

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 18th January, 2023										
Time:	9.30 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Foss</p> <p style="text-align: center;">Vice Chairman Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Brazil</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 Taylor</td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Brazil	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Taylor
Cllr Abbott	Cllr Long										
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Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	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:	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

- 1. Minutes** **1 - 12**

To approve as a correct record the minutes of the meeting of the Committee held on 14 December 2022;
- 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**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable 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) 1984/22/FUL** **13 - 24**

Siting of two shepherd's huts for holiday accommodation with car port / store / solar pv structure and landscaping (Resubmission of 4366/21/FUL)

Higher Coltscombe Farm, Slapton, TQ7 2QE
 - (b) 3253/22/FUL** **25 - 32**

Revised access to upper roof terrace & replacement kitchen roof (resubmission of 2380/21/FUL)

Court House, 40 Buckley Street, Salcombe, TQ8 8DD
 - (c) 2363/22/FUL** **33 - 42**

Demolition of existing dwelling & construction of new detached house with associated landscaping

Sunnydale, Newton Road, Salcombe, TQ8 8HH

(d) 2260/22/HHO

Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)

Paradise Point, Ravensbury Drive, Warfleet, Dartmouth, TQ6 9BZ

***Report to follow**

**** PLEASE NOTE THAT THE FOLLOWING APPLICATIONS WILL NOT BE HEARD BEFORE 2.00 PM ****

(e) 3563/22/VAR

43 - 50

Application for variation of condition 1 (approved drawings) of planning consent 3542/16/VAR

Parklands, Bay View Estate, Stoke Fleming, TQ6 0QX

(f) 2856/22/HHO

51 - 56

Householder application for proposed single storey front extension

10 Fernbank Avenue, Ivybridge, PL21 9UY

(g) 2556/22/HHO

57 - 62

Householder application for proposed rear garden store

18 New Park Road, Lee Mill Bridge, PL21 9EB

(h) 2084/22/OPA

63 - 76

Outline application (all matters reserved) for the provision of a Special School including new two storey teaching block with associated hard & soft landscaping

Land at SX 648 561, Rutt Lane, Ivybridge

7. Planning Appeals Update

77 - 78

8. Update on Undetermined Major Applications

79 - 86

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Agenda Item 1

MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE**
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY**,
14 December 2022

Members in attendance * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil (for 6 (b), (c) and (d) only (Minute DM.46/22 refers)	*	Cllr K Pringle
*	Cllr D Brown	∅	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor
∅	Cllr K Kemp	*	Cllr P Smerdon (substituting for Cllr H Reeve)
*	Cllr G Pannell	*	Cllr Thomas (substituting for Cllr K Kemp)

Other Members also in attendance and participating:

Cllr J Pearce, Cllr H Bastone, Cllr D O'Callaghan and Cllr J Hawkins

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer; IT Specialists; Specialist Engineering and Democratic Services Officer

DM.43/22 MINUTES

The minutes of the meeting of the Committee held on 9 November 2022 were confirmed as a correct record by the Committee.

DM.44/22 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 an Other Registerable Interest in application 6(a), (b), (c) and (d) (minutes DM.46/22 (a), (b), (c) and (d) below refer) because he is a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

DM.45/22 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.46/22 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) 4774/21/FUL Burgh Island Hotel", Burgh Island, Bigbury On Sea.
Parish - Bigbury**

Development: READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements.

Case Officer Update: The Case Officer reported that an additional letter of representation had been received from the freehold cottage adjacent to the Pilchard Inn, they raised concerns on access to the beach, emptying of and access to the septic tank, the proposed building, tidal surges and rooftop seating which will overlook into the cottage.

A question was raised on the number of applications and why they were not being looked at separately. The Officer reported that Members will have to determine the application before them because the applicant has chosen to present the application this way.

The Officer highlighted that there was a proposal to build on the car park to provide for staff accommodation and that aspect was removed and no longer forms part of the application. The applicant has purchased Korniloff to be used as proposed staff accommodation.

The Officer then gave an overview of the developments on the island, which included the extension to the Pilchard Inn, west wing extension to the hotel, staff accommodation under the tennis court, Fisherman's Gardens, proposed tearoom, extension to the Nettleford Bar, realignment of footpath towards the Mermaid Pool and the improvements to Chirgwin. The Officer reported that many discussions took place at pre-app stage and a Design Review Panel appointed to overlook this application.

In response to questions raised, the Officer reported that:

- With regard to the overlooking into the neighbouring cottage from the Pilchard Inn, people can currently stand and not concerned that will be worse than already is, however there was a potential for a loss of amenity;
- The Design Review Panel consists of selection of SW based designers and architects. They are independent and look at the proposals, visit the site and feedback their comments. These comments are included on the website;

- The Environment Agency (EA) raised a concern about the building and proximity to the sea wall and whether the building could withstand sea surges. The applicant commissioned drainage experts and following discussion with EA, EA have withdrawn their objections subject to 2 conditions which asks for details to be supplied before commencement of work in this area;
- The basement under the staff accommodation will be plant room necessary for the solar heating;
- The proposal to move the footpath would be a separate application looked at by Public Rights of Way at Devon County Council. Also could be an application to South Hams and will form a separate application and the granting of the planning permission does not automatically grant the alteration to route of a public right of way;
- The Island was in not in the AONB, however the mainland is. The proposals for the staff accommodation has the least impact on the landscape and have not received comments from AONB on this application;
- Access to the hotel is restricted to the public but the rest of the island is available for public use;
- There will be some form of sewage treatment in Fisherman's Gardens and rebeds were not considered feasible;
- No plans to change the slipways at this moment;
- The colour Chirgwin will be painted was not raised as an issue and previously was a lighter colour;
- Solar panels will sit flat on the roof;
- Neighbouring parishes if they had concerns could have commented on the application.

Speakers included: Objector – Mr Harvey (statement read out by the Clerk); Supporter – Mr Fuchs; Parish Councillor – Cllr Scott; Ward Member – Cllr Taylor.

Following the objector's statement, the Officer clarified the concerns on the accommodation to the rear of Bay View Café within the current application. It was confirm this has been removed from the plans. It was also highlighted that a unilateral undertaking to be provided for the Tamar Estuaries and 4 conditions require slight revision.

In response to questions raised, the supporter reported that:

- With regard to waste and sewage outfall they had looked at every possible solution. The system they were using was the best solution and the water once through the system will be of drinking quality;
- They will have a plan in place on how the soil will be distributed and reused across the island;
- There are 3 freehold properties on the island;
- Next to the Pilchard Inn there is a seating area and will ensure the neighbouring garden is protected as much as possible;
- The sewage system has been designed for the future and confident that the solution in place is robust;

- The Officer reported that Condition 23 will cover waste;
- A standby generator was a good consideration and will be added.

The Officer reported that it was possible to have a condition on the opaque screening by the seating area.

In response to questions, the Parish Councillor reported that the space behind the hotel and the land not developed is shown as local green space and allocation in the adopted Neighbourhood Plan was equivalent to greenbelt.

The Ward Member said on the site visit to the island he had a lot of negatives but since the visit was more positive about the application. They felt that the negatives can be overcome with conditions. He congratulated the officers on the work undertaken. This is an iconic building and a gem in South Hams. To keep the hotel running you need to increase rooms and need more staff.

During the debate, Members felt that the site visit was informative and what was being proposed fairly sympathetic to what is already there and a natural progression for the hotel. They also felt that the hotel needs to be brought up to date, with more rooms, staff accommodation and that it was difficult to get hospitality staff especially in this area. In principle this was a friendly application and sewage issues addressed.

Following an adjournment, the Officer stated that Councillor Scott mentioned Policy BV15 being equivalent to greenbelt and whilst a justification was given in the report for staff accommodation the wording exceptional circumstances was not included. For clarification this is considered as an exceptional circumstance because of the business case and the need for staff to be accommodated to support the hotel and for that accommodation to be located on the island. This therefore justifies the recommendation made.

The debate continued and Members also felt this was an important asset to the area and important to protect this unique asset. There were concerns on the impact on sewage but recognised this heritage asset and the need to modernise. The need to ensure this iconic hotel continues and to secure future employment.

A request for a condition on the car park behind the café to protect from future development. It was reported that you can condition that the car park is retained for use for hotel only but cannot prevent future development. A further request for a condition to include a 5 year landscaping conditions and new trees to have TPO.

The Monitoring Officer asked if the Proposer and Seconder were in agreement to an amendment to the proposal: To be approved as recommended subject to the completion of a unilateral undertaking to secure the payment contribution subject to the Head of Planning in conjunction with the Head of Legal Services as to whether the application should be advertised as a departure pursuant to the Town and Country Planning Consultation England Direction 2021 and if so concluding be advertised accordingly.

For clarification, for certain applications and in accordance with the 2021 Direction have to be referred to the Secretary of State to allow them to determine whether they want to call in for their own determination and in reference to green belt development and floor space. The floor space is met and whether the greenbelt is an open designated green space.

The Proposer and Secunder happy to propose this.

Recommendation: Approval, subject to a Section 106 agreement to secure the Tamar SAC contributions and the off-site parking requirements.

Committee decision: To be approved as recommended subject to the completion of a unilateral undertaking to secure the payment contribution subject to the Head of Planning in conjunction with the Head of Legal Services as to whether the application should be advertised as a departure pursuant to the Town and Country Planning Consultation England Direction 2021 and if so concluding be advertised accordingly.

The following conditions to be included:

- Screening to protect the neighbouring property;
- Additional wording to be included in the Landscape and Ecology Plan;
- The car park to be retained for hotel use only;
- Minor tweaks to 4 conditions.

The above to be agreed by Head of Development Management.

Conditions:

(list not in full)

1. Time limit
2. Accord with plans, including AIA
3. Joinery details to be submitted
4. Materials to be submitted
5. Stonework to match existing
6. Extraction equipment to be submitted and agreed with the LPA prior to bringing the restaurant in The Pilchard into use.
7. EA Future raising of flood wall.
8. EA flood resilience measures
9. CEMP required
10. LEMP required
11. Details of mitigation requirements for nesting birds to be submitted prior to commencement

12. BNG of 10% shall be provided. If this cannot be provided on the island then an offsite contribution will be required.
13. Details of the measures to avoid the spread of invasive species shall be so included in the CEMP.
14. Lighting proposals shall be included in the LEMP and the CEMP
15. Reptile mitigation measures shall be included in the CEMP
16. At least one integrated bird box/brick be built into the new staff accommodation building to offer nesting opportunities for small passerine birds
17. No unnecessary lighting should be installed and the cliff boundaries should remain dark.
18. The requirement for additional parking on land outside of the site shall be required to be provided in perpetuity prior to work commencing.

**6b) 1386/22/FUL Dennings, Wallingford Road, Kingsbridge
Parish: Kingsbridge**

Development: Erection of six new residential dwellings (resubmission of 3830/20/FUL)

Case Officer Update: The Case Officer reported that two objections received regarding drainage and flood risk and whether the application should be re-advertised. The application to include additional ecology conditions and an updated drainage condition. Previous appeal refused solely on drainage issues and not having an adequate surface water drainage strategy in place. Drainage concerns have now been addressed.

In response to questions raised, it was reported that officers were using the latest ONS data and clarification was also sought on the two applications for this site and it was reported this was a standalone application and if approved it was likely that the other application would be withdrawn.

Speakers included: Objector – Mr L Pengelly; Supporter – Caroline Waller; Parish Council – Cllr P Cole; Ward Member – Cllr D O’Callaghan (MS Teams).

In response to questions, the objector reported the main hedgerow was supposed to remain and not aware if planning permission was sought to remove the hedgerow.

The officer provided clarification on drainage and it was highlighted that drainage on site will manage the surface water for the site. Any flooding issues on the site would be picked up by the other application and SW Water are not a statutory consultee and have been contacted because they are the owner of the new sewer.

In response to questions, the supporter reported that with regard to the design access statement which states that these homes are designed for the family housing market which is in great shortage in the Kingsbridge area. This statement was written by someone else, however, officers and the inspector were content with the design and that the only thing in dispute is the drainage.

In response to questions, the Parish Councillor reported that 725 people voted for Neighbourhood Plan.

The Ward Member felt that a site visit could have been useful for Members but wanted to raise two issues: housing mix and drainage. In the Inspector's report one of the issues was not housing mix but there is an affordable housing crisis in Kingsbridge, recommended to approve 6 large expensive homes which will not benefit the community or the environment. The previous application for 14 dwellings had 3 affordable homes, this application however has no affordable housing neither does it make a contribution for affordable housing in the area. The applicant has stated that there is a shortage of large detached homes in Kingsbridge using out of date data. Other housing estates in development in the area are well underway with nearly 100 homes being built. The JLP and DEV8 states that housing that address an imbalance with housing for young families and older people. The related SPD states that South Hams has an imbalance on the housing mix and there is a higher proportion of 4-5 bedroom homes in the area so there is a need for smaller homes and the current housing stock unaffordable. This site is in a critical drainage area and there is a major concern on flood risk, the Applegate housing site above this application has unresolved drainage issues with SW Water. On this site a hedgerow has been removed and new entrance created and this has made flooding more likely to happen and residents have reported further flooding. DCC issued a report after 4 June floods stating that the development site had contributed to the flooding and that all authorities to work together to address this and feel that refusal or deferral to look at this application more holistically to address the flooding concerns.

In response to a question regarding the neighbourhood plan being approved at Full Council tomorrow, and if this application heard at next meeting would we have to take into account the neighbourhood plan, the Officer reported that the Neighbourhood Plan being ratified tomorrow is irrelevant to this application and the plan has the same weight as it moves through the different processes until finally being adopted.

In response to questions raised by Members, Officers reported that:

- It was questioned why we only had SW Water's view and not a view from DCC. It was reported that the in-house drainage expert has looked at this and reason it went to SW Water is because they will oversee the surface water and storm water drain. There is a condition to ensure that SW Water have installed what is required and taken into account the impacts highlighted by the Planning Inspector. DCC will not comment on this because of the scale of the development.
- It was reported that grey water recycling on this site had not been considered. The drainage proposals for this site manage all surface

water to an attenuation tank and then controlled discharge to a dedicated sewer and included in the condition that they meet CDA requirements;

- The attenuation tank will be sited under the parking bays;
- The analysis does contain reference to the emerging Neighbourhood Plan, but does not specifically mention the housing mix. Housing mix has been given consideration under DEV8 and DEV10, however should have made reference for clarity. It was highlighted that the previous application did not include housing mix;
- Since that plan submitted have received confirmation from SW Water that sewer has been installed and now operational.

During the debate, one Member felt unsure whether this type of home was right for the area and had concerns on drainage issues. Another Member highlighted the Planning Inspector's comments on the previous application and that the issues raised concerning the drainage had now been addressed.

The Officer highlighted to the Committee that recommendation should be delegated approval to the Head of Development Management subject to completion of S106.

The debate continued and a Member felt the Planning Inspector did not consider the housing market or housing mix and was minded to refuse the application on this consideration. The MO asked whether the Member had the evidence to support a refusal on housing mix. The Member responded that the Neighbourhood Plan asking that consideration should be given to provide housing solutions for young families and the elderly in the parish.

It was further debated that residents of Kingsbridge cannot afford to buy a property in the area and the applicant used data from the 2011 census stating a shortage of big family houses. This is not the case. Affordable houses for young people and older people to downsize and this application does not address this. The Planning Inspector failed to look into the housing mix. Concerns with the drainage and flooding issues in Kingsbridge but would not refuse on drainage grounds. However will refuse on housing mix grounds because the Inspector is silent on this. Housing mix is a massive issue in this application and on those grounds refuse this application. It was also highlighted that the SH and WD Housing Strategy reports an under occupancy of 4 and 5 bedroom homes at 27% in South Ham compared to 19% nationally. SPD DEV 8 delivery of smaller homes will create a better churn of housing stock.

The Head of Legal Services asked Members for a clearer reason for refusing the application. The application refused because Members do not feel that the provision of 6 large dwellings meets KH2 of the Kingsbridge Neighbourhood Plan or DEV8.

Recommendation: Conditional Approval

Committee decision: Refusal

6c) 2327/22/OPA "Distin's Boatyard", Old Mill Lane, Dartmouth Parish – Dartmouth

Development: Outline application with some matters reserved for proposed onsite security building with manager's accommodation as live work unit (resubmission of 0412/22/OPA)

Case Officer Update: The Case Officer reported that there was a lack of justification for dwelling on this site, the glazing on the dwelling will cause light spill and close to an ancient woodland.

In response to questions raised by Members, it was reported that:

- It was difficult to justify conditions such as attaching the dwelling to the boatyard and curtains to reduce light spill;
- It was unusual to seek revised plans from the applicant when the officer recommendation was to seek refusal;
- It would be a challenge to condition the strength of lightbulbs used inside the dwelling;
- Security issues at the site are highlighted within the supporting documents.

Speakers included: Supporter – Dave Distin, Parish Councillor – Cllr C Campos, Ward Councillor – Cllrs H Bastone and J Hawkins.

In response to questions to the supporter, the Supporter responded that:

- He would make changes to the windows;
- By having a manager on site would secure the future of the business;
- Across the water there is a bungalow above the boatyard;
- CCTV already on-site.

The Ward Councillor reported that this application is supported by Dartmouth Town Council. Cottages were there previously and the applicant asking for a small home and despite security cameras being installed has impacted the business. There is a need to support and sustain local businesses and ask the Committee to give this boatyard the support and approve the application.

The Ward Councillor felt this was really important to secure this employment site for the family who have worked on the Dart for generations. By having someone on site will step up security. A landscaping condition to make this more sympathetic and to be assisted by Officer on ensuring appropriate lighting. The Neighbourhood Plan being adopted tomorrow will ensure that the property protected only for full time residence.

