

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 15th March, 2017										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr 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										
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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, Specialist - Democratic Services 01803 861185										

- | | |
|--|----------------|
| 1. Minutes | 1 - 10 |
| To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held 15 February 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) 3715/16/ARM | 11 - 28 |
| Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no.dwellings Land At SX 817 602, Great Court Farm, Berry Pomeroy, Totnes | |
| (b) 3352/16/FUL | 29 - 36 |
| Construction of storage building associated with general maintenance and management of adjoining holiday lodge site. Briar Hill Farm, Court Road, Newton Ferrers, PL8 1AR | |

(c) 3471/16/FUL 37 - 42

Change of use of ancillary unit of self-contained accommodation to permanent dwelling and minor changes to external terrace
Pillory Hill, Noss Mayo, PL8 1DX

(d) 0041/17/HHO 43 - 48

Householder application for proposed alterations and extensions (resubmission of consent 3337/16/HHO)
Jons Wood, Brixham Road, Kingswear, Devon, TQ6 0BA

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

(e) 0771/16/OPA 49 - 78

Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing) landscaping and associated works
Land at SX 791 430, To Rear Of Green Park Way, Chillington, Devon

(f) 1825/16/OPA 79 - 106

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, Devon

(g) 2879/16/FUL 107 - 126

Erection of new standalone hotel suite on Burgh Island to provide hotel additional accommodation.
Development site at SX 649 438, South East side of Burgh Island, Bigbury

(h) 4033/16/HHO 127 - 130

Householder application for composite decking to rear of property to facilitate access from bedroom and conservatory
Low Cedars, Road from Marldon Cross To Roots, Westerland, Marldon, Devon, TQ3 1RR

7. Planning Appeals Update 131 - 134**8. Planning Performance Indicators 135 - 140**

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MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 15 FEBRUARY 2017

Members in attendance * Denotes attendance ∅ Denotes apology for absence			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil (am only)	*	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 (pm only)	*	Cllr R J Vint

Other Members in attendance:

Cllrs Baldry, Brown, 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.54/16 **MINUTES**

The minutes of the meeting of the Committee held on 18 January 2017 were confirmed as a correct record and signed by the Chairman.

DM.55/16 **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 declared a personal interest in application **3781/16/VAR**: Removal of conditions 3, 4 and 6 of application 57/2943/13/VAR to allow separate residential use of ancillary building – Burnside, Avonwick by virtue of knowing the applicant. She remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr R C Steer declared a personal interest in application **3781/16/VAR**: Removal of conditions 3, 4 and 6 of application 57/2943/13/VAR to allow separate residential use of ancillary building – Burnside, Avonwick by virtue of the applicant and objector being neighbours. He remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr R J Foss declared a personal interest in application **2432/16/FUL**: construction of new dwelling with integral garaging – Land south of The Ridings, West Alvington by virtue of being related by marriage to the applicants. He remained in the meeting for the duration of this item and took part in the debate and vote thereon;

Cllr B F Cane declared a disclosable pecuniary interest in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX550 522, North of Canes Orchard, Brixton by virtue of being the landowner. He left the meeting for the duration of this item;

Cllr Steer declared a personal interest on behalf of the Conservative group members in application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX550 522, North of Canes Orchard, Brixton by virtue of the landowner being a fellow Conservative district councillor. They remained in the meeting and took part in the debate and vote thereon;

Cllr Brazil declared a personal interest on behalf of the Opposition group members in application **3166/16/TPO**: T1 – Oak – remove two branches approximately 8 metres from ground level which overhang adjacent property – Endsleigh, Jubilee Road, Totnes by virtue of the applicant being the wife of a fellow Opposition group member. They remained in the meeting and took part in the debate and vote thereon.

DM.56/16 **URGENT BUSINESS**

The Chairman advised that application **1825/16/OPA**: Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access – Land at SX550 522, North of Canes Orchard, Brixton had been deferred from the agenda following publication.

DM.57/16 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

DM.58/16 **PLANNING APPLICATIONS**

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

0784/16/FUL**Land adj to Gould Road, Salcombe****Parish: Salcombe****Erection of new industrial units and associated access and parking**

Case Officer Update: None

Speakers included: Supporter: Mr Chris Brook: Ward Members:
Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time
2. Accords with plans
3. Notwithstanding any indications of materials shown on the approved drawings or within any other part of this application, the exterior walls of the building hereby approved shall be clad in timber in accordance with details and samples that shall have been approved in writing by the Local Planning Authority prior to their installation. The development shall then be carried out in accordance with the approved details and the timber shall be retained as approved and shall not be painted or varnished in a way that will change its external appearance unless otherwise agreed in writing by the Local planning Authority.
4. Parking to be provided prior to occupation and retained.
5. Drainage to be implemented and maintained.
6. B1(b) light industrial use only
7. CEMP
8. Turning area to be provided and retained as such
9. Details of hard and soft landscaping to be agreed and implemented.
10. Unsuspected contamination
11. 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.
12. 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
13. All internal drainage is to connect into the foul sewer system in accordance with details to be approved by the LPA.
14. No external storage of chemicals.
15. LEMP to be agreed pre-commencement to address issues of pollution control management
16. 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 and agreed by the LPA

**3227/16/OPA The Paddock, Hemerdon Lane, Hemerdon,
Plymouth**

Parish: Sparkwell

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

Case Officer Update: N/A

Speakers included: Supporter – Mr J Gamble: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

Committee Decision: 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

**3976/16/FUL Whitegates, Parsonage Road, Newton
Ferrers**

Parish: Newton and Noss

Demolition of single dwelling and the erection of two detached dwellings

Case Officer Update: Garage removed from the scheme due to concerns over impact on trees

Speakers included: Supporter – Mr Hallett: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

During discussion, Members noted their concern regarding the dimensions of the proposal. The Ward Member had stated that, in his view, the proposal represented overdevelopment of the site and a number of Members agreed. Another Member who had attended the site visit stated that the proposal was untypical of the area and therefore the proposal represented overdevelopment and not being in keeping with the surrounding properties. Generally, Members accepted that the proposal was smaller than a previous application that had been refused, but still felt that the proposal being discussed represented overdevelopment of the site.

Committee Decision: Refusal

Reasons:

The proposal had taken into account the reasons for refusal of the previous application, however, it still represented 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.

3781/16/VAR Burnside, Avonwick

Parish: Ugborough

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

Case Officer Update: N/A

Speakers included: Objector – Mrs Margaret Doggett: Supporter – Mrs Lindsay Stewart: Ward Member – Cllr Holway

Recommendation: Refusal

During discussion, Members commended the proposal as a good re-use of a building. Less weight was paid to comments of the Highways officer as the access was already in residential use.

Committee Decision: Conditional Approval

Reasons:

The proposal represented sustainable development and was already in residential use.

Conditions:

1. Accord with plans
2. Parking and turning area to be laid out within 3 months
3. Removal of permitted development rights

3701/16/HHO The Green House, Newton Ferrers**Parish: Newton Ferrers****Householder application for proposed detached outbuilding to be used as a boathouse**

Case Officer Update: N/A

Speakers included: Supporter – Mr Beveridge: Parish Council – Cllr Alison Ansell: Ward Member – Cllr Baldry

Recommendation: Conditional Approval

During discussion, Members noted concerns in respect of light pollution, both external lighting and the impact of lighting within the building on the estuary. Some Members felt the proposal was an extension of the house, rather than purely a boat house. Members were also concerned that the proposal was set forward and projected into the estuary, and felt it would be more acceptable if set back into the bank.

Committee Decision: Refusal

Reasons:

The location of the proposed building beyond the edge of the estuary bank together with its design, with a significant level of glazing contributing to light intrusion, would not conserve the landscape and scenic beauty of the South Devon AONB. The proposal is therefore contrary to paragraph 115 of the National Planning Policy Framework, Policy CS9 of the LDF Core Strategy and Policy DP2 of the LDF Development Policies DPD.

2432/16/FUL Land south of The Ridings, West Alvington**Parish: West Alvington**

Construction of new dwelling with integral garaging

Case Officer Update: N/A

Speakers included: Supporter – Mr Andrew Lethbridge: Ward Members – Cllrs Pearce and Wright

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit – 2 years
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

3166/16/TPO Endsleigh, Jubilee Road, Totnes

Parish: Totnes

T1: Oak – Remove two branches approx. 8 metres from ground level which overhang adjacent property

Case Officer Update: N/A

Speakers included: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Works to BS 3998:2010

DM.59/16 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.60/16 PERFORMANCE INDICATORS

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. Members had a lengthy debate on this item and were concerned that there may not be the appropriate number of staff in place to ensure that applications were determined within time. Members were keen to understand the number of cases that each officer was dealing with. The COP Lead explained that number of cases would not give a true picture of workload as cases varied in complexity and did not take account of pre-application work. He set out the measures being undertaken in employing additional staff and, whilst he was broadly comfortable with the workload for most officers, he was confident that the latest recruitment phase would provide him with the staffing levels he needed to address any shortfall. The COP Lead undertook to provide Members with a verbal update at each meeting of average case load at each of level 4, 5 and 6. Members agreed that this would at least enable workload trends to be monitored.

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 10.00 am and concluded at 5.00 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 15 February 2017

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1825/16/OPA	Land adj to Gould Road, Salcombe	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Pearce, Brazil, Vint, Hodgson (11)	(0)	(0)	Cllr Hitchins (1)
3227/16/OPA	The Paddock, Hemerdon Lane, Hemerdon	Conditional Approval	Cllrs Holway, Cane, Rowe, Steer, Foss, Cuthbert, Bramble, Pearce, Vint, Hodgson, Hitchins (11)	(0)	(0)	Cllr Brazil (1)
3976/16/FUL	Whitegates, Parsonage Road, Newton Ferrers	Conditional Approval	Cllrs Steer, Hitchins, Foss, Cane (4)	Cllrs Hodgson, Rowe, Vint, Pearce, Bramble, Cuthbert, Holway (7)	(0)	Cllr Brazil (1)
3976/16/FUL	Whitegates, Parsonage Road, Newton Ferrers	Refusal	Cllrs Hodgson, Rowe, Vint, Pearce, Bramble, Cuthbert, Holway (7)	Cllrs Steer, Hitchins, Foss, Cane (4)	(0)	Cllr Brazil (1)
3781/16/VAR	Burnside, Avonwick	Conditional Approval	Cllrs Foss, Hodgson, Vint, Hitchins, Pearce, Bramble, Holway, Rowe (8)	Cllrs Steer, Cane, Cuthbert (3)	(0)	Cllr Brazil (1)
3701/16/HHO	The Green House, Newton Ferrers	Conditional Approval	Cllrs Holway, Steer, Foss (3)	Cllrs Hodgson, Vint, Pearce, Hitchins, Cuthbert, Cane, Bramble, Rowe (8)	(0)	Cllr Brazil (1)
3701/16/HHO	The Green House, Newton Ferrers	Refusal	Cllrs Hodgson, Vint, Pearce, Hitchins, Cuthbert, Cane, Bramble, Rowe (8)	Cllrs Holway, Steer, Foss (3)	(0)	Cllr Brazil (1)

2432/16/FUL	Land south of The Ridings, West Alvington	Conditional Approval	Cllrs Steer, Foss, Hitchins, Bramble, Holway, Rowe, Cuthbert, Cane, Pearce, Vint, Hodgson (11)	(0)	(0)	Cllr Brazil (1)
3166/16/TPO	Endsleigh, Jubilee Road, Totnes	Conditional Approval	Cllrs Steer, Foss, Hitchins, Bramble, Holway, Rowe, Cuthbert, Cane, Pearce, Vint, Hodgson (11)	(0)	(0)	Cllr Brazil (1)

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Berry Pomeroy **Ward:** Totnes

Application No: 3715/16/ARM

Agent/Applicant:

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

Applicant:

Baker Estates Ltd
C/O Agent

Site Address: Land At SX 817 602, Great Court Farm, Berry Pomeroy, Totnes

Development: Application for approval of reserved matters (appearance, landscaping, layout and scale) following outline approval 03/2163/14/O for residential development of 75no. dwellings

Reason item is being put before Committee: Mindful of the objections and concerns raised by local residents it is considered appropriate for the merits of this proposal to be considered by the Development Management Committee.



Recommendation: Conditional approval subject to the receipt of revised layout plans, clarification of levels details and materials details.

Conditions:

Time limit in accordance with the outline application.
Hedgerow protection scheme
No machinery etc on site until Hedgerow protection
Submission of materials – render
Submission of timber cladding
Submission of joinery details
Submission of roof material
Stonework sample to be submitted and agreed
Highway conditions

Key issues for consideration:

Whether the landscaping, layout, scale and appearance of the proposal is acceptable.
The impact of the proposal on the residential amenity of surrounding development.
The visual impact of the development in the landscape.

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

It is estimated that this development has the potential to attract New Homes Bonus of **£52,000.00** per annum, payable for a period of 5 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 site lies on the edge of Totnes, adjacent to an area known as Bridgetown on land previously used by Great Court Farm as farm land. The site measures approximately 2.6 hectares (6.4 acres) and is loosely triangular in shape. An outline application for up to 75 dwellings was approved for the site in 2015.

The site sits within a triangular piece of land edged by Weston Lane to the south and Blackpost Lane to the north. The eastern boundary lies at a pinch point between the two roads and has 3 houses located on the corner, outside of the application site, known as Weston Cottages. The western boundary is adjacent to existing residential development in the form of Courtfield and Parkfield Close. The land currently slopes down from north to south and also more gently down from east to west. Weston Lodge is on the other side of Weston Road opposite the southern corner of the site. To the east of the site on the other side of Weston Lane is open countryside. Similarly to the north is open countryside. The top edge of the site lies along a ridge and so if developed would be seen from locations to the north over the ridge line.

The existing farm (Great Court Farm) will remain in the centre of the site, but a number of the more modern farm buildings will be demolished to make way for the proposed development. The access to the site was considered at the outline stage. There are three access points one off Blackpost Lane and two off Weston Lane.

The boundaries of the site along Blackpost Lane and Weston Lane are in the main natural hedgerows except for a barn in the farm complex which abuts the road.

The boundaries to the residential developments are also currently hedgerow for the most part, although in various conditions. In some areas there are trees within the hedgerows. Not all of the trees have been shown on the plans.

The Proposal:

The proposal is to deal with the reserved matters – scale, appearance, landscaping and layout for 75 dwellings. The outline planning consent provided an illustrative master plan when it was determined which provided for 75 dwellings. The outline application was approved subject to a Section 106 Agreement to secure:

- 44% affordable housing (70% Affordable rented and 30% discount market units).
- Public Open Space: LEAP of circa 400sqm; equipped play area of circa 180sqm, casual/informal play of circa 1,600sqm and allotments of circa 340 sqm; an offsite contribution to playing pitches of £595 per occupier based on an average of 2.2 occupiers per dwelling.
- Off – site highway works and contribution of £1643.24 towards the Totnes Strategy
- £20,000 towards offsite improvements to the footpaths within the Bridgetown Corridor to improve pedestrian and cycle links to the town.
- Bus and cycle vouchers totalling £300 per dwelling.
- Provision of sustainable Urban Drainage system.
- Implementation in full of the Travel Plan

The proposed scheme is for a mix of housing types and tenures and includes a 44% contribution to affordable housing in line with the requirement of the Section 106 Agreement attached to the outline planning application.

The scheme indicates a lower density form of development in the north of the site, gradually increasing in density as one travels from north to south, with the higher density development being along the southern edge of the site and in the south east corner. In the lower density areas parking is provided on plot, however in the higher density areas a combination of parking courts large and small are proposed.

Two blocks of 3 storey flats are proposed adjacent to the south east boundary of the site.

The design of the properties has been proposed so as to reflect the existing character of this site on the rural edge of Totnes. The Design and Access Statement submitted in support of the proposal states: *“The bespoke nature of the property designs, careful choice of materials and organic street pattern define and ensure the developments local distinctiveness”*

The site has been divided into 4 groups for ease of reference when describing the proposals. North East; Centre and South East.

Northern area:

Those properties backing onto Courtfield have been designed to replicate barns and are grouped such that they replicate the groupings of farm buildings. They are proposed with stone and timber elevations and single storey but with rooms in the roof space. Light to these rooms are achieved through roof lights and in some cases there is a gable end window with a Juliette balcony at first floor.

Four detached properties front onto the open space along the northern edge. The elevations are part render and part natural stone. The side elevations are primarily stonework with the front and rear elevations being render. The buildings are designed with a front elevation to the space and a rear tenement extending from one or other side of the properties in this area. A stone parapet sits along the top of the stone elevations. The front elevations looking onto the open space have a large amount of glazing with floor to ceiling windows on the ground and first floor.

Behind the most northern properties is proposed a small cul de sac of 8 properties, some detached and some link-detached. One of these properties has been designed as a thatched cottage (Plot 12). It has stone end gables, with render front and rear elevations. It also has a rear tenement extending out from the eastern end of the rear elevation. Its location is opposite the public open space in the centre of the site.

The other properties within the cul de sac are designed as follows: Plot 13 is a mainly render building with an extended first floor over an open porch which is timber clad. Plot 11 is the same design as plots

18, 19 and 20. They are detached single storey properties with a timber clad gable facing the road. The elevations are a combination of render and timber cladding.

Plots 16 and 17 are also in the cul de sac and are proposed as two storey properties with a single and half element over the attached garage. There is a protruding gable on the front elevation which is clad in timber across the front. The remainder of the dwelling is render finish. A half dormer is proposed in the 1 and ½ storey element.

North East.

The proposals here provide for a series of terraced and semi-detached two storey dwellings running parallel to Weston Lane with a parking court to the rear with some garages and some parking spaces. Access from Weston Lane as a cul de sac. In terms of design the properties facing onto Weston Lane are narrow fronted two storey rendered elevations, but Plot 21 which is located adjacent to the existing properties Weston Cottages has a timber clad front elevation. Some of the other plots along this stretch also have timber elements on the elevations, which would need to be clarified as part of a planning condition.

On the other side of the access to this part of the site are 2 detached properties, one facing the access road and the other facing down towards the access point itself. Plots 34 and 35 are similar in design to the detached properties at the top of the site, with stone end elevations and render elevations front and rear; a rear tenement and a highly glazed front elevation.

To the rear of the parking court there is a significant change in levels which above which are the properties described above in the norther cul de sac. It is proposed to erect a retaining wall at the rear of the parking court.

Centre

In the centre of the site is the area identified as public open space, which is at a low level, with Plot 35, and plots 36,37 and 38 on the higher level land above. Plots 36 and 37 are again barn like in their design, reflecting the close proximity to the traditional farm buildings which will remain. They are similar in design to the barn like dwellings proposed behind Courtfield. They are single storey with rooms in the roof. Plot 38 is the same design as plots 35,10,13,14 and 15.

South East parcel

This parcel of land is adjacent to properties in Courtfield and Parkfield Close.

Plot 39 lies adjacent to a property in Courtfield. It is set back slightly from the building line of the adjacent property and is similar in design to Plots 13 and plot 31. These properties are smaller in scale but are two storey with the extending porch over the open ground floor porch.

South of this property is a terrace of 4 properties (Plots 40 – 44), of two and ½ stories in height with rooms in the loft space. Roof lights are proposed in the rear elevations with a floor to ceiling window and Juliette balcony on the front elevation.

A block of garages are situated at the rear of these plots. Moving southwards plots 46 and 47 are similar in design to plots elsewhere reminiscent of barns, Plots 1 to 8, 37 and 38. Single storey but with rooms in the roof space. Alongside these proposed dwellings is a coach house style property with the garages for the surrounding plots on the ground floor. Constructed with a render finish and rear roof lights. Floor to ceiling windows in the front elevation overlooking the parking spaces in front.

Also fronting these parking spaces and alongside are 4 detached properties 49 and 50 and 48 and 51. Plots 49 and 50 are complete rendered buildings, but with parapet cappings to the end elevations. Plots 48 and 51 are slightly larger with a mainly render finish, but with a front gable extension in stone and a timber clad front elevation.

Behind Plots 48 and 51 are a group of 5 properties (a semi-detached pair and a terrace of 3) Plots 70 to 74. In design terms they are the same as the 4 properties (semi-detached pairs) in the bottom south east of the site. In terms of design these properties are the same as the plots along the Weston Lane frontage (Plots 21 to 27).

The remaining 14 residential units are housed in two 3 storey flats located along the southern boundary adjacent to Weston Lane. The elevations of the first of these (Plots 60 – 65) is proposed as a render building, with the upper floor being partially in the roof slope, with half dormers at 2nd floor level. The other flat block turns the corner in symmetry with the access to this part of the site, with frontages to both Weston Lane and the new access road. The elevations of this building are proposed as timber cladding across part of the frontage to Weston Lane and around onto the access road where all of the frontage is timber clad as well as the end elevation of the building.

Open space is provided along the northern boundary of the site, in the centre of the site where there is a change in levels and adjacent to the more southerly access to the site, which has been left vacant because it is a bat fly zone. An area of allotments is also provided adjacent to the boundary with existing properties in Parkfield Close. The boundaries to the site are currently hedgerows and it is proposed in the main to retain these hedgerows.

Access to the site is provided at 3 points. Two off Weston Lane and 1 off Blackpost Lane. Each of which access different sections of the site. There is no through route through the site.

An application to discharge the planning conditions imposed on the outline application has also been submitted to run concurrently with this reserved matters application. That application deals with highway design; ecology and landscape management; flood risk assessment; drainage strategy; tree and hedgerow survey; barn owl survey and archaeology survey.

A statement of Community Involvement was submitted in support of the application, which deals with the way in which the developers have engaged with the local community in arriving at their submission. The consultation period ran from 21st September 2016 until 26th October 2016. The consultation concentrated on the residents who lived close to the site, local ward members, members of Totnes Town Council and Berry Pomeroy Parish Council. A public exhibition was held on 5th October at St Johns Church Hall. Over 100 members of public attended. A web page was also set up. Direct liaison with immediate neighbours was offered and taken up by 9 households. 42 people provided feedback to the consultation. The statement states that 94% of the respondents were happy with the amount of bungalows provided; 60% agreed with the position of the open space; 96% liked or mostly liked the appearance of the proposed dwellings. The statement reiterated the commitment by Baker Estates to continue to work with stakeholders as the application progresses.

