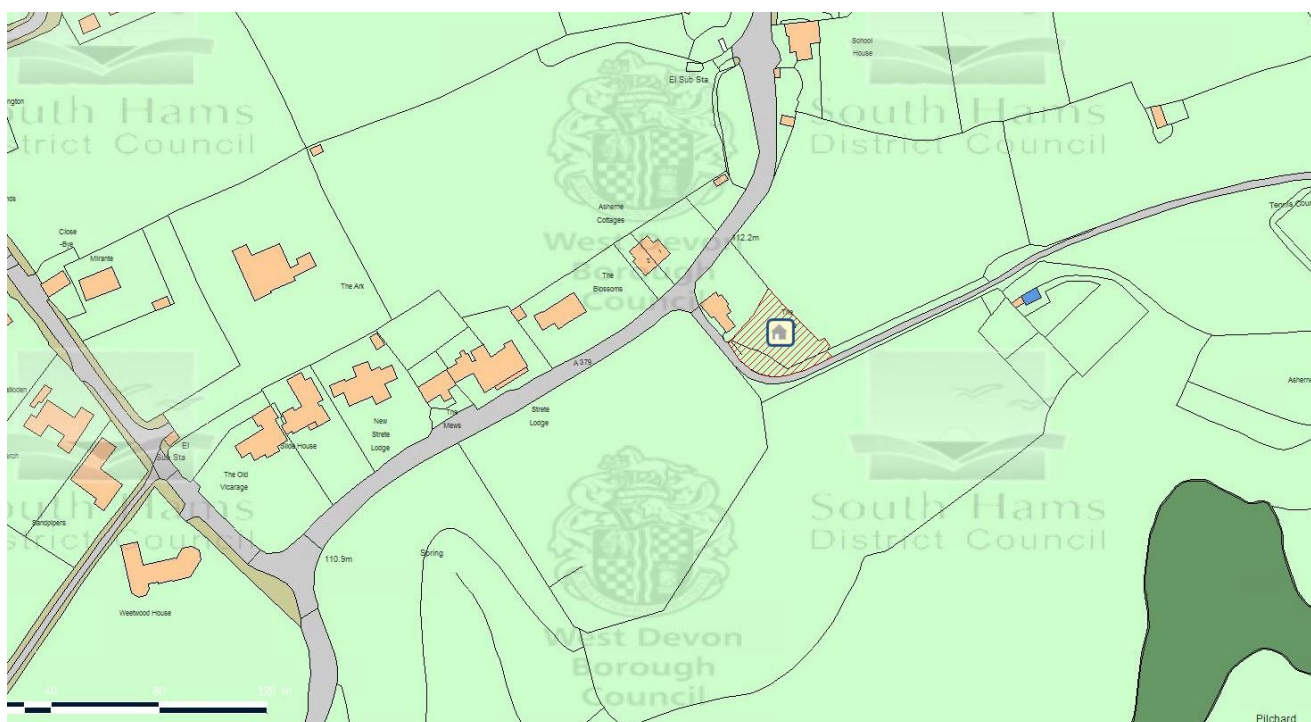
Mr Mark Ledgard - Savills (Uk) Ltd
Sterling Court
17 Dix's Field
Exeter
EX1 1QA

Applicant:

Mr & Mrs R Newman
C/O Agent

Site Address: Asherne Lodge, Strete, TQ6 0RW

Development: Construction of a stone finished car park



Recommendation: Refusal

Reason item is being put before Committee:

Cllr Foss has requested that this case be referred to Committee for the following reasons:

- To consider the suitability and location of the proposed access and impact for users of the public highway having regard to road conditions and existing speed restrictions
- To review the visual amenity and ability to protect the trees by the proposed development

Reasons for refusal

1. The increased use of the access onto the Public Highway resulting from the proposed development would, by reason of the limited visibility from and of vehicles, be likely to result in additional dangers to all users of the Public Highway contrary to paragraph 108 of the National Planning Policy Framework and DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034.
2. The proposed car park is in close proximity to mature trees. In the absence of a baseline tree survey, arboricultural impact assessment and details of tree protection measures the application fails to demonstrate that existing trees would not be harmed or removed. No proposals have been submitted to demonstrate that the proposal shall secure the existing trees nor has a scheme been provided to secure that the development will be screened from the wider landscape in order to protect conserve and enhance the landscape character. The proposal would therefore conflict with policies DEV23, DEV24, DEV25 and DEV28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and policy SNP1 of the Strete Neighbourhood Plan (January 2021).

Key issues for consideration:

- Principle of Development
- Highway safety
- Design/landscape and arboricultural impact considerations
- Drainage
- Ecology

Site Description:

An area of land, comprising the corner of an existing field located immediately to the south of the residential properties of Asherne Lodge and approximately 200m to the west of Asherne House. The area of proposed parking is accessed via a private track from the A379; there is a 20 MPH restriction in place on this section of the highway.

Although the applicant property itself is located within the Strete Conservation Area, the area of land that is proposed to be used for parking is outside the Conservation Area.

The site and the surrounding area is within the South Devon AONB, the JLP Undeveloped Coast designation and is in the 1B Open coastal plateaux landscape character type.

The Proposal:

Planning consent is sought for the construction of a stone finished car park to the south east of the property known as Asherne Lodge, including a new entrance, fence and hedge planting.

The proposal shows the laying of a hedge of native species on the line of the existing hedge extended along the same line in a southerly direction down to the existing fence on the north side of the drive to Asherne to assist with screening.

