

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 15th February, 2017										
Time:	11.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
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:	Kathy Trant Senior Case Manager 01803 861185										

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|--|----------------|
| 1. Minutes | 1 - 12 |
| To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held 18 January 2017; | |
| 2. Urgent Business | |
| Brought forward at the discretion of the Chairman; | |
| 3. Division of Agenda | |
| to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information; | |
| 4. Declarations of Interest | |
| Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting; | |
| 5. Public Participation | |
| The Chairman to advise the Committee on any requests received from members of the public to address the meeting; | |
| 6. Planning Applications | |
| To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number: http://www.southhams.gov.uk/searchlanding | |
| (a) 1825/16/OPA | 13 - 38 |
| Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access. | |
| Land at SX 550 522, North of Canes Orchard, Brixton | |
| (b) 0784/16/FUL | 39 - 50 |
| Erection of new industrial units and associated access and parking. | |
| Land adjacent to Gould Road, Salcombe | |

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

- | | |
|---|----------------|
| (c) 3227/16/OPA | 51 - 58 |
| Outline application with all matters reserved for the erection of three detached dwellings.
The Paddock, Hemerdon Lane, Hemerdon, Plymouth | |
| (d) 3976/16/FUL | 59 - 66 |
| Demolition of single dwelling and the erection of two detached dwellings.
Whitegates, Parsonage Road, Newton Ferrers | |
| (e) 3781/16/VAR | 67 - 72 |
| Removal of conditions 3, 4 and 6 of application 57/2943/13/VAR to allow separate residential use of ancillary building.
Burnside, Avonwick | |
| (f) 3701/16/HHO | 73 - 80 |
| Householder application for proposed detached outbuilding to be used as a boathouse.
The Green House, Newton Ferrers | |
| (g) 2432/16/FUL | 81 - 88 |
| Construction of new dwelling with integral garaging.
Land South of The Ridings, West Alvington | |
| (h) 3166/16/TPO | 89 - 94 |
| T1: Oak - Remove two branches approximately 8 metres from ground level which overhang adjacent property.
Endsleigh, Jubilee Road, Totnes | |
| 7. Planning Appeals Update | 95 - 98 |
| 8. Planning Performance Indicators | |
| To follow | |

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 18 JANUARY 2017

Members in attendance			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr B F Cane	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

Other Members in attendance:

Cllrs Baldry, Bastone, Birch, Green, Tucker and Wright

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management; Planning Specialists, Deputy Monitoring Officer and Specialist Democratic Services

DM.47/16 MINUTES
The minutes of the meeting of the Committee held on 23 November 2016 were confirmed as a correct record and signed by the Chairman.

DM.48/16 URGENT BUSINESS
The Chairman advised that application **0771/16/OPA**: Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing), landscaping and associated works – Land at SX791 430, to rear of Green Park Way, Chillington had been deferred from the agenda following publication.

DM.49/16 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr J M Hodgson and Cllr R J Vint both declared a personal interest in application **1623/16/FUL**: Construction of a new three storey private residence on a brownfield site currently occupied by three garages on a site on the outskirts of Totnes – Garages 1-3 adjacent to 1A Christina Park, Totnes by virtue of knowing one of the objectors. They remained in the meeting for the duration of this item and took part in the debate and vote thereon;

1623/16/FUL Garages 1-3 adjacent to 1A Christina Park, Totnes

Parish: Totnes

Construction of a new three storey dwelling

Case Officer Update: N/A

Speakers included: Objector – Ms Anna Ali; Supporter – Mr Rud Sawers; Ward Members – Cllrs Birch, Green and Vint

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accordance with plan
3. Land affected by contamination
4. Surface water drainage in accordance with submitted details
5. Details and samples of external materials
6. All windows in east elevation to be obscure glazed
7. No external lighting
8. Details of tree planting along northern boundary of the site
9. Remove PD rights
10. Construction Management Plan

0745/16/FUL Land at Westerland, Totnes Road, Marldon

Parish: Marldon

Retrospective change of use from Agricultural to Equestrian. Plot 1, Field subdivided with fencing and two stables on skids, for horses and two areas fenced for dog exercising and training use and new access provision

Case Officer Update:

1. Additional LoR raising following issues:
 - a. Business use of track will cause a nuisance
 - b. No way of controlling use of existing access points
 - c. Wildlife report failed to identify presence of slow worms on site
2. Officer has spoken with PROW officer, Mr Rowlands at DCC who confirmed he had no objection to the proposal
3. Proposed changes to conditions:
 - a. Condition 3 to read 'Vehicular access to the site by users of the hereby approved equestrian and dog training facilities shall only be made via the new access as shown on drawing number 1038.004 and not by any other access. Reason: In the interest of highway safety.'

- b. Additional Condition: Within four months of the date of this decision a traffic management plan shall be submitted to and agreed in writing by the LPA to agree how access to and from the site will be managed. The Traffic Management Plan shall be implemented within four months of the date of their decision and maintained in perpetuity. Reason: In the interest of highway safety.'

Speakers included: Objector – Mrs Shirley Gilberts: Supporter – Mr Les Snodgrass: Parish Council Representative – Cllr Gordon Page: Ward Member – Cllr Pennington

Recommendation: Conditional Approval

Committee Decision: Conditional Approval with conditions to be amended to require the width of the new access to be increased to 8m, the details of which shall be previously agreed with the LPA.

Conditions:

1. In accordance with plans
2. Details of entrance gate to be submitted and approved within 4 months and implementation of new access within 4 months, unless otherwise agreed
3. Restriction on use of existing access
4. In accordance with ecology report
5. Maintain access to public footpath
6. No mud or rocks on highway
7. The means of construction and drainage of all hard surfaced area and buildings including the new access track shall be submitted to and approved in writing by the LPA and then provided in accordance with the approved details within four months of the date of this application, unless otherwise agreed in writing by the LPA
8. Within four months of the date of this decision a traffic management plan shall be submitted to and agreed in writing by the LPA to agree how access to and from the site will be managed. The Traffic Management Plan shall be implemented within four months of the date of their decision and maintained in perpetuity

3230/16/COU 5 - 9 Victoria Road, Dartmouth

Parish: Dartmouth

Change of use from retail (Class A1) to coffee shop (Mixed A1/A3 Class)

Case Officer Update: N/A

Speakers included: Objector – Mr Roger Purvey; Supporter – Mr Paul Williams; Ward Member – Cllr Rowe

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Standard Time Limit
2. Approved Plans
3. Noise Mitigation Measures
4. Hours of Operation
5. Access via Main Entrance

3204/16/FUL

5 - 9 Victoria Road, Dartmouth

Parish: Dartmouth

Modifications to shopfront and installation of 1 air conditioning unit on side wall

Case Officer Update: N/A

Speakers included: Objector – Mr Phil Townsend; Supporter – Mr Paul Williams; Ward Member – Cllr Rowe

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Standard Time Limit
2. Approved Plans
3. Noise Mitigation Measures
4. Air Conditioning Operation Hours
5. Access via Main Entrance

3205/16/ADV

5 - 9 Victoria Road, Dartmouth

Parish: Dartmouth

Advertisement consent for 1 x fascia sign and 1 x projecting sign

Case Officer Update: N/A

Speakers included: Supporter – Mr Paul Williams; Ward Member – Cllr Rowe

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Accord with plans
2. Standard advert condition – maintenance
3. Standard advert condition – public safety
4. Standard advert condition – tidy site after removal
5. Standard advert condition – permission of site owner required
6. Standard advert condition – security

1372/16/FUL Land at the Fairway, Newton Ferrers

Parish: Newton Ferrers

Construction of 5no. DDA compliant dwellings and change of use of land

Case Officer Update: 3 new LoRs received, raising the following issues:

1. High level of objection
2. Not an identified site in emerging JLP or Neighbourhood Plan

Speakers included: Objector – Mr Rob Hudson; Supporter – Mr Andy Coughlan; Parish Council Representative – Cllr Caroline Adams; Ward Member – Cllr Baldry

Recommendation: Delegated authority to be given to the COP Lead Development Management to grant Conditional Approval in consultation with the Chairman and Vice Chairman of Development Management Committee and subject to the satisfactory completion of a Section 106 Agreement

Committee Decision: Delegated authority to be given to the COP Lead Development Management to grant Conditional Approval in consultation with the Chairman and Vice Chairman of Development Management Committee and subject to the satisfactory completion of a Section 106 Agreement

Conditions:

1. Time
2. Accords with plans
3. Details of levels to be provided and agreed
4. Details of surface water drainage to be submitted to and approved in writing by the LPA
5. Recommendations on Extended Phase 1 Habitat Survey and Ecological Appraisal to be adhered to.
6. No external lighting unless details previously agreed with LPA
7. Requirement for heavy metal soil sampling
8. Unsuspected contamination
9. Pre-commencement - Construction Management Plan
10. East facing dormer windows to be obscure glazed and fixed shut.
11. Materials to be agreed
12. Hard and soft landscaping to be agreed and implemented

13. Tree and hedgerow protection measures during construction to be agreed
14. Details of any retaining walls to be agreed
15. Construction details of estate road, footways, verges etc to be agreed and provided.
16. Removal of PD – roof extensions and means of enclosure
17. Pre-commencement – LEMP
18. Highway, parking and turning to be laid out prior to occupation
19. All off site highway improvement works shall be complete prior to the occupation of the first dwelling
20. No mud, stones, water or debris shall be deposited on the public highway

2992/16/FUL The Rough, Devon Road, Salcombe

Parish: Salcombe

Demolition of existing house and building of new dwelling with associated works

Case Officer Update: N/A

Speakers included: Supporter – Mr Phil Pawsey; Ward Members –
Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time
2. Accords with plans
3. Details of materials to be agreed
4. Natural roof slates to be used
5. Details of hard and soft landscaping to be agreed including boundary treatment
6. Details of drainage to be agreed
7. Recommendations of Ecology Report to be adhered to.
8. Windows indicated as obscure to be retained as such
9. Permitted Development rights removed – extensions, roof alterations.
10. 1.8m privacy screen to be provided on north east end of first floor balcony

3599/16/VAR

Combe Cottage, Slapton, Kingsbridge

Parish: Slapton

**Application for variation of condition of granted planning application 44/1852/13/F.
To replace drawings SN:11:52A & 53B and SN:55,56,57**

Case Officer Update: N/A

Speakers included: Supporter – Mr Phil Pawsey; Parish Council Representative – Cllr Graham Burton: Ward Member – Cllr Foss

Recommendation: Delegation to Community of Practice Lead in consultation with the Chairman and Vice Chairman of DM Committee to grant Conditional Approval subject to the signing of a Deed of Variation to the Section 106 Agreement

Committee Decision: Delegation to Community of Practice Lead in consultation with the Chairman and Vice Chairman of DM Committee to grant Conditional Approval subject to the signing of a Deed of Variation to the Section 106 Agreement

Conditions:

1. Time
2. Accords with plans
3. Timescale for laying out private and public open space
4. Landscaping scheme to be implemented
5. Landscaping to be maintained
6. Materials to be agreed
7. Landscaping and Biodiversity Management and Maintenance Plan, including a detailed tree protection plan and arboricultural method statement to be approved and implemented.
8. Means of enclosure, including details of proposed pedestrian gate to Carr Lane and future maintenance
9. Details of drainage to be agreed pre-commencement
10. Agreed drainage to be implemented and completed prior to construction of house above slab level

1648/16/FUL

Beachhouse Café, South Milton Sands, South Milton

Parish: South Milton

Application for a small extension to existing beach café building to provide storage and toilet facilities for staff

Case Officer Update: N/A

Speakers included: Supporter – Mr Richard Snow; Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit
2. Accord with plans
3. Foul drainage
4. Surface water drainage
5. Removal of structures within yard

3542/16/VAR Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming

Parish: Stoke Fleming

Application variation of condition numbers 2, 3 and 4 following grant of planning permission 51/2045/03/F to allow changes to approved plans

Case Officer Update:	N/A
Speakers included:	Objector – Mrs Jill Wallis; Supporter – Mr Douglas Ferris; Ward Member – Cllr Hicks (statement read out)
Recommendation:	Conditional Approval
Committee Decision:	Conditional Approval

Conditions:

1. Accord with plans
2. Floor levels and roof ridges to accord with approved details
3. Parking to be provided for each dwelling prior to occupation
4. Removal of PD rights
5. Hardsurfacing and means of enclosure to be provided prior to occupation
6. Unsuspected contamination

DM.52/16 PLANNING APPEALS UPDATE

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

DM.53/16 PERFORMANCE INDICATORS

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 10.00 am and concluded at 6.15 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 18 January 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1879/16/HHO	Kynance, Higher Broad Park, Dartmouth	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss (5)	Cllrs Hodgson, Bramble (2)	Cllrs Cuthbert, Pearce and Vint (not being present for the Officer presentation) (3)	Cllrs Brazil, Hitchins (2)
1623/16/FUL	Garages 1-3 adjacent to 1A Christina Park, Totnes	Refusal	Cllrs Hodgson, Rowe and Vint (3)	Cllrs Steer, Foss, Cane, Cuthbert, Holway, Pearce, Bramble (7)	(0)	Cllrs Brazil, Hitchins (2)
1623/16/FUL	Garages 1-3 adjacent to 1A Christina Park, Totnes	Conditional Approval	Cllrs Steer, Foss, Cane, Cuthbert, Holway, Pearce, Bramble (7)	Cllrs Hodgson, Rowe and Vint (3)	(0)	Cllrs Brazil, Hitchins (2)
1625/16/FUL	Land at Westerland, Totnes Road, Marldon	Conditional Approval	Cllrs Foss, Steer, Hitchins, Bramble, Holway (5)	Cllrs Cane, Rowe, Hodgson (3)	Cllrs Cuthbert, Pearce and Vint (not being present for the Officer presentation) (3)	Cllr Brazil (1)
3230/16/COU	5 – 9 Victoria Road, Dartmouth	Conditional Approval	Cllrs Steer, Foss, Hitchins, Bramble, Holway, Rowe, Cuthbert, Cane, Pearce (9)	Cllrs Hodgson, Brazil, Vint (3)	(0)	(0)
3204/16/FUL	5 – 9 Victoria Road, Dartmouth	Conditional Approval	Cllrs Steer, Foss, Hitchins, Bramble, Holway, Rowe, Cuthbert, Cane, Pearce (9)	Cllrs Hodgson, Brazil, Vint (3)	(0)	(0)
3205/16/ADV	5 – 9 Victoria Road, Dartmouth	Conditional Approval	Cllrs Steer, Foss, Hitchins, Bramble, Holway, Rowe, Cuthbert, Cane, Pearce, Vint (10)	Cllr Brazil (1)	Cllr Hodgson (1)	(0)

1372/16/FUL	Land at The Fairway, Newton Ferrers	Conditional Approval	Cllrs Steer, Foss, Hitchins, Bramble, Holway, Rowe, Cuthbert, Cane (8)	Cllrs Hodgson, Vint, Brazil, Pearce (4)	(0)	(0)
2992/16/FUL	The Rough, Devon Road, Salcombe	Conditional Approval	Cllrs Steer, Bramble, Rowe, Holway, Cuthbert (5)	Cllrs Pearce, Hodgson (2)	Cllrs Brazil, Cane, Foss, Vint (4)	Cllr Hitchins (1)
3599/16/VAR	Combe Cottage, Slapton, Kingsbridge	Refusal	Cllrs Foss, Hodgson, Brazil, Vint, Pearce (5)	Cllrs Steer, Bramble, Rowe, Cuthbert, Holway, Cane (6)	(0)	Cllr Hitchins (1)
3599/16/VAR	Combe Cottage, Slapton, Kingsbridge	Conditional Approval	Cllrs Steer, Bramble, Rowe, Cuthbert, Holway, Cane (6)	Cllrs Foss, Hodgson, Brazil, Vint, Pearce (5)	(0)	Cllr Hitchins (1)
1548/16/FUL	Beachhouse Café, South Milton Sands, South Milton	Conditional Approval	Cllrs Steer, Bramble, Rowe, Cuthbert, Holway, Cane, Foss, Hodgson, Brazil (9)	Cllr Bramble (1)	Cllr Pearce (1)	Cllr Hitchins (1)
3542/16/VAR	Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming	Conditional Approval	Cllrs Hodgson, Vint, Rowe, Cane, Holway, Cuthbert, Steer (7)	Cllrs Pearce, Bramble, Brazil, Foss (4)		Cllr Hitchins (1)

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Brixton **Ward:** Wembury and Brixton

Application No: 1825/16/OPA

Agent/Applicant:

Mr Louis Dulling
1st Floor
3 Silverdown Office Park
Fair Oak Close
Clyst Honiton,
Exeter
EX5 2UX

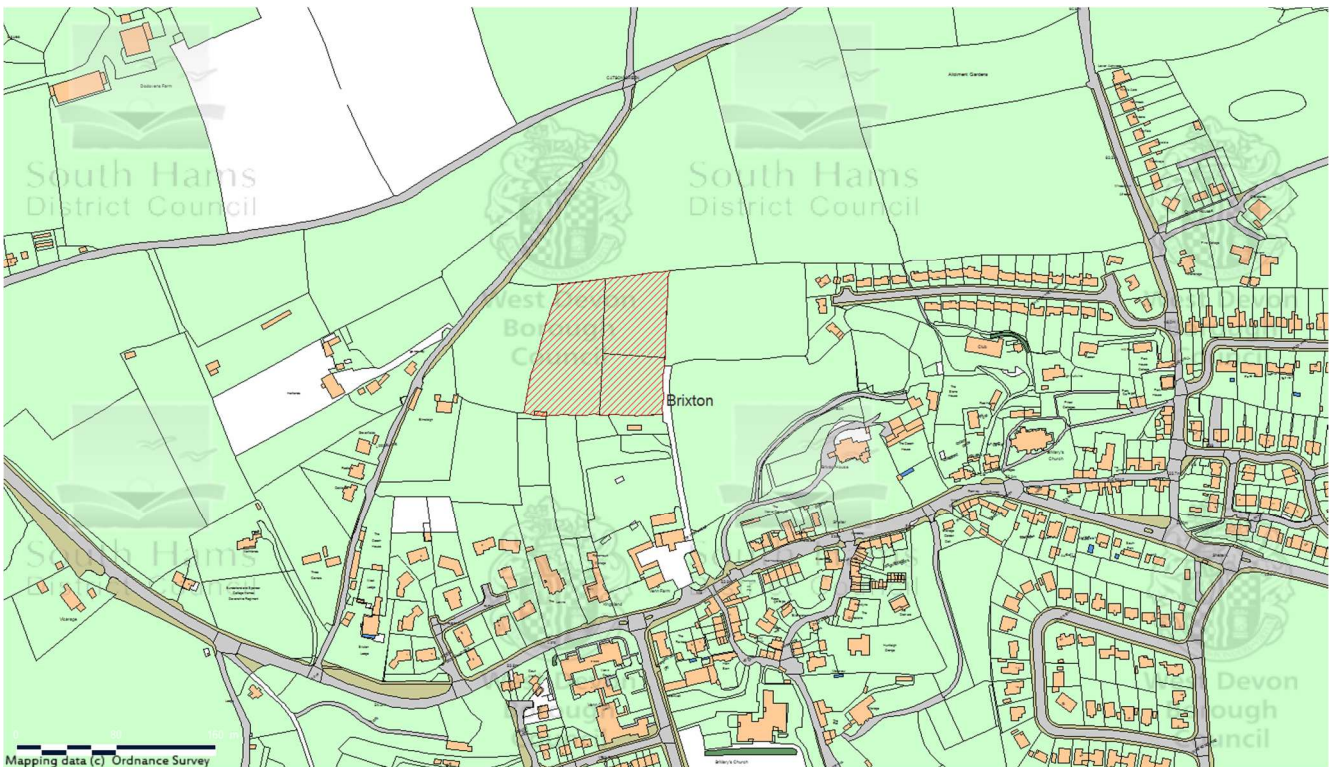
Applicant:

ADPAD
C/O Agent

Site Address: Land At Sx 550 522, North Of Canes Orchard, Brixton, Devon

Development: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access

Reason item is being put before Committee: The land owner is a Member of South Hams District Council



Recommendation: That delegated authority be given to the Community of Practice Lead to grant Conditional Approval subject to a Section 106 Agreement to secure the following:

- 30% provision of on-site affordable housing, approx. 40% of these being affordable rent and 60% shared ownership.
- Contributions to Yealm Estuaries area of Plymouth Sound and Estuaries SAC in accordance with the following table:

Dwelling size	Contribution per dwelling
1 bedroom	£17.16
1 bedroom flat	£23.99
2 bedroom house	£31.60
3 bedrooms	£33.93
4 bedroom house	£36.76
5 bedroom house	£40.38

- Playing pitch and recreation facility contributions of £595 per occupier towards improvement at Horsham Playing Fields and/or the football pitch at Frankfort Park and/or access improvements to these facilities.
- Securing public access (free of charge) in perpetuity to Public Open Space within the proposed development.
- Securing management and maintenance of Public Open Space in perpetuity (in accordance with a Landscape and Ecology Management Plan).
- Education – contribution for Secondary school infrastructure of £79,348 (based on 29 dwellings).
- School transport - £14, 297 (based on 29 dwellings)
- The provision of a sustainable urban drainage scheme including management and maintenance responsibility and arrangements

Conditions (listed in full at end of report)

- Time (commencement and submission of reserved matters)
- Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed and implemented.
- Accords with plans
- CEMP
- Highway infrastructure details to be agreed with LPA and to be provided in accordance with the approved details.
- Phasing of delivery of highway infrastructure to be agreed
- Universal condition for development in land affected by contamination
- Verification report
- Unsuspected contamination
- Details of a permanent surface water drainage management plan to be agreed with the LPA, details to accord with Flood Risk Assessment dated 25/10/2016.
- Details for adoption and maintenance of sites entire surface water drainage system to be agreed with LPA.
- Details of construction phase drainage scheme to be agreed with LPA
- Tree and hedgerow protection to be agreed and implemented
- Prior to commencement submission of a Landscape and Ecological Management Plan (to detail habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases)
- External lighting to be agreed with LPA

- Provision of barn owl nesting spaces within the development in accordance with details to be agreed
- Details of play area within the public open space to be provided within Reserved Matters applications.
- Renewable energy/energy efficiency (details pre-commencement)
- Removal of PD rights
- Car parking/garaging to be retained for parking of vehicles
- Retention of trees/hedges
- Development in accordance with ecology report
- Hours of construction

Key issues for consideration:

Given the location of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date and the key issue is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

Given the issues that have been raised in connection with the application, the potential adverse impacts on the following matters are considered to be the key issues:

Flood Risk
 Highways/Traffic
 Landscape
 Local character
 Ecology
 Neighbouring Amenity.