The landscape proposals for the site include enhancement measures along Weston lane, retention of the existing hedge and additional planting; retention and enhancement of the hedgerows and prominent trees to the north of the farmhouse. The earth and stone bank will be repaired and the green space beyond will become the central open space for the site. New native planting will be provided along the north western boundary with Courtfield.

The retention of the hedgerow and trees which form the south western boundary of the site, ensuring the boundary with the AONB is unaltered. Retention of the majority of the hedge along Blackpost Lane. The eastern end will have to be removed to accommodate the new vehicular access. Offsite planting (north of Blackpost Lane), which will reduce visual impacts from views to the north.

Representations:

Comments have been received and concerns are expressed about the following issues:

Initial scheme:

Concerns with the proximity and scale adjacent to existing properties

- Concern from 1,3,5,7 Parkfield Close about the 2 and ½ storey flats which would look directly into their properties.
- Concern also about the pedestrian footpath running along the boundary with Parkfield Close and loss of privacy.

- Concern about flooding as the field has flooded the homes along Parkfield in the past.
- Horrified at the change between the outline master plan proposals and the scheme submitted for reserved matters approval.
- The plans have changed from an allotment 30ft from back windows to a two storey block of flats approximately 4 metres above our roofline. Worried about the effect that will have on light to the rear of our property. It is too high and too close.
- Amazed that all of the flats (affordable) appear to be concentrated in one small area, separating different income groups causing a lack of social interaction.
- Why such a large area of Meadow Willflower grass adjacent to Blackpost Lane while it appears fine to place the flats so close to our gardens, not a very sympathetic development.
- Would it not be possible to relocate the flats (71, 72, 73, and 74) into the area allocated for garages and put the car parking to the other side of the flats?
- The scheme is totally unreasonable from the point of layout, scale and changes to the landscaping. The proposed flats are totally out of character.
- Anything higher than 2 storey will be too close to existing properties and would overlook existing properties.
- The 2 and ½ storey buildings will obstruct light contrary to existing law in England under the Prescription Act 1832.
- Due to the existing topography if it were not for the existing hedges, the backs of Parkfield Close properties would be regularly flooded.
- I have no faith that the drainage system will protect surrounding properties from flooding.
- Concern about the Coach house, which is only 16 metres from the rear of our property. The original masterplan the area was a landscaped buffer with parking spaces to protect the amenity of existing residents.
- The area behind No's 7,8, and 9 Courtfield is overdevelopment in the smallest part of the site.
- Plots 40 – 44 are three storey and orientated such that they will overlook the rear of 7,8, and 9 rear gardens and will have an overbearing and oppressive impact.
- The outline master plan showed an allotment area behind plots 1 – 9 Parkfield and a landscape buffer behind 7,8, and 9 Courtfield which served to protect the residential amenities of existing occupiers.
- The rear of Parkfield now has a building and the rear of 7,8, and 9 Courtfield has new buildings, some of which are 3 storey. The number of units adjacent to Parkfield Close has doubled from 16 to 25 units
- Concerned about the closeness of Plot 1. The developer states that it is 16metres away but measuring the plan it appears to be more like 9 or 10 metres.

Impact on the rural lane.

- It will change the character of the lane, which is narrow and unsuitable for lots of traffic. The surface of the road is not properly maintained and has no drainage and has limited visibility in places and is used by agricultural vehicles.
- The lane has flooded in the past and is always covered in puddles and mud. Any paved or tarmaced areas will make the situation worse.
- Parking: 150 spaces for 75 houses, 25% of which are garages, which are rarely used for car parking. Concerned that there is insufficient parking and so cars will park on adjoin roads.
- Access: For construction traffic and residents and visitors. The roads in this area are already at capacity. A sensible route for construction traffic is needed.
- Concerns regarding the existing bus service using Tru Street, which has to use the centre of the road because the road is too narrow. It will become worse with the proposed development.
- The 385 corridor cannot cope with the additional traffic. It is already at a standstill twice a day and the air quality must be above legal levels.
- The proposed development will create highway safety issues, particularly at Tru Street corner.

- A recently approved development nearby of apparent good urban design has resulted in lack of road width to accommodate on street parking, leading to cars parking on the pavements and huge roofs which are out of character.

Landscape impacts

- The loss of trees in the area have already taken place and as such the developer clearly does not have any concern over the wildlife affected on the site.
- The development is not in keeping with the area

Layout and design concerns

- The emphasis of the scheme is luxury housing in the north taking up lots of land with the rest being crammed onto the bottom corner.
- The height of the roofs of the garages (up to 5.50 metres) makes the garages over dominant.
- The flats are on a high point of the site and will this be very dominant and inappropriate for a rural location.
- The flats are grouped together rather than being spread across the site.
- There is no safe pedestrian route to Berry Pomeroy Primary School.
- Why is there a thatched cottage in the middle of the site. There are no thatched buildings in Bridgetown or Totnes as a whole, which means the architect has taken no notice of local vernacular.
- This scheme has a much denser form of development particularly adjacent to existing properties.
- No. 7 Courtfield is adjacent to the proposed pedestrian walkway, which in principle has already been accepted through the outline, however there is no information about how the path will be landscaped.
- Bridgetown area seems to be taking the majority of the towns new developments yet all of the towns services are on the other side of the river, leading to more traffic through the town. The Blackpost Lane junction with the A385 is already an accident blackspot.
- The proposed open spaces and play facilities are grossly inadequate.
- The design of the houses is boring, unimaginative, low grade and disgracefully lowest common denominator.
- The outline application referred to 'up to' 75 houses. It would not therefore be unreasonable to lower the numbers of houses in order to address the urbanisation and claustrophobic impact of the proposals. The topography and location of the site should be the deciding factor for suitability. The steep sloping field on the edge of Totnes needs careful consideration.
- The plans submitted are confusing and in some areas indistinguishable, some including drawing number 160712 L 02 01 Rev are shown as 'preliminary' and marked as 'area to be agreed at detailed design stage' Isn't that now?
- Object to the layout of the proposed allotments. The general rule is for every 10 dwellings there should be one allotment plot, which is equivalent to 250 sqm. Only 340 sqm has been provided for this development, which equates to 1.5 plots.
- In addition three location of small areas of allotment is totally unacceptable and impractical. They have clearly been put in to odd areas to achieve the greatest no. of buildings
- Public open space was promised which has resulted in a narrow strip in the north of the site adjacent to Blackpost lane. Are they suggesting that people relax and play surrounded by traffic fumes? The ten allotments to the south have been removed replaced by a small triangle labelled vegetable patch /play area, in the far south of the site, overshadowed by trees.
- It is not proposed to use locally sourced materials and so as such the carbon footprint is huge. I also object to the pastiche thatched house which is insulting.

General concerns

- Why are we building more houses when the sewerage plant was at full capacity several years ago?
- Totnes is being over developed with no additional amenities.
- Only one family has been taken off the housing register as a result of the 800 houses built around Totnes, so it is not resolving the housing crisis. If it was low cost 100% for locals it would have some value.
- Please can PD rights be removed from the new properties?
- Bridgetown is built on a hillside with an outlook of the Totnes skyline and fields. With houses set back from the road the general feeling is open in nature. A key characteristic of the development is the low pitched roofs. Plots 1 to 9 Courtfield are bungalows.
- Officers and members should visit the site.
- The infrastructure in Totnes cannot take another development. The town is already notorious for its traffic congestion. This development will have a significant impact on the A385, which suffers badly with congestion as it is.
- The NPPF states that if a proposal is deemed to cause significant harm to the character of the area and such harm cannot be outweighed by the public benefits of the scheme, then the presumption in favour of development fails.

Revised scheme (22/02/17):

The revised plans have been submitted and are currently out to consultation and re-advertisement. The consultation period ends on 15th March 2017.

Two letters of representation have so far been received with the following concerns:

- Why has the archaeological recording not been done on the site yet? This is essential before any other work commences.
- I submitted comments about the original plans and although there have been some alterations there is still much about the development that gives cause for concern. The 3 storey flats to the rear of Parkfield Close have been replaced by houses, they are still very close to the backs of these houses -about 15 metres from the nearest property's wall. They will be approximately 4 metres above the roof line of these houses and will still look into the rear gardens and windows. They should be moved further back.
- The height of all of the buildings on this side of the site is still going to be an issue. The two blocks of 3 storey flats are higher up the hill again and will be much taller than the existing farmhouse and will tower over the landscape. These social housing units should be houses or at the very least 2 storey flats. The flats will be seen from the centre of Totnes and are right on the boundary of where town meets countryside. These type of blocks are more akin to a town centre location.
- I am concerned at the density of the development in this small triangle of land behind Parkfield Close. 30 units to the east of the Farmhouse. Surely the social housing units should be spread around the site or at the very least in small groups around the site.

Representations from Consultees

Drainage SH: Major applications are now dealt with by Devon County Flood and Coastal Section.

Devon County Council Education (SH): No comments received. The Section 106 Agreement has a sum of money to be paid by the developer towards education.

Devon County Council Flood Risk Management Team: We have no in principle objections to the above planning application from a surface water perspective at this stage. The submitted Stage 2 Flood risk Assessment – Detailed Drainage Strategy (ref: 16.08.198, Rev 02 dated November 2016) presents a surface water strategy which is in accordance with the approved DFlood Risk Assessment submitted under 03/2163/14/O.

The applicants' engineers have confirmed in their email of 08/02/2016, including Drawing No. 1607 12-L-02-01 Proposed site layout (Rev K dated Jan 2017) in which a raised footpath is no longer provided at the Boundary to Parkfield Close, but instead an earth bund will be formed to divert exceedance flow away from these properties. They have confirmed that this area is being kept free from development, allowing exceedance flows to be diverted into the highway and not into private gardens

Environmental Health: No comments received.

L&L – Trees

L&L Wildlife: Concerned about the lack of the offsite landscaping proposed in the outline application for the north side of Blackpost Lane.

Mark Harris: Concerns expressed with regard to the layout of the scheme which have helped to inform the negotiations with the developer.

Devon Building Control: No comments received.

DCC Highways:

- 1.) The Section 38 Plan needs to include a solid red line around the proposed Section 38 areas and dotted red line around the proposed Section 278 areas.
 - 2.) Grass verges are shown scattered at regular intervals around the highway. It is the preference from a maintenance cost perspective these verges are replaced with footway construction. It will need to be made clear at this stage that should grass verges remain the Highway Authority will be seeking a commuted maintenance sum at Section 38 stage for 30 years of maintenance plus full re-instatement of the verge due to the likelihood of people parking on it and causing damage to the verge.
 - 3.) The highway layout plan shows in two places build outs plus rumble strips. It is considered that these are not required and will add further maintenance burden to the Highway Authority. Please could they be removed?
 - 4.) The refuse lorry, used for tracking is 9.01m. South Hams use a 10.2 m refuse lorry. Presumably the highway will allow for some on street parking and visitor parking so the tracking needs to take that into account too. At least 0.5 m tolerance for passing vehicles and between vehicles and kerb is required.
 - 5.) A flight of adoptable steps is proposed on the footpath between road two and road six. If it is to be adopted then it will need railings and perhaps an alternative disability route could be considered.
- Affordable Housing
- 6.) The footpath link to Parkfield Close is not completed. The applicant should either make sure that the footpath links with Parkfield close or removes it altogether.
 - 7.) Drop kerbs should be provided for pedestrians in key places where desire lines occur.
 - 8.) The highway layout shows that the Section 38 link to Courtfield appears to stop just short of the existing public highway on Courtfield. The Highway Authority would question whether the details shown actually show a gap?
 - 9.) A new Section 38 adoptable footpath is proposed on the west side of the site. It is considered that this route should remain private from the drop kerb south east of plot 32 in a north easterly direction. The maintenance of it can be included in the management companies' obligations. The designer will need to provide adequate visibility splays in accordance with Manual for Streets 2007 where it adjoins the existing highway main road carriageway.

Drainage - Gullies and connections need to be added to the Drainage Strategy Drawing.

Overland flow - no details are provided demonstrating the overland flow water movements next to Plot 20 will not cause water issues for the property.

Parking - The parking layout relies on garages as part of the overall parking provision makeup. It should be noted by the designer that statistics show 90% of garages are not used for parking they are used for storage. Therefore it is recommended that the parking provision discounts garages as part of

the overall parking provision. However without evidence to demonstrate they could not be used the Highway Authority would be reluctant to object on lack of parking grounds. Assuming therefore the applicant decides to include garages as part of the provision it is recommended for each parking space in a garage 6m x 3m internally is provided so that all car types can physically use them. Currently this is not the case.

The Highway Authority is likely to recommend refusal unless further information is provided.

Response to revised plans:

Berry Pomeroy Parish Council: Object, overlooking; overbearing impact; loss of light to neighbours; Drainage concerns; inadequate provision of allotments and open space; inadequate parking provision; 3 storey buildings out of character with the area.

Response to the revised plans dated 16th Feb 2017:

Further to the meeting on 2nd February. The Parish Council voted to agree to support the proposed plan, however they would like to record a conditional approval with the items listed below, that were discussed at the meeting and agreed to be changed/rectified as set out in the letter from Baker Estates on 27th January.

- Positioning and servicing of the allotments
- Replacement of two storey Coach House with a single storey garage block
- Improvement to drainage off site near the southern access
- Flood risk Assessment in outline consent to be scrutinised by Devon County Council

The Parish Council feel very strongly that it is vital these issues are addressed.

Totnes Town Council: No comments received.

DCC Archaeology: The consent granted for application 03/2163/14/O is conditional upon a programme of archaeological work being undertaken - Condition 14.

To date the Historic Environment Team is unaware that the required archaeological works have been undertaken. I would therefore advise that the applicant was made aware of the outstanding requirement to undertake the agreed programme of archaeological works required by Condition 14 on consent granted for planning application 03/2163/14/O.

Devon and Cornwall Police Architectural officer: Concerns expressed about: rear parking courts and their experience of them being a target for crime, often due to a lack of natural surveillance. If such a parking solution is unavoidable, then the parking courts should be gated with gated pedestrian access also. Rear garden gates should be lockable from both sides and match the height of fences or walls (1.8m).

Some of the footpaths seem unnecessary – between plots 23&24; 27&28; 30&31. And should be removed. The footpath behind plots 71 and 74 and is considered a negative design feature. The one footpath link would be much preferred and encourage community cohesion.

The police are increasingly being called out to newer developments with complaints over parking and damage to vehicles, which appears to be down to inadequate parking provision. Driveways and footpaths are being obstructed and vehicles damaged due to limited manoeuvring space. Given the range of house types and the fact that only 150 spaces are being provided many of which include garage spaces, that amount may prove inadequate.

Plot 15 would benefit from a defined curtilage. The Police formally object to the proposal.

Devon and Somerset Fire & Rescue: The development must comply with Approved Document B of the Building Regulations to include access requirements for the Fire Service vehicles (B5). These include vehicle access, including minimum road widths, turning facilities for the fire service vehicles and a maximum reversing distance of 20 metres.

Environment Agency: No longer the responsible agency for Flooding so recommend Devon County Council are consulted.

Barn Owl Trust; No comments received

NHS: No comments

Natural England: No comments received

RSPB: No comments received

Relevant Planning History

03/2163/14/O Outline application with some matters reserved (access to be considered) for residential development of up to 75 No. dwellings

Approved 24 Nov 2015

03/2561/13/PREMAJ Pre - application enquiry for proposed residential development of 65-75 units- Pre app not concluded.

03/1507/93/3 Construction of store for farmyard manure and installation of separation & storage tanks for dirty water. Approved Nov 1993

03/0630/75/3 Barn lean-to stock yards and open feeding areas. Approved June 1975.

ANALYSIS

Principle of Development/Sustainability:

The principle of residential development and associated works has been accepted by virtue of the outline planning consent that was granted in 2015, which was for up to 75 houses. The purpose of the reserved matters application is to review in detail the scale of development; how the houses are proposed to be laid out across the site; the details of landscaping for the whole site and the physical appearance of the development both in terms of the house types but also in general terms how the whole site will appear in its setting.

In policy terms the relevant policies to be considered are outlined below in the policy section. However the NPPF is a material consideration and in relation to design it is clear, that the government attaches great importance to good design and identifies it as a key component of sustainability and contributes positively to making better places for people.

The Core strategy policy CS7 seeks to ensure that new developments respect local distinctiveness, character and its context. It contains a set of clear criteria that development proposals should aim to meet. Policy DPP1 in the Development Policies DPD also promotes high quality design. It states that new development should be based on a good understanding of the context; seek to enhance local character; create places with variety and choice; defined public and private spaces; allow for ease of movement through a place by pedestrians and cyclists; protect local and strategic landmarks and enhance skylines; promote inclusive layouts which contribute to health and well being deter crime and promote community cohesion.

In addition to the design policies it is also important to consider the scheme against Policy DP2 Landscape Character and CS9 Landscape and the Historic Environment. These policies seek to protect the character and qualities of the landscape. This is particularly the case in designated areas such as AONB's and whilst the site does not lie within the AONB, the boundary is very close by and whilst the principle of the development is already accepted it is important to be aware of the Landscape designation when considering the design details of the scheme. The other area that needs consideration with a reserved matters application is the impact of the scheme on the residential amenity of any surrounding development. Therefore policy DP3 in the Development Policies DPD is relevant.

It is proposed to deal with each of the reserved matters in turn.

Layout:

The density of the layout has been the subject of much discussion, as there was an initial concern that the design of the barn like buildings in the northern section of the site, seemed to take up a lot of land area and there was a feeling from both the local residents and the planning officer that the south east corner which has a much higher density, was too dense and appeared to be that way because of the design of those properties. Certainly the residents in Courtfield (namely 7, 8 and 9) felt that the proximity of the development to their boundaries was overbearing. Revised plans have subsequently been received which removes the coach house on top of the garages. The residents of 7 Courtfield were also concerned about the plot adjacent to them and also the terrace of houses behind them, both in terms of proximity and scale. After further discussions the applicants have agreed to remove one of the terraced houses, reducing them to 4, rather than 5, which will create a little more space between the existing house and the proposed dwellings. In addition and as a result of the same discussion, the plot 39 adjacent to No. 7 Courtfield will be reoriented so that the front windows do not look directly at the side windows of that property.

Concerns were also raised by the adjacent properties in Parkfield Close. The initial drawings had indicated a 3 storey flats building immediately behind No.'s 1, 3, 5 and 7 Parkfield Close. The land behind Parkfield Close is rising and currently the first floor of Parkfield Close is at the same level as the ground level on the site. After concerns were relayed to the applicant, the block of flats was removed and replaced with two storey houses following a different orientation. Further discussions have since been had with the applicant about the proximity of these properties and agreement has been reached whereby they will be moved further to the east. These issues were clearly of concern to the local residents but are also important in planning policy terms. However provided the suggested changes are provided, a great improvement in terms of the relationship of the proposal to adjoining properties has been achieved and so would comply with DP3.

To the **north** of the site, there is an open space immediately inside the hedgerow adjacent to Blackpost Lane. This space is quite narrow but has been incorporated as a result of concerns by the landscape officer at outline stage about the fact that it would not be appropriate to have new built form close to the hedge as it would be visible from the north. By setting them back into the site, it avoids these properties being on the ridgeline. Four detached properties look out onto this area, which does provide natural surveillance of the space, which accords with criteria in DP1 and CS&

The layout in the northern part of the site, after some initial changes is now considered acceptable. The barn styled dwellings along the western edge with Courtfield are set back from these properties and so do not present the same concerns with regard to being overbearing on the existing properties.

In the **centre** of the site, in order to allow for safe and accessible pedestrian routes across the site a new pedestrian path has been created which will also be disabled and pushchair accessible. The route links effectively with the new route to be provided through to Courtfield (a requirement of the Section 106 Agreement). The route is overlooked by several properties. A further stepped route is also provided from the north eastern access off Weston Lane. This route is less actively overlooked by surrounding properties but is only over a short distance. The central space has natural surveillance provided by Plots 12, 6, 7 and 20.

The properties proposed along the **north east** boundary follow the road line of Weston Lane and whilst not on the boundary are adjacent to the boundary with a footpath indicated between two gaps at either end through the existing hedgerow. I am of the view that this approach is better than destroying all of the existing hedgerow to create a safe pedestrian route across the front of these dwellings. It is more sympathetic to the rural edge location of this site. Further a single dwelling is located on the other side of the vehicular access to these properties (15 in total), which is adjacent to the road edge replicating the situation with the traditional barn associated with the farm. Again this represents an attempt to acknowledge the rural location and to refer to the context in the new build proposal. There has clearly been an understanding by the designer of the context of the site.

However there is a concern with regard to the rear parking court in this area of the site. There is a change in levels at the rear of this, with a 2.5 metre high retaining wall with some form of boundary treatment on top for plots 16, 17, 18, 19 and 20. The properties proposed fronting Weston lane are proposed to have 1.8 metre high fencing across their rear boundaries. As a result currently there is no natural surveillance and as expressed by the Architectural Liaison Officer for the police, the area could become a magnet for anti-social behaviour. Having discussed this concern with the applicant they are proposing to provide a solution prior to the planning committee meeting.

As such unless the amended plans have found a solution to this issue, the proposal would not comply with the criteria to create safe environments in Policy DP1. The designers are very aware of the need to resolve this issue so I hope to be able to report favourably on this issue at the Planning Committee meeting. Subject to this issue the layout proposed in the north eastern side of the site, is considered acceptable.

The layout in the **south east corner** has had to accommodate a lot of properties and as such is cramped. I question the use of flats on a site on a rural edge site, however they could be acceptable if they were reduced in scale. The applicant has agreed to investigate the levels on the site where the flats are proposed and attempt to reduce the finished floor levels of the flats such that their scale is reduced.

