

South Hams Development Management Committee



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|--|---|-------------|----------|------------|------------------|-------------|--------------|-------------|-----------|--------------|--|
| Title: | Agenda | | | | | | | | | | |
| Date: | Wednesday, 15th May, 2024 | | | | | | | | | | |
| Time: | 10.00 am | | | | | | | | | | |
| Venue: | Council Chamber - Follaton House | | | | | | | | | | |
| Full Members: | <p style="text-align: center;">Chairman Cllr Long Vice Chairman Cllr Taylor</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 Nix</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Rake</td> </tr> <tr> <td>Cllr Hodgson</td> <td></td> </tr> </table> | Cllr Abbott | Cllr Nix | Cllr Allen | Cllr O'Callaghan | Cllr Bonham | Cllr Pannell | Cllr Carson | Cllr Rake | Cllr Hodgson | |
| Cllr Abbott | Cllr Nix | | | | | | | | | | |
| Cllr Allen | Cllr O'Callaghan | | | | | | | | | | |
| Cllr Bonham | Cllr Pannell | | | | | | | | | | |
| Cllr Carson | Cllr Rake | | | | | | | | | | |
| Cllr Hodgson | | | | | | | | | | | |
| 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 - Democratic Services Specialist 01822 813651 | | | | | | | | | | |

1. Minutes

1 - 6

To approve as a correct record the minutes of the meeting of the Committee held on 10 April 2024

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) 4021/21/VAR

7 - 36

Development site as SX 809597. Steamer Quay Road, Totnes

Readvertisement (revised plans) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL

(b) 0156/24/HHO

37 - 48

28 Redwalls Meadow, Dartmouth TQ6 9PR

Householder application for erection of single storey ancillary residential annexe & associated works

NOT TO BE HEARD BEFORE 2.00PM

- | | |
|--|-----------------|
| (c) 3570/23/FUL | 49 - 60 |
| Stokeley Barton Farm, Stokenham Readvertisement (amended plans & documents) change of use from derelict poly-tunnel to new dwelling house. | |
| (d) 2786/20/FUL | 61 - 88 |
| West Buckland Barn, Bantham. TQ7 3AJ READVERTISEMENT (Revised plans & documents) Erection of new agricultural store | |
| 7. Planning Appeals Update | 89 - 92 |
| 8. Update on Undetermined Major Applications | 93 - 100 |

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 10 APRIL 2024

| Members in attendance | | | |
|------------------------------|------------------------|---|--------------------|
| * Denotes attendance | | | |
| ∅ Denotes apologies | | | |
| * | Cllr V Abbott | * | Cllr A Nix |
| * | Cllr G Allen | * | Cllr D O’Callaghan |
| * | Cllr L Bonham | ∅ | Cllr G Pannell |
| * | Cllr J Carson | * | Cllr S Rake |
| * | Cllr J Hodgson | * | Cllr B Taylor |
| * | Cllr M Long (Chairman) | | |

Other Members also in attendance:

Officers in attendance and participating:

| Item No: | Application No: | Officers: |
|------------------|-----------------|--|
| All agenda items | | Head of Development Management, Senior Planning Officers, Principal Housing Officer; DCC Highways Officer; Viability Officer; IT Specialists and Senior Democratic Services Officer. |

DM.62/23 MINUTES
The minutes of the meeting of the Committee held on 13 March 2024 were confirmed as a correct record by the Committee.

DM.63/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and none were made.

Cllrs J Hodgson and G Allen both declared an Other Registerable Interest in application 4021/21/VAR (Minutes DM.65/23 (b) below refer), they are a personal friend of Neil MacTaggart speaking as an objector.

Cllr M Long declared an Other Registerable Interest in application 4021/21/VAR (Minutes DM.65/23 (a) below refer), knows the agent and Chairman of South Hams Tree Network. The Member remained in the meeting and took part in the debate and vote thereon.

DM.64/23 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.65/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils,

together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

6a) 0384/23/OPA Land At Sx 652 517, Penn Park, Modbury Parish: Modbury Parish Council

Development: READVERTISEMENT (viability appraisal submitted with revised affordable housing provision and open market housing mix). Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Penn Park, Modbury

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Principle of Development/Sustainability.
- Affordable Housing and Housing Mix.
- Local Infrastructure.
- Noise and disturbance from adjoining buildings/uses.
- Contamination and geotechnical.
- Heritage, Landscape and trees.
- Ecology, Travel Plan, Vehicle Access, Low Carbon Development, and Drainage.

In response to questions raised, the Officer's reported that:

- Drivers path was unregistered land and not in the control of anyone although part of the path was accessible to the landowner.
- The indicative plan shows the spillway and swale. If water levels got too high in the attenuation basin, it would go into the spillway and therefore bypass the property. During the development phase the construction management plan would include addressing any surface water issues.
- This outline application was for up to 40 homes.
- There were no proposals to change the footpath along the road apart from cutting back the vegetation.
- The location of the bus stop on the eastern curve was the only place that could accommodate because of the size of the verge.
- As this was a small development only a few people would use the bus service. A visibility concern was raised on crossing the road but felt this was a minor risk.
- National guidelines set out that the ideal walking distance to a bus stop was 400 metres this bus stop would be 500 metres.
- The bus stop was just with the 30mph zone.
- The criteria to move the 30mph sign was not met and would be a departure from policy to move the sign. Would also make enforcement more difficult for the police.
- Another developer Bloors delivered an open market housing mix

- aligned with the wider mix for the area.
- To be policy compliant the developer would need to provide 30% of units which equate to 12 units. They were offering 4 units (10%).
 - Land value was calculated as a desktop exercise on viability, land values as well as taking in account whether the land was developable.
 - House prices have been volatile however do try to get comparable properties within a 2-year period and use data and from sites such as Right Move and Land Registry.

Members raised a number of safety concerns on the higher number of school children catching the bus and crossing the road.

Having heard from speakers on behalf of the supporter, Parish Council and Ward Member. Members debated the application. During the debate, one Member felt there was a danger with the highways and did not want the responsibility of an accident on their hands. Another Member felt that the 30% affordable housing needs to be addressed also the safety of the route and therefore supported the officer's recommendation.

Recommendation: Refusal

Committee decision: Refusal

**6b) 4021/21/VAR Development site at SX 809597, Steamer Quay Road, Totnes
Town: Totnes**

Development: Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL [erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping]

Cllr Hodgson (proposer) and Cllr Allen (seconder) requested a deferment to allow Members to undertake a site visit before considering the application. A vote was taken to defer and following the vote this application was deferred to the next meeting with the inclusion of a site visit.

Committee decision: Deferred for a site visit

**6c) 0156/24/HHO 28 Redwalls Meadow Dartmouth TQ6 9PR
Town: Dartmouth**

Development: Householder application for erection of single storey ancillary residential annexe and associated works.

Case Officer Update: The Case Officer summarised the key issues, namely:

- Annex building meets the markers of being an ancillary domestic building.
- No sub-division of the plot of independent dwelling was being sought.
- As such consideration and recommendation has been made on this basis.
- Building proposed does not threaten primacy of host (less than 50% footprint and 2m lower than eaves).
- Harmonious in terms of scale, mass and material finish.
- Plenty of amenity space within the garden remaining.
- No detrimental impact on neighbour amenity.
- Both drainage scheme and use type could be conditioned on any approval.

Having heard from speakers on behalf of the supporter and Parish Council and Ward Member. Members debated the application. During the debate, Members raised concerns on entrance from Mount Boone and access to the application site, garden amenity space and boundary fences on the application site. It was therefore proposed that Members undertake a site visit. Following a vote, it was agreed that the application would be deferred to the next meeting to allow Members to undertake a site visit.

Committee decision: Deferred for a site visit

DM.66/23 **PLANNING APPEAL UPDATES**

Members noted the update on planning appeals as outlined in the presented agenda report.

DM.67/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

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

DM.68/23 **ENFORCEMENT REPORT**

This item deferred to the May meeting.

(Meeting commenced at 10.00 am, break at 12.30 pm and lunch at 1.05 pm. Meeting concluded at 14.43 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 10 April 2024

| <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> |
|------------------------|--|-------------------------|---|---|--|------------------|
| 0384/23/OPA | Land At Sx 652 517, Penn Park, Modbury | Refused | Cllrs Abbott, Allen, Bonham, Carson, Hodgson, Long, Nix, O'Callaghan and Rake (9) | Cllr Taylor (1) | | Cllr Pannell (1) |
| 4021/21/VAR | Development site at SX 809597, Steamer Quay Road, Totnes | Deferred for site visit | Cllrs Allen, Carson, Hodgson, Nix, O'Callaghan and Rake (6) | Cllrs Abbott, Bonham, Long and Taylor (4) | | Cllr Pannell (1) |
| 0156/24/HHO | 28 Redwalls Meadow, Dartmouth, TQ6 9PR | Deferred for site visit | Cllrs Allen, Hodgson and O'Callaghan (3) | Cllrs Long and Taylor (2) | Cllrs Abbott, Bonham, Carson, Nix and Rake (5) | Cllr Pannell (1) |

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PLANNING APPLICATION REPORT

Case Officer: Steven Stroud

Parish: Totnes **Ward:** Totnes

Application No: 4021/21/VAR

Agent:

Melissa Magee
Carless & Adams Architects
6 Progress Business Centre
Whittle Parkway
Slough
SL1 6DQ

Applicant:

Stephen Patrick
Luna Rock Ltd
57/63 Line Wall Road
Gibraltar

Site Address: Development site at SX 809597, Steamer Quay Road, Totnes

Development: Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL [*erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping*]



Reasons for taking item to committee –

It was at the request of Cllr Birch, for the following reason(s):

“The variation application is contrary to the following sections of the JLP

DEV20

The proposal does not have proper regard to the requirements of para 2 and para 8

DEV23

Specifically the amended design is not of high quality architecture and has lost most of the benefits of the consented scheme.

DEV2

The large volume of construction traffic having to move through an Air Quality Management Area conflicts with para 2. This exacerbated by the additional excavation and materials required by this revision.

TTV22

This is a major over-development of the site which SHDC only consider suitable for 3,200 Sq.M.”

Recommendation: Grant Conditional Planning Permission

Conditions (summarised; in full at end of report):

- i. Approved/varied Plans
- ii. All 68no. residential units to be single occupancy
- iii. No part of the building including any related or attached structures or plant shall exceed 20.00m AOD
- iv. No external plant to be installed without agreement (subject to demonstration of no adverse impact on amenity)
- v. Compliance with updated lighting strategy
- vi. Compliance with DEV32 energy statement/agreement of final measures
- vii. Updated drainage scheme condition
- viii. Tree protection
- ix. Updated hard and soft landscape scheme (inc. increased sedum provision)
- x. Green wall details
- xi. Secured by Design compliance/scheme to be agreed
- xii. Land Stability Strategy
- xiii. Revised Construction Management Plan (accounting for additional excavation)
- xiv. Balcony glazing to be obscured; details to be agreed before occupation
- xv. Conditions that remain relevant from the host permission/compliance with previously approved details. [including contamination, noise and emissions/as required by EHO]

Key issues for consideration:

- Whether a s73 application can be made
- Housing Mix/Quality of Accommodation
- Design, Landscape/Townscape Character and Appearance; Trees
- Highways
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Energy Efficiency and Climate Change
- Planning Balance and Conclusion

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

The application may give rise to income through the New Homes Bonus. However, no material weight is afforded to this consideration in accordance with advice contained within the national Planning Practice Guidance ('PPG').

Site Description:

The site (0.45ha) is located on the north-east side of Steamer Quay, close to the River Dart, to the south of the town of Totnes. The site is on sloping land and has a considerable fall in levels of c.11m from east to west; new housing to the east is set on significantly higher land than the application site (albeit the rear gardens of those properties also fall westwards towards the river). As well as residential development abutting the eastern site boundary, the 'Quayside' extra care facility (Guinness Partnership) is immediately to the north. Agricultural land bounds to the south/southeast, beyond the 'Paradise Walk' footpath/cycleway that snakes its way along the southern boundary linking the upper part of Camomile Lawn/Sparkays Drive with Steamer Quay. The Longmarsh public car park is immediately to the southwest. By foot, the site is around 1km from the centre of town.

The access to the site, shared with the Guinness scheme is within Flood Zones 2 and 3 (however the development would be sited within Flood Zone 1).

The site is allocated for employment uses in the Joint Local Plan, under policy TTV22(4). Historically the site was also allocated under policy T7 of the previous local plan.

The site is within a Greater Horseshoe Bat ('GHB') Special Area of Conservation ('SAC').

There are no heritage assets that would be affected by the development.

The Proposal:

Planning permission was granted in 2018 (application ref. 4165/17/FUL) for the following development:

'Application for erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping.'

The above description of development is the operative part of the permission that fixed the nature of the development. It cannot be amended save for any immaterial changes approved pursuant to s96A of the Town and Country Planning Act 1990 ('1990 Act') i.e. it is not possible to derogate from that description.

The present application is made pursuant to s73 of the same 1990 Act where the applicant seeks to vary condition 2 (approved plans) of the planning permission to provide for an alternative form of development but remaining as a 68-bed care home with associated car parking, refuse and external landscaping. The access to the site would remain unchanged.

In essence, it is the scale, form and certain design elements of the care home building that vary between the permitted scheme and the new proposal, and those changes are discernible from the submitted drawings (which include overlays to show how the two schemes compare against one another, at least in terms of height and massing). Where the new proposal is taller in certain places than the previously approved building, it is however generally of a lower overall height and this is due to additional excavation/cut proposed into the site, making use of the significantly sloping topography (the building's ground floor finish level lowered c.1m below the approved).

However, for ease, a broad summary of differences and common elements are described below, and these are consistent with explanations provided by the Applicant in response to

questions raised by the Town Council and other interested parties [a more detailed schedule is also provided within the submitted Design and Access Statement]:

- The building will remain a 68-bed care home, save for 5no. upper floor rooms comprising a bedroom with en-suite, lounge and kitchenette. They would remain single occupancy with the C2 use class. [For the avoidance of doubt can be secured by condition]
- The overall height of the building would not exceed 20m above AOD, identified as around 19.93m on the submitted drawings and undulating between 19.15m and 19.98mAOD, in contrast to the permitted scheme which had a parapet height of c.21m. The proposed building is therefore of a lower height in real terms overall due to the additional 1m of excavation. It remains a four-storey building but must be acknowledged that the three-storey southern block would now have an additional storey. It would still sit significantly lower than the adjacent Guinness development.
- The overall building footprint remains essentially unchanged from permitted, albeit the basement area has been extended within that footprint, and balcony features have been incorporated/extended beyond the approved silhouette.
- Balcony side widths have increased from 1.62m to 2.95m. This is to accommodate chairs and circulation space. The 2.95m figure includes a 450mm-wide upstand wall, so the actual useable space by width is 2.5m.
- “Back-to-back” distances between the building and nearby residential properties to the east would remain similar, more than 23m at the closest point. The more slender, southern block would be over 35m away from the nearest dwelling.
- The garden area would be reconfigured to provide a larger, single space, rather than an additional small first-floor/split-level garden area in the permitted scheme.
- Introduction of green/living walls to the large bays on the front/western elevation (details can be secured by condition).
- Continued provision of sedum roofing on southern block, measured at around 85% of the previous scheme. An updated landscape plan is to be secured.
- Additional communal/activity and service areas and improved natural lighting.
- The total parking provision remains unchanged (19 spaces plus two disabled)
- The same number of resultant job opportunities are anticipated (68no. FTE).

In terms of floor areas between permitted and proposed, the differences are as follows:

Original/Permitted:

Total GIFA (gross internal floor area): 4120sqm

Lower ground floor: 825sqm

Ground floor: 1166sqm

First floor: 1360sqm

Second floor: 769sqm

Proposed:

Total GIFA: 5185sqm

Lower ground floor: 1456sqm

Ground floor: 1393sqm

First floor: 1385sqm

Second floor: 951sqm

The total overall increase in GIFA: 1065sqm.

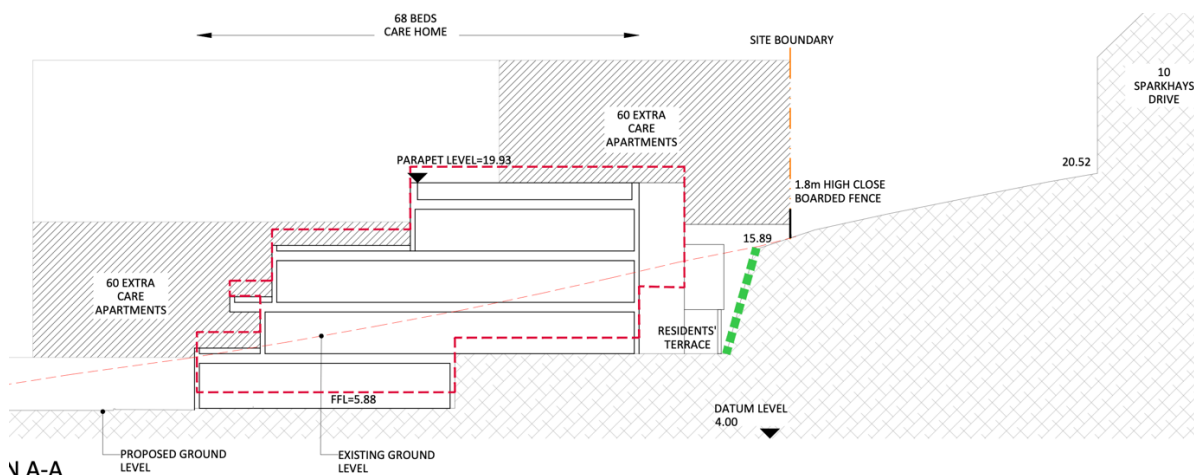
It should be noted that 631sqm is in the lower ground floor area which is an enlarged basement.

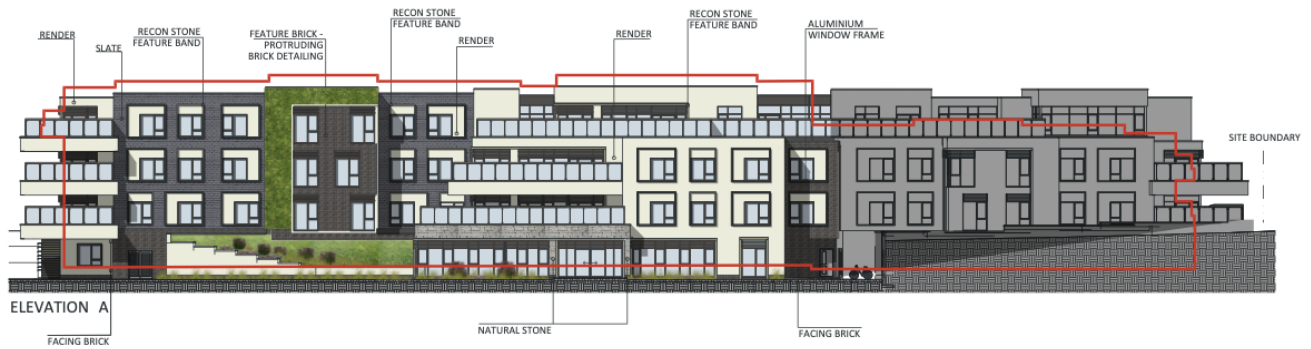
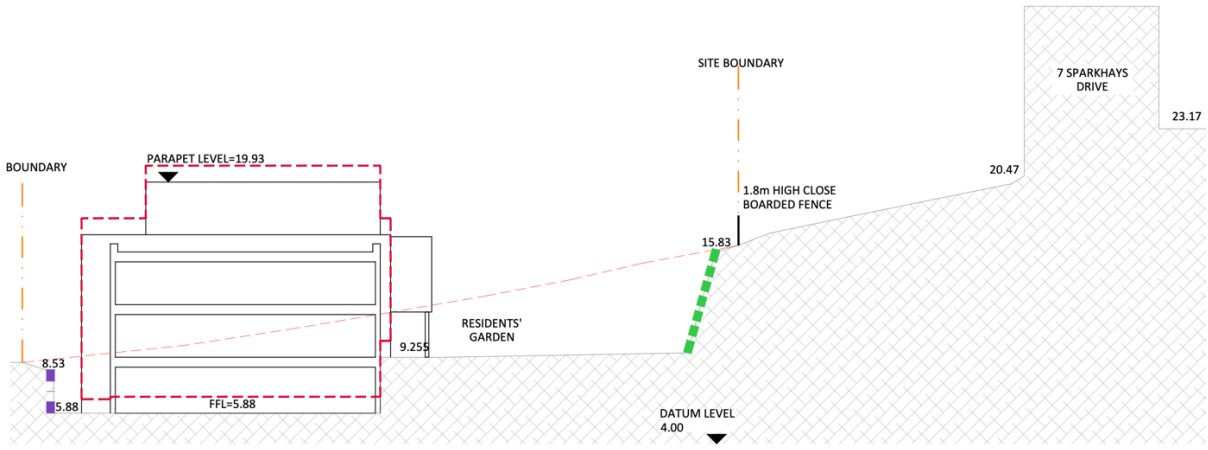
Regarding the additional excavation proposed and potential issues regarding stability, the Applicant has explained as follows:

'Prior to any excavations for the building on site, a row Contig pile retaining wall will be constructed. Contiguous pile wall will be constructed by drilling successive, adjacent piles. The retaining wall will extend into the ground approximately 11m below the targeted ground level, to ensure safety of the retaining wall. Only after the construction of the retaining wall is complete, excavations for the building will commence. This sequence of actions will ensure stability of the gardens at Sparkhays.'

Whilst matters of potential damage to properties during construction are typically of a civil nature such that they go beyond the scope of planning assessment, in this case the applicant has agreed to the imposition of a planning condition to ensure that the final strategy is agreed before any further development takes place. [such condition is provided as part of the proposed schedule of conditions at the end of this report and would run alongside the existing condition requiring agreement of boundary/retaining walls]

Extracts of submitted drawings are set out below which illustrate the nature of some of the changes referred to and in relation to the silhouette (outlined in red) of the permitted scheme.





Further elevational differences highlighted as follows, extracts show: 'Elevation A' as the western/frontage elevation; 'Elevation E', which is the southern block facing Paradise Walk that has increased from three to four storeys; and 'Elevation F' which is the same block as facing the rear of properties on Sparkhays Drive >35m away.



[Approved Elevation A]



[Proposed Elevation A]



ELEVATION E

[Approved Elevation E]



ELEVATION E

SLATE

[Proposed Elevation E]



ELEVATION F

[Approved Elevation F]



ELEVATION F

Consultations:

The application has been through several rounds of consultation as the application has been amended. The most up to date comments received from each consultee is summarised below. Full details are available for viewing on the planning pages of the Council's website and due to the lengthy nature of some of the responses received, Members are directed to review them at:

<https://southhams.planning-register.co.uk/Planning/Display/4021/21/VAR>

All consultee responses and representations received have been read, duly considered, and taken into account when preparing this report for Members.