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

It is estimated that this development has the potential to attract New Homes Bonus of **£34,423** per annum, payable for a period of 6 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site is a 0.94 ha parcel of agricultural land, part of which has recently been used as construction compound in association with the adjoining land. It is located immediately north of Phase 1 of the residential development at Canes Orchard, formally known as Venn farm, Brixton. The site adjoins the Phase 2a development site to the east where development has very recently commenced for 17 dwellings. The site includes the area of land approved as employment land under Phase 1.

The site is bounded by hedgerows interspersed with trees on the north, east and west boundaries. To the south are the houses of Phase 1 of Canes Orchard which is now completed and the houses are occupied. The site has a gentle slope running downwards, north to south.

Access will be gained from within the Phase 1 development which itself is accessed directly off the A379 in the centre of Brixton.

The site has no statutory designations but it is within approx. 150m of the South Devon Area of Outstanding Natural Beauty (AONB), which is south of the application site, the boundary being the A379.

The site lies within Flood Zone 1, this being the area of lowest flood risk.

The site is within easy walking distance (less than 400m) of the village facilities which include a primary school, day nursery, general store, church, restaurant, public house and hot food take away. Bus stops serving Plymouth, Modbury, Kingsbridge, Yealmpton, Newton Ferrers and Noss Mayo are within a 210m walk from the site.

The site lies outside of the development boundary and was not included in the RA12 site allocation which included the land now developed at Phase 1 and the land which has planning permission for Phase 2b and part of the Phase 2a site. This site allocation sought a mixed use development of 50 dwellings, 0.1ha of employment land and open space.

The Proposal:

The application seeks outline planning permission for circa 29 dwellings and means of access; an indicative layout has been submitted but is not for detailed consideration.

It is proposed that 9 units (2 and 3 bed) will be offered as affordable dwellings, 5 will be intermediate sale and 4 would be social rented. This represents 30% affordable housing (when submitted the application indicated that the amount of affordable housing would be policy compliant which in this case would be 50%, a viability assessment was later submitted suggesting that only 22% was viable, following a review of the viability assessment the offer was increased to 30%).

Access into the site will be from the south east corner of the site, using the access originally intended for the employment land, this links into the north east corner of the Phase 1 development and will use the road through Phase 1 to access the A379 to the south.

The majority of existing hedgerows will be retained, the only opening being to the northeast to allow connection to the public open space within Phase 2a.

The application is supported by a number of documents available to view on the website which include the following:

- Planning application form
- Site location plan
- Planning Supporting Statement by Hunter Page Planning
- Design and Access Statement and indicative layout prepared by Turley Design
- Transport Assessment prepared by Cole Easdon
- Flood Risk Assessment/Drainage Statement prepared by Cole Easdon
- Ecological Assessment prepared by EAD Ecology
- Arboricultural Statement prepared by Aspect Tree Consultancy
- Landscape and Visual Impact Assessment prepared by The Richards Partnership
- Cultural Heritage Statement prepared by CgMS
- Statement of Community Involvement prepared by Syvret Media
- Agricultural Land Classification report prepared by Asken Land and Soil Ltd

Consultations:

- County Highways Authority – No objection subject to conditions

- Environmental Health Section – No objection subject to conditions
- South West Water – no objection
- Environment Agency – would like to be re-consulted if the proposed method for disposal of foul drainage is to a non-mains system.
- DCC Flood and Coastal Risk management – drainage – no objection subject to conditions.
- DCC Waste – No objection
- DCC Archaeology – no comments to make
- Police ALO – detailed comments provided; concerns raised about the siting of the POS in the illustrative layout due to lack of natural surveillance and potential for anti-social behaviour.
- SHDC Trees – No objection subject to conditions
- SHDC Ecology – No objection subject to conditions and a 106 to secure the following:
 - Financial contributions to Yealm Estuaries area of Plymouth Sound and Estuaries SAC
- SHDC – Open space, sport and recreation – no objection subject to securing the following:
 - Playing pitch and recreation facility contributions of £595 per occupier towards improvement at Horsham Playing Fields and/or the football pitch at Frankfort Park and/or access improvements to these facilities. Securing management in perpetuity of public open space including any play area and SUDs in accordance with LEMP
 - Securing public access to the public open space in perpetuity
- Affordable Housing – *The applicant has entered in to discussions with the council regarding the viability of the affordable housing that can be provided on this site. The applicant originally offered 22% which was not policy compliant with the 55% which was originally requested. Plymouth City Council carried out the viability assessment on behalf of the council. The negotiations have resulted in on-site provision of 30% affordable housing, which equates to 9 units of accommodation. The breakdown of the tenure proposed is 4 rented properties and 5 intermediate properties. This is an outline application but the affordable properties could include the fixed sqm, tenure and bedroom numbers within the section 106.*
- SHDC Landscape - No objection in principle subject to conditions:

- whilst recognising that there would be adverse effects associated with the proposed development in relation to visual amenity and the setting of the AONB, I would not raise an in principle objection to this outline application, as these impacts a) are not significantly different to the effects already accepted by the council at the adjacent site, and b) could be further mitigated with minor design adjustments. It is however critical that the scale and density of the development is not increased beyond that set out in the indicative material; such changes would notably worsen the effects associated with the proposals.

- Natural England - Detailed comments provided including the following: The site is within 1.5km of the Plymouth Sound and Estuaries Special Site of Conservation (SAC). The consultation documents do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by the LPA. Natural England consider the

proposal is not necessary for the management of the European site. It is recommended that the following information be considered to help undertake a Habitat Regulations Assessment:

Contributions can be made to provide funding and support for mitigation of the impacts of development on the Tamar and Yealm Estuaries.

We advise consultation with the AONB Unit and note the application is not supported by a Landscape and Visual Impact Assessment in accordance with best practice.

- DCC Education: No objection but seeks the following contributions based on 29 dwellings:

Secondary school infrastructure - £79,348 (based on £18,241 per pupil)

School transport - £14, 297 (based on £3.01 per day x 5 pupils x 190 academic days x 5 years)

- Barn Owl Trust – Recommends that a permanent accessible nesting space for Barn Owls be provided within one or more of the developed buildings, best located to the north of the development

- Town/Parish Council -

In considering this outline application Brixton Parish Council conducted a site visit with the applicant's agent on 13th August 2016 to land North of Venn Farm described as (Phase 3 of the Venn Farm development) and held a Parish Council meeting to discuss the outline planning application on the 15th August 2016 attended by 28 members of the public.

Brixton Parish Council objects to this outline planning application for the following reasons (all of which have equal importance)

- **The size of the site**

In the original proposal produced in 2011 for development at Venn Farm part of this site 0.1 (0.247 acres) hectares was allocated for employment land. This outline application for Phase 3 of land north of Venn Farm includes the change of use from employment land to land for residential development and has increased the size of the original area to 0.93 hectares (2.3 acres) an increase in land size for housing development of 2 acres.

This increase exceeds the original RA12 (Rural Allocation) boundary and allocation defined by South Hams District Council and exceeds the boundaries of the developers Master Plan for Brixton agreed in 2012. The report by the applicant's agent describes this RA policy as out of date however it has not been replaced by any other policy by South Hams District Council.

- **Impact on Village Identity**

Serious concerns are expressed by the whole community about the impact of further housing development in and around Brixton village.

- a) **Numbers of houses**

The planning statement reports that there are 810 dwellings in Brixton village. This is incorrect and misleading as there are 810 houses in Brixton Parish with approximately 500 houses in Brixton village. The remainder include a major settlement at Carrollsland, the smaller hamlets of Spriddlestone, Combe, Brixton Torr and Chittleburn and other isolated houses and farms.

This proposal for 29 dwellings amounts to a 30% increase in housing on the Venn Farm site. The original number of houses agreed for the Venn Farm development was 50, 27 were built in Phase 1. The number increased to 61 when the planning application for Phase 2a (17 houses), and the outline planning application for phase 2b (17 houses) were approved in 2015. Phase 3 (29) brings the total to 90 new houses which equates to urban development in the middle of a country village. No other development in the village over the years has concentrated so many houses in one particular area.

b) Incremental increase in numbers

The original developer's master plan for Venn Farm site (2011) was for 50 houses this increased to 61 when planning applications for Phase 2a & 2b were approved. **The allocation for new housing in Brixton has therefore been met and indeed exceeded. Assurance is needed that if outline planning permission is granted that the figure of 29 will not be exceeded to increase the density in any later planning application and/or the number increased as evidence 'for economic reasons'.**

Maintaining an agreed density is vital to ensure adequate space for public realm, infrastructure and parking to avoid the problems experienced in Kitley Place in Yealmpton.

(Work on Phase 2a has to date has not started although planning permission has been granted)

c) Urban Sprawl on Plymouth fringe

This site is less than one mile from the edge of the Sherford New Town development and there is significant community concern about the danger of urban sprawl into rural Devon.

d) Loss of village and community identity

The village of Brixton is centred around the Church, shop, pub and Post Office with local businesses and school providing required services to local people. The village has a strong sense of identity based on its history and community and how it has incorporated change incrementally over the years. This sense of gradual development reflecting the needs of the community over time has given the village integrity, stability and a sense of place.

There is a serious concern in the community that medium density housing of a ubiquitous mass develops a model which will erode the character of a rural village. The indicative layout reflects urban rather than rural development.

e) Viewed from the AONB 27 additional houses will increase the extended skyline already created by Phase 1 of Canes Orchard from the AONB.

- Infrastructure Issues

- a) Drainage and surface water runoff. **The risk of problems identified by Brixton Parish Council and residents relating to drains and surface water run off on this sloping site were ignored by planners and builders in the application for Phase1, 2a & 2b and subsequently have been dealt with inadequately. Resulting flooding and problems**

with both surface water run off and blocked domestic drains are already being experienced by residents of Phase 1, in Bramley Close and Orchard Way. This is before the loading is increased by Phases 2a and 2b - still to be built. (Temporary fixes of earth trenches by the developer are unsustainable).

Phase 3 will further lead to the encroachment of water onto to the Phase 1 site and increase the risk of further local flooding. Based on this information serious concerns remain for residents and the Parish Council about the continuing risk of flooding from drains and surface water on and from this site.

Despite drainage and run off being raised as serious concerns by residents and Brixton Parish Council for the planning applications for Phase 1, Phase 2a and 2b. There is no evidence currently that adequate measures have been taken in Phases 2a & 2b which will impact not only on Canes Orchard properties but also on properties with septic tanks, which are lower and adjacent to 2A in Cherry Tree Drive, as advised by residents and the Parish Council repeatedly to South Hams District Council Planners.

Existing infiltration solutions for Phase 1 for a 1 in 100 year's event plus 30% for climate change have already failed in Phase 1 in the past 12 months.

- b) Sewage – No evidence has been provided to ensure that the current sewage system can cope with the increased capacity created by a further 61 houses (34 houses in Phase 2a & 2b have yet to be built). Residents report their experiences of blocked drains and toilets over flowing in their Phase 1 houses since moving in last year.

Brixton Parish Council requests that formal survey, evaluation and report is commissioned from SWWA to clarify that the current sewage plant at Mudbank has sufficient capacity for this increase in number of houses in Brixton and also protect the River Yealm from pollution.

- c) Roads – There are road safety issues for residents of Phase 1 of Canes Orchard due to the cul-de-sac road layout which is restrictive in that the narrowness of the road and pavements forces people to walk in the road when cars are parked. Vehicles larger than a Tesco's delivery van have difficulty in manoeuvring and turning in the current configuration of roads and pavements. Given the tightness of the bend as well as narrowness of the road - there is no adequate turning area for delivery vans or indeed any vehicle. **The families living in Canes Orchard have significant concerns about traffic movement, poor parking arrangements and inadequate turning head. These safety concerns will be exacerbated by the further increase in traffic from Phase 2a, 2b and if Phase 3 is approved. Assurance is needed that all emergency vehicles can safely access the site.**
- d) School – **there is no evidence that the viability of the local school is dependant on the provision of further houses in Brixton as Phase 2A and 2B have yet to be built.** The school is currently close to capacity with no spaces remaining for children in the early years.

- **Traffic Flow Information needs to be updated and accurate**

- a) Traffic Assessment Report - The Transport Assessment Report provided to evidence

traffic flow through the village is out of date. The survey took place in June 2011 and in the intervening 5 years ago new housing has been built in Brixton (27), Yealmpton (50), Ermington and Modbury resulting in increase in traffic along the A379. An up to date report on weekly traffic flow over a defined period through Brixton village is required.

- b) Traffic Generation – in the Transport Assessment Report the traffic generation and flows are underestimated. In total with Phase 3 there will be a least of 96 houses (90 new houses, 4 barns, Venn Farm House and The Wheelwrights) accessing and exiting from this site. Up to date information needs to be available to provide a clear impact of the traffic flow from 96 dwellings onto the A379.

Brixton Parish Council requests that an up to date report on traffic flow through Brixton village and traffic generation from Canes Orchard is presented as evidence to the Development Management Committee.

- **Construction Management Plan - Conditions and Compliance**

- a) Working hours The conditions provided in the recommendation from Devon County Council Planning, Transportation and Environment Department have been considered. Paragraph (d) defines the hours for delivery and construction traffic, it is not acceptable in that vehicular movements should take place on Saturday mornings. The site will be accessed by Orchard Way which is a residential area populated by families with children. **This traffic risk and disturbance on Saturdays is not acceptable.**
- b) Paragraph 1 states ‘**The proposed route of all construction traffic exceeding 7.5 tonnes’. There is no information in the papers about the location of this route. The use of the lanes to the north of the site to access the site is totally unacceptable.** The evidence from Phase 1 is that the hedges and drainage ditches damaged by heavy lorries accessing the site from the north have been irreparable and flooding still occurs at Catson Green at the top of Lodge Lane.
- c) Compliance As a community our experience from the Construction Management Plan for Phase 1 was that in some critical areas it was not complied with causing great inconvenience and danger to local people; for example the persistent mud on the A379 and the lack of proper wheel washing facilities from the construction site. **As access to the proposed site is through a residential area all the agreed conditions including no Saturday working must be fully met.**

- **Housing Provision**

- a) Provision of Affordable homes. Indicative numbers of affordable homes would have been helpful at this stage and a guarantee that the developer would be providing a minimum of 50% allocation of affordable housing for this site with a particular emphasis on homes for local young people and families. **As previous numbers for affordable housing were not met in earlier phases of this development Brixton Parish Council expects that any further development of housing at Canes Orchard should have a significant affordable proportion in excess**

of 50% to be consistent with the needs of the village and compensate for the reduction in affordable housing from the original plans approved for Phases 1, 2a and 2b.

The recent Housing Needs Survey for Brixton (April 2016) identified a need for minimum of 11 affordable homes these could be easily and sustainably accommodated if this development was approved. (See Appendix A Executive Summary Brixton Parish Council Housing Needs Survey April 2016)

- b) Illustrative numbers on outline application **An undertaking is required that the illustrative figures of numbers and types of housing must not be changed/increased as part of any eventual application is also required from the applicant if the outline application is approved as stated previously.**
- c) Design and Quality **The design of any future houses must ensure that sufficient garage/parking and turning space for the numbers of cars and vehicular movements likely to be generated from this site is properly accommodated. The site planning, infrastructure and layout must ensure that there is sufficient open space plus formal play spaces. The houses should be built to a high standard to avoid the types of poor workmanship and inferior quality of materials which have led to complaints by residents from the construction of Phase 1.**

The current Phase 1 design does not demonstrate an understanding of the character of Brixton village, with its suburban design and poor detailing of the public realm. It neither responds to the historic context or sustainable context in exploiting the natural topography/south facing aspect. If any further development is approved for this site needs these contextual matters must be taken into account.

The All Party Parliamentary Group for Excellence in the Built Environment (July 2016) states that 'we need to ensure that consumers are buying homes that are fit for purpose, are of enduring quality, perform to the requisite levels of maintenance cost and energy efficiency and give peace of mind, pride and enjoyment to those who occupy them'.