Recent discussions have taken place with regard to the south eastern corner of the site, so as to improve the layout for the benefit of adjoining residents. Changes to the orientation and clarification of levels of Plot 39; removal of plot 40 and the reorientation of the new terrace of 4 to avoid the overlooking potential to No.'s 7,8 and 9 Courtfield; moving the garages away from the hedgerow between No. 8 Courtfield and the site to protect the stability of the hedge; movement of the terrace of 5 properties northwards to create more space between them and the existing properties in Parkfield Close and lowering the finished floor levels of the two flats blocks to reduce their impact on the skyline. Amended plans are expected and provided these issues are addressed the south eastern part of the site is considered acceptable in layout terms.

The remaining part of the site in the **centre** comprises detached dwellings with onsite garaging, some of which are the more bespoke design and others more standard house types. In the centre of the site there is also an area of open space which is situated on land where there is a significant change in levels, with the open space being lower than the land to the south which is higher and contains 5 dwellings of differing designs. There are some trees on the edge of the open area which are being retained. The play equipment will be located on this section of open space.

Scale

This has been touched on briefly already in the layout section, however it is an important consideration. Bearing in mind that the site is not flat, there are some areas where concern has been raised about the scale of the development because of the levels

This is particularly the case with regard to the 3 storey flats along the lower east boundary where the land within the site is rising and so as such these buildings will be located on one of the higher parts of the site. And adjacent to open countryside beyond. They will be a very hard and urban edge to the site at this point. Having recently discussed this concern with the applicants they have agreed to investigate the finished floor levels (FFL) of these proposed buildings and seek to ensure they are as low as possible along that edge. From measurements taken during these discussions there may be opportunity to drop the FFL by as much as a metre.

Elsewhere on the site, the scale of the development is considered acceptable on the whole. However in reviewing the levels details in recent discussions with the applicant, the FFL of Plot 39 appears to be much higher than the adjacent existing dwelling and so the likely impact on that dwelling could be detrimental to the residential amenity. Clarity on this issue will be forthcoming prior to the planning Committee meeting.

Appearance

The dwellings proposed on the site are a mix of styles and tenures and include detached, semidetached and terraced properties. The applicant has attempted to respond to the densities in the developments adjacent to the site. A description of the differing building styles and elevations has been provided in the Proposal section above. The ethos put forward for the design is as stated in the Design and Access Statement – *“the design of the properties has been carefully considered so that both the form and materials of the buildings are synonymous with a farmyard setting. The properties are either large detached farmhouse style houses..... smaller terraced units to match properties in the surrounding area and bungalows and chalet bungalows to suggest a barn style building typology.”*

In terms of acceptability, it is considered that the applicants have attempted to relate the style of properties to the rural edge context and the fact that the farmstead will remain as a feature in the centre of the site.

With regards to materials the palette includes render, stone and black timber cladding, The roof coverings are described as slate style and whilst it may not be justified to have slate on all of the buildings there are certain of them where they form a focal point or are attempting to set up a particular feel to a group where natural slate would be preferable. This is an issue that can be conditioned. There is a thatched house on plot 12 which is described by the applicants as a focal point in the site. Some may describe such a building as pastiche, however it could also be a fun element to the scheme.

Landscape:

Landscape proposals attempt to retain as many existing landscape features as possible, including the majority of the external boundary hedges. Where they have been removed such as in the north western boundary where it has to be removed to allow for the new entrance, replacement planting is proposed.

Open space has been provided in line with the space requirements set out in the Section 106 Agreement. The three areas of open space are all of a different nature. The northern space is open and natural in appearance with a limited number of new tree planting. The central space is where the play equipment will be which is proposed as being constructed of timber. The space as you enter the site from the lower Weston Lane entrance is again left natural as it is the area where there is a bat corridor. A native hedge is proposed along the edge adjacent to the road and two trees are proposed to be planted in the south east corner of the land.

Natural hedges are proposed for many boundaries with the internal road network and the Weston Lane north eastern boundary planting will be reinforced.

The allotment allocation in the section 106 has been provided in the south eastern corner of the site adjacent to the boundary with Parkside Close. An earth bund is proposed along that boundary to act as a flood attenuation system. It will also be planted to act as extra reinforcement to the planting along this boundary.

It is considered that the proposals have made a good use of the existing landscape of the site and reinforced in those areas where there may be some loss as well as adding further natural boundaries where it is appropriate.

In terms of hard landscaping, the proposal indicates tarmac roads where they are covered by the Section 38 agreement and in parking courts. It is also proposed to use tarmac for the driveways and internal footways.

Planning Balance

There have been a number of iterations of these proposals during the progress of the planning application. There have been neighbour concerns regarding the relationship of the proposed development to existing properties and the levels on this site are varied and these levels have an impact on the relationship of the proposed dwellings to the surrounding areas.

The proposed layout was initially of concern in relation to the very uneven balance of density across the site. The low density bespoke dwellings in the northern area of the site being land hungry and the resulting more dense south eastern area. However the revised scheme has addressed some of these concerns and the further expected amended plans will further help to deal with the relationship of the proposed scheme with the neighbouring properties.

In terms of appearance the bespoke designs and the attempt at designing a scheme which is reflective of a rural style of building is to be commended. The higher density areas are perhaps less bespoke, however the use of a variety of materials - render, stone and timber across the site does help to reinforce a rural feel to the scheme.

In terms of scale, there are many single storey dwellings across the site, larger farmhouse style dwellings as well as 2 and 2 and ½ storey dwellings. The only scale of building that was of some concern is the 3 storey flats along the eastern boundary. Provided the revised plans have reduced the finished floor levels of these buildings and because of the fact that there is a large scale traditional barn further along the road then the balance should fall in favour of the scale of development.

The landscaping proposals are sensitive to the existing site, in terms of the retention of many boundaries and trees, reinforcement of these hedges where there has to be some loss. Reinforcement of the boundaries adjacent to the existing properties in Courtside and Parkfield Close.

Subject to the receipt of appropriate amended plans covering the minor but important changes required I would recommend approval of the application with conditions.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- **South Hams**
- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

All policies of relevance to this application are listed below:

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
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries
TP 7 Environment in Totnes

Joint Local Plan

SPT 1 Delivering Sustainable Development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV25 Spatial priorities for development in Totnes
DEV1 Protecting health and amenity
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy
DEV30 Trees, woodlands and hedgerows
DEV24 Landscape character
DEV20 Place shaping and the quality of the built environment
DEV10 Delivering high quality housing

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 proposed development shall in all respects accord strictly with the detailed drawings hereby approved numbered:

160712 Se 02 03 Section Plot 71
160712 L 01 02 D Location Plan
160712 L 02 01 M Proposed site layout
160712 L 02 02 K Boundary Treatments
160712 L 02 03 K House type layout
160712 L 02 04 K Parking layout
160712 L 02 05 K Bin storage Strategy
160712 L 02 06 I Bicycle storage
160712 L 02 07 I Building materials
160712 L 02 08 E Plot numbers
160712 L 03 01 K Hard works
160712 R 02 Design Statement Addendum
160712 HT 14 04; 160712 HT 14 03; 160712 HT 14 02; 160712 HT 14 01; 160712 HT 12 02 A;
160712 HT 10 14 A; 160712 HT 07 02 B; 160712 HT 03 06; 160712 HT CON 01 160712 HT 16 02
160712 HT 16 01; 160712 HT 15 02; 160712 HT 16 02; 160712 HT 16 01; 160712 HT 15 02
160712 HT 13 02; 160712 HT 13 01; 160712 HT 12 02; 160712 HT 12 01; 160712 HT 11 02
160712 HT 11 01; 160712 HT 10 24 Rev A; 160712 HT 10 23 Rev A; 160712 HT 10 22
160712 HT 10 21; 160712 HT 10 20; 160712 HT 10 19; 160712 HT 10 18; 160712 HT 10 17
160712 HT 10 16; 160712 HT 10 15; 160712 HT 10 14; 160712 HT 10 13; 160712 HT 10 12
160712 HT 10 11; 160712 HT 10 10; 160712 HT 10 09; 160712 HT 10 08; 160712 HT 10 07
160712 HT 10 06; 160712 HT 10 05; 160712 HT 10 04 Rev A; 160712 HT 10 03 Rev A
160712 HT 10 02 Rev A; 160712 HT 10 01 Rev A; 160712 HT 09 02; 160712 HT 09 01
160712 HT 08 02; 160712 HT 08 01; 160712 HT 07 02 Rev A; 160712 HT 07 01 Rev A
160712 HT 06 04 Rev A; 160712 HT 06 03 Rev A; 160712 HT 06 02 Rev A; 160712 HT 06 01 Rev A
160712 HT 05 04; 160712 HT 05 03; 160712 HT 05 02; 160712 HT 05 01; 160712 HT 04 05 Second
Floor Plan; 160712 HT 04 04 First Floor Plan; 160712 HT 04 03 Ground floor plan
160712 HT 04 01 & 02 Elevations 1 of 2; 160712 HT 03 07 Elevations; 160712 HT 03 05 Second floor
plan; 160712 HT 03 04 First floor plan; 160712 HT 03 03 Ground floor plan; 160712 HT 02 01 Plans
and elevations; 160712 HT 01 01 Plans and Elevations; Garages Plans and elevations Plots;
Statement of Community Involvement; 10459 P10c Soft landscaping Proposals-TG_P10;
198 2511P03 Overland Flow Route; 198 2510P03 Proposed Impermeable Area Plan;
198 2500P03 Drainage Strategy Plan; 198 2403P03 External Levels Plan; 198 2402P03 External
Levels Plan; 198 2401P03 External Levels Plan; 198 2252P02 Highway Cross Sections
198 2251P02 Highway Cross Sections; 198 2203P04 Highway Long Sections; 198 2105P04 Vehicle
tracking Plan; 198 2102P03 Highway Layout; 198 2101P03 Section 38 Plan

with the exception of the details which are reserved for approval under conditions of this planning permission.

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

2. No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until:-

- (i) The erection of fencing to delineate a Protection Zone to protect retained hedges has been constructed in accordance with location and construction details shown on plans and particulars to be submitted and approved in writing by the LPA. Within the Protection Zone nothing shall be stored or placed, nor any works take place, nor shall any changes in ground levels or excavations take place unless they are shown on the approved plans.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

3. No hedgerow shown for retention shall be removed, damaged or worked on except as detailed in the approved plans or as agreed in writing with the Local Planning Authority. If any retained hedge is removed, or damaged, during construction it shall be replaced with planting (and hedgebank) at the same place and species of such size, species and density as may be specified in writing by the Local Planning Authority.

Reason: In order to protect hedgerows of amenity, wildlife or historical importance.

4. No render / or external finish shall be applied to any of the dwellings or walls hereby approved until details of the proposed render type and colour(s) is agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes. The render finish shall then be carried out in accordance with the agreement.

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

5. No cladding shall be applied to the residential units hereby approved until details of the colour and finish of the timber cladding have been submitted to and agreed in writing with the Local Planning Authority. The cladding shall then be carried out in accordance with the agreement.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

6. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, a sample of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to the application of such stone to any of the walls and buildings hereby approved. The work shall then be carried out using the agreed stone.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained.

7. No joinery work shall commence on site until full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area.

8. Notwithstanding the details of the materials shown on the submitted drawings, the roofing materials to be used in the construction of the proposed development shall be submitted to and approved by the Local Planning authority prior to any roof covering taking place. The work shall then be carried out in accordance with the agreed material.

Reason: In the interests of the appearance of the locality.

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Yealmpton

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

Application No: 3352/16/FUL

Agent/Applicant:

Mr Mark Evans
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

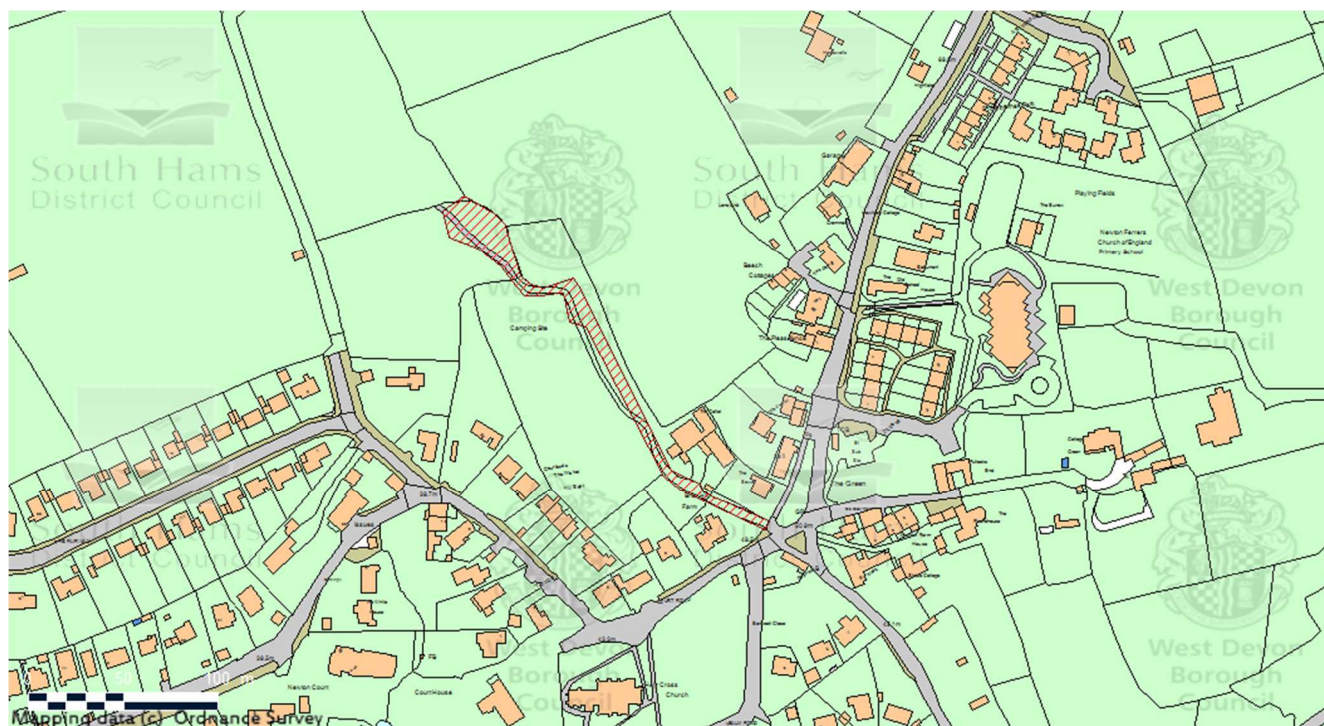
Mr Scott McCready
Briar Hill Farm,
Court Road
Newton Ferrers
PL8 1AR

Site Address: Briar Hill Farm, Court Road, Newton Ferrers, PL8 1AR

Development: Construction of storage building associated with general maintenance and management of adjoining holiday lodge site.

Reason item is being put before Committee: Requested by Councillor Blackler and Councillor Baldry, whose reasons are:

1. It is outside the development boundary. The Committee needs to indicate by its decision whether the Development boundary serves a purpose.
2. AONB. We need to indicate whether we are meeting our responsibility to protect and enhance the landscape. This application does not do so.



Recommendation: Conditional Approval

Conditions:

Time limit

Accord with plans

Building to be used for the storage of materials associated with the maintenance of the Caravan Park.

Building to be constructed of timber

Finished floor level plan prior to commencement.

No goods stored outside

Landscaping scheme to be submitted prior to commencement.

Key issues for consideration:

Whether the building causes harm to the landscape character of the AONB and landscape outside of the development boundary.

Site Description:

The site for the proposed storage building lies at the northern end of the applicants' caravan park, which is in the centre of Newton Ferrers, on land which is used at the moment for outside storage and the gas tanks for the caravan site. The land in this area rises towards the north. The land where the building is proposed has a short hedge running across it behind which is a larger field. The building is proposed in the area in front of the hedge. The land beyond the hedge is also at a higher level.

The site is outside the development boundary for Newton Ferrers.

The designations that apply to this piece of land are: Heritage Coast; AONB.

The Proposal:

The proposal is for a storage shed to house materials and machinery to be used in connection with the operation of the caravan park.

The building proposed is a pitched roof building, of timber construction, measuring just over 5 metres to the ridge, 7 metres wide and 20 metres in length.

The use of the building has been described by the applicant's agent as:

- (i) The storage and maintenance of all landscaping and maintenance machinery used to maintain the existing holiday park grounds and buildings;
- (ii) As a workshop to enable the repair and maintenance of the lodges to be undertaken (you should note that this is currently undertaken within the numerous stable and outbuildings at the entrance to the site and in close proximity to existing residential properties with an existing resultant impact upon their residential amenity) - the proposed siting is considered to improve the proximity of the use to existing residential properties;
- (iii) As a storage area for the outdoor decking furniture for each lodge and also as a secure storage facility for the existing holiday lodges for all leisure related equipment (kayaks, surfboards, bikes etc.)

The siting of the building has also been described by the agent as:

I can confirm that the site was specifically chosen to make use of the existing levels and backdrop of boundary screening in order to enable the building to be tucked into the corner out of the way of both the existing holiday park, the majority of existing residents and to ensure that its visual impact upon the wider locality was kept to a minimum.

To move the building further into the field was considered to increase the visual impact of the building when viewed from wider distant public vantage points.

Consultations:

- Landscape officer: The impact on the AONB is likely to be less than moderate, provided strict conditions are imposed which prevents outside storage of materials, the materials are strictly

controlled and a landscaping scheme is required prior to the commencement of development.

- Town/Parish Council: Objection because: 1.The proposals lie outside the Village Development Boundary; 2.The development would lie within an Area of Outstanding Natural Beauty. Under the National Planning Policy Framework guidelines the proposals would not enhance the AONB; 3. The Parish Council fully support the points detailed in the letter from the River Yealm District Association dated 6th December 2016.
- River Yealm and District Association: Object for the following reasons:
"There are important principles at stake, it is outside the Village Development Boundary, and in the South Devon AONB and the recent history on the site is of relevance.

PA37/0518/15- replacement of existing barns with two holiday homes and owners dwelling with storage space. The decision notice dated 11 June 2011 approved the application with the following condition: '6. The owners dwelling shall be occupied solely by the manager and their spouse (including any dependants) of the approved holiday units development and shall not be separated from the holiday development or otherwise used as a person's sole or main residence in any manner unconnected from that of managing the approved holiday use.

Reason: To ensure the owners dwelling is not occupied in a residential manner or is subsequently separated from the holiday unit'

PA37/2181/15/VAR Application to lift the condition, submitted on 1 September, 3 months after the approval for the dwelling. The application went to committee as requested by Councillor Baldry. The application was approved in December 2015.

Shortly after this that part of the site to which the original application and subsequent variation apply was for sale. This is all relevant to the current application. This application is outside the Village Development Boundary. It is also in the AONB, which is meant to be a highly protected landscape. The Design and Access Statement rightly draws attention to Policy DP15. Para 2c states that ' All development in the countryside should) make use of suitable existing buildings or previously developed land before proposing new buildings or development of greenfield land.' If the applicant wanted storage space he has already had 2 opportunities to comply with this important limitation in DP15: firstly by utilising either the land on which the barns sat or by using the admittedly dilapidated barns themselves before he submitted the 2015 application for the new dwellings; and secondly by using the owners home which replaced the barns and had been specifically sought storage and a workshop for maintaining the infrastructure, and an office for the management of the site.

In our view the applicant has not demonstrated the exceptional circumstances that should be applied to approve this application."

Representations from Residents:

Comments have been received and cover the following points:

- Traffic generation: if the access is to be from Fairway lorries and work vehicles would need to use the lane
- Proposed landscaping: The existing holiday cottages are visible from the Fairway and so will the new barn.
- Obtrusive lighting: This would increase the light pollution in the area; the site is in the AONB, it is a village that needs protecting from being turned into a concrete jungle;
- Drainage/flood issues. Houses nearby were flooded a few years ago, this development could increase the problem of run off.
- The size of the barn seems excessive, if it is just to maintain a few lodges. Surely the size of a double garage would be sufficient. The existing barn on the site has been turned into houses. The new barn of this size would lend itself to the same.

- The development will affect the farmland surrounding the village and the views form a variety of perspectives. The clearance of shrubs and hedges will affect drainage on the site. There is potential for creeping development up the field behind. The planning history is that lodges have been turned down in this area.
- The proposed building is on a poorly maintained green field site, visually prominent behind a 13 to 15th Century Church.
- The adjacent static homes cannot be considered as buildings of relevance with regard to further buildings outside the development boundary.
- It will be at 53m above sea level with the nearest properties being 43 – 44 metres above sea level.
- The area known as Horsewells is known to have a number of springs and no proper hydrological survey has been undertaken. The Design and Percolation Test document has errors. The building is identified as 164 square metres yet the run off will only be 100.
- If the planning committee were minded to grant permission it should be of a much higher quality design.

Relevant Planning History

37/3031/11/F – replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of static units. Withdrawn

37/0518/15/F – replacement of existing barns with 2 holiday homes and owners dwelling with storage space - Approved

37/0387/12/CLE – Lawful development certificate for existing use for storage of trailers, boats and caravans. Refused

37/0727/78/4 – Extension of numbers of caravans on site and construction of ablution Block. Approved

37/2181/15/VAR - Removal of condition 6 of planning consent 37/0518/15/F (to allow owner's accommodation to be stand-alone property and not tied to the site) - Approved

37/3031/11/F – Replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of two static units.
Withdrawn on 6/1/2012.

ANALYSIS

Principle of Development/Sustainability:

The principle of the development falls to be considered against policies for landscape protection CS09, and DP2 and development in the countryside DP15.

The landscape policies seek to protect the landscape and development should conserve and enhance the landscape character.

Policy CS9, makes reference to the Area of Outstanding Natural Beauty (AONB) and states that their conservation and enhancement will be given great weight. It also seeks to ensure that the quality, character, diversity and local distinctiveness of the natural environment will be conserved and enhanced.

Policy DP2 states that development proposals should conserve and enhance the South Hams Landscape character by:

Reflecting the needs and issues set out in identified landscape character areas; ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character); retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys; avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and respecting the unspoilt nature and tranquillity of the area.