The proposal includes a fence to match the existing along the north edge of the road and incorporates a 4 m wide timber gate.

The finish of the car park would be rolled stone. A channel will be cast in concrete, 500mm in width, across the opening and directed to a local soakaway to prevent rainwater draining into the drive. The stone finish would be informally edged without any kerb stones and the parking spaces would not be marked. The ground to the perimeter of the stone surface would be maintained as grass.

The application seeks to provide an off-road parking area for the occupiers of the Lodge and two cottages on the opposite side of the road to use who are reported in the submitted statement to currently use the roadside grass verge for parking.

Consultations:

- County Highways Authority – Objection on the basis that the proposed development would, by reason of the limited visibility from and of vehicles using the access, be likely to result in additional dangers to all users of the public highway contrary to paragraph 108 of the NPPF and DEV29 of the JLP.
- Landscape specialist - No objection in principle subject to it being demonstrated that the proposal would not impact on the root protection area of retained trees and consideration of additional planting along site boundary fence to improve visual screening of the site from west and south.
- Tree specialist - A tree report would be required in accordance with BS5837 to gain confidence no trees will be harmed as a consequence, especially if they are required for screening. The absence of such would lead to an objection on arboricultural grounds.
- Strete Parish Council - Support

Representations

No representations received from neighbouring properties

Relevant Planning History

No relevant planning history

ANALYSIS

Principle of development/sustainability

The principle of this development falls to be considered against the spatial strategy and detailed policies in the Plymouth and South West Devon Joint Local Plan (JLP). The relevant strategic policies are: SPT1, which encourages sustainable development, SPT2, which indicates how

sustainable development should be delivered in the JLP area. The strategic policies underpin the other policies in the Plan.

SPT2 sets out the principles of sustainable neighbourhoods and sustainable rural communities to guide how development and growth take place in the Plan Area. For the purposes of SPT2 the application site would not be classed as a sustainable location due to it not being well placed for access to community facilities, such as shops, health services, daily needs and due to the likely reliance on a car, which is why the village is not a named settlement within the JLP.

In addition, TTV1 is relevant as it deals with how development will be dealt with 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.

TTV1 sets out the development strategy across the Thriving Towns and Villages Policy Area, describing 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.

Strete is not identified in the JLP as a main town, smaller town, key village or sustainable village and would therefore fall into the last category, Tier 4, in the sustainable hierarchy set out above.

Paragraph 5.5 of the JLP explains that policy TTV26, "Development in the Countryside2, will be applied 'outside built up areas'. Policy TTV26 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 requirements, 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.

TTV26 states that 'development in the countryside will be avoided and only permitted in exceptional circumstances' and should 'be complimentary to and not prejudice any viable agricultural operations on a farm and other existing viable uses'. The proposed parking area would be used to serve existing residential properties in the vicinity of the site on an underutilised parcel of land which is not currently used as part of an agricultural operation and consists of bare ground and poor quality grassland. The redevelopment of this site would therefore not prejudice any viable agricultural operation on a farm or any other existing viable uses. Therefore, there would not be an in principle objection to the proposal in this location subject to consideration of impact of the proposal on landscape character which will be considered in the relevant section of this report below.

The site is also located within the Undeveloped Coast and South Devon AONB. Policies DEV24 and DEV25 of the JLP are therefore relevant to the consideration of this application.

Policy DEV24 (Undeveloped Coast - UC) states that development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the UC not be permitted, except under exceptional circumstances. Development will only be permitted in the UC where the development can demonstrate that it requires a coastal location and it cannot reasonably be located outside the UC. Development needs to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area and be consistent with the relevant AONB Management Plan.

In this case, it is accepted by Officers that given the location of the dwellings that the parking area is designed to serve, there is no other land outside the UC which could be utilised to provide parking within a reasonable walking distance from the properties. In principle, therefore, it is concluded that the parking area cannot reasonably be located outside the UC.

The principle of the proposed development in this location is accepted, subject to consideration of whether the proposal would protect, maintain and enhance the unique landscape and seascape character and special qualities of the area.

Policy DEV25 (Nationally Protected Landscapes) states that in considering development proposals, the LPA should give great weight to conserving landscape and scenic beauty in the protected landscapes. However, the policy does not prevent development in principle in the AONB subject to the impact on the protected landscape being acceptable. The ability of the proposal to conserve the South Devon AONB it lies within will be considered in the 'Design/Landscape' section of this report below.

Highways/Access:

The agent states that occupiers of the Lodge and two cottages on the north-east side of the A379 currently use the verges of the access track for parking. The proposals are intended to formalise parking for these homes which currently use the private access track from the A379 by providing an area of off-street parking.

With regard to these three properties using the proposed parking area, the County Highway Authority has visited the site and has concerns that the proposals will increase the use of a substandard access and consequently create further/additional danger for A379 users.

The Highways Officer reports that the current access serving the application site would not provide adequate visibility splays for the intended parking area and that the proposed plans submitted do not demonstrate that adequate visibility splays would be provided to make the development acceptable. The Highways Officer therefore advises that as a safe level of visibility cannot be achieved, the increased use of the access onto the public highway resulting from the proposed development would, be likely to result in additional dangers to all users of the road contrary to paragraph 108 of the National Planning Policy Framework and DEV29 of the JLP.

The Highway Officer notes the agent's claim that the access is already used by cottages to the north-east of the A379. However, in the absence of any evidence to support the historical use of the access by these homes, is unable to support the application.