During the debate Members highlighted that this is a busy boatyard and a family business for over 70 years and supported by Dartmouth Town Council. This site will be providing employment and security for the boatyard. Some Members raised concerns on the issues with lighting and it was reported that the only option to approve subject to receipt of received plans to reduce glazing. Members also raised that there was a need to support businesses and were supportive of this application being approved.

Recommendation: Refusal

Committee decision: Minded to approve the application subject to receipt of revised plans showing a reduction in the amount of glazing to the satisfaction of the Head of Planning in consultation with the Proposer, Seconder and ward members and subject to conditions to be determined by the Head of Planning.

**6d) 2579/22/HHO Red Gables, Cliff Road, Wembury
Parish – Wembury**

Development: Householder application for conversion of existing garage to extra living accommodation

Case Officer Update: The Case Officer highlighted the site plans and reported that the annex was approved on appeal in 1999 as ancillary use for parents but has been used as a holiday rental since 2017. The proposal is to convert the garage to an extension, however, the accumulative nature of the proposal, the policies that have not been adhered to and the likelihood this extension will become a property in its own right.

In response to questions raised by Members, it was reported:

- There will be 3 different levels to the roof heights;
- Under the current definition of the terms this is not an annex;
- There was no evidence on how the garage was being used but can't be used as an independent dwelling;
- That breach of occupancy is 10 years and not 4 years and not to focus on that aspect as part of this application;
- Being in the AONB limits permitted development.

Speakers included: Supporter – Stephen Lang (statement read out by the Clerk), Ward Member – Cllr D Brown.

The Ward Member reported that the Parish Council did not object to this application but wanted a condition for it not to become an Airbnb or holiday home. This is a fairly modest increase in size and suggest a condition that it cannot be sold separately or used as a holiday home.

During the debate, Members felt sympathetic towards the applicant in wanting to provide accommodation to help the next generation, however this application breached a number of policies and felt this application was in effect creating a second dwelling and therefore Members agreed with the Officer's recommendation to refuse.

Recommendation: Refusal

Committee decision: Refusal

DM.47/22 **PLANNING APPEALS UPDATE**

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

DM.48/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 9:30 am. Meeting concluded at 4:01 pm, with a break at 10.54 am and lunch at 1:49 pm. The meeting adjourned at 11.55 am)

Chairman

Voting Analysis for Planning Applications – DM Committee 14th December 2022

<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>
4774/21/FUL	Burgh Island Hotel", Burgh Island, Bigbury On Sea.		Cllrs Abbott, Brown, Foss, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Taylor and Thomas (11)			Cllr Brazil (1)
1386/22/FUL	Dennings, Wallingford Road, Kingsbridge	Refusal	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Pringle, Taylor and Thomas (8)	Cllr Brown (1)	Cllrs Foss, Rowe and Smerdon (3)	
2327/22/OPA	"Distin's Boatyard", Old Mill Lane, Dartmouth	Approval	Cllrs Abbott, Brazil, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Spencer and Taylor (10)	Cllrs Foss and Thomas (2)		
2529/22/HHO	Red Gables, Cliff Road, Wembury	Refusal	Cllrs Abbott, Brazil, Foss, Hodgson, Long, Pannell, Pringle, Rowe, Smerdon, Taylor and Thomas (11)	Cllr Brown (1)		

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 1984/22/FUL

Agent:

Mr Tom Sylger Jones
Green Tea House
39 Belle Cross Road
Kingsbridge
TQ7 1NL

Applicant:

Mr And Mrs J and N Harris
Higher Coltscombe Farm
Kingsbridge
TQ7 2EQ

Site Address: Higher Coltscombe Farm, Slapton, TQ7 2QE



Development: Siting of two shepherd's huts for holiday accommodation with car port / store / solar pv structure and landscaping (Resubmission of 4366/21/FUL)

Reason item is being put before Committee: Cllr Foss wishes the Committee to consider the application of policies DEV15 (6 and 7) and DEV32, particularly with regard to farm diversification and carbon reduction.

Recommendation: Refusal

Reasons for refusal:

1. The proposed development would result in tourism accommodation in an unsustainable rural location with restricted access to services and amenities and limited opportunities for sustainable and active travel, with resultant reliance on private motor vehicles. The proposal is therefore contrary to Policies SPT1, SPT2, TTV1, TTV2, DEV15, DEV29 and DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034; and the National Planning Policy Framework (notably but not limited to paragraph 84).
2. The proposed development does not respond to an identified local need for tourism accommodation, with no evidence to justify the type of accommodation proposed in this specific location. Whilst reference is made to farm diversification, this does not provide evidence for the need for the development proposed. The proposal is therefore contrary to Policy DEV15.7 of the Plymouth and South West Devon Joint Local Plan 2014-2034.
3. The proposal will install incongruous features into the landscape, and does not respond spatially to the wider rural countryside setting. The proposal would create an intensification of use and see development within this undeveloped parcel of land which is not physically well-related to existing settlements. This would create a dispersed and detached tourism facility that does not respect the scenic quality, tranquillity, remoteness and pastoral rural qualities of the Landscape Character Type 5a of the area. The proposal is considered to be contrary to Policy DEV23 of the Plymouth and South West Devon JLP and paragraphs 85 of the NPPF.

Key issues for consideration:

Principle of development/sustainability, amenity, design, landscape and visual impacts, ecology, trees and highways.

Site Description:

The application site is a field located in the open countryside. Slapton is approximately 2.5 miles south east of the site. Surrounding the site is open countryside. There are a cluster of dwellings to the north and south east. The site is approximately 0.5 hectares in size and bounded by a hedgerow and trees. Access is provided in the north-eastern corner.

The field is part of a wider agricultural enterprise based at Higher Coltscombe Farm. The main farm buildings and farmhouse associated with the farming enterprise are located approximately 500 metres to the south east of the site. Higher Coltscombe farm is a dairy farm.

The site is not located within the South Devon AONB, Heritage Coast or Undeveloped Coast. The Heritage Coast and Undeveloped Coast lies approximately 200 metres to the east of the site. There are no known heritage items at the site or within the setting. The site is not within a flood zone, or a Bat SAC.

The Proposal:

This application seeks permission to erect 2 x shepherds hut style holiday accommodation within the application site, along with a car port and storage building. Some landscaping measures are proposed including creation of access pathways leading from the car port to the huts. The proposed shepherds hut will be installed on concrete plinths and will measure 7 metres in length and 3.6 metres in width with an overall height of 2 metres. The shepherd's huts will be positioned in opposite ends of the field as

shown on the site plan. The car port and parking area will have a solar array and EV charging point. The car port building will measure 13 metres in length and 5 metres in width and be 4 metres in height.

A previous application for a similar development was withdrawn due to concerns associated with the siting of an unjustified tourism enterprise into open countryside that was not considered to represent sustainable development, given its reliance on the private car to access services and amenities.

Consultations:

- County Highways Authority: Standing Advice
- Environmental Health Section: No EH concerns subject to conditions
- Tree Officer: No objection subject to submission of information prior to commencement
- Slapton Parish Council: No comments to make

Representations:

Representations from Residents

10 letters with a response of 'objection' have been received and cover the following points:

- Road access is poor
- There is a watercourse that runs underneath the site
- The site is in the AONB and close to a SSSI
- Concerns about impacts on local wildlife because personally spotted wildlife at the site
- Concerns about impacts on dark sky environment
- Proposal will heavily rely on the use of cars and not sure if EV charging is realistic
- Information on pedestrian routes does not account for topography
- Increase in noise
- Will set a precedent that will impact rural areas
- Diesel generator running at unsociable hours
- Increase in traffic generated from the site
- Site location will mean heavily reliant on the car
- Applicants and farm are not close to the site
- Existing supply of this type of holiday accommodation in the area
- Agricultural land is not suitable for this type of development
- Additional surface water in a stream that often floods
- Additional visitors will place additional demand on the local potable water supply; the site is directly above an underground watercourse
- Drainage infrastructure is over specified; assurances that further development will not take place are sought

9 letters with a response of 'support' have been received and cover the following points:

- Only remaining dairy farm in area so support should be given to help the business
- Wild camping has ruined the Slapton area so this type of accommodation is needed
- Excellent access and sufficient parking provision included
- Land is hidden in a dip and surrounded by trees so is not seen
- Farmers need to be able to diversify to survive
- Small scale so won't cause any harm
- Flood risk is minimal and appropriate foul drainage arrangement has been made

1 letter with a response of 'undecided' has been received and covers the following points:

- Green field site
- 20% increase in traffic equalling a dwelling traffic movements
- Fragility of water supply – there is no mains water supply and may put pressure on local demand
- Light pollution and increase in noise

- Poor highway network
- Travel plan is incorrect as local places to visit will require a car to access

Relevant Planning History

Planning Application Ref: 4366/21/FUL

Description: Siting of four bespoke designed and built wooden lodges for holiday accommodation, ancillary car port with solar panels and landscape planting.

Address: Higher Coltscombe Farm Slapton TQ7 2QE

Decision Date: 16 February 2022

Withdrawn

ANALYSIS

Principle of Development/Sustainability:

The overarching Policy SPT1 of the JLP1 seeks to promote sustainability through all forms of development, including through environmentally conscious economic activity, the creation of sustainable societies and through protection of natural assets and the environment. It specifies a number of ways in which it seeks to do so, but access to a range of health-promoting travel options, reducing energy demand and low carbon energy schemes all underline the Plan's focus on the environmental impacts of travel and development generally.

Policy SPT2 provides further detail on delivering, amongst other things, sustainable rural communities, indicating that these should be well served by public transport, walking and cycling opportunities and have an appropriate level of services and facilities.

Policy TTV1 sets out that growth will be delivered according to a hierarchy of settlements, with development in the countryside permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

In relation to holiday or tourism development, JLP Policy TTV2 sets out that development proposals will be supported where they reinforce the sustainable settlement hierarchy and where they deliver a prosperous and sustainable pattern of development. Its specific rural sustainability objectives include the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, and respect the character of the countryside and historic settlements. Policy TTV2 does not define the term 'sustainable rural tourism' but instead references Policies SPT1 and SPT2, which set out the broad objectives of sustainable development across the Local Plan area. These relate to the environmental, social and economic aspects of sustainability. The adopted SPD document of the Joint Local Plan emphasises that Policy TTV2: *'(paragraph 11.25) ... seeks to ensure that new tourism facilities respond to opportunities within the established pattern of sustainable settlements, and avoid dispersed and detached tourism facilities that will add seasonal strain on the rural road network'*.

The application site is not located within a named village or town and is therefore considered to be within an open countryside setting where Policy TTV26 applies. The JLP SPD (§11.50) states that the LPA applies the test of isolation in a manner consistent with the Braintree¹ case and any superseding judgment. The recent Bramshill² judgment affirmed that the essential conclusion in Braintree (at para. 42 of that judgment) was that in determining whether a particular proposal would be "isolated", the decision-maker must consider 'whether [the development] would be physically isolated, in the sense of being isolated from a settlement'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgment for the decision-maker on the facts of the particular case.

The application site is removed from any settlement boundary and is not well related physically to a group of dwellings or buildings, so is considered to be isolated development in the open countryside. As such, part 1 of Policy TTV26 applies.

¹ Braintree DC v SSCLG [2018] EWCA Civ 610.

² Bramshill v SSHCLG [2021] EWCA Civ 320.

Part 1 of Policy TTV26 reads:

'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.'*

The application is not considered to meet 1i.

In regards to point 1v., the site is not located within an area of historic assets such as the setting of a listed building or within a conservation area, and it is not within the AONB or Heritage Coast which is known for its heritage assets.

Points 1ii, 1iii and 1v are not applicable.

Part 2 of the Policy TTV26 is also applied.

2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*

This is not considered applicable to the application.

- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*

No buildings are located at this specific site. No information has been provided to suggest if reusing an existing redundant farm building is an option for the applicant.

- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*

The tourism business would be run ancillary to any farming operations and is not considered to prejudice any uses. The application states that the field produces a small yield of hay each year but is not productive for agricultural purposes.

- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

The proposal does not meet this aim.

- v. Avoid the use of Best and Most Versatile Agricultural Land.*

From Natural England's mapping system, the site is considered to be in a 'Grade 3 - Good to Moderate'. It has not been made clear from the application evidence whether the land is 3 a or 3 b. The adopted SPD advises that: *'If there is uncertainty over the exact classification it will be up to the applicant to demonstrate what the land classification is for a piece of land. Development proposals on land that is classified as 3b may be resisted if 3b is considered to represent the best quality agricultural land within the surrounding landscape character area or areas.'*

Having regard to the nature of the development proposed and limited scale of land take it is not considered proportionate to pursue an objection in this regard.

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.

Such details of a management plan and exit strategy have not been provided as part of this application.

Policy DEV15 'supporting the rural economy' seeks to improve the balance of jobs within the rural area and diversify the rural economy. Policy DEV15 sets out, amongst other aspects, that: support will be given to proposals in rural areas which are in suitable locations; and that camping, caravan, chalet or similar facilities that respond to an identified local need will be supported provided the proposal has no adverse environmental impact. It requires development proposals to, amongst other aspects, 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. It also sets out that Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.

The Policy reads:

'8. Development proposals should:

i. Demonstrate safe access to the existing highway network.'

Highways have advised to apply highways standing advice. On a site visit it was noted that the gradient when leaving and entering the site was relatively steep, making entrance onto the highway from the site slightly difficult. This could be improved, although the gradient is not so steep to warrant a refusal on highways grounds. The speed of the traffic using the roads is also likely to be slower given the narrower country lanes so the visibility is considered okay.

'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'

JLP Policy DEV29 also states that where appropriate development proposals should: "*Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.*"

A sustainable travel plan was submitted during the application process. At the heart of the JLP is a need for sustainable development, and the Policy DEV15 is clear in its requirements regarding sustainable modes of transport, and the JLP sets out a clear spatial strategy of where new development should be located in accordance with a hierarchy of settlements. The submitted sustainable travel plan does show a reasonably robust assessment and a bi-annual action plan that contains targets to reduce transport related impacts. Electric vehicle charging points and bike storage would be provided, and monitoring reports would be conducted to improve the sustainability of the site. Information was provided of maps showing walking routes, and what services are available within walking distance.

The starting point for policy assessment with respect to location is that the site is within tier 4 of the settlement hierarchy. The spatial strategy directs development towards our more sustainable settlements within the Thriving Towns and Villages Policy Area, including tourism accommodation, and as such this is not a location that would usually be supported for this use. Despite the best efforts that could be achieved through the running of the sustainable business and the emphasis that would be placed on visitors adopting sustainable habits once on holiday, Officers consider that this relies on a certain type of 'clientele', who are able and would wish to spend the holiday walking/cycling and not using a private car to visit tourism activities, landmarks and enjoying this part of South Devon. This

cannot be conditioned, controlled or regulated as part of the planning permission, to guarantee that those who book to use the site for a holiday, do not rely on the use of their private car. Due to the location of the proposal, remote from services and facilities, where the use of the private motor vehicle will be essential, the proposal is not considered to demonstrate that it will not impact the local highway network, or how it will improve sustainability in the sustainable travel plan. Notwithstanding the desirability of the aspects such as the electric vehicle charging, solar panels etc., where capable of being conditioned, they would not offset the need to locate development where it promotes a meaningful choice of sustainable transport modes.

Paragraph 84 of the NPPF states that planning decisions should enable “*sustainable rural tourism and leisure developments which respect the character of the countryside.*”..... Given the constraints of the location identified above it is considered the proposed development would not fulfil this requirement.

The JLP contains within it a carbon reduction target in policy DEV32, and all development proposals are required to make a demonstrable contribution to the overall carbon reduction aims of the plan. In addition, South Hams District Council has declared a climate and biodiversity emergency, which accords with the national climate emergency declaration and binding net zero target for the UK as contained within the amended 2008 Climate Change Act. The proposed use in this location is likely to generate a significant number of vehicle trips by private car which have not been mitigated. Whilst the proposal is for only two units of holiday accommodation, the cumulative impact of allowing this type of development needs to be considered in the context of the spatial strategy contained within the JLP and in relation to that objectives of JLP Policy DEV32 and the climate emergency in addition to the objectives of DEV15. Carbon emissions in rural areas are disproportionately high when compared to development in locations that benefit from proximity to a range of services and facilities. The balance of considerations is not limited to visitor spend, but instead requires the impacts of the proposal in totality to be weighed against any perceived benefits. The JLP sets out at the highest level of policy (SPT1 – Delivering Sustainable Development) an expectation that “*Environmentally conscious business development takes place*’ and that ‘*a low carbon economy is promoted*”.

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

The application demonstrates that the proposed buildings will be relatively discrete in the landscape due to their orientation and scale. The site was chosen for its topography and land levels so the proposal will not be in a prominent position, and the existing boundary treatments will screen the development.

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 building will be considered.

The proposed location of the development appears incongruous and isolated. The proposal does not appear to be a natural organic addition to the area spatially, and will be placed in a remote position in a tranquil rural part of the countryside. The development will lead to a further expanse of development in an untouched part of the countryside.

In terms of Policy DEV15.7 and the ‘need’ for the development, the application is supported by a letter from ‘Canopy and Stars’ which supports this style of accommodation, and notes it is in need. However, this is a generalisation made about UK holiday trends. A second letter is also provided from a local holiday business, which is also positive in response, saying that this type of development would be successful with bookings. Whilst the letters are positive, it does not specifically identify any local need for the proposal and relates to the wider county of Devon. There are no details about the existence and availability, or otherwise, of local holiday facilities or details about what specifically the proposal offers that is unrepresented locally.