- d) Energy Efficiency **Any new development should be very thermally efficient and incorporate renewable energy sources.**
- e) Visitor Parking **Adequate visitor parking must be included across the site for Phase 3 as current parking arrangements in Phase 1 have already proved to be inadequate and pose a safety risk to residents.**

On all the above grounds Brixton Parish Council objects to this outline application

Representations:

4 letters in support of the application have been received raising issues that include the following:

- Affordable homes allow local families to remain in the village
- Provision of housing for young people is required.
- Will not affect the appearance of the village

- Impressed by quality and appearance of existing development
- Want to move to Brixton to be near family
- In keeping with village
- Development here will protect AONB from development
- Site will be an asset to village

16 letters objecting to the development have been received for reasons that include the following:

- Loss of privacy
- Change in levels will result in overbearing impact on neighbours
- Inadequate drainage – site has experience problems of flooding and drainage back-up
- Advised when bought property that there would be no further development.
- Will increase loadings on local sewage works which do not meet legal standards and will increase pollution to the Yealm. Number of spills from the Brixton sewage treatment works should be reduced before any new development is allowed; pollution will impact on the Yealm Oyster industry.
- Seeks to build on land allocated in Section 106 for employment use, this diminishes value of 106 agreements.
- Sites should be developed where the land owners will facilitate high levels of affordable housing.
- Brixton has had a lot of new development – sets a dangerous precedent
- FRA is inaccurate stating that there is no history of flooding and infiltration rates are good – site is built on bed rock with poor infiltration – flooding has regularly occurred on site such that a land drain had to be installed to the rear of Bramley Close/Orchard Road
- Flooding will occur
- Estimate of new school pupils is too low
- Estimated traffic flow is too low
- Will cause problems of congestion in the local highway network
- Site is already congested as cars park on the road
- Outside of the development boundary and greenfield
- No need for more housing in the village – Sherford is close
- Adverse impact on character of the village – introducing suburban sprawl
- Will result in a cumulative increase of housing by 10% (or 20%) in village
- Only one access to serve 90 homes – will cause congestion
- Together with Phase 2a and 2b this will result in a further 5 years of construction disturbance to residents
- Phase 3 will tower above Phase 1 – will impact on skyline
- Not been demonstrated that there will be no heritage impacts on nearby church and LB's
- Roads are not wide enough for more traffic
- Pavements are inadequate and parked cars force pedestrians into the road – raises road safety issues
- Visibility at exit roundabout is inadequate for traffic speeds
- Attenuation tanks pose flood risk to properties below
- Loss of habitat for owls
- Phase 1 build quality is poor
- Outside of neighbourhood plan process

Relevant Planning History

07/2023/12/DEVBR – Development brief for proposed mixed use development comprising 27 dwellings and 0.1 ha of employment land – Approved

07/2022/12/F. Mixed use development comprising 27 dwelling and 0.1ha of employment land with associated access, car parking, landscaping and open space. – Conditional Approval.

07/1196/15/F – Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works. – Conditional Approval

07/1197/15/O - Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase b) – Conditional Approval

The applications above have granted planning permission for a total of 61 dwellings

ANALYSIS

Principle of Development/Sustainability:

This is an Outline planning application for the development of the site for circa 29 dwellings. Although an indicative plan has been provided, which demonstrates how the site could be development it is illustrative only and does not form part of any subsequent permission that may be granted. The only matter of detail to be considered is access. The key issue in the determination of the application is therefore whether the development of the site is acceptable in principle.

The application site is not allocated for development in the South Hams Local Development Framework and is located outside of but in close proximity to the development boundary. The site adjoins recent extensions to the village to the south (Phase 1 Canes Orchard, completed) and to the east (Phase 2a Canes orchard, under construction).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise. In the case of residential development paragraph 49 of the National Planning Policy Framework (NPPF) states that '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*' The first key question therefore is whether the Council can demonstrate a five-year housing supply.

An appeal relating to a site in Kingsbridge in 2014 (ref APP/K1128/A/13/2210602) considered this issue in detail and the Inspector concluded that "...*the Council has failed to demonstrate a 5 year supply of deliverable housing sites.*" As a consequence of this lack of a 5 year supply the relevant policies for the supply of housing should not be considered up to date.

In light of this it is accepted that, at present, the Council cannot demonstrate a five-year housing supply. As such, the current position is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.' However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply.

The main issue, therefore, in respect of whether the development is acceptable in principle, in the absence of a five year supply of deliverable housing land in the District, is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits.

Sustainable Development

Local Development Framework (LDF) Core Strategy Policy CS1 - Location of Development sets out where development is acceptable in principle subject to detailed material planning considerations. Brixton is included as one of the districts' villages and is therefore covered by policy CS1, being a village with an appropriate level of infrastructure and service provision to accommodate some degree of additional development. Brixton is therefore a sustainable location for additional development to take place.

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants which would be likely to be spent in the local area with some increase in the demand for local goods and services.

The development will result in the loss of approx. 0.94 hectares of agricultural land which in itself will not lead to a significant adverse economic impact.

The site includes an area of 0.1ha of land allocated as employment land in Phase 1, which would be lost as a consequence of this application. Phase 1 of Canes Orchard fell within the RA12 site allocation which seeks mixed use development to include about 50 dwellings and 0.1ha of employment land. The RA12 site allocation included land now part of Phase 1, 2a (in part) and 2b; RA12 does not include the application site, however half of the application site was included within the site area of the Development Brief approved in 2012, including that part which has outline planning permission for employment.

Phase 1 was granted planning permission subject to a Section 106 agreement which includes clauses relating to the employment land. The key provisions of the agreement with regard to the employment land are as follows:

- To provide services to within the boundary of the employment land prior to the occupation of any dwelling
- Within one month of the agreement to agree a marketing strategy with the LPA
- To use reasonable endeavours to market the employment land for 24 months
- After 24 months to use reasonable endeavours to obtain permission for an alternative use of the employment land
- To pay a contribution of £120,000 to the Council on the grant of planning permission for an alternative use or the use of the land for an alternative use granted by other means, after which the land will cease to be bound by the 106 (this sum to be used towards the enhancement and/or provision of employment generating projects, developments and/or facilities within the district of South Hams)

The applicant has submitted a statement from agents Stratton Creber which indicate that the site was marketed for 24 months but without sale. They state that interest was deterred by the location adjacent to residential development and the narrow vehicular route through the residential

development to access the employment site. It was felt there would be conflict in terms of vehicular movements, noise and working environment.

The proposed development of the application site for housing will result in the loss of this employment land, however as it has been demonstrated that it is not a suitable location for employment use there will be no actual loss of economic activity. The grant of planning permission for housing will trigger the requirement to make the financial contribution of £120,000 towards employment enhancement elsewhere in the District.

There is no evidence therefore that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process, from spending of future residents and by triggering the payment of Section 106 contributions in favour of employment creation. In respect of this element of sustainable development the balance is considered to be in favour of the development.

The Social Role

Provision of housing including affordable housing.

The principle social benefit of the proposed development would be the provision of additional housing, including 30% of the homes being affordable. These affordable homes will be approx. 40% social rented and 60% shared ownership which are the most accessible forms of affordable housing.

Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance. In the District wide Strategic Housing Market Needs Assessment (SHMNA) undertaken in 2013, the identified need for affordable housing across the District was 242 affordable homes needed every year. A recent housing needs survey in Brixton has identified the need for 11 affordable homes; this scheme will deliver 9 homes (based on a total of 29 dwellings).

The applicant has submitted a viability appraisal with the offer of 30% affordable housing. This offer was increased from an offer of 22% (which was a reduction of the original submission of 50%). The Affordable Housing team have scrutinised this appraisal and are in agreement that the level of affordable housing is now appropriate for this site. Brixton is a sustainable location benefiting from a shop, school and transport links and as such can support the delivery of more affordable housing.

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the primary school being oversubscribed, added congestion on highways that are already dangerous and impacts on existing residents who live adjacent to the site.

Impact on existing Infrastructure

Consideration has been given to these concerns. Devon County Council have confirmed that the local primary school has capacity but the nearest secondary school does not; as such financial contributions have been requested to provide additional secondary school infrastructure to mitigate the additional demand. DCC do not object to the proposal. Contributions towards secondary school transport are also requested.

The issue of congestion is considered elsewhere in the report and it is concluded that the development will not result in any significant impact upon the traffic levels in the area.

The site is within a short walk of the A379 where there are bus routes to a number of centres including Plymouth, Modbury and Kingsbridge. There are pedestrian links from the site to the local services in Brixton.

Impact upon Neighbours

The layout plan submitted with the application is for illustrative purposes only. The application does not formally include details of the siting and design of the proposed dwellings and the relationship between the proposed dwellings and those that exist around the boundary of the site. However it is considered that there is sufficient area to accommodate the development with a layout that will not have any significant adverse impact on the residential amenity of the neighbouring dwellings. An assessment of the relationship of the proposed dwellings with existing properties will be undertaken at the Reserved Matters stage when the detailed plans have been submitted.

Social Dimension Balance

Substantial weight that must be given to the provision of additional market and affordable housing. The site is well related to the settlement of Brixton with good access into the village centre and its facilities to ensure social integration. The social benefits of the proposed development outweigh any dis-benefits and weigh in favour of the development.

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape including the AONB; ecology and bio-diversity; heritage assets and surface and foul water drainage.

Landscape Impact

The application has been carefully considered and evaluated by Officers within the Natural Environment and Recreation Team who have assessed the scheme as follows:

Landscape Character and Visual Amenity

The site falls within the Plymouth and Modbury Farmland Landscape Character Area, and at a local level, the Lowland plains (3E) Landscape Character Type. The landscape character of the area is defined by a gently rolling farmed landscape with a strong hedgerow pattern surrounding varying sized fields. Relevant management objectives for this area seek to:

- *Protect the area's settlement pattern and distinctive stone-built traditional buildings, ensuring that any new development is sympathetic in terms of scale, form, style and materials.*
- *Plan to ensure that any future urban development is well sited and designed, incorporating screen planting (if appropriate) and suitable green infrastructure links.*
- *Plan to improve the quality of the urban edges of settlements, roads and industrial developments to reduce their visibility from the surrounding countryside.*

The close association with existing and permitted new development in this area would minimise localised impacts upon landscape character. Although the immediate area of the site would dramatically change as a result of the development, the perception of Brixton as a medium-sized settlement within its gently rolling farmland landscape would not undergo a significant impact, conserving the landscape character of the area in line with adopted Policy DP2 and CS9(3). Wider impacts upon the character of the area would also be limited, principally due to the existing permitted development at Phase 2 of the Venn Lane site which lies at an equivalent position in relation to the village core, and is of a similar scale and appearance. Earlier development in Brixton also lies at the same elevation further to the east. This established pattern of built form on the intermediate ridge to the north of Brixton in this area would not be affected by the proposed development.

Impacts on local views are also limited, with existing development, topography and vegetation providing local screening, as demonstrated in the submitted Design and Access (D&A) Statement. However, wider views are available, which are not noted in the D&A Statement. These are notably from elevated ground to the south around Newton Ferrers and Wembury which sit within the South Devon AONB. In views from these locations, the proposed development would increase the visible presence of built form extending onto the ridge above the village, though the trees and vegetation

lying to the immediate south west of the site would offer some screening and visual containment of the development. The extension of built form across this elevated ridgeline would increase the visual prominence of Brixton in wider views. This runs against the management objectives outlined above which seek to reduce the visibility of settlements and improve the quality of the settlement edge, and runs contrary to Policy DP2(d) which seeks to avoid unsympathetic intrusion into views. These impacts could be improved both by pulling the built form away from the most elevated northern edge, and by strengthening the boundary vegetation to the site, notably to the north, south and west, which would work with existing vegetation to break up the massing of built form in wider views. At present neither of these measures are shown on the indicative plans.

AONB

There is limited information accompanying the application associated with impacts on the South Devon AONB, despite its close proximity to the south. As noted above, the principle effects on the designated landscape would be the changes to wider views of the site area around Newton Ferrers and Wembury. The cumulative expansion of built form across the ridge above Brixton would increase its visual prominence, and its impact upon the setting of the designation.

In line with Planning Practice Guidance Paragraph: 004 Reference ID: 8-004-20140306, regard should be given to the South Devon AONB Management Plan and its Annex 3 AONB Planning Guidance. In line with NPPF paragraph 115, great weight should be given to conserving landscape and scenic beauty in AONBs, and the effects identified above should therefore weigh heavily in the planning balance.

The impacts described above would conflict with South Devon AONB Management Plan policies:

- Lan/P5 "The character of the skylines and open views into, within and out of the South Devon AONB will be protected..."; and
- Lan/P7 "The deeply rural character of much of the land adjoining the AONB boundary forms an essential setting for the AONB and care will be taken to maintain its quality and character."

Annex 3 to the Management Plan contains draft Planning Guidance. In relation to development in the setting of the AONB, it states:

"A development in the setting of the AONB that conserves and enhances the South Devon AONB will avoid prominent locations for development that would have significant impacts on important views out from or into the AONB."

As noted above, whilst there would be impacts on views from the designation and consequently its setting, these are not considered to be significant for the purposes of the above test.

Conclusions

The application is in outline with all matters (bar access) reserved. Whilst only indicative, the material submitted with the application does show a reasonable layout, accommodating existing trees and hedgerows, and a number of proposed new trees which would help to break up the massing of built form in this elevated position. In addition, the anticipated density and indicative building heights are also considered to be reasonable for this location.

The policy conflicts mentioned above are mitigated to a degree by the extant permission in the same position above Brixton immediately to the east; the impacts associated with the proposed development would be very similar to those which have previously been accepted by this Council in this location. There are no fundamental issues with the anticipated number, layout or scale of the proposals that would result in a visually incongruous or unduly prominent pattern of development, though as noted above, improvements through the slight reconfiguration of built form and the strengthening of boundary vegetation would be sought at reserved matters stage, if approved.

On this basis, whilst recognising that there would be adverse effects associated with the proposed development in relation to visual amenity and the setting of the AONB, I would not raise an in principle

objection to this outline application, as these impacts a) are not significantly different to the effects already accepted by the council at the adjacent site, and b) could be further mitigated with minor design adjustments. It is however critical that the scale and density of the development is not increased beyond that set out in the indicative material; such changes would notably worsen the effects associated with the proposals.

It is also considered that the development will not result in any visual coalescence with Plymouth, a concern raised by some residents. The development will read clearly as an extension to Brixton and is not of such a scale that the village character will be undermined.

Biodiversity

Natural England have provided detailed comments available on the website but which include the following:

The development site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is approximately 1.5 km from the Plymouth Sound and Estuaries Special Area of Conservation (SAC) which is a European site.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The Council's Ecology Specialist has commented as follows:

The submitted application (and PEA therein) fails to take account of the likely impact of the proposed development on the Plymouth Sound and Estuaries SAC. This precedent and reasoning is clearly set out in the neighbouring phases of development. I recall that the ecology surveys for the neighbouring sites identified this requirement (unlike this submitted PEA). I would also draw attention to Natural England having identified this within their comment.

The site is located some 1km to the Yealm component of the Plymouth Sound and Estuaries SAC. The South Hams Core Strategy HRA identified the potential for this site to cause effects on the SAC with respect to additional recreational pressures, and accordingly concluded that mitigation measures should be secured if this site was developed to ensure there were no adverse effects on the SAC, namely:

- *Partnership funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC.*
- *Secure funding to support recreation linked projects/actions identified in the Tamar Estuaries Management Plan, Yealm Estuary Environmental Management Plan, any revisions or updates of these plans and/or other relevant management plans.*

Accordingly, it is recommended that S106 contributions per dwelling are sought from the proposed development in accordance with the following table:

<i>Dwelling size</i>	<i>Contribution per dwelling</i>
<i>1 bedroom</i>	<i>£17.16</i>

1 bedroom flat	£23.99
2 bedroom house	£31.60
3 bedrooms	£33.93
4 bedroom house	£36.76
5 bedroom house	£40.38

It is considered that subject to securing this contribution will mitigate recreational pressures associated with new residents from this proposed development, and accordingly will ensure the proposed development is not likely to have a significant impact on the European designated site.

It is concluded that subject to the contributions as set out above the concerns of Natural England will have been met and the impacts on biodiversity adequately mitigated.

Heritage

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

A Heritage Statement is submitted in support of this application which considers the impact on a number of listed buildings in the area including Brixton Lodge, Elbridge House, The Wickett, Brixton House, Priests Cottage and the Church of St Mary. The buildings closest to the site are Brixton House, Brixton Lodge and the Church of St Mary.

Brixton House is located to the south east of the Phase 2b development area which lies between the development site and the listed building. The proposed development will have no greater impact on the setting of the listed building than the permitted scheme.

Brixton Lodge is set a considerable distance from the site with a buffer of existing dwellings and open fields between it and the application site. There will be no adverse impact on the setting of this Listed Building.

The setting of St Mary's Church, a Grade I listed building is also an important consideration, however there is very limited inter-visibility between the application site and the church; any impact is likely to arise from the Phase 2a and 2b developments where it was considered that subject to matters of detail, design and landscaping the impact would be acceptable, any harm being outweighed by the public benefits arising from the development.

Drainage/Flood Risk

Significant local concern has been raised about the potential flood risk/drainage issues associated with this development. There is concern about flooding and capacity of the sewage system to take more outfall. It has been highlighted that houses in Phase 1 have suffered from sewage backups into their homes and surface water flooding has been experienced.

South West Water raise no objection to the proposed development. They have stated that any blockages/problems that may have occurred are likely to be as a result of the way the drains have been installed rather than an indication of lack of capacity.

Devon County Council as Lead Flood Authority, who have been made aware of the alleged surface water flooding problems have reviewed the drainage information submitted in support of this application and raise no objections.

On this basis it is considered that the site can be adequately and appropriately drained.

Environmental dimension balance

The environmental role in considering where the development is sustainable is not clear-cut. The benefits identified are either marginal or essentially mitigation as in the case of any landscape/ecological measures to be applied to the development. Moreover, those benefits have to be set against the loss of an area of open countryside, leading to a change in the local environment and landscape. That impact has been carefully considered and, it is offset by the location of the appeal site outside the AONB, and the lack of evidenced harm to the environment. Whilst the appeal site is within a pleasant piece of countryside the site itself is neither so special nor the impact of the development so substantial, that its loss to development would represent significant material harm to the identified areas of potential concern.

Sustainable development conclusion

In terms of the economic and social dimensions of sustainable development, it is considered that there are benefits from the proposed development and that where adverse impacts in these respects can be identified, there is no evidence to suggest that they represent a scale of significant and demonstrable impact as would outweigh those identified benefits. Furthermore, given the NPPF's priority and the acknowledged housing supply position in the District, the additional dwellings to be provided must carry very substantial weight in determination of the application.

It is concluded that the site is sufficiently sustainable to pass the first part of the test set by Paragraph 14 of the Framework. It is clearly sustainable in economic and social terms. The location of the appeal site is sustainable and the adverse impacts identified including the landscape to be lost are not so significant as to undermine the proposed development's sustainable credentials. It is also concluded that whilst the impact on the ecological and biodiversity worth of the site is on balance probably neutral, the impacts, given mitigation measures, are not so significant as to outweigh the benefits identified.

Overall, therefore, on balance, it is considered that the proposed development is sufficiently sustainable to pass the first part of the test as set out in the NPPF.

Other matters

Traffic Conditions/Highway Issues

The only key issue not considered above in detail as part of the consideration of whether the development is sustainable is the effect on traffic conditions. Concerns have been raised about the narrow approach road through Phase 1 which gets congested through on street parking and regarding capacity of nearby junctions to cope with additional traffic volumes.

The Highway Authority have reviewed the scheme and have commented as follows:

It can be seen the proposals will add a minor amount of traffic to the existing development access road and in the peak hours add 6 two way trips in the morning peak hour and 4 trips in the evening peak hour. This is after considering the already approved B1 use class removal. The applicant has used robust traffic assumptions including an increase of 25% traffic flows on the A379 to demonstrate the proposals will not generate any capacity issues.

The Highway Authority notes the potential disruption to existing residents and is seeking conditions to deal with that.

A Section 38 Legal Agreement will be necessary.

Officers note the concerns of residents regarding parking problems within Phase 1 of the development. At reserved matters stage it will be important to ensure that a better parking solution is achieved such that these problems are not replicated.

It is concluded that the highway impact of the proposed development will be acceptable subject to the conditions recommended by the Highway Authority to protect residential amenity during construction.

Leisure and Recreation:

The application has the potential to include the provision of open space and play areas on the site, which will be secured with a Section 106 agreement. In addition offsite contributions for Sport and other outdoor facilities are to be provided. The level of provision is acceptable to cater for the demand from the development.

The Planning Balance and Conclusion

The application seeks outline planning permission, i.e. to establish the principle of whether the development of the site for circa 29 dwellings, is acceptable. The only detailed matter to be considered is the access to the site.

Whilst the indicative plan simply demonstrates how housing, landscaping, open space and footpaths could be accommodated upon the land, the details of the layout, scale and appearance of buildings will be subject to a separate Reserved Matters application to be considered on its merits.