Totnes Town Council – objects, and the previous concerns raised still stand:

- Overmassing of the site in the revised extension plans which seem too significant a change to be a variation to an application that has expired in terms of the volume of the building (rather than footprint), and the Committee would suggest that a new application is submitted given timing and the scale of the changes applied for.
- Flood risk
- Car Parking – there are very few spaces (19) provided for the number of staff and visitors which will exacerbate parking on neighbouring residential roads.
- Design – the building will look very monolithic from the river which is a tourist access point to the town (contrary to DEV20 Place shaping and the quality of the built environment). The previous stepping down of the top storey at the South Eastern end towards Paradise Walk was critical to ensuring that the building form responded to its landscape context, this has now been lost.
- On reviewing the latest variations to revised plans, the Committee also has concerns about:
 - o Facade treatment – appears fussy and incoherent in appearance.
 - o Fencing – the Committee understands the requirement of the high fence to ensure the safety of residents but is concerned that running alongside the existing Paradise Walk footpath in its entirety is detrimental to the public realm. Could the fence return to the side of the building to enclose the residents garden, thereby lessening the impact?
 - o Lack of a revised hydrology report to address the lowering of the building and additional excavation required.
 - o NHS provision – how the overstretched local NHS provision in the town will bear the additional pressure brought on it by this facility.

[Officer comment: so far as possible the Town Council's concerns are dealt with in this report, but it is important to recognise that, as will be explained, the application is made under s73 so any 'in-principle' issues raised cannot be used to withhold a grant of permission. The NHS have been consulted and they raise no objection, as below.]

Environmental Health Officer – no objection:

- We have considered the documents submitted and have no environmental health concerns. We note that the Town Council mentioned concerns about light pollution, but the changes suggested will not alter the situation regarding this and it is the responsibility of the applicant to select outside light fittings that will not cause local light pollution or glare that could impact on residents living nearby.

[Officer comment: notwithstanding the EHO comments, it is recommended to include conditions relating to external lighting and the requirement to agree any external plant to be installed including on the roof.]

Landscape Specialist – support:

- Overall, the amendments are welcomed, which suggest that the site has the capacity to provide an acceptable layout with the quantum of development proposed, whilst complying with adopted policy on design (DEV20), landscape character (DEV23), trees, woodlands and hedgerows (DEV28).
- Retain previous relevant conditions and seek submissions of any necessary mitigation measures for the roofscape.

Trees – no objection, subject to TPP condition.

OSSR – no objection:

- The proposed variations to the approved drawings make a number of changes to the external form of the building. However, the level of resident's greenspace proposed remains similar to the consented scheme and is considered to provide suitable amenity and landscape benefit.

DCC Ecology – no objection:

- This application is for the amendment of Condition 2 to allow for a change to design of the care home compared with already approved plans. Multiple internal and external changes to the design of the building are proposed.
- A Habitats Regulations Assessment (HRA) was completed by the LPA and agreed with Natural England for application 4165/17/FUL. This HRA made it a requirement of the development to ensure that light levels did not exceed 0.5 LUX at features identified as likely to be used by Greater Horseshoe Bats. These features included the western boundary hedgerow. Despite this feature being 'off-site' in terms of being outside the red line of this current planning application, the requirement applies equally to this development, to ensure illumination associated with the care home does not have an impact on GHS bats use of the feature.
- The previously approved proposal accorded with these HRA requirements and showed that light levels did not exceed 0.1 LUX at the off-site western boundary hedgerow, and that light levels did not exceed 0.5 LUX within 10m of this hedgerow.
- The lighting proposed for this variation of conditions application is in line with the approved HRA for application 4165/17/FUL. No further ecological comments.

Local Highway Authority – no comments to make.

Lead Local Flood Authority – no objection subject to condition.

[a pre-commencement condition has been requested but as development has already begun it is sufficient to direct that the required details be agreed before any further development takes place – the recommend condition is included within the schedule at the end of this report]

DCC Heritage – no comments to make.

Historic England – do not wish to offer comments.

Devon and Cornwall Police – no objection/comments:

- No in-principle objection but disappointing that the crime considerations are not contained within the DAS.
- Recommend a condition in lieu of further information.

Environment Agency – no objection:

- The flood map indicates that a small area of flood zone 3 encroaches within the red line boundary but there does not appear to be any development taking place within that area.
- Refer to standing advice.

NHS Devon ICB – comments:

- Residents of care homes often have complex health needs and therefore create additional operational pressures on GP services however rather than visiting the GP surgery for treatment they are visited at their place of residence. Therefore, on this occasion the ICB will not be requesting a contribution for additional infrastructure capacity.
- However, the ICB would like to highlight that if there is already sufficient Care Home capacity within the area then this development could lead to a population increase of patients who will have higher than average health and care needs.

Representations:

A significant number of representations have been received through the life of the application and rounds of consultation undertaken; some respondents have made multiple representations. For sake of prudence the material issues raised in all responses received are summarised below, but Members are directed to read them in full on the Councils website:

<https://southhams.planning-register.co.uk/Planning/Display/4021/21/VAR>

Objections

- The application is in breach of policy TTV22 which sets a limit of 3,200sqm of employment floorspace.
- The GIA of the proposed scheme is 25% greater than permitted. This cannot be assessed under s73.
- Pre-commencement conditions were not discharged / the permission was not lawfully implemented.
- Poor design/contrary to DEV20.
- Land stability concerns; breach of DEV2.
- Noise concerns.
- Light concerns on amenity/ dark skies.
- Odour concerns.
- The original profile has been significantly altered in raising to four-storeys at southern end.
- Concern about loss of sedum roofing.

- Dwellings on Sparkhays Drive are not shown on drawings.
- No reasonable sections have been provided.
- Concern regarding capacity from 68 to 73 beds.
- Inconsistent and contradictory drawings/application material.
- Highway safety concerns.
- Construction management concerns / evidence of previous damage.
- Insufficient parking.
- Flood risk issues/contrary to policy.
- Overlooking/harm to residential amenity.
- Harm to infrastructure/pressure on healthcare.
- Object to planned route of foul and surface water drainage.
- Access safety issues due to flooding.
- Harm to ecology.
- Harm to townscape/landscape character and appearance.
- No social housing.
- Impedes public right of way.
- Siting of plant on the roof needs to be considered (noise and heights above the parapet).
- Flood evacuation needs consideration.
- Traffic increase issues.
- Concern regarding management of the spoil from excavation
- No longer blends into hillside.
- No provision for EV.
- Building will overshadow neighbouring residents.

Undecided (inc. comments from Dart Totnes Rowing Club, and Totnes and District Society)

- No objection to building but object to proposed route of foul and surface water drainage close to clubhouse.
- Groundworks to facilitate the strategy are likely to be disruptive to club activities.
- Alternative route should be found/utilise our own compound adjacent to Unit D.
- Surface water outfall should be located within the sheet piling of the former Baltic Wharf turning bay.
- Details of roof plant should be provided.

Relevant Planning History:

The Host Permission

Planning permission was granted 22nd May 2018 (application ref. 4165/17/FUL) for the following development: *'Application for erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping.'* That is the 'host permission' for the determination of this s73 application.

Pre-commencement and other conditions imposed upon the host permission were discharged under the follow application references, and this will be considered further in the next section of this report:

- 3088/18/ARC
Application for approval of details reserved by conditions 6, 9, 11, 15, 22, 23 and 24 of planning consent 4165/17/FUL – approved, 6th September 2019.
- 4006/19/ARC

Application for approval of details reserved by conditions 3, 16, 17, 18, 19, 20, and 21 of planning consent 4165/17/FUL – approved, 11th January 2021.

- 2082/20/ARC

Application for approval of details reserved by condition 8 of planning consent 4165/17/FUL – approved, 25th January 2021.

Other History

Other history relevant to the site and adjacent land, includes:

- 03_56/0447/12/0, which was allowed on appeal.

Outline application for mixed use development comprising about 100 dwellings. Up to 5350 sqm of office/light industrial floorspace. Up to 60 units of extra care accommodation and associated communal facilities. Up to 350 sq.m of floorspace for community use. Provision of public open space. Creation of new vehicular and pedestrian/cycle accesses and associated works.

- 03_56/0695/14/RM, approved.

Approval of reserved matters following outline consent 03_56/0447/12/0 for landscaping, scale, appearance and layout solely for Weston Lane access road (Phase 1 of the development)

- 03_56/1419/14/RM, approved.

Approval of reserved matters following outline consent 03_56/0447/12/0 for landscaping, scale, appearance, and layout of 100 dwellings (Phase 2 of the development).

- 56/1792/15/RM, approved.

Approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03_56/0447/12/0 increasing number of dwellings on western portion of site from 29 to 35.

- 56/3099/14/RM, approved.

Approval of reserved matters following outline approval 03_56/0447/12/0 for appearance, landscaping, layout and scale of mixed use Extra Care Scheme development.

Concern has been raised that there is a potential breach of the legal agreement relating to outline permission ref. 56/0447/12/O and its related employment land obligations that would affect the application site. However, the host permission in this case is a stand-alone planning permission that is unrelated to, and independent of, the outline permission ref: 56/0447/12/O. It relates to a new planning unit and is a full planning permission and there is no reference to the legal obligations applying to the other permission. To all intents and purposes, the host permission has opened a new chapter in the planning history of the site. As explained below, the host permission has not lapsed and has been implemented, so any previous employment land obligations no longer apply and are incapable of applying in this case.

ANALYSIS

Whether a s73 application can be made:

A number of objections to the application have alleged that it is invalid and cannot be determined because either the host permission is no longer extant, or that the proposed

scheme is so different from the development approved under the host permission that it is more than a “minor material amendment” and therefore cannot be made under s73.

This section of the report will respond to those in-principle issues as well as explaining the ambit of assessment for this s73 application.

Whether the host permission (4165/17/FUL) was lawfully implemented/can be relied upon

This issue itself comprises two parts: first, whether all the relevant pre-commencement conditions were satisfied; and second, whether a material operation was undertaken to implement permission in time (the permission due to expire on 22nd May 2021).

The planning permission, which was issued 22nd May 2018, is subject to conditions, some of which require certain things to happen before the commencement of development. The relevant conditions are conditions, 3, 6, 8, 15,16, 17, 19, 20, 21 and 23.

Conditions 6, 15, and 23 were approved 6th September 2019 (3088/18/ARC). The details reserved for approval by conditions 3, 16, 17, 18, 19, 20, and 21 were approved 11th January 2021 (ref. 4006/19/ARC). The details reserved for approval by condition 8 were approved 25th January 2021 (ref. 2082/20/ARC). [all as listed above under relevant planning history]

The details approved in relation to condition 18 are important. These include a proposed drainage strategy and related drawing ref. 10230-500 P2. That drawing is important because it shows a hydrobrake flow-control chamber in the location of the works said to have been undertaken to implement the permission.

Those works were undertaken on or before 30th April 2021 and photographic evidence has been provided by the applicant to that effect, alongside an Initial Notice under the Building Regulations dated 26th March 2021. Topographical survey data shows that the works in question accord with the hydrobrake chamber shown on the approved drainage drawing. The nature of those works is sufficient to amount to a material operation in accordance with s56 of the 1990 Act and were clearly undertaken to further the permission (i.e. they were not random or unrelated to it).

Having sought legal advice, officers are content that on the balance of probabilities (which is the legal burden of proof in such cases): all pre-commencement conditions were settled in time; that works to implement the permission accorded with the approved details and were carried out in time; and the nature of those works amounted to a material operation in accordance with the Town and Country Planning Act 1990 (‘1990 Act’).

On that basis officers are satisfied that the planning permission was lawfully implemented and is extant.

Whether the current application is capable of determination

As above, officers’ view taken under legal advice is that the 2018 planning permission was lawfully implemented and can be relied upon. It therefore follows that the applicant is entitled to make an application under s73 of the 1990 Act.

The next issue which arises is the breadth of changes that may be permissible under such an application, recognising that until very recently the national Planning Practice Guidance described such an application as only being for “minor material amendments”.

However, officers consider it to be clear that planning law does not stipulate that s73 applications are for 'minor' variations only, and this is not a phrase recognised in the 1990 Act. The power to make changes to existing permissions is wider than making 'minor' amendments and this has been repeatedly confirmed by the courts (recent case law going so far as to direct that previous advice published by Government was incorrect in implying that only minor material amendments could be made, hence the recent PPG updates).

Having sought legal advice, and where the nature of the development proposed remains consistent with the description of development (being a 68-bed care home with associated car parking, refuse and external landscaping), officers are content that the plans condition is capable of being varied in the manner proposed. The newly proposed scheme is obviously different, and this report tests the merits of the changes sought, but it is not fundamentally at odds with the permission that was granted.

It follows that the application has been properly made and should be determined.

Determination of s73 Applications

The application is made under s73 of the 1990 Act. s73(2) explains how in such circumstances an application should be determined:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and –

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'

The updated national PPG, at paras. 13, 14, and 15 of the 'Flexible options for planning permissions' chapter, provides further advice regarding such applications, now reflecting updated case law, stating:

'Amending the conditions attached to a permission (application under Section 73 TCPA 1990):

- *How are the conditions attached to a planning permission amended?*
 - o *In contrast to section 96A, an application made under section 73 of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.*
 - o *Provisions relating to statutory consultation and publicity do not apply. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.*
- *Are there any restrictions on what section 73 can be used for?*
 - o *Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of*

reserved matters must be made. Section 73 cannot be used to change the description of the development.

- *What is the effect of a grant of permission under section 73?*
 - o *Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.*
 - o *A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.*
 - o *As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.*

Section 73 applications are commonly referred to as variation applications, but that is a misnomer. They result in an independent permission to carry out the same development as previously permitted, but subject to the new or amended conditions.

In that context the key issue for the purposes of determining the current application would be to consider whether the amended design and other related changes proposed would be acceptable in planning terms when judged against the development plan and other material considerations. The compass of assessment is necessarily narrower because it is only the subject matter of the changes proposed/condition to be varied that is under assessment. In this case, that relates to the proposed changes to the scale, form, and appearance of the proposed revisions including reconfiguration of accommodation and other spaces within the site and care home building.

Thus, under a s73 application the nature of the development i.e., its principle, is fixed and cannot be set aside. The scope of assessment is confined solely to the conditions proposed to be varied or removed. Therefore, whether objected to in principle or not, it should be settled that a 68-bed care home can be delivered on the site because the planning permission is extant. This is relevant when considering matters of flood risk later in this report.

The Council must also have regard to the practical consequences of refusing the current application because the extant host permission is a material consideration as a 'fallback' position. The host permission is a fallback because, notwithstanding correspondence suggesting that there is a covenant on the land that would currently prevent the host permission from being carried out (a civil matter), there remains a prospect of it being brought forward and this has been confirmed with the applicant alongside their intention to do so should this application fail. To be clear: a fallback does not have to be probable or even likely. A mere possibility is sufficient to establish the position.

Obviously, by law material considerations must be taken into account (as s70(2) of the 1990 Act) and planning decisions are taken in accordance with the development plan unless other material considerations indicate otherwise (as s38(6) of the 2004 Planning and Compulsory Purchase Act). In such circumstances where the host permission is a fallback for the applicant, case law directs that the Council must consider whether the implications of the proposed revisions be better, worse, or broadly similar to the already permitted/host scheme.

For the reasons that will be given in this report, officers conclude that the proposed changes are in accordance with the development plan such that the direction is to grant planning permission without delay. However, even if that is disputed, the overall effects of the proposed development are considered to be broadly similar to those of the host permission as a fallback position and this is a material consideration sufficient to decisively direct that approval should be given in any event.

Objectors point out that the application is in breach of policy TTV22, which sets a limit of 3,200sqm of employment floorspace. This is not a point that can form a reason for refusal: firstly, as the above decision-taking framework makes clear, the nature of a s73 application is such that the principle of development cannot be revisited in this case; secondly, the permitted and extant scheme is *already* in breach of that policy requirement where it has a GIFA of 4,120sqm so the proposed scheme is no different in exceeding the 3,200sqm threshold.

The appropriateness of the changes sought are now considered in the subsequent sections of this report.

Housing Mix/Quality of Accommodation

It is already established that the principle of development is settled and cannot be revisited under the s73 application that has been made. However, in consideration of the internal reconfiguration of flats, particularly in relation to the 5no. 'suites', it is important to ensure that the overall mix remains both compliant with planning policy and consistent with the operative part of the host permission being a 68-bed care home.

Firstly, it should be uncontroversial that, as made clear by Government, the need to provide housing for older people is *critical*: people are living longer lives and the proportion of older people in the population is increasing. Likewise extra care and other specialist housing is crucial in helping people to live safe and independent lives. Those objectives are consistent with the JLP (e.g. policy DEV8) and Totnes Neighbourhood Plan ('TNP', policy C4) in seeking to meet housing needs, and the housing crisis declared by the Council. The proposed development would continue to satisfy those objectives and compared with the host permission there would be improvements to the quality of accommodation provided recognising the increased balcony sizes/circulation space and improved communal and service areas.

Consideration has been given to the concern that the development would increase from a 68-bed scheme to a 73-bed scheme. This is due to the provision of 5no. suites on the upper/2nd floor (rooms 59, 60, 62, 66, and 68), where the DAS has described them as being suitable for residents and their partners. The relevant floor plan extract is copied below:



The applicant has since confirmed that in respect of those rooms:

'The building will remain a 68-bed care home, the upper floor units offer unique proposal where the resident's accommodation will comprise of bedroom with en-suite, lounge and kitchenette but it will remain a single occupancy unit.'

This can be secured by planning condition and officers are therefore satisfied that the accommodation meets the policies of the development plan and remains consistent with the operative part of the host permission as a 68-bed care home.

Design, Landscape/Townscape Character and Appearance; Trees:

The policies of the development plan seek to secure high-quality design (policy DEV10) and recognise the intrinsic character and beauty of the countryside; the application of JLP policies DEV20 and DEV23 seek to secure development that is compatible with it. Relevant TNP policies include V1, En2, En3, and En4.

The above local policies are consistent with the policies of the NPPF where national policy also directs that local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (para. 140).

The application site is on rising land close to the River Dart and is in a sensitive location potentially visible from a number of locations within and around Tones; in particular the site is visible from the public footpath/Paradise Walk [see Elevations A and E extracts, above].

The Council's reasons for granting the host permission included consideration of the significant reduction in height in comparison to the Guinness Partnership scheme, and varieties in height and articulation of the subject building so that it would not appear monolithic or dominant in the landscape, with the use of sedum roofing on the southern block to soften roofscape views from Paradise Walk. Officers consider that those same considerations apply in this case and the views of the two landscape specialists that have passed comment on the application, and who raise no objection, are endorsed. As the first specialist officer noted:

'The proposed variation does introduce a variety of changes to the external form of the previously consented scheme on the site. Nevertheless, the changes being proposed to the previously consented scheme are not considered so great as to bring about any notable changes to the level of effects on visual amenity or landscape character than previously identified; the proposed variation would remain consistent with the requirements of DEV20 and DEV23 in landscape and visual terms.

The submission is supported by a Soft and Hardworks Plan – 07530-1 that if implemented as shown, would provide a suitable landscape and green setting to the proposed development.'

The second officer states:

'As previously recognised the proposed variation introduces a number of changes to the external form and appearance of the consented scheme and earlier iterations. These includes changes to the building profiles across the site and reduced areas of sedum roof on the eastern end. Additionally, the proposed landscape plan submitted with the current proposal has been revised with increased tree planting at the eastern elevation. The areas of planted land beyond the application site remain the same.

The building heights overall are consistent with the approved scheme but with some elements of the roofscape having changed, with some slightly higher profiles in places. However, there is indication of roof mounted services which are not illustrated; this has the potential to be visually discernible from some limited, but more elevated, public views. This should therefore be fully mitigated with physical screening and mechanical structures should not exceed the current parapet heights (currently at circa. 20.93m).

In reviewing the overall variations to the design in the context of the wider landscape, including more sensitive views some distance to the south from within the AONB, the changes are not considered significant against the approved scheme; in particular recognising the site context with the existing Extra Care Home and Camomile Lawn developments, above and beyond views from locations to the south and west. Officers are therefore satisfied that any resulting effects on the visual amenity and landscape character remain consistent with those previously assessed, and therefore accord with the requirements of JLP Policies DEV20 and DEV23.'

In respect of roof plant, the applicant has commented as follows:

'No part of the building including any related or attached structures or plant equipment would exceed 20.00m AOD however, as the line of the parapet undulates to height between 19.15m AOD and 19.98m AOD, some parts of the equipment would be visible above the parapet should we look at a flat elevational drawings.

In real life, it is unrealistic that any elements of the plant would be visible from the pedestrian level as all elements are pushed inwards in comparison with the façade. As for the residents of Sparkhays Drive, their properties' first floor windows are placed above the roofline of the proposed care home therefore they would be looking onto the roof from a height and whether the plant would protrude above the parapet is not relevant.'

Officers are inclined to accept the applicant's position. However, recognising the importance of the issue to local stakeholders it has been agreed that by planning condition it will be ensured

that no part of the building (including any plant), shall break the 20.00m AOD line. Officers additionally propose to condition the final approval of the location and treatment of any plant including enclosures/screening, to ensure that impacts are minimised noting the potential for visibility from Paradise Walk (this would also deal with potential emissions issues, as considered later in this report). Likewise, the inclusion of living/green walling is a positive addition that offers betterment to the host scheme; the final details of this element can also be secured by condition including measures for future management and aftercare.

Overall, the development is considered to be compatible with the wider townscape pattern of development and setting and would respect local distinctiveness in accordance with the aforementioned planning policies. In comparison to the host permission the overall effects are considered to be broadly similar.

Highways:

The LHA has raised no objection to the application/does not wish to make any comments. This is understandable because the nature of the proposed development is fundamentally the same as the host permission.

It continues to be the case that safe and suitable access can be achieved for all users and that impacts upon the local highway network would be acceptable. The application therefore accords with policy DEV29 and the NPPF in that respect. Relevant parking conditions and implementation of EV charging would remain/would be transferred from the host permission to the new permission.

In having regard to the above, it is considered that the proposal accords with JLP Policy DEV29. Even if the level of parking proposed was deficient when tested against any improved or new policy standard or guidance, because the parking arrangements would remain unchanged from the fallback position this would not be a justifiable reason to refuse permission.

Respondents have observed that the new scheme involves a greater level of excavation such that increased construction movements are likely (also recognising the nearby Air Quality Management Area). Officers agree. However, the effects of such an impact would be relatively short-lived and can be adequately managed through a revised Construction Management Plan, controlled by condition. The effects between schemes would remain broadly similar.

Residential Amenity:

It is always necessary for developments to take into account the amenities of neighbours, third parties and impact on the environment. In this case, the proposed development would continue to comply with the principles of good neighbourliness and the protection of existing residential amenities.

Following a request from a member of the public, the drawings were annotated to show the back-to-back distances between the proposed building and existing residential properties on Sparkhays Drive. Those distances all exceed usually acceptable tolerances (noting also the guidance in the JLP SPD): there would be no unacceptable loss of outlook to residents (existing or future occupants) and risk relating to overlooking would be manageable through planning condition ensuring that balcony features are obscurely glazed. Overshadowing issues also do not arise due to the degree of separation and the nature of topography.