There have been a number of appeal decisions since the adoption of the JLP and the start of the COVID-19 pandemic which make it very clear that evidence of need must be locationally specific. The

following is taken from one such decision at The Stables, Ledstone, Kingsbridge (ref. APP/K1128/W/20/3260220): *“In terms of Policy DEV15.7 and the ‘need’ for the development, the appellant provides a number of excerpts from statements provided in support of alternative holiday accommodation proposals. The generalisations made about UK holiday trends from the cited articles, whilst positive in general, falls short of an identified local need for the appeal proposal in its specific location. There are no details about the existence and availability, or otherwise, of local holiday facilities or details about what specifically the proposal offers that is unrepresented locally.”*

Whilst reference has been made to farm diversification, this has only included reference to the provision of holiday accommodation on the farm and the family have considered the conversion of existing farm buildings against the provision of bespoke facilities. However, the applicant has not provided any details to explain what other forms of farm diversification have been considered and discounted; therefore it is not clear why tourism accommodation is necessary or the scale at which it would need to operate to support a sustainable farming enterprise on the holding.

A previous appeal decision for similarly small scale tourism accommodation in a rural location included the following: *“I accept that farms are often located in the countryside and that diversification of agricultural businesses may involve an increase in vehicle movements. However, this does not mean that all farm diversification would be unacceptable and conflict with policy in the same manner as this development, which has its own set of circumstances related to the location of the appeal site. Dismissing this development would not therefore necessarily mean that other tourism-related development in the countryside would also be unacceptable. Nor would it indicate that others potentially wishing to diversify their business and generate an additional income could not do so.”* (Appeal ref. APP/Q1153/W/20/3244500 – Land at Tuell Down, Milton Abbot, Tavistock).

Any evidence of specific need for this type of accommodation in this location would need to be balanced against the overarching spatial strategy contained within the JLP. As has already been established, when considering the proposal site against the wider spatial strategy as expressed in policy TTV1, the site location is not in an area where development is anticipated. It is considered there is a fundamental policy conflict with the proposed development in this location having regard to the objectives of the JLP as a whole and guidance contained within the NPPF.

In light of the above discussion, the principle of the development, to establish a tourism business, in a remote location, does not comply with the strategic and spatial policies of the JLP, or Policies TTV1, TTV2, TTV26, DEV15, DEV32, or NPPF paragraph 84.

Design/Landscape:

The site is within the landscape character type of ‘5a Inland Elevated Undulating Land’.

A summary of the landscape condition of 5a is as follows (taken from the Landscape Character Assessment [LCA]):

‘Because much of the landscape is unsettled and remote, its structure, with gently undulating open farmland, extensive views and lack of built development, is largely intact. Settlement is scattered, with isolated houses and farms, especially near the south coast, except for recent development on the edge of Dartmouth and Stoke Fleming which, where it has spread up into this LCT, is widely visible and intrusive. Adjacent urban areas are not generally apparent from within the LCT, except for Totnes where factory chimneys, the castle and traffic on major roads can be seen. The presence of pylons is visually intrusive. The A38 (including settlements along its length) intrudes on levels of tranquillity and dark night skies towards the north of the LCT’.

The LCA notes that a force for change for this area is: *‘Pressure for new leisure and recreational development (e.g. diversification of farms to caravans/campsites and conversion of small traditional farm buildings, particularly barns, to accommodation which can increase the need for new agricultural buildings elsewhere), affecting the rural character and sense of tranquillity of the LCT’.*

The landscape guidelines for this character area includes: *'Protect the **sparsely settled character** by carefully controlling any new development outside the existing footprints of the landscape's small settlements. Ensure that any change and/or diversification of farms to caravans/campsites are of a small scale, low key and unobtrusive'*

Whilst Officers note that the proposed development is small scale in that it will be creating two units of accommodation and a garage, the proposed development is considered to be obtrusive in its location and positioning within a rural part of the open countryside which is relatively free from development. The proposal is a negative force for change in this area. The proposal will see the introduction of new built form into an undeveloped field which is detached from a settlement, and distant from the main farming business and complex of buildings associated with the farm. This developmental pressure is not considered to help to preserve or enhance the landscape character area of 5a. Also, by the way of introducing built form into a sparsely settled part of the South Hams countryside, the scheme is not considered to comply with Policy DEV23 part 1, which requires for development to: *'1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness'*

The Landscape Character area also notes the importance of the 'peaceful landscape with dark night skies and a strong sense of remoteness'. This is also required in part 4 of Policy Dev 23 of the JLP which reads: *'4. be located and designed to prevent erosion of relative tranquillity and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquillity has been eroded'*

Whilst the proposal may be low key, the introduction of a new tourism based use in this rural part of the countryside, relatively free from development, has the potential to impact the tranquillity and the dark night skies. By way of attracting visitors, and introducing a new use to the field, whereby the field would be used for habitable accommodation, and the coming and going of motor vehicles, this is likely to result in an impact to the noise and levels of tranquillity. In light of the above analysis, the proposal fails to comply with the provisions of Policy DEV23.

The site is located approximately one mile to the west of the South Devon AONB. With this amount of distance, the proposal is not considered to negatively impact the special qualities of the AONB. The site is not visually prominent from the setting of the AONB and is not considered to harm the AONB in terms of setting.

It is acknowledged that the overall scheme has been designed in a considerate way whereby it considers the context of the site, the topography and the existing screening afforded by the hedgerows and trees. The proposed shepherd's huts are considered to be of a standard universal design of a shepherds hut style of accommodation. When considered separately from its proposed siting, the design of the scheme is considered acceptable, subject to further details being provided of the proposed finishing land levels. Further landscaping details would also be required of how the hedgerow would be managed. The hedgerow provides an important screening of the development.

The proposed idea to limit the amount of development at the site is welcomed, including the open meadow pasture land in between the huts, and the natural landscaping being used as boundaries between the car parking and the pedestrian routes. However, this does not overcome the in-principle objection to development in this location.

Neighbour Amenity:

Letters of objection have been received which express concerns regarding the noise from the site travelling to surrounding residential properties. The site is approximately 100 metres to the north of a cluster of properties, and approximately 150 metres to the south of properties. With these distances in mind, and the proposed use of the site, it is unlikely that neighbour amenity would be so significantly impacted so as to warrant a refusal solely on this basis. Officers would also note that any grant of planning permission would not exempt that applicant from compliance with compliance with other

legislative framework and any noise complaints would be dealt with through the stator noise nuisance process.

Highways/Access:

Standing advice has been applied. It is noted that the access is on a gradient and that the approach roads limit forward visibility when exiting the site. However, in the context of the likely low speeds of traffic on these roads, Officers do not consider that the proposal would result in a significantly increased risk to highways safety. As such, the proposal is considered to accord with the provisions of DEV29.

Ecology:

A phase 1 walkover survey was undertaken on 23/6/2021 by Butler Ecology. The LPA Ecologist wished to ask the Ecologist reporting on the site if the mitigation measures put forward related to this scheme, as on the ecological report is specifies 4 lodges were to be provided. The Consultant Ecologist has provided written confirmation (letter dated 26th August 2022), that the ecological mitigation measures in the ecology report are valid for this application.

With the use of conditions to ensure that the mitigation measures set out in the ecology report are followed, then the proposal is considered to protect protected species and lead to a bio-diversity net gain.

Water and Drainage:

Concerns have been raised that the drainage infrastructure is designed to support four lodges rather than two and that assurances should be provided that further development should not be allowed. Officers would note that the principle of further development is beyond the scope of this report; the applicant has been determined as submitted.

Concerns have also been raised regarding the availability of potable water. This matter has been reviewed by the SHDC Environmental Health Officer who has offered the following comments on this issue and the proposed foul drainage arrangements;

“The applicant proposes a new package treatment plant discharging cleaned water to a drainage field on land in their ownership. We have no concerns regarding this scheme.

We note that water will be supplied from an existing borehole. In this case the private water supply regulations will apply. We have the following advice which the applicant must follow:

Private Water Supplies - If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (South Hams and West Devon Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use. Please contact Environmental Health at South Hams and West Devon Council on completion of the proposal.”

On this basis, it is considered that the proposed foul drainage scheme could be secured by condition to safeguard the public and environment and that the details of the private water supply could be secured by pre-commencement condition. The condition must be discharged prior to commencement in order to ensure a safe, adequate supply of drinking water to the development without prejudicing the supply for existing users. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2 and this does not form a substantive reason for refusal.

Other Matters:

The Tree Officer has no objection to the scheme, provided that more information would be provided prior to commencement of any works.

The Planning Balance

The proposal is not considered to be in a sustainable location, and the principle of establishing a tourism business in a tier 4 location is not supported by Local Planning Policy. The proposal will rely heavily on

the use of the private motor car, putting a further strain on the rural road network. The site is within an open countryside setting so the addition of tourism development within this undeveloped field will result in a dispersed and detached tourism facility. The proposal does not appear as a congruous addition within the countryside, and will result in further intensification of development in a rural part of the landscape, which the landscape character assessment seeks to reduce this type of developmental force of change.

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 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14 January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19 December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 84 and 85 and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Landscape Character Assessment (LCA) 2018, Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 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.

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 3253/22/FUL

Agent:

Mr Nigel Dalton
Nigel Dalton Architectural Design
Unit 4h
South Hams Business Park
Churchstow, Kingsbridge
TQ7 3QH

Applicant:

Mr & Mrs S King
River House
Bisham Road
Marlow
SL7 1RP

Site Address: Court House, 40 Buckley Street, Salcombe, TQ8 8DD



Reason for call-in: Cllr Long would like the Committee to consider the cumulative impact of the changes on the character and appearance of Salcombe Conservation Area.

Development: Revised access to upper roof terrace & replacement kitchen roof (resubmission of 2380/21/FUL)

Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Privacy screens
4. Materials as per details
5. Adhere to ecological report

Key issues for consideration:

Design and heritage, neighbour amenity, impact on South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the centre of Salcombe and is accessed via Buckley Street to the north. The site hosts a link-detached two storey dwelling of traditional form and proportions. The dwelling has been extended and altered during its lifetime and benefits from a side extension with small roof terrace above.

The Proposal:

The applicant wishes to revise the access to the roof terrace by providing a set of external stairs up from the ground floor. The applicant wishes to install privacy screens at the base of the stairs to prevent overlooking. The applicant wishes to replace the roof and roof lights above the kitchen extension and install full height doors within the north east elevation of the host dwelling. The applicant also wishes to replace the balcony and railings on the south elevation of the host dwelling at ground floor level.

Consultations:

- County Highways Authority No highways implication

- Town Council Objection

Objection as although the size of the roof top terrace had been reduced from the previous application, it still extended too far back and would have an impact on the amenity to the neighbouring property. The roof terrace in question was very near to the bedroom window of 39 Buckley Street which would mean a loss of privacy and a loss of amenity due to the potential noise impact from the use of this terrace. The overall design of the application was not in keeping with the Conservation Area and would also impact on locally important view V14 as set out in Neighbourhood Plan policy ENV6.

Representations:

Representations from Residents

Six letters of objection have been received and include the following points:

- The previous reason for refusal remains valid; "Objection condition 3 of approved application 41/2460/13/F states that the obscure glazed privacy panel and glass and steel balustrade as shown in those plans must be completed and thereafter maintained and retained in perpetuity. This condition was to minimise any impact on the neighbouring property. This application would override that condition which will mean a major loss of amenity to the neighbouring property. The roof terrace in question is adjacent to the bedroom window of 39 Buckley Street which would mean a loss of privacy and a loss of amenity due to the potential noise impact from the use of this terrace. The overall design of the application is not in keeping with the Conservation Area and will also impact on locally important view V14 as set out in Neighbourhood Plan".
- The proposal would alter the streetscape and be detrimental to the vista.
- The original proposal was approved subject to restrictions; the proposal would overlook these restrictions.
- Neighbours have been bothered by rowdy gatherings and excessive noise late into the night.
- The external staircase would make the terrace more attractive to the occupants and make the terrace more likely to be used.
- The proposal would facilitate the use of the terrace by larger parties, thus negatively impacting on other letting businesses in the area.
- Obtrusive lighting and sound equipment may be used in association with the terrace.
- The extra glass and chrome rails will be more noticeable.
- Neighbouring bedroom windows have a direct line of sight to the existing platform and occupants of this terrace would have a view over the railings into a neighbouring bedroom.
- The red line on the block plan has been drawn incorrectly; the whole right of way is owned by the lower end owner, with public right of way of use.

- It is not clear which set of drawings are being consulted upon.
- The bifold doors to the lower terrace will create another large socialising space with additional noise.
- Under the Human Rights Act 1998 we have a right to peaceful enjoyment of all our possessions which includes our home. This proposal would deny us this basic human right.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/0385/81/4: COU	Conversion of stores to holiday flat	Level 1 Court House Buckley Street Salcombe	Conditional approval: 07 Apr 81
41/1466/83/4: COU	Reconversion to two cottages	Court House Buckley Street Salcombe.	Conditional approval: 08 Nov 83
41/1934/94/3: FUL	Continuation of use without complying with condition (c) of permission 9/41/0385/81/4 (use for 12 months of the year)	Basement Flat Level 1 Court House Buckley Street Salcombe.	Conditional approval: 07 Feb 95
41/1288/00/F: FUL	Construction of new oriel windows	The Court House 41 Buckley Street Salcombe TQ8 8DD	Conditional approval: 21 Sep 00
41/2386/03/F: FUL	Replacement windows and balustrade	Court House Buckley Street Salcombe Devon TQ8 8DD	Conditional approval: 23 Jan 04
41/0773/06/F: FUL	Replace door with window and 2 no windows with French doors	Flat 2 The Court House 40 Buckley Street Salcombe Devon TQ8 8DD	Conditional approval: 06 Jun 06
41/1945/13/F: FUL	Householder application for conversion of existing garage to living accommodation and reconstruction of existing roof terrace including new internal access staircase.	Court House Buckley Street Salcombe TQ8 8DD	Withdrawn: 15 Oct 13
41/2460/13/F: FUL	Conversion of existing garage to living accommodation and reconstruction of existing roof terrace including new internal access staircase (resubmission of application 41/1945/13/F)	Court House Buckley Street Salcombe TQ8 8DD	Conditional approval: 07 Jan 14
2380/21/FUL	Extension of upper roof terrace with modified window and door formation and replacement of existing balcony	Court House, 40 Buckley Street, Salcombe, Devon, TQ8 8DD	Withdrawn
1803/22/PR1	Pre Application Enquiry For - Extension of upper roof terrace with modified window and door formation and replacement of existing balcony.	Court House, 40 Buckley Street, Salcombe, Devon, TQ8 8DD	Pre-application: (Officer support) 30 Aug 22

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a residential dwelling; the principle of alterations within this context is therefore established, subject to compliance with the other protective designations relevant to this highly sensitive location.

One commenter has queried which plans are the subject of the application. Officers would confirm that the pre-application enquiry documents were published on the planning file and labelled as such, alongside the existing and proposed drawings, also labelled as such. Officers consider that on this basis, the details of the scheme have been clearly advertised.

Design and Heritage

The proposed changes to the terrace are considered minor in terms of their scale and visual impact, although it is noted that there have been a number of objections on this basis. The terrace itself is not changing as part of the development and will not extend any further as per the Town Council's concerns, it is only the new stairs that are being added. Officers do not consider that the proposal will appear unduly visually prominent with view V14 of policy SALC ENV6. The proposal continues the existing design themes and materials palette; the potential to use frameless glass balustrading rather than the chrome finish was discussed during the pre-application process. However, as the existing balustrading is in good repair it was not considered cost effective to replace it at this time. On this basis, whilst noting the objections, officers do not consider that the extent of chrome balustrading added through the proposal would result in such significantly harmful visual impact when viewed from within the public realm so as to warrant a refusal solely on this basis. Officers consider the other changes to fenestration and replacement balcony and associated metal balustrading are acceptable. Officers are mindful of the duty noted at Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising planning functions. On balance, the proposal is considered to have a neutral impact on the Conservation Area when considered in the context of the changes made to date. Similarly, Officers are mindful of the duty noted at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in exercising planning functions. The site falls within the setting of a number of Grade II Listed Buildings; nos. 80 and 81 Fore Street and nos. 4-8 Buckley Court. Officers consider that the proposed changes are minor and that these will not be unduly visually prominent or incongruous within the setting of the Listed Buildings. As such, the proposal is considered to accord with the provisions of DEV20, DEV21, DEV23, SALC ENV6 and SALC B1.

South Devon AONB

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and ENV1.

Neighbour Amenity

Objectors have commented that the new doors from the main dwelling out to the ground floor amenity space will result in increased noise and disturbance. Officers do not consider that this would result in a significant detrimental impact on neighbour amenity; the proposal would not introduce a new vantage point for overlooking nor would it increase the available external amenity space for the occupants and therefore, noise levels are unlikely to change significantly.

Objectors have raised concerns that the terrace is in close proximity to a neighbouring bedroom window and that it will be possible to look into this window from the terrace. Officers would note that

this view is currently available from the terrace. The terrace is not being extended closer to this window and on this basis, the levels of intervisibility and overlooking will not be significantly worse when compared to the current situation.

It is noted that the applicant has included obscure glazed privacy screens at the bottom of the new external stairs in order to prevent any overlooking from a new vantage point when descending from the terrace. Officers consider it necessary to secure the screens by condition, in order to safeguard the residential privacy and amenity of adjoining occupiers.

A number of objections have raised concerns that the extension of the terrace and the revised access will make the terrace more attractive to the occupants and it will be more intensively used, with increased noise and disturbance. Objectors have also noted that there have been instances of noisy gatherings late into the night, to the detriment of residential amenity. Officers acknowledge the challenges associated with managing noise associated with terraces and balconies in town centre locations, however, the proposal would not seek to significantly increase the size of the terrace, nor would it provide additional bed spaces within the host dwelling which would increase occupancy levels. The applicant has been offered the opportunity to respond to these concerns but has declined to do so.