In this case the building is set adjacent to the hedgerow, set down from the rising land to the north and in front of a hedge bank. It is proposed as either timber or grey/green metal. It is considered that in this location and in order for the building to sit comfortably within the landscape that timber would be the preferable finish. The building is quite large, however if it means that the existing storage area is cleared into the building, the area as a whole would be improved. It will also be able to house a small tractor (as shown on the plans).

A timber building with a hedgerow as its backdrop would be more appropriate than a metal building. No trees or hedgerows would need to be removed to accommodate the building. The location of the building would not have any impact on skylines or views from public vantage points. The landscape officer has concluded that the proposal will have a slight (less than moderate) impact on the AONB and should have tight conditions attached so as to ensure the building integrates well into the landscape. He has asked for conditions on materials, a landscape scheme prior to the commencement of development. In addition a condition showing the levels to be applied to the building has also been included so as to ensure that it is set within the landscape as far as possible.

The other point of principle with this application is the fact that it lies outside the development boundary and so as such is located within the open countryside, so that Policy DP15 applies. This policy seeks to ensure only essential agricultural or forestry development is permitted in the countryside. However part 1.b of the policy does suggest that a use that meets the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries.

In this case the storage building is associated with the caravan park, and there is no space on the existing caravan site area to accommodate the building. It could be argued that the storage building is necessary for the operation of the caravan park and so is essential to meet the needs of it. The caravan park is within the development boundary.

The objectors have argued that the storage could have been accommodated in existing buildings on the site which have recently been granted consent to be replaced by a managers dwelling. However it is not within the remit of this application to rescind previously approved consents. It is merely to consider the application against development plan policies and any other material considerations and come to a conclusion as to whether the application should be approved or refused. There is no space currently to accommodate a building of the size proposed.

Design/Landscape:

The design of the building is considered appropriate in terms of its design provided it is a timber building and not a metal clad building which would make it more industrial and would not be appropriate in this location. The use of timber is considered acceptable because it is a natural material which will weather and ultimately blend into its surroundings. The building is agricultural in design and would not be out of keeping in a rural area. In this case a building design of this nature in its edge of settlement location would be considered to be acceptable. It will also be important that a comprehensive landscaping scheme is submitted and approved prior to the commencement of development.

Neighbour Amenity:

Some of the neighbours have raised objection to the proposal, with concerns over: traffic generation; potential for development creep up the hillside; drainage through loss of vegetation; the existing barn on the site has been converted to two dwellings; the excessive size of the building; the impact of the building on the landscape and the AONB.

Whilst the building does appear to be a considerable size, it will allow for a good amount of storage which should mean that the area around the building which is currently used as an informal storage area can be cleared and all of it incorporated into the building. It also allows for the storage of a tractor and trailer. No vegetation will be lost as a result of the construction of the building and landscape considerations have been dealt with above.

Other matters:

The Parish Council has objected to the proposal and there have been 5 letters of objection, as well as a letter of objection from the River Yealm and District Association concerns are with regard to the fact that the building is outside the village development boundary and that it is within the AONB. These issues have been dealt with in the report, but essentially the proposal can be seen to be associated with a development within the settlement and for which there is no further space to allow for the building. The proposal does therefore comply with the policy for development within the countryside DP15. With regard to the AONB designation the building is set down, will be constructed of appropriate materials and would not harm the AONB. A building of this nature and design is something which is commonplace in a rural landscape, the applicant has set it down against an existing hedge to reduce its visual impact. It is also on a piece of land which is currently informally used for the storage of goods. If the proposal is permitted it would help to clear this area and tidy it up and so as such it is felt that the proposal would serve to conserve and enhance the landscape character.

Conclusion:

The building is to be used for the storage of equipment for the operation and maintenance of the caravan par, as a workshop for ongoing maintenance issues as well as a storage space for goods used in association with the Caravan Park and so can be viewed in policy terms to be in compliance with Policy DP15. In addition the design of the building is set in a location which restricts views of it from the wider landscape and a condition will be attached to the consent to ensure that the building is constructed in timber in order to reduce its impact on the landscape. It is therefore recommended that permission be granted.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

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- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

In this case the relevant policies are as follows:

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

DP15 Development in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Joint Local Plan

SPT 1 – Delivering Sustainable Development

SPT 11 – Strategic Approach to the Natural Environment

TTV1 - Prioritising growth through a hierarchy of sustainable settlements

TTV2 - Delivering sustainable development in the Thriving Towns and Villages

TTV31 – Development in the Countryside

DEV 15 – Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV24 - Landscape character

DEV27 - Nationally protected landscapes

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) Block Site Plan 0727 – BSP; Site Location Plan DBD0727/05 Rev B; Site location Plan DB0727/SLP; As proposed part site plan, Barn Floor Plan, Elevations and Section DBD0727/07 received by the Local Planning Authority on 17th November 2017.

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

3. The building shall be used for storage of goods and materials associated with the maintenance and operation of the Briar Hill Farm Holiday Park only and for no other purposes unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the area.

4. The storage building hereby approved shall be clad in timber cladding only, a sample of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The works shall then be carried out in accordance with the agreed material.

Reason: In the interests of visual amenity in the Area of Outstanding Natural Beauty.

5. Prior to the commencement of development a plan indicating the finished floor and roof levels shall be submitted to and approved by the Local Planning authority. The building will then be constructed in accordance with those agreed levels.

Reason: In the interests of visual amenity and to ensure the building is at an appropriate ground level on the site.

6. No materials, or goods associated with the maintenance and management of Briar Hill Farm Caravan Park shall be stacked or stored on the site except within the building on the drawings hereby approved.

Reason: To safeguard the visual amenities of the area

7. Prior to the commencement of development a detailed hard and soft landscaping scheme to include reinforcement of the hedgerow located behind the proposed storage building shall be submitted and approved by the Local Planning Authority. The works shall then be carried out in strict accordance with the approved scheme.

Reason: In the interests of visual amenity in this highly sensitive landscape.

PLANNING APPLICATION REPORT

Case Officer: Michelle Bennett - LH
and Noss

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

Application No: 163503 3471/16/FUL

Agent/Applicant:

Mr Mark Evans
Cedar House
Membland
Newton Ferrers, Plymouth
PL8 1HP

Applicant:

Mr & Mrs T Adams
Crown Yealm House
Bridgend
Newton Ferrers, Plymouth
PL8 1AW

Site Address: Pillory Hill, Noss Mayo, PL8 1DX

Development: Change of use of ancillary unit of self-contained accommodation to permanent dwelling and minor changes to external terrace.

Reason for going to committee – At the request of Cllr Baldry who does not consider there has been any changes since a previous scheme was dismissed and is concerned about the lack of 5 year supply argument in view of our responsibilities to protect the AONB.

Recommendation: conditional approval

Conditions

Standard three year time limit for commencement of development
Development to be carried out in accordance with approved plans
Parking to be retained
Removal of PD rights
No external use of roof

Site Description:

The application site is an area of land that slopes down from the road (Pillory Hill) to the foreshore of Newton Creek, a tidal creek and part of the Yealm Estuary. It is an established residential garden belonging to 60 Junket Cottage. In 2013 planning consent was granted for a self-contained annex on the site, which has now been constructed and forms the subject of this planning application.

The site is located within the South Devon Outstanding Natural and Development Boundary.

The Proposal:

The application seeks to remove condition number 3 attached to planning consent 37/2752/13/F to enable the building to be used as a separate residential dwelling.

The unit of accommodation hereby permitted shall remain ancillary to the main dwelling and shall not be occupied as a separate dwellinghouse.

Reason: The Local Planning Authority consider that the use of that building for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits.

The application also includes retrospective changes to the existing terrace.

Consultations:

- County Highways Authority standing advice
- Environmental Health Section no comments
- Parish Council objection
 - *Planning history, the Parish Council objected to the previous planning application to avoid just such an outcome of the land being used to develop a separate dwelling. A subsequent planning application for such a material change is not acceptable.*
 - *Over-development of the site in dividing the land into two separate properties.*
 - *Cumulative impact – extending the house line in an AONB as opposed to the garden room as initially proposed and approved.*
 - *Access/safety/traffic – additional vehicle and foot access to two separate properties rather than one.*

Representations:

One letter of representation has been received reminding the Council that planning consent for a permanent dwelling was refused on the site (by appeal) in 2010.

Relevant Planning History

37/2752/13/F, Householder application for refurbishment of the cottage and construction of an annex, 60 Pillory Hill, Noss Mayo – **CONDITIONAL APPROVAL**

37/0942/10/F, Resubmission of 37/1944/09/F for proposed new dwelling with parking, Land opposite 60 Noss Mayo, Pillory Hill – **REFUSED, APPEAL DISMISSED**

37/1944/09/F, Proposed new dwelling with parking, Land opposite 60 Noss Mayo, Pillory Hill – **WITHDRAWN**

ANALYSIS

The application proposes the removal of a condition attached to a previous consent preventing the self-contained unit being used as an independent dwelling, together with associated operational development.

The Council has received one letter of representation which notes that planning consent for a permanent dwelling was refused in 2010 and subsequently dismissed at appeal. The Parish Council has also raised an objection.

Principle of Development/Sustainability:

There is no policy objection with the principle of the proposed use of the building as an independent dwelling house. The site lies within the village envelope for Noss Mayo and is considered to be located within a sustainable location where there is a presumption in favour of residential development.

Design/Landscape Considerations

The site is sensitively located on the banks of the Newton Creek. It is within an Area of Outstanding Natural Beauty which is afforded the highest status of protection in relation to its landscape and natural beauty.

An application for a permanent dwelling on the site was refused by the LPA in 2010, and subsequently dismissed at appeal with the main reason cited as the impact the building would have on the AONB. In considering the subsequent planning application for the subject building, Officers concluded that it would not have a harmful impact on the AONB and it was approved on that basis.

The following is an extract from the previous officers' report.

In dismissing the appeal the inspector stated that 'Newton Creek is not an undeveloped wooded valley, but its remaining open areas are a critical component of the attractive character and appearance retained here, therefore a development on this site would represent an erosion of the open, undeveloped valley sides and an extension of built development, to the detriment of the character and appearance of the AONB.'

Although the comments of the inspector carry some weight as a material planning consideration, the development under consideration in that instance was a significant two storey dwelling with a pitched roof with associated parking. This large scale development of the site clearly conflicted with the local context by nature of its scale and dominance. The current application proposes a low profile single storey annex, dug substantially into the bank and placed on an existing concrete apron where there is recent evidence of domestic outbuildings of comparable scale. In addition, the building is wholly located within the upper area of the creek side garden, roughly in line with the existing dwellings to the east, filling in a natural gap adjacent these properties and directly below Junket Cottage.

For reasons of different scale and nature of development there are considered to be fundamental differences between the current proposal and that previously refused and dismissed at appeal. The current proposal is considered to have an acceptable impact on the surrounding AONB landscape. On balance, the inspector's comments are not considered directly relevant to this type and scale of development to the extent that refusal could be justified or sustained at appeal.

In addition, the landscape officer has offered no objection stating that 'The site was viewed from the adjacent side of the estuary in Newton Ferrers and whilst there will be some visual impact from the proposal it is limited in nature and scale, and clearly within the context of the existing development boundary. Effects on the wider landscape character and the AONB are also limited given the location and the single storey elevation which is cut into the slope; overall the current character will be conserved.'

The application was subsequently approved as a self-contained unit of accommodation and therefore arguably is already capable of being occupied independent of the main dwelling. The reason for imposing the condition was to accord with the details of what was applied for at the time and that any changes would need to be considered on their own merits. Officers do not consider that the use of the building as an independent dwelling would cause any further harm to the AONB. The application includes changes to the terrace but these are relatively minor in the context of the overall building.

Whilst officers are satisfied that the building lends itself to being used as an independent unit there could be pressure in future for additional accommodation. The site is considered a sensitive one and therefore on this occasion it is considered necessary to impose a condition removing permitted development rights.

Neighbour Amenity:

Officers do not consider that the use of the building as a permanent dwelling would adversely impact on the living conditions of neighbouring occupants. Officers do have some reservations with the close proximity of the extended terrace to The Haven, but on balance, having regard to what was previously approved, the addition is not considered to be having such a harmful impact that a recommendation of refusal could be justified. Views from this space into neighbouring gardens are likely to be oblique

Highways/Access:

Officers propose to condition the retention of off road parking for Junket Cottage and the unit of accommodation.

Planning Policy

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

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local Plan

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge

- Totnes
- Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Relevant Emerging JLP Policies

Policy DEV1 Protecting health and amenity

Policy DEV10 Delivering high quality housing

Policy DEV24 Landscape character

Policy DEV27 Nationally protected landscapes

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

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

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).

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

Site Location Plan, 02 (Red line block plan), GA 02 Rev E (Proposed Roof Plan), GA-03 Rev E (Proposed Ground Floor Plan), GA 04 Rev E (Proposed Section A-A), GA 06 Rev E (Proposed North West Elevation), GA 07 Rev E (Proposed South East Elevation), GA 09 Rev F (Proposed South West Elevation), received by the Local Planning Authority on 24th November 2016 and drawing number GA01 Rev E (Proposed Site Plan) received by the Local Planning Authority on 12th January 2017.

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.

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, Classes B and C (roof addition or alteration)
- (c) Part 1, Class D (porch)
- (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
- (e) Part 1, Class F (hardsurfaces)
- (f) Part 1, Class G (chimney, flue or soil and vent pipe)
- (h) Part 1, (h)
- (i) Part 2, Class A (means of enclosure) and;

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.

The parking facilities for motor vehicles shall be provided for each dwelling (Junkett Cottage & Riverside Studio) and sited in accordance with the details shown on the approved drawing GA01 Rev E. These facilities shall be kept permanently available for the parking of motor vehicles.

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

The roof area of the dwelling hereby permitted shall not be used as a balcony, parking area, roof garden or similar amenity area.

Reason: To safeguard the amenity of the locality and the privacy of neighbouring properties.

PLANNING APPLICATION REPORT

Case Officer: Chris Mitchell

Parish: Kingswear **Ward:** Dartmouth and East Dart

Application No: 0041/17/HHO

Agent/Applicant:

Michael Parkes
12 Spittis Park
Lower Contour Road
Kingswear
TQ6 0AP

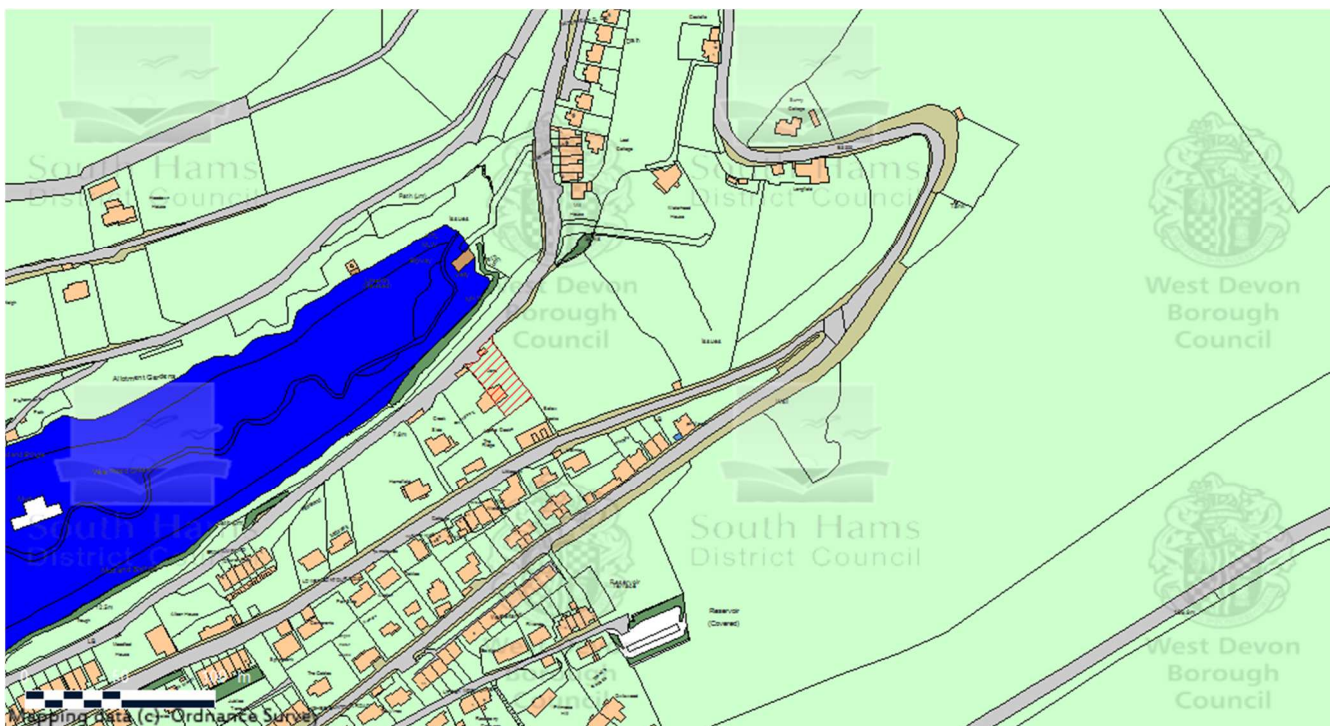
Applicant:

Mr And Mrs J S Hill
Jonswood
Brixham Road
Kingswear
TQ6 0BA

Site Address: Jons Wood, Brixham Road, Kingswear, Devon, TQ6 0BA

Development: Householder application for proposed alterations and extensions (resubmission of consent 3337/16/HHO)

Reason item is being put before Committee: The Ward Member states the present application is more suitable to the site and the current house is of little merit and cannot see any reason to refuse



Recommendation: Refusal

Reasons for refusal:

The design and massing of the proposed extension would be out of keeping and does not harmonise with the existing dwelling and neighbouring property and in the opinion of the Local Planning Authority it would be detrimental to the visual amenities and character of the locality and therefore contrary to Joint Local Plan Policies DEV20 (Place Shaping and the Quality of the Built Environment), DEV24 (Landscape Character) and DEV27 (Nationally Protected Landscapes), Core Strategy Policies CS7 (Design) and CS9 (Landscape and Historic Environment), Development Plan Policies DP1 (High Quality Design) and DP2 (Landscape Character).

Key issues for consideration: Design use of materials, impact upon neighbours and local area and wider AONB.

Site Description

The site is situated to north east of Kingswear adjacent to the main road out of the village and overlooks Waterhead Creek. The property is a semi-detached dwelling house built in mid 20th Century building with rendered walls, UPVC windows and concrete tiled roof.

The Proposal

The proposal is for a two-storey side (east) extension to provide kitchen/dining room at ground floor and master bedroom with en-suite above. The extension would measure 7.2m in depth by 4.1m in width by 6.1m in height to eaves and 8.3m to ridge. The materials will be render for the side and rear walls with full height UPVC glazing on the north west elevation and concrete tiled roof to match existing.

Consultations:

- | | |
|--------------------------------|----------------------|
| • County Highways Authority | No objection |
| • Environmental Health Section | No comments received |
| • Town/Parish Council | Support |

Representations from Residents

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

- The proposed design would sympathetic and compliment to the local area;
- The design adds to the diversity of extensions in the area;
- The previous approvals would be problematic from leaking roofs.

Relevant Planning History

3337/16/HHO	Householder application for alterations and extensions	Conditional Approval
30/2674/11/F	Resubmission of planning approval reference 30/2007/11/F (for alterations and extensions with external decking) for amendments to plans	Refusal
30/2007/11/F	Householder application for alterations and extensions with external decking	Conditional Approval
30/0126/90/3	Demolition of pre-fabricated garage and erection of replacement garage with hobbies room	Conditional Approval

ANALYSIS

There is no objection to the principle of an extension to this property subject to all other material planning considerations.

The proposed scheme is identical to that of a previously refused planning application 30/2674/11/F by the Local Planning Authority on the grounds of its scale and massing that unbalances with the existing dwelling and the adjoining neighbouring property.

The new ridge should be stepped down to match that of the neighbouring property's extension so as to balance with the neighbouring property. The proposed full gable is out of keeping with the existing façade when read with both the applicants and neighbour's properties and therefore this proposal would result in an un-balanced design.

The agent argues the proposed extension should be of a different design rather than copying neighbouring property and the applicant requires more room. Officer's have considered this comment though do not find this reasoning to be acceptable to warrant an unacceptable design. However, it should also be noted that the LPA has previously refused an identical scheme under the previous planning application 30/2674/11F. It is considered that the proposed ridge height should stepped down thereby the extension would be subservient to that of the main house as per the neighbouring property's (Overcreek) extension. This would be in line with the recent previous approvals given to this property under planning permission 333716/HHO.

The proposed gable over the extension results in an unbalanced design to that of the existing dwelling house and its neighbouring property and therefore is not considered to be in keeping with the character of the locality. It is therefore recommended that this proposed extension be refused on the grounds of inappropriate design and massing.

The proposal is not considered to result in a detriment upon the wider landscape of the Area of Outstanding Natural Beauty.

The design and massing of the proposed development would be out of keeping with the existing property and does not harmonise with the neighbouring property and therefore it is considered that it would be detrimental to the visual amenities of the locality

Neighbour Amenity

The proposed extension would not result in any detrimental impact upon neighbouring properties.

Ecology

The existing loft space of the property is in use and therefore there is no evidence of protected species being present.

Highways/Access

There would be no highway impact from the proposed extension.

Conclusion

The submitted proposal is the same in all elements as the previously refused application 30/2674/11/F) for two storey side extension with no alterations. The LPA can find no overriding reason in either local plan policies or contained within the NPPF to override this previous decision and therefore is application is recommended to for refusal for the same reasons; design, scale and massing.