Respondents have also raised concern regarding the likelihood of plant being installed on the roof of the development and where the plant room(s) have also been reconfigured so that they are closer to existing properties. Notwithstanding that the EHO raises no objection, and that

existing conditions relating to noise and odour would continue to apply (as imposed on the host permission, as conditions 6 and 7) officers additionally recommend that no external plant shall be installed without prior approval so that adverse impacts can be avoided.

The development would therefore accord with JLP Policies DEV1, DEV2, DEV10 and the requirements of the NPPF. The effects between the proposed scheme and host permission would remain broadly similar.

Flood Risk and Drainage:

Most of the application site is within Flood Zone 1, and it is only the access that falls within Flood Zone 3. The application therefore takes a sequential approach in siting the vulnerable aspects of the development to an acceptable area of reduced flood risk.

There is inconsistency and debate within planning and appeal decisions regarding the requirement to comply with the 'Sequential Test' and 'Exception Test' in such circumstances. In this case the Environment Agency raise no objection but as part of their standing advice have indicated that this should be carried out. However, regardless of whether policy DEV35 or the NPPF are complied with in this discrete respect, this would not be a reason for refusing the current application because the principle of development (with the development being permitted to be sited as it is) is already settled and so this is beyond the scope of the s73 process.

Nevertheless, the applicant has amended the proposed plans to include a safe, paved passage labelled a 'Flood Exceedance Route', to be used in case of the site entrance being flooded while the site was to be vacated. This flood evacuation route has been consulted with Environmental Agency and their latest response raises no objection.

In respect of the management of surface water, the LLFA no longer raise any objection to the application based on updated information from the applicant where it is proposed that water is drained via an attenuated discharge offsite to the River Dart, via a dedicated new requisitioned sewer by South West Water. Officers are satisfied that there remains a technical solution to drainage matters (recognising that the host permission has already been signed off in that respect) and the reimposition of a condition to agree a final strategy, as recommended by the LLFA, is recommended. This routing is then also capable of taking into account the views of the local rowing club, and this has been confirmed with the applicant.

SWW raise no objection. The relevant foul water condition would be re-imposed for agreement before any further development takes place.

The application is considered to accord with policy DEV35 but insofar as there is any objection due to the access falling within Flood Zone 3 this is not fatal to the application because it remains similar to the host permission in that regard and permission for development in the location proposed already exists.

Ecology and Biodiversity:

The key consideration in relation to this issue is the potential for impact upon bats, as recognised when the host permission was granted. As set out by the county ecologist, a Habitats Regulations Assessment (HRA) was completed by the Council and agreed with Natural England for application 4165/17/FUL. This HRA made it a requirement of the development to ensure that light levels did not exceed 0.5 LUX at features identified as likely to be used by Greater Horseshoe Bats. These features included the western boundary hedgerow.

Despite this feature being 'off-site' in terms of being outside the red line of this current planning application, the requirement applies equally to this development, to ensure illumination associated with the care home does not have an impact on the bats' use of the feature.

The previously approved proposal accorded with these HRA requirements and showed that light levels did not exceed 0.1 LUX at the off-site western boundary hedgerow, and that light levels did not exceed 0.5 LUX within 10m of this hedgerow. The lighting proposed for this variation of conditions application is in line with the approved HRA for application 4165/17/FUL. It is therefore acceptable in this regard. Other conditions from the host permission relating to landscape and ecological management would continue to apply.

No Biodiversity Net Gain has been proposed as part of the application but as a s73 application for a permission that precedes the current legislation, it is exempt. Policy DEV26 does require an element of BNG on all major schemes but the latest Government policy is that:

'Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework.'

Therefore, despite an overall compliance with policy DEV26 there is a degree of conflict due to the lack of BNG. However, the Government is clear that no weight should be given to this matter and in any event, this was not a requirement of the host permission so the impacts remain broadly similar. General enhancements to biodiversity can be secured and the condition from the host permission (bat/bird boxes) will be carried across alongside the LEMP requirement.

Energy Efficiency and Climate Change

The application is accompanied by an Energy and Sustainability/DEV32 statement which details how the policy requirements are capable of being met. Relevant measures include energy-efficient building design as well as low and zero-carbon technologies such as air-source heat pumps and PV.

Because the final details are not yet known, they can be secured by condition to ensure that such measures are appropriately sited. In doing so, it should be recognised that this is a significant improvement upon the host permission where no such provision was made.

Planning Balance and Conclusion:

Case law has emphasised that a key part of the s38(6) statutory duty is to determine whether the development accords with the development plan when viewed as a whole. It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed and the extent of the compliance or breach.

Overall and in the round, the application is considered to accord with the development plan insofar as the changes proposed under this s73 application.

However, the issue for the Council in determining the s73 application is not to revisit the questions of principle (i.e. should there be any development of this nature and scale on this site at all in the first place). The compass of debate is narrower, i.e. would the implications of the proposed revisions be better, worse or broadly similar to the already permitted scheme

which is a fallback position. For the reasons given, the impacts and effects of the proposed scheme are broadly similar to those of the host permission.

In light of the above analysis the application falls in favour of a grant of planning permission, consistent with the direction of the development plan where the proposed development – in so far as the issues raised by the amended details and the delta of change between “as permitted” and “as now proposed” – complies with the plan as a whole.

Permission can be granted subject to the proposed conditions, including those that remain relevant from the host permission being re-imposed as required.

This application has been considered in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 and Sections 70 and 73 of the Town and Country Planning Act 1990.

Planning Policy

Relevant policy framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the Planning and Compensation Act 2004 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).

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 13th May 2019 confirming the change.

On 19th December 2023 DLUHC published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon’s joint HDT measurement as 121% and the consequences are “None”.

The combined authorities can demonstrate a 5-year land supply of 5.84 years at end March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities’ Housing Position Statement 2023 (published February 2024).

[*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

SPT3 Provision for new homes

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Neighbourhood Plan:

Following a successful referendum, the Totnes Neighbourhood Plan was adopted on 30th November 2023. It now forms part of the Development Plan and should be used in determining planning applications within the Totnes Parish.

Relevant policies include:

V1 Local Identity
En1 Sustainable Development and the Settlement Boundary
En2 Development and Design
En3 Historic and Built Character
En4 Landscape Setting of Totnes
En5 The River Dart
En6 Enhancing Local Environmental Capacity
C4 Housing

Other Material Considerations:

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (JLP SPD)

Other material considerations include the policies of the NPPF and guidance or policy in the national Planning Practice Guidance (PPG).

The development complies with the policies of the NPPF when considered as a whole. That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c)), planning permission should be granted without delay.

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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Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- A-730 01 Rev C Location Plan
- A-730 02 Rev G Proposed Site Plan
- A-730 03 Rev C Floor Plans
- A-730 04 Rev C Floor Plans
- A-730 05 Rev C Roof Plan
- A-730 06 Rev A Site Sections
- A-730 07 Rev A Site Sections
- A-730 08 Rev B Site Plan with Sections
- A-730 09 Rev D Site Sections
- A-730 10 Rev A Site Sections
- A-730 11 Rev D Proposed Elevations
- A-730 12 Rev D Proposed Elevations
- A-730 20 Rev E Retaining Structures and Site Boundary Treatments
- 1156 EXT-001 Rev C External Lighting

2. All 68no. residential units shall be single occupancy.

[Reasons for conditions 1 – 2: For the avoidance of doubt and in the interests of proper planning to secure an orderly development and to ensure that the resultant development is consistent with the operative part of the planning permission]

3. No part of the building including any related or attached structures or plant shall exceed 20.00m AOD.

4. No external plant shall be installed without the prior written agreement of the planning authority, following a submission of details including the nature of the plant to be installed, any related emissions, means of enclosure and/or screening and the timescale for their installation, and arrangements for future management and maintenance). The development shall be carried out in accordance with the approved details.

[Reasons for conditions 3 – 4: In interests of conserving landscape/townscape character and visual amenity, as well as residential amenity (condition 4), in accordance with policies DEV1, DEV2, DEV10, DEV20, and DEV23.]

5. The development shall be carried out in strict accordance with the External Lighting Proposal (Betton Consulting Rev C, April 2023) including drawing no. 1156-EXT-001 Rev B. All lighting shall be installed prior to first occupation and no other external lighting shall be installed and the approved lighting levels shall not be exceeded at any time.

[Reason: To safeguard ecology consistent with the previous HRA, and to safeguard residential and public amenity in accordance with policies DEV1, DEV2, DEV20, DEV23, and DEV26.]

6. No further development shall take place until details of how the development will meet with the objectives of policy DEV32 of the Plymouth and South West Devon Joint Local Plan have been submitted to and approved in writing by the local planning authority. Such details shall be based on the measures contained within the Energy and Sustainability Statement (Aval Consulting, April 2023). The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

[Reason: To demonstrate that the development that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.]

7. No further development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
- a. A detailed drainage design based upon the approved Steamer Quay Drainage Strategy Report (Report Ref. CB2324-CAM-ZZ-XX-RP-C-001, Rev. P02, dated 10th July 2023).
 - b. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - c. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - d. A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

[Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017), policy DEV35, and national policies including NPPF and PPG.]

8. No further development shall take place until a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
- a. Location and installation of services/ utilities/ drainage.
 - b. Details of construction within the RPA or that may impact on the retained trees.
 - c. Full specification for the installation of boundary treatment works.
 - d. Full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - e. Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - f. A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - g. Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

- h. Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- i. Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

[Reason: Required to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality, in accordance with policy DEV28.]

9. No further development shall take place until an updated hard and soft landscaping plan generally based on drawing ref. 07530-1 (HCUK) has been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- a. Location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;
 - b. a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping;
 - c. details of materials to be used for hard landscaping and the provision of samples if requested by the LPA.

The scheme submitted shall be fully implemented in the planting season following the substantial completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

[Reason: To protect and enhance the visual amenities of the site and locality, in accordance with policies DEV20 and DEV23. The currently submitted plan is broadly acceptable but does not account for recent scheme amendments including and agreed increased provision of sedum roofing.]

10. Prior to development proceeding above slab level, full details for the green “living walls” as shown on the approved elevations shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:
- a. Planting details including planting schedules, noting species, planting sizes and proposed numbers/densities where appropriate, written specifications (including cultivation and other operations associated with plant establishment).
 - b. Management plan, including management responsibilities, and a schedule of maintenance operations.

The development shall be carried out in accordance with the details as agreed and thereafter on completion retained as such. The approved green walls shall be installed prior to first occupation.

[Reason: In the interests of the character and appearance of the area in accordance with policies DEV20 and DEV23.]

11. The development shall be constructed to achieve Secured by Design compliance.

[Reason: In accordance with policies DEV10 and DEV20, to ensure a consistent level of security throughout and opportunity for crime, fear of crime, ASB and conflict are minimised.]

12. No further development shall take place until a site investigation in relation to the retaining walls has been carried out in accordance with a methodology which shall have previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development takes place. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development takes place.

13. If, during the course of development, any unexpected land instability issues are found which were not identified in the site investigation, additional measures for their remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

[Reason for conditions 12 – 13: To ensure that surrounding land is safeguarded noting the severe topography/levels difference and extensive excavations required to facilitate the development adjacent to existing properties.]

14. Notwithstanding any previously approved details, no further development shall take place until a revised Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority, detailing measures to mitigate or reduce the impact of the construction activities. The revised CEMP shall be based upon the details previously approved under condition 8 of the host permission (discharge ref. 2082/20/ARC) and shall additionally deal with considerations arising from the additional excavation and retaining features proposed. Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users. A revised CEMP is required recognising the additional excavation and retaining features proposed.

15. The development shall not be occupied until details of the glazing of the balcony features (as identifiable on the approved drawings) have been submitted to and approved in writing by the Local Planning Authority. The balconies shall be obscurely glazed.

[Reason: In the interests of residential amenity in accordance with policies DEV1 and DEV2.]

16. Notwithstanding any previously approved details, no further development shall take place until a revised acoustic assessment of the site and proposed development with details of any attenuation necessary, in accordance with BS8233:2014 and BS4142:2014, has been submitted to and approved in writing by the Local Planning Authority for approval. This scheme once approved shall be implemented and maintained in perpetuity.

[Reason: In the interests of amenity for future and neighbouring residential occupants in accordance with policies DEV1 and DEV2. A revised assessment is required accounting for the amendments to the scheme including reconfigured internal layout.]

17. Prior to occupation of the development, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

[Reason: In the interests of amenity for future and neighbouring residential occupants in accordance with policies DEV1 and DEV2. This condition remains relevant from the host permission and is reimposed.]

18. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the previously approved remediation strategy (under condition 3 of the host permission, approved under application 4006/19/ARC) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

[Reason: To safeguard against environmental risks in accordance with policy DEV2. This condition remains relevant from the host permission and is reimposed.]

19. 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 amended investigation and risk assessment and, where necessary, an amended 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, in accordance with policy DEV2. This condition remains relevant from the host permission and is reimposed.]

20. Notwithstanding any previously approved details, prior to development continuing above slab level the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

[Reason: In the interests of air quality. This condition remains relevant from the host permission and is reimposed. Previously approved details require resubmission to ensure compliance noting that whilst the overall provision of parking remains the same, the layout has been revised.]

21. The measures set out to reduce reliance on use of the private car as set out in the Travel Plan prepared by Transport, Planning & Highways Ltd dated November 2017 shall be adhered to during the lifetime of the development, including monitoring of the plan. Monitoring records shall be made available for inspection by the Local Planning Authority for a period of time of a minimum of the preceding 12 months of the request and shall be provided within 10 working days of such a request being made to the site operator.

[Reason: To minimise the use of the private car in the interests of air quality and the safety and convenience of users of the highway. This condition remains relevant from the host permission and is reimposed.]

22. Notwithstanding any details indicated within the application, prior to development continuing above slab level full details, including samples, of the materials to be used in the external elevations and roofs and including details of doors, windows and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

[Reason: In the interests of visual amenity. This condition remains relevant from the host permission and is reimposed.]

23. No part of the development hereby approved shall be brought into its intended use until the parking facilities, including parking and electrical charging facilities and turning area have been provided in accordance with the approved plans. The approved parking and turning areas shall be maintained and retained for that purpose at all times.

[Reason: To ensure that adequate facilities are available for the traffic attracted to the site and in the interests of the safety and convenience of users of the highway This condition remains relevant from the host permission and is reimposed.]

24. Prior to occupation of the development the pedestrian access onto Paradise Walk in the south east corner of the site shall be provided in accordance with details that shall have previously been approved in writing by the Local planning Authority.

[Reason: To provide an alternative safe pedestrian access in the event of flood. This condition remains relevant from the host permission and is reimposed.]

25. Notwithstanding any previously approved details, no further development shall take place until full details for the management of foul water have been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained in perpetuity.

[Reason: In the interests of managing flood risk and pollution, in accordance with policies DEV2 and DEV35. This condition remains relevant from the host permission and is reimposed. Updated details are required noting the amended nature of the scheme.]

26. Prior to development continuing above slab level details of bat and bird boxes to be incorporated into the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall be installed prior to the occupation of the building, and they shall be retained and maintained in perpetuity.

[Reason: In the interest of biodiversity, in accordance with policy DEV26. This condition remains relevant from the host permission and is reimposed.]

27. Notwithstanding any previously approved details, no further development shall take place until an updated Landscape and Ecology Management Plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented and adhered to at all times and shall include measures for on-going monitoring.

[Reason: In the interests of bio-diversity in accordance with policy DEV26. This condition remains relevant from the host permission and is reimposed. Updated details are required noting the amended nature of the scheme.]

28. Prior to development continuing above slab level full details of all boundary treatments and any retaining walls shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details and shall be maintained and retained in perpetuity.

[Reason: In the interests of visual amenity in accordance with policies DEV20 and DEV23. This condition remains relevant from the host permission and is reimposed. Updated details are required noting the amended nature of the scheme.]

OFFICER'S REPORT

| | | | |
|------------------------|---|---------------|--|
| Case Officer: | Alexis Wilson | | |
| Parish: | Dartmouth | Ward: | Dartmouth & East Dart |
| Application No: | 0156/24/HHO | | |
| Applicant: | Mr Bradley Hughes 1b Mile End London Road Bath BA1 6PT | Agent: | Mr Matthew Halstead 1b Mile End London Road Bath BA1 6PT |
| Site Address: | 28 Redwalls Meadow Dartmouth TQ6 9PR | | |
| Development: | Householder application for erection of single storey ancillary residential annexe & associated works | | |



Reason item is being put before Committee: Cllrs Cooper and Yardy request the application is brought before Committee “on the grounds that DTC identified as grounds for refusal”.

Recommendation: Conditional Approval

Conditions:

1. Standard Time Limit
 2. Adherence to Plans
 3. Pre-Commencement – Drainage Scheme (*agreed in writing 29/02/2024*)
 4. Natural Slate of UK/EU origin
 5. Natural stone
 6. Natural timber cladding
 7. Ancillary use only
 8. Removal of PD Rights
-

Consultations:

- Town Council: Comment: *The Committee recommend refusal on the grounds the annexe was a standalone building and the development was a sub division of a plot. Reference DNPTE1 of the Dartmouth Neighbourhood Plan*
- DCC Highways: No Highways Objections

Representations:

Representations from Residents

Eight (8) letters of objection have been received, which raise the following points:

- The building of yet another dwelling is neither necessary or needed.
- 28 Redwalls Meadow is currently being advertised as an Air B and B offering accommodation for up to ten people
- This is the latest in a series of failed or withdrawn applications for the site
- The remaining plot comprising 28 Redwalls Meadow is constrained a
- There is no additional parking provided.
- Would represent an overdevelopment of a constrained site and cause further disturbance for those living nearby
- Actual content / layout is not specified
- Independent one or two bedroom house
- Seriously affecting neighbourhood amenity, privacy, and noise levels would create additional parking issues on Mount Boone and/or Redwalls Meadow
- Would be dominant and this proposal is out-of-keeping with the historic environment in this part of Dartmouth
- This proposed "annexe" does not comply with DEV20 (Place shaping and the quality of the built environment), DEV 23 (Landscape Character) and DEV25 (Nationally protected landscapes) of the Adopted Plymouth and South West Devon Joint Local Plan; also DEV 10.4 (Residential Annexes) and DEV 10.6 (Development

of Garden Space) of the adopted Supplementary Planning Document 2020 and DNP GE1 (Impact on the South Devon AONB).

- The plot is not large enough for two additional properties
- As an annex it would contravene JLP Policy DEV10.4, since (a) it is physically separate from the main building, (b) it has its separate access on to Mount Boone, (c) it has little dependence on the main house and (d) it has no functional relationship with the main house.
- Appearance is not sympathetic with, or subservient to, the main house.
- It is my understanding that letting the existing property for 10 people is a material change of use for which planning permission has not been obtained.
- The proposed building could easily be adapted to be a self-contained property, separate from 28 Redwalls Meadow, and then how would the Council enforce the principle residence requirements set out in the JLP and DNP?
- Adopted planning policies require development to conserve and enhance landscape and scenic beauty within the AONB; poor design is recognised as harmful
- The proposal does not fit the development pattern of Mount Boone and Redwalls Meadow and will harm local character
- It does not maintain local distinctiveness and adversely impacts on heritage assets in the immediate vicinity (Dartmouth Conservation Area, Listed Building and Walls 1197501, DNP non-designated heritage asset historic wall north side of Mount Boone).
- Green landscape character has been eroded following approval of 0445/23/FUL with large retaining structures and fences. The proposal will exacerbate hard landscaping and reduce garden area contrary to JLP Policy DEV23.
- The proposal fails in any way to meet local housing needs as set out in the DNP and so is contrary to Policy DNP H1. If used as a self-contained unit this would in addition be contrary to DNP H4.
- The design is worse than the previous withdrawn application (3221/23/HHO) which proposed a 'green monopitch roof'
- A pitched slate roof is now proposed, with numerous roof lights set in rows, more in keeping with a factory than a domestic building. This would create ugly light and noise pollution.
- It is out of keeping with the surrounding residential area
- The drainage plan is misleading and inaccurate as the conditions refer to the withdrawn application, i.e. 'green roof'. The slate roof will increase run off to soakaways in what is a constrained area, steeply sloping below the boundary
- The increase in accommodation would add to the number of people using the recently approved pedestrian access onto Mount Boone, by possibly up to a dozen people including children and pushchairs.
- The ancillary residential annexe is not integral to but severed from the main residence and could possibly form a separate dwelling at some future date
- No statement of use has been provided with the application.

Representations from Internal Consultees

None sought.

Representations from Statutory Consultees

None sought.

Relevant Planning History:

- 0400/22/PR4: Full Pre App - Pre Application Enquiry For - New dwelling to rear of property. (Re 3529/20/FUL withdrawn)
- 0445/23/FUL: Erection of a single dwelling and associated works.
- 15/0049/87/3: Alterations
- 15/0275/82/7-77: Erection of TV Aerial
- 15/0686/82/7-77: New two bay fire station.
- 15/0864/86/3: Alterations and extensions,
- 15/1171/86/3: Alterations and additions,
- 15/1340/78/1: Proposed Fire Station
- 15/1789/95/3: Erection of a conservatory,
- 1596/20/HHO: Householder application for erection of single storey garage, demolition of existing conservatory, alterations to existing fenestration and replacement cladding
- 1770/21/ADV: Advertisement consent for 2no. Dartmouth Fire Station entrance signs in reflective aluminium to be placed on grass verge in view of road
- 2097/22/FUL: Erection of a single dwelling & associated works (Resubmission of 3158/21/FUL)
- 3158/21/FUL: Erection of two dwellings and associated works
- 3221/23/HHO: Householder application for erection of two-storey ancillary residential annexe and associated works
- 3529/20/FUL: Application for erection of dwelling and associated residential annexe
- 0305/24/ARC: Application for approval of details reserved by conditions 3 (CMP), 5 (Soil Management Plan), 6 (Surface Water Drainage Strategy), 7 (Hedges / Stone Walls) , 10 (Boundary Treatments), 11 (Hard & Soft Landscaping) and 12 (Lighting Strategy) of planning consent 0445/23/FUL

| Design | YES OR NO |
|--|------------------|
| Would the proposal maintain the character and qualities of the area in which it is proposed? | Yes |
| Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area? | Yes |
| Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area? | Yes |
| Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site? | Yes |
| Is the parking and turning provision on site acceptable? | Yes |
| Would the proposal generally appear to be secondary or subservient to the main building? | Yes |

| Amenity | YES OR NO |
|--|------------------|
| Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues? | Yes |
| Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact? | Yes |

| | |
|---|-----|
| Is the proposal acceptable with regard to any significant change or intensification of use? | Yes |
|---|-----|

| Heritage | YES OR NO |
|--|-----------------------|
| If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area? | N/A |
| If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building? Grade I II II* | Grade I II II* N/A |
| (WD only) If sited within the World Heritage Site will the development affect the outstanding universal value of the designated area? | N/A |
| Other Impacts | |
| Does the proposal comply with DCC Highways standing advice such that it does not adversely affect highway safety? | Yes |
| Is the relationship with the PRow acceptable? | Yes |
| Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated? | Yes |
| Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable? | Yes |
| If the proposal within the National Landscape, is the impact acceptable upon the special qualities of the National Landscape? | Yes |
| Are the drainage details acceptable? | No |
| If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment? | N/A |

ANALYSIS

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

1. Principle of Development/Design/Scale:

1.1 When assessing the overall acceptability of a new building in this location, Policy DEV10.4 of the Plymouth and South West Devon Joint Local Plan (JLP) notes that annexes should be 'clearly ancillary' to the principal dwelling. In order to help both Officers and applicants understand whether the relationship between a proposed annex and the host dwelling is acceptable, the Supplementary Planning Document (SPD) provides guidance on the key features to be expected of a truly ancillary unit. The SPD notes that the level of dependence will be consistently considered by the LPAs based on the criteria set out below.