On balance, the proposal is not considered to result in a significant detrimental impact on neighbour amenity so as to warrant a refusal solely on this basis. In this context the proposal is considered to accord with the provisions of DEV1. However, Officers would note that the grant of planning permission does not exempt the occupants of the dwelling from compliance with other statutory controls, such as those relating to statutory noise nuisance.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which are appropriate to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

Highways/Access

The proposal does not seek to make alterations to access or parking arrangements and the Devon County Council Highways Engineer has confirmed that the application has no highways implications.

Other Matters

Objectors have raised concerns that the applicant does not own all of the land within the red line site boundary, as shown on the Block Plan. The applicant has confirmed that there was a drawing error and has retracted the red line accordingly. Officers have accepted this revision as it relates to a smaller area of land within the advertised red line and on this basis, no third party would be prejudiced by the change.

Conclusion

Whilst Officers are aware of the strength of feeling regarding the proposal, in the context of the existing use, the physical changes proposed are comparatively minor in the context of the host dwelling. On this basis, it is recommended that the application be granted conditional approval.

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities.

The relevant development plan policies are set out below:

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

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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, Salcombe Conservation Area Appraisal and Management Plan (2010), South Devon AONB Management Plan (2019-2024).

Neighbourhood Plan

The site falls within Salcombe neighbourhood planning area; following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019.

It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is noted that modifications to the Plan are currently being examined by an Independent Examiner, although these are unlikely to have any bearing on the proposed works.

The relevant policies are noted below:

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty

SALC ENV6 Locally Important Views

SALC B1 Design Quality and safeguarding Heritage Assets

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

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

Site Location Plan 1058.21.09 revision B updated 07.12.2022

Proposed Block Plan 1058.21.11 rev A updated 7.12.2022

Proposed Floor Plans 1058.21.05 rev B updated 7.12.22

Received by the Local Planning Authority on 07 December 2022

Proposed Elevations 1058.21.06 rev B

Proposed Sections 1058.21.07 rev B

Received by the Local Planning Authority on 21 October 2022

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

3. The materials to be used in the development shall accord with the details outlined in the Application Form and on the approved drawings.

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

4. The 1.8m high obscure glazed privacy screens as detailed on drawing Proposed Elevations 1058.21.06 rev B and on the north east and south east elevations of the stairs leading up from the ground floor terrace hereby permitted shall be installed prior to the use of the stairs and shall thereafter be retained and maintained.

Reason: In order to safeguard the residential amenity and privacy of adjoining occupiers.

5. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colin N. Wills dated 13 June 2021, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

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PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 2363/22/FUL

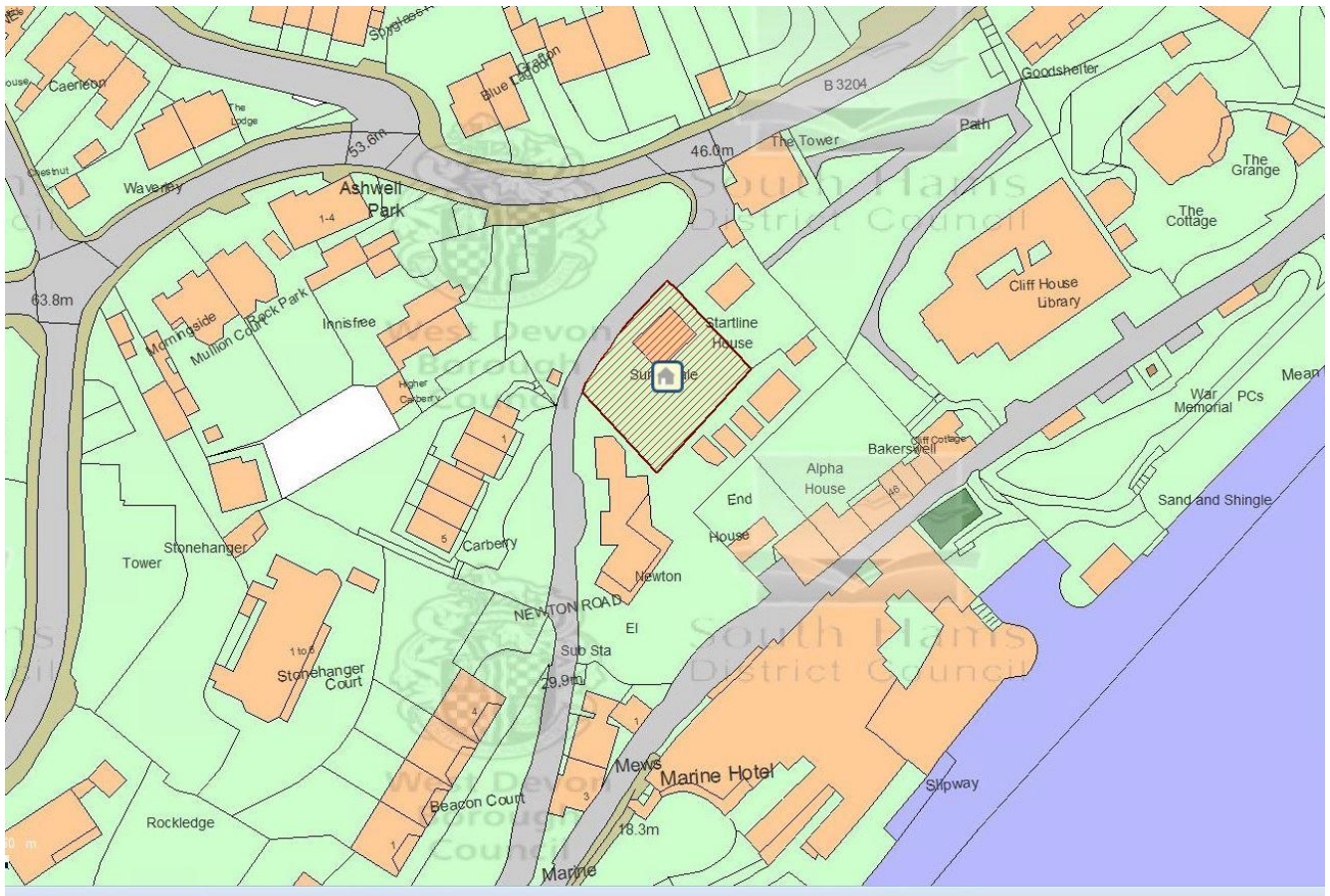
Agent:

Mr Tim Provost
BBH Chartered Architects Ltd
9 Duke Street
Dartmouth
TQ6 9PY

Applicant:

Mr & Mrs Taylor
Sunnydale
Newton Road
Salcombe
TQ8 8HH

Site Address: Sunnydale, Newton Road, Salcombe, TQ8 8HH



Reason for call-in: Cllr Long would like the Committee to review the application with respect to the scale, footprint and massing, design and Construction Management Plan.

Development: Demolition of existing dwelling & construction of new detached house with associated landscaping

Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. CEMP
4. Materials samples (natural slate)
5. Materials samples (natural stone sample panel)

6. Surface water drainage
7. Air source heat pump
8. Adhere to ecological report

Key issues for consideration:

Design, scale and massing, low carbon, neighbour amenity, drainage, heritage, highways safety, biodiversity, impact on South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the built form of Salcombe, c. 0.25km from the town centre. The site hosts a detached dwelling overlooking a terraced garden and the Estuary to the east. The site is accessed via Newton Road and there is off-road parking to the west of the dwelling; there are double yellow lines on both sides of Newton Road adjacent to the application site and there is a one way system in operation so cars can only travel south to north.

The Proposal:

The applicant has an extant permission to alter and extend the existing dwelling under 3635/21/HHO. The applicant now wishes to demolish the existing dwelling and provide a contemporary replacement, with associated parking and garden landscaping. The dwelling will be served by air source heat pumps; an electric vehicle charging point will be provided within the garage and a further point within the parking area.

Consultations:

- County Highways Authority No comments received

- Town Council Objection

Objection as this was overdevelopment of the site as the proposed development was at least 50% larger than the previously approved refurbishment and extension. The amount of glazing and design would severely impact the AONB (particularly when viewed from the estuary and coast path) which was contrary to NDP policy ENV1 (a & b). The design did not fit in with the surrounding buildings contrary to NDP policy B1 (b). There would be a loss of a public view of the estuary from both Devon Road and Newton Road.

Representations:

Representations from Residents

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

- Overdevelopment of the site
- Proposal is even larger than the consented scheme
- Should compare with what is existing not what is consented
- Will block light to neighbours
- They should build down into the garden where the development can be better accommodated instead of upward
- Inappropriate design in the South Devon AONB; would be visually prominent in views from East Portlemouth and the estuary
- The design and materials are out of keeping with the local residential area and would be more appropriate in a more industrial setting
- The design is bland, ugly and boring
- Car parking is dangerous; cars are too close to the road where drivers are inclined to speed up, no turning curves have been provided, when cars occupy the spaces pedestrian access is not possible
- The development will block public views of the estuary
- Approval would set a precedent for further such developments in the area
- Plans are inaccurate and misleading

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/1052/78/3: FUL	Provision of vehicular layby	Sunnydale Newton Road Salcombe	Conditional approval: 19 Sep 78
41/1279/88/3: FUL	Ancillary accommodation and layby	Sunnydale Newton Road Salcombe	Conditional approval: 26 Aug 88
41/0220/97/3: FUL	Alterations and extensions	Sunnydale Newton Road Salcombe.	Conditional approval: 01 Apr 97
41/1249/98/3: FUL	Amendments to approved plans for alterations and extensions	Sunnydale Newton Road Salcombe.	Conditional approval: 17 Sep 98
41/0676/02/F: FUL	Extension and alterations	Sunnydale Newton Road Salcombe Devon TQ8 8HH	Withdrawn: 20 May 02
41/1790/12/PREMIN: PRE	Pre-application enquiry for proposed demolition of existing dwelling and erection of new dwelling	Sunnydale Newton Road Salcombe TQ8 8HH	Pre app not concluded CLOSED: 29 Nov 12
1641/21/HHO	Householder application for refurbishment, extension, second parking space and landscaping works	Sunnydale Newton Road Salcombe TQ8 8HH	Withdrawn
3635/21/HHO	Householder application for refurbishment, extension and landscaping works (Resubmission of 1641/21/HHO)	Sunnydale Newton Road Salcombe TQ8 8HH	Conditional approval: 01 Feb 22

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a single residential dwelling with consent to extend; the principle of development within this context is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

Design/Landscape

Objectors have suggested that the applicant build down into the garden instead of upward, so that the bulk of the new development can be better accommodated by the site. Officers note that a range of alternative development options may be available to the applicant but that only the scheme as submitted can be considered.

Objectors have also asked that the proposed scheme be compared to the existing dwelling only and not the consented scheme (3635/21/HHO). Officers confirm that the proposed scheme will be considered on its own merits but that Officers have had regard to the fact that there is an extant consent for the existing dwelling to be extended and altered.

Objectors have raised concerns that due to the increased scale and bulk of development, the proposal represents overdevelopment of the site. The site falls within character and density policy area B of SALC ENV7 Maintaining the character and density of development in key areas of Salcombe. Officers note that the replacement dwelling would be larger than the existing dwelling but that the applicant has provided plans to demonstrate that the ridge height of the new dwelling will not

exceed the height of the existing dwelling. The footprint and bulk of development will increase but much of this will sit below street level within Newton Road and as such, is unlikely to be unduly visually prominent when viewed from within the street scene. Much of the garden is to be retained in its current terraced form; the applicant has provided a landscaping plan to demonstrate where planting will be sited to help to maintain the character of the site. Officers note that the applicant seeks to replace the dwelling only, albeit with a larger building, rather than to subdivide the plot for additional dwellings. Officers consider that in totality, the proposal does accord with the provisions of SALC ENV7.

The design has attracted some criticism; objectors have raised concerns that the design is more suited to an industrial setting than a residential street and that the contemporary design centred around the three gables is bland, ugly and boring. Officers recognise the strength of feeling and would acknowledge that the design would also be likely to sit comfortably in an area with a more industrial character. It is noted that the design is very clearly contemporary and that such a design may not be to everyone's taste. There are a range of dwellings in the area surrounding the site and Officers consider that when viewed in this context, the proposal would not appear incongruous. Concerns regarding the visual prominence of the dwelling, with its glazed gables, within wider views from East Portlemouth are also noted. However, Officers consider the use of a recessive materials palette and the cowl design to partly enclose the gables will act to shield the surrounding area from upward light spill and break up the areas of glazing on the east elevation, thus minimising the visual impact of the proposal when viewed at a landscape scale.

It is considered necessary to secure the details of the natural slate in the interests of visual amenity. It is considered necessary to secure the details of the natural stone in order to enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, to ensure that all stonework is retained in its natural stone finish. As such, the proposal is considered to accord with the provisions of DEV20, DEV23, SALC ENV7 and SALC B1.

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and SALC ENV1.

Heritage

Officers are mindful of the duty noted at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in exercising planning functions. The application site is within the setting of a number of Grade II Listed Buildings; Grade II Tower House, Alpha House, End House, Ferry View, Nos. 46-48 and Cliff Cottage. These buildings are listed for their historic, architectural and (except for The Tower) their group value and would remain unaltered as a result of the development.

Officers consider that the proposal is clearly discernible as a contemporary addition to the site with a recessive materials palette. On this basis, the setting of the Listed Building is preserved and the proposal is considered to accord with the provisions of DEV21 and SALC B1.

Neighbour Amenity

Officers note that the cowl design over the gables provides privacy screening for neighbours. The new terrace may offer some additional views over the surrounding area but in comparison to existing levels of overlooking, Officers do not consider that the impact on neighbour amenity would be so significant so as to warrant a refusal solely on this basis.

Objectors have raised concerns that the proposal would block light for neighbours but given the siting, height and orientation of neighbouring dwellings relative to the path of the sun, Officers do not consider that the proposal would result in such a significant loss of light so as to warrant a refusal solely on this basis.

Objectors have also commented that the proposal will block public views of the Estuary from both Devon Road and Newton Road. Officers do acknowledge that there will be a change in the view available from both roads and that it is likely that there will be some reduction in the public view available. However, Officers do not consider that the proposal will block all views of the Estuary across the site altogether and are mindful that the right to a view is not recognised within the planning system per se. Officers are mindful of the provisions of the Salcombe Neighbourhood Plan and that there are Locally Important Views defined in policy SALC ENV6 but Officers do not consider that the proposal would be caught by the provisions of this policy, as none of the views cover the application site.

On balance, Officers consider that the proposal accords with the provisions of DEV1.

Construction Management Plan

Officers are mindful of the potential impact of construction on the surrounding residential area, given the proximity of neighbours, the lack of on-street parking and the narrow section of road at the front of the site. The applicant has submitted a Construction Management Plan to outline how the construction phase will be managed in order to address these constraints. Officers consider that the CMP is acceptable, with the document to be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25 and SALC ENV1.

Highways/Access

Objectors have raised concerns regarding the parking provision within the development, including the arrangement and number of spaces provided. Officers would note that there is one parking space within the garage, with the potential for one car to park in front of the garage. The parking area is indicated as offering three parking spaces but due to the route of Newton Road, two spaces are provided that accord with the space standard provisions of the SPD. With this in mind, it is likely that the pedestrian gate would be accessible when cars occupied the spaces.

Objectors have raised concerns about highways safety, given the gradient of Newton Road, the one way system in operation and the restricted width adjacent to the application site. The parking arrangement is similar to that as approved under 3635/21/HHO and the DCC Highways Team did not raise any concerns during the life of that application. On this basis and having regard to the current parking and turning arrangements, Officers do not consider that the current scheme would give rise to significant increased risk to highways safety and would accord with the provisions of DEV29.

Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme; it is considered appropriate to secure these details 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 is acceptable.

Low Carbon

Officers are mindful of the carbon implications of replacing an existing dwelling and asked the applicant to supply a SAP assessment to accompany the application. Officers are satisfied that the design of the replacement building has been informed by the need to minimise the carbon emissions of the dwelling and that the proposal accords with the provisions of DEV32.

The applicant has included the provision of air source heat pumps within the proposal. While the principle of this element is acceptable, full details of the ASHPs must be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV26, DEV28 and DEV32.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which are necessary to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

Other Matters

Objectors have raised the issue of precedent should the application be approved; Officers would reiterate that each application is considered on its own merits in accordance with the policies in force at the time of determination. As such, this matter is not considered further within this report.

Objectors have raised concerns that the plans are inaccurate and misleading. Officers would note that the use of three dimensional models by both the applicant and objectors does seem to have generated some dispute but are satisfied that the two dimensional scaled drawings depict the proposal accurately. Officers have determined the application based on the plans as submitted and consider that sufficient information has been provided.

Conclusion

Officers recognise the strength of feeling in the local community objecting to the proposal. While Officers note that the design of the building is starkly contemporary, in the context of the existing dwelling with extant consent for an extension, Officers do not consider that the proposed replacement dwelling would result in a significantly harmful impact so as to warrant a refusal solely on this basis.

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 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty
SALC ENV6 Locally Important Views
SALC ENV7 Maintaining the character, and density of development in key areas of Salcombe
SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon AONB Management Plan (2019-2024).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions:

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

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

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

Site Location Plan 4086 S01

Proposed Level 0 Plan Drawing 4086 75 Rev G

Garden Layout - PC / BBH / 644 - 01 A

Proposed Elevations with external Materials 4086 85

Proposed Sections A-A and B-B 4086 90 Rev C

Proposed Elevations 4086 84

Proposed Level 2 Plan 4086 77 Rev F

Proposed Roof and Site Plan 4086 78 Rev D

Received by the Local Planning Authority on 08 September 2022

Proposed Level 1 Plan - 4086 76 Rev H

Received by the Local Planning Authority on 27 September 2022

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

3. The development hereby approved shall take place in accordance with the Construction Management Plan received by the Local Planning Authority on 14 December 2022.