Design, landscape and arboricultural Impact considerations:

The site is within the South Devon AONB, a nationally important and protected landscape, and also within the Undeveloped Coast designation of the JLP, within the 1B Open Coastal Plateaux landscape character type (LCT) and there are mature trees and existing hedgerows on site.

JLP Policy DEV23 (Landscape Character), DEV24 (Undeveloped Coast), DEV25 (Nationally Protected Landscapes) and DEV28 (Trees, woodlands and hedgerows) are therefore relevant to the consideration of this application. Policy SNP1 (Protecting the Landscape) of the Strete Neighbourhood Plan is also relevant to the consideration of the impact of the proposal on landscape character.

Policy DEV23 (Landscape Character) requires development to conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding any adverse landscape or visual impacts.

Policy DEV24 (Undeveloped Coast) requires development in the Undeveloped Coast to protect, maintain and enhance the unique landscape and seascape character and special qualities of the area and be consistent with the relevant AONB Management Plan.

Policy DEV25 (Nationally Protected Landscapes) sets out that in considering development proposals in the protected landscape of the South Devon AONB that this site lies within great weight should be given to conserving landscape and scenic beauty in the protected landscapes.

Policy DEV28 (Trees, woodlands and hedgerows) seeks to provide protection for protected and high amenity trees, woodlands and hedges and states that development that would result in the loss or deterioration of the quality of woodland, trees or hedgerows will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated. Development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows.

Policy SNP1: Protecting the Landscape of the Strete Neighbourhood Plan, sets out that development shall not harm but maintain and enhance the landscape by having regard to the special qualities of the AONB in the area, particularly its high coastal character and sea views, and to the South Devon AONB Planning Guidance. Development should safeguard and enhance local features that make a positive contribution to the landscape, particularly areas of green space and should incorporate high quality landscaping which retains existing features, reinforces local landscape character, restores degraded landscapes, and provides mitigation from harm.

The Council's Landscape Specialist advises that the proposed car park would bring about a limited change to the pattern of the landscape. It would alter the existing field pattern by removing a piece of a larger field and emphasise the sub-division with a new hedgerow. However, the proposed hedgerow is considered to be a positive feature consistent with the character of the wider landscape to which it would contribute, as well as functioning as a visual screen from the east and a potential wildlife habitat.

The existing vegetation, including trees to the west, are to be retained, which is supported. However, concern is raised by both the Council's Landscape and Tree Specialists that there does not appear to have been a survey of the trees on site and so the root protection area is not known. It is unclear from the information submitted whether the potential impacts on these trees has been adequately considered. The proposed car park is within close proximity to mature trees intended to provide important screening for the car park to provide mitigation to conserve the landscape character of this part of the Undeveloped Coast designation and South Devon AONB.

The application, as a result of the failure to submit a baseline tree survey, arboricultural impact assessment and details of tree protection measures results in the application failing to demonstrate that existing trees on site would not be harmed.

There is therefore an objection on arboricultural merit to the proposed development as the application fails to demonstrate that the proposal will safeguard an existing important

landscape feature that would screen the site from the wider landscape and conserve landscape character. If the existing landscape screening were to be lost as a result of this development the presence of the car park would not be adequately screened from wider views and would as a result not conserve the landscape character of this part of the Undeveloped Coast designation and South Devon AONB. The proposal would therefore conflict with policy DEV23, DEV24, DEV25 and DEV28 of the JLP and policy SNP1 of the Strete Neighbourhood Plan (January 2021).

The Landscape Specialist's comments have suggested that the proposal would benefit from new planting being extended along the remaining proposed site boundary fence to reinforce and enhance the existing retained vegetation and improve the visual screening of the site from the west and south. It has also been pointed out that without adequate screening there would be potential views of vehicles from the nearby public right of way and from the A379. A hedgerow surrounding the site has been suggested by the Landscape Specialist to mitigate potential adverse visual effects from car headlights that would otherwise sweep across the local area when cars initially enter or leave the car park. The Landscape specialist has commented that there are no objections on landscape terms subject to consideration of these comments. If Members are minded to approve the application it is concluded that additional landscape planting could be secured by condition to address these comments.

Drainage Considerations:

Surface water drainage provision is concluded to have been adequately considered. The car park would be finished with a permeable surface and a channel is proposed across the opening and directed to a local soakaway to prevent surface water from draining onto the drive. If approved, this could be secured by condition to be delivered prior to first use of the carpark and retained thereafter for the lifetime of the development to ensure surface water from the development is adequately managed.

Ecological Considerations:

An extended phase 1 Habitat Survey has been submitted with this application. This report concludes that the bare ground and species-poor grassland proposed to be utilised for the car park area is unlikely to support an invertebrate population. However boundary hedges and trees on the boundary hedgerow have potential to provide foraging habitats for protected species and therefore it is important that these are retained as indicated.

The report does not find any ecological reasons to resist the proposed development; However it does make recommendations with regard to precautions to take during construction works and also recommends biodiversity enhancement through the introduction of bird boxes and bat boxes installed on the mature trees on the western boundary of the site, the retention of trees and hedgerow and provision of new native planting.

If Members are minded to approve, a condition could secure the recommendations and enhancement measures detailed in the ecology report are followed and implemented. Given that the hedgerows are used as foraging paths a condition is also recommended to prevent the installation of lighting on the car park unless details of lighting to be installed is first agreed in writing by the Local Planning Authority to safeguard foraging paths for protected species.