1.2 Annexes that demonstrate little dependence, i.e. are self-contained of the main dwelling, and appear effectively to be proposals for a new dwelling, will likely be refused planning permission the LPA will normally expect an annex to:

- o Be an extension to the existing dwelling, or an outbuilding sited within its garden;
- o Be functionally related to the main dwelling, for example where the occupant is a dependent relative of the main dwelling's resident(s);
- o Be used only in conjunction with the main dwelling;
- o Be in the same ownership as the main dwelling;
- o Be accessed via the main dwelling or its garden and not by means of an independent access.
- o Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently;
- o Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe; and
- o Be designed in such a way as to easily allow the annex to be used as an integral part of the main dwelling

(paragraph 4.130 of the JLP Supplementary Planning Document)

1.3 The proposed annex contains a single room with attached shower room, with no additional living area or kitchen facilities, is set close to the parent property, within the immediate garden space and is accessed via the main property entrance, with which it shares parking space. There is no request for change of use (a Householder application type – as has been submitted - cannot be used to change use in any case) with the description stating that the building is to be used as an annex ancillary to the main house. In addition, the size falls below that required for an independent two-person dwelling in space standards guidance (44m² compared to a required 50m²).

1.4 Using the guidance given within DEV10.4 and paragraph 4.130 of the JLP SPD, Officers consider that the application meets the parameters to be assessed as being an annex, and is therefore acceptable in terms of proposed use. For this reason, Neighbourhood Plan Policies DNP TE1 (subdivision of existing plots) and DNP H4 (Principle Residence) - as noted by Dartmouth Town Council as not being adhered to - are not deemed to apply as the permission requested is for an annex to an existing residential property, not a new independent dwelling.

1.5 With regards scale, design and material finish, policy DEV20 of the Plymouth and South West Devon Joint Local Plan (JLP) requires development to meet good standards of design. Proposals must have proper regard to the pattern of local development and wider surroundings in terms of (amongst other things), style, local distinctiveness, scale, materials, historic value, and character. DEV23 requires development to conserve and enhance the townscape by maintaining a local area's distinctive sense of place and reinforcing local distinctiveness. Neighbourhood Plan Policy DNP TE2 reiterates this, specifying that design be "reflective of the appearance and character of the area" (DNP TE2a) and that the external materials should be locally distinctive, natural and "where possible sourced within South Devon" (DNP TE2d).

1.6 The proposed single storey annex is to be constructed of natural slate and natural stone with a small element of natural timber cladding to the front, all of which are considered good quality low carbon materials which can be found throughout the local built landscape. The roof echoes that of the host dwelling in terms of pitch and material finish. The single storey height is more than 4m lower than the ridge of the host, and 2m below eaves height; as such the annex respects the primacy of the parent dwelling and is not deemed overbearing. The remaining garden area is adequate, and the available amenity space not impacted to a detrimental degree.

1.7 With regard the skylights, these are deemed modest in scale compared to the total roof area and unlikely to have a substantive impact in terms of light-spill, set as it is amidst a large number of other residential dwellings and well-lit public road networks.

1.8 Overall the scheme is considered to meet the provisions of DEV10, DEV20 and DEV23 of the JLP and DNP TE2 of the Dartmouth Neighbourhood Plan.

2. Landscape/South Devon National Landscape:

2.1 The development site is situated in the South Devon South Devon National Landscape (SDNL). 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”. Officers are required to assess the direct, indirect and cumulative impacts on natural beauty and policy encourages small-scale proposals that are sustainably and appropriately located and that conserve and enhance the natural beauty of the landscape.

2.2 Whilst the proposal does not specifically enhance the natural beauty of this protected landscape, the design is deemed to be neutral within the wider built environment and appropriate to its landscape context. As such the proposal is considered to be compatible with the provisions of DEV23 and DEV25 of the JLP.

3. Heritage:

3.1 Policy DEV21 of the JLP requires that “the significance, character, setting and local distinctiveness of heritage assets should be considered within an appropriate assessment to determine impact (DEV21.1) and “great weight will be given to the conservation of the Plan Area's designated heritage assets” (DEV21.2). Neighbourhood Plan Policy DNP TE3 requires development to “respect and enhance the Dartmouth Conservation Area” (TE3a).

3.2 Officers note that the application site is outside of the Conservation Area and Conservation Area buffer (100m and 60m away respectively), and the closest heritage asset is No.17 Mount Boone - ‘The Keep’ - located 63m away to the southwest. The topography of the site, height of surrounding walls and single storey design of the proposed annex results in there being no visibility from the wider public realm and no impact on these local heritage assets.

4. Neighbour Amenity:

4.1 Policy DEV1 requires that all proposals safeguard the health and amenity of local communities. To this end, new development should provide for satisfactory daylight,

sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents.

4.2 The proposal is an annex to the main dwelling. It is single storey and set away from neighbouring properties. Due to the topography of the site and surrounding area it will sit well below the level of the boundary fences/walls. Parking will be provided within the context of the parent dwelling, which has a private parking space which could easily accommodate up to 6 vehicles. There is no visibility into the gardens or windows of the neighbouring dwellings and no detrimental impact on the daylight, sunlight and privacy afforded to these dwellings. As such the proposal is deemed to meet the requirements of DEV1.

5. Drainage:

5.1 DEV35 states that, where development is necessary LPAs will “ensure that it is safe without increasing flood risk and pollution elsewhere” and that development should incorporate sustainable water management measures to minimise surface water run off (DEV35.4).

5.2 The site does not fall within a Critical Drainage Area or Flood Zone 2/3 and is not, therefore, considered a high risk flood area. Details of the drainage scheme have not been provided and as such it was considered necessary to attach a pre-commencement condition to the approval requiring that full details of the drainage scheme be provided to, and agreed by, the Local Planning Authority prior to any development commencing. This condition was provided to the applicant and agreed in writing on 29th February 2024. With this condition attached the application is considered to meet the provisions of DEV35.

6. Conclusion:

6.1 For the aforementioned reasons, the scheme is considered to meet the provisions of DEV1, DEV2, DEV10, DEV20, DEV21, DEV23, DEV25, DEV32 and DEV35 as well as Neighbourhood Plan policies DNP TE1, TE2, TE3 and H4 and guidance contained within the JLP Supplementary Planning Document (including, but not limited to, paragraph 4.130).

6.2 As such Officers recommend the application 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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
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
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan:

Following a successful referendum, the Dartmouth Neighbourhood Plan was adopted at South Hams District Council Committee on 15th December 2022. It now forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Dartmouth Neighbourhood Area.

The application is not considered to be against the provision of the following policies contained within the Neighbourhood Plan:

DNP GE1 – Impact on the South Devon Area of Outstanding Natural Beauty (AONB) Undeveloped Coast and Heritage Coast
DNP GE2 – Safeguarding the biodiversity and Green infrastructure throughout the Parish
DNP GE10 – Prevention of Light Pollution
DNP TE1 - Subdivision of existing plots
DNP TE2 – Design Quality throughout the Parish
DNP TE3 – Safeguarding Designated and Non-designated heritage assets and the conservation area of Dartmouth

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

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

Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions in Full:

1. Standard Time Limit: The development hereby permitted shall begin not later than three years from the date of this decision.

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. Accord to Plans: The development hereby approved shall in all respects accord strictly with drawing number(s)

2706 P501 Residential Annex, Floor Plans and Elevations received on 16 January 2024

2706 LA01 The location plan received on 16 January 2024

2706 P500 Rev A Existing & Proposed Site Plans received on 16 January 2024

2706 P502 Existing & Proposed Sections received on 16 January 2024

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

3. Prior To Commencement – Drainage Scheme: Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Thereafter, 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. 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 50%)..

3. Only once all of the above have been assessed and discounted will an offsite discharge be deemed acceptable. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%).

4. The offsite discharge will need to match 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. OR IF IN CDA:

The site is within a Critical Drainage Area which means that any surface water leaving the site must be limited to the 1:10 year green field runoff rate. This must be calculated in accordance with CIRIA C753. Full details of the flow control device will be required.

5. If discharging surface water to the main sewer, then written permission from SWW will be required.

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 in accordance with DEV35 of the Plymouth and South West Devon Joint Local Plan.

(Agreed in writing 29/02/2024)

4. Natural Slate: The roofs hereby approved shall be clad in blue-grey natural slates from a European source, shall be traditionally fixed using nails, not hooks, and thereafter shall be so maintained for the life of the development.

Reason: To perpetuate the use of vernacular materials and to secure the environmental credentials of the development in accordance with DEV20, DEV21 and DEV32 of the Joint Local Plan.

5. Natural Stone: All stonework, including alterations and repairs to the existing walls and the construction of new stone walls, shall be constructed of natural stone which matches the geological type, colour and texture of that occurring locally. The stonework shall be laid on its natural bed and pointed using a lime mortar with well graded sand and brush stippled joints, either flush or slightly recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. Thereafter, the stonework will be maintained in its natural state and shall not be rendered, colour washed or otherwise treated.

Reason: To ensure that the finishes and colours retain the character of the locality in accordance with DEV20 and DEV23 of the Joint Local Plan.

6. Natural Timber Cladding: The cladding hereby approved shall be natural timber. The cladding shall be allowed to patinate naturally and shall not be stained, colourwashed, or otherwise treated in a manner which would obscure the natural finish.

Reason: To retain the character and appearance of the host building and setting in accordance with DEV20 and DEV23 of the Joint Local Plan.

7. Ancillary Use: The annex hereby permitted shall not be occupied other than for purposes ancillary to the residential use of the dwelling known as 28 Redwalls Meadow.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling contrary to DEV10 of the Joint Local Plan.

8. Removal of PD Rights: Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and

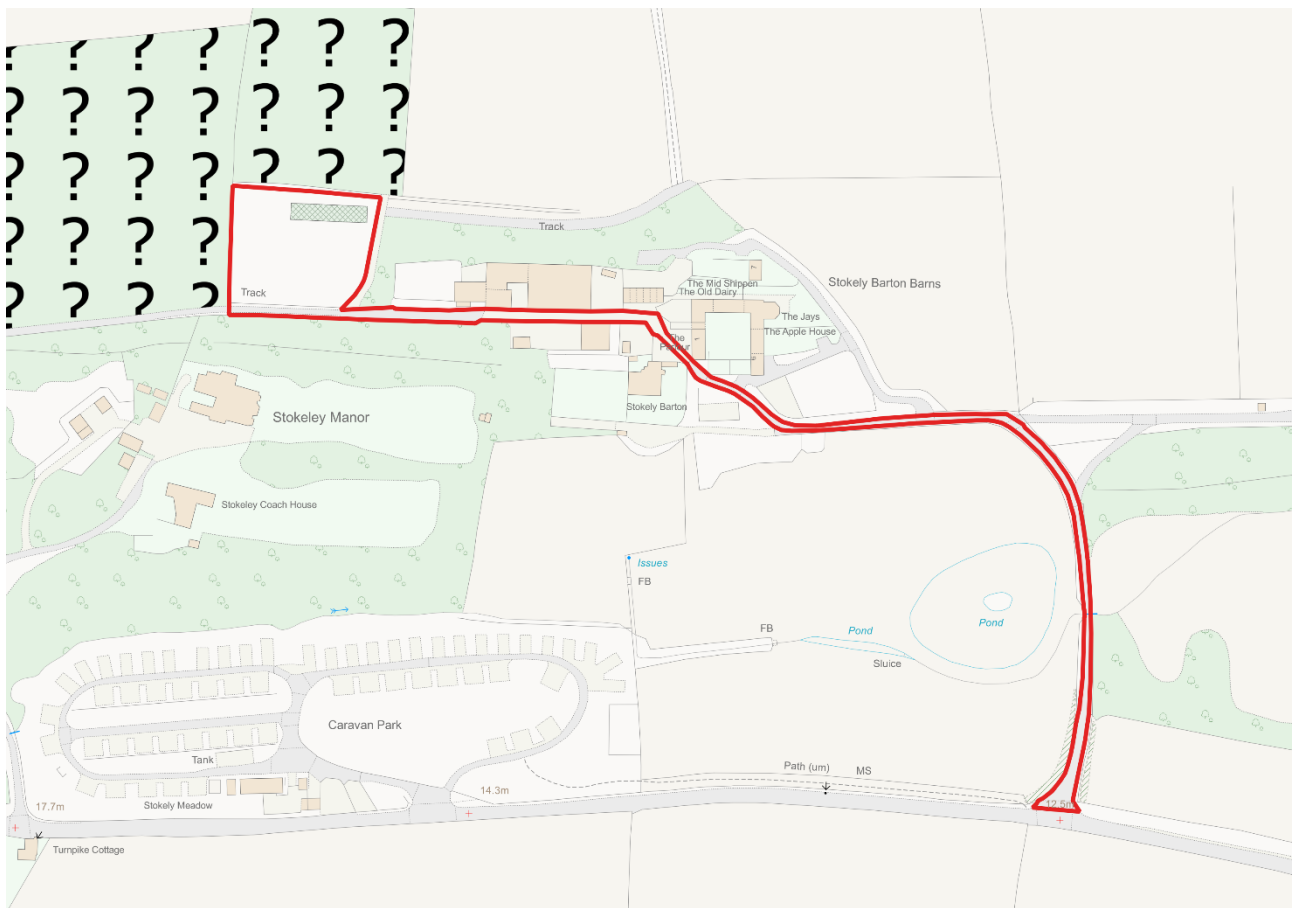
any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (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 1, Class G (chimney, flue or soil and vent pipe)
- (h) Part 1, Class H (microwave antenna) and;
- (i) 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, in accordance with policies DEV20 and DEV23 of the Joint Local Plan.

COMMITTEE REPORT

| | | | |
|------------------------|---|---------------|-----------|
| Case Officer: | Liz Payne | | |
| Parish: | Stokenham | Ward: | Stokenham |
| Application No: | 3570/23/FUL | | |
| Applicant: | Mr Sam Brooking Island Retreat Stokenham Kingsbridge TQ7 2SP | Agent: | |
| Site Address: | Stokeley Barton Farm, Stokenham | | |
| Development: | READVERTISEMENT (amended plans & documents) change of use from derelict poly-tunnel to new dwelling house | | |



Reason item is before Committee by Cllr Brazil:

The application is associated to a well-established business which is one of the biggest employers in the local area. It would be impracticable to move the business. I give supporting the local economy great weight in this case. Having a residential dwelling on site will improve

the smooth running, increase security, and support the overall efficiency of the business. Strict ties to the business would mitigate concerns of building in a position that would normally be allowed.

I agree with objections 5,6 & 7 but feel these can be overcome with conditions.

Recommendation: Refusal

Reasons for refusal:

1. The proposed dwelling does not respond to any proven agricultural, forestry and other occupational need that requires a countryside location. As such, there is no justification for the construction of a dwelling in the countryside, contrary to policy TTV26(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 79 of the National Planning Policy Framework (2021).
2. The proposed dwelling does not require a coastal location, and no information has been submitted to evidence why the development cannot reasonably be located outside of the Undeveloped Coast. No exceptional circumstances have therefore been demonstrated to support development within the Undeveloped Coast and Heritage Coast policy areas, contrary to policies SPT1, SPT2 and DEV24 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
3. The scale of the proposed dwelling would exacerbate an existing local imbalance of large detached dwellings in the housing stock contrary to policy DEV8 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
4. The proposed scale of the development and the scale of the proposed domestic curtilage within a rural setting would be out of keeping with the adjacent pattern of development contrary to DEV20 of the Joint Local Plan Plymouth & South West Devon Joint Local Plan (2014- 2034).
5. Insufficient information has been submitted to evidence that the proposal provides satisfactory traffic movement within the site contrary to DEV29 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
6. The proposed driveway would result in the loss of trees and result in harm to other trees within and adjacent to the site without adequate mitigation contrary to DEV28 of the Plymouth & South West Devon Joint Local Plan (2014- 2034).
7. Through the omission of any renewable energy sources shown on the submitted plans, the proposed development fails to contribute to the carbon reduction targets of the Joint Local Plan contrary to policy DEV32 of the Plymouth and South West Devon Joint Local Plan (2014- 2034), paragraphs 159 and 162 of the National Planning Policy Framework (2021), the Climate Emergency Planning Statement (2022), and the wider recognition of the need to move towards a low carbon society.

Key issues for consideration: Principle, Design and Landscape, Trees, Highways, Contaminated Land.

Site Description:

The application site comprises a parcel of land to the north of Stokeley Manor, approximately 500m east of Stokenham. The ground levels within the site rise steeply from the south to the north and this has been accommodated through a series of three terraces with redundant polytunnels on the higher two levels. The site is accessed by a concrete track leading through the adjacent complex of barns and units and this turns north along the eastern boundary of the site. Hedgerows and trees bound the site along the north, west and south.

The site is within the Undeveloped Coast, Heritage Coast and South Devon National Landscape.

The Proposal:

The proposal seeks permission for a four bedroomed detached house in the north east of the site and drive way along the west boundary. The dwelling would comprise two pitched roof single storey buildings, clad in timber and set at right angles to each other. One would be on the highest terrace and one on a lower level. The buildings would be linked via a flat roofed two storey stone building. A stone retaining wall would separate the drop in ground levels between the timber clad buildings.

Consultations:

- Drainage (Internal): no objection subject to condition
- Landscape Officer: no formal comments received
- Stokenham Parish Council: object
Parish Council would very much like to support the provision of a home for a young family but had fundamental issues with the site and design of this proposal. The location was an isolated site on non-residential land in the AONB that could continue to be used for trade or farming. It was outside the village development boundary, adjacent to land that had been used for waste storage and was likely contaminated, with unsatisfactory access for family, visitors and children via an unmade road through an industrial workshop development that raised health and safety concerns. The scrubby woodland site was currently dark at night and represented a favourable habitat for wildlife that would be affected by this daily intrusion. The applicant already lived less than 5 minutes drive from the business and Council could not see how siting this property away from the main farm shop would achieve the improved security desired. Instead it would introduce light spill into a dark area. The proposed design was felt to be very unsatisfactory. It appeared to have been conceived to maximize floor area by occupying the entire footprint of the disused polytunnels with a large and sprawling property that looked nothing like the barn it was described as resembling. The design and particularly the relationship of surface area to volume would create a very thermally inefficient building that was at odds with the climate statements in the application. No detail was given on U-values. Parish Council would be happy to support a more rationally designed building sited nearer to the farm shop/brewery business.
- Environmental Health: comments
Site may have been subject to contamination through its previous horticultural use and the existing storage of waste. A contamination land assessment would be required and this could be secured by condition if the application is approved.
- Tree Officer: objection
The proposed access would require the felling of trees which are of a height to be visible from views off site. No mitigation or assessment on the RPAs of trees prevents arboricultural support.
- DCC Highways: Standing advice

Representations:

Six comments have been received supporting the proposal and cover the following points:

- Proposal is for a local family.
- Dwelling would be in arms reach of place of work.
- Re-development of derelict site.
- Family is at heart of community and have diversified the farm to provide local employment and this justified them being able to live on the site.
- Would not impinge on our immediate surroundings or enjoyment of the environment (residents at Stokley Barton Barns)

Six comments have been received objecting to the proposal and cover the following points:

- Working farmhouse is already present on site and there is no need for further dwelling;
- Proposal extends beyond the existing curtilage of the farmyard;
- Too many properties in an already exhausted area;
- Not in keeping with surrounding properties.

Relevant Planning History

None.

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. The application site is 500m east of the settlement of Stokenham and immediately adjacent to Stokeley Barton Farm which now comprises a number of converted barns and working units. The site is separated from the settlement of Stokenham by Kiln Lane, agricultural fields and a small pocket of woodland. It is physically separated from the settlement and as the site is surrounded by trees it has a rural and secluded character.
- 1.2. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'. Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only '*where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27*'.
- 1.3. The applicant has provided a number of plans showing the walking route from the application site to the closest bus stop located opposite Stokenham Church (0.377 miles/610m), Stokenham Primary School (0.712 miles/1.15km) and Stokeley farm shop (0.372 miles/600m). While the bus stop and shop are within the acceptable walking distance for pedestrians, as set out in JLP policy SPT2 (Fig 3.2) the school is not. In addition, the route to the bus stop and to the school requires a walk across an unmade footpath along the edge of a field to reach Kiln Lane. Thereafter the route to the bus stop crosses through a second agricultural field. Although this may be acceptable for recreational purposes the route would not be accessible for all, particularly during inclement weather. Officers also consider the route would likely be restricted to daylight hours. Despite the apparent proximity to services,

Officers consider that the development in the location of the application site would likely be reliant on a private car for facilities and services beyond those met by the local shop.

- 1.4. Policy TTV26 of the JLP supports proposals that can demonstrate that a countryside location is required. Due to the proximity of Stokenham the application site is not considered isolated and part 1 of policy TTV26 is not applicable. The second part of the policy supports development, amongst other criteria, which responds to a proven occupational need.
- 1.5. The applicants run a tree tent business to the north of the application site and state that this requires an on-site presence 24hours a day during the camping season to accommodate the needs of the guests. They describe that currently, they struggle to get to the tree tent site to respond to guests needs and for this reason the business is not expanding as quickly as anticipated, but no further details have been submitted to support this statement. Officers have assessed the previous permission and note that it was proposed that guests were parking and checking in at Stokeley Farm Shop and that a full time member of staff would be required to look after the tree tents during the summer months. Officers acknowledge that there may be a preference for being close to the site whilst 'on-call' however, this does not in itself constitute a need for an on-site or nearby dwelling.
- 1.6. In addition, the applicants also work at the nearby Brewery at Stokeley Farm Shop and describe that they are required to oversee the fermentation and brewing of products which can last up to 18hours. Although the applicant describes each brew as unique and unpredictable in regard to how much input it requires, further details on the extent and character of the work required and an assessment of the business has not been provided. The occurrence of night or shift work does not constitute justification for a dwelling on or near to the brewery and similarly a preference to be located closer to work whilst being on call does not meet the high threshold of the policy.
- 1.7. The application site is located within the Undeveloped Coast where development is only permitted by JLP policy DEV24 if specific criteria are met. The first is whether the development requires a coastal location. As discussed above, the proposal does not have an occupational need to be sited within the proposed location nor does it require a coastal location. In addition, the Undeveloped Coast designation does not cover the whole of the parish and therefore the provision of new housing within the parish could be located outside of the Undeveloped Coast.
- 1.8. The application site is within the open countryside and Undeveloped Coast where development is restricted. Although close to a nearby settlement, occupiers would be reliant on the private car to access most services other than those offered by the farm shop and as such the location is not considered sustainable as required by JLP policy SPT1 and SPT2. Although the scheme would have a neutral impact upon some of the criteria listed within TTV26 it does not gain any support from the policy. In addition, the proposal is contrary to the requirements of DEV24 which only permits development within the Undeveloped Coast where a coastal location is required and the development cannot be located outside of the Undeveloped Coast designation.