Reason: To safeguard the interests of residential amenity and the natural environment.

4. Prior to their installation details (such as a product brochure, technical specification sheet and colour photographs) of the natural roofing slate to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The natural slate used on all new buildings with pitched roofs must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European slates where available with proof of origin from supplier
- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

The development shall then be carried out in accordance with those samples as approved. The slates shall be fixed in the traditional manner using nails not hooks and retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

5. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.

The natural stone used in all of the new walls must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European stone where available with proof of origin from supplier
- New UK derived stone with proof of origin from supplier
- New European derived stone with proof of origin from supplier
- No other natural stone products will be considered acceptable

All new natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

6. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above ground level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.

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

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

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

7. Notwithstanding the information submitted, prior to installation full details of the Air Source Heat Pump hereby approved shall be submitted to and approved in writing by the LPA. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development, unless otherwise agreed in writing by the LPA. The Air Source Heat Pump must be removed as soon as reasonably practicable when no longer required.

Reason: In order to safeguard the interests of residential amenity and the natural environment.

8. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colmer Ecology dated April 2021 and updated on 01 September 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane **Parish:** Stoke Fleming **Ward:** Blackawton & Stoke Fleming

Application No: 3563/22/VAR

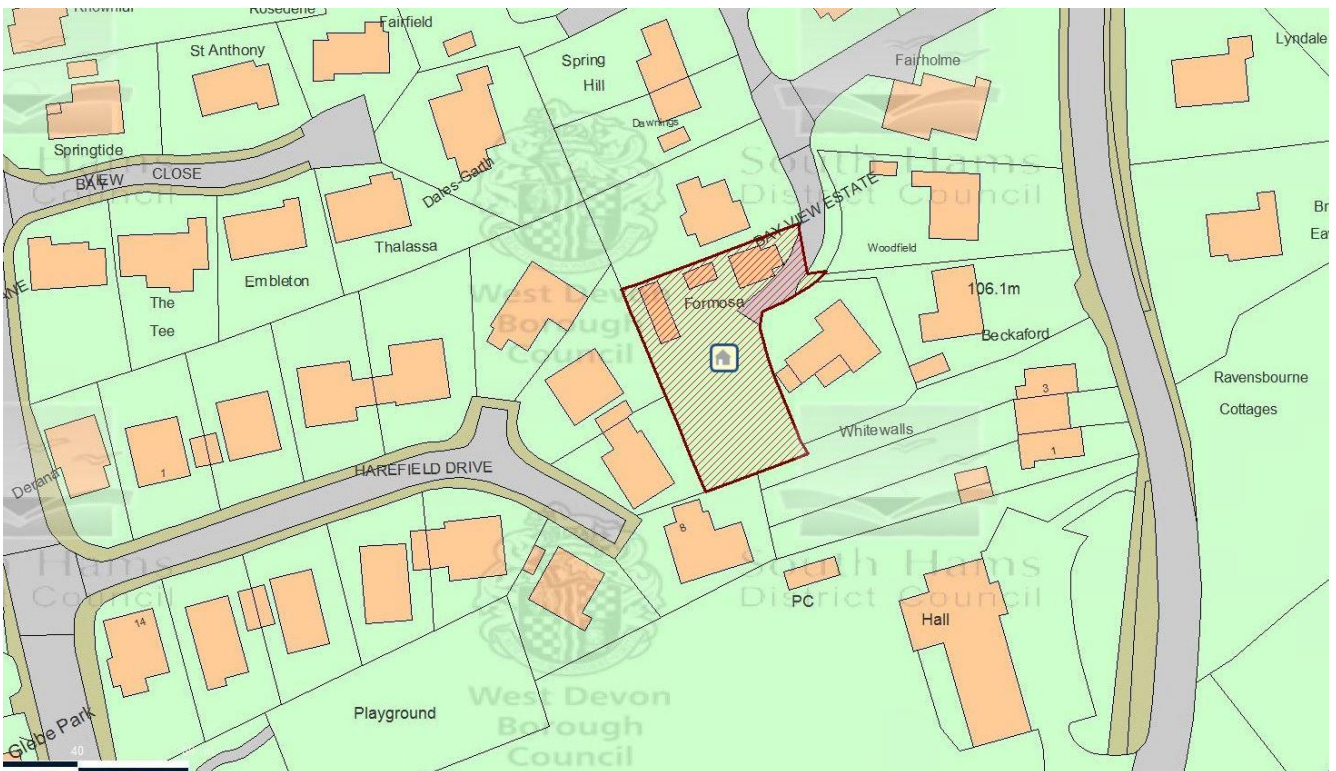
Agent:

Mr Steven Fidgett
1-2 Paris Gardens
London
SE1 8ND

Applicant:

Mr D Ferris
Plot 1
Parklands Bay View Estate
Stoke Fleming

Site Address: Parklands, Bay View Estate, Stoke Fleming, TQ6 0QX



Development: Application for variation of condition 1 (approved drawings) of planning consent 3542/16/VAR

Recommendation: Conditional approval

Reason application is at Committee: Cllr Reeve has brought the application to committee due to concerns about neighbour amenity.

Conditions:

- Accord with plans
- Floor levels and roof ridge to accord with approved details
- Parking to be provided for each dwelling prior to occupation
- Removal of PD rights
- Loft area to be used for storage only
- Hardsurfacing and means of enclosure to be provided prior to occupation
- Windows to north elevation to be obscure-glazed
- Unsuspected contamination

Key issues for consideration:

Whether or not the proposed amendments to the previously approved scheme are acceptable in terms of design, landscape, neighbour amenity

Site Description:

The site is a former builder's yard situated at the end of the Bay View Estate, a private cul-de-sac in Stoke Fleming. A large boundary wall runs along the eastern and southern boundary of the site, which borders properties in Harefield Drive, and a large hedge runs along the northern boundary between the site and Formosa, a two-storey dwelling to the north of the site.

The site is within the settlement boundary identified in the Stoke Fleming neighbourhood plan, as well as the South Devon AONB.

The Proposal:

Various planning permissions have previously been granted on the site for the erection of two bungalows. One has been constructed and is occupied, and one is partially constructed. This application seeks to vary the design of the partially-constructed bungalow in the following ways:

- Removal of chimney
- Relocation of integrated garage door from south elevation to east elevation
- Three additional openings to south elevation (two windows and rooflight)
- South elevation- garage door replaced with standard door and window
- Replacement of window to east elevation with entrance door
- North elevation- car port blocked up and replaced with window, removal of door
- West elevation- window replaced with full length patio doors

Consultations:

- County Highways Authority- no highways implications
- Parish Council: objection: *'Although the footprint of the building remains unchanged the re-modelling of the structures has been extensive and the Council thinks they amount to considerably more than a minor variation. In particular: The plans indicate a ridge height of 5324mm but in fact the building has been constructed on a plinth, not shown on the plan, which is just short of a metre high and which would result in an overall height of around 6150mm. That has been aggravated by a significant increase in the pitch of the roof, meaning that the ridge height must now be in the region of 6500mm, possibly more. That can easily be seen when compared with the surrounding properties that originally were of similar height. The original, 2013, drawings showed a height of 4500mm, later increased to 5000mm, now shown as 5324 but probably more than 2000mm greater than the 2013 roof height. It was noted, when the roof was being constructed that the trusses were of the type used when creating living areas on the first floor. Apertures have been created on the roof, probably intended to take Velux windows. The previously separate garage building has now been merged with the house so that on the north and south sides a solid, massive expanse of wall and roof 20 metres long and dominating the adjoining property. We understand that the conditions attached to the last variation stipulated that floor and ridge heights must be strictly adhered to.'*

Representations:

Twelve objections have been received, along with six letters of support, and one undecided comment. These representations can be seen in full on the Council website, but can be summarised as follows:

Objections:

- The dwelling has already been built without planning permission
- Changes will impact on amenity of neighbours
- Out of context with the site setting
- Overbearing and dominant within the neighbourhood
- Retrospective planning should not be allowed
- Permission was previously refused for a two storey dwelling but currently proposal is two storey
- Additional windows directly in front of Formosa (neighbour to north) will cause overlooking
- Increased ridge height and roof pitch is overbearing
- Misleading plans
- Blocks sunlight to Formosa
- Approval will set a precedent for retrospective application
- Full planning application should be submitted
- No datum point means the dwelling is higher than it should have been
- Velux windows would overlook dwellings in Harefield Drive
- Dwelling has not been built in accordance with the approved plans

Support:

- Letter of support received from engineer who set out the project confirming the dimensions are correct
- Only minor changes proposed to the development
- Site was previously used a commercial so residential use is more positive
- Good development
- Previous builders store was much larger
- Relocation of the garage avoids the need for a shared drive with the neighbouring dwelling
- Houses have been designed to be easily accessible both internally and externally
- Timber frame construction slightly reduces the size of the structure
- Changes have been considered to make house more practical and eco-friendly
- Loft space will allow for storage and the maintenance of the mechanical ventilating and heating recovery system
- Amendments have made the dwelling more energy efficient
- Incorporating the carport into the garage improves the design

Relevant Planning History

- 51/0984/96/1- Outline application for the erection of two bungalows- refusal
- 51/2078/96/3- Demolition of building and construction of two bungalows- conditional approval
- 51/0207/02/F- Renewal of permission 9/51/2078/96/3 for demolition of building and construction of two bungalows- conditional approval
- 51/2045/03/F- Demolition of builder's store and construction of two bungalows- conditional approval
- 51/1208/13/F- Revision to approved application 51/2045/03/F for the erection of two 1.5 storey homes- refusal
- 1618/16/VAR- Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1- withdrawn (following vote to refuse at Development Management Committee)
- 3542/16/VAR- Application variation of condition numbers 2, 3 and 4 following grant of planning permission 51/2045/03/F to allow changes to approved plans- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. The principle of the development has been established through the previous grant of planning permission, which was commenced and therefore remains extant.
- 1.2. Since the last permission was granted in 2016, the policy background has changed, with the adoption of the Joint Local Plan (JLP) in March 2019, the adoption of the Stoke Fleming Neighbourhood Plan (SFNP) in March 2019, and the revisions to the National Planning Policy Framework (2021).
- 1.3. The site remains in an area where residential development is supported, being within the settlement boundary defined by the neighbourhood plan. The proposed amendment does not alter the number of dwellings proposed, and the principle of the development remains acceptable.

2.0. Design:

- 2.1. The proposed amendments would not significantly affect the overall external appearance of the dwelling. The rearrangement of the fenestration would not alter the domestic character of the dwelling, and the hipped roof design would retain the bungalow appearance of the dwelling. The materials would be unchanged and in keeping with the local vernacular, as required by policy DEV20 of the JLP.

3.0. Landscape Impact:

- 3.1. Concerns have been raised in the objections received about the development in the context of the Bay View Estate and the surrounding landscape. These objections include the dominance of the dwelling, and the site context.
- 3.2. Policy DEV20 and DEV23 of the JLP require development to have regard to the local pattern of development, and respect the local landscape character. Policy H2 of the SFNP requires development to respect the scale and character of the existing and surrounding buildings, and by in keeping with the area within which it is located. Policy H3 of the SFNP supports development where the scale and form of proposed development would be in keeping with the existing surrounding residential properties.
- 3.3. The Bay View Estate includes a mix of property sizes and styles, including bungalows and two-storey dwellings, with a variety of materials visible to these properties. There is no singular style or features to the street scene.
- 3.4. The ground level within the estate becomes more elevated as it rises from north to south. Ridge heights of dwellings therefore rise along with the ground level, meaning that properties become higher towards the north, creating a stepped appearance to the building heights. The application site is to the south of the estate, and is therefore at a relatively low ground level compared to other dwellings. The ridge height of the proposed dwelling remains lower than Formosa, the immediate neighbour to the north, which is a two-storey dwelling.
- 3.5. The amendments would not interrupt the existing stepped ridge heights of dwellings within the estate, and the dwelling would remain of a scale and design that is in keeping with the residential character of the local landscape.
- 3.6. Various representations make claims about the ridge height of the dwelling, some considering the property to now exceed 6m. The Case Officer, along with a colleague from Planning Enforcement, have visited the site and measured the dwelling. The

ground floor level to the ridge (internal) is 5.1m, with an additional 0.7m brick plinth below the floor level.

- 3.7. Whilst the exact height of the ridge is likely to be disputed, the dwelling is largely constructed and can therefore be seen in situ, meaning that the impact of the building on the surrounding landscape, as well as the neighbour impact, can be seen and assessed. Officers consider that the height of the dwelling is proportionate with surrounding dwellings, and the development is acceptable in terms of landscape impact and accords with the relevant JLP and neighbourhood plan policies.

4.0. Neighbour Amenity:

- 4.1. Objections have been raised about the impact of the proposal on the amenity of neighbouring properties, including Formosa, a two-storey dwelling immediately to the north of the site, and Harefield Drive, a cul-de-sac of bungalows to the west.
- 4.2. Objections have been made from a neighbour in Harefield Drive which states that additional velux windows proposed in the roof would impact their privacy. Officers note that two rooflights are proposed, one to the south, and one to the east elevation, neither would therefore face the properties in Harefield Drive.
- 4.3. The properties in Harefield Drive are bungalows, with a tall stone boundary wall between these bungalows and the application site. Officers are satisfied there is a significant enough separation between the bungalows in Harefield Drive and the application site that the minor increase in roof height would not be overbearing to these properties. Overall, the impact on residential amenity of these neighbours would be no more harmful than that of the previously approved scheme.
- 4.4. The objections from Formosa in relation to neighbour amenity also relate to overdominance and overlooking. Officers note that Formosa is a two-storey dwelling, which is at a higher ground level than the application site, and Officers cannot agree that the proposed dwelling would therefore be overbearing to this neighbour. Whilst the proposed dwelling is very close to the boundary of Formosa, this distance is unchanged from the previous approval. Three additional windows are proposed to the north elevation of the dwelling, but a condition is proposed to require these windows to be obscure-glazed, to prevent any overlooking between Formosa and the application site. Officers also note that there is a large boundary hedge on between the properties which provides some screening, although this is not within the control of the applicant.
- 4.5. The south elevation would face the bungalow constructed as part of the same original permission. As there is a reasonable distance between the properties, Officers are not concerned about the impact of these properties on one another. Similarly, the west elevation faces the access road through the Bay View Estate, and so does not cause any concerns regarding neighbour amenity.
- 4.6. This application can only consider the changes proposed to the scheme- the principle of the development, or matters already approved cannot be revisited. When assessing whether the proposed changes have any additional impact on neighbouring properties, Officers are satisfied that these changes are not significant enough to result in any additional harmful impact, and the proposal therefore complies with policies DEV1 and DEV2 of the JLP, and policy H3 of the SFNP which relate to neighbour amenity.

5.0. Highways/Access:

5.1. The site relocates the existing garage but the garage remains integrated within the dwelling, as well as parking provision to serve the property. The proposed amendments there raise no additional concerns with regards to highways matters.

6.0. Other matters:

6.1. Objections have complained about the fact that this is retrospective planning application, and that this should not be permitted. Planning legislation permits the submission of retrospective applications and they must be assessed against the same policies and guidance as any other application. Officers therefore cannot refuse permission, or disregard planning considerations because the application is retrospective.

6.2. Similarly, concerns that the proposal would set a precedent are not a valid reason to refuse permission, as each application is determined on its own merits.

6.3. Many of the objections, including from the Parish Council, claim that a two-storey dwelling is being constructed. Officers have visited the site and confirm that only a single-storey dwelling is being constructed- although there is a loft space in the roof, this is accessed via a loft hatch, there are no stairs. The floor plans also show a ground floor only, and as such, the proposal, should planning permission be granted, would remain for a single-storey dwelling. A condition is recommended to restrict the use of the loft space to storage only, so that the building could not be used as a two-storey dwelling, as this would require additional considerations in terms of neighbour amenity and intensity of use. It is not appropriate to withhold planning permission due to concerns about future potential use, the application must be assessed as submitted, which is a single-storey dwelling.

7.0. Conclusion:

7.1. The previous scheme has not been constructed in accordance with the approved plans, however this application now seeks to regularise that. Only the proposed amendments detailed earlier in the report can be considered. Mindful of the minor nature of these changes, Officers do not consider that these amendments now have a harmful impact on the development or surrounding landscape in terms of design, landscape impact, neighbour amenity, or highways matters, when compared to the previously approved proposal, subject to the recommended conditions. The application is therefore recommended for conditional approval.

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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Stoke Fleming Neighbourhood Plan

Policy H2
Policy H3

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

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended conditions:

1. The development hereby approved shall in all respects accord strictly with drawing number Parklands Dims 06, received by the Local Planning Authority on 22nd December 2022.

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

2. The proposed floor levels and ridges of the roofs of the development hereby permitted shall accord strictly with the details indicated on the approved plans.

Reason: In the interests of the appearance of the dwelling and residential amenity.

3. The parking facilities for motor vehicles shall be provided for each dwelling and site in accordance with the details shown on the approved drawings, and no dwelling shall be occupied until such provision and vehicular access thereto have been provided. These facilities shall be kept permanently available for the parking of motor vehicle.