Planning Balance

Whilst the proposal provides off-road parking spaces that are not currently available to 3 properties, by virtue of the policy conflicts identified above, the application fails to comply with the Development Plan as a whole, policy SNP1 of the Strete Neighbourhood Plan and the NPPF.

In light of the above analysis the proposal is considered unacceptable. 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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV30 Meeting the community infrastructure needs of new homes
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas

Strete Neighbourhood Plan

The application is located within the parish of Strete a Neighbourhood Plan was adopted in May 2021 and therefore should be given sustainable weight at the decision making process: It

now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Stoke Fleming Neighbourhood Area.

SNP1: Protecting the Landscape

SNP2: Heritage and Conservation

SNP3: Coastal Setting and Land South of A379

SNP5: Tranquillity and Dark Skies

SNP6: Development and the Settlement Boundary

SNP7: Design and Construction

It is not concluded that granting consent for the proposed development would undermine the policies in the Neighbourhood Plan other than policy SNP1 for the reasons detailed in the body of this report.

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 Area of Outstanding Natural Beauty Management Plan 2019-2024

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.

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PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Rachel Head

Parish: Kingsbridge

Application No: 3047/21/HHO

Agent:

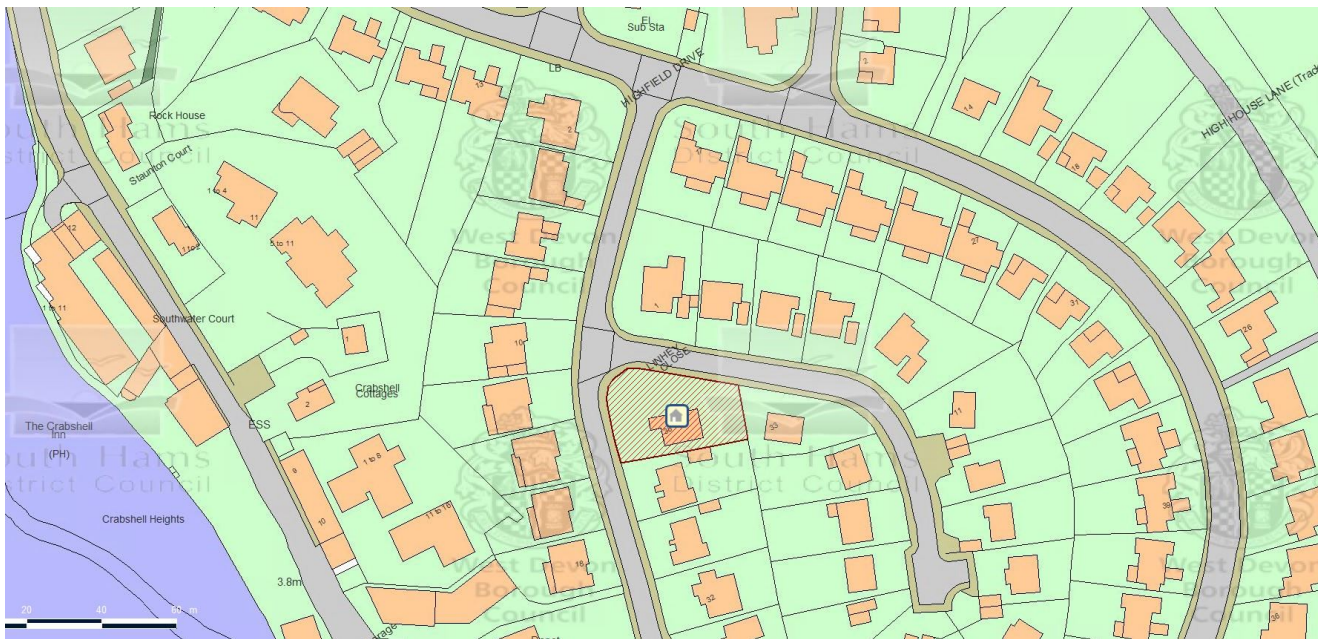
Miss Selena Pryce
Selena Pryce Designs
6 Scotts Close
Churchstow
Devon
TQ7 3RB

Applicant:

Mr P George
38 Linhey Close
Kingsbridge
TQ7 1LL

Site Address: 38 Linhey Close, Kingsbridge, TQ7 1LL

Development: Householder application for detached garage including extension to existing first floor terrace and regularisation of replacement boundary wall (resubmission of 1229/21/HHO)



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

“I don’t really feel the boundary wall is any more out of keeping than much of the other similar boundary arrangements nearby. I feel it is quite subjective and in this case a site visit by DM members would be useful.”

Recommendation: Refusal

Reasons for refusal:

The installation of the boundary wall to the North and West of the site is incongruous and unduly prominent within the street scene, which is one of open front gardens. Its scale, and

design is considered harmful to the character and appearance of the existing dwelling and the local area. As such, the proposal does not conserve or enhance the South Devon AONB, fails to maintain the area's distinctive sense of place nor reinforce local distinctiveness and as a result, is contrary to the provisions of DEV20, DEV23 and DEV25 of the JLP, policy BE3 of the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.

Key issues for consideration:

Design, materials and impact on the street scene, impact on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the built form of Kingsbridge, c. 0.7km south of the town centre. The site is located within the South Devon Area of Outstanding Natural Beauty. The site hosts a two storey dwelling with gardens to the front, rear and side along with parking and an internal garage. The site sits on the corner of the bend of Linhey Close and although the dwelling is set back and down significantly from the road, in comparison to its neighbouring properties. The boundary is visually prominent when viewed from the highway in particular on approach from the North off Highfield Drive.