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

Planning Policy

NPPF

Joint Local Plan (Emerging)

DEV1 Protecting Health and Amenity
DEV20 Place Shaping and the Quality of the Built Environment
DEV24 Landscape Character
DEV27 Nationally Protected Landscapes

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

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

‘Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises (delete one list as applicable):

- **South Hams**
- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan?
- Devon Waste Plan
- Devon Minerals Plan

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- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

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 Refusal Reason

The design and massing of the proposed extension would be out of keeping and does not harmonise with the existing dwelling and neighbouring property and in the opinion of the Local Planning Authority it would be detrimental to the visual amenities and character of the locality and therefore contrary to Core Strategy Policy CS7 (Design) and CS9 (Landscape and Historic Environment), Development Plan Policies DP1 (High Quality Design) and DP2 (Landscape Character) and Adopted Local Plan Policy SHDC1 (Development Boundaries).

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development and early pre-application engagement is always encouraged. As the Local Planning Authority we have endeavoured to work proactively and positively with the applicant to ensure that all relevant planning considerations have been appropriately addressed. This approach accords with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

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PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Stokenham **Ward:** Stokenham

Application No: 0771/16/OPA

Agent:

Hunter Page Planning
18 High Street
Cheltenham
GL50 1DZ

Applicant:

Acorn Property Group

Site Address: Land at SX 791 430, To Rear Of Green Park Way, Chillington, Devon

Development: Outline planning application for planning permission to erect up to 65 dwellings (including market, affordable and retirement housing) landscaping and associated works

Reason item is being put before Committee : Cllr Brazil has the following concerns:

- Strength of local feeling
- No infrastructure
- Drainage
- % of affordable
- Visual effect on AONB
- Neighbour amenity



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:

- 35% provision of on-site affordable housing, 50% of these being affordable rent and 50% shared ownership.
- £300.00 per dwelling towards sustainable travel vouchers and the provision of a travel and welcome pack for new residents.
- Public Transport Contribution of £100,00 towards bus service enhancement
- £71,612 towards the provision of cirl bunting habitat.
- The provision of onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field – provision to be in accordance with quantity standard of at least 0.3ha equipped play space per 1,000 persons if onsite, or Table 6 if calculating an offsite contribution, with number of persons calculated using Table 3 – Tables from the 2006 OSSR SPD and to be used once the dwelling mix is detailed at Reserved Matters stage).
- The provision of an offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments to serve the residents of Chillington – the sum to be calculated in accordance with Tables 3 and 6 of the 2006 OSSR SPD once the dwelling mix is detailed at Reserved Matters stage.
- 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: Primary school contribution request is £2,840 per dwelling and the Secondary education contribution is £2,736 per dwelling
- Secondary school transport : £2,441.50 per pupil generated (rounded up)
- An age restrictions on dwellings to be secured in perpetuity
- The provision of a sustainable urban drainage scheme including management and maintenance responsibility and arrangements

Conditions (listed in full at end of the report)

- Time (commencement and submission of reserved matters)
- Details of reserved matters of landscaping, appearance, layout and scale to be submitted and agreed.
- Tree protection, Arboricultural Methodology Statement and Mitigation measures 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).
- Prior to commencement submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
- Unsuspected contamination
- Highway feature construction details and provision
- Prior to commencement – phasing programme to be agreed
- Site compound and car park to be constructed as first part of development
- Pre commencement - Construction management plan to be agreed
- Parking strategy to be agreed
- Pre-commencement – percolation testing to be carried out
- Pre-commencement – 12 month groundwater monitoring programme
- Pre-commencement – detailed design of permanent surface water drainage management
- Pre-commencement – construction phase drainage scheme to be agreed
- Car parking/garaging to be retained

- Barn owl survey to be undertaken (details to be submitted and approved prior to commencement)
- Renewable energy/energy efficiency (details pre-commencement)
- Provision of ducting for fibre optic broadband.
- Removal of PD rights

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
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 **£77,155** 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:

Chillington is located approximately 7km east of Kingsbridge, 2km east of Frogmore, 1.5km west of Stokenham, and 3km west of the coast and Torcross. The Kingsbridge Estuary is also nearby.

Chillington is centred on the A379 which is the main route from the coast at Torcross to Kingsbridge. The historic centre of the village sits either side of the road and more modern development has spread north and south of the main road. The road is the boundary of the South Devon Area of Outstanding Natural Beauty, which lies to the south of the road.

Chillington has a small village shop and post office, a doctors surgery, a village hall and a pub. A primary school is located in nearby Stokenham. The village is on the No. 3 bus route from Dartmouth to Kingsbridge.

The site is situated on the northern edge of Chillington. To the north, east and west of the site lie open fields, to the south are the residential dwellings of the village, with the dwellings of Green Park Way adjoining the southern site boundary

The 3 hectare site consists of three agricultural fields which sit behind the houses on Green Park Way, and are currently used for keeping horses. The site's boundaries are formed by a mix of trees and hedgerows, fences and stone walls. There are also trees and hedges of varying quality along the field boundaries within the site.

The site is sloping, rising from south to north. To the north east of the site is a group of commercial buildings. There is one existing building within the site which will be demolished.

The Proposal:

The application is in outline with only access to be agreed, however an illustrative layout plan has been submitted with the application. This shows a development of mainly detached dwellings with some semi-detached, mostly accessed off private driveways.

It is proposed to build 65 dwellings within the site, with the vehicular and principal pedestrian access being taken from Green Park Way, leading on to a central road which runs east - west across the site. Informal pedestrian access is indicated as being possible in the location of the existing field gates along the western boundary of the site, and in the north eastern corner, although it is not clear if these can be successfully delivered so they may not come forward as part of any reserved matters scheme.

The existing hedgerows which run north - south and divide the site into 3 parcels will be maintained as far as possible to create green corridors within the scheme, along with the trees which lie on the northern boundary, to the south of the employment development.

A cluster of 15 retirement dwellings is indicated within the scheme, around a central semi-private green space. The precise number of age restricted dwellings is to be agreed at reserved matters stage but will be a minimum of 10 and will be age restricted to the over 60's.

Development throughout the site is proposed to vary from 1.5 storey to 2 storey

35 % of the homes are proposed as Affordable homes and it is stated that they will be of the same design as the market housing.

The application has been supported by the following documents:

- Design and Access Statement (Turley Acorn)
- Planning Statement (Hunter page))
- Statement of Community Involvement (SyvretMedia)
- Landscape and Visual Impact Assessment (The Richards Partnership)
- Tree Survey (Aspect Tree Consultancy)
- Ecological Assessment (CSA Environmental)
- Transport Assessment (Cole Easdon)
- Flood Risk Assessment (Cole Easdon)
- Ground Conditions Report (Geo Consulting Engineering)
- Heritage Assessment (CgMS)
- Utilities Report (Upstream Utility Infrastructure Solutions)

Consultations:

- County Highways Authority – No objection subject to 106 obligations to require the following:
 - £300.00 per dwelling towards sustainable travel vouchers.
 - Travel pack
 - Welcome Pack
 - Public Transport Contribution of £100,000 towards bus service enhancement

The following planning conditions are also recommended: construction details, phasing programme, provision of site compound and car park, CMP parking strategy and drainage strategy.

- Environmental Health Section – No objection. Recommends unsuspected contamination condition.
- South West Water – no objection but comments as follows:
 - No development permitted within 3m of water main.
 - Foul sewage – (and no other drainage) shall be connected to the public foul or combined sewer
 - Surface Water – Proposed method of ground infiltration is acceptable and meets with the Run-off Destination Hierarchy
- Barn Owl Trust – Records suggest that the surrounding habitat is suitable for Barn Owls. A Barn Owl survey should be undertaken before a decision is reached if it has not already been done, if evidence of occupation is found mitigation and enhancement measures will be necessary. Permanent accessible nesting spaces for Barn Owls should be provided within the development irrespective of survey results.
- Affordable Housing Officer - The Affordable Housing team have scrutinised this appraisal and are in agreement that the level and type of affordable housing is appropriate for this site. Chillington is a sustainable location benefiting from a shop, school and transport links and as such can support the delivery of more affordable housing.
- SHDC Landscape - No objection to the principle of the development. The illustrative layout is not supported and parts of the site may need to be limited to 1.5 storey development, particularly to the eastern end of the site, however these issues will be addressed at reserved matters stage.
- AONB Unit – Neutral response – principal of development is accepted but would object to current layout as it is not sufficiently protected-landscape led.
- SHDC Trees – no objection subject to conditions
- DCC Archaeology - no comments to make
- DCC Flood Risk – no objection subject to conditions

Following my colleague's previous correspondence (FRM/967/2016, dated 23rd September 2016), the applicant has provided a revised Flood Risk Assessment (Report Ref. 4660, Rev. 5, dated January 2017), in an e-mail dated 10th January 2017, in order to address previously raised concerns, for which I am grateful.

I note from section 2.11 of the aforementioned document that the percolation testing undertaken on this site to date demonstrates that the underlying geology is suitable for the use of infiltration devices, and that section 2.12 demonstrates that the groundwater monitoring undertaken to date has not recorded any groundwater above a depth of 9 metres. I am therefore satisfied, at this outline stage in the planning process, that infiltration can be employed as a means of managing the surface water runoff from this proposed development.

The surface water runoff from all of the proposed impermeable areas on this proposed development site, apart from the proposed highway, will be disposed of by means of soakaways and permeable paving, the use of which is supported by the submitted infiltration testing and groundwater monitoring results.

This site is predominately on a slope and the use of infiltration components needs to be carefully considered within the detailed design, in relation to the proposed and adjacent properties. Consequently, at detailed design a thorough assessment should be undertaken to ensure that infiltrating water will not emerge further downslope. It is noted that strategy currently incorporates a number of exceedance swales to the southern edge.

In relation to the management of the surface water runoff from the proposed highway, the applicant's Consulting Drainage Engineers have now undertaken extensive work in order to determine the route, capacity, and condition of an existing surface water drain in Green Park Way. The Local Planning Authority must note that all of the defects noted in the CCTV Survey Report (Report Ref. 33901/16, Rev. -, dated 20th October 2016) should be remediated in order to ensure that the proposed surface water drainage management system can be delivered. This report, and all other evidence submitted to date, suggests that this network only receives surface water runoff from the highway, via the highway gullies. It has therefore been agreed with Richard Jackson, Senior Highways Development Management Officer, that the surface water runoff from the proposed highway within the development will be discharged to this network at an attenuated rate of 1 l/s for both the eastern and western section (2 l/s total), which is acceptable.

The applicant has submitted further information within their email of the 25th January 2017, together with MicroDrainage outputs (Document ref: 4660 - Highway Drain, dated 13/01/2017), which demonstrates that the additional discharge of surface water to this highway drain together with the proposed improvement works will provide a betterment over the existing system which is in place.

- Natural England – Initially Natural England raised concerns about the development, requesting that additional information be submitted, in particular to address potential impact on the Kingsbridge Estuary SSSI from run-off pollution. Further information was submitted and Natural England have removed their objection.
- SHDC Ecology – No objection subject to financial contributions of £71,612 towards the provision of cirl bunting habitat.
- Open, space, sport and recreation – No objection subject to financial contribution and conditions as follows:
 - The provision of onsite equipped play space and/or an offsite commuted sum towards the play space at Chillington Playing Field – provision to be in accordance with quantity standard of at least 0.3ha equipped play space per 1,000 persons if onsite, or Table 6 if calculating an offsite contribution, with number of persons calculated using Table 3 – Tables from the 2006 OSSR SPD and to be used once the dwelling mix is detailed at Reserved Matters stage).
 - The provision of an offsite Open Space, Sport and Recreation commuted sum towards improvements to Chillington Playing Field, and/or the extension of the Church graveyard, and/or the purchase of land for allotments to serve the residents of Chillington – the sum to be calculated in accordance with Tables 3 and 6 of the 2006 OSSR SPD once the dwelling mix is detailed at Reserved Matters stage.
 - 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).
 - Prior to commencement condition: 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).
 - Prior to commencement condition: submission of a Lighting Strategy (reflecting sensitive lighting measures to mitigate impact on protected species).
- Police Architectural Liaison Officer – the area to the south of the site labelled 'drainage attenuation' is poorly overlooked and could attract antisocial behaviour, adverse impact on residential amenity and security problems. If these features are to be retained that area should be made inaccessible to the public.
- DCC Education:

The proposed 65 dwellings, will generate an additional 16.25 primary pupils and 9.75 secondary pupils if all dwellings are considered family-type i.e any non-retirement housing consisting of 2 bedrooms and above.

Both the primary school (Stokenham Area) and secondary school (Kingsbridge Academy) are at capacity and Devon County Council will seek a contribution towards provision of both primary and secondary school infrastructure with regard to the proposed development. Our Primary contribution request is £2,840 per dwelling (based on the current DfE extension rate of £11,361.50 for Devon) and the Secondary education contribution is £2,736 per dwelling (based on the current DfE extension rate of £18,241 for Devon). Devon County Council will also seek a contribution towards secondary school transport due to the proposed development site being further than 2.25 miles from Kingsbridge Academy. DCC would request a total of £2,441.50 per pupil generated (rounded up) based on the rate of £2.57 per day.

1 Secondary pupil

£2.57 per day x 190 academic days x 5 years = £2,441.50

(The age restricted dwellings would be excluding from these contributions)

- **Frogmore & Sherford Parish Council:**

Objection because: 1. The development can only add to the flooding problems in the valley. 2. The sewerage system is already overloaded. 3. It was also considered that development could pose a serious flood risk to the existing houses in Green Park Way

- **Stokenham Parish Council:**

The Chairman summed up that on the first look through it seemed as though the experts had covered every point. However, once the application was read, the potential of flooding and management of water were of crucial importance and points on which an objection should be raised. The swales need continual maintenance to work, but their location makes this difficult especially when firms were cutting back on maintenance as was the culture of these times so he was suspicious. The element of affordable housing had a severe lack of detail and the infrastructure was insufficient. The design was not in keeping with the area having two storeys behind bungalows. With regard to sewage and its treatments there had been enough information provided tonight as to whether it was adequate and there were huge concerns from the reports. It was a system of such design and age that definitely allowed storm water into it and therefore this must be addressed before ever considering a further 65 dwellings.

Then he considered the residential amenity of the 25 houses facing the development on which it would have a significant overlooking and loss of privacy impact, perhaps to include light pollution due to the proposed height of the overlooking new development. Paragraph 17 of the NPPF stated that planning should actively manage public transport, walking, cycling but this proposed development fails this test, with their offer of £20k p.a for a bus on Sundays. They also offered £300 travel vouchers to each property but suggested parking for two cars for each property. Far more sensible would be a shuttle bus to the school to ease congestion. Their transport assessment was totally unconvincing, stating that there would be negligible effect on journey times. They intended paying someone £12,000 pa to write a travel plan for each property but missed enhancing footpaths, cycleways etc and all this funding was only for a period of five years.

Paragraphs 32 and 35 (NPPF) dealt with safe and suitable access to a site for all people. Port Lane and Coleridge Lane were far too narrow for people to walk safely. On this point, Devon County Highways had recommended refusal on insufficient details. Paragraph 103 (NPPF) advised development should only be considered in an area at risk if it was flood resilient and resistant but the applicants had not shown that they had currently assessed addressed this. Their Flood Risk Assessment minimised the risks but the spring was unadopted and ran through a 4 inch butt jointed pipe on into a 6 inch which travelled through peoples properties and such open section could pick up surface water and pollute a clear stream. District Environmental Health noted this and currently recommended refusal. County Flood and Coastal Risk Management Team highlighted this and that

the stone wall and bund were in people's gardens so what would stop people in future filling them in. County Highways felt a gradient of 1:6 was too steep for run off to be contained.

Of note was that Parish Council's earlier request that Acorn incorporated some mitigation for this run-off down Coleridge Lane had been met with 'It is beyond the control of the development to alleviate the existing surface water flooding in the village' so there appeared non co-operation for the good of the community.

Paragraph 50 (NPPF) noted planning authorities should plan for a mix of housing. Higher than average house prices in this area was contributing to the hollowing out of communities and young people could not afford to rent and that those who could afford these properties might spend part of the year here and thus there was no inherent interest in the wellbeing of this community. This proposal was below the 55% affordable which ought to be allocated on this site, and even the offer of 17% was well below the 35% originally mentioned. This was not promoting a sustainable mixed community and therefore parish council OBJECTED.

Objection due to the overbearing and unneighbourly overlooking of this two-storey design which was out of keeping with the adjacent bungalow area and would lead to a loss of privacy. The Flood Risk Assessment raised serious questions and was not felt to address the issues raised by residents with regard to its discharge and possible contamination of a nearby stream. The swale to be contained in private gardens at a higher level to the current properties was introducing a future maintenance problem and it had been suggested that there would be an increase in property insurance of all properties that sat below. This proposal was also felt to affect and harm the setting of the amenity value of this Area of Outstanding Natural Beauty sitting prominently on the skyline adjacent to an Area of Outstanding Natural Beauty.

The proposal suggested that there would be negligible effect on local road networks whereas with a dependence on the car due to its location few living in Chillington could concur. The presumption to provide pedestrian and cycle access via Port Lane and Coleridge Lane gave insufficient detail and it was questioned whether the proposal met 'safe and suitable' requirements.

The statements with regard to sewage were questioned as residents provided actual events when the current system had not coped and it was felt that further properties would exacerbate this problem. With only 17% of affordable housing being offered on an unallocated site any local need for such development could not be shown. Chillington had already taken up enough development and the wellbeing of the community needed time to settle and regroup.

Should SHDC be minded to ignore the wishes of the parish council and recommend approval parish council insist on an examination and response on specific concerns from any the Reserved Matters meeting with the developers.

Additional comments submitted in Jan 2017:

Objection. There were continuing concerns that the complex drainage requirements of this steep and frequently waterlogged site had not been properly addressed in the current plans. The proposed system of attenuation was less than convincing to locals who were familiar with the site: its elevated position meant that in period of high rainfall, increasingly frequent in this climate-changed part of the country, any overflows would disgorge into the brook to the south of Chillington, causing catastrophic flooding in properties at lower elevations and downstream, quite possibly with a knock-on effect all the way to Frogmore. Successful management of the flood risk from this site depended upon a long-term guarantee of viability of the proposed solution, and parish council were not convinced that any such guarantee was on offer. Someone must take responsibility for the ongoing care and maintenance of such system: parish council wanted to see a named party – District Council or the developer – constrained by planning condition to ensure that residents of Chillington were indemnified and held harmless from damage caused to their property as a consequence of any failure of drainage

arrangements within the development and along its discharge area for 50 years from the date of completion.

The sustainability of the development had not been demonstrated. Chillington was designated an Area Centre but had no additional parking nor public toilets nor other area facilities to support an increase in a community of this size. It had already been established that the road infrastructure was not amenable to widening. With only an hourly bus service terminating early evening a Section 106 allowance towards such would not compensate for the need to use private transport and thus an increase in vehicles. Although desirable, pedestrian and cycle access to the site, of which much was made in the plans, was likely to be ruled out on safety grounds except through the main vehicular entrance, given the narrow width of Port Lane and Coleridge Lane.

The site's position, in a pristine Devon field directly adjacent to and viewable from many footpaths in the AONB, should automatically exclude it from this kind of large development. There was no presumption in favour of development here; on the contrary, great weight ought to be given to the value of the landscape and its direct and unmediated relationship to the AONB.

The unprecedentedly large number of objections received from local residents to the scheme – more than ever previously seen by parish council – indicated the great body of opinion that regarded the development as the wrong answer to the wrong question. What was needed, as parish housing surveys had indicated, were 12-15 affordable homes for local people, not 65 unaffordable homes that would predominantly be sold to people moving in from outside the area.

For these and other reasons, parish council objected most strongly to the proposed development and urged district council to do likewise.

Representations:

Over 235 letters of objection were received from residents (although many residents submitted more than one representation). Since the first drafting of this report a further 50 (approx.) letters have been submitted, mostly from people who have already objected. The reasons for objection include the following:

- Increased traffic will impact upon pedestrian safety
- There is no safe place to cross the A379 in the village and the road is dangerous, with little space to add pavements or improve visibility
- The development is not within walking distance to the village amenities and would be a car-dependant site
- The village is already congested and there is a lack of parking in the village centre and at the school
- Only one access point is proposed into the new development, and Coleridge Lane is not suitable for any increase in traffic
- More than 50% of the internal roads will be unadopted
- Increased pollution
- Additional traffic and construction vehicles could damage 19th century Bowcombe Bridge
- The road at Torcross to Slapton is vulnerable in the winter and further damage would leave one transport link into the village
- Not enough car parking for dwellings- will lead to illegal parking and more congestion
- Inadequate public transport in the village
- Offer of £50 towards a bike is laughable as road is too dangerous and narrow for cyclists
- The majority of the village wants no further development
- 65 houses is not a modest development
- 62 houses have been permitted in the village in recent years

- Houses recently built have been struggling to sell, so is there a need for more housing?
- If allowed, every village in the district will be open to inappropriate development
- No infrastructure improvement plan
- The primary school and GP surgery are full, and there are no proposed plans to increase capacity
- Does not meet the social or economic needs of the community
- If development is necessary, only ten dwellings for families should be permitted- larger schemes should go to bigger towns
- If the second homes in Chillington and nearby villages were 'reclaimed' there would be no need for additional housing to be built
- Stokenham has had no development recently but has more suitable sites- why always Chillington?
- Level of affordable housing proposed has been reduced since pre-application discussions and is now too low- developers profit coming before local need
- Affordable Housing on the site should be at least 50% and no second-homes should be allowed
- A recent application in Kingsbridge was refused because it did not meet the 50% affordable housing criteria
- Adverse landscape impact and visual intrusion into the countryside
- Site is outside of the development boundary and established rural edge of the village
- The site was rejected under the Rural Areas Site Allocations DPD in 2011 due to significant constraints relating to the impact on the landscape character
- A single dwelling was refused near the site in 2008 due to landscape impact
- Suburban development, not suitable for rural village on the edge of the AONB- does not conserve or enhance the natural beauty
- Two-storey buildings not appropriate on site which already slopes above the village
- Most properties in Green Park Way are bungalows- development does not respect local context and scale is out of character with the local environment
- 25 properties along the site boundary will be overlooked and lose privacy
- Views of the countryside from Green Park Way will be lost and property value will decrease
- The village has always had problems with flooding- increased flood risk from site surface water runoff and reduction in amount of agricultural land to absorb rainfall
- Unclear if developers have discussed SUDs/management plan with DCC
- Previous planning assessments in the village have noted the lack of sewer capacity, and South West Water have said there was limited capacity- why are SWW therefore raising no objection now?
- In June 2016, sewage flowed out into the road in Tanpits Lane, shows that the system is already under pressure- contaminated water will end up in Frogmore Creek
- Nearby properties should not have to accept surface water run-off from the site
- Who will monitor and maintain individual soakaways and swales? Management Companies cannot be relied on.
- Email from South West Water (20th July 2016) is erroneous
- Surface water flow routes are confined to drainage routes- no consideration has been given to inundation or exceedance events
- The Flood Risk Assessment is flawed, and drainage information provided questioned
- Refusal of neighbours to give discharge consent into freshwater spring running through their land
- Freshwater spring and pipework will not cope with additional water
- No street lighting is mentioned
- Light pollution to residents and wildlife
- The site entrance/exit will cause disturbance to nearby residents
- Humans rights violations

- The site is important in terms of biodiversity, with important hedgerows, as well as evidence of crickets, slow worms, cirr buntings, dormice, badgers, bats, hedgehogs and barn owls within or near to the site
- The site is subject to several 'Prescriptive Rights of Way'
- Overdevelopment
- The radio mast at Coleridge Lane overlooks the site- full health implications of living so close to these masts is not yet fully understood
- Applicant has failed to provide sufficient funds under S106 order to ameliorate the loss of amenity
- Insufficient time has been given to respond to the revised drainage details
- Council is facilitating development for lucrative purposes.
- Ribbon development along A379 is suburbanising the rural area
- Storm drain is at capacity and cannot be relied upon to take more water
- Detailed criticism of the drainage proposals
- Dwellings should be restricted to permanent occupation only (no holiday homes)
- Important trees on the site need protection
- Loss of privacy to adjoining properties

Some of the letter received did not comment on the proposed development, but were from residents whose properties include the freshwater spring pipe. These letters simply stated that these residents would refuse discharge consent of water from the site into the spring and pipework which ran through their land.