Reason: To ensure that adequate off-street car parking facilities are provided.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a)Part 1, Class A (extensions and alterations)

(b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)

(c) Part 1, Classes B and C (roof addition or alteration)

(d) Part 1, Class D (porch)

(e) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(f) Part 1, Class F (hardsurfaces)

(g) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

5. The loft area shall be used only for the purposes of storage, and shall not be used as habitable accommodation or living space.

Reason: In the interests of neighbour amenity.

6. Prior to the occupation of any of the residential units hereby approved, all hardsurfacing and means of enclosure shall have been provided in accordance with the approved plans and thereafter so retained and maintained.

Reason: In the interests of visual and residential amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the windows hereby approved on the north of the building shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

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

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

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

PLANNING APPLICATION REPORT

Case Officer: Victoria Hancock

Parish: Iybridge **Ward:** Iybridge West

Application No: 2856/22/HHO

Agent/Applicant:

Mr Michael McLeod - MHMDesignLtd
11 Ash Grove
Iybridge
PL210HX

Applicant:

Miss Mandy Knighton-Clark
10 Fernbank Avenue
Iybridge
PL21 9UY

Site Address: 10 Fernbank Avenue, Iybridge, PL21 9UY



Development: Householder application for proposed single storey front extension

Reason item is being put before Committee: Councillor Lance Austin doesn't believe the visual impact will be important on the rest of the road.

Recommendation: Refuse

Reasons for refusal:

1. The extension which projects forward of the principal elevation would not be considered sympathetic, but be read as an overly large incongruous addition which would not have proper regard to the local character and would therefore be contrary to policy DEV20 the Plymouth & South West Devon Joint Local Plan (2019- 2034), and paragraph 13.6 of The Plymouth and South West Devon Supplementary Planning Document (SPD) 2020.

Key issues for consideration: Design, neighbour amenity.

Site Description:

10 Fernbank Avenue is located within a housing estate on the western side of Lybridge, Number 10 is a modest terrace sat within a block of four staggered terraces with a larger property on either end. Each of the properties have a small porch which consumes half the width of the front elevation.

The Proposal:

The application seeks planning consent for the erection of a single storey extension off the principal (front) elevation of the dwelling. The extension would span the width of the property, extending to the shared boundaries and would project forward just below 4 metres. The extension would be clad in brick, set under a concrete tile roof to match the dwelling. The extension would provide an extended kitchen and new entrance to the property.

Consultations:

- County Highways Authority: No comments received
- Lybridge Town Council: Objection
'All the porches in the terrace appear to cover approximately half the width of the front elevation, and it was felt that a front extension of similar visual appearance would be more in keeping with the street scene rather than covering the full front elevation.'

Representations:

One letter of representation has been received from no. 12 Fernbank Avenue.

'Does this attach to the property of number 12? We have vents on the side of the house and wish nothing to be built off our wall. The owner of the house works from home and defined hours of any work will have to be agreed. No objection if built using new external walls.'

Relevant Planning History

27/0161/02/F	Erection of conservatory	Conditional Approval	11/03/2002
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ANALYSIS

Principle of Development:

There are no in principle policy objections with extensions and alterations to the property.

Design/Landscape:

In accordance with JLP policy DEV20, all development must meet good standards of design. DEV20.2 requires development to have *'proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'*

With regards to extensions which project forward of the existing dwelling, paragraph 13.35 of the SPD states *'Extensions that project forward of the existing house will generally be resisted. Where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch. In certain circumstances, an exception may be allowed where there is no obvious building line, where the property is set back from other houses, or where front extensions are a feature of houses in the street or dwellings in more rural locations where there is no 'street scene.'*

Number 10 Fernbank is one of 4 properties within a staggered row of terraced houses. There is a clear and established building line. Each property has a small, sympathetic porch, which takes up half of the width of the property. With the exception of number 10 the porches are all enclosed. The current proposal seeks to add a much larger extension, which would take up the entire width of the property, projecting forwards by just under four meters.

In its context, the proposed extension would be sizeable addition to the property. Its footprint would noticeably contrast with the more modest proportions of the other porches within the terrace and officers consider it would read as a substantial and prominent feature which would dilute the simplicity of the principal elevation of the dwelling and harm the character of this row of terrace properties.

Furthermore, the proposed roof form would include a partial flat to a hipped roof, which is not a roof form present amongst the other properties within the street.

Therefore officers do not consider the proposal to be in accordance with policy DEV20 of the Joint Local Plan and as such will be recommending refusal.

Neighbour Amenity:

JLP policy DEV1 requires proposals to safeguard the amenity of existing residents.

Officers are satisfied the proposal would not result in loss of privacy as there are no proposed windows on either side of the extension. Officers do have some concerns regarding potential loss of light to number 8 on the basis that this property is already set back from the extension. The Council has not received any letters of representation from this property and on the basis the space affected would be a porch, on balance officers are satisfied the impact wouldn't be harmful.

Concerns have been expressed from the occupiers of number 12 that the new extension would block their vents. However, this is a civil matter and not a planning issue.

Conclusions

While officers have no objection with the introduction of a modest extension off the front of the property, similar to the neighbouring projections, the proposed development because of its size would not be sympathetic and as such 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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Ivybridge Neighbourhood Plan was adopted at Executive Committee on 7 December 2017 and now forms part of the Development Plan for South Hams District and is used when determining planning applications within Ivybridge, however none of the policies are applicable to this scheme.

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) 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: Liz Payne

Parish: Sparkwell

Ward: Newton and Yealmpton

Application No: 2556/22/HHO

Agent:

Mr Nigel Rockley - Nigel Rockley Architect
1 Furnells Close
Raunds
NN9 6LJ

Applicant:

Mr Daniel Langdon
18 New Park Road
Lee Mill Bridge
PL21 9EB

Site Address: 18 New Park Road, Lee Mill Bridge, PL21 9EB



Development: Householder application for proposed rear garden store

Reason item is before Committee: Cllr Thomas and Cllr Baldry has referred the application to committee for the following reasons:

1. Loss of parking; and
2. Concerns in regards to drainage.

Recommendation: Conditional Approval

Conditions:

Standard time limit
Adherence to plans

Surface water discharge to an existing sewer within the application site
Not to be implemented until parking space approved by 2555/22/HHO is provided
Removal of Class E PD rights

Key issues for consideration:

Parking; Design, scale and massing; Neighbour Amenity; Drainage.

Site Description:

The application site is within the built form of Lee Mill Bridge and hosts a mid-terrace house within a row of 4 terraced dwellings on New Park Road. To the front, facing south, the property has a small area of gravelled garden and low fences in between each neighbour to either side. To the rear the property has a small garden on split levels and fencing along all boundaries. The boundary with number 20 to the west is slightly higher to reflect differing ground levels. Beyond the garden fence, allocated parking spaces for numbers 18 and 16 run almost perpendicular to the gardens along the rear boundary of number 18 and are partially laid to lawn and partially finished with tarmac. An existing shed and tools are stored on the parking space for number 16.

Proposal:

The applicant wishes to build a single storey detached outbuilding within the garden and existing parking space to the rear of the property. The parking space is set an angle to the garden area and as such the outbuilding would be an unusual shape; the largest dimensions of the proposal would be approximately 4m wide by 4.8m long and 2.6m high.

Revised plans have been submitted during the life of the application and this report is based on plan number 02c.

Consultations:

- Sparkwell Parish Council: object, see comments

PUBLIC CONSULTATIONS

Representations:

Representations from Residents

Comments have been received and cover the following points:

- The proposal would block access to the rear of properties and neighbouring garages;
- The shed would take up the parking space resulting in the occupiers having to park in the shared access area for neighbouring properties;
- A plan showing the shared access has been submitted;
- The garden shed is outside of the curtilage of the property;
- Construction will be difficult as vehicles will be parked next to it;
- Plans showing parking area for number 18 are incorrect;
- Applicants have laid decking in the rear garden which is of concern;
- The shed is too close to boundary fence and is a fire hazard;
- Plans do not show foundations;
- More information on where water run-off will go is required;
- Will lead to neighbour disputes as parking is already very difficult in the area;
- Shed is too close to neighbour's boundary fence and will block ability to maintain the fence;

- Shed will block neighbour's parking space;
- Plans show water being discharged to waste water drain and not storm water drain.

Representations from Statutory Consultees

Sparkwell Parish Council objected to the application on car parking grounds and made the following comments: The proposed rear garden store will partially be outside the current garden fence, which would remove existing parking space. The remaining driveway is shared access and a vehicle parked would remove access to the neighbour's gate and/or their garage. This area has significant parking issues and it is not appropriate for further development which would reduce parking.

Relevant Planning History

49/0121/82/3 - 09/03/1982 - Conditional Approval

Erection of nine pairs of extendable semi-detached houses and three blocks of four terraced houses

1417/22/HHO – 19/07/2022 – Withdrawn

Householder application for proposed hardstanding for off road parking to front of dwelling & proposed rear garden store

2555/22/HHO – 21 November 2022 – Conditional Approval

Householder application for proposed hardstanding for off road parking for one vehicle (resubmission of 1417/22/HHO)

ANALYSIS

1. Principle of Development/Sustainability

1.1. The site is located within the built form of Lee Mill Bridge and hosts a residential dwelling. Therefore the principle of development is established.

2. Parking

2.1. The applicant proposes to build over an area of land to the rear of their property which was identified as a parking space in the original planning permission for the dwelling. In a separate application, the applicant has gained planning permission to create a parking space to the front of their property which would offset the loss of the parking space.

2.2. Objectors have raised concerns that building over this space would result in a loss of parking within an area where parking is already difficult.

2.3. In considering the proposal Officers have referred to the original planning permission for the property and the surrounding area ref: 49/0121/82/3. This scheme provided each property along New Park Road with a parking space within the rear garden area. To the rear of numbers 18 and 16 New Park Road four parking spaces in total were identified and an area annotated as access was indicated to the rear of numbers 20 and 22. To ensure that only one parking space is affected by the proposal the applicant has reduced the external length of the outbuilding to 4.8m so that it does not extend beyond the single parking space. The width of the outbuilding is also such that the neighbour's parking space to the side is not reduced. In addition, planning approval for the shed will be conditioned on the implementation of planning approval 2555/22/HHO to ensure a parking space to the front of the property is provided before

the shed is erected and as such the development will not result in a net loss of parking spaces.

2.4. Officers note that some comments are in relation to the parking and access areas outside of numbers 20 and 22. The plans show a car parked in this area, which is in accordance with plans granted permission by application 49/0121/82/3. It is also the Officer's understanding that cars currently park there. As the proposal will not impact on this area and the plans do not show this area being used in a manner which conflicts with previous permissions, Officers' do not consider that this aspect is a reason to refuse the proposal for the shed. Any discussion in regards to who should park in this space is a civil matter and is beyond the remit of planning.

3. Design, scale and massing

3.1. The proposed outbuilding is a timber construction with a functional design typical of a domestic outbuilding or shed. The outbuilding would be sited adjacent to the neighbour's fence but this is not considered to cause an unacceptable fire hazard and in itself, the lack of space to maintain the fence is not considered a substantiate reason for refusal.

4. Neighbour Amenity

4.1. Owing to the fall in ground levels the proposed outbuilding will be higher along the boundary of number 16, however this will be for a short distance at the end of the garden furthest from the neighbour's house. Along this boundary the proposed outbuilding would be comparable in height to existing outbuildings within the neighbour's garden and as such it is not considered the development would result in an overbearing impact on the neighbour.

5. Drainage

5.1. The applicant has not provided information on how the incorporation of sustainable water management strategies have been considered, nor how the drainage hierarchy has been applied. However, the site is small and could not accommodate a soakaway and the applicant has secured support in principal to discharge the additional surface water runoff from the additional impermeable surfaces to a public surface water sewer. Letters of representation have raised concerns that the applicant would be connecting to a foul sewer rather than surface water sewer. The Officer has sought further clarification from South West Water who have confirmed that, owing to the small scale of the proposal, a connection to either a surface water sewer or combined sewer will be acceptable. On this basis, the proposal is considered to accord with the provisions of DEV35 'Managing flood risk and water quality impacts' and this does not form a substantive reason for refusal.

6. Other matters

6.1. Other matters raised by objectors include questioning whether the land is domestic curtilage. The area is very small, adjacent to the property and is associated with the main house and as such is considered curtilage. An objector questioned the need for foundations to be shown on the plans; there is no requirement for the plans to show the proposed foundations and as such this issue is not a matter of concern. One letter suggested that the construction of the outbuilding would be blocked by neighbouring vehicles. Although the viability and the likelihood of proposals being delivered can be a material consideration, it is not considered to be the case for this proposal given the small scale of the proposal.

6.2. Planning permission for the proposal is required as the original permission for the dwelling, 49/0121/82/3, restricted permitted development rights to prevent outbuildings being built without express planning consent. A condition will be applied to ensure the outbuilding is still subject to the restriction on permitted development and could not be able to be extended or altered without express planning consent.

7. Summary

7.1. The proposal is considered to be of an acceptable design and scale for the site that will not result in a loss of parking provision or an overbearing impact on the neighbour.

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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The application site does not lie within a Designated Neighbourhood Plan Area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: **Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 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.

Proposed Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number 02 rev.C received by the Local Planning Authority on 21 November 2022 and existing Site Location Plan on drawing number 01 received on 12 September 2022.

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

3. No development shall take place until the parking space approved by planning permission 1417/22/HHO has been properly surfaced and constructed.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all carriageways in the interests of road safety and amenity.

4. Surface water from the development will be discharged to an existing sewer within the application site, in accordance with the approved plans and maintained and retained in accordance with the agreed details for the life of the development.

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

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

PLANNING APPLICATION REPORT

Case Officer: Graham Smith

Parish: Ugborough **Ward:** Ivybridge East

Application No: 2084/22/OPA

Agent/Applicant:

Mr Jason Oakes - NPS SW Ltd.,
Venture House
Capital Court
Bitten Road, Sowton Ind Est, E
EX2 7FW

Applicant:

Mr Neil Pateman - Devon County Council
Built Environments Team
M11 Matford Offices
County Hall
Exeter
EX2 4QD

Site Address: Land at SX 648 561, Rutt Lane, Ivybridge



Development: Outline application (all matters reserved) for the provision of a Special School including new two storey teaching block with associated hard & soft landscaping

Recommendation: Conditional Approval

Reason application being put to committee: At the request of Cllr Abbot who considers that without 5 more conditions the proposal will fail to comply with government guidance on its intention to support the growth of walking and cycling and local policies. Reference is made to the Street Design Report by Sustrans and the extent Local Cycling and Walking Infrastructure Plan. The Councillor considers that there are physical gaps in immediate network provision and a lack of vision in support provision in the adjacent area.

Conditions

1. Reserved Matters time limit
2. Reserved Matters details to be submitted
3. Accord with plans
4. Pre commencement Construction Management
5. Road Surfacing
6. School Travel Plan
7. Waste Audit Statement
8. Designing out crime
9. Landscaping including along frontage
10. Tree retention
11. Detailed Drainage Strategy
12. Foul Drainage
13. Noise Mitigation
14. Ecology Survey recommendations
15. Biodiversity Net Gain
16. Carbon Reduction Measures
17. Local employment & skills
18. External Lighting
19. Archaeology
20. Contamination
21. Restrict external lighting

Key issues for consideration:

Principle of Development/Sustainability, Highways, Design, Drainage & Flooding, Residential Amenity, Ecology and Carbon Reduction

Site Description:

Broadly triangular shaped area of some 2.08 ha of open grass with peripheral tree belt and levels falling downwards gently from the northern frontage to the south. The site is close to the eastern edge of Ivybridge and has established housing to the east and west and more housing under construction to the north east. Exeter Road runs along the northern boundary with playing fields, construction sites and then Dartmoor National Park beyond. To the south and east are open fields and Ivybridge Rugby Club is immediately adjacent to the south west.

The Proposal:

Outline planning permission is sought for a school which would cater for children with Social, Emotional and Mental Health (SEMH) conditions. The school would accommodate 120 pupils aged between 5 to 16 and has been brought forward by Devon County Council in response to increasing local demand in the area as a result of recent and future housing growth.

An indicative layout has been submitted showing access to be taken from the existing roundabout on Exeter Road leading to a drop off and parking area within western half of the site and the main school building to be located to the front of the eastern half with a mixture of different play surfaces to the rear. The indicative layout shows the treebelt that extends around most of the site to be retained and bolstered by some additional planting along the frontage at Exeter Road.

Consultations:

- County Highways Authority:

Highways acknowledges that the site benefits from an extant permission that exceeds the expected traffic generations this proposal is likely to generate however the proposal is considered to attract vulnerable road user movements from the west and staff movements on the B3213 and a proportion of those movements would be from the northern side of the B3213. On this basis it is considered that a formal Toucan Crossing should be provided on the B3213 between Godwell Lane and St Peters Way on the B32123 in the interests of these vulnerable users and staff movements. Highways requested that a financial contribution towards the Toucan Crossing of £20,000 to be secured via legal agreement and that it be delivered prior to the occupation of the school. Following further discussions with the applicant, who is Devon County Council, Highways confirmed that a legal agreement would not be necessary in this instance for the necessary funds to be secured.

Conditions are proposed securing a Construction Management Plan (CEMP), ensuring the internal road and parking areas are properly surfaced prior to the development being brought into use and also a school travel plan to be submitted, approved and adhered to during the lifetime of the development.

- Environmental Health Section:

Reviewed the noise impact assessment and did not object subject to noise mitigation measures being incorporated.