The Proposal:

The applicant seeks to erect a detached garage to the North West corner of the plot, extend the first floor terrace to the front of the property including privacy screens with a porch extension to the ground floor below.

The applicant also seeks to regularise the installation of the rendered and timber slated boundary wall which wraps around the North and West boundaries of the property. The walling is at different heights at different points on the boundary but is between 1.8m and 3.1m in height.

Officers have informed the applicant of the recommendation to refuse the application, the applicant has declined to pursue alternative finishes and has requested that the application be determined on the basis of the plans as submitted.

Consultations:

- County Highways Authority: No highways implications.
- Kingsbridge Town Council: Support

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

None received.

Relevant Planning History

- 28/0524/76/2 Erection of six dwellings - three bungalows with separate garages and three houses with integral garages – Conditional approval 12/07/76
- 28/2020/13/F Householder application for extension to dwelling – Conditional approval 18/10/13
- 1229/21/HHO Householder application for detached garage and extension to first floor terrace (re-submission of 28/2020/13/F) – Withdrawn 01/06/21

ANALYSIS

Principle of Development

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

Design and Landscape (South Devon AONB)

The original proposal was for an enclosed front porch extension which included three panes of glazing to the ground floor of the front (west) elevation of the existing property. Officers had concerns about this design as it would be considered to alter the appearance of the front elevation so as to appear as more like a rear elevation. Revised plans have been received which replace this element with an open porch, the current approach is now considered acceptable. Due to the minor alteration to the proposal it was not deemed necessary to re-advertise the application in this instance.

The Town Council support the application and no letters of representation have been received.

A detached garage was previously approved in 2013. This proposed garage is proposed to be forward of the principle elevation of the dwelling. Due to the topography on the site and the proposed retaining wall the majority of the garage will be built into the garden and mainly screened from the highway. It is considered a subservient addition to the site and this element of the proposal is also deemed acceptable.

The application also proposes an extension to the existing front terrace at first floor. The width of the terrace will be extended along the entire width of the property, its depth will remain the same. As this is an upside-down property the balcony will serve the main living areas of the sitting and dining rooms at this level. Whilst front terraces which extend the whole width of the property are not a feature of the street due to the various mixed design of the properties it does not deemed justified to refuse the application on this basis. The boundary wall already installed at the property has a painted render finish with piers, slated coping and timber infill sections. Officers have concluded that due to its length, height and prominence within the street scene, which spans over 50m in length on the corner of Linhey Close, is too large and overly dominant, which is incongruous in the streetscene, which is currently in the main of open front gardens with low level walls and small hedges. The replacement of the boundary hedging which was in place previously with the wall is not considered to make a positive contribution to the street scene. Whilst the removal of the hedge and the introduction of a 1m wall would have been allowed under permitted development, the combination of the walls location at the highest point of the site, length across the both North and West boundaries and height between 1.8m and 2.2m with a maximum height of 3.1m where the pavement slopes down significantly increases the built form within the locality.

Officers note the existing similar render/timber boundary wall nearby within the street, although this is significantly smaller in both length; which is approximately 30m, and height; which is 1.9m at the most north point, has a maximum height of 2.2m at the gate posts and is 1.8m on the south end, nearest the front of the property. An assessment of the planning history shows that this wall does not benefit from planning permission so whilst the style and design is similar to this existing wall within the street it does not set a precedent of what is acceptable within the locality.

Policy DEV20 of the Plymouth & South West Devon Joint Local Plan (JLP) requires local distinctiveness to be respected (paragraph 4) and for development to have proper regard to the local context and surroundings in terms of style, materials, (paragraph 2). This is reinforced by policy DEV23, which requires development to “*maintain an area’s distinctive sense of place and reinforce local distinctiveness*”. It is not considered that the boundary wall on the site maintains local distinctiveness. Which is mostly of lower level stone walling and soft landscaped front gardens. In this instance the rendered and timber slatted boundary wall installed is considered to contribute to the incremental erosion of character of the area.

The site is within the South Devon AONB, which is given the highest levels of protection in planning policy. Policy DEV25 requires development within the AONB to conserve and enhance the AONB landscape, including the prevention of “*the addition of incongruous features*” (paragraph 8). The South Devon AONB Planning Guidance states that poorly designed features can cause harm to the AONB. Whilst Officers understand the need for private amenity space and refurbishment to the existing finishes, the addition of the new uncompromised hard built form into the street is considered an incongruous and out of character with the of built form and therefore harmful to the street scene. Discussions were held between the Case Officer and the Council’s Landscape Specialist who stated the installed wall substantially changes the character of the street scene, it does not have proper regard to the pattern of local development and sits incongruously against the relatively low frontages or soft landscaping of the surrounding area. The current application is therefore considered to conflict with policies DEV20, DEV23 and DEV25 of the JLP, policy BE3 of the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework.

Neighbour Amenity

The alterations to the dwelling including the widening of the first floor balcony is not considered to detrimentally impact the neighbouring properties. The 1800mm high opaque privacy screens to the sides of the terrace create sufficient protection of the residential amenity of the neighbouring properties, in particular No. 36 Linhey Close to the south of the site. The terrace is over 2m away from the southern boundary so the screen is not considered to have a significant overbearing impact. The distance of the terrace from the boundaries to the North and West is significant and the terrace is approximately 25m away from the properties on the opposite side of the road. . On this basis, the proposed extended terrace is considered to accord with the provisions of DEV1 and DEV2 and does not form a substantive reason for refusal.