Seven letters in support of the application have also been received. The reasons for support are as follows:

- Advantages for the local community and businesses- increased trade and potential for new business and employment to emerge
- Enables local people to stay in the village
- New houses could encourage younger people/families into the village, to address the current imbalance of retired residents
- Any affordable housing should be welcomed
- The location of the site at the edge of the village is a logical extension of the last estate built (Green Park Way) and simplifies the road connection required
- The Sheford development means the LPA must have a 5 year housing land supply
- Indicative plan is not marked as 'illustrative only' , and therefore will be binding on the Council if this permission is granted

Relevant Planning History

53/1659/08/O: OPA

Land between 15 & 17 Green Park Way, Chillington, Kingsbridge TQ7 2HY

Erection of a dwelling

Refusal: 23 Apr 09

53/0642/81/1: OPA

Part O.S. 0006 0700 1600 land off Green Park Way, Chillington

18 dwellings

Refusal: 28 May 81

ANALYSIS

Principle of Development/Sustainability:

This is an Outline planning application for the development of the site for up to 65 dwellings. Although an indicative plan has been provided, which demonstrates how the site could be developed 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.

'Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

The application site is not allocated for development in the adopted South Hams Development Plan Framework and is located adjacent to but outside the Chillington development boundary. Within the emerging Joint Local Plan the site is allocated for housing for 65 houses, this allocation carries little weight at present.

As stated 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 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. The emerging JLP does not have sufficient weight at present to be relied upon for the purpose of demonstrating a 5 year housing land supply.

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

LDF Core Strategy Policy CS1 - Location of Development sets out where development is acceptable in principle subject to detailed material planning considerations. Chillington is included as one of the districts' Local Centres and is therefore covered by policy CS1. Local Centres have an important function in providing some services and facilities for their rural hinterlands and complement the role of Area Centres. Chillington 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 some 3 hectares of agricultural pasture land; the land however in more recent years has been used for the grazing of horses and as such is not used for commercial purposes.

There is no evidence that the development would result in any significant adverse economic impact. Economic benefit will be derived from the construction process and from spending of future residents. 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 and age restricted dwellings.

The principle social benefit of the proposed development would be the provision of additional housing, including 35% of the homes being affordable. These affordable homes will be 50% social rented and 50% shared ownership which are the most accessible forms of affordable housing.

A number of age restricted dwellings are also proposed for the over 60's, the number has been indicated as 15 but this figure remains flexible, set at a minimum of 10. These dwellings would be designed to accommodate the needs of older residents and will provide a range of housing that is less available in the area.

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. The applicant has submitted a viability appraisal with the offer of 35% affordable housing. This offer was increased from an initial offer of 17%. The Affordable Housing team have scrutinised this appraisal and are in agreement that the level of affordable housing is now appropriate for this site. Chillington 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 and doctors 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 both the local primary school and the nearest secondary school are at capacity; as such financial contributions have been requested to provide additional infrastructure to mitigate the additional demand. DCC do not object to the proposal.

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 proposed new vehicular access is acceptable to the Highway Authority and meets current highway standards.

The site is within a short walk of the A379 where there is the No 3 bus route which provides a bus service to Kingsbridge. There are pedestrian links from the site to the local services in Chillington. The Travel Plan includes actions and aims to encourage walking and cycling together with the use of bus service as an alternative to car usage.

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, affordable and age restricted housing. The site is well related to the settlement of Chillington 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

A Landscape and Visual Impact Assessment has been prepared by on behalf of Acorn Properties Ltd (Richards Partnership – ref: 15-10-CR01 Land at Green Park Way, Chillington – dated 22.01.2016). This has been reviewed and considered with reference to the site and schematic layout. The viewpoints have been discussed and verified. On the basis that officers broadly concur with the submitted report which is comprehensive, well-reasoned, has clear baseline information and draws appropriately considered conclusions, the following consultation response contains a brief appraisal of landscape character and visual effects, and considers the impacts through an evaluation of the outline development proposal. The proposed development is outside of the South Devon AONB (the boundary is to south of the A379) but within the setting; on this basis due consideration has been given to the South Devon AONB and its management plan as required by the NPPF (para. 115).

Involved in pre-application discussions, a clear approach was established around the proposal being landscape led given the sensitivity of the location close to the SD AONB. Opportunities should be sought to improve the existing urban edge and ensure the context of any schemes relate well to the existing built form through enhanced design quality. The submitted LVIA was scoped and agreed.

The site is within Devon Character Area 53 – Start Bay Coastal Hinterland; locally this is Landscape Character Type – 3B: Lower rolling farmed and settled slopes. Key characteristics can be summarised as:

- Gently sloping, south-facing, small to medium sized pastoral fields, bound by banked hedgerows and trees (the fields are currently under equestrian use for grazing)*
- Several strong hedgerows, with a linear tree presence, run north-south across the site.*
- Visible from the south as part of the rising undulating landscape above the settlement at Chillington but related to it*
- Forming part of a broadly open landscape, with woodland and enclosure on lower slopes, and larger, predominantly arable fields on the gently undulating hills above.*

The site is consistent with the rural, farmed landscape which abruptly meets the built form of Chillington; it also contributes to the wider setting of the SD AONB to the south, and overall scenic qualities of the prominent valley character. The broader character is of a high quality, where

settlements are sensitively located in a linear form along the prominent route of the A379. There are opportunities to enhance the quality of these further through sympathetic treatment of boundary development whilst ensuring the scale and form is not adversely affected. This can be achieved through high quality design of buildings and limiting overall heights to a minimum to ensure a positive transition is achieved from the existing fringe. There is potential to adversely impact on the setting of the AONB by elevating the presence of development so sensitive design and layout will be fundamental to securing a final scheme at Reserved Matters.

The visual influence of the proposed site is relatively limited given its position below and away from the ridge line of the main valley, on the lower slopes associated with the existing village. Visual impacts on views from the AONB will need to be migrated in the context of the existing built form, and it is acknowledged this will be challenging; however it can be minimised by retaining the key existing landscape features including the retention of vegetation bordering and running through the site. Boundary planting to the north should be strengthened, with space within the site allowing for further planting. Development should be limited to 1.5 storeys and at a reduced density than the existing development at Chillington in order to avoid significantly changing the perception of development in these open views from the south. High quality design and materials, utilising stone and dark/muted roof finishes would also help reduce visual impact. Lighting should be minimised in this rural location.

In terms of the current schematic layout (noting this is outline), specific concerns are raised over the scale and massing of the development to the eastern end. This should be addressed at Reserve Matters stage; the current scheme is not supported but officers are satisfied that an acceptable scheme could be achieved that will ensure that the overall landscape character and visual amenity is conserved and enhanced.

(Further clarification has indicated that the Officer does not consider that the entire site needs to be 1.5 storey, however it may be necessary for some of the development to be of this scale to minimise landscape impact, this will be addressed at reserved matters stage).

Protected Landscape

The site is located on the north side of the A379 and abuts the principally developed area, whilst remaining below the valley ridgeline. It is within the setting of the South Devon AONB.

Key relevant South Devon AONB Special Qualities:

- *Deeply rural rolling patchwork agricultural landscape with settlements on lower slopes*
- *Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops*

In terms of the South Devon AONB Management Plan (2014-2019), due consideration has been given in particular to part 5.1 and the policies therein. The proposal will be retained below the skyline and seen in close association with the existing build form minimising intrusion. Given the deeply rural character of the setting, officers are satisfied that overall the special qualities and character will be conserved.

Arboricultural Impacts

The AIA is noted (Aspect Tree Consultancy – 04396 TCP 15.05.2015) - Key features are to be retained and protected with boundary landscape elements; most trees are category B trees, principally of elm, hawthorn and ash. Overall impacts are limited and retention can be achieved under RM - No objection raised.

Due to the site's proximity to the AONB the AONB Unit were consulted and have commented as follows:

*The South Devon AONB Unit **has a neutral position** to planning application 0771/16/OPA.*

The application site lies outside of the AONB boundary but contributes to the setting of the South Devon AONB in the Chillington area. The applicant's evidence demonstrates the potential for some development to be accommodated at this location without compromising AONB special qualities, natural beauty, distinctive characteristics and key features. However, were the applicants to come forward with a full application containing the current layout and distribution of proposed illustrative housing types, we would be likely to object. Insufficient priority appears to have been given in the layout and design at this outline stage to landscape and visual impacts, in particular consideration of how the development would be read in the landscape within views out from the protected landscape of the AONB. For these reasons a neutral position is being adopted in relation to this proposal given that it is currently at outline stage. However, please note the points of concern outlined below that accompany this conclusion.

Reasons for response

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

As the application site is located outside of the AONB, the provisions of NPPF paragraph 116 cannot be applied in this instance.

Footnotes 9 and 10 to NPPF paragraph 14 restrict the normal presumption in favour of sustainable development and given the site's location in the setting of the South Devon AONB, effectively transfer the starting point for assessing this application to NPPF paragraph 115. Great weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application. NPPF para 109 reinforces this approach "The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes..."

Duty of regard and the AONB purpose

In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB.

The duty is relevant in considering development proposals such as this one that are situated outside the AONB boundary, but which might have an impact on the setting of, and implementation of the statutory purpose of, the AONB.

South Devon AONB Management Plan and Planning Guidance Annex

The South Devon AONB Management Plan 2014-19 is a statutory document and a material consideration in determining this application. The AONB Management Plan assists decision-takers in applying the provisions of the NPPF and in responding to the legal duty of regard for the AONB purpose. Information is provided within the Plan and its Annexes to enable decision-takers to fully understand:

- what makes the South Devon AONB a valued landscape;*
 - aspects of landscape and scenic beauty to be conserved and enhanced;*
 - AONB special qualities;*
 - forces for change acting on the AONB;*
 - the AONB policy framework and priorities for action;*
 - and emerging AONB Planning Guidance, currently in post consultation draft form.*
- Particularly relevant policies from the South Devon AONB Management Plan include:*

- **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.
- **Lan/P2** The use of landscape and seascape character assessments and historic landscape and seascape characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.
- **Lan/P4** Levels of tranquillity throughout the South Devon AONB will be maintained, and where practicable enhanced, in order to ensure this special quality is not further devalued. (particularly in respect of lighting and natural nightscapes)
- **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character. (particularly in respect of lighting and natural nightscapes)
- **Plan/P2** Development management decisions give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB

AONB Special Qualities

The AONB special qualities most pertinent to this application are considered to be:

- Deeply rural rolling patchwork agricultural landscape.
 - Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.
 - Iconic wide, unspoilt and expansive panoramic views
 - A variety in the setting of to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.
- The applicant's evidence demonstrates that the location has the potential to accommodate some development that may not cause unacceptable levels of harm to the AONB special qualities found in the Chillington area. However in its present form, the indicative design, layout and housing types do not sufficiently respect the site's location in the setting of the South Devon AONB.

Landscape, Visual Impacts and Scenic Beauty

The outline layout and design of indicative housing types does not suggest that the strong pre-application steer for a landscape led scheme has been sufficiently followed. Direction should be given to address those design aspects that would otherwise increase the conspicuousness of new build elements when viewed from within the AONB. This should include due consideration of:

- The potential impacts arising from the incorporation of large individual glazing expanses and the total area of glazing as a proportion of any southern facing elevations. Recognition of daytime reflective glare from glazed surfaces plus glare and lightspill through glazing from night-time interior lighting use.
- The potential impacts arising from the colours and surface areas of rendered elevations drawing attention in views out from the AONB. Development should be

limited to 1.5 storeys and use recessive colours on renders. Partly to limit the visual impact of buildings located within the upper slopes of the site, particularly in the northwestern corner, without the benefit of the farm buildings as a backdrop; and partly to break up the potential expanse of render with roofing materials.

- **Building density.** A density and layout should be developed that more closely blends with housing on the slopes below the application site. This approach will ensure that new buildings read as part of the rest of Chillington instead of highlighting this as an obvious add-on that draws attention in views out from the AONB

Accepting that this is an outline application with more detail to come through reserved matters, the principle of retaining existing landscape features is sound to enable the field pattern to be read into the future. However, these features will only remain into the future if they are excluded from domestic curtilages, considered more as public realm features and retain their agricultural look and feel. A commitment to an appropriate management plan is sought to cover long term management and maintenance of both perimeter and interior hedgebanks, inclusive of related features including hedgerow trees, stone-facing if applicable and grassy margins.

If future reserved matters information is being prepared we would appreciate an involvement to be satisfied that character, visual and lighting impacts upon the AONB have been fully assessed, appropriately considered within design and layout; and mitigated as far as reasonably practicable.

Summary

Although the applicant's evidence at this outline stage demonstrates that the location has the potential to accommodate some development, if a full application were to be submitted following the indicative layout and housing types illustrated, it is likely that we would respond with a formal objection.

Our conclusion is reached on the basis that the current proposal's design and layout is not sufficiently protected-landscape led; and that in its current form the proposal, particularly the north-western most up-slope components are likely to cause an unacceptable level of harm that is unlikely to be mitigated. The current indicative layout does not adequately conserve or enhance the natural beauty and special qualities of the AONB found in the Chillington area.

A revised approach to layout and building design may overcome these concerns. For the reasons outline above the South Devon AONB Unit has a **neutral position** on this application with the identified caveats concerning layout and design.

Biodiversity

The application has been considered by the Councils Ecology and Biodiversity officer who has commented as follows:

Onsite biodiversity

The application is supported by an Ecological Impact Assessment (EclA) by EAD Ecology (Jan, 2016) which compiles the results of the initial Extended Phase 1 Survey and several further detailed protected species surveys. The site in summary is described as comprising 'three poor semi-improved grassland fields, bordered by hedgerows, stone walls, fences, broadleaved trees, tall ruderal and scrub habitats.'

Protected species surveys recorded various protected species using the site, of note including:

- Great green bush-cricket using longer grass at margins of the site and adjacent hedgerows
- 'Low' populations of slow-worm and common lizard mainly along the northern boundary

- A range of notable but typical farmland bird species, including a single male circl bunting recorded singing within the site on three of the five surveys. There was no evidence of circl bunting breeding at the site although the hedgerow and scrub habitat on the eastern boundary is thought likely to be on the edge of a single circl bunting territory.
- An inactive outlier badger sett
- Eight species of bat were recorded (described as moderate diversity) - the number of records from the species other than common pipistrelle and noctule was very low. Hedgerows provided moderate value foraging and commuting habitats although activity levels were low and confined mainly to the southern and western parts of the site. No bat roosts were recorded within any of the buildings or trees within the site.

The proposed development would lead to loss of the semi-improved grassland habitat – this habitat is described as ‘a widespread and common habitat with low structural and botanical diversity.’ Other habitat loss is limited to minor areas of scrub and ruderal habitats, short sections of hedgerow and several mature broadleaved trees.

Mitigation is proposed to minimise impacts to protected species and habitats during construction including timing and method of vegetation clearance, and post construction (sensitive lighting strategy).

Compensation and enhancement measures have been outlined within the EclA, most notable being a proposed net gain of 865m of species-rich hedgerow, 0.27ha of wildflower grassland and bird and bat boxes .

The EclA concludes that the proposal would ‘lead to a net biodiversity gain through an increase in wetland (swale), wildflower grassland and hedgerow habitats. There would be beneficial, probable impacts for plants and invertebrates. Impacts to amphibians, reptiles, birds (including circl bunting), hedgehog and bats (if an appropriate public-realm lighting design was produced) would be neutral in the long-term. Impacts to badgers would be adverse, certain and long-term at the Sub-Parish level i.e. not significant and would not detract from the overall delivery of net biodiversity gain.’

The details of habitat creation, management and maintenance (including pre and during construction phases), will be agreed within a Landscape and Ecological Management Plan (LEMP) prior to commencement of the development, with adherence secured through the s106 agreement. I note the concern raised by Natural England, and the response from EAD Ecology with respect the wildflower grassland creation and management – this point has been appropriately addressed, and further information will be expected within the LEMP.

As the proposed development site falls within a circl bunting territory and could impact the territory to such an extent that it could become unviable (and these impacts cannot be mitigated onsite), the EclA has identified that a compensatory offsite payment will be required. This commuted sum will be £71,612 – this being the sum required to provide 1ha of new habitat (the minimum viable area of habitat required to support one pair of circl buntings). This shall need to be secured within the s106 agreement.

The proposal is considered to be in accordance with policy – namely SHDC Core Strategy Policy CS10, and DPD policy DP5, the NERC Act 2006, the NPPF (namely Para 118) and the Birds Directive (2009).

The Barn Owl Trust have recommended that survey should be undertaken before permission is granted. Officers consider that a planning condition to require a survey prior to the commencement of development with appropriate mitigation measures would be sufficient to protect the interests of this species.

Off-site biodiversity

Concerns were raised by Natural England with respect the potential for impact from the proposed development on the water quality within Salcombe to Kingsbridge Estuary SSSI. A chain of correspondence between EAD Ecology and Natural England ensued within which further information and clarification was provided (from South West Water and the drainage consultants) which concluded with Julien Sclater of Natural England confirming in his email on 6th July that 'I am satisfied at this point and subject to resolving the detail at the appropriate stage, that our concerns regarding potential impacts upon the SSSI can be resolved for both construction and operational phases.' This correspondence is pulled together within the letter dated 8th July to Tom Jones from EAD Ecology ref P623/MJ/3364/16.

Heritage

There are no listed buildings in close proximity to the site, the nearest listed building are located within the historic village centre fronting the A379, set within the Conservation Area. The application includes a Cultural Heritage Assessment which states that:

This desk-based assessment has established that no designated archaeological heritage assets are present within the study site. Based on the HER evidence, the site is considered to have a low archaeological potential for as yet undiscovered evidence of all archaeological periods.

This assessment considers that the proposed development has the potential to impact any below ground archaeological deposits present on the site. However, if present, remains are considered likely to be of no more than local significance and therefore should not preclude development. Should further mitigation be required it recommended this can be secured by a standard planning archaeological condition.

This assessment has established that the proposed development has the potential to affect the significance of the Grade II listed Well Farmhouse and the Chillington Conservation Area. However, in both cases any affects would be minimal, with no material impact on the significance of these designated heritage assets.

DCC Archeology have stated that they do not wish to comment on this application. Officers concur that the development will not have harm the setting of the Conservation Area or of Listed Buildings within the village; the site is sufficiently divorced from the heritage assets, set against a backdrop of modern residential development, that will not significantly change the character of the area.

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.

The proposed development proposes a sustainable drainage solution of soakways/infiltration to deal with surface water drainage with an attenuation system to assist with extreme flood events. Percolation testing has been submitted to support the proposed scheme.

Detailed and protracted dialogue has taken place between the developer and DCC, the Lead Flood Authority, who have now removed their initial holding objection to the development, subject to conditions.

South West Water originally raised no objection to the proposed development, which proposed to link foul drainage into the existing sewer system. This was challenged by local residents who provided evidence of the sewage system failing through photos and written statements. South West Water responded to state that the problems experienced were not a consequence of hydraulic overload and they are confident there is capacity for this proposed development.

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 and, although there is an issue over the use of land adjacent to the open countryside, 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. The Highways Authority have provided a comprehensive response to the application and have concluded that it is acceptable subject to conditions and works to be carried out in accordance with plans that have been submitted. The Highway Authority have commented as follows:

Transport Assessment

It is noted the TRICS figures used to predict the likely levels of additional traffic from the development have been compared to comparable local roads and the difference in likely traffic flows is thought to be negligible based on the fact over 7am - 7pm period in a typical day an additional 69 cars may be using the road network or on average 6 additional cars per hour. The Highway Authority would agree with the conclusion in the Transport Assessment that this amount is negligible. Overall 160 vehicle arrivals and 168 vehicle departures are predicted daily. During the busiest hours of the day (peak hours) the predicted extra traffic is

likely to be around an additional 40 two way vehicle trips between 8:00am and 9:00am. An additional 43 two way trips are predicted between 17:00 - 18:00pm. This is on average is around one car every 1.30 minutes.