1.9. South Hams District Council has declared a housing crisis due to an overprovision of larger properties, often under occupied, with a high proportion of second homes and holiday lets and a shortage of homes available for younger people, working families and older people wishing to retain a sense of self sufficiency. Policy DEV8 of the JLP prioritises the need to deliver an appropriate mix of houses across the plan area and take cognisance of any local imbalances in housing stock and respond accordingly.

1.10. Housing data from the 2021 Census (ONS) reveals that 72% of households within Stokenham Parish are comprised of 1 and 2 persons. Over 53% of homes have 2 or more unoccupied bedrooms and 34% have 1 unoccupied bedroom. As such, this indicates that there is an oversupply of larger dwellings and the housing need in this area is for smaller residential units (1-2 bedrooms).

1.11. The applicants have strong demonstrable links to the parish, and their intention to live in the dwelling themselves does accord with the aim of policies that seek to deliver housing for local people. However, in the absence of any legal restriction on occupancy no weight can be given to the local connection of the proposed occupiers. The proposal would result in a very large detached dwelling accommodating four generous double bedrooms and an internal floor space of 240sq m, nearly double the gross internal floorspace required by the Nationally Described Space Standards. As such the proposal would exacerbate an existing local imbalance of large detached dwellings in the housing stock contrary to policy DEV8.

2. Design/Landscape:

2.1. The Parish Council have raised concerns that the design of the building is not in keeping with the surrounding area and does not respond to the agricultural character of the site. Officers concur with the Parish Council's comments that the property is very large, and the proposed split-level design would result in a large footprint extending the property across the site. The access to the site is along the farm track which leads past the converted barns and other agricultural buildings and units sited adjacent to the track. Close views of the property would be seen within the context of busy workshops, units and yards. The large footprint of the dwelling would be set back and above the track, and would be set within an uncharacteristically large curtilage that would be significantly larger than the surrounding farm development. In this respect the proposal is out of keeping with the pattern of the surrounding development.

2.2. The contrast between the simple form of the pitched roof buildings and the flat roof element do add interest and the proposed materials, being burnt timber cladding, natural stone and the steel roofing do respond to the location. However, the drawings do not show sufficient information to understand how the guttering and down pipes would be incorporated, how the flat roof would be finished and the proposed window material. The success of the design would depend on the treatment of details such as these.

2.3. The impact on light spill has been raised as a concern. Officers do not consider that the proportion of glazing to solid walls within the design is inappropriate and

given the enclosed character of the site Officers do not consider that the proposal would result in an unacceptable harm to the landscape in this regard.

2.4. The proposed scale of the development and the scale of the proposed domestic curtilage within a rural setting would be out of keeping with the adjacent farm development contrary to DEV20 of the Joint Local Plan. However, given the enclosed nature of the site this impact would be localised and would not result in a harmful impact upon the wider landscape and the South Devon National Landscape.

3. Neighbour Amenity:

3.1. The nearest dwellings to the application site would be those within Stokeley Manor, approximately 60m to the south. A line of trees would also separate the application site from Stokeley Manor. Given these distances, in addition to the limited number of windows facing south, the proposal is not considered to result in impact on neighbour amenity and the proposal would not conflict with the aims of JLP policy DEV1.

4. Highways/Access:

4.1. The proposed development would use a route along the western edge of the development site as vehicle access. This area is currently a grassy steep slope rather than part of the terraced areas, although the gradient of the current slope has not been provided. Details of any re-grading or surfacing to upgrade this route and the existing private track which runs through the farm have also not been provided. As such it is not possible to assess the scheme against standing advice provided by DCC Highways and Officers cannot be satisfied that the proposal provides satisfactory traffic movement within the site contrary to DEV29 of the Joint Local Plan.

5. Trees:

5.1. As submitted the proposed driveway to the west of the site would cross the root protection areas of a number of trees and would require the felling of the trees marked T3 and G1 and possibly the group marked G23 and part of G3. The Tree Officer has found that these trees have gained sufficient height to be visible from views outside of the site and will therefore be contributing to the setting of the site and surrounding area. This impact is not acknowledged within the Arboricultural Impact Assessment and no mitigation has been proposed resulting in an objection from the Council's Tree Officer.

5.2. The applicant has subsequently suggested moving the driveway to the other side of the site where an existing concrete track already travels northwards along the eastern boundary. However, this track is outside of the development site as identified on the submitted location plan and as such cannot be accepted at this time.

5.3. The proposed driveway would result in the loss of trees and potential harm to other trees within and adjacent to the site without adequate mitigation contrary to DEV28.

6. Climate Emergency:

- 6.1. The Climate Emergency Planning Statement responds directly to the Climate Emergency declarations issued by South Hams and West Devon Councils and identifies measures for new development to meet the challenge of climate change. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan, including DEV32 and its supplementary planning document, embraces new standards and proposes new requirements.
- 6.2. Officers have assessed the submitted Climate Emergency Compliance Form which states that the proposal would include the provision of solar panels, battery storage, a ground source heat pump and an EV charge point. A quote for the solar panels and battery has been submitted and suggests that together the proposed measures could provide 99% of the required energy consumption of the dwelling. However, it is not clear whether this has not been compared with the predicted energy consumption of the designed dwelling and the information is not supported by an 'as designed' SAP. The Parish Council have raised concerns that the design of the building may not be thermal efficient and Officers note that the building has an unusual layout which may affect the heating and lighting requirement of the property. In addition, the panels and battery storage have not been shown on the submitted plans and elevations and it is not clear if the panels to be provided on the flat roof would be laid flat or angled southwards. In addition, the proposed location of the ground source heat pump and the EV charge point have not been included on the submitted plans.
- 6.3. Although Officers welcome the proposed measures to reduce carbon emission and increase on-site energy generation, insufficient information has been submitted to ensure these measures are suitable for the proposed dwelling and can be secured through the planning process.

7. Other Matters:

- 7.1. The submitted ecological survey by Nic Butler, dated 18th October 2023, identifies that the site represents potential habitat for reptiles and that the presence of slow worms and common lizards are assumed. As such a precautionary approach should be undertaken and a finger-tip search is recommended prior to vegetation clearance. A similar precautionary approach is also recommended for hedgehogs, dormice and nesting birds. In addition a number of enhancement measures are recommended including bird and bat boxes, log piles, mini orchard and wildflower meadow. If the application were otherwise acceptable the recommendations of the ecological survey would be conditioned to ensure the proposal complies with JLP policy DEV26.
- 7.2. On site, Officers noted there were several redundant pieces of equipment and machinery. Furthermore, the former use of the area for horticulture may also have resulted in some degree of contamination and as such a Contaminated Land assessment would be required for the site. The Environmental Health Officer has not objected to the application but has requested a suitably worded condition requiring a Contaminated Land Assessment has been submitted to and approved by the local planning authority prior to commencement on site. If the application were otherwise acceptable this would be applied to the permission.

8. Summary

- 8.1. The proposed dwelling does not respond to any proven agricultural, forestry and other occupational need that requires a countryside location or provide justification for why a coastal location is required, contrary to policies to protect the open countryside and designated Undeveloped Coast and Heritage Coast. In addition, the proposal would be for a large detached house which would not respond to an identified local housing need and therefore the proposal does not gain any support from DEV8.
- 8.2. The proposed scale of the development and the large domestic curtilage would not be in keeping with the adjacent farm development and although Officers do not object to the design of the dwelling insufficient details of the proposal has been provided to show the final finish.
- 8.3. Insufficient information has been submitted to show how the proposed driveway would be constructed and what the finished dimensions and gradient of the driveway would be and therefore Officers cannot ensure access on the site is acceptable. Further to this, the driveway as submitted would result in harm to the boundary trees. Although the applicant submitted an alternative access this is beyond the submitted red edge and cannot be accepted at this time. The objection by the Tree Officer is maintained.
- 8.4. Although a quote for solar panels has been submitted to show the applicants intent to install panels, the omission of any renewable energy on the submitted plans fails to secure any carbon reduction measures contrary to DEV32.

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 14th 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 19th 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 March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The application site is not 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:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

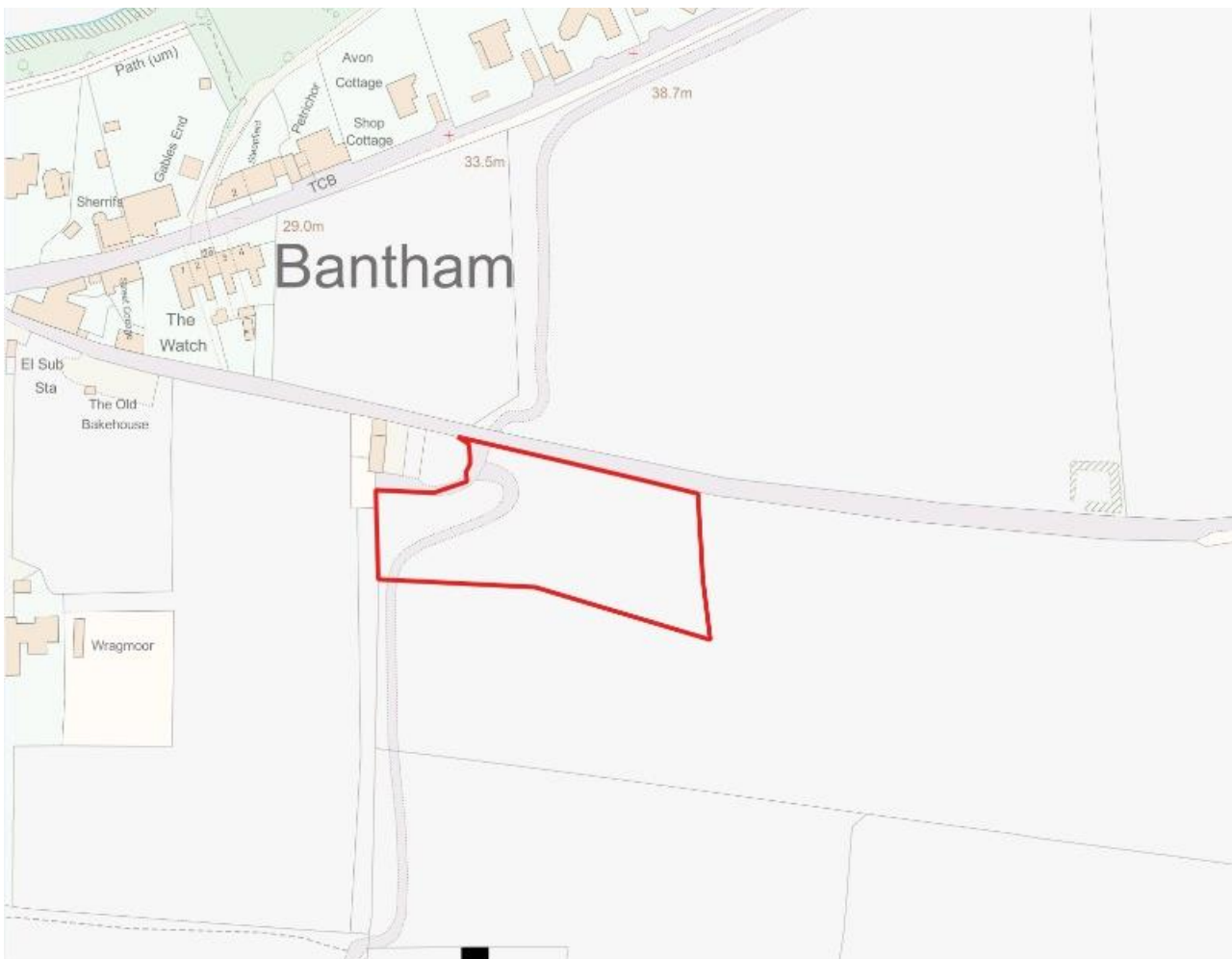
Considerations under Human Rights Act 1998 and Equalities Act 2010

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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OFFICER'S REPORT

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|------------------------|--|---------------|--|
| Case Officer: | Lucy Hall | | |
| Parish: | Thurlestone | Ward: | Salcombe & Thurlestone |
| Application No: | 2786/20/FUL | | |
| Applicant: | The Bantham Estate C/O Agent | Agent: | Shelley Coffey Rural Solutions Canalside House Brewery Lane Skipton BD23 1DR |
| Site Address: | West Buckland Barn, Bantham, TQ7 3AJ | | |
| Development: | READVERTISEMENT (Revised plans & documents) Erection of new agricultural store | | |



Reasons for taking item to committee – At the request of Cllr Long ‘*I would like the Development Management Committee to review this application, due to the level of public interest, given the concerns and strong objections of the Thurlestone Parish Council and others consistently over the long period of this application, to examine the issues raised related to development impact, need, setting, landscape, impact on NPL (AONB) and undeveloped coast. To have the Committee consider the concerns and questions over this proposal to review any challenges that this proposed development makes to policy including the Neighbourhood Plan policies.*

Recommendation: conditional approval

Conditions

1. Standard 3 year time limit
2. Development to accord with approved plans
3. Use restricted to agriculture
4. Unexpected contamination
5. Access improvements undertaken prior to first use of building
6. Construction management plan (pre commencement)
7. Landscape and Ecological Mitigation Plan (LEMP) (pre commencement)
8. No external lighting
9. No vegetation clearance outside bird nesting season
10. Development to accord with actions set out in ecology report
11. Written scheme of investigation (pre commencement)
12. Completion of post-excavation works
13. Installation of fencing around Middle Bronze Age roundhouse (pre commencement)
14. Tree protection plan (pre commencement)
15. Implementation of landscaping scheme
16. Submission of landscaping scheme for wider site (pre commencement)
17. Drainage (pre commencement)
18. stonework

Key issues for consideration:

- Principle / Sustainable Development
 - Design and Landscape Impacts
 - Neighbouring Amenity
 - Drainage / Flood Risk
 - Highways / Access
 - Ecology / Biodiversity
 - Low Carbon Development
-

Site Description:

The site lies at the south-eastern edge of Bantham and is accessed via Bantham to West Buckland Road (Class C). There is an existing gated access into the site and a track which provides access to the agricultural land to the south and the existing building to the west. The roadside boundary is defined by a hedgebank and trees. Other boundaries are mostly open and there are views across the valley to the south. The site is largely clear except for a mound of earth and vegetation.

A public footpath lies approximately 130m west of the site, and 200m south. The footpath leads to higher ground to the south of the site, where such can be seen in long distance views.

The application site is located within the: SWD Landscape Character Area (4D), the South Devon AONB, the Heritage Coast, the Countryside, the Undeveloped Coast, a Cirl Bunting Buffer Zone, the Thurlestone Parish Council / Neighbourhood Plan Area and a SSSI Impact Risk Zone. The site has an AGLV of Grade 3.

The site is located approximately 150m to the east of the Grade II Listed Building: ‘The Sloop Inn’ and 190m to the east of the Grade II Listed Buildings: ‘1-10’.

The site is not located within a high Flood Risk Zone as identified by the Environment Agency.

The Proposal:

The application was originally submitted for the change of use of the existing agricultural barn to the west of the site into C3 holiday let and erection of a new agricultural / estate store building for the Bantham Estate.

Since the initial submission, following discussions between the case officer and the applicant, the application was revised so as to remove the C3 change of use of the existing agricultural building on site.

The application therefore proposes the erection of a single storey agricultural building with the proposal description reading as 'Erection of new agricultural store'.

The building would take the form of a single storey rectangular block and would be situated along the northern boundary of the site, set back from the road by approx. 7.6m and approx. 14.5m to the east of the entrance. The building has a GIA of approx. 309sqm and maximum internal dimensions of 33m x 12m (external 33.645m x 12.146m).

The land currently slopes towards the south (currently a 3m difference in levels between the road finished floor level of the building). Approx. 7m south of the road, the land would be lowered by around 2.7m. The building would be covered a grass seeded flat roof and would have a maximum height of around 4.7m dropping to around 4.2m to the rear of the building. Drawing number 1900.100 Rev 7 'landscape layout plan', shows the maximum height of the building to be somewhere around 1.5m to 1.8m above the road level.

The southern elevation would include 5x 'galvanised steel roller shutter doors finished in powder coating 'RAL 6013 Reed Green'. Except for exposed section of walls on the southern elevation, the building would be covered in an earth mound, planted with smaller native shrub species. Exposed sections of wall would be clad in local natural stone. The southern boundary of the roof would be finished with 'local cut stone parapet capping'.

An agricultural yard is proposed on land immediately to the south of the proposed building. Drawing number 1900.100 Rev 7 'landscape layout plan' indicates that it would measure around 35m by 15m and would be surfaced with compacted hardcore. The applicant states that the yard size will allow for required agricultural vehicles to manoeuvre easily. From the south of the building the drawings indicate the existing levels would be lowered by approx. 0.5m and a gentle slope would be created to allow the yard to join with the natural ground levels at the south boundary of the site, where new buffer planting and native hedge planting is to be carried out. The yard will be enclosed by new tree and shrub planting to the east, south and west boundaries and will connect with the new agricultural building and associated earth mounds to the north.

Access into the site is proposed via the existing internal access track off West Buckland Road. Vehicles will pass through new timber gates along a hardcore surfaced track into the new yard. The proposal includes the removal of some vegetation (annotated on drawing 1900.100 Rev 7 'landscape layout plan' as dead trees) to facilitate a new 2.4m by 2.5m visibility splay. A new grass verge (max height 0.6m) is proposed to replace a small section of hedgerow.

Consultations:

The application has been through several rounds of consultation as the application has been amended. The comments below are based on the most up to date received from each consultee. Full details are available for viewing on the planning pages of the Council's website and due to the lengthy nature of some of the responses received.

Members are directed to review them at: <https://southhams.planning-register.co.uk/Planning/Display/2786/20/FUL>

Thurlestone Parish Council – previous responses attached at the end of the report
Objection

The Parish Council has written 4 Objection letters since 14/10 /2020 detailing reasons for objection and related policies.

Every single point of our previous objections stand in relation to the latest readvertisement. No exceptional circumstance exists to support the development of this over-sized development on a green field site when there are other storage facilities that already exist within the Bantham Estate and the location is unsuitable and unjustifiable. We trust the planning offer will take time necessary to re-read all the parish councils previous objections and come to the conclusion to refuse this application so that the much needed clean-up operation can begin.

There is no support for this proposal.

*Contrary to policies :TP1.1, TP1.2, TP1.4, TP1.5 ,TP 1.7 ,TP 2,TP8 , TP 14 ,TP15 ,TP 17 .
TP22.1*

Highway Authority

No objections, conditions recommended

Environmental Health

No objection, condition recommended

Historic Environment Team (DCC)

No objection, conditions recommended

Agricultural Consultant

Support

Ecologist (DCC)

No objection, conditions recommended

Devon Wildlife Trust

Made a few comments on the original iteration. No further comments received.

Natural England

No comments

Historic England

Not providing comments but suggest seek views of specialist conservation and archaeological advisers.

Drainage

No objection but recommend pre commencement condition

Tree Officer (SHDC)

No objection, condition recommended.

South Devon AONB Unit

Only provided comments on first iteration (objection). No further written comments provided but there have been informal discussions between the AONB Unit and the landscape officer.

Landscape Officer (SHDC)

No objection

Representations:

Over 80 objections have been received through the life of the application and rounds of consultation undertaken. Some respondents have made multiple representations. The comments received can be viewed in full on the planning pages of the Council's website and summarised as follows:

- Planned barn is 33m in length with internal height of 4.1m (height of double decker bus or railway road bridge). Development not small in scale as described by the applicant.
- The introduction of a new agricultural building / mass / built form /external appearance in this location (AONB, Undeveloped Coast) unacceptable/out of keeping with character.
- Light pollution impacts
- Increases in traffic to and from the site / highways safety.
- Concern over the future use of the site for residential purposes
- Other candidate sites available (Land at Lower Aunemouth Farm or Coronation Boat House)
- Landscape & Visual Impacts upon the South Devon AONB and Undeveloped Coast
- Failure to accord with JLP Policies and the Thurlstone Neighbourhood Plan
- Unsustainable Development
- Concerns over likely use of the building for car parking / shooting rather than agricultural
- Impacts upon wildlife / habitats including greater horseshoe bats
- Outside of the development boundary of the Thurelstone Neighbourhood Plan
- Loss of bird nesting and bat roosting habitats.
- The proposal does not meet exceptional circumstances test for development proposals in the Undeveloped Coast / Heritage Coast.
- Reduction in the sense of tranquillity to the area
- No public benefits
- Fails to meet principle residency tests
- Fails to accord with local housing needs
- Existing Barn on-site could be utilised or buildings at Lower Aunemouth or Coronation Boat House. Lower Aunemouth is centre of activity
- Could develop into major industrial complex out of keeping with tranquil area
- Risk of inviting further ribbon development
- Need not established.
- Proposed storage building would not store agricultural equipment
- The application fails to demonstrate utilisation % of existing storage facilities on the estate
- Should be investing in community and full-time residences, not tourism and seasonal occupancy
- Unsuitability of design of building for agricultural storage
- Use of Greenfield Land
- Proposal should be considered alongside other applications in the planning system
- Unauthorised changes / works taking place on-site.
- Introduction of other commercial developments within the estate, such as pheasant shooting. Potential for yard and building to be used in connection with such.
- Impacts/harm to ecology
- Impacts on pedestrian safety
- Piecemeal approach, cumulative impacts

Relevant Planning History

The site:

- 55/2161/03/CU - Retrospective application for change of use from agricultural to builders yard and store. Conditional Approval.

Other sites within Bantham Estate:

- 55/0516/04/CU (Sloop Barn) - Change of use from redundant agricultural building to boat storage and maintenance. Refusal.

- 55/2082/04/F (Sloop Barn) - Change of use to light industrial together with external works and refacing of building. Refused. Dismissed.
- 55/0647/05/F (Sloop Barn) - Change of Use of existing premises to light industrial together with external works, and refacing of existing building. Refused. Dismissed.
- 55/0341/08/F (Sloop Barn) - Change of use to light industrial together with external works and refacing of building. Conditional Approval.
- 55/1532/12/F (Sloop Barn) - Change of use to light industrial together with external works and refacing of building. Conditional Approval.
- 3400/16/FUL – Retrospective application for construction of dog kennels. Conditional Approval.
- 2909/17/FUL (Bantham Beach Access) - Temporary change of use, for 2 years, of farmland to a use of land for the siting of welfare cabins and parking of vehicles and plant for contractors working on the construction project at Clock Cottage. Conditional Approval.
- 0383/18/VAR (Bantham Beach Access) - Variation of condition number 2 following grant of planning permission 2909/17/FUL to allow changes to the approved site plan. Withdrawn
- 1218/18 (Bantham Beach Access) - Temporary change of use, for 1.5 years, of farmland to use of land for the siting of welfare cabins and parking of vehicles and plant for contractors working on the construction project at Clock Cottage. Conditional Approval.
- 0227/20/FUL (Bantham Beach Access) - READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Conditional Approval.
- 0332/21/FUL (Bantham Beach/Access) - READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Withdrawn.
- 3025/21/FUL (Lower Aunemouth) – READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks. Conditional Approval.
- 3026/21/FUL (West Buckland) - READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks. Conditional Approval.
- 0915/22/FUL (Bantham Beach/Access) - READVERTISEMENT (Revised plans received) Erection of new Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office. Refused.
- 2605/22/FUL (Coronation Boathouse) - Proposed conversion of first floor into holiday let & cliff stabilisation works (part retrospective). Refused
- 2606/22/LBC (Coronation Boathouse) - Listed Building Consent for proposed conversion of first floor into holiday let & cliff stabilisation works. Refused.