Highways

The proposal would not impact upon the existing highways arrangement.

Drainage

The applicant has provided written confirmation from South West Water that they will accept the small increase in surface water flows from the site created by the proposal. This is

considered acceptable with the details to be secured by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the proposal is considered to accord with the provisions of DEV35 and does not form a substantive reason for refusal.

Conclusion

Whilst the revised alterations to the dwelling and the proposed detached garage are considered acceptable in this instance, Officers have concluded that due to its massing, height and length the boundary wall already installed at the property is incongruous and unduly prominent within the street scene. As such, the development does not conserve or enhance the South Devon AONB, fails to maintain an area's distinctive sense of place and reinforce local distinctiveness and as a result, is contrary to the provisions of DEV20, DEV23 and DEV25 of the JLP, policy BE3 of the emerging Kingsbridge, West Alvington and Churchstow Neighbourhood Plan and paragraphs 130 and 134 of the National Planning Policy Framework. On this basis, 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).

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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Kingsbridge, West Alvington, Churchstow Neighbourhood Plan

The site lies within the designated area for the Kingsbridge, West Alvington, Churchstow Neighbourhood Plan the regulation 14 pre submission consultation for this Neighbourhood Plan ran between 20th May and 19th July 2021 and whilst it can be taken into account in the determination of this application it carries low material weight due to its current stage in the plan making process.

The relevant policies for the consideration of this application are:

Env 3 Impact on the natural environment

Env 4 Locally important views

Env 7 Carbon reduction

BE 3 Design quality

BE 4 Heritage Assets

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 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.

South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 10-Nov-21

Appeals Update from 23-Sep-21 to 29-Oct-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 decided
APPEAL START DATE: 21-September-2021
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 22-October-2021
APPLICATION NUMBER: **3680/20/FUL** APP/K1128/W/21/3273733
APPELLANT NAME: Libra Investments Ltd
PROPOSAL: Creation of 14 bay car park and associated landscaping works
LOCATION: Land at SX 875 510 Jawbones Hill Dartmouth **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 01-July-2021
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 29-October-2021

Ward Newton and Yealmpton

APPLICATION NUMBER: **0347/21/HHO** APP/K1128/D/21/3280414
APPELLANT NAME: Mr Herbert
PROPOSAL: Householder application for rear covered pergola and boundary fencing (retrospective)
LOCATION: 25 Stray Park Yealmpton PL8 2HF **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 28-September-2021
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **0385/21/HHO** APP/K1128/D/21/3279232
APPELLANT NAME: Mr & Mrs C Maltby
PROPOSAL: Householder application for alterations to roof including dormers (resubmission of 3504/20/HHO)
LOCATION: Lealholme Allenhayes Road Salcombe TQ8 8HU **Committee**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 21-September-2021
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 29-October-2021

Ward Totnes

APPLICATION NUMBER: **2673/21/CLP** APP/K1128/X/21/3282827
APPELLANT NAME: Ms Katherine Trenshaw
PROPOSAL: Certificate of lawfulness for proposed erection of garden building (Resubmission of 1962/20/CLP)
LOCATION: 6 Broomborough Drive Totnes TQ9 5LT **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 04-October-2021
APPEAL DECISION:
APPEAL DECISION DATE:

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Agenda Item 8

Development Management Committee 10 November 2021 Undetermined Major applications as at 27 October 2021

	Valid Date	Target Date	EoT Date
0612/16/OPA Patrick Whymer	8-Aug-16	7-Nov-16	
Brimhay Bungalows Road Past Forder Lane House Dartington Devon TQ9 6HQ		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.	

Comment: This Application was approved by Committee subject to a Section 106 Agreement. The Section 106 Agreement has not progressed.

	Valid Date	Target Date	EoT Date
3704/16/FUL Charlotte Howrihane	22-Nov-16	21-Feb-17	4-Jan 2022
Creek Close Frogmore Kingsbridge TQ7 2FG		Retrospective application to alter boundary and new site layout (Following planning approval 43/2855/14/F)	

Comment: Section 106 is with applicant to sign. They are waiting for the S38 agreement to be completed with Highways before signing the S106.

	Valid Date	Target Date	EoT Date
3749/16/VAR Charlotte Howrihane	23-Nov-16	22-Feb-17	4-Jan 2022
Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG		Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F	

Comment: see above for 3704/16/FUL. Agent has confirmed that this application will be withdrawn once the full application has been determined,

	Valid Date	Target Date	EoT Date
3628/17/FUL Patrick Whymer	20-Nov-17	19-Feb-18	28-Feb-21
Oak Tree Field at SX 778 588 Tristford Road Harberton Devon		Erection of 12 dwellings, workshop/office, associated landscaping and site development works	

Comment: Application approved by committee subject to conditions and S106. The S106 has been agreed by the applicant but are awaiting the land purchase to complete before completing the S106.