- Town/Parish Council:

Ivybridge: Support

However members had concerns that some aspects of the application conflict with the Joint Local Plan. Specifically:

- 1) The impact of increased traffic has not been sufficiently covered by the application and members would want to see further reassurance in the full application that the policies of TTV6 will be fully met including the prevention of a negative impact on the Western Road AQMA due to the increased number of pupils expected to arrive by motor vehicle from Plymouth.*
- 2) TTV6 also requires mixed development that will improve facilities for local people and enhance the sustainability and self-sufficiency of the town.*

The current application does not address this. The applicant is requested to:

- a) demonstrate that facilities will be made available to the Ivybridge public once the school opens and,*
- b) demonstrate how it will actively recruit staff from the town.*

The DCC S106 requirement is insufficient to provide any active travel infrastructure in the area and only part funds one crossing. DCC Highways are asked to review this, in conjunction with the applicants, to improve the travel plan.

Ugborough: Support

The £20k S106 funding was inadequate in the light of the crossing proposals and improved cycleway from Ivybridge to Bittaford: £100k S106 funding was needed. A crossing to the East of Godwell Lane would be preferred.

- Devon and Cornwall Police Architectural liaison

Request a condition to receive a Designing out crime statement in subsequent reserved matters applications.

- Dartmoor National Park

No objection but requests that the landscaping proposals provides some screening and to ensure that the development is well assimilated into the surrounding landscape mitigating any potential visual harm taking cognisance that the site is within 0.3km of the park's boundary and therefore has the potential to have a degree of impact.

- Lead Local Flood Authority

Initially objected on the basis that the initial information didn't satisfactorily demonstrate that all aspects of the proposed surface water drainage management system have been considered. Upon receipt of further details they lifted their objection.

- Tree officer

No objection on arboricultural merit.

- Waste Management

This type of proposal should be accompanied by a waste audit statement ensuring that waste generated by the development during both the construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention. It is noted that this application has not been accompanied by such a statement and therefore a condition should be imposed requiring this at the reserved matters stage.

- Historic Environment/Archaeology

No objections subject to a pre-commencement to ensure that archaeological works are agreed and implemented prior to any disturbance. Condition recommended securing a written scheme of investigation to be submitted, approved in writing by the LPA and adhered to at all times.

Representations from Residents

Letters from 14 residents were received, 5 supporting, 1 undecided and 8 objecting to the development.

The points of objection can be summarised as follows:

- The land is allocated in the development plan for employment purposes and the local area the demands of the area are for more job opportunities for locals and affordable housing and the proposal will deliver neither of these things.
- The nature of the development is such that it will be heavily reliant on travel by private car and the proposal does not respond well to the climate emergency.
- Surrounding developments have had a cumulatively bad impact on the local bat population and this proposal will result in further harm to this protected species.
- The area does not have the infrastructure to support such a development and will exacerbate problems associated with existing congestion that have already been exacerbated by nearby development and lead to a loss of parking for residents.
- The proposal hasn't been accompanied by a Landscape Visual Impact Assessment and without this and details of massing and materials officers will be unable to consider the impact of the proposal on the surrounding environment which includes the National Park. There is surprise the application was validated.
- The policy of excluding SEMH students from mainstream education is wrong and the investment should instead be directed to existing schools to enhance their capacity to accommodate such pupils.
- It is suggested that the majority of the students will be from Plymouth and that the school would ideally be located closer to Plymouth as siting at this location will not prevent students travelling long distances by private car.
- The proposal will be of limited benefit to the local area and it is not anticipated that it will create many local jobs due to specialist nature of the employment, likely recruitment difficulties and the need for agency workers who do not live locally and will likely travel by car.
- The type of school proposed would work best in quieter rural location. The site is too small, with the area containing distractions and also safety fears in proximity to a busy road and open railway line. A fence will not be enough to prevent risks to the safety of vulnerable children. Another private school in the local area was closed due to similar circumstances.
- Many SEMH schools require a one way system and the practice of dropping off students in such schools can be more time consuming. The site doesn't have the capacity for this or any separate staff parking and will add to an already congested local highway network.
- There is a limited train service to Ivybridge so rail travel by staff, parents and students isn't realistic.
- A two storey building is not appropriate for the students as smaller classes and separation will be necessary and also in the interests of visual amenity as it will be more prominent and harder to screen.
- Residents express a preference for a local shop with good parking (to avoid trips to the Town Centre), an outdoor learning centre or a health centre to provide greater benefit for locals.
- The town is losing green spaces at an alarming rate and there is considered to be too much development in east Ivybridge. This will further reduce the natural beauty of the town.
- The building will not be in keeping with the area.

The points in support of the application can be summarised as follows:

- There is a profound local shortage for this type of facility for local residents.
- The site is described as ideal with good transport links and will reduce travel to schools further afield.

- Support is given on the basis that no more hedges are removed.
- The safety concerns relating to the proximity to the road and railway can be addressed through the detailed design and through an appropriate management scheme
- A school is described as a preferable development at this site over potential alternatives.

Representation from PL21 – Transition Town Initiative

One representation was received from PL21 –Transition Town Initiative which is a local registered charity. Their letter states that they would be supportive of the application however they have the following concerns:

- The Transport statement (TS) is deficient and does not comply with government guidance.
- The TS does not refer to Street Design by Sustrans
- The local policy shows that the site location is important for traffic free paths. No reference to this is made.
- No reference is made to the Governments growth for walking and cycling. Estimate that potentially 50% of local journeys could be by walking or cycling
- Reference to Exeter Road being suitable for cycling is misleading. A 3 metre wide traffic free path has not been built to enable cycling to the schools and town centre and there is insufficient road space to allow for this to be built. The Street Design Study shows the local policy giving a realistic viable alternative.
- Recommend the following:
 - DCC/SHDC to provide a masterplan of all existing and proposed traffic free routes for the local area before granting of any planning consent.
 - Parallel crossing required on south side of roundabout to be included in this application so as to link two existing unconnected traffic free paths
 - Ensure parallel or signalled crossing provided on B3213 as access to train station, Wain Homes site, commercial development and DNPA policy
 - Redesign existing junction between B3213 and Godwell Lane in accordance with LTN1/20 so as to link two existing unconnected traffic free paths and proposed future traffic free path to Godwell Lane. We anticipate a raised platform crossing with 2-stage Give Way markings to motorists
 - S106 contribution up to £100K is given to upgrade Godwell and Filham Moor Lanes to improve existing walking a cycling route into town centre in accordance with local policies

Relevant Planning History

This site forms part of a larger development comprising of land across Exeter Road to the north all of which was granted Outline Planning Permission on 4th September 2018 (reference: 57/2472/14 allocated under TTV13) for mixed use development of approximately 198 no. dwellings, public open space, employment uses (including Health centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered). The residential development is already underway and on the indicative layout drawing approved it was envisaged that the site subject to this application would accommodate Class B1 (Office, Research and Development, Light industry).

ANALYSIS

Principle of Development/Sustainability:

Strategic Objective S01 of the Plymouth and South West Devon Joint Local Plan ('JLP') promotes an integrated approach to the strategic planning of the Plan Area as part of a wider region. The primary objective is to maximise and prioritise growth in Plymouth and then focus growth in the Main towns of the Thriving Towns and Villages Policy Area (TTV). Ivybridge is one of the six main towns in the TTV and S01 reinforces the role of this town as a sustainable service centre by providing a range of facilities and services enabling it to meet the needs of its residents.

The JLP sets an overarching strategy for delivering sustainable development that complements the existing settlement pattern within the plan area. The high-level strategy for delivering sustainable development is expressed within policies SPT1 and SPT2, both promoting sustainable development and the principles of sustainable linked neighbourhoods with other policies amplifying and giving effect to those requirements. Integral components of the strategic spatial vision as outlined by SPT1 and SPT2 are equal and fair access to facilities and services, the promotion of sustainable transport, and an appropriate provision of facilities to meet the identified needs of the local community, including provision of education and training.

Spatial Priority 2 (SP2) specifically relates to Ivybridge. The vibrancy and sustainability of the town will be enhanced through focussing on a range of aims including; the provision of mixed use development, delivering investment which enhances the identity and economy of the town, recognising the sensitive location in proximity to Dartmoor National Park, improving air quality and ensuring the delivery of appropriate infrastructure including community facilities identified in the Ivybridge Neighbourhood Plan.

Policy TTV6 of the JLP allocates land east of Ivybridge, of which this site is part, for a mixed use development including residential and employment space (Use Class B1). Under TTV6 development should provide for the following:

- 1. Appropriate local facilities to support new residents and to enhance the sustainability of the local area, including local convenience retailing facilities of a scale and format where it can be demonstrated that there will be no significant adverse impact on the existing town centre.*
- 2. The continued and enhanced operation of the railway station and associated park and ride, including high quality design and layout which maximises opportunities for natural surveillance.*
- 3. A landscape strategy which addresses the site's scale and prominence and the edges of the development, and to mitigate any adverse visual impact on Dartmoor National Park.*
- 4. The retention of Ivybridge Rugby Club, with any reordering of land-uses only acceptable if it is beneficial to the operation of the club.*
- 5. A quality form of development which integrates with the existing housing, and provides a design and density that is not prominent when viewed from Dartmoor National Park.*
- 6. Safe and attractive pedestrian and cycle connections for residents to access, local facilities and services, including the station and local schools.*
- 7. An appropriate strategy to mitigate for any impact on the Western Road AQMA, including proportionate contributions as appropriate to any relevant Air Quality Action Plan and traffic management schemes.*
- 8. A site wide Sustainable Drainage Strategy to ensure that drainage requirements can be met on site and are designed to deliver landscape, biodiversity and amenity benefits.*

The accompanying text states that the proposal *'aims to improve the sustainability and self-sufficiency of Ivybridge through a large scale development incorporating new homes, employment land and local facilities.'*

With respect to the first criteria of TTV6 an educational establishment of the kind proposed is considered to be an appropriate local facility for those young people in the vicinity who may require it and their parents who may otherwise be forced to travel long distances to alternative venues in the wider area. In relation to the second it is not considered that the proposal will have an impact on the operation of the railway station. In terms of the third criteria an appropriate landscaping scheme can be secured at the reserved matters stage via condition along with the retention and expansion of the existing treeline around the periphery of the site. With regards to the fourth criteria the proposal will be immediately adjacent to the rugby club however it is not considered that the two uses will be incompatible. The applicant has agreed to contribute towards a pedestrian crossing on Exeter Road and will enable Highways to improve pedestrian facilities near the entrance of the Rugby Club for visiting members of the public. In relation to point 5, the design and density are reserved matters that would require detailed consideration at the appropriate stage but an indicative layout has been submitted showing the main two story building fronting onto, but set back from Exeter Road. Retention of the existing tree belt along the frontage and supplanting of this with additional landscaping will help maintain the lush character of the surrounding area and provide effective screening from the National Park Area. A condition is proposed protecting the trees and requiring a scheme of landscaping to be submitted along with the reserved matters application for further consideration.

In relation to point 6, the applicant has agreed to Highway's suggested contribution towards a pedestrian crossing on Exeter Road. It is considered that the development will be attractive to pedestrians and cyclists, both from the locality and those who may choose to access the site from a variety of public transport options. In terms of point 7, an Air Quality Impact Assessment has already been submitted for the wider site and the impact of the use proposed is similar to the use consented for this site. With regards to point 8, as detailed later in this report, the drainage strategy outlined as part of this development is considered to be acceptable in principle subject to a condition that full details are provided and considered further in detail at the reserved matters stage.

Strategic Objective SO7 promotes locally distinctive and sustainable development in the main towns with sufficient new homes, jobs services and infrastructure to improve their self-containment and meet local needs. Policy TTV3 then goes on to specify that the expansion of special educational needs places is to be delivered as part of a strategy for Main Towns.

Changes to the Use Class Order from the 1st September 2020 have resulted in Use Class B1 – Business (office, research and development and light industrial process) now falling within the broader Class E category which could consist of a variety of commercial operations such as shops, financial and professional services, food and drink and non-residential institutions such as medical or health services and day nurseries etc. The use proposed as part of this application would fall within Class F1 (School) of the Use Class Order (as amended) and therefore Policy DEV14 of the JLP would be of relevance which seeks to maintain a flexible mix of employment land.

Under DEV14 change of use away from employment land is only allowed when the following circumstances apply:

- i. The proposal is specifically provided for by the local plan to deliver wider strategic objectives, or*
- ii. There are overriding and demonstrable economic, regeneration and sustainable neighbourhood/communities benefits from doing so, or*
- iii. There is no reasonable prospect of a site being used for employment use in the future.*

The proposed development doesn't strictly provide the type of business employment floorspace specified in the policy. It does nevertheless provide a local facility that will help DCC increase the quality and quantity of educational provision for local young people and deliver one of the key priorities as specified in TTV3. In this respect the development will deliver wider strategic objectives. The Devon County Council Education Infrastructure Plan has made a commitment to delivering increased SEN (Special Educational Needs) provision to meet the increasing demand following on from the SEN Strategic Review completed and published in 2017-18 which highlighted the need to reduce the reliance on the independent school sector and address a widespread shortfall for SEMH /ASC (Autistic Spectrum Condition) learners.

The use proposed will be a generator of employment, both in terms of the construction and long term with the staff required to run such a facility, with higher pupil to staff ratios and in addition to the economic benefits will carry with it clear community benefits for the local area at a sustainable location that is well connected with the wider area. It is noted that since the Outline permission has been granted the office/business landscape has undergone significant structural changes with the move towards remote homeworking. In the years since outline permission was granted there has been no reserved matters applications coming forward for office or other employment development at this site. The proposal will secure investment for the Town and make a positive contribution to its ongoing regeneration.

The Mybridge Neighbourhood Plan (INP) is also part of the Development Plan and Policy INP5 (Community Facilities) is relevant given that the application proposes a school. INP5 prioritises provision or enhancement of community facilities for young people and the proposal is therefore considered to comply with INP5

Taking the above into consideration the use proposed as part of this application is considered to be in line with the strategic spatial vision of the Development Plan and is acceptable in principle and in accordance with Policies SPT1, SPT2, TTV6, TTV3 and DEV14 of the JLP and INP5 of the INP.

Design/Landscape:

The policies of the JLP promote high standards of design across the plan area as a means of achieving successful places. Policy DEV20 in particular recognises the importance of design in contributing to townscape and landscape and under this policy the quality of the built environment should be protected and improved wherever possible. Design solutions must be resilient to their local context and have proper regard to the pattern of local development and the wider development context but also achieving a good quality of place through good utilisation of existing assets such as trees and landscape features. Design should also take cognisance of safety and reduce opportunities for crime and fear of crime and also repair and rectify damaged environments and enhance the appearance of gateway locations into the main towns.

The proposal is in outline at this stage and the visual impact and detailed design elements including the layout and elevations would need to be carefully considered at the reserved matters stage should permission be granted. At this stage whilst in close proximity to the

National Park and at a relatively prominent gateway into the town, there is an opportunity to achieve a design that can integrate well into the local context. Integral to this would be tree retention supplemented by quality landscaping and a high quality design utilising appropriate materials that enhance the local context and reinforce local distinctiveness. The concerns of some neighbours relating to the size and massing of a 2 storey building is noted and given that the site is vacant there will undoubtedly be an impact on the streetscene. However, it is considered that in principle, if set back sufficiently from the site frontage, there is potential for the established trees to provide good screening and for this to be bolstered by additional planting combined with a quality design the development will provide be similar in height to the houses forming part of the new development in this area and would be a welcome enhancement. It should also be noted that the indicative layout of the approved development on this site envisaged a much more dense and active frontage than what is proposed indicatively here.

Taking the above into account, and subject to condition requiring a detailed design to be submitted as part of a reserved matters application, it is considered that the proposal complies in principle with Policy DEV20.

Neighbour Amenity:

Policy DEV1 of the JLP protects health and amenity by ensuring that development does not cause any adverse impact on residents. Issues such as overshadowing, privacy and noise from development, amongst others, are considered. Policy DEV2 states that development should avoid any harmful impacts on items such as soil, air, water or noise pollution. The closest residential properties are to the east and west. A noise impact assessment was submitted in support of the application which found that, subject to a condition restricting plant associated with any mechanical ventilation, the development could be accommodated without an adverse impact. A condition restricting external lighting is added in the interests of residents. Overshadowing and overlooking issues would require to be considered further at the reserved matters stage once a detailed design has been arrived at, however it is considered that the impact in this regard could be minimised to an acceptable level because of the size of the site. Accordingly the proposal in principle does not conflict with policy DEV1 of the JLP.

Highways/Access:

Policy DEV29 of the JLP requires consideration of the impact of developments on the wider transport network, and require safe traffic movements and vehicular access to and from the site. In addition issues such as parking provision and what the local infrastructure needs are should be considered alongside what could be done to mitigate any adverse impact on the local highways. Policy INP7 (Traffic and Movement) of the Lybridge Neighbourhood Plan also applies which requires appropriate assessment of transportation impacts.

DCC Highways have confirmed that they can secure the necessary financial contribution towards a Toucan Crossing from the applicant, who is also DCC, without the need for a legal agreement in this instance. An internal agreement between the relevant departments is in place to secure this contribution. In addition further conditions can be attached to ensure that any potential adverse impacts can be mitigated such as a construction management plan to be submitted and agreed with the LPA and that a school travel plan is also submitted and agreed with LPA and adhered to for the lifetime of the development. On this basis Highways would have no objection and it is considered that the proposal could be accommodated within the site in principle at this stage. Any potential road safety concerns will be considered in further detail

at the reserved matters stage as access is one of the reserved matters. As such the proposal is considered to accord in principle with DEV29 of the JLP.

Ecology

Policy DEV26 requires developments to support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the plan area. The impact of development on protected species and their habitats is an important consideration along with the ability of proposals to achieve a measurable biodiversity net gain.