The proposed development would conflict with Development Plan policy and would result in residential development outside the development boundary. It is considered that, in the absence of the Council being able to demonstrate a five year housing supply, the policies within the Development Plan with regards to housing have to be seen as out of date.

In such circumstances the NPPF sets out that the issue to consider is whether the proposal represents sustainable development and if it does there is a presumption in favour of the scheme. For the reasons as set out in the report, it is considered that the proposal does satisfy the three dimensions of sustainable development. Given the view taken that the development is sustainable the question to be considered is whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole.

No overriding technical objections have been raised and the impacts of the development have been assessed. There are no adverse impacts that would outweigh the benefits of the scheme. With regard to the objections raised in the letters of representation, the main areas of concern have been addressed above.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a Section 106 agreement.

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

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions:

1. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site.

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

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

2. An application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended)

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. The details hereby approved shall in all respects accord strictly with drawings numbers SK1B 'Site Location Plan'.

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.

5. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other

physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

6. PRE-COMMENCEMENT - 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 buildings and will include mitigation measures as set out in the existing ecological survey which shall be integrated with the detailed landscape scheme to be submitted as part of the reserved matters. The LEMP shall include details of habitat creation, management and maintenance and protected species mitigation, compensation and enhancement measures, covering construction and post-construction phases.

Reason: In the interests of ecological interest.

7. Prior to occupation of the first dwelling, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

8. Universal condition for development on land affected by contamination: Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Further investigations are required to determine the level of contamination that may be present on site as recommended by the Phase I contamination assessment. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

9. Verification report: 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. 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: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

10. 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, a[n 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.

11. Prior to the commencement of the development a phasing plan setting out the timing of the construction and completion of the roads and footpaths to serve the approved development will be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate and safe access for both vehicles and pedestrians is provided to properties before occupation.

12. All parking areas and garages shall be laid out and provided prior to the occupation of the dwelling to which they relate and shall be retained for the parking of private motor vehicles only in perpetuity.

Reason: In the interests of the safety and convenience of users of the highway.

13. Prior to construction of any of the dwellings above slab level (or alternatively in accordance with a previously agreed timetable for the submission of the details set out below), details of how at least 10% of the energy supply of the development shall be secured from a decentralised renewable or low-carbon energy supply, including an implementation programme, and/or details of how the energy

supply of the development shall be reduced through the use of energy efficiency measures secured through a 'fabric first' approach (this should meet at least a 10% reduction and shall include an implementation programme) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in operation thereafter.

Reason: To ensure that the dwellings are built in a way to minimise energy consumption and harmful emissions

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) 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 C (roof addition or alteration);
- (c) Part 2, Class A (means of enclosure); and
- (d) Part 2, Class B (means of access)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development within the locality; to safeguard residential amenity; and to safeguard parking and circulation areas.

15. 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;

16. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street

lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

REASON: To ensure that adequate information is available for the proper consideration of the detailed proposals.

17. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Report Ref 1005w0002, Rev B, dated 12/10/16) and Drawing No 1046-500-P” – Proposed Drainage Strategy (dated 24/10/16).

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

18. No part of the development hereby permitted shall be commenced until details of the adoption and maintenance arrangements for the entire site’s permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development’s permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

19. No part of the development hereby permitted shall be commenced until a detailed surface water drainage management plan for the full period of the development’s construction has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system shall then be constructed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority, and shall thereafter be so maintained.

Reason: To ensure that surface water from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

20. Prior to the commencement of development full details of the layout, landscaping and of any equipment to be provided within the proposed Public Open Spaces shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall be laid out in accordance with the approved details and made available for use by the public prior to the occupation of the second to last dwelling within the development and shall be retained as such in perpetuity.

Reason. To ensure the provision of good quality and functional public open space in the interest of amenity.

21. Prior to the continuation of development of any dwelling hereby approved above slab level details of permanent accessible nesting space for Barn Owls in at least one of the dwellings to which this permission applies shall be submitted to and approved in writing by the Local Planning Authority. The permanent accessible nesting space shall be provided in accordance with the approved details prior to the occupation of the dwelling(s) to which it relates and shall be retained as such in perpetuity.

Reason: In the interest of wildlife conservation.

22. Except for any trees or hedge(banks) identified for removal on the approved drawings no retained tree and hedge(banks) shall be felled, uprooted, removed, destroyed or worked, unless as approved in writing with the Local Planning Authority. If any retained tree or any retained hedge (bank) is felled, uprooted, removed, destroyed or dies, another tree shall be planted at the same place and the hedge(bank) be reinstated and that tree and hedge(bank) be of such size, species and density, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: In order to protect trees and hedge(banks) of public amenity and ecological value

23. The development hereby permitted shall be carried out, and thereafter maintained and managed, in accordance with Appendix 4 "Preliminary Conservation Action Statement" of the approved Preliminary Ecological Appraisal dated April 2016 prepared by Blackdown Environmental. These details shall be incorporated in full within the Landscape and Biodiversity Plan.

Reason: To ensure conservation and enhancement of habitats associated with protected species in accordance with European and national requirements and guidance.

24. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday and Bank/Public Holiday. Such works shall only take place between the hours of 8.00am and 6.00pm Mondays to Fridays inc., and 9.00am and 2.00pm on Saturdays, unless otherwise previously approved in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the application site outside of these permitted hours.

Reason: To safeguard the residential amenities of the locality.

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

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

Application No: 0784/16/FUL

Agent/Applicant:

Mr Ian Hodder
Tourism House
Pynes Hill
Exeter
EX2 5WS

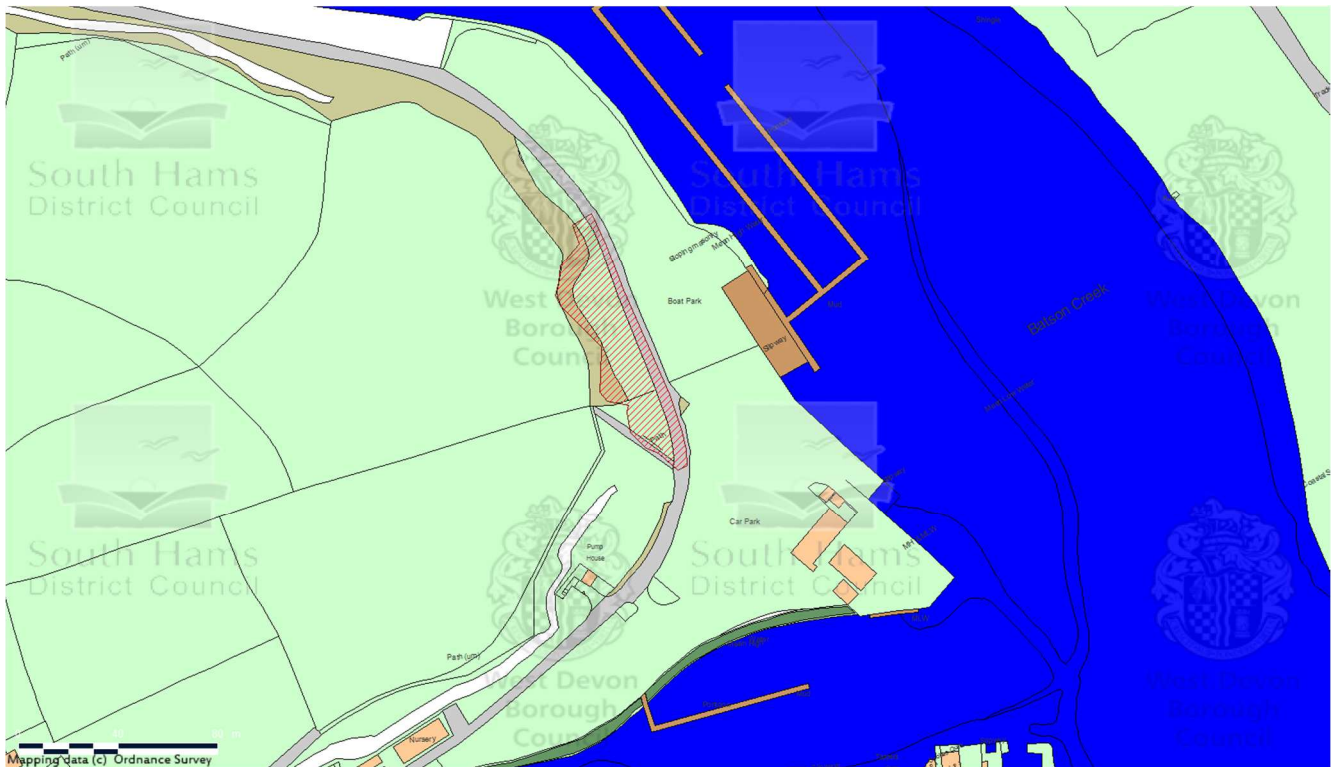
Applicant:

SHDC
Follaton House
Plymouth Road
Totnes, Devon
TQ9 5NE

Site Address: Land Adjacent, Gould Road, Salcombe, Devon

Development: Erection of new industrial units and associated access and parking

Reason item is being put before Committee: The applicant is South Hams District Council



Recommendation: Conditional Approval

Conditions:

Time

Accords with plans

Materials to be agreed

Parking to be provided prior to occupation and retained.

Drainage to be implemented and maintained.

B1(b) light industrial use only

CEMP

Turning area to be provided and retained as such

Details of hard and soft landscaping to be agreed and implemented.

Unsuspected contamination

Permeable paving with drainage/filter layer to be used to control run off from the parking area in accordance with details to be previously approved by the LPA.

An oil separator is to be installed to prevent pollution from entering the estuary in accordance with a detailed specification previously approved by the LPA

All internal drainage is to connect into the foul sewer system in accordance with details to be approved by the LPA.

No external storage of chemicals.

LEMP to be agreed pre-commencement to address issues of pollution control management

No works to the area of embankment during bird nesting season unless an ecologist has confirmed in writing that there are no nesting birds and this report has been submitted to agreed by the LPA.

Key issues for consideration: Impact on the AONB, impact on the nearby SSSI, Highway impact, Impact on amenity and impact on the setting of a Listed Building

Site Description:

The site is a linear, flat piece of land currently used as a boat store and coach park (2 bays) located on the west side of Gould Road on the edge of Salcombe. The site also contains recycling skips at present. This is a long narrow site with an earth bank supporting rising land on the western boundary. Mature trees are present on the south western boundary.

Access is taken from Gould Road, a narrow two way road with restricted parking (double yellow lines).

The rising land to the west is open fields. To the east, across the road, is Batson Creek Boat Park, beyond which is the waters of Batson Creek. On the opposite side of the estuary the land is mostly undeveloped green fields. Snape Manor, a grade II* Listed building is visible from the site across the estuary, but is some 230m away.

The character of the area is low key commercial/maritime, with the commercial development of Island Street visible to the south. The site is untidy providing ad hoc boat storage. The boat park opposite, presents a mass of tarmac, palisade fencing and commercial lighting which is unattractive but does reflect the commercial maritime character of this end of Salcombe.

The site is within the South Hams Area of Outstanding Natural Beauty (AONB), is adjacent to an SSSI and has a public right of way running along its western boundary (connecting Salcombe with Batson Creek). The site is also within Flood Zones 2 & 3 and is within the setting of the Conservation Area.

The site has been advertised as affecting the setting of a Listed Building. Snape manor a Grade II* Listed Building lies approx. 230m from the site on the opposite side of the estuary.

The southern site boundary adjoins the Local Development Framework site allocation RA4, identified for employment use.

The Proposal:

It is proposed to re-develop the site to provide a row of 7 terraced industrial units, these will be relatively small units with a roller shutter frontage serving each unit; the units will sit parallel to the road. Five of the units contain a half depth mezzanine floor, the remaining two have a full first floor.

19 parking spaces are proposed within the site, of these 14 will be tandem parking spaces. A turning area is provided within the northern part of the site.

The drawings show the building to be clad in box profile metal.

The proposal includes a detailed drainage strategy designed to prevent pollution of the SSSI within the nearby estuary.

Consultations:

- County Highways Authority – no objection to the principle of the development having regard to the existing commercial use of the site and the traffic it could generate. Concern is raised about the amount of on-site parking and it is recommended that a number of spaces in the nearby car park be made available for users of the site through a Section 106 agreement.
- Environmental Health Section - No objection subject to a conditions
- Emergency Planner - Salcombe has a High Risk Flood Evacuation plan and I am satisfied with the proposed emergency planning arrangements for this development.
- Environment Agency - .Objection on the grounds that the flood risk assessment has not adequately considered whether a safe access/egress route to the proposed units would be available during a flood event. The LPA should be satisfied that the Sequential test and Exception Test have been satisfied in accordance with the NPPF
- Town/Parish Council – Support in principle but felt the steel cladding should be painted in green or left grey as if cost prohibited wood cladding this was felt more in keeping with the area. Clarification was sought from the planning officer with regard to access in front of the units for deliveries and ease of entry for boats. Also confirmation of the actual relocation area of the recycling and coach parking was also requested before approval was given to this application. Town Council also wished a condition added that the use class be light industrial (D2) employment and that first refusal for such units go to local marine based industries and that no large national firms be allowed to acquire these units to the detriment of the smaller local businesses (local defined as businesses working on Salcombe Estuary.
- Natural England – Originally Natural England objected to the application as it had not been demonstrated that sufficient measures were in place to protect the nearby SSSI (the estuary) from pollution. Revised details have been submitted and there is now no objection subject to appropriate mitigation being secured through planning conditions.
- Police AOL – detailed comment, no objection
- SHDC Heritage Specialist:

1 There is no impact on the setting of the heritage assets in Batson or the listed lime kilns. Snape's Manor is the most affected heritage asset and at II is a most significant designation. It has an intended and designed outlook onto Batson Creek and directly towards the application site. There is some informal screening on the edge of the garden area and I had the impression this has been allowed to develop in order to screen views of the car park/boat*

store and the pontoons. Whilst this reduces visibility it is not a permanent landscape feature and, therefore, the assessment of effect on setting has to place limited weight on that screening. The car park/boat store is not attractive and has already harmed the setting of SM, but these are relatively ephemeral features not permanent physical structures.

I assess the effect on the setting of SM to be very limited harm in the 'less than substantial' category, largely due to the harm already caused by the car park/boat store and pontoons which lie between SM and the application site. You may decide that this level of harm is outweighed by public benefit as defined in para 134 of the NPPF. If so I would encourage consideration of design, materials and landscaping (see 4 below) which would minimise impact and potentially offer enhancements that counter-balance the harm.

2 The application site is cut into the natural topography which offers the opportunity to have a form that nestles into the landscape. The scrubby hedgerow growth to the west could help to punctuate the open hillside and reinforce the development as relating to marine activities. I could not see a section showing how the roof height relates to the excavated backdrop, but I consider a low pitched roof to be a better solution in this location to allow best visibility of the attractive undeveloped hillside. I note there is no landscaping proposed at all and that is unfortunate.

3 The design is quite basic and industrial but does endeavour to offer some elevational interest. As the specific use of the buildings could vary there is no expression of use in the appearance and the scale could probably be reduced for many of the likely uses? The lack of clear design parameters for end use inevitably ends in a quite generic design and I understand that versatility has to be a consideration. Control of detailing as well as materials is important as simple buildings can be elevated by good details and this will be seen close up by many 1000's of people.

- Historic England - Has concerns regarding the application on heritage grounds. Having regard to its sensitive AONB location and relationship with a highly important listed building development should be of a bespoke design using materials sympathetic to its rural setting; the drawings within the application do not meet this criteria. It is recommended that the design and materials be revised.
- SHDC Ecology – no objection

Representations:

9 letters of objection have been received raising issues which include the following:

Bland design

Unusable – needs working and parking area in front of each unit

Inadequate parking

Congestion from delivery vehicles

Safety hazard

Out of character with the area

Blue finish is inappropriate – should be replaced with timber cladding

Where will trailers go?

Where will coach parking go?

Where will recycling go?

Tree planting should be required

Industrial traffic should be prohibited from Horsecombe/Batson lanes

Pollution risk to creek

Displaced parking will occur in Lower Batson

Insufficient information – needs LVIA, Ecology report and Geotechnical information.

Adverse impact on setting of Snapes Manor (Listed Building)
Noise – including disturbance to Snapes Manor
Additional traffic on narrow roads
Eyesore in rural setting
Adverse impact on wildlife
Adverse impact on AONB and SSSI
Should include a covenant to be used for marine industry only and non-retail.

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The site is located within the development boundary of Salcombe where the principle of development is acceptable subject to all other material planning considerations.

Design/Landscape:

The schemes proposes a terrace of 7 relatively small, flat-roofed industrial units and the plans show the building clad in blue box profile cladding. The building will be 6m tall and will be approx.50m long. The building fronts onto the road and will be visible from the road, car park and estuary. Longer views will be possible from the Island Street end of Salcombe which is a Conservation Area. The site is within the AONB and affects the setting of a Grade II* Listed building, Snape Manor, across the estuary; this is a sensitive site.

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The proposed design is functional and typical of many modern industrial developments. Concern has been raised by residents and Historic England about the quality of design and materials, Historic England have suggested that the design should be more bespoke and suggest alternative materials. The Town Council have recommended that the materials be changed to timber cladding.

The site is set in a relatively prominent location close to the scenic Salcombe Estuary, within the AONB and adjacent to a public right of way. At present the site has an unkempt commercial appearance, the boundary with the road is defined by an old close boarded timber fence, two unattractive recycling skips are located near the site entrance and stored boats and riggings are visible.

On the opposite side of the road, between the site and the estuary is Batson Creek Boat Park. This is a large expanse of tarmac, including chain link fencing and modern lighting pillars. Boats are stored in an ad hoc manner within the car park.

Neither the application site nor the boat park adjacent make a positive contribution to the AONB, however are a reflection of the maritime uses that have historically taken place in Salcombe and which are an important part of the social and economic make-up of the area.

The proposed development will be set at road level, with a steep bank to the rear, with further rising land beyond. This setting will reduce the visual prominence of the building. Officers do not consider that the use of blue box profile cladding would be appropriate in this location and have agreed with the applicant that more appropriate materials should be agreed through a planning condition with a

preference of Officers being for timber cladding. A more appropriate material such as timber would help the building blend into its setting and would be more in keeping with the character of the area.

The design of the building has been criticised. This is a commercial building, set in a quasi-commercial setting, behind the boat park, but also surrounded by open rural views. The building offers small scale industrial units for which it is considered there is local demand and which will contribute to the local economy, offering diversification from the tourist industry upon which Salcombe has become very reliant. To be delivered the buildings must be economically viable and this does limit the design potential; Officers also consider that it would be inappropriate for the design not to reflect the buildings function by, for example, mimicking agricultural barns or similar.

On balance it is considered that, having regard to the existing appearance of the site, the proposed development, subject to appropriate materials will not have a significant adverse impact on this part of the AONB and that any adverse impact will be outweighed by the social and economic benefits of the scheme

Heritage:

The site is within the setting of Snape Manor, an important Grade II* listed building which lies across the estuary. Snape Manor has been designed to front the Estuary and to take in the views which include the application site.

Historic England have not objected to the principal of developing this site but have raised concerns about the quality of design and materials. The Council's Heritage Specialist has commented that the proposed development will result in less than substantial harm to the setting of the listed building.

Whilst the development will be visible within the setting of Snape Manor it is set within an area which already has a commercial character, some 230m from the listed building; developed with appropriate materials and set as it will be into a hillside, the impact will be minimal.

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

On balance it is considered that the public social and economic benefits that would arise from this development outweigh the less than substantial harm to the setting of the listed building and the development would not compromise its optimal viable use.

The site is within the setting of the Salcombe Conservation area, however due to its siting and scale and having regard to the existing quality of the immediate environment the proposed development will have no adverse impact on the Conservation Area.