The applicant has undertaken a very robust assessment of the junction of Green Park Way and the A379 and the site junction with Green Park Way. Both demonstrate the roads have more than enough capacity to accommodate the predicted flows from the development. The applicant has also increased the flows on the A379 five fold to reflect the seasonal changes in traffic flows on the A379. The results of the assessment still show the junctions can cope with the development.

Concerns have been raised over whether one day the A379 will be closed due to flooding at Tor Cross. The applicant has modeled the junctions to account for this scenario and the assessment still shows the junctions can cope with the development.

Illustrative Layout

As the application is Outline with approval being sought for access, all new accesses whether vehicle or pedestrian must be designed in detail for the first 20m into the site. Whilst this has been undertaken for the main vehicle access, there is a pedestrian access proposed to the north east of the site and no details are provided. There is some concern that the land to the north is third party land, where the access leads and therefore legally pedestrian access rights in perpetuity will need to be established across this land or the access needs to be moved and designed in detail. Also there is a pedestrian access proposed onto Port Lane which also lacks in detail. Visibility splays, pedestrian barriers, proposed levels, widths and construction materials and details are all needed to satisfy this concern.

Travel Plan

It is noted the developer will appoint a Travel Plan Coordinator and a Travel Information Pack will be distributed to house purchasers on first occupation. The Travel Plan document submitted makes reference to the fact £300 travel vouchers will be provided by the owner. The owner will need to source their own vouchers from the bus companies and cycle shops. The developer has also offered to enhance the 93 bus service on Sundays.

Drainage

The report submitted with the application warns that ground water may be an issue on this site and recommends that ground water monitoring is undertaken to establish if this is the case. However, the report fails to demonstrate that the required 12 months ground water monitoring has been undertaken, which is not unusual at Outline stage. Concerns arise regarding the gradient of the site and the suitability of soak aways. The site appears to be around 1:6 gradient which is far too steep for infiltration. However the Highway Authority is willing to accept a pre-commencement condition relating to drainage and that is set out

Since submitting these comments further detail regarding highway drainage has been submitted which is acceptable to the Highway Authority

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 or offset through financial contributions towards improved play provision locally. 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.

Public Opinion

There has been considerable local opposition to the proposed development. Whilst planning authorities are expected to consider the views of local residents when determining an application, the extent of local opposition is not, in itself, a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons which are supported by substantial evidence. Planning authorities should therefore make their own objective appraisal and ensure that valid planning reasons are stated and substantial evidence provided. In this case, the concerns raised have not been set aside lightly and the Council is mindful of the content of the Localism Act 2011. However it is considered that the objections raised in respect of this application have been carefully and objectively considered with this report

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 up to 65 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. With regard to the “affordability” of the affordable housing, the Council ensures there is a range of tenures to meet differing incomes.

Therefore, in conclusion, the application is recommended for approval, subject to conditions and a s106 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

Emerging Joint Local Plan

SPT1 Delivering Sustainable Development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT11 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV29 Site allocations in the Smaller Towns and Key Villages
DEV2 Air, water, soil, noise and land
DEV4 Playing Pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
Dev10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape Character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV34 Delivering low carbon development
DEV37 managing flood risk and water quality impacts

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 'Site Location Plan' and 4660/SK100.

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. 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.

9. 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 in writing by the Local Planning Authority 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 enable the Local Planning Authority to obtain adequate information for consideration of the ultimate proposal in the interests of highway safety and convenience

10. 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.

11. PRE-COMMENCEMENT: No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) 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;
- (h) 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;

- (i) provision of wheel wash facilities, dust suppression and noise limitation measures;
- (j) hours during which no construction traffic will be present at the site;
- (k) the means of enclosure of the site during construction works;
- (l) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (m) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information; and
- (n) a road condition survey using photographic evidence neat to each proposed entrance to the site.

This approved CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety, including taking into account school pickup and delivery times and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

12. The site compound and car park for contractors and commercial vehicles shall be provided, completed and made available for use in accordance with the approved details above before any other construction works take place on the site.

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

13. No part of the development hereby permitted shall be commenced until a program of percolation tests has been carried out in accordance with BRS Digest 2365 Soakaway Design (2016), and the results approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. A representative number of tests should be conducted to provide adequate coverage of the location and depths of the proposed infiltration devices.

Reason: To ensure that surface water from the development is discharge as high up the drainage hierarchy as is feasible

14. 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.

15. PRE-COMMENCEMENT: Prior to the commencement of the development a survey of the site and buildings shall be undertaken by a suitably qualified person to establish whether there are any barn owl roosting areas. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority. If roosting areas are found a mitigation strategy must be included with the completed survey to be approved by the Local Planning Authority. The development must be carried out in accordance with the approved mitigation strategy.

Reason To ensure that the development does not have any adverse impact on protected species.

16. 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

17. Ducting suitable for use by fibre broadband shall be installed to each dwelling, unless otherwise agreed by the Local Planning Authority.

Reason: To enable each dwelling to easily connect to fibre broadband without additional construction works.

18. 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 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse
- (d) Part 14, Classes A, B, E & F (Renewable Energy);
- (e) Part 2, Class A (means of enclosure); and
- (f) 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.

19. No part of the development hereby permitted shall be commenced until the full results of a groundwater monitoring programme, undertaken over a period of 12 months, has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. This monitoring should be conducted to provide adequate coverage of the site, with particular focus placed on the locations and depths of the proposed infiltration devices;

Reason: To ensure that the use of infiltration devices on the site is an appropriate means of surface water drainage management

20. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to and approved in writing by the Local Planning Authority in consultation with Devon County Council as the Lead Local Flood Authority. The design of permanent surface water drainage management system will be informed by the programme of approved BRE Digest Soakaway Design (2016) percolation tests, in addition to the results from the approved groundwater monitoring programme, and in accordance with the principles set out in the Flood Risk Assessment (Report Ref. 4660, Rev 5, dated January 2017)

Reason:: To ensure that surface water runoff from the development is discharge as high up the drainage hierarchy as is feasible, and is managed in accordance with the principles of sustainable drainage systems

21.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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

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

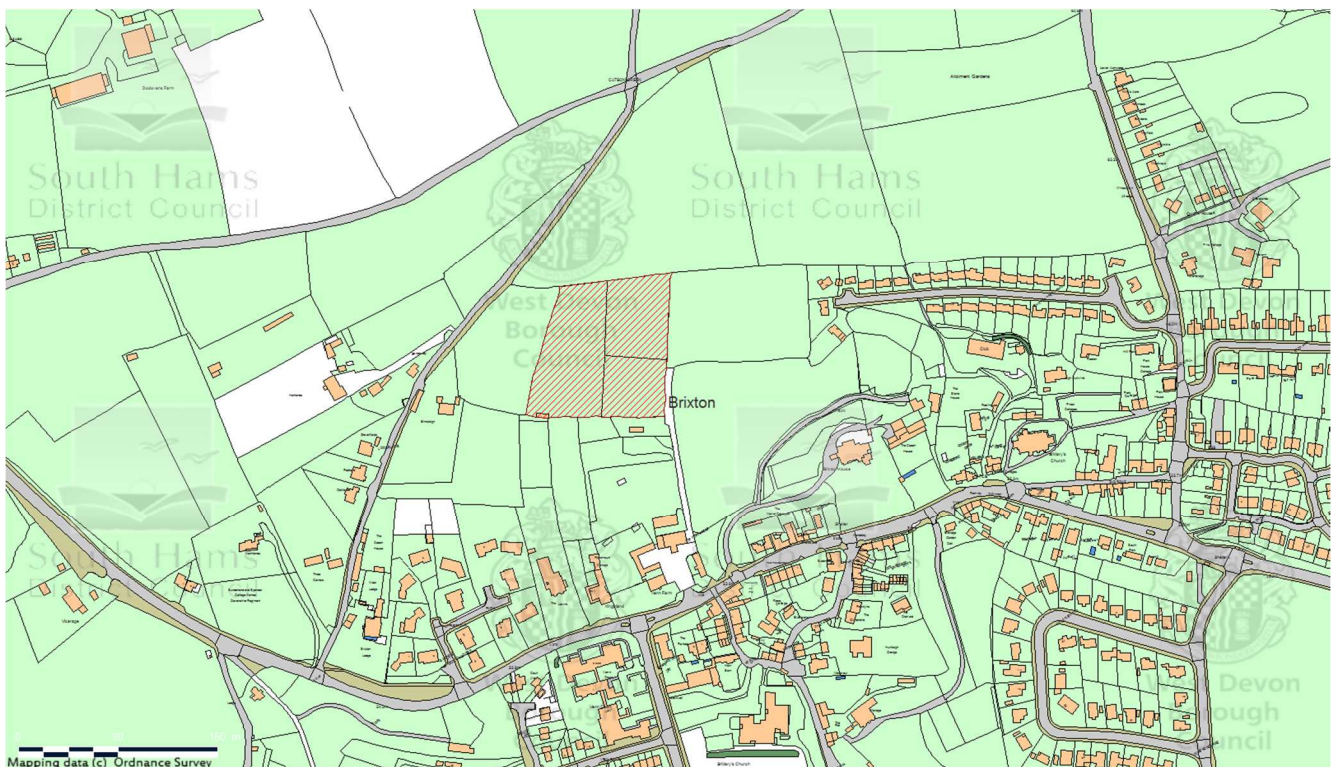
Applicant:

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 216 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 Carroll Island, 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).

Within the emerging Joint Local Plan Brixton is identified as a Sustainable Village where site allocations are expected to emerge from the Neighbourhood Plan process. The indicative levels of new housing in Brixton is 10 and whilst it is not explicit in the JLP it is understood this a minimum number not a maximum

'Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas

- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

As mentioned above 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. The emerging JLP cannot yet be relied upon to demonstrate a 5 year housing land supply

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 to 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:

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

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. Emerging JLP policies have little weight.

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

Emerging Joint Local Plan

SPT1 Delivering Sustainable Development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT11 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV 30 Empowering local residents to create strong and sustainable communities
DEV2 Air, water, soil, noise and land
DEV4 Playing Pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
Dev10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV24 Landscape Character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV34 Delivering low carbon development
DEV37 Managing flood risk and water quality impacts

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: Bigbury **Ward:** Charterlands

Application No: 162932 2879/16/FUL

Agent/Applicant:

Miss Wynn Chandra
62-70 Shorts Gardens
Covent Garden
London
WC2H 9AH

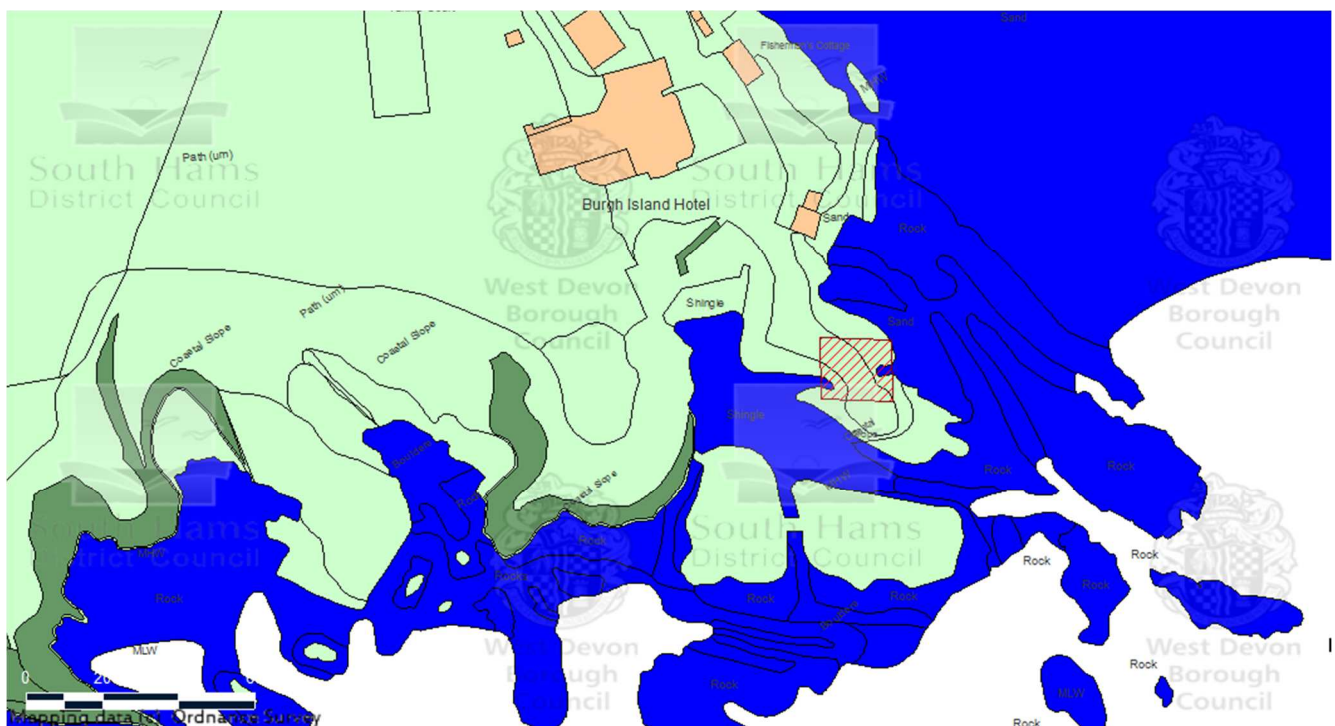
Applicant:

Mr Anthony Orchard
Burgh Island Hotel
Bigbury-On-Sea
South Devon
TQ7 4BG

Site Address: Development site at SX 649 438, South East side of Burgh Island, Bigbury

Development: Erection of new standalone hotel suite on Burgh Island to provide hotel additional accommodation

Reason item is being put before Committee: At the discretion of the CoP Lead due to the finely balanced nature of the recommendation, in light of no objection from the Parish and in view of the fact that the Ward Member for the area is newly elected.



Recommendation: Refusal

Reasons for refusal

1. Having regard to its prominent location on the eastern extremity of Burgh Island, protruding out above the sea, the proposed development will be intrusive in the landscape introducing an inappropriate, artificial, man-made structure into this rugged, natural coastline. As such the development fails to conserve or enhance the landscape and scenic beauty of the adjacent South Devon AONB and Heritage Coast contrary to Policies CS9 and DP2 of the South Hams

Local Development Framework, Policies SPT11, DEV24 and DEV27 of the emerging Joint Local Plan, The AONB Management Plan and the National Planning Policy Framework, in particular paragraph 115. The landscape harm arising is not mitigated or offset by any merits or benefits of the proposed development.

2 . Insufficient detail has been submitted to demonstrate the following:

- That the proposed development would be executed to the high standard suggested by the application
- That the geology and structure of the rock stack will ensure for sufficient time for this to be sustainable development and will not give rise for the need for protection from erosion by measures such as rock armour.
- That operational requirements will not arise for safety barriers/railings and lighting in the vicinity of the new building which may detract from the architectural quality, landscape character and setting of the listed building
- That paraphernalia such as outdoor furniture can be managed so as not to adversely impact on the landscape quality.
- The detail/size and means of construction of the utility trench that would be required across the headland to allow assessment of its ecological, landscape and heritage impacts.

And as such the impact of the proposed development cannot be fully assessed; these issues could have an adverse impact on the AONB, Heritage, Ecology and the setting of the Listed Building which would be contrary to Policies CS7, CS9, CS10, DP1, DP2, DP4, and DP6 of the South Hams Local Development Framework, Policies SPT11, DEV24, DEV 25, DEV27, DEV28, DEV21 and DEV 22 of the emerging Joint Local Plan and the National Planning Policy Framework, 2012.

Key issues for consideration:

The principal and sustainability of the development in the countryside; impact on the setting of a Listed Building (the hotel); whether there is an adverse impact on the AONB and if so if the harm is outweighed by other benefits; impact on ecology; does the scheme present world class architecture and if so the weight to be given to this.

Site Description:

The site is on the edge of the tidal Burgh Island located opposite Bigbury-On-Sea and which forms part of Bigbury Bay. When the tide is low it is possible to walk to the island across Bigbury Beach; at high tide a sea tractor is used to access the island.

The site is within the curtilage of Grade II Listed Burgh Island Hotel.

The development would span the gap between the headland and coastal rocks sited between the sea and the man made tidal pool known as the Mermaid Pool on the eastern end of the island. The headland and the rock were once joined together but due to erosion the eastern most rock is now a stack standing away from the island.

The site lies outside of but adjacent to the South Devon Area of Outstanding Natural Beauty which includes Bigbury and the entire coastline visible from the island. The site forms part of the Heritage Coast.

Burgh Island is best known for the iconic, Grade II Listed, Burgh Island Hotel, a large white building that is very prominent in the landscape. Other buildings on the island include the historic Pilchard Inn, The Beach House (which functions as part of the hotel), Fisherman's Cottage (also part of the hotel), a World War II Bunker and World War II Lookout Ruin. The majority of the island is in the same ownership as the hotel.

The Burgh Island Hotel is well known for its 1930's architecture, in particular the authenticity of its interior; it has historical associations with Agatha Christie which has made this an important tourist attraction in its own right.

Public rights of way run around and through the island however the curtilage of the hotel is a private area, there are no rights of way in the vicinity of the application site.

The Proposal:

Background

The applicant bought Burgh Island in 2001 and has since restored the Grade II Listed Burgh Island Hotel; previously the hotel had been derelict for 25 years. The hotel is now a viable business and it is stated that it attracts approx. 12,000 guests each year, making a significant, positive contribution to the local economy.

The economic supporting evidence states that due to unpredictability of access the hotel relies upon the leisure rather than business market, the average stay is 2 nights and the hotel is not popular for families. This limits the potential for market expansion of the hotel compared to competing West Country hotels.

Burgh would like to expand its market to longer stays and offering local physical activities, such as surfing, this would appeal to younger people and families. The Beach House, an independent two bed unit within the hotel grounds is the most popular suite of accommodation and is typically booked for longer stays. The proposed development of 'The Pool House' would be to add a second independent unit within the hotel grounds to address this market demand and to improve the long term viability of the hotel. This more independent type of accommodation is becoming increasingly popular and despite its uniqueness Burgh Island still has to compete with other modern facilities in the South West.

It is argued that to provide a sustainable future, Burgh needs to broaden its appeal and cater for a wider range of holiday experiences; The Pool House would enable this and help to secure the future of the business and viable use of this Listed Building.

The applicant has engaged with the Council through the pre-application process which indicated that if any development were to be acceptable in this sensitive location it would have to be of the highest quality. The applicant then ran a formal design competition through RIBA which generated a good response despite the small scale of the development. The current proposal was selected through this process.

The development:

The proposal is for one single storey building to operate as a stand-alone hotel suite within the grounds of the hotel. The mass and form of the new building is proposed as an arched bridge, reaching from the top of one small projecting rocky headland to an adjacent rock stack of a similar height. The building is sited at a similar level to other buildings on the island such as the Beach House and Fisherman's Cottage; it is set below the level of the main hotel building.

The building will have an irregular shape, with three longer curved elevations joining three more angular end elements. The curved plan is designed to re-connect the headland with the stack and

with the three ends located to make the most of the beautiful views. The building will have a flat, green roof which will be set lower than the headland; the building will not be visible from the ground floor of the hotel. The green roof will include the same plant species as the peninsula turf.

It is proposed that the external walls are made from local stone to match the cliffs. It is proposed that Yennadon stone is used. The windows will be deeply recessed into the walls by a minimum of 500mm and treated so as to minimise glare/reflection. The arch itself will be made from textured concrete with shot blast gravel stone to create a textured surface that will blend with the stone wall above and surrounding rock faces.

The islet, or stack that will be bridged by the Pool House will be accessed by the guests in the Pool House. It is proposed to form an oval mound on the flatter surface of the stack which would be clad in local turf and lined on the inside with stone. Above this a frameless glass balustrade of 900mm is proposed, to prevent falls. This will create an enclosed outdoor amenity area for guests.

Access to the Pool House is recessed into the existing face of the cleft where it will have a minimal visual impact. The rock will be sculpted to receive both the building and the final curving set of access steps.

Consultations:

- County Highways Authority – No objection subject to a condition requiring a Construction Management Plan to be agreed
- Environmental Health Section – No comment
- Environment Agency – No objection
- Historic England – Does not wish to comment
- Police AOL – No comments
- SHDC Heritage –

I have assessed the proposal in terms of the character and setting of the grade II listed Burgh Island Hotel and the other undesignated heritage assets (pill box, Pilchard Inn etc).

The Hotel is undoubtedly remarkable in terms of its scale, appearance and the complex social history associated with it. It is fair to say it is a building of robust character; something that could never be built today. It presents a glorious contrast to its unique location in the manner of a latter day St Michaels Mount and in doing so it has become the centrepiece of the island, the village and Bigbury Bay.

Given the relatively modest scale of the proposed development it cannot be said to compete with the Hotel. It will, however, fundamentally change its setting when viewed from off the island. It appears that the new building would not be visible from the principal rooms and the terrace of the Hotel, though the roof at least will be seen from some bedrooms. This needs to be demonstrated using sections and sightlines.

Bearing in mind the positive encouragement given by Government for outstanding design (para 63 of the NPPF), I would not rule out the possibility of a truly world class building of modest scale becoming a new component of the heritage setting on Burgh Island. The challenge is to ensure that the build quality is so outstandingly good that it will gain respect and plaudits from around the world and be considered for top architectural prizes. If it is built and doesn't achieve that then it will not have been successful in my opinion. As I have said, it is relatively easy to create such a building in a computer model but you need to show conclusively how it will be translated into reality.

The Heritage Statement fails to assess the impact on setting adequately when viewed from Sedgewell beach, Folly hill, Bantham, BGC, River Avon etc. It will sit right in the foreground of these views towards the hotel which is why the use of materials to blend with the cliffs is so important.

If the answer to any of the following questions is no or unresolved I would strongly advocate a precautionary principle approach as the result would harm the setting of the listed building and could, frankly, be a disaster.

1 Are we yet convinced there will be no need for tonnes of rock armour to protect this structure in future? The eyesore of imported rocks on the mainland is testament to the dangers of this.