	Valid Date	Target Date	EoT Date
0936/19/ARM Bryn Kitching	15-Mar-19	14-Jun-19	31-Dec-21
Land at SX 857 508 adjacent to Townstal Road West of Dartmouth		Application for approval of reserved matter following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) for layout, scale, appearance and landscaping for 240 dwellings, public open space, highways, landscaping and associated works and approval of details reserved by conditions 6, 7, 8, 9 & 12 of planning consent 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104)	

Comment: Application has been on hold while layout designs are finalised and submitted for adjoining site and remainder of the allocation to allow for comprehensive consideration of reserved matters for the whole of the local plan allocation. Those application have now been submitted (see 3078/21/VAR, 3118/21/ARM, 3119/21/FUL and 3120/21/FUL) and this application will be considered alongside those proposals.

	Valid Date	Target Date	EoT Date
2133/19/VAR Cheryl Stansbury	12-Jul-19	11-Oct-19	30-Apr-21
Cottage Hotel Hope Cove TQ7 3HJ		READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F	

Comment: Application deferred from October meeting to allow applicant to provide mitigation. Will be taken back to a future

	Valid Date	Target Date	EoT Date
3886/19/VAR Tom French	28-Nov-19	27-Feb-20	31-Sep-21
Sherford New Community Land South and South West of A38 Deep Lane junction and East of Haye Road Elburton Plymouth			
Application for variation of conditions 1, 2, and 4 of planning permission 0490/19/ARM			

Comment: Decision issued with EOT

	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	18-Dec-20
Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)			
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.			

Comment: The previously anticipated timescale for September 2021 Committee consideration, agreed under the PPA between Barwood Land and South Hams District Council, needs to be extended by mutual agreement. This is to allow further time to be spent on developing the heads of terms for the s106 and planning conditions, which includes agreeing appropriate trigger points for the delivery of and/or financial contributions to secure the delivery of the (allocation-wide) infrastructure and community facilities and mitigation requirements, as per the PLY44 policy/requirements. It is to also allow time for statutory consultation. An update will be provided when a new timetable has been agreed.

	Valid Date	Target Date	EoT Date
4185/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	18-Dec-20
Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)			
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.			

Comment: The previously anticipated timescale for September 2021 Committee consideration, agreed under the PPA between Barwood Land and South Hams District Council, needs to be extended by mutual agreement. This is to allow further time to be spent on developing the heads of terms for the s106 and planning conditions, which includes agreeing appropriate trigger points for the delivery of and/or financial contributions to secure the delivery of the (allocation-wide) infrastructure and community facilities and mitigation requirements, as per the PLY44 policy/requirements. It is to also allow time for statutory consultation. An update will be provided when a new timetable has been agreed.

	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			

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
3752/19/OPA Jacqueline Houslander	11-Feb-20	12-May-20	6-Apr-21
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA			
Outline application with some matters reserved for residential development of 20-25 dwellings			

Comment – Site meeting held with Cllr Kemp and Cllr Gilbert (County Councillor) to find a way forward. Positive meeting.

	Valid Date	Target Date	EoT Date
0761/20/OPA Jacqueline Houslander	5-Mar-20	4-Jun-20	20-Aug-21
Vicarage Park Land North of Westentown Kingston TQ7 4LU			
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			

Comment – Awaiting assessment of viability from PCC

Comment: Ongoing discussions with applicant.

	Valid Date	Target Date	EoT Date
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	

Comment: Officer has now visited the site, needs to liaise with agent to address some anomalies

	Valid Date	Target Date	EoT Date
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	

Comment: On-going discussions with applicant. Amended plans expected imminently. A further significant extension of time will be agreed

	Valid Date	Target Date	EoT Date
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		Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14no.dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale appearance and landscaping (Resubmission of 0127/19/ARM)	

Comment: On-going discussions with applicant. No. of issues still to be resolved.

	Valid Date	Target Date	EoT Date
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)	

Comment: Awaiting conclusion of Section 106 agreement

	Valid Date	Target Date	EoT Date
2508/20/OPA Anna Henderson-Smith	12-Aug-20	11-Nov-20	6-Jan-21
Moor View Touring Park Modbury PL21 0SG		Outline application with some matters reserved for proposed Development of holiday lodges, leisure facilities and Associated works(resubmission of 0482/17/FUL)	

Comment: An Extension of time has been sought to allow applicant to alter the application to the correct form which is a Full application, not an outline, and to remove the new leisure complex from the proposed scheme. As such the scheme is being re-advertised as a full application for the change of use of land for the siting of lodges only. The previous application has had the appeal dismissed – under consideration by officer

	Valid Date	Target Date	EoT Date
4254/20/FUL Anna Henderson-Smith	23-Dec-20	24-Mar-21	
Springfield Filham PL21 0DN		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 areas and playgrounds	

Comment – On-going discussions with Agent

	Valid Date	Target Date	EoT Date
0100/21/FUL Tom French	13-Jan-21	14-Apr-21	
Land at SX 5688 5556, South of Langage Business Park Plympton Devon PL7 5HQ		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)	

Comment - Under consideration by Officer

	Valid Date	Target Date	EoT Date
1118/21/ARM Ian Sosnowski	23-Mar-21	22-Jun-21	5th November 2021
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton		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)	

Comment – Under consideration by Officer

	Valid Date	Target Date	EoT Date
0544/21/FUL Jacqueline Houslander	29-Mar-21	28-Jun-21	17 June 2021
Land at Stowford Mills Station Road Ivybridge PL21 0AW		Construction of 16 dwellings with associated access and landscaping	

Comment – Awaiting submission of additional information and amended plans

	Valid Date	Target Date	EoT Date
1431/21/ARM Ian Sosnowski	15-Apr-21	15-Jul-21	24th September 2021
Sherford New Community Land South of Main Street Elburton Plymouth PL8 2DP		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 EIA development and an Environmental Statement was submitted)	

Comment – Applicants are currently revising proposals to address comments made by officers and consultees. Revised target date is being discussed to enable amendments to be made.