On balance, the benefits of the proposed development outweigh the impact on heritage assets and as such weigh in favour of the development

Neighbour Amenity:

There are no dwellings adjacent or near to the site. The occupiers of Snape Manor have raised concerns about noise impact from the development. It is considered that there is adequate distance (230m) between the sites such that significant adverse impact on residential amenity as a consequence of noise is unlikely. If noise levels were that great then there are powers within Environmental Health legislation to control this.

Noise can be deemed to impact on the setting of a Listed Building, however no objection has been raised in this regard from the Heritage Specialists.

Highways/Access:

The highway authority has no objection to the principle of this development commenting that the site is a brownfield site currently used for B8 purposes (storage and distribution) and as such could be used more intensively generating increased traffic movements.

The highway authority has stated that the 19 on-site parking spaces proposed are insufficient and has recommended that space in the car park opposite be allocated for parking in association with the proposed use, to be controlled through a Section 106 obligation.

Officers consider that to control the provision of these spaces in the public car park through a Section 106 is not necessary and reasonable; there is a reasonable level of on-site parking provision and additional parking is available in the public car park if required, albeit that the users will have to pay. The site is in walking distance of the town centre where public transport options are available, the town is also within walking distance of residential areas. Additional car parking for visitors/staff is available in the adjacent public car park, which for most of the year has adequate capacity.

Delivery vans will be able to pull onto the forecourts in front of the units where there is space for parallel parking. A turning head is provided in the northern section of the site to allow for safe turning of vehicles.

There is a public right of way running along the western site boundary, outside of the site. There will be no alteration to route of this right of way.

It is considered that the access, parking and turning arrangements are satisfactory and there will be no significant adverse impact on the safety and convenience of users of the highway

Flood Risk

The site lies within Flood Zones 2 and 3. The proposed use is defined by the Environment Agency (EA) as a 'less vulnerable use'; the EA have objected to the application on the grounds that the Flood Risk Assessment (FRA) is not acceptable, in particular it has not adequately considered whether a safe access/egress route to the proposed units would be available during a flood event.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

This matter has been considered by the Council's Emergency Planner who has stated that he can confirm that Salcombe has a High Risk Flood Evacuation plan and he is satisfied with the proposed emergency planning arrangements for this development.

In terms of the sequential test, this application seeks to develop a brownfield site which is fixed in its location; in addition there are no allocated employment sites within Salcombe that are outside of the

Flood Zones. The maritime nature of many industrial uses in Salcombe require sites in close proximity to the water which tends to be within the Flood Zones.

With regard to the exception test, it is considered that the wider benefits of providing employment uses on a brownfield site outweigh the flood risk. The FRA has demonstrated that the development will be safe for its lifetime taking into account the vulnerability of its users. Safe access and escape routes are available and any residual risk can be safely managed through the existing Flood Evacuation Plan for the area.

The application satisfies the sequential and exception tests as set out in the NPPF and the benefits of the development outweigh any potential risk; as such is considered to be acceptable in terms of Flood Risk.

Ecology/Trees

There is a group of mature elm trees in the southern area of the site boundary. The ecology statement comments that these appear to be dead and require management.

It is noted that a Kingfisher has been known to nest here which is a protected species. As such it is recommended that a condition be applied to control development during the bird nesting season.

Natural England initially raised objections to this development as it had not been demonstrated that pollution from the site would not enter the estuary which is an SSSI. A revised drainage and mitigation scheme has now been proposed which has satisfied Natural England that the risk from pollution can be managed.

Impact on ecology and trees is considered to be acceptable.

Other Matters:

The scheme will result in the loss of 2 coach parking spaces. These are deemed to be unnecessary, during 2015 only 8 coach parking tickets were sold.

The displaced trailer/boat parking from this site can be relocated within the operational area of the fish quay and within the existing boat park opposite.

The recycling facilities will be re-sited within the Batson car park area.

The Planning Balance

It is considered that the social and economic benefits of the proposed development outweigh any adverse impacts and as such it is recommended that planning permission be granted subject to the conditions as listed in this report.

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

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 1979-000 Location Site, 1979-001 rev N, 1979-002 rev F, SK2-UA008196-UU41-P2 and SK3-UA008196-UU41-P1.

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 construction above slab level full details of all hard and soft landscaping 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 interest of the amenity of the area.

4. Notwithstanding any indications of materials types on the approved drawings or within any other part of this application, prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

5. The parking and turning areas shall be laid out in accordance with the approved plans and details and shall be made available for use prior to the occupation of the units to which they relate. The parking and turning areas shall be retained and made available for use by users of this development and kept free of obstructions in perpetuity.

Reason: In the interests of the safety and convenience of users of the highway

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local

Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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

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

7. PRIOR TO COMMENCEMENT Any vegetation removal shall be timed to commence outside of nesting season (generally considered to be March to August inclusive). If vegetation must be removed within nesting season, the area should be checked immediately prior to works to confirm that no birds are nesting/preparing nests within the vegetation to be removed. If birds are found (or suspected) to be nesting, works should be delayed, and a 5 metre buffer established until all young birds have fledged.

Reason: In the interests of biodiversity protection. Birds are protected under the Wildlife and Countryside Act, 1981, which includes damage and destruction of nests whilst in use or being built.

8. Notwithstanding the provisions of Schedule 2 of the General Permitted Development (England) Order 2015 the proposed building/premises shall be used for B1(b) Light Industrial use only, as defined by Town and Country Planning Use Classes Order, 1987 and for no other purpose.

Reason: To safeguard the amenity of the area.

9. Prior to the commencement of development details of the oil interceptor proposed in the drainage scheme to prevent pollutants from entering the estuary shall be submitted to and approved in writing by the Local Planning Authority. The approved oil interceptor shall be installed in accordance with the approved details prior to any part of the building being brought into use and shall be retained and maintained in perpetuity.

Reason: To protect the nearby estuary and Site of Special Scientific Interest from pollution

10. All internal drainage is to connect only to the foul sewer system in accordance with details to be agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason: To protect the nearby estuary and SSSI from pollution

11. Prior to the commencement of development a detailed specification of the permeable pavement with drainage/filter layer below, proposed as part of this application to be used as an initial phase of treatment for surface water run-off from the parking areas 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 in perpetuity.

Reason: To protect the nearby estuary and SSSI from pollution

12. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and development shall take place in accordance with the approved plan. The plan shall include the following:

Method statements on how pollution will be managed during construction.

Adherence to good practice guidelines.

Emergency procedures to control pollution.

An inventory of substances that could cause pollution and how risk from these will be managed.

Reason: To protect the nearby estuary and SSSI from pollution

13. No chemicals shall be stored outside of any of the buildings hereby approved at any time.

Reason: To protect the nearby estuary and SSSI from pollution.

14. Prior to the commencement of development the Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be strictly adhered to at all times. The LEMP shall set out proposals for the delivery mechanism for the operational phase mitigation measures necessary to protect the nearby SSSI.

Reason: To ensure the long term protection of the nearby estuary and SSI from pollution as a consequence of this development.

15. Prior to the occupation of any part of the building the approved drainage details shall be fully implemented in accordance with the approved details.

Reason: In the interests of flood risk and protection of the nearby SSSI from pollution

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PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Sparkwell **Ward:** Newton and Yealmpton

Application No: 3227/16/OPA

Agent/Applicant:

Mr James Wells
Top Floor Unit 2 Western Hangar
Lawrence Road
Mount Batten,
Plymouth
PL9 9SJ

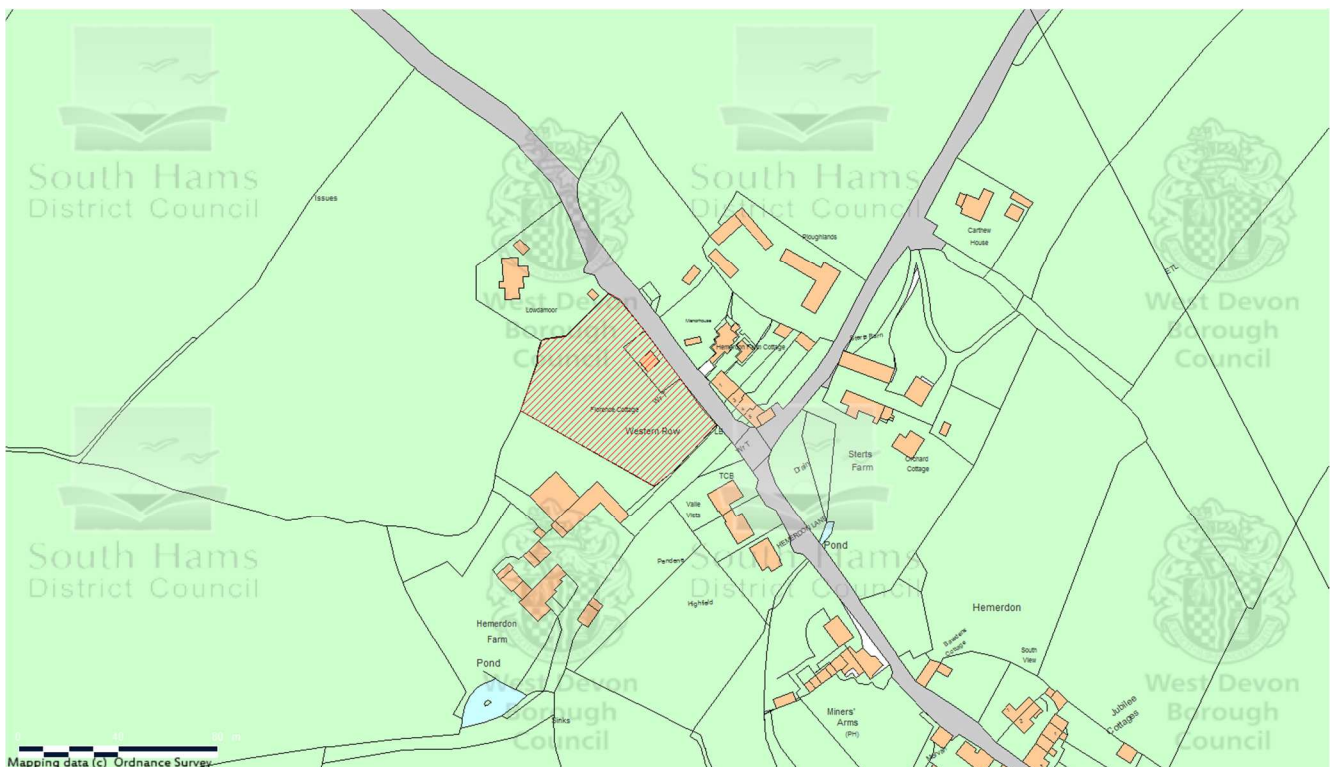
Applicant:

Mr J Gamble
Alma Cottage
Hemerdon Lane
Hemerdon
PL7 5BU

Site Address: The Paddock, Hemerdon Lane, Hemerdon, Plymouth, PL7 5BU

Development: Outline application with all matters reserved for the erection of three detached dwellings

Reason item is being put before Committee: Referred By Cllr Blackler who supports concerns raised by Sparkwell Parish Council



Recommendation: Conditional approval

Conditions:

1. Standard Outline Time Limit
2. Standard Outline Conditions
3. Approved plans
4. Retention of boundary hedges
5. Drainage details for surface/foul
6. Approved parking areas to be provided before occupation maintained
7. Refuse/recycling areas to be provided before occupation/maintained thereafter
8. Unexpected contamination
9. Samples of materials
10. Existing access to be retained for development
11. Any access improvements required implemented prior to commencement.
12. PD for means of enclosure removed
13. Landscape and boundary details & implementation

Key issues for consideration:

1. The principle of the development in this location
2. Whether the application provides adequate framework for the consideration of the design and appearance of the dwellings
3. The impact upon the amenities of neighbouring properties
4. The adequacy of access and parking arrangements

Site Description:

The Paddock is a small site of about 0.2 acres in size with a gentle slope running away from the nearest cottages at Western Row. Access into the site is provided by a five bar gate that serves the two existing stables and paddock area. The site is contained by hedges on all sides and is located on the eastern side of the village and is surrounded by development on all sides. There is no record of a planning history on the site although the land has been used for stabling horses and as amenity space, it also contains three septic tanks belonging to cottages in Western Row.

The Proposal:

Outline planning permission is sought for the erection of 3 dwellings with all matters reserved for subsequent approval.

Consultations:

- County Highways Authority – Standing advice applies.
- SHDC Environmental Health Section - Have reviewed the planning application and suggest a standard unexpected contaminated land condition:
- Sparkwell Parish Council –
Our considered response to the above planning application is negative in its current format as we consider that a number of issues need to be addressed before it could be given our support, these are detailed as follows:-

1. The western end of the village where this scheme is proposed has an existing problem with a lack of off-street parking for the 5 cottages at Western Row not having any private parking. This causes congestion in the Immediate entrance to this new proposal, to the extent that at times emergency vehicles such as fire engines and ambulances cannot get through to the properties further west down this lane. On one occasion a fire engine had to be left at the top of this lane whilst the crew ran to deal with a fire further down the lane.

The entrance to the proposed development is shown as using the existing gateway to the paddock, we consider that this will provide insufficient visibility for what IS likely to be upwards of

an additional 6 plus cars, no provision appears to have been made for refuse collection or the additional traffic of delivery vehicles etc. Hence this scheme can only add to the current unacceptable level of congestion.

2. The proposal also shows a development of two-storey houses. We are concerned that any development of The Paddock should take due note of the surroundings given its proximity to two listed properties (Manor House and Hemerdon Farm) and a row of traditional cottages. We believe that the development should be limited to single storey bungalows as exist on the south east side of the site, or one and half storey houses designed in sympathy with the traditional cottages nearby to prevent overcrowding of the current open aspect, enjoyed by its neighbours and to prevent any negative impact on the character of the village.

3. The remaining part of the paddock left undeveloped contains several old septic tanks taking the waste from the cottages at Western Row. The new development shows a single package treatment plant for the new houses presumably discharging directly into the spring and local watercourse, we would ask that a more coordinated approach and detailed environmental investigation is undertaken to establish the current situation with waste processing and potential to pollute before the scheme can be considered further.

4. We consider that these points need to be addressed before we could support this scheme, which could include a section 106 agreement whereby the developer provides an off-street parking area by relocating the stone faced bank opposite the cottages at Western Row to remove existing cars from the road, Including a waste collection area for the new and existing houses, this would also open up the entrance to the Paddock which along with further work to the west of the gate could provide acceptable visibility. The agreement should include any upgrade to the proposed and existing waste processing if contamination is proved or likely to exist or be exacerbated by this scheme.

- Drainage Engineer - Applicants have provided percolation tests, however no details of proposed soak-aways have been included, such details and foul drainage information will be required
- Conservation Officer – No objection subject to retention of existing vehicular access point (with modifications if required) for the proposed dwellings. The site is sufficient to accommodate the dwellings without causing harm to nearby LB's. The form of the proposed dwellings should be simple, with low eaves, rural appearance and a linear traditional form.

Representations

Objection comments

- Disruption from building works
- Lack of communication
- Trees removed
- Parking/access issues in respect of large vehicles
- Few pavements in Hermerdon
- Loss of views to Western Cottages
- Drainage issues

Support comments

- Former residents of 4 Western Row Cottages lived at address for over 40 years, did not witness any problems with large vehicles
- Current resident of Western Row states no issue with service vehicles accessing Hemerdon Lane

General comments

- Properties should have low rooflines
- Development should take into account sites heritage setting

Relevant Planning History

None relevant

ANALYSIS

Principle of Development/Sustainability:

The application site is located outside of the Development Boundary and therefore this proposal represents a departure from the Development Plan due to conflict with policies CS1, DP15 and saved policy SHDC1. However, in the absence of a five year housing supply the National Planning Policy Framework challenges the amount of weight which should be given to these policies on a site by site basis, and with reference to all other material planning considerations.

A nearby site for a new infill dwelling was approved on appeal under reference APP/K1128/W/15/3130855. The Inspector concluded that whilst Hemerdon is not listed within CS1 as being a sustainable location for development, it has village facilities such as a public house and village hall and that small scale development would provide positive social impacts as well as providing economic benefits to the local services in Hemerdon and neighbouring settlements, as well as providing employment during construction of the dwelling.

The Inspector concluded that due to the proximity of Hemerdon to the urban fringe of Plymouth, which is less than a mile away and accessible by both bus and private motor vehicle, the site had good access to services.

The application site is sited slightly further north of the appeal site but still within the village, the small scale development of three dwellings will offer social, economic benefits that outweigh the potential environmental impact of reliance on the private motor vehicle.

Design/Landscape/Impact on adjacent occupiers:

With all matters reserved, there is not a detailed design and landscape scheme to consider at this stage.

The site is not within a designated landscape or conservation area, however there are listed buildings adjacent. The conservation officer has concluded that the site can accommodate the proposed dwellings without resulting in harm to the listed buildings, it is considered that the form should take a traditional layout with the dwellings being arranged in a row having the front elevations facing Hemerdon Lane with rear gardens facing west to the rear, this will allow for the dwellings to be set far enough away from the existing dwellings on Hemerdon Lane and will respect of the historic fabric of the mining village.

By taking a traditional form with low eaves, due to the ground sloping away from Hemerdon Lane, it is considered that the dwellings will not result in an overbearing impact on nearby occupiers. The loss of views are not a material consideration when assessing planning applications.

Comments have been made in respect of single storey dwellings being preferable, due to the ground levels and the ability for the design to have low eaves and a modest roof pitch, the two storey houses are considered acceptable, in addition, the character and form of the area is predominantly cottage style two-storey dwellings and therefore the traditional layout and appearance will be keeping the surroundings.

This form will also allow for sufficient parking and turning space at the front of the dwellings and offer space to accommodate refuse/recycling receptacles.

Landscaping will form part of the reserved matters stage, the boundary treatments within the site should take the form of post and rail fencing with planting, which will grow to form natural boundaries between the plots, this will respect the semi-rural nature of the site; therefore it is recommended that

permitted development rights for additional means of enclosure are removed. The site has no TPO (tree protection Order) trees on it and therefore existing trees can be removed without the need for planning consent. In addition, the existing hedgerows can be cut back/maintained without the need for consent. The submitted ecological appraisal demonstrates that the site does not accommodate protected species.

It is considered that there is scope to design a dwelling that is sympathetic to the character and form of the surrounding area. As planning legislation views an outline planning permission to be the substantive permission, a full conditional regime is recommended.

Highways/Access:

Adequate space is available on site to provide parking in compliance with Policy T8. The Highway Authority has offered standing advice in respect of the proposal. The existing access has sufficient visibility for the proposal and is capable of modification in order to offer wider visibility splays etc. The applicant is happy to accept a condition ensuring the existing vehicular access is used to serve the development. The reserved matters stage will ensure that the proposed development offers safe access and the development will not result in any narrowing of Hemerdon Lane.

Hemerdon has limited pavements, which is typical of such a village setting, the additional pedestrian movements arising from the proposed development, would not warrant the provision of additional pavements, which in the case of Hemerdon Lane, would result in the reduction of carriageway width and the provision of on-street parking, which is utilised by many of the older dwellings, which do not have dedicated off-street parking.

Other matters:

Disturbance from building works is not a material consideration when assessing planning applications. By their very nature, construction work does result in some disturbance to the locality, however environmental health legislation covers statutory nuisance control if construction work is happening at inappropriate times or excessive disturbance arises.

Issues of communication between landowners and neighbours do not form part of the consideration of the application, all comments received as part of the planning process are taken into account and considered as part of the decision making process.

Details of percolation tests have been submitted, which demonstrate the site can accommodate surface water drainage, the details of soak aways will form part of the reserved matters when the layout is agreed. The foul drainage details will also be approved as part of the reserved matters, the applicants have indicated a package treatment which is the preferred solution in respect of this matter. The existing septic tanks for Western Row remain unchanged, alterations to these details would fall outside the scope of this application. In addition, the replacement of septic tanks with package treatment details may well not require planning permission depending on the works involved.