ANALYSIS

1.0 Principle of Development/Sustainability

- 1.1 The higher-level policies of the Plymouth and South West Devon Joint Local Plan (JLP), SPT1 and SPT2 set the context for what is considered to be sustainable development. They introduce the concept of rural sustainability and amongst other things, encourage and support opportunities for business growth, minimises pollution and adverse environmental impacts, protects the natural environment, and respects, maintains and strengthens local distinctiveness through high standards of design. From this, all other policies flow and a spatial strategy for growth is introduced in Policy TTV1 which presents a hierarchy of sustainable settlements. It is envisaged that the most growth will occur at the most sustainable settlements.
- 1.2 When assessed against TTV1, the site is located at the bottom of the settlement hierarchy. Bantham is not identified in the JLP as a named settlement, although the sites' characteristics are rural and it has a closer affiliation with the countryside rather than the built form of the settlement. The Thurlestone Neighbourhood Plan (NP) includes a settlement boundary around Bantham and the site lies outside, as shown in Figure 8 of the NP.
- 1.3 TTV1.4 states that development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in policy TTV26. NP Policy TP2 is also of relevance, stating that the settlement boundaries for Bantham, Buckland and Thurlestone will be used for the purposes of determining all planning applications in the parish. Paragraph 2.28 of the supporting text to TP2 states that:

'Proposals for development within the boundaries designated in this Plan will be supported whilst development outside will be treated as an exception. This is consistent with the protection afforded to land designated as AONB, as set out in the NPPF, Local Development Framework, the emerging JLP and the South Devon AONB Management Plan.'

- 1.4 Additionally, TP2 seeks to prevent coalescence of Bantham and Buckland.
- 1.5 Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, with Part 1 applying to development proposals considered to be in isolated locations only. Applying the principles established by Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610 and Bramshill v SSHCLG [2021] EWCA Civ 320, given the proximity of the site to the built-up area of Bantham and Buckland and connectivity, the site is not considered to be isolated and therefore Part 1 of TTV26 does not apply.
- 1.6 Part 2 applies to all development in the countryside and states the following:

Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

- v. *Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

1.7 JLP policy DEV15.6 is also relevant which states.

'Development will be supported which meets the essential needs of agriculture or forestry interests.'

1.8 The site is also located within the Heritage Coast and Undeveloped Coast, areas which have been designated to conserve their undeveloped character. The relevant JLP policy, DEV24 seeks to ensure the protection of this designation and states.

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

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

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

1.9 Bantham Estate covers 728 acres (294.6 ha), all located within the South Devon National Landscape, Undeveloped Coast and Heritage Coast. The estate includes agricultural land, woodland, grassland, and sand dunes, as well as Bantham Beach. Bantham Estate is also responsible for managing the river Avon estuary that runs through its land. The agent has provided a plan showing the extent of the Estate. Officers are satisfied that all of the land falls within the Undeveloped Coast, and therefore any proposed development necessary to support the estate cannot reasonably be located outside, in accordance with JLP policy DEV24.1 and DEV24.2.

1.10 Supporting documentation, 'The Bantham Estate, Estate and Agricultural Storage Requirements' notes that the range of enterprises across the Estate business generates requirement for machinery and equipment; demands arising for storage are significant and existing lack of available and suitable buildings means valuable and important equipment are being stored outside. The document also states that, added to existing need, the Estate is establishing a vineyard on the southerly slopes to north east of West Buckland, and the vines have been planted. This enterprise requires new machinery and equipment, some of it specialist. This is the new enterprise that will add to storage capacity requirement for Bantham area.

1.11 The statement confirms that the proposed building would be used to store a range of machinery and equipment required in support of the vines.

Vehicle/Machinery: vineyard tractor, vineyard ATV, pesticide sprayer, herbicide sprayer, under vine weeder, flail mower, vine trimmer, picking trailer, leaf remover/defoliator, roller hacker, power harrow, headland roller, seed drill, sundries (secateurs etc.)

1.12 The proposal has been reviewed by the Council's Agricultural Consultant and their comments can be summarised as follows:

- *Estate totals 740 acres with some 600 acres of farmland and remainder being woodland*
- *Two Natural England Countryside Stewardship agreements in place on the land and the grassland is let out on a grazing license for the summer period and the arable land (which amounts to approx. 60 acres) is let out on a cropping license.*
- *Various activities associated with estate management which don't include agricultural land as they are requirements to manage beach/dunes as well as part of river estuary, estate also manage and run a commercial game bird shoot. At time of visit also a commercial vineyard being established*
- *Main block of buildings located at Lower Aunemouth which is situated up out of the village but centrally located in terms of land holding. Also Sloop Barn which is closer to application site, nearer the village*
- *Assessed farming operations of applicant and taking into consideration existing buildings and present use, satisfied there is a need for a further agricultural building.*
- *Building, which is modest 309sqm, is to be used for housing various equipment used in conjunction with management of farm, beach, vineyard, harbour and estuary.*
- *Remit is to look purely at agricultural needs and whether building needed for agriculture.*
- *Would opine that needs of farm, which includes grassland, arable acres, and new vineyard enterprise do need extra accommodation to house related equipment and produce.*
- *Proposed building part agricultural and part estate store, the latter use assumed to be in relation to management of beach, harbour and estuary. How such is to be split is mopen to debate and consideration of LPA*
- *Proposed design not typical of agricultural building, but nevertheless serves a function and would meet the proposed need. No doubt other consultees will deal with design of building in terms of landscape and visual impact.*
- *Important to assess whether building sited to meet proven agricultural need. If there is a need for additional agricultural building, which considers there is, then very difficult, if not impossible to erect building adjacent to farmstead at Lower Aunemouth due to topographical/physical constraints. Issues mentioned in statements regarding transport and access from buildings at Lower Aunemouth to the beach and the harbour/estuary but do not think within remit to comment on highways issues. Simply looks at whether building is located in a position to meet agricultural needs of farm business. In terms of this strict interpretation, then satisfied that siting of building does meet agricultural needs of the business.*

1.13 Overall, having assessed the existing farming operations of the applicant, and taking into consideration the existing buildings and their present use, the Agricultural Consultant is satisfied there is a need for a further building to meet the agricultural needs of the applicant's farm business and has offered support for the proposal.

1.14 When the Agricultural Consultant first commented on the application, the intention was to use the building for a mix of agricultural storage and general storage, associated with the management of the Estate. There was no information on how the building would be split into the different uses, something the Agricultural Consultant questioned. The proposal has since been amended and is now for agricultural storage only. Further comments have been provided from the Agricultural Consultant confirming support for the scale of the building proposed which he considers '*meets the agricultural needs of the applicant's farming business.*'

1.15 On the basis of these comments, the principle of an agricultural building to meet the agricultural needs of the applicant's farm business is supported, in accordance with policies TTV26 and DEV15.

2.0 Alternative Locations

- 2.1 There have been a lot of comments made questioning the location of the building. The applicant's considered four potential sites within the Bantham Estate to locate the proposed agricultural building and the result of their assessment was that this was the application site was the most appropriate, as summarised below.

Barn South of Sloopside

- a. Constrained by poor access and substandard visibility to the right onto Sloop Lane, not possible to demonstrate safe access/egress in support of intensification of access including large and slow moving vehicles.
- b. Highly visible from south and west, including PROW, new building would be located within views of Bantham and the coastal/estuary setting.
- c. Potential for disturbance and impacts on residential amenity due to proximity of site adjacent to residential dwellings.
- d. Previous planning applications been refused and dismissed at appeal for change to boat storage and maintenance/light industrial, due to likely impacts on residential amenity, landscape impact, and highways, suggesting LPA would not support erection of new building for similar vehicle/machinery store.

Lower Aunemouth Farm

- a. Existing buildings used for vehicle, general agricultural/estate storage and a gamekeepers store.
- b. Difficult access from main road via steep and narrow access making movement of large vehicles difficult.
- c. Potential conflict with users in close proximity to and surrounding site.
- d. Topography means not possible to develop building of size required within existing farm yard site and would result in encroachment in highly visible, elevated position.
- e. Yard not suitably located to serve as storage base for vehicles/equipment needed at beach, harbour, estuary without long journeys on public highway causing conflict with local and tourist traffic on narrow roads in summer period.

Estate Workshop, Bantham Beach

- a. Used as maintenance yard where several vehicles and trailers etc stored outside due to lack of suitable storage buildings elsewhere on estate. Small stone building provides small workshop and maintenance store.
- b. Would provide convenient access to beach/harbour but agricultural vehicles would have to travel on public roads through centre of village to access agricultural land.
- c. Would be located within views of Bantham and coastal/estuary setting.
- d. Adjacent listed buildings.
- e. Would encroach on agricultural land, outside existing compound.
- f. Established as site for estate office (Officer Note: Application has been approved, development completed).

West Buckland Farm

- a) Contains existing stone built agricultural building and associated pens/yard area with hardstanding. Hardstanding in use for storage, with stockpiled materials and disused silage clamp. Site bounded by agri land south and east and hedges north boundary.
- b) Benefits from suitable and safe access with immediate access onto Bantham Road and links to existing field track network South Hams District and West Devon Borough Councils relatively central location within estate, proximity to beach, harbour, estuary, vineyard and village.
- c) Opportunity to remove and reduce movements through village at peak periods as farming landholding can be accessed without requiring access through village or along village roads.
- d) Mature vegetation provides screening along main road, and site topography slopes down southwards allowing development to be well screened.

- e) Site has capacity to both accommodate the proposed development and ability to limit and mitigate landscape, visual and amenity impacts by siting, design and planting.
- f) Existing building on site not considered to meet estates operational requirements due to its scale and traditional design and layout.

2.2 In addition to their assessment of the 4 potential sites, the applicants have also stated within their submission that the barn to the east of the site is not suitable for the proposed uses.

'The existing building at West Buckland is patently unsuitable to meet this need. It is too small, too low and any extension would be inappropriate in terms of character and impact.'

2.3 Officers agree with the applicant's assessment that access to Lower Aunemouth and Sloop Barn is substandard for the proposed development, as supported by the Highway Authority. In their original response they said.

The principle of moving the storage operations from the existing other further afield in the village locations to this location from a highway safety perspective has been assessed. It is considered the access junction that serves Lower Aunemouth is woefully inadequate in terms of safety. With the main village road at this point noted as having much higher average speeds than in the main village, the potential for a severe accident is far greater. Therefore the removal of large service vehicles from this access is welcomed.

2.4 Historic appeal decisions relating to the barn to the rear of The Sloop Inn highlight the severity of limited visibility to the east, along West Buckland Road and the main street, representing a danger to pedestrian and highway safety and making it inappropriate to compound the use of a substandard access junction.

2.5 The following is an extract from paragraph 4 of planning appeal APP/K1128/A/05/1194685 (LA ref 55/0647/05/F) for the proposed change of use of the barn to the rear of The Sloop Inn to light industrial.

I agree with the Inspector who determined the previous appeal that the visibility at the junction of the sole access track (which is also a public footpath) with the road to West Buckland and the main street of Bantham is so severely limited that it constitutes a clear danger to the safety of road users, both pedestrian and vehicular. Therefore any use generating vehicular traffic, which must use this multiple junction, would lead to the risk of harm to users of the highway at that point.

2.6 In his latest response (dated 16.10.23) the Agricultural Consultant comments on the proposed location.

'Is it sited to meet that need? A lot has been said in the original application from both the agent and the estate manager at our site visit with regard to where the need for this agricultural building exists, mindful of the existing farmstead at Lower Aunemouth and the farming activities/enterprises that take place on the 600 acres of land owned by the applicant. I have considered those criteria and I am of the opinion, consistent with my previous advice, that the siting of the building does meet the agricultural needs of the business.'

2.7 Overall and on balance, based on the information provided by the applicant, and comments received by the Highway Authority and Agricultural Consultant, Officers are satisfied that the proposed location has been justified and there is a need for the building, but it needs to be considered carefully against all other relevant policy considerations. NP policy TP1 sets out general development principles which should be met to achieve sustainable development, and the matters the policy draws on will be considered below.

3.0 Design/landscape

3.1 The site lies within the South Devon National Landscape (NL), Heritage Coast and Undeveloped Coast. NLs are considered to have the highest status of protection and the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty, with particular reference to special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the Countryside and Rights of Way Act 2000 which requires that:

“...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

3.2 This legal duty is another material consideration, as opposed to forming part of the development plan.

3.3 The need to conserve and enhance the NL is reinforced within JLP policy DEV23. The need for high quality design which is appropriate to its context and contributes positively to it is discussed within JLP policies, DEV20, DEV23 and DEV25. In addition to the Development Plan, the following legislation, policies and guidance are of relevance;

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- The National Planning Policy Framework;
- The National Planning Practice Guidance on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

3.4 NP policy TP22 places similar importance on landscape protection, requiring proposals to contribute and enhance the natural environment. Paragraph 182 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to those issues.

3.5 The ‘SPT’ policies within the JLP provide the strategic framework within which all other policies of the plan fit, and are prefaced by Strategic Objective SO1 – Delivering the Spatial Strategy. SO1 clearly articulates how the plan aims to manage change in the different spatial parts of the plan area. Of particular relevance is how SO1 envisages the JLP policies will manage change in countryside locations and designated landscapes:

“6. Minimises development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments.”

3.6 The South Devon AONB commented on the application when the first iteration was presented almost three years ago. They objected, providing the following comments.

- *The application site is in a rural location away from any settlement or main farmstead where built development would detract from open character of the landscape and impinge on views from both the adjacent lane and the public rights of way on the opposite side of the valley;*
- *The building is utilitarian in design, is not locally distinctive, and does not reflect the style, scale and character of the local vernacular of this coastal and rural parish within the South Devon AONB;*
- *The proposed mitigation in the form of block tree planting and a new Devon hedge is not successful in integrating the building into the landscape and in itself is harmful by introducing landscape features that are alien to this part of the AONB and do not relate well to the historic landscape of open strip fields;*

- *For the above reasons the proposed development would result in significant harm to the landscape which is nationally designated as AONB and locally designated as Undeveloped Coast and Heritage Coast contrary to policies TP1 and TP22 of the Thurlestone Parish Neighbourhood Plan, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan and paragraphs 176 and 178 of the NPPF.*
- *The application site is located within the nationally designated South Devon AONB, the locally designated Undeveloped Coast and defined Heritage Coast. Access is via a ridgetop lane and the site slopes steeply down to the south towards the Buckland Stream along the valley floor. There is an opposing ridge on the other side of the valley which includes public rights of way with views across the site.*
- *There are two small barns and a concrete yard to the west of the site but no other buildings in the near vicinity. Its character is rural and it is separated from the settlement of Bantham.*
- *The field forms part of a possible medieval strip field system identified in the Devon Historic Landscape Characterisation. The tithe map shows a pattern of linear fields with boundaries that cross the lane, indicating that they are older than this routeway. These field boundaries have since been lost. Any development on this site should take the opportunity to restore these boundaries to demonstrate conservation and enhancement of the historic landscape.*
- *The proposed building is utilitarian in design, resembling a row of flat roofed garages. It is not locally distinctive, and does not reflect the style, scale and character of the local vernacular of this coastal and rural parish. It is proposed to try and mitigate its impact through the use of a grass-seeded roof and embankments. In the latest plans additional mitigation is proposed in the form of block tree planting and a new Devon hedge. These mitigation proposals seem to acknowledge the unsightliness of the building and seek to hide it, which is a poor design solution in a nationally designated landscape.*
- *In my view the proposed mitigation is not successful and in itself is harmful by introducing landscape features that are alien to this part of the AONB and do not relate well to the historic landscape of open strip fields.*
- *Any building on this site is likely to impact on the open landscape character of the area and an alternative location within a farmstead or the settlement would be preferred. The South Devon AONB Planning Guidance in section 8.6 advises that “An agricultural building development that conserves and enhances South Devon AONB will:*
- *Be located with existing farmsteads and buildings unless site constraints or operational requirements clearly dictate that this is not possible...”*
- *In the event that the District Council considers that the building is justified and in an appropriate location then it should be redesigned so that it is good enough to see and contributes positively to the AONB. The following advice in the AONB Planning Guidance should be followed:*
- *Where a new farm building in open countryside is the only available practical option, clearly demonstrate in the planning application how a location has been selected to minimise visual impact and best set the building into its landscape;*
- *Involve the careful use of materials, colour, landform, screening and external landscape works to assimilate the buildings into their setting;*
- *Demonstrate a comprehensive approach to the use of the site, detailing the arrangements for external lighting, storage, boundaries, drainage and waste management;*
- *Retain, renovate or enhance any traditional landscape features on site such as walls, hedges and mature trees, and demonstrate how they will be protected during the development phase (nb this should include restoring the historic field boundaries);*
- *Provide additional and alternative breeding or resting places for protected species that may be affected by renovations or demolitions and include them within submitted proposals;*
- *Show restraint and care over the installation and use of street lighting, floodlighting and other external lighting to prevent harm to the dark night skies and sense of tranquillity.*

3.7 The Council’s landscape officer also objected to original proposal.

Overall, the application has not convincingly demonstrated that the proposals will conserve and enhance the natural beauty of the AONB, nor the special character of the Undeveloped

and Heritage Coast, and would therefore be considered contrary to policy DEV25 of the adopted JLP

Overall, it is felt that more detail is needed to explain the design rationale for the proposed layout. Opportunities should be explored for design proposals to contribute to the stated landscape strategies for the AONB, and the landscape character at this location.

A more detailed hard and soft landscape proposals plan would be required, giving details of hard landscaping treatments, plant species and numbers, planting density, stock size at time of planting, and specifications for planting operations, maintenance and long-term management together with a separate lighting strategy.

- 3.8 Since these comments were made the proposal has been revised. Additional comments were provided from the Landscape Officer in September 2021, withdrawing their objection.

The present application submission represents a revised scheme that has been subject to a comprehensive and iterative design process.

As now submitted, the proposed layout helps address the initial landscape and visual concerns for the proposed development on the site. The submitted Design and Access Statement contains a record of the latest discussions about other potential layout options for the proposed development between the applicant's agent and Council's Officers. Though still orientated so that the main front elevation faces south, the proposed development as submitted, includes modifications to help reduce potential adverse landscape and visual effects.

The courtyard to the south of the proposed storage barn is to be enclosed long its eastern and southern boundaries with a new Devon bank that will connect to the proposed building and the retained existing bank along West Buckland Lane. The new Devon bank will help mitigate the visual effects of activity in the courtyard including light spill from vehicles. With a hedgerow on top of the bank the screening effects of the new bank would improve over time as the planting establishes and matures. The new Devon bank would be consistent with the character of the wider area and does have the potential to become a positive landscape feature.

New structure planting is proposed to the south, east, and west of the proposed Devon bank. The new tree and shrub planting would be predominantly native species but with some conifer planting included to provide an evergreen element. As submitted the planting would be of a size where it would have some immediate visual effect in respect of appearance and character, helping to provide a landscape setting for the proposed building and courtyard. Once established and beginning to fill out, the new planting would help further screen the proposed development from the wider landscape, especially from publicly accessible vantage points to the south of the site.

It is considered that the suggestions made previously about how the scheme might be modified to be more acceptable have now largely been incorporated, and the queries and requests for clarifications have been addressed such they do not constitute enough of a concern to maintain the Landscape objection to the scheme overall.

- 3.9 A further response from the Landscape Officer was provided in December 2023, in which correspondence between the case officer and landscape officer is summarised. Of particular importance is the summary from February 2023,

Following on from our telephone discussion earlier this week, I have now read through the LCA and AONB Landscape Assessment Addendum Statement prepared by Rural Solutions, along with the Proposed Alternative Site Layout, and particularly noting the plan showing the wider context of the development proposals and potential landscape

enhancements beyond the red line of the application site. I also note the comments made by the agent in relation to addressing the SD AONB Units comments, contained in the email accompanying the additional information. [Note: this point refers to the email sent to you on 19 January 2023 by Shelley Jones of Rural Solutions]

I find no significant disagreement with the addendum statement. I also note that the proposed alternative site layout includes a number of additional (and potential additional) enhancements to the previous iteration, which I would support. The reinstatement of historic field boundaries is noted, and the layout now includes elements that would appear to address some of the concerns raised previously by the SD AONB unit.

It would be beneficial for further discussion to confirm whether the elements on the plan labelled as 'potential' could actually be delivered, or included in a full revision of the proposals in support of the application, as simply identifying the potential for further enhancements does not confirm that such features would be secured if permission were to be forthcoming. I note and would support the agent's comment that 'Whilst these enhancements are within the Blue line as opposed to the Application Site, these could still be taken into account as term of benefits of the scheme, and can be secured by Planning Condition or S106 as required by the Council.'

To conclude, there is no change to the SHDC Landscape Specialist recommendation for this application, which remains No Objection.

- 3.10 The AONB Unit has not provided any further comments, but they have discussed the scheme with the Council's Landscape officer. Within the latest landscape officer response it is noted '*I have also discussed this application with Roger English of the South Devon National Landscape, who has verbally confirmed his agreement with my analysis, and of the summary provided above.*'
- 3.11 Conditions are recommended to ensure the landscaping scheme is delivered, but based on the comments above, Officers are satisfied that the proposal accords with the relevant policies including DEV23, DEV24, DEV25, TP1 and TP22.
- 4.0 **Neighbour Amenity:**
- 4.1 JLP policy DEV2 states that proposals '*which will cause unacceptable on- or off-site risk or harm to human health, the natural environment or living conditions, either individually or cumulatively, will not be permitted.*'
- 4.2 The application has been reviewed by the Council's Environmental Health Officer. The original report on potential contamination contained significant editorial errors. There were addressed within a revised report provided in January 2021. The report comprises a Stage 1 investigation and identifies the potential for some contamination in made ground and in the vicinity of the existing building which has been used as a store and workshop. The consultant recommends that an intrusive Stage 2 investigation is carried out.
- 4.3 The Council's Environmental Health Officers opinion is a Stage 2 investigation would certainly be necessary if the proposed use was for residential development. However, on the basis the application is for an agricultural building to be used as a store with associated hard standing there is no sensitive receptor associated with the end use and the concrete floor and hardstanding will break any potential pathways. On this basis they have advised an intrusive report is not deemed necessary, unless it is required for geotechnical reasons which are outside the scope of comments relating to potentially contaminated land.
- 4.4 They have however recommended the standard *unexpected contamination* condition is included in any approval so if contaminants of concern are encountered they will be appropriately remediated.