The development has been accompanied by an ecology survey which has found no adverse impact on protected species and which contains recommendations to mitigate the impact during construction and achieve a biodiversity net gain within the site. The biodiversity net gain will be achieved by the retention and enhancement of existing habitats supplemented by additional planting and the incorporation of features that will encourage increased biodiversity into the design. It is considered that sufficient information has been submitted to demonstrate that the development will not have an adverse impact on protected species. As such, subject to a condition that the recommendations of the ecology survey are adhered to, and a biodiversity net gain is successfully delivered, the proposal is considered to be in compliance with DEV26.

Drainage/Flooding

Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP requires for consideration of the wider implications of surface water and foul drainage arising from new development and for proposals to incorporate sustainable water management measures. In terms of surface water, the site is in zone 1 (low risk) but falls within a critical drainage area. A Flood Risk Assessment was submitted which shows low risk of flooding and potential options for treatment of SUDS. Adjacent sites use infiltration and the applicant would seek to employ a similar strategy, the finer details of which will be considered further at the reserved matters application. Confirmation has been submitted that there is capacity to accommodate foul drainage and a condition will secure further details for the reserved matters stage should outline permission be granted. The flood authority have lifted their objection and there would be scope to provide onsite attenuation if required at the reserved matters stage. A condition can therefore secure full details and for the drainage design to comply with the criteria of the relevant policy. As such the proposal accords with Policy DEV35 of the JLP.

Low Carbon Development

The JLP supports the transition to a low carbon future with DEV32 requiring developments to identify opportunities to minimise the use of natural resources and reduce the energy load as a means of combating the climate crisis. A carbon reduction statement has been submitted that demonstrates that the detailed design and layout will be heavily influenced by a drive towards reducing energy load, maximising controlled natural heating, cooling, lighting and reducing the heat loss area. Provision of renewable energy sources will be reviewed, along with choice of materials and ventilation that minimise energy loss. A condition is proposed to secure full details at the reserved matters stage. On this basis the proposal does not conflict with DEV32 of the JLP.

Conclusion

The development is considered to accord with the spatial strategy of the JLP, the relevant Neighbourhood Plan Policy and the guidance set out in the National Planning Policy Framework as it will provide a valuable community resource and can be integrated in such a way, subject to conditions, without any adverse impact. On this basis it is recommended conditional planning permission be granted.

Other Matters:

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV3 Strategic infrastructure measures for the Main Towns
TTV6 East of Ivybridge
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The Ivybridge Neighbourhood Plan was adopted in December 2017 and is a material consideration for this application. As detailed above the proposal is considered to comply with the relevant policy in the Neighbourhood Plan.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 18-Jan-23

Appeals Update from 26-Nov-22 to 3-Jan-23

Ward Charterlands

APPLICATION NUMBER: **0251/22/HHO** APP/K1128/D/22/3304863
APPELLANT NAME: Miss Fiona Stace
PROPOSAL: Householder application for hard standing area in front of property to be used as driveway (Retrospective)
LOCATION: 3 Park Cottages Bigbury TQ7 4AW **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 16-September-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 07-December-2022

Ward Dartmouth and East Dart

APPLICATION NUMBER: **0413/22/CLE** APP/K1128/X/22/3296079
APPELLANT NAME: Roark Investments LLC
PROPOSAL: Certificate of Lawfulness for existing use of property without application complying with condition 7 (landscaping scheme) of planning 15/1790/98/F
LOCATION: Land north of Seymour Drive Dartmouth
APPEAL STATUS: Appeal decided
APPEAL START DATE: 12-April-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 15-December-2022

Ward Newton and Yealmpton

APPLICATION NUMBER: **0099/22/HHO** APP/K1128/D/22/3301109
APPELLANT NAME: John Hemmings
PROPOSAL: Householder application for the removal of small section of low boundary wall to provide off-street parking
LOCATION: 52 Creekside Road Noss Mayo Plymouth PL8 **Officer delegated**
1EE
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 14-December-2022
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **3929/20/FUL** APP/K1128/W/22/3299402
APPELLANT NAME: Victoria House Development Ltd
PROPOSAL: READVERTISEMENT (Revised site location plan received) Erection of 4no detached dwellings with garages
LOCATION: Welbeck Manor Sparkwell PL7 5DF **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 13-December-2022
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **4158/21/FUL** APP/K1128/W/22/3302391
APPELLANT NAME: Mr Peter Bastin
PROPOSAL: Extend the floor plans to further enhance the approved dwelling (1039/18/FUL)
LOCATION: Hen House New Park Road Smithleigh Plymouth PL7 **Officer delegated**
5AX
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 14-December-2022
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **3899/21/HHO** APP/K1128/D/22/3300712
APPELLANT NAME: Mr Robert Ashenford
PROPOSAL: Householder application for installation of second floor roof lantern to flat roof at rear of property
LOCATION: Hillside Newton Hill Newton Ferris PL8 1AB **Officer member delegated**
APPEAL STATUS: Appeal Lodged

APPEAL START DATE: 09-December-2022
APPEAL DECISION:
APPEAL DECISION DATE:

Undetermined Major applications as at 3-Jan-23

	Valid Date	Target Date	EoT Date
0612/16/OPA Patrick Whymer Brimhay Bungalows Road Past Forder Lane House Dartington Devon TQ9 6HQ	8-Aug-16	7-Nov-16	
Outline planning application with all matters reserved for redevelopment of Brimhay Bungalows. Demolition of 18 Bungalows to construct 12 Apartments, 8 units of specialist housing for Robert Owens Community Clients and up to 10 open market homes.			

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 Creek Close Frogmore Kingsbridge TQ7 2FG	22-Nov-16	21-Feb-17	30-Jan-23
Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)			

Comments: S106 with applicants for signing- they want to agree their highways works first so have agreed a rolling EOT- agent informed that if S106 is not signed by the end of the year, the application will be taken back to committee with a recommendation of refusal due to lack of S106

	Valid Date	Target Date	EoT Date
3749/16/VAR Charlotte Howrihane Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG	23-Nov-16	22-Feb-17	30-Jan-23
Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F			

Comments: S106 with applicants for signing- they want to agree their highways works first so have agreed a rolling EOT- agent informed that if S106 is not signed by the end of the year, the application will be taken back to committee with a recommendation of refusal due to lack of S106- this application will be withdrawn once 3704/16/FUL has been issued

	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)	9-Jan-20	9-Apr-20	31-Mar-23
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: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to December 2022. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised extension of time has been agreed until the end of March 2023

	Valid Date	Target Date	EoT Date
4185/19/OPA Ian Lloyd Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)	9-Jan-20	9-Apr-20	31-Mar-23
Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1- (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: Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to December 2022. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised extension of time has been agreed until the end of March 2023

	Valid Date	Target Date	EoT Date
4158/19/FUL Patrick Whymer	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			READVERTISEMENT (Revised Plans Received) Residential development Kingsbridge Devon 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
0995/20/VAR Charlotte Howrihane	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

Comments: Proposed amendments are fine, but Deed of Variation required to amend S106- with legal

	Valid Date	Target Date	EoT Date
3623/19/FUL Steven Stroud	14-Apr-20	14-Jul-20	1-Jan-23
Land off Godwell Lane Ivybridge			READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure

Comment: Amended plans received and re-consultation underway. Report partially written. Had an update meeting with applicants and received additional information on Biodiversity net gain, which has been sent to DCC ecologist.

	Valid Date	Target Date	EoT Date
0868/20/ARM Jacqueline Houslander	29-Apr-20	29-Jul-20	20-Jan-23
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 14 no. dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale, appearance and landscaping (Resubmission of 0127/19/ARM) and the discharge of outline conditions (12/1720/15/O) 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 23 and 24.

Comment: Agreed under delegation, awaiting signature on unilateral undertaking

	Valid Date	Target Date	EoT Date
2508/20/FUL Steven Stroud	12-Aug-20	11-Nov-20	19-Jan-23
Moor View Touring Park Modbury PL21 0SG			READVERTISEMENT (revised documents) Proposed expansion and development of holiday lodges and associated works to existing touring and holidaypark

Comment: Awaiting additional ecology information from applicant.

	Valid Date	Target Date	EoT Date
4254/20/FUL Lucy Hall	23-Dec-20	24-Mar-21	25-Aug-22
Springfield Filham PL21 0DN			READVERTISEMENT (revised plans) The proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent. Landscaping works will provide communal areas and a playground as well as ecological features. Access will be provided from the main road with a main spine route running through the site. Springfield Cottage is to remain as current use but be a separate property entity with access from within the site.

Comment – Amended plans received. Still further information outstanding and awaited.

	Valid Date	Target Date	EoT Date
0544/21/FUL Jacqueline Houslander	15-Feb-21	17-May-21	3-Dec-21
Land at Stowford Mills Station Road Ivybridge PL21 0AW		Construction of 16 dwellings with associated access and landscaping	

Comment – Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement. Deed of Variation progressing.

	Valid Date	Target Date	EoT Date
1490/21/ARM Tom French	20-Apr-21	20-Jul-21	31-Mar-23
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, ext of time agreed

	Valid Date	Target Date	EoT Date
1491/21/ARM Tom French	20-Apr-21	20-Jul-21	31-Mar-23
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, ext of time agreed

	Valid Date	Target Date	EoT Date
2817/21/ARM Helen Grant	29-Jul-21	28-Oct-21	24-Mar-22
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 – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
3053/21/ARM Helen Grant	5-Aug-21	4-Nov-21	24-Mar-22
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 – architect working on revisions and redesign

	Valid Date	Target Date	EoT Date
3054/21/ARM Helen Grant	5-Aug-21	4-Nov-21	24-Mar-22
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 – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
2982/21/FUL Graham Smith	13-Oct-21	12-Jan-22	18-Jan-23
Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY			READVERTISEMENT (Revised plans) The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping

Comment – Discussions over viability ongoing between housing and land owner

	Valid Date	Target Date	EoT Date
3335/21/FUL Clare Stewart	14-Oct-21	13-Jan-22	17-Feb-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 – Approved by Members, subject to S106 agreement (now with legal)

	Valid Date	Target Date	EoT Date
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	17-Feb-23
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon			READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherwood New Community.

Comment – Approved by Members, subject to S106 agreement (now with legal)

	Valid Date	Target Date	EoT Date
4021/21/VAR Helen Grant	24-Nov-21	23-Feb-22	
Development site at SX 809597 Steamer Quay Road Totnes			Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL

Comment – waiting on legal decision if the application is valid. Uncertainty if the works that began on site, constitute a meaningful start and if the development began in time, before expiration of 3 years.

	Valid Date	Target Date	EoT Date
4317/21/OPA Steven Stroud	5-Jan-22	6-Apr-22	6-May-22
Land at SX 5515 5220 adjacent to Venn Farm Daisy Park Brixton			Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)

Comment:

	Valid Date	Target Date	EoT Date
4774/21/FUL Jacqueline Houslander	7-Feb-22	9-May-22	
Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG			READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements

Comment: Awaiting comments from AONB unit and the Environment Agency regarding wave action.

	Valid Date	Target Date	EoT Date
0303/22/OPA Steven Stroud	4-Mar-22	3-Jun-22	31-Jan-23
Land off Moorview Westerland Marldon TQ3 1RR			READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and four bedroom sizes with associated roads, paths, landscaping and drainage 30% of which would be affordable housing

Comment - Under consideration by officer, met with agent 24/8/22

	Valid Date	Target Date	EoT Date
0934/22/FUL Lucy Hall	14-Mar-22	13-Jun-22	
Land At Sx 499 632 Tamerton Road Roborough			READVERTISEMENT (revised plans) Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation & service yard

Comment: Under consideration by officer.

	Valid Date	Target Date	EoT Date
1178/22/ARM Bryn Kitching	11-May-22	10-Aug-22	
Land Off Townstal Road Townstal Road Dartmouth			Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR relating to access, appearance, landscaping, layout and scale for the construction of 46No. apartment extra care/assisted living scheme (Class C2) with provision of parking, gardens, access and associated works

Comments: Following a request for further information regarding outdoor lighting and slight amendments to landscaping plan, applicants have submitted an appeal against non-determination. No lighting or landscaping details have been submitted with that appeal.

	Valid Date	Target Date	EoT Date
1629/22/ARM Helen Grant	20-Jun-22	19-Sep-22	20-Jan-23
Dennings Wallingford Road Kingsbridge TQ7 1NF			Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions

Comment: Awaiting revised plans/documentation

	Valid Date	Target Date	EoT Date
1523/22/FUL Steven Stroud	20-Jun-22	19-Sep-22	31-Jan-23
Proposed Development Site West Dartington Lane Dartington			Construction of 39No. two-storey dwellings with associated landscaping

Comment: Reviewing application with consultees

	Valid Date	Target Date	EoT Date
2084/22/OPA Graham Smith	27-Jun-22	26-Sep-22	18-Jan-23
Land at SX 648 561 Rutt Lane Ivybridge		Outline application (all matters reserved) for the provision of new 120 Social, Emotional & Mental Health (SEMH) School including new two storey teaching block with associated hard & soft landscaping	

Comment: to be determined at Jan committee meeting

	Valid Date	Target Date	EoT Date
2412/22/OPA Clare Stewart	25-Jul-22	24-Oct-22	25-Nov-22
Land South of Dartmouth Road at SX 771 485 East Allington		Outline application with some matters reserved for the development of up to 35 dwellings & associated access, infrastructure, open space, landscaping & biodiversity net gain infrastructure	

Comment: Awaiting consultation responses

	Valid Date	Target Date	EoT Date
3182/22/VAR Helen Grant	9-Sep-22	9-Dec-22	
Land to rear of Green Park Way Green Park Way Chillington TQ7 2HY		Application for variation of a conditions 6 (use of roofs), 14 (pedestrian access), 19 (biodiversity net gain) and 20 (JLP Policy DEV32) following grant of planning consent 0265/20/ARM	

Comment: Requested info from Agent 14/12

	Valid Date	Target Date	EoT Date
2804/22/FUL Charlotte Howrihane	14-Sep-22	14-Dec-22	13-Jan-23
Homefield Farm Sherford TQ7 2AT		Change of use of commercial buildings and dwelling house to 3 no. holiday lets, demolition of existing retail unit, replacement of commercial building with 1 no. self-build dwelling house, associated works to include comprehensive landscape & ecology enhancement works (Resubmission of 4751/21/FUL)	

Comments: No significant changes to previously refused app 4751/21/FUL.previous app currently awaiting appeal hearing (8th/9th Nov). Agent has been informed current app is also recommended for refusal, has asked for EOT to await appeal decision on previous application

	Valid Date	Target Date	EoT Date
3136/22/OPA Steven Stroud	11-Oct-22	10-Jan-23	
Former Dairy Crest Site Totnes		Hybrid planning application for mixed use development comprising: Outline Permission comprising circa 25 Residential Units, circa 20 Holiday Lodges, a Spa/Concierge building (circa 500sqm), circa 1100sqm Commercial space, demolition of existing structures (apart from Brunel building & chimney) provision of open space & surface water attenuation, parking & associated infrastructure. Full Permission for Change of Use of Brunel building	

Comment:

	Valid Date	Target Date	EoT Date
3269/22/VAR Graham Smith	12-Oct-22	11-Jan-23	
Lower Coombe Royal Kingsbridge TQ7 4AD		Application to vary condition 2 to planning consent 4182/18/FUL to amend drawings showing siting of hot tubs and external flues	

Comment:

	Valid Date	Target Date	EoT Date
2643/22/VAR Helen Grant	13-Oct-22	12-Jan-23	
Thurlestone Hotel Thurlestone TQ7 3NN			Application for variation of conditions 2 (approved plans) & 8 (tree protection) of planning consent 1720/19/FUL

Comment: Additional information and clarifications requested

	Valid Date	Target Date	EoT Date
1098/22/OPA Clare Stewart	18-Oct-22	17-Jan-23	
Haxter Lodge Tamerton Road Roborough PL6 7BT			Outline application with some matters reserved for erection of a school

Comment:

	Valid Date	Target Date	EoT Date
3949/22/VAR Bryn Kitching	11-Nov-22	10-Feb-23	
Land South Of Junction Between Townstal Rd and Nelson Rd Dartmouth TQ6 0LB			Application for variation of conditions 1 (approved plans), 2 (samples) & 4 (landscaping) of planning consent 1867/21/ARM – erection of a 69-bed care home (use class C2)

Comment: Application recently received and still within consultation period.

	Valid Date	Target Date	EoT Date
4072/22/FUL Tom French	21-Nov-22	20-Feb-23	
Land at SX 499 626 Tamerton Road Roborough			Installation & operation of solar farm & associated works, equipment & necessary infrastructure for a temporary period of 40 years

Comment:

	Valid Date	Target Date	EoT Date
2927/22/FUL Bryony Hanlon	25-Nov-22	24-Feb-23	
Halwell Business Park Halwell TQ9 7LQ			Provision of a new industrial warehouse building

Comment: Application is progressing and currently on target.

	Valid Date	Target Date	EoT Date
4160/22/ARM Bryn Kitching	28-Nov-22	27-Feb-23	
Land Off Townstal Road Sx 858 508 Townstal Road Dartmouth			Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR for layout, scale, appearance and landscaping for the construction of a 61No Apartment Extra Care/Assisted Living Scheme (use class C2) provision for car parking, gardens, access & associated works (Re-submission of 1178/22/ARM)

Comment: Application recently received and consultation period has commenced.

	Valid Date	Target Date	EoT Date
4167/22/ARM Bryn Kitching	14-Dec-22	15-Mar-23	
Land at SX 856 508 Dartmouth			Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 9 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA as varied by application reference 3078/21/VAR (Revised layout for 9 dwellings to replace previously approved layout for 7 dwellings (plots 138-144) under 3118/21/ARM).

Comment: Application recently received and consultation period has commenced.

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