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

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP6 Historic Environment
DP15 Development in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

1. Application for approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(I) the expiration of three years from the date of the grant of outline planning permission; or if later

(II) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby authorised shall be carried out in accordance with detailed drawings which shall previously have been submitted to and approved by the Local Planning Authority. These detailed drawings shall show the following:

- i) the design and external appearance of the proposed buildings;
- ii) their siting;
- iii) existing and proposed (i) site levels together with proposed (ii) slab levels;
- iv) the materials for their construction;
- v) The arrangements for the disposal of foul water;
- vi) the areas for (i) parking (ii) and turning of vehicles in accordance with Devon County Council's parking standards;
- vii) all other works including walls, fences means of enclosure and screening;

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and to protect the appearance and character of the area

3. The development hereby approved shall in all respects accord with (the drawings associated with this application).

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

4. There shall be no removal of the existing hedges on the site boundaries, unless approved as part of the reserved matters. If any part of the boundary hedging becomes seriously diseased, or are damaged, they shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: In the interests of ecology and visual amenity.

5. Prior to the commencement of the development hereby approved, details of the surface water design including percolation test results and supporting calculations and details of foul drainage shall be submitted to and approved in writing by the local planning authority.

Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained.

6. The dwellings hereby approved shall not be occupied until the parking, and garaging areas approved part of the reserved matters have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

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

7. The dwellings hereby approved shall not be occupied until the refuse and recycling areas (bin stores) approved part of the reserved matters have been provided, the approved bin stores shall be retained permanently thereafter for the storage of refuse and recycling.

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

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

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

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

9. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have

been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

10. The existing vehicular access shall be retained and used in connection with the development hereby approved, no other vehicular accesses shall be formed on the site without the express written permission of the Local Planning Authority.

Reason: To ensure the existing vehicular is used for the proposed development to protect the character of the area.

11. Any modifications to the existing vehicular access required as part of the reserved matters shall be completed prior to the occupation of the dwelling hereby approved and maintained in accordance with the approved details permanently thereafter.

Reason: In the interests of highway safety

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no 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:-
 - (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.

13. No development shall take place until a schedule of landscape scheme including boundary treatments and maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of public amenity and local landscape character.

Advice Notes

1. Notwithstanding the submitted layout plan which is indicative only, the layout at reserved matters stage should take the form of a row of 3 dwellings in a north to south formation with the front elevations facing east towards Hemerdon Lane, this will be in keeping with the traditional form of the settlement in which the dwellings will form part of.

PLANNING APPLICATION REPORT

Case Officer: Mathew Dalton-Aram
Yealmpton

Parish: Newton and Noss **Ward:** Newton and

Application No: 3976/16/FUL

Agent/Applicant:

Mr Jon Hallett
42 Circus Street
Greenwich
London
SE10 8SN

Applicant:

Mr Hallett
Ferry Cottage
Noss Mayo
PL8 1EU

Site Address: Whitegates, Parsonage Road, Newton Ferrers, PL8 1AS

Development: Demolition of single dwelling and the erection of two detached dwellings.

Reason item is being put before Committee: At the request of Cllr Baldry who considers that the proposal is over development of the site and is concerned that that apart from a reduction in the number of dwellings from 3 to 2 there is little variation in the design and footprint from the previous application on this site, which was refused.



Recommendation:
Conditional approval

Conditions:

1. Time limit
2. Approved plans
3. Details of material prior to installation
4. Details of landscaping and boundary treatments
5. Removal of permitted development rights
6. Access points to be completed prior to occupation
7. No mud, stones, water or debris to be deposited on the public highway
8. Protection of existing trees and hedgerows
9. Construction hours

Key issues for consideration:

Principle, design/landscape, amenity, highways/access, ecology and contaminated land

Site Description:

'Whitegates' is a detached bungalow at the northern edge of Newton Ferrers, a village on the river Yealm. It occupies a large plot (785sqm) that contains two mature trees in the rear garden. Like its neighbours the property occupies an elevated plot, above Parsonage Road, the main road through the village.

The surrounding area is low density residential in character. To the south lies Archers Court, a small housing complex, separated from the site by a residential service road and beyond that St Catherine's Place, retirement bungalows. To the north 'Elmcroft', a single storey dwelling and, to the east open fields. 'Elmcroft' has a number of windows and glazed doors on its western elevation facing towards Whitegates. A concrete block boundary wall separates the two properties.

The Proposal:

Planning permission is sought for the demolition of the dwelling and the erection of two detached dwellings.

Plot 1 would be a two storey, 2 bedroom dwelling with a pitched roof. Plot 1 would contain a kitchen, living area, study, utility, wc and a hall way at ground floor with stairs which leading up to a first floor where there would be 2 bedrooms each with an ensuite. Plot 1 would be finished externally with manmade slate tiles, a mix of rendered walls and cement board cladding.

Plot 2 would be a larger 4 bedroom dwelling which at ground floor level would contain a hallway, study, bedroom and a large open plan kitchen, dining and living area laid out in a linear fashion projecting from the rear wall of the dwelling. At first floor level plot 2 would provide 3 bedrooms, one with an ensuite, and a family bathroom. Plot 2 would be finished externally with grey ridge tiles, natural slate tiles on its roof, and its walls would be clad with a mix of stone, timber cladding and render.

The proposed site layout shows two buildings with a shared driveway and parking court with two separate entrances from the main road in front of the proposed properties. The garden to the proposed properties would be laid out to the rear of the houses. Plot 2 would have a garage to the rear which would be accessed via an internal link between plots 1 and 2.

Consultations:

- County Highways Authority – The Highway Authority has no objections in principle to the proposals it would like to inform the applicant that a licence will be required to adjust the public highway verge to enable the access point to be constructed. A section 171 licence will be required.

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT THE FOLLOWING CONDITIONS SHALL BE INCORPORATED IN ANY GRANT OF PERMISSION.

1. Both access points shall be completed prior to occupation of any of the dwellings to the satisfaction of the Planning Authority.
Reason – In the interests of highway safety.
2. No mud, stones, water or debris shall be deposited on the public highway at any time.
Reason – In the interests of highway safety.

- Environmental Health Section – No issues raised.
- Newton & Noss Parish Council – No objection.

Representations:

At the time of writing this report 5 objections had been received to the proposal raising the following concerns:

- Highway safety, parking and traffic generation
- History of site
- Landscaping
- Over dominance
- Noise disturbance, smells, obtrusive lighting
- Amenity impacts
- Drainage and flooding
- Design and materials
- Excessive bulk and scale
- Loss of trees, hedge and other vegetation
- Domination of nearby buildings
- Conflict with pattern of development
- Visually damaging to the landscape and setting

At the time of writing this report 3 representations have been received highlighting that the proposal would:

- Improve the current site
- Enhance the surrounding area
- Improve the street scene

Relevant Planning History

Planning permission for the demolition of the existing dwelling and the erection of one detached single dwelling and two semi-detached single dwellings was previously refused under application 0699/16/FUL. Planning permission was refused as, among other things, the Local Planning Authority considered the proposal would:

- represent overdevelopment of the site that would result in a cramped and contrived layout that would be out of keeping with, and detrimental to, the character of the area; and
- adversely impact upon the amenities of the neighbouring property, Elmscourt, due to mass and bulk of the proposed single dwelling, located immediately to the south west.

ANALYSIS

Principle of Development/Sustainability:

The existing bungalow is a detached rendered brick structure with hipped tile roof. While its scale is comparable to single storey neighbouring properties it is in a poor state of repair and has no special architectural merit that would be worthy of retention. The site is located within the defined settlement of the village of Newton Ferrers which is considered a sustainable location where development is, in principle, considered to be acceptable under policy CS1 (Location of Development) of the South Hams Core Strategy.

Design/Landscape:

It is noted that planning permission for the demolition of the existing dwelling and the erection of one detached single dwelling and two semi-detached single dwellings was previously refused under application 0699/16/FUL. The design of the new development seeks to address the shortcomings of the previously refused scheme. 2 detached dwellings are now proposed with a significantly reduced bulk and scale.

A number of objections have been received from neighbouring residents. While the proposed dwellings would be higher than the single storey dwellings to the north of the site, including the immediate neighbour, Elmcroft, the scheme has been designed to take advantage of the gently sloping nature of the site which slopes downwards from north to south. Plot 1 would be sited adjacent to Elmcroft and would be orientated so its gable end faces Parsonage Road. This, along with the use of a pitched roof with a lean-to element next to Elmcroft help to reduce its impact and means that it would not have an over bearing or over dominant impact while also providing a transitional interface between the single storey dwellings, the proposed larger 2 bedroom dwelling (plot 2) and the newer two storey dwellings at Archers Court.

Plot 2 would be constructed with a half hipped roof with a wider front elevation which has been designed to address the street frontage to give it more prominence in the street scene where it would be sited at the corner of the entrance to Archers Court.

The proposal is, therefore, considered to be in keeping with the character and appearance of the surrounding area. It would also respect the settlement pattern of the area and would have a positive impact on the street scene.

Neighbour Amenity:

Policy DP3, Residential Amenity highlights that development should not have an unacceptable impact on the living conditions of occupiers of nearby properties. Neighbouring residents have objected to the proposal, on the grounds the proposal would be over bearing, over dominant and have an adverse impact on residential amenity.

Plot one would be located adjacent to the boundary with the neighbouring property Elmscroft and due to the oblique nature of the boundary between the properties there would be potential to look out the first floor windows towards Elmscroft. However, Elmscroft itself is sited approximately halfway along its own plot and has its private amenity area to the rear of the property. This situation means that there would be a sufficient separation between the proposed dwellings to provide a satisfactory relationship in terms of residential amenity. In addition, there is also currently a white painted block boundary wall separates the site to maintain privacy.

Plot 2 has been orientated to address Parsonage Road and has a linear single storey extension that would project in a linear fashion from the rear wall of the dwelling. The design of the single storey element of plot 2 which does not include any windows in its north elevation would prevent adverse amenity impacts in terms of loss of privacy and overlooking.

It is noted that concerns have been raised by occupants of properties on Archers Court, however, it is considered that the proposal would provide an adequate level of separation distances between these

properties to prevent adverse impacts in terms of loss of privacy or overlooking. Further, no windows are proposed in the side elevation of plot 2 which faces towards Archers Court and it is proposed to landscape the boundary of the site which adjoins Archers Court.

It is, therefore, considered that the proposed development would not have an over bearing or over bearing impact on surrounding properties nor would it give rise to adverse amenity impacts on neighbouring properties. It would also provide a satisfactory level of residential amenity for both surrounding properties and future occupants of the proposed dwellings which is considered acceptable in accordance with policy DP3.

Highways/Access:

Policy DP7, Transport, Access and Parking requires, among other things, that development proposals "...have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal and d. not materially impair highway safety or traffic movement; and e. not detract or conflict with the transport function of the road."

It is noted that the Local Highways Authority has assessed the application and is satisfied with the proposal subject to securing conditions requiring both access points to be completed prior to occupation of the dwellings and to prevent mud, stones, water or debris being deposited on the public highway at any time.

The proposal is, therefore, unlikely to give rise to significant levels of additional traffic and would not have an adverse impact on highway safety. The proposal would also provide an adequate level of parking provision.

Other Matters:

Ecology

A Preliminary Ecological Appraisal (bats and nesting birds) prepared by Western Ecology has been submitted in support of the application. The Appraisal identifies that following surveys of the site no further survey work or mitigation is required or recommend for bats and nesting birds.

Contaminated Land

A Preliminary Risk Assessment (Contaminated Land) has been submitted in support of the application which identifies the likelihood of the site being contaminated is low given its historic domestic use. However, it is recommend that an unsuspected contamination condition is secured to deal with potential contamination should it be discovered during construction.

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

Planning Policy

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife

South Hams Local Plan

SHDC 1 Development Boundaries

MP 12 Newton Ferrers and Noss Mayo

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 160(PP)001 (Site Plan), 160(PP)008 (Proposed Ground Floor Plan, 160(PP)009 (Proposed First Floor Plan), 160(PP)010 (Proposed Roof Plan), 160(PP)011 (Proposed Context Elevations), 160 (PP)012 (Proposed Elevations 01 & 02), 160(PP)013 (Proposed Elevations 03 & 04), 160(PP)014 (Proposed Elevations 05 & 06), 160 (PP)015 (Proposed Garage) and the Drainage Assessment prepared by Queste Structured Consulting dated 2/12/16 and drawing no s2786/10 (Soakaway Location) received by the Local Planning Authority

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 their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

5. The development shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots.

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

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

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

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

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

7. Both access points shall be completed prior to occupation of any of the dwellings to the satisfaction of the Planning Authority.

Reason: In the interests of highway safety.

8. Construction work and related deliveries of construction materials shall only take place between the hours of 8am and 6pm Monday to Friday and between 8am and 1pm on Saturdays and at no time on Sundays or public holidays.

Reason: In the interests of the amenity of neighbouring residents.

9. No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: In the interests of highway safety.

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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: Ugborough **Ward:** Ermington and Ugborough

Application No: 3781/16/VAR

Applicant:

Ms L Wickham
Burnside
Avonwick
South Brent
TQ10 9EZ

Site Address: Burnside, Avonwick, Devon, TQ10 9EZ

Development: Removal of conditions 3, 4 and 6 of application 57/2943/13/VAR to allow separate residential use of ancillary building

Reason item is brought before the Committee: Cllr Holway has asked for the application to come to Committee, as the site has been used in separate occupation for the past three years without problems or road traffic collisions, and the parking provision is acceptable. He also believes the issue of sustainability to be debatable.



Recommendation: Refusal

Reasons for refusal:

1. The proposal would lead to the creation of a residential dwelling in the countryside which does not represent sustainable development. It is therefore in conflict with paragraphs 7, 14, 35, 37 and 55 of the National Planning Policy Framework, policy CS1 of the South Hams Core Strategy DPD, and policies DP15 and DP16 of the Development Policies DPD.
2. The proposed development would likely result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework (NPPF)
3. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the NPPF
4. The proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway with consequent additional danger to all users of the road, contrary to paragraph 32 of the NPPF.
5. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 32 of NPPF

Key issues for consideration:

Sustainability issues linked to policy and guidance, highways safety, access and parking, residential amenity

Site Description:

Burnside is a two storey, semi-detached dwelling on the south side of an unnamed C-road which runs between Avonwick and the A3121 Ugborough Road. There is a shared drive at the far side of the adjoining semi-detached property (Wayside), which also serves a third dwelling.

Burnside has a two-storey barn to the rear, which was converted to a studio in the early 2000s (planning approval 57/0142/01/F). The site is outside of the development boundary, in the countryside, and is not within any special areas of designation.

The Proposal:

Planning permission was granted in 2013 which allowed the studio to the rear of Burnside to be used as an independent dwelling. This permission was granted on a temporary and personal basis for three years to allow the building to be used as an independent dwelling, solely by the applicant and her husband. Approval of this permission (reference 57/2943/13/VAR) included three conditions which this current application seeks to remove. These conditions are:

- 3) Personal permission allowing only the applicant and her husband to use the studio
- 4) Temporary permission requiring the building to be reverted back to an ancillary studio by 9th April 2017
- 6) Ancillary use of the studio, in connection with Burnside, after the temporary use has ceased and the building reverted to its previous use

The application seeks the removal of these conditions to allow the building to continue to be used as a dwelling, independent from Burnside, without restricted occupancy conditions.

Consultations:

- County Highways Authority- recommend refusal on the following grounds:
 1. The proposed development would likely result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework (NPPF)
 2. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the NPPF
 3. The proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway with consequent additional danger to all users of the road, contrary to paragraph 32 of the NPPF.
 4. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 32 of NPPF
- Parish Council- neutral

Representations:

Three letters of support have been received. The full letters can be seen on the Council's website but can be summarised as follows:

- As a cyclist, the road is much safer to use than the main Totnes-Avonwick road, as it is not busy and traffic is not fast
- Accessing the site has never been a problem and parking and turning within the site is fine
- It is inefficient to waste a dwelling which already exists
- Visitors can park in the layby opposite the site
- Neighbours who share the access and drive have much larger vehicles
- Highways comments are based on suburban standards and there should be flexibility in rural communities

One letter of objection has also been received, which points out that the previous permission was granted on compassionate grounds only. It also states that no information has been provided on the division of the site (sewers, parking, access, etc) and agrees with the Highways objection

Relevant Planning History

- 57/2943/13/VAR- Variation of condition 4 of planning approval 57/0142/01/F to allow studio building to be used as an independent dwelling on a personal and temporary basis, together with temporary parking provision- conditional approval
- 57/0142/01/F- Construction of studio over existing open-fronted garage- conditional approval

ANALYSIS

Principle of Development/Sustainability:

Having regard to the location of the building, outside of any development boundary and therefore within open countryside, there are in-principle policy concerns regarding the removal of the conditions, which would allow the permanent residential use of the dwelling, unconnected to Burnside, and would fail to accord with sustainability principles, which are aimed at locating high traffic generating uses, including residential use, close to services and amenities to reduce the need to travel.

In this regard, the proposal fails to comply with policy CS1 of the South Hams LDF Core Strategy, and policy DP16 of the LDF Development Policies Document. Policy DP15 permits development where it requires a countryside location, but this is not the case in this instance.

Sustainability is not just judged in terms of the location of a site. Paragraph 7 of the National Planning Policy Framework (NPPF) considers three key dimensions to sustainable development; economic, social, and environmental. The benefits and disadvantages of development must be considered in relation to each of these aspects, and a decision must be made after weighing up the pros and cons of each.

As an authority, the South Hams does not currently meet the five-year housing land supply requirement as prescribed by paragraph 47 of the NPPF. As such Officers consider all proposals for residential development with due regard to the social, economic and environmental principles of sustainable development as outlined above. In instances where a development proposal has been considered to represent the NPPF definition of sustainable development, it has been recommended for approval. In this instance, the proposal is not concluded to be sustainable development for the following reasons:

Social: The proposal would provide a new dwelling within the South Hams. Whilst the proposal would add to the supply of housing stock, it would only contribute a single dwelling, and Officers do not consider this to be a substantial enough social benefit that it outweighs other considerations required. The NPPF also states that to achieve sustainable development in rural areas, *'housing should be located where it will enhance or maintain the vitality of rural communities'* and that *'Local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.'* (paragraph 55) No special circumstances, as outlined further on in p55 have been identified in this instance and so the proposal would conflict with this policy consideration.

Although the addition of one dwelling could be considered to be a social benefit, the location of the dwelling would leave occupants isolated from communities, with little access to local services without the use of a vehicle, and so in this respect, the social benefits weighed up against the disadvantages are considered to be neutral.

Economic: The building has already been constructed and converted to a dwelling as part of the previous permission. The proposal would therefore have no economic benefit in terms of job creation, in the construction industry or otherwise. Similarly, the rural location means that there are no local services or facilities within walking distance which would benefit from additional custom.

Environmental: Officers do not consider there to be any environmental benefits to the proposal, as defined by the NPPF (p7), which emphasises the need for a *'low carbon economy'* which *'minimises waste'* and *'contributes to protecting and enhancing our natural, built and historic environment'*. The proposal would create an additional dwelling in a countryside location, away from local services, and so any residents would be dependent on a vehicle. This would clearly have environmental disadvantages, and so could not be considered sustainable in this regard.

In summary, the social benefit of one dwelling to add to the Council's five-year housing land supply is not considered to outweigh disadvantages of an additional dwelling in an unsustainable location, and so the proposal is not considered to accord with the key principle of the NPPF or the Council's own local policies regarding new residential properties in the countryside.

Design/Landscape:

The building is already constructed and there are no concerns regarding the design or landscape impact. As it has been used as a dwelling since 2013, no additional works would be required or have been included in this application. The building is not visible from the public highway, and not within any special areas of designation, and the impact on the wider landscape is minimal. There would be two additional parking spaces created for Burnside (as the current spaces would be used by the

proposed dwelling), but Burnside has a large enough curtilage that sufficient green amenity space would be retained, and this area would be screened from the road by boundary hedges.