4.5 Due to the separation distance from residential properties, officers are satisfied the proposal will not cause harm to their amenity.

5.0 Highways/Access:

5.1 JLP policy DEV29 requires development to contribute positively to the achievement of a high-quality, effective and safe transport system in the plan area, promoting sustainable transport choices and facilitating sustainable growth that respects the natural and historic environment. Where appropriate, amongst other provisions set out, proposals should consider the impact of development on the wider transport network and provide safe and satisfactory traffic movement and vehicular access to and within the site.

5.2 The proposal has been reviewed by the Highway Authority raise no in principle objections with the development from a highway safety perspective. As discussed previously, within their initial response they explain why some of the potential alternative sites would not be suitable from a highway safety perspective. However, their initial response resulted in an objection based on insufficient visibility splays (pedestrian and vehicular), access/parking area, construction, surface water drainage and on-site turning facilities. Further information was provided including revised plans showing a visibility splay and tarmac introduced for the first 6m of the track off the road. Based on this additional information, the Highway Authority have confirmed they have no objections but recommend conditions.

5.3 The Highway Authority requested further information regarding visibility splays for the pedestrian route. This formed part of the original submission but has since been removed from the proposals.

6.0 Ecology

6.1 JLP policies SPT12 and DEV26 requires development to protect, conserve, enhance and restore biodiversity and geodiversity across the plan area.

6.2 A preliminary ecological assessment was undertaken in 2020 and an updated ecology survey undertaken in 2023. The proposal has been reviewed from the County Council Ecologist who has not raised any in principle objections, noting the following.

Statutory and non-statutory designated sites: The development is of a small-scale. There are no direct or indirect impact pathways between the development site any statutory or non-statutory designated sites, so there will be no impacts on any of these sites.

Habitats: The site is currently used as arable and there are no habitats of principle importance that would be impacted by this development. The updated *landscaping layout plan* shows proposed planting across the site would it is considered would offer a net gain in biodiversity. The submission of a landscape and ecological management plan (LEMP) is recommended as a condition to ensure mitigation for any habitat loss is provided.

Bat commuting/foraging: On the basis the surrounding semi-natural habitats are likely to be unlit at night, offering good potential for foraging and commuting bats, a condition restricting external lighting is recommended.

Nesting birds: Nesting birds are protected by law and they should be assumed to be present in all suitable habitat. On this basis a condition preventing vegetation clearance during bird nesting season (unless agreed by a suitably qualified ecologist) is recommended.

Biodiversity net gain: The proposal constitutes minor development and is therefore exempt from current legislation which requires developments to provide 10% net gain. However,

JLP policy DEV26 encourages all development to consider how they could enhance biodiversity. The revised *landscape layout plan* shows planting proposed across the site so there is the potential for this development to provide biodiversity net gain. This can be controlled through conditions.

- 6.3 With appropriate conditions Officers are satisfied that from an ecological perspective the proposal will accord with the relevant policies including DEV26 and SPT12.

7.0 Heritage

- 7.1 The proposed development lies within a landscape containing significant evidence of prehistoric, Romano-British and post-Roman activity. Some 500m to the west lies Bantham Ham, which is protected as Scheduled Monument. The description of the monument states that it is a '*large Roman and post-Roman settlement site at Bantham Ham is an unusual and important survival where antiquarian records and archaeological excavation and survey have revealed evidence for occupation over several centuries.*'

- 7.2 In accordance with the National Planning Policy Framework, the site would be described as a heritage asset, defined as,

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

- 7.3 NPPF paragraph 195 defines heritage assets as an 'irreplaceable resource' which should be '*conserved in a manner appropriate to their significance*'. NPPF paragraph 205 requires great weight to be given to the significance of a heritage asset. Locally adopted policies including JLP policy DEV21 require proposals to 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing the historic environment'. The relevant policies within the Development Plan and NPPF are clear that any harm to the significance of a designated heritage asset, including within its setting, will require clear and convincing justification (par 206).

- 7.4 The application has been reviewed by the County Council archaeologist. When the application was first made, they were not satisfied that sufficient information had been provided to 'enable an understanding of the significance of the heritage assets within the application area or the impact of the proposed development upon these heritage assets and recommended the application be refused.

- 7.5 During the life of the application additional information has been provided, however it indicated the development could result in potential for disturbance to the Middle Bronze Age settlement during construction, and from tree planting. Conditions were recommended including the requirement of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The comments below were received in response to the latest revisions. In summary there are no objections but conditions, including pre commencements are recommended.

The archaeological investigations within the application area have demonstrated the presence of a Middle Bronze Age roundhouse as well as other, undated, features in the areas surrounding the dwelling. The recently submitted plans indicate that the development will now avoid the roundhouse and no groundworks or tree planting will be undertaken within 5m of the geophysical anomaly that corresponds to the site of the roundhouse. However, groundworks associated with the proposed development, in particular the terracing for the construction of the agricultural store, will have an impact upon the archaeological features outside the 5m buffer around the roundhouse. In addition, there will

be root damage of archaeological features through the planting of trees outside the footprint of the new building. Roots will naturally seek out the softer subsoil horizons – the archaeology - and disturb previously undisturbed stratified archaeological deposits.

As such, given the potential for disturbance and destruction of heritage assets with archaeological interest associated with the Middle Bronze Age settlement here by (i) groundworks associated with the construction of the development here and (ii) subsequent tree planting the impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

- 7.6 Based on the comments from the County Council Historic Environment Team, Officers are satisfied that with the conditions recommended the proposal will comply with relevant policies including JLP policies SPT11 and DEV21 and NP policies TP1 and TP21.
- 7.7 There are a row of Grade II Listed Buildings around 180m to the west of the site in the village of Bantham, and a Conservation Area (which includes Grade II Listed Buildings) around 380m to the east in West Buckland. Officers are satisfied, based on the separation distance, proposed landscape mitigation, scale of the proposed development and lack of intervisibility, that the proposal would cause harm to these designated heritage assets or their setting.

8.0 Trees

- 8.1 JLP policy DEV28 requires developments to be designed to avoid the loss of deterioration of woodlands, trees or hedgerows, and in the event, this cannot be avoided appropriate mitigation should be provided to ensure a 'net gain'.
- 8.2 The proposal has been reviewed by the Council's tree officer who is satisfied there are no significant arboricultural features present on or off site that *'may bear potential to act as material constraints to the application on strictly arboricultural merit.'* However, a pre commencement condition is recommended to secure the submission of a tree protection plan to enable protection of the hedge group immediately to the north of the new agricultural building.
- 8.3 The case officer has also discussed the removal of the trees required to provide the visibility splay. On the basis that these are diseased elm trees, no objection was raised. It will be important to ensure there is mitigation planting, but this can be controlled through conditions.

9.0 Low Carbon

- 9.1 JLP policy DEV32 requires all developments to reduce their reliance on carbon emissions. Although the submission pre-dates the adoption of the Climate Emergency Planning Statement, it includes a number of sustainable measures in its construction including a green roof and extensive planting.

10.0 Planning Balance

- 10.1 The application site is within a highly sensitive and protected location where the development plan only supports development in exceptional circumstances, including where there is an identified need. The application is for the erection of an agricultural building and as supported by the advice Officers have received from the Agricultural Advisor, there is a need for the building to support the applicants farm business. There has been much deliberation about the location for the development, and as set out within this report, there is support for the identified site.

- 10.1 The application has been with the local planning authority for over three years and in that time, the proposal has been revised to address Officer concerns and technical objections. In the absence of any technical objections, outstanding matters which can be dealt with via planning condition and no identified policy conflict, Officers do not consider there to be any reasons to withhold planning permission, and recommend the application for approval subject to conditions.

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor 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 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are "None".

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

[*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
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
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
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Thurlestone Neighbourhood Plan was adopted at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District.

POLICY TP1 – GENERAL DEVELOPMENT PRINCIPLES
POLICY TP2 – SETTLEMENT BOUNDARIES
POLICY TP17 - FOOTPATHS AND CYCLE TRACKS
POLICY TP21 – NON DESIGNATED HERITAGE ASSETS
POLICY TP22 – THE NATURAL ENVIRONMENT

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

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)
Plymouth and South West Devon Climate Emergency Planning Statement (2022)

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 conditions

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawing numbers:

- 1900-102 Rev 01 – proposed landscape enhancement and mitigation plan
- 2004-PL03 – plan and elevation
- 1900-100 Rev 07 – landscape layout plan
- 2004-SV03 – site survey, block plan and location plan

Reason: To ensure that the proposed development is carried out in accordance with the drawings.

3. The building and associated hardstanding hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990 (or as defined in any provision equivalent to that Section resulting from any primary or secondary legislation taking effect on that Section).

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area in accordance with local and national planning policies and guidance set out in Policies TTV1, TTV26, DEV15 and DEV24 of the adopted Plymouth and South West Devon Joint Local Plan.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately in accordance with DEV2 of the Joint Local Plan.

5. No part of the buildings hereby approved shall be commenced until the access, visibility splays, turning area and hardened access drive have been provided and maintained in accordance with The Landscape Layout Drawing 1900 100 Rev 07 and retained for that purpose at all times.

Reason : To ensure that adequate safe facilities are available for the traffic attracted to the site in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

The works shall be carried out in strict accordance with the agreed details.

Reason - In the interests of highway safety in accordance with policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

7. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be based upon an up to date ecological survey of the site and shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post construction phases. The development shall be carried out in strict accordance with the agreed details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policies SPT12, DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

8. At no times shall any external lighting be installed or used in association with the development hereby approved.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon National Landscape, and the Undeveloped and Heritage Coast, and in the interests of the protection of protected species and habitats. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

9. No vegetation clearance shall take place during the bird nesting season (01 March to 14 September, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In the interests of the protection of protected species, habitats and sites. This condition is imposed in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

10. The development hereby approved shall be carried out in accordance with the actions set out in the Ecological Statement (ge consulting March 2023) and Ecology Report (ge consulting August 2020). Prior to the commencement of use, the recommendations, mitigation, compensation, net gain and enhancement measures shall be fully implemented and thereafter retained for the life of the development.

Reason: To safeguard the interests of protected species and biodiversity net gain in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

11. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved scheme as agreed in writing by the Local Planning Authority.

Reason - To ensure, in accordance with Policy DEV21 in the Plymouth and South West Devon Joint Local Plan 2014 - 2034 and paragraph 211 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development.'

12. The development shall not be brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.'

Reason - To comply with Paragraph 211 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

13. No development shall take place until fencing has been erected, about the site of the Middle Bronze Age roundhouse, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority. No works shall take place within the area inside the fencing without the consent of the Local Planning Authority.

Reason - To ensure the preservation of the District's heritage in accordance with Policies SPT11 and DEV21 of the Plymouth and South West Devon Joint Local Plan.

14. Prior to the commencement of development (including preparatory work) a Tree Protection Plan, (in accordance with BS5837:2012), shall have been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall relate to the hedge group immediately to the north of the proposed agricultural building. The development shall be carried out in strict accordance with the approved Tree Protection Plan.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon Area of Outstanding Natural Beauty, and the Undeveloped and Heritage Coast, and in the interests of the protection of mature trees and hedges which are of amenity value. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034, and Policy TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan 2015-2034.

15. All elements of the landscaping scheme as shown on drawing 1900-100 Rev 07 (landscape layout plan) shall be completed before the end of the first available planting season following completion of the development hereby permitted, or first occupation whichever is the sooner. Any trees or plants that, within ten years after planting, are removed, die or become seriously damaged or defective shall be replaced with the same species, size and number as originally approved. The landscaping plan shall be strictly adhered to during the course of the development.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon National Landscape, and the Undeveloped and Heritage Coast, and in the interests of the protection and enhancement of biodiversity. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan, and policies TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan.

16. No development shall commence until full details of the proposed landscaping shown on drawing number 1900-102 Rev 01 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include.

- a) Any arrangements for stripping, storage and re-use of top soil; storage of material;
- b) details of new ground profiles including retaining bunds and banks;
- d) materials, heights and details of all boundary treatments;
- g) the location, number, species, density, form and size of proposed tree, hedge and shrub planting and grassed areas;

- h) the method of planting, establishment, protection, and maintenance of tree, hedge and shrub planting and grassed areas, including details of how any losses/plants which fail to thrive shall be made good as and when necessary; and
- i) a timetable for implementation of all hard and soft landscaping and tree planting, including details of phasing where required.

The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, including the South Devon National Landscape, and the Undeveloped and Heritage Coast, and in the interests of the protection and enhancement of biodiversity. This condition is imposed in accordance with Policies DEV20, DEV23, DEV24, DEV25, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan, and policies TP1 and TP22 and of the Thurlestone Parish Neighbourhood Plan.

17. Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a. 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.
- b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%).
- c. 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 50%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.
- d. 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.
- e. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
- f. 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.
- g. 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 as a result of the development, in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

18. The stonework used on the building hereby permitted shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained in accordance with policies DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan and policies TP1 and TP22 of the Thurlestone Neighbourhood Plan.

PARISH COMMENTS.

14/10/2020

OBJECT

For the avoidance of doubt, the Parish Council has not been consulted regarding the proposals and need for the development, contrary to para 4.107 of the Planning Statement.

Thurlestone Parish Council OBJECTS to this application.

1. Change of use of barn to C3 holiday let. The Thurlestone Parish Neighbourhood Plan supports the change of use of farm and rural buildings to create new opportunities for commercial purposes, provided a holiday occupancy condition is imposed (NP Policies TP8 & TP15). Councillors did not consider, however, that it had been demonstrated that the premises were no longer required for agricultural purposes, particularly as it is proposed (in the same application) to erect a new barn for agricultural/estate use on the adjoining field. They also considered that the amount of fenestration on the East elevation of the building and the extent of the proposed garden/domestic curtilage are neither appropriate nor proportionate within the South Devon AONB and in terms of their impact on the AONB (contrary to NP Policies TP1.2, TP1.4 & TP1.5).

2. New agricultural/estate store. The Thurlestone Parish Neighbourhood Plan also supports the development of more storage space for local commercial uses (NP Policies TP8 & TP14), however, the Estate already has a number of potential alternative premises that appear to be under-utilised which Councillors considered they could continue to use, instead of developing a green field in a prominent and sensitive location within the AONB. More specifically: (1) the proposed consolidation of the storage of estate vehicles and machinery into a single building on the lane between Bantham and Buckland is where development proposals are not permitted (NP Policy TP2); (2) the premises are not of a small scale and extent (33 x 12m) proportionate to the rural and coastal character of the locality, with 5 galvanised steel roller shutter doors and stone cladding, plus hardcore surfaced yard (35 x 15m) and resculpted earth bund (contrary to NP Policy TP14); (3) the proposed uses are likely to exacerbate existing traffic problems, particularly during the peak summer season, and would have an unacceptable impact on neighbouring residential amenity (NP Policy TP1.1);

(4) the site does not provide a safe means of access in a lane well used by pedestrians (NP Policy TP1.7); and (5) the style, scale and character of the proposal is not proportionate and appropriate in this particularly sensitive location within the South Devon AONB and would not conserve and enhance its natural beauty, interrupting some of its protected views (contrary to NP Policies TP1.2, TP1.4, TP1.5 & TP22.1 (including Fig 1)). Further, the existing unsightly stockpiled materials that have appeared over the last couple of years and the unkempt access are not a material planning consideration and it is also unclear how much farm equipment needs to be stored in the new barn. Clearly, any vehicles used in connection with pheasant rearing for the shoot, the storage of work boats and beach cleaning equipment (and/or Gastrobuses) would not qualify for Part 6 Class A permitted development rights.

3. Permissive path. The proposed path provides a short-cut to the village shop for the holiday let and new agricultural/estate store, but does not link the 3 settlements or provide greater access to the coast and countryside (NP Policy TP17).

07/01/2021

OBJECT

Thurlestone Parish Council OBJECTS to this revised application.

Councillors considered that the revised plans for the amended development reinforce their reasons for objecting to the original plans.

1. The proposal does not comply with NP Policy TP14 as it does not meet the requirements of NP Policy TP1 (see para 3 below) and the premises are not of a small scale and extent proportionate to the coastal and rural character of the locality. The dimensions of the building (33 x 12m) and yard (35 x 15m) are unchanged.

2. This is a new greenfield site and not an existing farm site, as stated in 1.1 Background of the Design and Access Statement; and West Buckland Barn is not within the revised site, as shown in 2.2 Wider Site Context and 3.2 Site Option D – West Buckland Farm (Preferred Site). An aerial photograph taken in 2017 and OS extract are attached, showing that this is a greenfield site.

There are existing premises on brownfield sites elsewhere on the Estate that are either under-utilised or could be refurbished before encroaching on a greenfield site. These include: Coronation Boathouse, which has been used as a boat store/workshop for the past 80 years; and West Buckland Barn, which could be used to store the smaller equipment currently stored outside at the Workshop and to help meet the requirements of the new vineyard enterprise. If existing premises are not used, the question inevitably arises as to how these premises will be used once the present items are removed

3. The proposed consolidation of the storage of Estate vehicles and machinery to service all the Estate activities - farming, shoot, harbour, beach and vineyard – will inevitably put unacceptable pressure on local amenities and infrastructure. As stated in our previous objection: development proposals along this lane are not permitted (NP Policy TP2); existing traffic problems, particularly in the peak summer season, will be exacerbated and have an unacceptable impact on neighbouring residential amenity (contrary to NP Policy TP1.1); the site does not provide a safe means of access in a lane well used by pedestrians (contrary to NP Policy TP1.7); and the proposal would not conserve and enhance the natural beauty of the area, interrupting some of its protected views (contrary to NP Policies TP1.2, TP1.4, TP1.5 & TP22.1 (ref: Figure 1)). The proposed sketch perspectives - long range views of the site (Years 5 & 10) in the Design and Access Statement show how incongruous this proposal will appear in the landscape.

20/10/2021

OBJECT

FULThurlestone Parish Council OBJECTS to this readvertised application.

As a preliminary point, Councillors noted that whilst the SHDC case officer has advised the applicant that the building will only be supported for agricultural use and the applicant's planning consultant has accepted it will only be used to store agricultural vehicles and equipment, the development description has not been amended. Although the readvertisement site notice says the development description has been amended, it remains unchanged and is for the erection of a new agricultural/estate store. The applicant's revised Design & Access Statement also continues to refer to the applicant's requirement for a building to provide storage facilities for the Estate's agricultural and estate operations

Notwithstanding the above, the Parish Council's reasons for objecting to the application are as follows:

1. A 5-bay barn (33m x 12m) and yard (35m x 15m) are far in excess of what would be needed to store the agricultural equipment that until recently was stored outside the Workshop (see photograph) and to meet the requirements of the new vineyard enterprise. The Storage Requirements document says the new store has been designed primarily to store these items but also to be as flexible as possible and it does not expressly exclude Estate items. Since the development description has not been amended, this would mean that the new barn may, in due course, be used to store shoot vehicles, beach cleaning equipment and the Gastrobus catering vans.

2. This is a new greenfield site located in the South Devon AONB, Heritage Coast and Undeveloped Coast and subject to the highest protection from development. It occupies the corner of an agricultural field and is clearly not part of an existing farm site, as incorrectly stated in the

Design & Access Statement. Development proposals along the lane between Bantham and Buckland are not permitted (NP Policy TP2.2)

3. There are numerous under-utilised barns (brownfield sites) listed in the Storage Requirements document that could be used for the equipment stored outside the Workshop and new vineyard equipment listed in Table 2. The existing West Buckland barn could accommodate sprayers, weeder, mower, trimmer etc; the Sloop Barn could accommodate the vineyard tractor, ATV, trailer etc (see photograph); and the extensive range of farm buildings and barns at Lower Aunemouth Farm is ideally located for all the vineyard equipment, being sited in the valley between the two vineyards and closer to them than the application site

4. The proposal would not conserve and enhance the natural beauty of the AONB and would interrupt some of its protected views (contrary to NP Policies TP1.2, TP1.4, TP1.5 & TP22.1 (ref: Figure 1). While the SHDC Landscape officer initially expressed his detailed concerns about the proposal and its impact on the character of the area, he has recently removed his holding objection on the basis that a new Devon bank, more trees (expected to take up to 10 years to grow) and shrub planting are sufficient mitigation to address any visual harm to the AONB. This is arguable. The views from Thurlestone Golf Course and public footpaths that look down on the application site are some of the most prominent and iconic views in the South Devon AONB. Vehicle movements in and out of the site and light spill will inevitably harm the tranquillity of the landscape of the AONB.

5. The site does not provide a safe means of access in a lane well used by pedestrians (contrary to NP Policy TP1.7). The lane is not suitable for additional agricultural traffic and machinery and will cause further traffic congestion in this already heavily congested area and pose an unacceptable risk to pedestrians; farm vehicles crossing the lane at this point already create a mud bath during winter months (see photographs).

15/03/2022

Thurlestone Parish Council wishes to make further comments on this application having recently obtained a copy of the agricultural consultant's letter of 9 March 2021. Councillors consider that this letter, which pre-dates the amendment of the development from a new agricultural/estate store to a new agricultural store, falls well short of providing a full and accurate assessment that there is an essential agricultural need for this building in this location.

In particular, the assessment fails to address the applicant's limited storage requirements for a 5-bay barn (33m x 12m), specifically: (1) the agricultural equipment that was stored outside the Workshop (shown in Appendix 3 of the Storage Requirements document) that was moved elsewhere once construction began on the Estate office; and (2) the vehicles and machinery itemised to meet the requirements of the new vineyard enterprise - notwithstanding that the Bantham Estate Management Plan 2021-2034 (published in September 2021) states that storage for the vineyard is to be retained within existing agricultural buildings at Lower Aunemouth Farm, which is located in the valley between the two vineyards

Further, the true extent of alternative under-utilised agricultural buildings available within the land holding has not been properly assessed. While the consultant notes that the main block of existing farm buildings is located at Lower Aunemouth, which is centrally located in terms of the land holding, and the applicant's Design & Access Statement identifies Lower Aunemouth Farm as a potential site for the new agricultural barn (Site Option B), the Lower Aunemouth site in the Storage Requirements document relates to only three of the existing barns which occupy less than half of

the potential site. The explanation for this discrepancy may be found in the Estate Management Plan which states that the farmhouse and several of the existing portal buildings and agricultural barns are to be removed and replaced by a new country residence in a rural English Estate's tradition with a newly designed ornamental parkland landscape. There is also a derelict barn on the edge of the site that could be repurposed for the storage of vineyard items that has not been considered.

In the above circumstances, Councillors therefore consider the letter of 9 March 2021 has failed to justify the essential agricultural need for a new agricultural barn in this very sensitive, highly protected location within the South Devon AONB, the Heritage Coast and the Undeveloped Coast.