	Valid Date	Target Date	EoT Date
1490/21/ARM Tom French	20-Apr-21	20-Jul-21	13 Aug 2021
Sherford New Community Commercial Area North of Main Street Elburton Plymouth		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)	

Comment – Under consideration by Officer

	Valid Date	Target Date	EoT Date
1491/21/ARM Tom French	20-Apr-21	20-Jul-21	13 Aug 2021
Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street Elburton Plymouth PL8 2DP		Application for approval of reserved matters for Green 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)	

Comment - Under consideration by Officer

	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)

Comment - Under consideration by Officer

	Valid Date	Target Date	EoT Date
1159/21/FUL Cheryl Stansbury	23-Apr-21	23-Jul-21	20-Dec-2021
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)	

Comment – In discussions with agent to secure revised plans

	Valid Date	Target Date	EoT Date
1826/21/ARM Ian Sosnowski	14-May-21	13-Aug-21	19th November 2021
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)	

Comment – Under consideration by Officer

	Valid Date	Target Date	EoT Date
1827/21/ARM Ian Sosnowski	14-May-21	13-Aug-21	19th November 2021
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)	

Comment – Under consideration by Officer

	Valid Date	Target Date	EoT Date
1503/21/FUL Cheryl Stansbury	19-May-21	18-Aug-21	
Development Site At Sx859483 School Road Stoke Fleming		Erection of 20 dwellings (incorporating 6 affordable homes) with access, landscaping, parking, public open space and associated works	

Comment – Revised plans received and consultation carried out. Initial feedback provided to applicant

	Valid Date	Target Date	EoT Date
1557/21/VAR Jacqueline Houslander	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	

Comment – Just taken over. Under consideration

Valid Date	Target Date	EoT Date
1558/21/VAR Jacqueline Houslander	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 & ecology management plan and 16 (Surface water) of planning permission 10105/20/VAR

Comment – Just taken over. Under consideration

	Valid Date	Target Date	EoT Date
2510/21/ARM Ian Sosnowski	22-Jun-21	21-Sep-21	29th October 2021
Sherford New Community Land South of Main Street Elburton Plymouth PL8 2DP			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)

Comment – revisions to the application being discussed with the developer. Officers currently in discussion about revised determination date

	Valid Date	Target Date	EoT Date
2560/21/FUL Jacqueline Houslander	9-Jul-21	8-Oct-21	
Former Brutus Centre Fore Street Totnes TQ9 5RW			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)

Comment – Awaiting completion of Sec 106

	Valid Date	Target Date	EoT Date
2400/21/OPA Jacqueline Houslander	15-Jul-21	14-Oct-21	
Avon Centre Wallingford Road Kingsbridge			Outline application with some matters reserved to demolish existing buildings and provide 11 No. 3 bedroom dwelling houses and 4 No 1 bedroom flats

Comment – Still under consideration. Likely to go to Dec. Committee

	Valid Date	Target Date	EoT Date
2842/21/FUL Jacqueline Houslander	20-Jul-21	19-Oct-21	
Briar Hill Farm Court Road Newton Ferrers PL8 1AR			Full Planning Application for extension to holiday park comprising construction of 14 holiday lodges and associated drive access, parking and landscaping

Comment – Just taken over. Under consideration

	Valid Date	Target Date	EoT Date
2817/21/ARM Anna Henderson-Smith	29-Jul-21	28-Oct-21	

Noss Marina Bridge Road Kingswear TQ6 0EA

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 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 planning permission 0504/20/VAR

Comment -

	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

Comment -

	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

Comment -

	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 Lane Dartington.

Application for variation of condition 5 (approved plans) of planning consent 3945/18/VAR to include design and layout Changes

Comment – Feedback given to applicant. Some consultee concerns to address. Ext of time will be granted.

	Valid Date	Target Date	EoT Date
3118/21/ARM Bryn Kitching	9-Aug-21	8-Nov-21	

Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth

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

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extensions of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
3078/21/VAR Bryn Kitching	9-Aug-21	8-Nov-21	
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth		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.	

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extensions of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
3119/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth		Full planning application for the erection of 32 residential units (situated within both phases 1 and 2) and associated works	

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extensions of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
3120/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth		Planning application for attenuation basins, pumping stations, public open space, landscaping and associated works in connection with the residential and employment development of land to the north east	

Comment - Consultation period complete and additional information and amendments beings sought to address responses from statutory consultees. Extensions of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
3316/21/VAR Jacqueline Houslander	21-Sep-21	21-Dec-21	
Plots 12, 13 and 14 Orchard Road Brixton PL8 2FE		Application for removal of condition 7 (details of levels) and variation of condition 2 (approved drawings) of planning consent 3480/18/ARM	

Comment – Recently submitted application within consultation period

	Valid Date	Target Date	EoT Date
2982/21/FUL Cheryl Stansbury	13-Oct-21	12-Jan-22	
Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY		The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping	

Comment – Recently submitted application within consultation period

	Valid Date	Target Date	EoT Date
3335/21/FUL Cheryl Stansbury	14-Oct-21	13-Jan-22	
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers		Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, Improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and Landscaping.	

Comment – Recently submitted application within consultation period. PPA agreed and anticipate Feb 2022 committee meeting