Neighbour Amenity:

There are nearby neighbours, in the semi-detached dwelling adjoining Burnside (Wayside), and the other dwelling having use of the shared drive. One letter of support and one objection have been received from Wayside; the objection relates to the lack of detail regarding the separation of the building from Burnside, and notes that the previous temporary permission was granted on compassionate grounds. The letters of support generally focus on the access to the site, and the lack of accidents and problems since the building has been used as a dwelling.

The building is positioned at an angle facing away from Wayside and Burnside, and is an acceptable distance from the existing properties that it would not overlook them, or harm their amenity. A large part of the curtilage identified for the proposed dwelling would be car parking and turning space, so there may be limited amenity space for any occupants of the property. The division of land also means that the occupants of Burnside would now have to park much further away from the entrance to the property than they do currently, which would not be ideal during darkness or bad weather. However, these issues are not so significant as to warrant refusal, and in general, the proposal would be acceptable with regard to neighbour amenity.

Highways/Access:

Access and parking are a concern and Devon Highways have objected to the proposal for highways safety reasons (reasons given in full above), due to the additional traffic to the site and its inadequate visibility, pedestrian safety and for parking and manoeuvring reasons.

The visibility splay is fixed and so cannot be improved. There have been no known accidents as a result of the use of the access over many years. However, visibility is below current standards and the introduction of an additional household and the associated additional traffic generation (particularly given the rural location as outlined earlier in the report), safety could be compromised. The Highways Authority therefore recommend refusal of the application, and the Case Officer has no reason to justify overriding this recommendation.

Other matters:

One reason for objection has been the lack of detail regard the division of Burnside and the proposed dwelling, in terms of parking/sewage, etc. A site plan has been submitted clearly outlining the proposed curtilage of each dwelling, with the two parking spaces proposed for each site clearly shown on this plan. There is no information on the division of utilities, etc, but this would not be considered a reason for refusal.

Letters of support mention that visitors can park in a layby across the road. This layby is currently used for visitor parking, but this is a current arrangement with a neighbour, and the layby is not under the control of the applicant. This area could not be relied upon as a permanent parking facility, and for the purposes of this applicant, it is considered that there are two parking spaces available for Burnside and two for the proposed dwelling, which would be required to serve all occupant and visitors.

Summary:

The previous Officer report from 2013 considered the residential use of the dwelling to be contrary to the development plan, for reasons of sustainability and highways concerns. At the time, these concerns were put aside for a temporary period due to the personal circumstances of the applicant, but when considering the approval, the report noted '*this is not to say the application would be supported on a permanent basis, but is on the temporary basis now sought.*' The report made is very

clear that in terms of material planning considerations, the proposal was unacceptable. Since then, there have been no material planning changes to the site or in policy terms, apart from the acknowledgement of a lack of five-year housing land supply within the South Hams. As discussed above, an additional dwelling is not considered to be a substantial enough benefit to outweigh the other issues, and Officers therefore conclude that the independent residential use of the site is still unacceptable. It is therefore recommended for refusal for reasons of unsustainability and highways concerns.

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

Planning Policy

NPPF paragraphs 7, 14, 35, 37 and 55

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP16 Conversion and Reuse of Existing Buildings in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Newton and Noss **Ward:** Newton and Yealmpton

Application No: 3701/16/HHO

Agent/Applicant:

Jonathan Sullivan
28 Galpin Street
Modbury
PL21 0QA

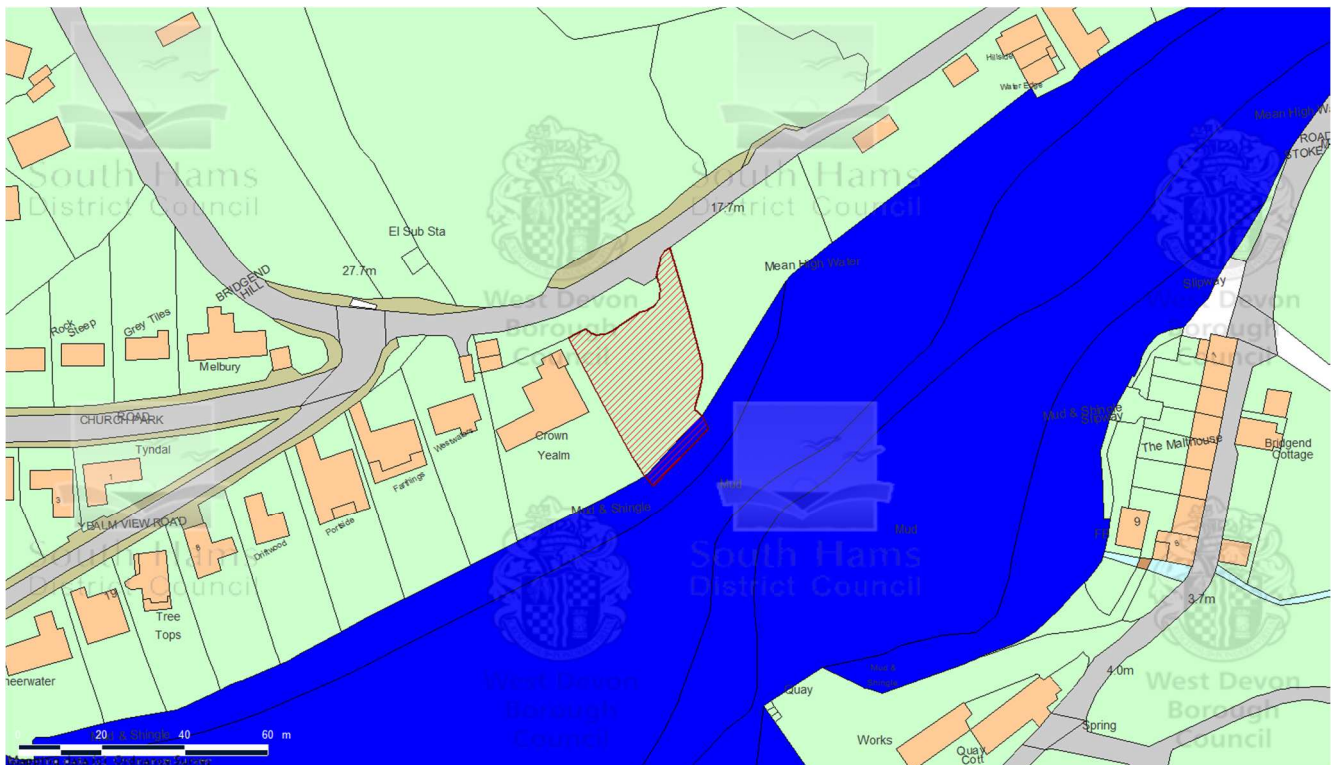
Applicant:

Mr & Mrs Beveridge
The Green House
Bridgend,
Newton Ferrers
PL8 1AW

Site Address: The Green House, Newton Ferrers, PL8 1AW

Development: Householder application for proposed detached outbuilding to be used as a boathouse

Reason item is being put before Committee: The application has been brought before the Committee by the Ward Members due to: valid objection from the South Devon AONB; objection from Estuaries Officer; negative impact on landscape and the AONB; overhanging of the foreshore.



Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Construction Environmental Management Plan
4. No foul water to enter estuary
5. Tree protection measures
6. External lighting

Informative re MMO licence

Key issues for consideration:

Principle, design, visual impact, impact on marine environment.

Site Description:

The site is situated in the Bridgend Area of Newton Ferrers, on the hillside above Newton Creek. The dwelling which currently exists on the site was a replacement for an earlier property, and has now been completed for several years. Its contemporary design is now a striking but arguably not unwelcome feature of the local landscape (the scheme was allowed on appeal). The site benefits from direct access onto Newton Creek at the bottom of a sloping garden, where there is an existing timber jetty.

The Proposal:

Permission is sought to construct a single storey outbuilding to be used as a boathouse ancillary to the existing dwelling on the site. The existing timber jetty would be retained, and the new structure would overhang it from the top of an existing bank wall. The outbuilding would have a flat roof with large glazing panels on three elevations surrounded by copper cladding to match the main dwelling. The submitted floor plan shows a store/drying area with a woodburning stove and small shower room.

Consultations:

- County Highways Authority – No highways related issues
- Environmental Health Section – No comments received
- South Devon AONB Estuaries Officer – Objection – Concerns regarding overdevelopment, adverse impact on the landscape character of Newton Creek. Proposal could trigger a series of other applications. Submitted plans do not provide a compelling case that the building is needed for boating purposes. Copper is toxic to many marine organisms. Strongly advise that a Construction Environmental Management Plan condition is imposed if consent is granted. Proposal would require a marine licence from the Marine Management Organisation for all development and works affecting the foreshore below Mean High Water Springs.
- Landscape Specialist – No objection subject to conditions
- Harbour Master – No comment other than a condition to ensure a condition ensure no foul water enters the estuary should be imposed
- Marine Management Organisation – Marine Licence required

- Newton and Noss Parish Council – Objection – “1. The Parish Council support the objections raised by the South Devon AONB Estuaries Officer in his letter of 20 December 2016. 2. The negative impact of conserving the landscape and scenic beauty of the AONB. 3. Cumulative impact – likely to trigger other applications that would irrevocably change the character of the foreshore. 4. Visual impact – the structure substantially overhangs the foreshore. This is intrusive and not consistent with other “boathouses” in the area. 5. Light pollution over the water and impact on ecology. Copper is toxic to marine life. 6. This proposal would require a Marine Licence. 7. No Construction Environmental Management Plan.”

Representations:

6 letters of support have been received, with the issues raised summarised as:

- Scale and design complement setting and surroundings
- High standard of contemporary design
- Complementary to the Green House
- Innovative
- Precedent already exists
- Proposal would not be visible from most of Noss Mayo

2 letters of objection have been received, with concerns raised summarised as:

- Encroachment below Mean High Water Mark
- Separation from main dwelling means uniform design is not as relevant
- Visual impact
- Setting of St Peter’s Church
- Objection from Estuaries Officer

Relevant Planning History

- 37/2841/14/F: Householder application for proposed outbuilding. The Green House Bridgend Newton Ferrers Plymouth PL8 1AW Conditional approval: 24 Dec 14
- 37/0371/13/F: Householder application for the building of retaining wall. The Green House Bridgend Newton Ferrers Devon PL8 1AW. Conditional approval: 28 Mar 13
- 37/0196/09/F: Erosion prevention wall. The Green House Bridgend Newton Ferrers Plymouth PL8 1AW. Conditional approval: 30 Mar 09
- 37/0503/08/F: Demolition of existing dwelling and erection of replacement dwelling and garage The Green House Bridgend Newton Ferrers Plymouth PL8 1AW. Conditional approval: 08 Dec 08. WRE: Upheld (Conditional Approval): 05 Dec 08

ANALYSIS

Principle of Development/Sustainability:

The principle of an outbuilding to be used by the residents of the Green House on the site raises no in principle policy objection. The submitted plans show a store/drying area with a woodburning stove and small shower room. Whilst the building would not be used for the physical storage of boats, the plans show it would be used by people using boats (rather than having to go back up to the main house). This

is not considered to be a wholly unreasonable proposition, subject to detailed design and landscape considerations.

Design/Landscape:

The existing dwelling known as the Green House was awarded a regional design prize by the Royal Institute of British Architects. The proposed outbuilding takes reference from the design of the parent dwelling, and Officers consider it would read as an ancillary building appropriate to its site context. The proposed use of copper cladding is considered appropriate in this setting from a design perspective. It should be noted that the existing stone retaining wall on the site already benefits from planning permission. The submitted plans show that the proposed outbuilding would sit behind the line of the existing jetty.

The Estuaries Officer has raised objection regarding the visual impact of the proposal in the AONB, and the potential for setting a precedent for other similar proposals. As noted by the Landscape Specialist in their consultation response, each application must be considered on its own merits and any subsequent proposals could still be refused if the current application is allowed if they were considered to be unacceptable. The Landscape Specialist considers the proposal is acceptable in terms of impact on landscape and visual character, which they consider would be preserved (subject to conditions to secure additional planting and control external lighting). The proposed design and form of the building strongly reflects the existing residential building known as the Green House. The Landscape Specialist considers the scale, form and massing of building proposed would not have a significant impact on landscape character, and notwithstanding the comments of the Estuaries Officer objection on these grounds is not justified (and that great weight needs to be given to preserving the character of the AONB in accordance with NPPF guidance).

There have been conflicting professional views about the landscape impact of the proposal on this occasion. Taking all points raised into consideration, the Officer recommendation is that refusal of the application on landscape grounds could not be substantiated at an appeal.

Heritage:

Concern has been raised that the development would harm the setting of St Peter's Church. The Grade II* listed church is located at some distance to the south west of the application site on the Noss side of the estuary. Given the relatively minor scale of development proposed and physical separation from the church it is considered unlikely that the structures would be viewed together, and the proposal would not result in any substantive harm to the setting of this highly graded heritage asset. There are a small number of listed dwellings which are located closer to the application site than the church, but again the physical separation in part provided by the estuary would ensure the development would not result in harm to the setting of any nearby heritage assets.

Ecology:

The application is accompanied by a Preliminary Ecological Appraisal, which did not identify any marine aquatic plant communities within the application site. It concludes the proposed development would have a negligible impact upon local ecology. It notes that there is likely be a local bat population within the vicinity of the site, but that no external lighting is proposed as part of the current application. Measures should be taken to ensure no hazardous chemicals or building debris/materials enter the river/marine system to avoid pollution.

Noting the above comments a condition restricting external lighting forms part of the Officer recommendation in addition to a Construction Environmental Management Plan. On this basis it is considered the proposed development is acceptable on ecological grounds.

Trees:

The application is also accompanied by a Tree Survey with an associated Constraints Plan. There are a number of low quality category 'C' trees within the vicinity of the site, with some higher quality trees to the east of the jetty including an Oak which is subject to a TPO. There is no rooting environment available to the Oak tree within the vicinity of the proposed building due to the existing site topography (and this also applies to the other trees). Given the topography and likely root distributions the survey considers tree protection measures are not necessary in this case.

The Council's Landscape Specialist is generally in agreement with the findings of the above survey, but considers that whilst the existing tree roots are unlikely to be damaged by the development itself there is still potential for the trees to be damaged during construction works if some preventative measures are not taken. As such a tree protection condition forms part of the Officer recommendation.

Neighbour Amenity:

The proposal does not raise any residential amenity concerns.

Highways/Access:

Access would be via the estuary, with pedestrian access through the residential curtilage of the Green House.

Other Matters:

- Need for Marine Licence – the fact that proposal may require licencing outside of the planning regime is not a legitimate reason to refuse a planning application.
- The Applicant has offered the following comment regarding the use of copper. "*Copper is the main antifouling of all boats nowadays – the use of tin having been banned. There is no evidence that the tiny quantities of copper that might leach into the river (far less than comes off eroding antifouling on boats) will affect any organisms – that is why copper is approved for marine use and tin is not.*" Subject to a condition to secure a detailed CEMP, it is considered there are no ecological grounds to refuse the application.

The Planning Balance:

Great weight needs to be given to preserving the character of the South Devon AONB. Whilst there have been conflicting views about the landscape impact of the proposal, overall it is considered that subject to the above recommended conditions the special character of the AONB would be preserved. In addition, it is considered the development would not result in harm to the setting of any heritage assets in the locality (including the Grade II* listed St Peter's Church). There are no other substantive planning reasons why permission should be withheld in this case (subject to the conditions detailed above).

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

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed conditions in full:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 152/GHB/PA01, 152/GHB/PA12, 152/GHB/PA13, 152/GHB/PA14, 152/GHB/PA15, Design Statement, Preliminary Ecological Appraisal, Dartforest Tree Works report received by the Local Planning Authority on 21st November 2016.

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. **PRE-COMMENCEMENT CONDITION:** The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include:

(a) Measures to ensure any wet concrete or other pollutants do not come into contact with the marine environment;

(b) Safeguards to account for spillages/accidents and flooding in relation to the storage and transportation of materials;

(c) Details of the removal and disposal of waste material from the site.

The development shall thereafter be carried out in strict accordance with the approved CEMP and thereafter so maintained.

Reason: In the interests of the protection of the marine environment, the details of which need to be agreed prior to any development taking place on site.

4. No foul water arising from the development shall be allowed to enter the estuary.

Reason: In the interests of pollution prevention.

5. PRE-COMMENCEMENT CONDITION: No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until details for the protection of retained trees (as identified on the submitted plans) during construction have been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect trees of public amenity value.

6. Prior to the installation of any external lighting, details shall have first have been submitted to and agreed in writing with the Local Planning Authority. External lighting shall thereafter only be installed in accordance with the approved details.

Reason: The site is situated in area where there is likely to be a local bat population, and the application was assessed on the basis that no external lighting was being provided.

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: West Alvington **Ward:** Salcombe and Thurlestone

Application No: 2432/16/FUL

Agent/Applicant:

Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

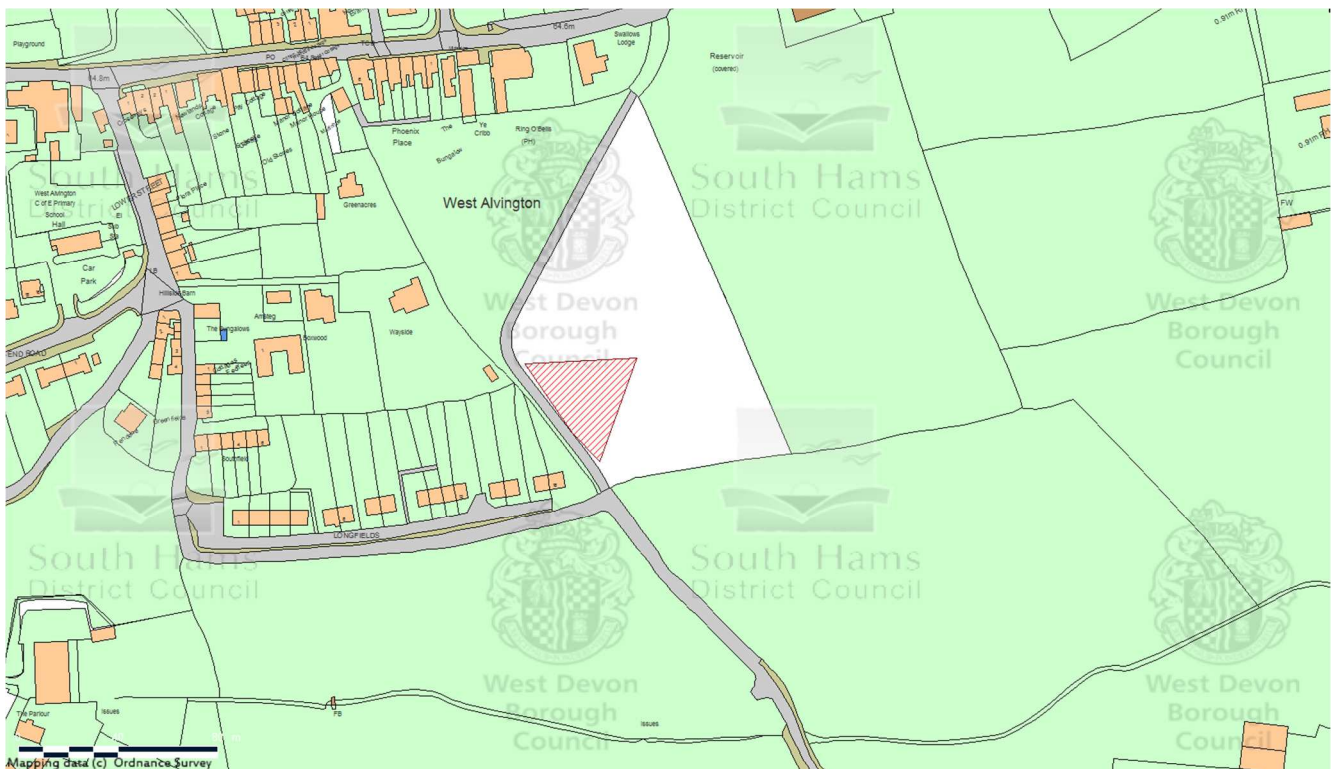
Applicant:

Mr & Mrs D&C Horton
Woodhouse Farm
West Alvington
Kingsbridge
TQ7 3QQ

Site Address: Land south of The Ridings, West Alvington, Devon, TQ7 3PP

Development: Construction of new dwelling with integral garaging

Reason item is being put before Committee: The Ward Members has requested the application be put before Committee on the following grounds: " within the AONB with no exceptional circumstances to justify a single dwelling of this size and the loss of privacy to neighbouring dwelling"



Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Landscape planting specification and maintenance
4. Drainage connections
5. Drainage scheme to be implemented prior to occupation and thereafter maintained
6. Parking/turning to be made available prior to occupation

Key issues for consideration:

Principle of residential development, design, landscape impact, highways, drainage, residential amenity.