South Hams District Council **Agenda Item 7**

Development Management Committee 15 May 2024

Appeals update for 25 Mar 2024 to 25 Apr 2024

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| Ward: | Burrator |
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|---------------------------|--|---|
| 3407/23/FUL | | PINS Ref: APP/Q1153/W/24/3338144 |
| Original Decision: | | Appeal Status: Start Letter Received |
| Appellant Name: | Messrs Coppen and Lovie | Appeal Start Date: 9 Apr 2024 |
| Site Address: | Land At Sx 447 681, Rumleigh House, Rumleigh, Bere Alston | Appeal Decision: |
| Proposal: | Partial re-building, alteration, & conversion of existing building to form two-bedroom holiday let accommodation with parking, amenity space & associated drainage works | Appeal Decision Date: |

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| Ward: | Charterlands |
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|---------------------------|--|---|
| 3780/22/VAR | | PINS Ref: APP/K1128/W/23/3328907 |
| Original Decision: | Refusal | Appeal Status: Appeal Approved |
| Appellant Name: | Ms Susan Foy | Appeal Start Date: 2 Jan 2024 |
| Site Address: | Higher Gabberwell House, Kingston, TQ7 4PS | Appeal Decision: Upheld (Conditional approval) |
| Proposal: | Application for variation of condition 2 (approved plans) and condition 3 (Landscaping scheme) of planning consent 2435/20/VAR | Appeal Decision Date: 8 Apr 2024 |

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|--------------|----------------------------------|
| Ward: | Dartmouth & East Dart |
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|---------------------------|--|---|
| 0457/23/FUL | | PINS Ref: APP/K1128/W/23/3335242 |
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr Peter Bromley | Appeal Start Date: 27 Mar 2024 |
| Site Address: | Former Guttery Reservoir, Lower Broad Park, TQ6 9EY | Appeal Decision: |
| Proposal: | Erection of 7 new dwellings and associated access road | Appeal Decision Date: |

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|---------------------------|---|---|
| 1718/23/FUL | | PINS Ref: APP/K1128/D/24/3337239 |
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Bridgefoot & Viles | Appeal Start Date: 23 Apr 2024 |
| Site Address: | Land At 1 And 2, The Bight, South Town, Dartmouth | Appeal Decision: |
| Proposal: | Creation of parking deck to serve 1 & 2 The Bight with space for two cars | Appeal Decision Date: |

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| Ward: | Loddiswell & Aveton Gifford |
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|---------------------------|--|---|
| 2202/23/PDM | | PINS Ref: APP/K/1128/W/24/3335557 |
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr Adam Hesse | Appeal Start Date: 12 Apr 2024 |
| Site Address: | Higher Wizaller Farm, Modbury, PL21 0SE | Appeal Decision: |
| Proposal: | Application to determine if prior approval is required for a proposed change of use of agricultural buildings/barns to | Appeal Decision Date: |

2No dwellinghouses(class C3) & for associated development (Class Q (a+b))

Ward: Marldon & Littlehempston

1005/23/PAT

PINS Ref: APP/K1128/W/23/3326906

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|---------------------------|---|---|
| Original Decision: | Prior Approval Required and Refused | Appeal Status: Appeal Refused |
| Appellant Name: | Cooke - CK Hutchison Networks (UK) Ltd | Appeal Start Date: 2 Jan 2024 |
| Site Address: | Land at SX 870 630, Vicarage Road, Marldon, TQ3 1NN | Appeal Decision: Dismissed (Refusal) |
| Proposal: | Application for prior notification of proposed development for 5G telecoms installation: H3G 15m street pole & additional equipment cabinets by telecommunications code system operators. | Appeal Decision Date: 8 Apr 2024 |

Ward: Newton & Yealmpton

1205/23/FUL

PINS Ref: APP/K1128/W/24/3336449

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| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr & Mrs P & J Pillar | Appeal Start Date: 10 Apr 2024 |
| Site Address: | 46, The Fairway, Newton Ferrers, PL8 1DP | Appeal Decision: |
| Proposal: | Change of use of garage from incidental use to multipurpose ancillary use, including as overspill family & self contained guest accommodation including for short term holiday letting | Appeal Decision Date: |

3953/21/FUL

PINS Ref: APP/K1128/W/23/3333422

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|---------------------------|--|---|
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr James Brent - The James Brent Pension Fund | Appeal Start Date: 26 Mar 2024 |
| Site Address: | 101, Yealm Road, Newton Ferrers, PL8 1BL | Appeal Decision: |
| Proposal: | READVERTISEMENT (amended plans & supporting documents) Demolition of 2 two-storey detached buildings & associated garage. Erection of 2 no. four bed family homes and extension of an existing quay to the east of the site to provide a new landing ramp for dwelling 2 | Appeal Decision Date: |

Ward: Salcombe & Thurlestone

3847/22/FUL

PINS Ref: APP/K1128/W/23/3333802

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|---------------------------|---|---|
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr Bruce Brooker - BB Properties (Devon) Ltd | Appeal Start Date: 10 Apr 2024 |
| Site Address: | Land At SX 680 402 east of Thornlea View, Hope Cove | Appeal Decision: |
| Proposal: | Erection of 6 semi-detached two bedroom affordable dwellings, 4 detached four bedroom houses with detached double garages, associated new highway access & service road, foul & rainwater drainage strategy, landscape & habitat creation measures & detail (resubmission of 1303/21/FUL) | Appeal Decision Date: |

0915/22/FUL

PINS Ref: APP/K1128/W/24/3340746

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|---------------------------|---|---|
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | The Bantham Estate | Appeal Start Date: 27 Mar 2024 |
| Site Address: | Land off Bantham Beach Road, Bantham | Appeal Decision: |
| Proposal: | READVERTISEMENT (revised plans & documents) Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residential flooring | Appeal Decision Date: |

holders car park and new parking, and ANPRsystem on the beach road and car park.

2516/23/FUL

PINS Ref: APP/K1128/D/24/3336427

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|---------------------------|--|---|
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Stephen Williams | Appeal Start Date: 11 Apr 2024 |
| Site Address: | 2 Elm Cottages, Burleigh Lane, South Huish, TQ7 3EF | Appeal Decision: |
| Proposal: | Extension to existing parking area (resubmission of 1987/22/FUL) | Appeal Decision Date: |

Ward: South Brent

4060/23/FUL

PINS Ref: APP/K1128/W/24/3339127

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|---------------------------|--|---|
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr Frederick Weaver | Appeal Start Date: 15 Apr 2024 |
| Site Address: | Little Greyhills, Diptford, TQ9 7NQ | Appeal Decision: |
| Proposal: | Change of use from agricultural to mixed therapy/education/tourism/agriculture use including seasonal camping (retrospective) 5600 m2. Erection of the Wildflower Cabin (retrospective). Siting of the shepherd's hut known as 'The Apple Wagon' (retrospective). Siting of two shepherd's huts (retrospective). Conversion of the stable building to field kitchen and shower and toilet facilities. Works to install a package treatment plant and drainage mound. | Appeal Decision Date: |

Ward: Stokenham

1557/23/FUL

PINS Ref: APP/K/1128/W/24/3338129

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|---------------------------|---|---|
| Original Decision: | Refusal | Appeal Status: Start Letter Received |
| Appellant Name: | Mr David Gorvett | Appeal Start Date: 16 Apr 2024 |
| Site Address: | Barn At Sx808427, A379 Stokenham Cross To Kiln Lane, Stokenham, Devon | Appeal Decision: |
| Proposal: | Erection of dwelling on site of former agricultural barn | Appeal Decision Date: |

Ward: Wembury & Brixton

1778/22/FUL

PINS Ref: APP*K1128/W/22/3313614

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|---------------------------|---|---|
| Original Decision: | Refusal | Appeal Status: Appeal Approved |
| Appellant Name: | Mr D Bothma | Appeal Start Date: 25 Jul 2023 |
| Site Address: | Northlands, Lodge Lane, Brixton, PL8 2FL | Appeal Decision: Allowed with Conditions |
| Proposal: | Permission for use of existing accommodation above garage as holidaylet (Retrospective) | Appeal Decision Date: 3 Apr 2024 |

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South Hams District Council

Undetermined Major Applications

as at 25 Apr 2024



| 3623/19/FUL | | | |
|--------------------------|--|--------------------------------|------------------------------------|
| Officer: | Steven Stroud | Valid Date: 14 Apr 2020 | Expiry Date: 14 Jul 2020 |
| Location: | Land off Godwell Lane, Iybridge | | Extension Date: 28 Jun 2024 |
| Proposal: | 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 | | |
| Officer Comments: | Extension of time in place until end of June; still awaiting drainage information to overcome LLFA objection. | | |
| 4158/19/FUL | | | |
| Officer: | Patrick Whymer | Valid Date: 17 Jan 2020 | Expiry Date: 17 Apr 2020 |
| Location: | Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kingsbridge, Devon | | Extension Date: 06 Feb 2021 |
| Proposal: | READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, carparking and landscaping | | |
| Officer Comments: | Applicant is reviewing the proposal | | |
| 4181/19/OPA | | | |
| Officer: | Ian Lloyd | Valid Date: 09 Jan 2020 | Expiry Date: 30 Apr 2020 |
| Location: | Land off Towerfield Drive, Woolwell, Part of the Land at Woolwell, JLP Allocation (Policy PLY44) | | Extension Date: 30 Jun 2024 |
| Proposal: | READVERTISEMENT (revised plans & description of development) Outline application for up to 360 dwellings, associated landscaping and site infrastructure. All matters reserved except for new access points from Towerfield Drive and Pick Pie Drive. | | |
| Officer Comments: | Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of April 2024. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of June 2024 | | |
| 4185/19/OPA | | | |
| Officer: | Ian Lloyd | Valid Date: 09 Jan 2020 | Expiry Date: 30 Apr 2020 |
| Location: | Land at Woolwell, Part of the Land at Woolwell JLP Allocation (Policy PLY44) | | Extension Date: 30 Jun 2024 |
| Proposal: | READVERTISEMENT (revised plans) Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access. | | |
| Officer Comments: | Along with 4181/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of April 2024. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of June 2024 | | |

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|--------------------------|--|------------------------------------|---------------------------------|
| 0544/21/FUL | | | |
| Officer: | Patrick Whymer | Valid Date: 15 Feb 2021 | Expiry Date: 17 May 2021 |
| Location: | Land at Stowford Mills, Station Road, Ivybridge, PL21 0AW | Extension Date: 31 Oct 2023 | |
| Proposal: | Construction of 16 dwellings with associated access and landscaping | | |
| Officer Comments: | On hold - if 2733/23/VAR approved, likely 0544/21/FUL will be withdrawn. | | |
| 2379/21/FUL | | | |
| Officer: | Steven Stroud | Valid Date: 10 Jun 2021 | Expiry Date: 09 Sep 2021 |
| Location: | Riverford Wash Barn, Buckfastleigh, TQ11 0JU | Extension Date: 31 Mar 2024 | |
| Proposal: | Formation of car park (Retrospective)(Resubmission of 1760/20/FUL) | | |
| Officer Comments: | Report is being finalised – Cllr Hodgson updated | | |
| 2982/21/FUL | | | |
| Officer: | Charlotte Howrihane | Valid Date: 13 Oct 2021 | Expiry Date: 12 Jan 2022 |
| Location: | Land Opposite Butts Park, Parsonage Road, Newton Ferrers, PL8 1HY | Extension Date: 31 May 2024 | |
| Proposal: | Erection of 20 residential units (17 social rent and 3 open market)with associated car parking and landscaping | | |
| Officer Comments: | Delegated authority to approve, awaiting S106 which is with Legal | | |
| 3053/21/ARM | | | |
| Officer: | David Stewart | Valid Date: 05 Aug 2021 | Expiry Date: 04 Nov 2021 |
| Location: | Noss Marina, Bridge Road, Kingswear, TQ6 0EA | Extension Date: 24 Mar 2022 | |
| Proposal: | READVERTISEMENT (amended plans & documents) 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 34 new homes (Use Class C3), provision of 51 carparking 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) | | |
| Officer Comments: | Revised drawings have been received and are currently being advertised. The changes to the scheme reduce the number of units on this phase and amend the design. The changes are based on a scheme that has been the subject of discussions with the applicant and it is anticipated that the application will be determined by the end May 2024 | | |
| 4021/21/VAR | | | |
| Officer: | Steven Stroud | Valid Date: 24 Nov 2021 | Expiry Date: 23 Feb 2022 |
| Location: | Development site at SX 809597, Steamer Quay Road, Totnes | Extension Date: 15 Mar 2024 | |
| Proposal: | READVERTISEMENT (revised plans) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL | | |
| Officer Comments: | Deferred at Committee for site inspection. | | |
| 4175/21/VAR | | | |
| Officer: | Tom French | Valid Date: 08 Nov 2021 | Expiry Date: 28 Feb 2022 |
| Location: | Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon | Extension Date: 17 Feb 2023 | |
| Proposal: | 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 Sherford New Community. | | |

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| Officer Comments: | | | |
| 4317/21/OPA | | | |
| Officer: | Steven Stroud | Valid Date: 05 Jan 2022 | Expiry Date: 06 Apr 2022 |
| Location: | Land at SX 5515 5220 adjacent to Venn Farm, Daisy Park, Brixton | Extension Date: 31 Mar 2024 | |
| Proposal: | READVERTISEMENT (amended plans) Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing) | | |
| Officer Comments: | Latest consultation has resulted in further LLFA queries which are currently being addressed. Cllr Nix updated. | | |
| 1522/22/FUL | | | |
| Officer: | Steven Stroud | Valid Date: 09 May 2022 | Expiry Date: 04 Jul 2022 |
| Location: | Proposed Development Site East, Dartington Lane, Dartington, TQ9 5LB | Extension Date: 31 Jan 2023 | |
| Proposal: | READVERTISEMENT (revised plans & documents) Construction of 6No. two-storey residential dwellings with associated landscaping | | |
| Officer Comments: | Still working through issues. | | |
| 1523/22/FUL | | | |
| Officer: | Steven Stroud | Valid Date: 20 Jun 2022 | Expiry Date: 19 Sep 2022 |
| Location: | Proposed Development Site West, Dartington Lane, Dartington | Extension Date: 31 Jan 2023 | |
| Proposal: | READVERTISEMENT (revised plans & documents) Construction of 39No.two-storey dwellings with associated landscaping | | |
| Officer Comments: | Still working through issues. | | |
| 1629/22/ARM | | | |
| Officer: | Steven Stroud | Valid Date: 20 Jun 2022 | Expiry Date: 19 Sep 2022 |
| Location: | Dennings, Wallingford Road, Kingsbridge, TQ7 1NF | Extension Date: 30 Jun 2023 | |
| Proposal: | READVERTISEMENT (revised plans & supporting information) 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 | | |
| Officer Comments: | Under consideration. | | |
| 2412/22/OPA | | | |
| Officer: | Clare Stewart | Valid Date: 25 Jul 2022 | Expiry Date: 24 Oct 2022 |
| Location: | Land South of Dartmouth Road at SX 771 485, East Allington | Extension Date: 31 Oct 2023 | |
| Proposal: | READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access | | |
| Officer Comments: | Approved by Committee on 18/10/23 subject to S106 completion, which is in progress | | |
| 1860/23/FUL | | | |
| Officer: | Ian Cousins | Valid Date: 22 Apr 2024 | Expiry Date: 22 Jul 2024 |
| Location: | Dartington Cattle Breeding Trust, East Yarnar, Dartington, TQ9 6DX | | |
| Proposal: | Provision of Light Industrial/Workshop/Business Units & use of existing building for storage, plant room and bins/recycling/bike storage together with landscaping & car parking | | |
| Officer Comments: | Not a Major application. PS2 code was wrong. Now corrected. | | |

1887/23/ARM

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|--------------------------|--|--------------------------------|------------------------------------|
| Officer: | Tom French | Valid Date: 01 Jun 2023 | Expiry Date: 31 Aug 2023 |
| Location: | Sherford Housing Development Site, Land South & South West of A38 Deep Lane junction & East of Haye Road, Plymouth | | Extension Date: 31 May 2024 |
| Proposal: | Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings), 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20, 21, 26, 28, 35, 36, 45, 46, 52, 53, 54, 57, 66, 67, 68, 69, 70, 71, 99, 100, 101, 102, 104, 106, 107 and 110 and Informatives of outline planning permission ref.1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the 'Sherford New Community') for 284 residential dwellings, on parcels L1-L12, including affordable housing and associated parking along with all necessary infrastructure including, highways, drainage, landscaping, sub stations, as part of Phase 3B of | | |
| Officer Comments: | Still working through issues. EoT until end March. | | |

1888/23/ARM

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|--------------------------|---|--------------------------------|------------------------------------|
| Officer: | Tom French | Valid Date: 01 Jun 2023 | Expiry Date: 31 Aug 2023 |
| Location: | Sherford New Community, Land south west of A38, Deep Lane and east of Haye Road, Elburton, Plymouth, PL9 8DD | | Extension Date: 28 Apr 2024 |
| Proposal: | Application for approval of reserved matters for 269 no. dwellings on parcels B1-11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 3B of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted) | | |
| Officer Comments: | Still working through issues. Further EoT to end of March sought. | | |

2058/23/ARM

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|--------------------------|---|--------------------------------|------------------------------------|
| Officer: | Tom French | Valid Date: 09 Jun 2023 | Expiry Date: 08 Sep 2023 |
| Location: | Sherford New Community, Phase 3 A/B Land south of Main Street, Plymouth, PL8 2DP | | Extension Date: 03 May 2024 |
| Proposal: | READVERTISEMENT (amended plans) Application for approval of reserved matters application for strategic infrastructure including strategic drainage, highways, landscaping and open space, and amendment to phasing plan as part of Phase 3 A/B of the Sherford New Community pursuant to Outline approvals ref: 0825/18/VAR (the principle permission that was amended by this consent was EIA development and was accompanied by an Environmental Statement) | | |
| Officer Comments: | Still working through issues. Further EoT to end of March sought. | | |

2505/23/VAR

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| Officer: | Peter Whitehead | Valid Date: 02 Aug 2023 | Expiry Date: 01 Nov 2023 |
| Location: | Deer Park Inn, Dartmouth Road, Stoke Fleming, TQ6 0RF | | Extension Date: 29 Feb 2024 |
| Proposal: | Application for variation of Condition 2 (approved plans) of planning consent 0679/18/FUL | | |
| Officer Comments: | Member delegated approval. Currently awaiting completion of Deed of Variation of existing s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which conditional permission will be granted | | |

2733/23/VAR

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| Officer: | Lucy Hall | Valid Date: 09 Aug 2023 | Expiry Date: 08 Nov 2023 |
| Location: | Stowford Mill, Harford Road, Ivybridge, PL21 0AA | | Extension Date: 30 Nov 2023 |
| Proposal: | Application for variation of condition 3 (approved drawings) of planning consent 27/1336/15/F (part retrospective) | | |
| Officer Comments: | All technical matters resolved. Officer to seek delegation from ward members. Agent preparing Deed of Variation. | | |

2929/23/FUL

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| Officer: | Peter Whitehead | Valid Date: 25 Oct 2023 | Expiry Date: 14 Feb 2024 |
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|--------------------------|---|------------------------------------|
| Location: | Land at Littlehempston Water Treatment Works, Hampstead Farm Lane, Littlehempston | Extension Date: 14 Apr 2024 |
| Proposal: | Installation of photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements | |
| Officer Comments: | Application under consideration. | |
| 3203/23/FUL | | |
| Officer: | Charlotte Howrihane | Valid Date: 16 Oct 2023 |
| Location: | Land at SX 808 599, Totnes | Expiry Date: 15 Jan 2024 |
| Proposal: | Demolition of 36 two/three bed flats to be replaced with 35 new homes, consisting of one, two & three bed accommodation for social rent, as well as landscaping, car parking & associated works | |
| Officer Comments: | Delegated authority to approve, awaiting S106 which is with Legal | |
| 3251/23/VAR | | |
| Officer: | Peter Whitehead | Valid Date: 27 Sep 2023 |
| Location: | Development Site At Sx 580 576, Seaton Orchard, Sparkwell | Expiry Date: 27 Dec 2023 |
| Proposal: | Application for variation of condition 20 (windows) of planning consent 3445/18/FUL | |
| Officer Comments: | Currently awaiting completion of Deed of Variation to original s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which planning permission will be issued. | |
| 3358/23/FUL | | |
| Officer: | Liz Payne | Valid Date: 22 Nov 2023 |
| Location: | Ash Tree Farm, Ash, TQ6 0LR | Expiry Date: 21 Feb 2024 |
| Proposal: | Change of use of 1.4 hectares of land to animal rescue centre | |
| Officer Comments: | Application under consideration | |
| 3861/23/FUL | | |
| Officer: | Charlotte Howrihane | Valid Date: 21 Nov 2023 |
| Location: | Hendham View, Woodleigh, Kingsbridge, TQ7 4DP | Expiry Date: 20 Feb 2024 |
| Proposal: | READVERTISEMENT (Major application) Retrospective application for agricultural access tracks | |
| Officer Comments: | Waiting for comments from ecology. No other officer concerns but objection received | |
| 3995/23/FUL | | |
| Officer: | Lucy Hall | Valid Date: 02 Jan 2024 |
| Location: | Baltic Wharf Boatyard St Peters Quay Totnes TQ9 5EW | Expiry Date: 02 Apr 2024 |
| Proposal: | Full planning application for the phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure. | |
| Officer Comments: | Application under consideration. | |
| 4263/23/VAR | | |
| Officer: | Clare Stewart | Valid Date: 21 Dec 2023 |
| Location: | Field To Rear Of 15 Green Park Way Port Lane Chillington | Expiry Date: 21 Mar 2024 |

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| Proposal: | Variation of conditions 1 (approved drawings), 5 (materials), 6 (boundary treatments and retaining walls/structures)), 7 (external levels) and 9 (planting proposals) following grant of planning permission ref. 0742/23/VAR | | |
| Officer Comments: | Application under consideration. Awaiting revised landscape details. | | |
| 0103/24/FUL | | | |
| Officer: | Tom French | Valid Date: 11 Jan 2024 | Expiry Date: 11 Apr 2024 |
| Location: | Langage Energy Park Kingsway Plympton PL7 5AW | | |
| Proposal: | Proposed construction of a 9.25km hydrogen pipeline running from consented Langage Green Hydrogen Project to the Sibelco and Imerys sites | | |
| Officer Comments: | Currently in consultation period | | |
| 0278/24/ARM | | | |
| Officer: | Bryn Kitching | Valid Date: 24 Jan 2024 | Expiry Date: 24 Apr 2024 |
| Location: | Land at SX 855 508 Violet Drive Dartmouth | | Extension Date: 22 Jun 2024 |
| Proposal: | Application for approval of reserved matters (layout, appearance, scale and landscaping) following outline approval 0479/21/VAR for Erection of a 3-storey, 105-bedroom hotel with ancillary restaurant and all associated works | | |
| Officer Comments: | Amendments received which require full reconsultation to take place and an expected Development Management Committee date of 20 th June 2024 | | |
| 0292/24/VAR | | | |
| Officer: | Charlotte Howrihane | Valid Date: 24 Jan 2024 | Expiry Date: 24 Apr 2024 |
| Location: | Development Site At Sx 783 624, Broom Park, Dartington | | Extension Date: 26 Apr 2024 |
| Proposal: | Application for variation of condition 1 (approved drawings) of planning consent 4442/21/ARM | | |
| Officer Comments: | To be refused, waiting for Member delegation | | |

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