Site Description:

The site is situated on the southern edge of the village of West Alvington, adjacent to a previously approved development of 17 dwellings known as The Ridings which is currently under construction (LPA Ref. 59/2482/14/F). The land slopes away from the main road through the village to the north, and the site subject of the current application sits at a lower ground level than The Ridings development. There is an existing track to the east of the site which is being retained for agricultural purposes, with a public footpath to the west. The approved plans for the development to the north show a hedge boundary and permissive footpath, with the rear gardens of three new dwellings beyond. The nearest previously existing dwelling lies to the south west at the eastern end of Longfields.

The site is located outside the West Alvington Development Boundary. It is within the South Devon AONB.

The Proposal:

The current application seeks to construct a single dwelling with associated parking and garden areas. The new dwelling would be accessed via the previously approved track to the east of The Ridings. It would be a large two storey pitched roof structure with a glazed gable feature on the south elevation and an external terrace at first floor. The dwelling would be cut into the slope so that it would appear as a single storey building when viewed from the north. External finishes would include natural slate roofing, colour coated aluminium doors and windows, and a mixture of natural stone and painted render walls in keeping with the neighbouring development. Internal accommodation would comprise a garage, bedroom with ensuite, utility and storage at ground floor level with the main kitchen/living space and further bedrooms/bathrooms above.

The submitted plans show Devon banks along the boundaries to the east and west of the new dwelling. A new Beech Hedge would be planted along the northern boundary and a post and wire boundary fence constructed.

Consultations:

- County Highways Authority – No comments received
- Drainage – Condition implementation and maintenance of submitted details
- South West Water – Applicant/Agent advised to contact SWW if unable to comply with their requirements. Planning condition in respect of connection to public foul or combined sewer. Proposed surface water disposal for development is acceptable.

- West Alvington Parish Council – Objection – Development does not accord with the provisions of the development plan; the site adjoins/affects a public right of way; site is in an AONB and close to a Conservation Area, no exceptional circumstances to justify a single, non-affordable dwelling; PC were previously advised this site would not be built in, had intentions been clear from the start the whole development would have been improved.

Representations:

One letter of objection have been received, with concerns raised summarised as follows:

- Loss of privacy to neighbouring dwelling
- Design

Relevant Planning History

As detailed above, planning permission has been granted for residential development on adjoining land which is currently under construction:

- 3460/16/NMM: Non-material amendment to approval 59/2482/14/F to replace window with French Door and added window to side elevation of garage. Land at Home Field. Conditional approval: 02 Nov 16
- 3108/15/VAR: Application for variation of condition 2 of 59/2482/14/F to allow installation of PV arrays to roof, changes to windows and doors and external alterations, change to UPVC windows, change of road surface and amendment to ground profiles. Land at Home Field. Conditional approval: 25 May 16
- 0285/16/ARC: Application for approval of details reserved by condition 4 (Schedule of landscape maintenance), 7 (Construction issue drainage drawings), 8 (Details of drainage maintenance), 9 (Foul drainage), 11 (Construction Management Plan) and 12 (Details of design layout, materials, method of construction); 59/2482/14/F. Land at Home Field. Discharge of condition approved 23 May 16
- 3080/15/ARC: Application for approval of details reserved by conditions 5, 6, 13, 14, 16 & 17 of planning consent 59/2482/14/F. Land at Home Field. Discharge of condition approved 23 May 16
- 59/2482/14/F: Erection of 17 mixed tenure dwelling with associated access road, parking, hard/soft landscaping and farm access. Residential development at Home Field West Alvington TQ7 3QQ. Conditional approval: 10 Jul 15

ANALYSIS

Principle of Development/Sustainability:

The site is located outside the Development Boundary for West Alvington. More up-to-date guidance contained within the National Planning Policy Framework supports development in sustainable locations. The site is physically well-related to the existing settlement which provides access to local services. The site is considered to be a sustainable location for new residential development under the terms of the NPPF, and as such the principle of a single dwelling on the site can be supported. Notwithstanding objection made by the Parish Council, the fact that the development is not in accordance with the Development Plan is not in itself a reason to refuse the application in this case having regard to the more recent national guidance contained within the NPPF.

Design/Landscape/Heritage:

The proposal is for a single detached dwelling, which although large is not entirely out of keeping with the character of the area. Having regard to the previously approved dwellings now under construction to the north, it is considered the proposed dwelling is acceptable in design terms. The proposed pallet

of external finishes would be in keeping with the adjoining development. Given the location of the site within the AONB (which in itself brings restrictions in respect of permitted development rights), and the proposed siting of the dwelling within the plot it is not considered necessary to remove permitted development rights by condition.

West Alvington Parish Council consider there are no special circumstances to justify a single dwelling in the AONB and in close proximity to a Conservation Area. As the application is not for major development the exceptional circumstances test set out in paragraph 116 of the NPPF does not apply in this case. Great weight still needs to be had to conserving the AONB in accordance with paragraph 115 of the NPPF. The current proposal is for a single dwelling which would be well-related to the existing village. As such it is considered the character of the AONB would be preserved should the development now proposed be approved. This is subject to a condition to secure a detailed specification and maintenance plan for the proposed new Devon hedges around the site.

The boundary of the West Alvington Conservation Area lies to the north west of the site, and is separated from it by a number of existing dwellings. Given the scale and location of development proposed as part of the current application, it is considered the setting of the Conservation Area would be preserved.

Ecology:

The current application is accompanied by the ecological surveys which were provided as part of the neighbouring development, as these also covered the site subject of the latest proposal. It is considered there are no ecological reasons why the current development proposal should not proceed.

Drainage:

Additional drainage information was submitted during the life of the application, and subject to the implementation and ongoing maintenance of the submitted drainage scheme the Council's Drainage Specialist is satisfied with the proposal.

Neighbour Amenity:

Concern has been raised by a third party in respect of overlooking, specifically in relation to 16 Longfields. The application site is elevated above this neighbouring property, but is not orientated directly towards it. Some sense of separation is already provided by the public footpath which runs between the application site and 16 Longfields, as well as the physical distance (in excess of 30 metres). The proposed new Devon hedge along the western boundary of the site would also provide some screening. On balance it is considered that the proposed development would not result in substantive harm to the amenities of the neighbouring dwelling such that the application can be refused on this basis.

Highways/Access:

Devon County Highways have not offered any specific comments. Vehicle access would be via a previously approved track which was originally intended to provide ongoing access for agricultural vehicle. It is considered that the impact of a single dwelling sharing this route is unlikely to raise a significant highways safety issue. A condition is recommended to ensure parking/turning within the site is made available prior to occupation to ensure there is no conflict with the farm access.

Other Matters:

During the consideration of this application the SHDC Ward Councillors queries the nature of the boundary between the application site and the neighbouring new residential development, with a suggestion that this should include a Devon bank. The Agent confirmed that the proposal is for a post and wire boundary fence and a Beech Hedge (as detailed above), as the construction of another Devon

bank would severely enclose the permissive path to the north (which already as a Devon hedge on the north side). Officers consider the proposal as submitted would provide appropriate enclosure for the new dwelling.

The Ward Members also queried whether the new dwelling could be re-orientated to help mitigate the impact on 16 Longfields. The Agent considers this would compromise the parking/turning area for the new dwelling without providing any real benefit to the existing neighbouring dwelling. Having regard to the above assessment of the neighbour relationship, it is considered the proposal can be supported as submitted.

The Parish Council raised objection on a number of grounds as detailed above, including concern that if the site had been included in the wider scheme for development to the north the result would have been an overall improvement. The Council has a duty to determine the application as currently presented, and this matter does not form planning grounds for refusal.

It has been noted that the distance from the dwelling to the nearest adopted highway may cause an issue in respect of refuse collection. There are lots of examples of dwellings in the South Hams where this is the case, and as the application is for a single dwelling it is considered this issue is not significant enough to warrant refusal in this case.

The application was delayed from consideration at an earlier DM Committee meeting, as concern had been raised that the access track to the site (which was approved as part of the previous permission for the residential development to the north) had been constructed in the wrong place. Further investigations have since revealed that the access track had been constructed in a different alignment to help facilitate the physical buildings works on the adjoining site. The Council has received confirmation in writing that the intention is to revert back to the access track as previously approved (and as indicated on the plans submitted with the current application), and restore the land where what is actually a temporary access track to its original state. It is understood that works to this end have now commenced on site.

The Planning Balance:

The principle of a single dwelling on this site is acceptable having regard to the NPPF, and detailed matters can be appropriately addressed by condition. Concern regarding neighbour impact is not considered to constitute substantive grounds for refusal in this case having regard to the context of the site and the provision of the additional Devon hedge proposed. The application is therefore recommended for approval subject to conditions as detailed above.

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

Planning Policy

NPPF

NPPG

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended conditions in full:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers ACL.933.001 Rev A, ACL.1069.200, ACL.1069.201, ACL.1069.202, ACL.1069.203, ACL.1069.204, Design and Access Statement, Extended Phase 1 Habitat Survey, Bat activity survey, Phase 1 Contamination Assessment Report received by the Local Planning Authority on 5th August 2016; 10799.C01.MM.lw (drainage details) received by the Local Planning Authority on 12th October

2016.

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. PRE-COMMECEMENT CONDITION: No development shall take place until a detailed landscape planting specification, timescale for implementation and maintenance plan have been submitted to and agreed in writing with the Local Planning Authority. The landscape scheme shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to help assimilate the development into its surroundings.

4. Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer.

Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment.

5. The approved drainage scheme shall be implemented prior to occupation of the dwelling hereby approved, and thereafter retained and maintained for the lifetime of the development.

Reason: In the interests of the prevention of pollution.

6. The dwelling hereby approved shall not be occupied until the parking, servicing, garaging areas relating to it and shown on the submitted drawings have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available

for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

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

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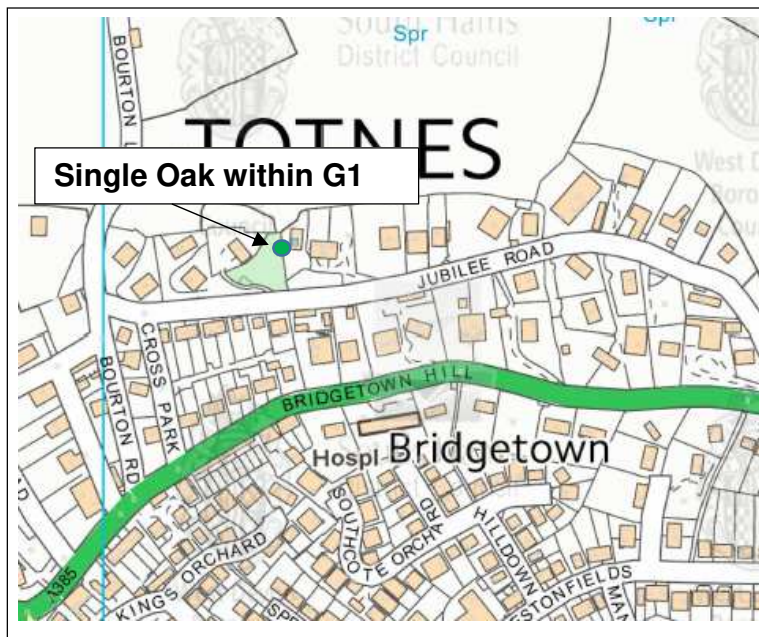
Application to work on Trees subject to a Tree Preservation Order Assessment and Recommendation



Tree Preservation Order : 636 – Oak tree with G1
Site Address : Endsleigh Jubilee Road Totnes TQ9 5BP
Application Register No : 3166/16/TPO
Proposed works : Oak – Reduce by approximately 2.5m two branches @ 8m above ground level which overhang neighbouring property
Date of Application : 31/10/2016
Target Decision Date : 26/12/2016

Reason item is being put before DM Committee: The applicant is related to Councillor Birch, SHDC Member for Totnes.

Site assessed by : T Jarratt (Hi Line – SHDC appointed consultants)
Date : 19.12.2016



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Recommendation: Conditional approval

Conditions: 1. Works to BS 3998:2010

Key issues for consideration:

Will the proposed works have an impact on the local amenity value and health of the protected tree?



Plan showing TPO 636

The proposal:

The Tree Preservation Order application seeks to crown reduce (shorten) 2 branches by 2.5m. The branches are approximately 8m above ground level and extend from an oak tree within the neighbouring garden close to the boundary.

The works are necessary to abate a future nuisance and to avoid damage to the adjacent dwelling.

Consultations:

- Totnes Town Council – No Objection
- Totnes Tree Warden - No Objection – works should be limited to avoid nuisance to property/roof

Relevant Planning History

- 56/1191/15/TCA – Works to fell ash and hollies - allowed

Analysis

The tree has been assessed and considered in its context, and the works assessed in relation to best practice to ensure the amenity and health of the tree will be maintained following the tree surgery works. The oak tree is part of a group of trees. It is in a reasonable condition, with some minor crown dieback and heartwood decay fungus noted by tree warden. The works are limited in nature and will not adversely impact on the amenity of the tree or its longer term health and condition. They will also reduce the risk of potential nuisance to the adjacent dwelling house.

Conclusion

For the reasons outlined above and within the following site assessment, the application to undertake a crown reduction of the two limbs are acceptable and should be approved. Officers are satisfied that the works will not adversely impact on the amenity of the tree or its health and condition. The works are justified to avoid potential future nuisance or damage to the adjacent dwelling. No representations made from local community. Totnes Town Council and Totnes tree warden – No objection

On Site Assessment

1.

Are the trees covered by a current TPO? **Yes**

Comments:

TPO 636 – Consisting of individual and groups of tree.

2.

Are some, or all, of the works exempt from the need for formal consent? **No**

3.

Description of the tree(s) and location.

The single oak tree has poor structural condition, due to natural suppression. Limited crown area with some dieback. Other trees noted, with a number on the boundary of a woodland space bordering the property rear garden space.

4.

What is the amenity value of the tree(s)? **please circle**

None: Can't be seen

Low: Seen with difficulty

Little: i.e. Enclosed rear garden

Some:

Considerable:

Great:

i.e. Roadside trees and parks

i.e. Town Centre

Significant feature tree

From which public locations can the tree(s) / hedge(s) be viewed? Adjacent public highway

Do the trees screen between properties **Yes**

Comments:

Limited views of tree or proposed works

5.

What impact will the works have on local amenity? **please circle**

None: Can't be seen

Some: Noticeable but limited

Negligible: Very minor in appearance

Significant: Major impact

Comments: Limited views

6.

Do the proposed works accord with good arboricultural or silvicultural practice? **Yes**

7.

Is any damage likely to arise if consent is refused? **No**

Comments: Potential nuisance in short to medium term

8.

Assessment. Give a succinct assessment of the application and appraisal of the proposed works.

Having reviewed the proposals and giving due consideration to the submitted justification it is recommended that the Council **APPROVES** the application.

- The oak tree in question is not overtly viable Jubilee Road.
- The works shall not detract from the quality the tree.
- The amenity value of the tree provided as part of a wider collective group of mature trees in the local area – amenity is unaffected by the works proposed.
- The prescribed works have been reviewed using both aerial G.I.S and internet based desktop systems and is considered to be appropriate arboricultural management.

9.

Recommendation (please tick)

Approval - YES

Works: As per application description – Crown reduction

Conditions: Yes - Works to BS 3998

10.

Has the application been assessed in relation to Article 1, Protocol 1, Article 2 and Article 8 of the Human Rights Act. **Yes**

Tree Condition, assess and number accompanying plan or refer to submitted application report.

Tree No.	Species	Height (m)	Spread (m) Average	Age Class	Life Expectancy	Condition	Assessment of Stated Reasons for Works
T1 (part of G1)	Oak			M	M	Fair	Reasonable and limited in nature; to avoid nuisance

Age Class

Young
crown
Middle Age
Mature
vigour

First 1/3 life expectancy
1/3 to 2/3 life expectancy
Final 1/3 life expectancy

Life Expectancy

S Short (<10 years)
M Medium (10-40 years)
L Long (40 + years)

Condition

Good Free from significant defects with a healthy
Fair Some defects, generally healthy crown
Poor Structural defects, poor general health and

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South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 15-Feb-17

Appeals Update from 6-Jan-17 to 3-Feb-17

Ward Bickleigh and Cornwood

APPLICATION NUMBER : **04/1129/15/F** APP/K1128/W/16/3167179
APPELLANT NAME: Taylor Wimpey Exeter
PROPOSAL : Construction of 65 no. dwellings together with associated landscaping, car parking and infrastructure
LOCATION : Proposed Development Site at SX 4744 6168, Allern Lane, Tamerton Foliot
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-February-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartmouth and East Dart

APPLICATION NUMBER : **1953/16/HHO** APP/K1128/D/16/3165736
APPELLANT NAME: Dr D Burston
PROPOSAL : Householder application for rear extension
LOCATION : Coombe Cottage, Bridge Road, Kingswear, TQ6 0DZ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-January-2017
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3108/16/FUL** APP/K1128W/16/3162830
APPELLANT NAME: Mr G Joyce
PROPOSAL : Application for Erection of 3 residential dwellings
LOCATION : Site at SX 87714 51708, College Way, Dartmouth, TQ6 9PF
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 25-January-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Allington and Strete

APPLICATION NUMBER : **43/2567/13/F** APP/K1128/V/15/3136298
APPELLANT NAME: Perraton Partners
PROPOSAL : Application for erection of 1no. wind turbine (estimated output of 0.05megawatts) with 24.6 metres hub height, 34.2 metres tip height and associated infrastructure for agricultural use (following judicial review and the court order dated 18.08.14 quashing the decision dated 21.05.14)
LOCATION : Land at SX776419, Winslade Farm, Frogmore, Kingsbridge, TQ7 2PA
APPEAL STATUS : Appeal decided
APPEAL START DATE: 05-October-2015
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 20-January-2017

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South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 15-Feb-17
Appeal Hearings/Public Inquiry from 6-Jan-17

Ward Kingsbridge

APPLICATION NUMBER : **28/1560/15/O** APP/K1128/W/16/3156062
APPELLANT NAME: H2 Land Ltd
PROPOSAL : Outline application with some matters reserved for residential development scheme for 32no. dwelling at allocated site K4
LOCATION : Proposed Development Site At SX 7392 4386, Allocated Site K4, Garden Mill, Kingsbridge
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 07-October-2016
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 29-March-2017
LOCATION OF HEARING/INQ: Cary Room, Follaton House, Plymouth Road, Totnes
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Bickleigh

APPLICATION NUMBER : **04/1129/15/F** APP/K1128/W/16/3167179
APPELLANT NAME: Taylor Wimpey Exeter
PROPOSAL : Construction of 65 no. dwellings together with associated landscaping, car parking and infrastructure.
LOCATION : Proposed Development Site At SX 4744 6168, Allern Lane, Tamerton Foliot
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 02-February-2017
TYPE OF APPEAL **Public inquiry**
DATE OF APPEAL HEARING OR INQUIRY:
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

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