2 Will they commit to sourcing stone locally to match the distinctive cliffs which epitomise the setting? The importation of stone from the other side of Dartmoor or further afield is a very worrying suggestion that suggests it is not being taken seriously enough.

3 Will they commit to building in a single continuous contract? The prospect of phased building project over several years will harm the setting of the hotel.

Matters to consider:

- Materials – I am not convinced that Yennadon stone is a suitable match for the distinctive, multi-coloured, low grade slates and mudstones which make up the island.
- Access path – Surfacing, safety features, lighting.
- Lighting in the new building – I know this has been considered but you will need to show how it will look at night with the large areas of glass.
- Timescale for development – I have deep reservations over the idea of building over a period of years in successive January downtimes when the hotel is closed. The prospect of having a part built structure sitting there over two or more years is very unappealing. If an application were to be successful I think it would be reasonable for the Council as LPA to limit the build time from start to completion.
- SHDC Drainage – no comment
- Town/Parish Council

On behalf of Bigbury Parish Council I enclose the recommendations sheet for the above proposal and submit the following comments for your consideration.

Bigbury Parish Council has discussed this application in great detail and has taken into account the views of those residents who have taken the opportunity to either comment on the Planning Department website or make representations in person.

Having reviewed the many documents provided by the Planning Dept, the Parish Council find no reason to object to the proposal from a planning perspective.

However, the Parish Council would like to ensure the Planning Dept impose the following conditions:

- 1) This proposal is described as a standalone hotel suite – The Parish Council insist that no change of use be permitted in the future.
- 2) The structure must always remain, in perpetuity, as part of the hotel complex.
- 3) This structure must not be either re-developed or sold for any purpose other than that stated in this proposal.

- AONB Unit

*The South Devon AONB Unit **objects** to planning application **2879/16/FUL**.*

Although the application site lies outside of the South Devon AONB boundary, Burgh Island makes an established and extensive contribution to the setting of the South Devon AONB. The application site lies within the South Devon Heritage Coast for which the AONB Management Plan also serves as the management plan. The proposal conflicts with the Council's adopted AONB Management Plan policies, will cause harm to AONB special qualities and does not accord with emerging AONB Planning guidance currently in post consultation draft form.

The revised LVIA continues to significantly underplay impacts of the proposal upon: the natural beauty, landscape and scenic beauty of the South Devon AONB and South Devon Heritage Coast; landscape character; Burgh Island as an important setting to the South Devon AONB; the undeveloped coast; and the cultural heritage and historic environment of Burgh Island and its Grade II listed hotel.

The proposal does not restore the rock arch that once stood at the site some time ago and as a result of natural processes is no longer present. Introducing a building with glazing, hard edges and roof lines can in no way restore a natural rock arch and instead will read as contrived modern built form - an addition that jars with the character of this part of Burgh island.

The selected location is not appropriate for development and a compelling case has not been made for development in this sensitive and unsustainable location.

Reasons for response

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Footnotes 9 and 10 to NPPF paragraph 14 restrict the normal presumption in favour of sustainable development and given the site's prominent location in the setting of the South Devon AONB, effectively transfer the starting point for assessing this application to NPPF paragraph 115. Great

weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application. NPPF para 109 reinforces this approach “The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...”.

The introduction of the proposed structure in the location applied for would negatively impact upon the conservation of landscape and scenic beauty.

Paragraph 114 to the NPPF gives explicit mention to Heritage Coasts:

“Local Planning Authorities should ... maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.”

The proposal would fundamentally change the character of a currently undeveloped portion of the island and would not protect or enhance the island's distinctive landscape. For clarity, as the application site is located outside of the AONB, the provisions of NPPF paragraph 116 do not apply in this instance.

Duty of regard and the AONB purpose

In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB.

The duty is relevant in considering development proposals such as this one that are situated outside the AONB boundary, but which have an impact on the setting of, and implementation of the statutory purpose of, the AONB.

South Devon AONB Management Plan and Planning Guidance Annex

The South Devon AONB Management Plan 2014-19 is a statutory document and a material consideration in determining this application. The AONB Management Plan assists decision-takers in applying the provisions of the NPPF and in responding to the legal duty of regard for the AONB purpose. Information is provided within the Plan and its Annexes to enable decision-takers to fully understand:

- what makes the South Devon AONB a valued landscape;
- aspects of landscape and scenic beauty to be conserved and enhanced;
- AONB special qualities;
- forces for change acting on the AONB;
- the AONB policy framework and priorities for action;
- and emerging AONB Planning Guidance, currently in post consultation draft form.

Particularly relevant policies from the South Devon AONB Management Plan include:

- **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.
- **Lan/P2** The use of landscape and seascape character assessments and historic landscape and seascape characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.
- **Lan/P4** Levels of tranquillity throughout the South Devon AONB will be maintained, and where practicable enhanced, in order to ensure this special quality is not further devalued.
- **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought

together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character.

- **Lan/P6** The open undeveloped seascape seen from the coast forms a defining setting for the South Devon AONB: the long uninterrupted views, wild character and natural horizons will be protected and sustained.
- **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.
- **Plan/P2** Development management decisions give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB.
- **Mar/P1** The tranquil and undeveloped character of the coast will be protected. Opportunities will be sought for improvements in the condition of degraded sites.
- **Hist/P1** The identification, protection and active conservation of the AONB's cultural and historic environment will be promoted and supported.
- **Acc/P9** A sustainable, year-round tourism industry which benefits from and contributes to the environmental quality of the area will be supported. The loss of accommodation and facilities for visitors will be resisted. Activities and initiatives to extend the main tourism season and to assist in promoting the area to overseas visitors will be supported.

The proposal is contrary to these policies within the adopted Management Plan for the South Devon AONB. Support from Policy Acc/P9 is not triggered in this instance as the test of contributing to the environmental quality of the area is failed by the impacts of this proposal.

The proposal site lies within a highly sensitive view shared from multiple viewpoints where the eastern side of Burgh Island dominates. Despite the designation history for the South Devon AONB reflecting that the island should have been included within the designated AONB area should a boundary review ever take place, the island remains in the setting of the AONB. Reflecting its landscape, scenic quality and cultural heritage Burgh Island's eastern side is one of the most photographed views in South Devon and has featured heavily in photography competition entries and every iteration of the AONB management plan to date, including upon the current front cover.

AONB Special Qualities

The AONB special qualities most pertinent to this application are:

- Fine, undeveloped, wild and rugged coastline.
- Iconic wide, unspoilt and expansive panoramic views
- A landscape with a rich time-depth and a wealth of historic features and cultural associations.
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- A variety in the setting of the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.

Our own objective appraisal of this proposal finds that it does not conserve or enhance these special qualities of the South Devon AONB. If consented, the proposal will result in harm to the first four AONB special qualities listed above.

Landscape, Visual Impacts and Scenic Beauty

Though steps have been taken to mitigate this proposal through the approach to design and to some degree choice of preferred materials, the end result is a building in an inappropriate location.

The assessment findings summarised in 2.2.2 of the updated LVIA significantly underplay the landscape and visual effects within up to 500m of the site. We would strongly encourage decision-takers for this application to visit the wide expanse of beach area of Sedgwell cove at various tide

states together with the causeway and consider the implications of building in the location proposed upon the vast numbers of beach and water users that visit this iconic location all year round.

South Devon Heritage Coast

Heritage Coasts are the finest stretches of undeveloped coastline in England and Wales. The island falls within the defined South Devon Heritage Coast which extends 2km out to sea. Settlement is relatively contained to the north-eastern side of the island with the island's overall character being mostly undeveloped, wild and rugged. The character at the proposal's specific location is undeveloped and contributes to the island's undeveloped coastline. As such the proposal would change the character and negatively impact upon the South Devon Heritage Coast in this location.

Cultural Heritage and Historic Environment

The Grade II listed Burgh Island Hotel was designed and located to be the focal point of Burgh Island and whilst at the time of construction it did change the island's character, it did this in a positive way, added to character, sitting within the landscape and strengthening the island's character as a result. This proposal however jars badly, particularly when read in conjunction with the hotel and other current buildings, adding a contrived structure perched on top of actively weathering rock structures in a manner that does not respect the listed hotel building nor the island's landscape and seascape character.

Montage 2 to the submitted LVIA does not show the proposal in combination with the existing hotel, yet for many visitors to Sedgewell, Bigbury-on-Sea or Bantham beaches and the surrounding area this is a more realistic prospect.

Alternative locations

Policy CS9 of the adopted Core Strategy clearly states that "The character of the undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for." The applicant has not demonstrated that a coastal location is required, that this specific location is required or that the development would contribute to the protection of the character of this undeveloped part of the coast.

In combination and cumulative effects

Taken in combination with a series of other developments in the area this part of the South Devon AONB and its setting is seeing its character cumulatively compromised through a series of unsympathetic changes and I would caution against consenting another development that would add to this effect. Development and land uses that detract from the natural beauty of the area include: Sedgewell rock armour and gabion baskets, Bigbury on sea car parking, temporary container use, Bigbury-on-Sea apartments, Challaborough, interior and exterior lighting, Burgh Island storage and car parking to the north west of the Hotel, windsock and helipad, tennis court and fencing. During hours of darkness, the development would increase the number of properties on the island emitting light at night and extend the overall area from which interior lights are visible.

I could not find a lighting strategy for the proposal and remain concerned that additional exterior lighting would be imposed at a later date due to safety considerations.

Summary

*For the reasons outlined above the South Devon AONB Unit **objects** to this application.*

Representations:

Support

1 letter of support has been received making comments including the following:

- Design is of the highest quality
- Will create a restrained but sensuously uplifting place for guests to take delight in this stunning location
- Will be an outstanding piece of architecture
- Forms and materials respond to and respect the character and appearance of the place

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

- Effectively part of the AONB even if not technically
- Visually unattractive
- Contrary to AONB guidelines
- No public benefit
- Potential for pollution and damage to wildlife during construction and use
- Light pollution
- MMO should be consulted
- Out of keeping with area and existing buildings
- Contrary to South Hams LDF Policies CS9, DP2 and DP6
- Adverse impact on setting of the listed hotel building.
- Will set a precedent for development around listed buildings in the area.
- Over-development
- Poor design
- Adverse landscape impact
- Adverse impact will then impact adversely on tourism economy
- Obstruction to navigation and chart updates have not been addressed
- The Maritime and Coastguard Agency and Hydrographic office should be consulted
- Treatment of waste needs extensive design to prevent pollution
- A carbuncle

South West Design Review Panel

The applicant instructed the South West Design Review Panel to assess the application. The detailed response can be viewed in full on the website. Their comment included the following:

- Landscape impact from distant viewpoints is minimal
- Landscape impact from closer views is appreciable
- There is no serious adverse landscape impact from anywhere – this judgement is influenced by the fact that the site, whilst rugged, is not in its natural state but within the hotel grounds adjacent a man-made tidal pool and there are other existing buildings in the vicinity – but dominated by the hotel which draws the eye.
- This is a visually recessive building consistent with the landscape character.
- The building will make a positive contribution to the natural setting forming a beautiful sculptural extension to the cliffs
- Has the potential to bring the highest quality architecture that will enhance the island and add to public enjoyment.
- Longer term economic/viability issues for the hotel are also material considerations
- Does not materially affect the setting of the Listed Building
- Recommend clarification of some detailed matters to ensure a top quality building is delivered with no adverse impacts
- Subject to the additional details requested the design panel gives it support to the scheme which would result in an exciting, perhaps iconic, piece of architecture likely to be celebrated nationally and internationally.

Relevant Planning History

05/2499/14/F – Solar panel array (200 panels, 50kW) on former tennis court – Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The application site is within the countryside, adjacent the AONB and within the South Devon Heritage Coast.

Within the countryside, outside of an identified settlement boundary, Policy CS1 of the South Hams Local Development Framework (LDF) states that development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need. This is supported by Policy DP15 which states that within the countryside development will be permitted where it requires a countryside location and supports the essential needs of agriculture or forestry or meets the essential small scale needs of a settlement that cannot be met within the development boundary.

Bigbury-On-Sea, opposite Burgh Island is a settlement identified within Policy CS1 as suitable for development, Burgh Island lies just outside this settlement.

Policy CS12 of the LDF states that new tourism and leisure facilities should be located to accord with a sequential approach, using previously developed land or buildings wherever possible. The sequential approach favours town centres and sites in the countryside, such as in this case, are the least favoured.

Policy DP12 of the LDF states that:

1. Proposals for tourism and leisure development, and tourist accommodation, will be permitted where they:

- a. are located in sustainable and accessible locations;
- b. do not undermine the vitality or viability of nearby settlements;
- c. provide a high quality attraction or accommodation; and
- d. encourage an extended tourist season.

2. In addition, in the countryside proposals will only be permitted where they:

- a. demonstrate they require a rural location and cannot be accommodated elsewhere, or be associated with the expansion of an existing facility; and
- b. support the objectives of rural regeneration

The proposed development is close to but outside of a development boundary and is not essential for either agriculture, forestry or to meet other essential local needs. As such the development would be contrary to Policies CS1 and DP15.

With regard to the sequential approach set out in Policy CS12, as the proposed development is to serve as an extension to the existing hotel accommodation there is no possibility of locating the development anywhere but the island, which falls into the last 'elsewhere' category of the sequential approach. It is accepted that there is no sequentially preferred site that this development could reasonably be located at (other than elsewhere on the island) and as such the development does accord with Policy CS12.

In terms of part 1 of Policy DP12 the proposal:

- a) is located in a sustainable and accessible location – access is from Bigbury-On-Sea which is identified in Policy CS1 as a sustainable location. Visitors park or arrive in Bigbury-On-Sea

and the hotel provides transport to the Island, visitors do not use their private cars to access the site;

- b) the development will increase tourism within the area and will support the vitality and viability of nearby settlements;
- c) the development will provide a high quality attraction and accommodation; and
- d) will encourage an extended tourist season.

As the site is in the countryside part 2 of Policy DP12 is also relevant. The proposal is associated with the expansion of an existing facility and by improving the long term viability of the hotel and adding to the local economy, will support the objectives of rural regeneration.

The proposed development is in accordance with Policies CS12 and DP12.

Despite the restrictive approach of Policies CS1 and DP15, Policy DP12 sets out a further exception to where development in the countryside may be acceptable. These policies all form part of the LDF and must be viewed together. It is concluded that the principle and location of the proposed development does accord with local planning policy subject to all other material planning considerations.

Paragraph 14 of the National Planning Policy Framework sets out a presumption in favour of sustainable development

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise); and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted (for example AONB, Heritage Coast and locations at risk of flooding or coastal erosion).

It is relevant therefore to consider if the proposed development accords with the development plan unless the relevant policies are absent or out-of-date

Design

Policy DP1 of the LDF requires that all development will display high quality design, which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape.

The NPPF also promotes good design. Paragraph 61 states that:

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 62 continues:

Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review. In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

And Paragraph 63 states that:

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

The applicant has, through the RIBA architecture competition to identify the design solution for this site, made best endeavours to secure the highest quality architecture for this highly sensitive location and setting. This scheme has been assessed by an independent regional Design Review Panel who have concluded that the proposed development has the potential to bring the highest quality architecture that will enhance the island and add to public enjoyment and subject to detail, would result in an exciting, perhaps iconic, piece of architecture likely to be celebrated nationally and internationally. As set out in the NPPF regard is to be given to the opinion of the Design Review Panel.

The proposed development combines highly contemporary forms that through the fluid curved lines of the building, its irregular but harmonious footprint, combined with the predominant use of natural stone elevations and the siting on the headland, arching out over the sea to meet the adjacent rock stack will create a unique building that blends gracefully into its setting whilst at the time making a subtle but highly contemporary architectural addition to the island.

Officers consider that the proposed development represents a very high standard of architecture that is without doubt innovative; if properly executed to deliver the quality indicated in the supporting drawings this could be outstanding design. As set out in the NPPF great weight has to be given to this.

A number of objections have been received that have different view, stating that the building will be an eyesore and a carbuncle.

Notwithstanding the positive comments above however clarification of some matters is required pre-determination, to ensure the high quality design promised is delivered, in particular:

- That the geology and structure of the rock stack will ensure for sufficient time for this to be sustainable development and will not give rise for the need for protection from erosion by measures such as rock armour.
- That operational requirements will not arise for safety barriers/railings and lighting in the vicinity of the new building which may detract from the architectural quality, landscape character and setting of the listed building
- That paraphernalia such as outdoor furniture can be managed so as not to adversely impact on the architectural and landscape quality and setting of the listed building.
- The detail/size and means of construction of the utility trench that would be required across the headland to allow assessment of its ecological, landscape and heritage impacts.

These details have been requested from the applicant but not yet submitted.

Landscape:

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

Policy CS9 of the LDF states that in designated AONB's their conservation and enhancement will be given great weight; the character of undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for; the quality, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced.

Policy DP2 of the LDF has similar aims but also specifies that development should avoid unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution and respecting the unspoilt nature and tranquillity of the area.

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty.

The South Devon AONB Unit have raised a strong objection to this application, their detailed response is included in full within this report. The Council's Landscape Specialist agrees with the nature of the objection.

The AONB Unit state that although the application site lies outside of the South Devon AONB boundary, Burgh Island makes an established and extensive contribution to the setting of the South Devon AONB. The application site lies within the South Devon Heritage Coast for which the AONB Management Plan also serves as the management plan. The proposal conflicts with the Council's adopted AONB Management Plan policies, will cause harm to AONB special qualities and does not accord with emerging AONB Planning guidance currently in post consultation draft form.

It identifies the special qualities of the AONB most pertinent to this application are:

- Fine, undeveloped, wild and rugged coastline.
- Iconic wide, unspoilt and expansive panoramic views
- A landscape with a rich time-depth and a wealth of historic features and cultural associations.
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- A variety in the setting of to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.

The AONB Unit finds that the proposed development does not conserve or enhance these special qualities of the South Devon AONB. If consented, the proposal will result in harm to the first four AONB special qualities listed above.

The AONB Unit also considers that the proposal jars badly, particularly when read in conjunction with the hotel and other current buildings, adding a contrived structure perched on top of actively weathering rock structures in a manner that does not respect the listed hotel building nor the island's landscape and seascape character.

The AONB Unit was critical of the methodology used to prepare Landscape Visual Impact Assessment (LVIA) submitted in support of this application, the LVIA has been amended to address these criticisms. The LVIA concludes that the overall significance of visual impact on all distant views of the site is low or low to insignificant. From the beach it is moderate to significant.

It is the close up view of the buildings that are significant; thousands of people visit the beach at Bigbury each year and many take part in water sports which allow close proximity to the island even during a higher tide.

The supporting documents point out the presence of a number of smaller buildings on the island set below the level of the hotel, mostly visible from the beach and Bigbury; the proposed building will be set at this lower level and will be subordinate to the dominating structure of the hotel. It is argued that this is not an undeveloped 'wild' island, but a small hamlet wherein the addition of one sympathetically designed building would not be inappropriate. The new building would sit adjacent to the Mermaid Pool, a man made tidal pool. The prominent hotel, now deemed as iconic, would most probably not be permitted today due to its landscape impact, but has become a focal point for many visitors to the area, adding to the attraction of Bigbury.

The AONB Unit considers that the east side of the island is undeveloped and rugged in character where the introduction of a contrived man made structure extending out from the island into the sea would have a significant adverse impact on the landscape character of this area of the AONB and Heritage Coast which this LPA has a duty to protect. Great weight has to be given to the objection and opinion of the AONB Unit.

The proposed development is contrary to national and local planning policy as it fails to conserve and enhance the scenic beauty of this area of the AONB and Heritage Coast.

Ecology

The application is supported by a Phase 1 habitat survey which concludes that subject to:

- The use of track mats to protect the ground from machinery during construction;
- A construction management plan
- Sensitive lighting plan to reduce the potential impact on seabirds

The proposed development is unlikely to have any impact on other protected species.

During construction there is the potential for pollution of the marine environment, a construction management plan would be needed to secure adequate controls and protection.

Economy

Tourism is an important element of the South Hams economy, particularly in rural coastal areas such as Bigbury-on-Sea.

Paragraph 28 of the NPPF states, inter alia, that;

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

The application is supported by a statement which sets out the need for the hotel to remain competitive within the market; the introduction of this stand-alone hotel suite would allow the hotel to tap into a different market and it predicts it will increase revenue by 8%. Maintaining a viable business at Burgh Island ensures the long term future of this Grade II listed building with the added economic benefits to the local economy such as employment, buying in of local services and tourism spending.

If permitted there is a strong possibility that the new building could become an attraction in itself, the design has already gained significant positive publicity for such a small scale development. This could help to raise the profile of Devon and the South Hams and could promote additional tourism to the area.

Some local concern has been raised stating that the building will adversely impact on the character of the island and will adversely impact on the quality of the AONB and Heritage Coast which will reduce visitor numbers, thereby adversely impacting on the local economy.

Officers consider that the likely impact will be to have a positive impact on the local economy.

Heritage

This application has been considered by the Council's Heritage Specialist who raises no objection to the principal of the development but is concerned that the impact of the development on the setting of the listed building would only be acceptable if it is built to the high standards indicated in the supporting statements; an outstanding piece of architecture could enhance the setting of the Listed Building; a badly executed scheme could cause substantial harm to the setting of the Listed Building

Concern is raised about the use of Yennadon Stone which the Heritage Specialist considers will not match the existing rock faces as intended as is not a local stone. Materials however can be agreed through a planning condition.

The Heritage Specialist is concerned that in future there may be a need to place protective armour around the stack to prevent erosion; this matter has not been addressed in the application and could adversely impact on the setting of the Listed Building.

Concern is also raised about the phasing of the construction project and the adverse impact that could arise if the construction is pro-longed. This could be managed however through a planning condition.

To improve the likelihood of a high quality building it is recommended that the current award winning architects remain as project managers; a planning condition could require that the current architects are retained unless an alternative company is previously agreed with the LPA.

Flood Risk

The Environment Agency are satisfied that the design takes into account climate change and that safe access and egress can be provided.

Neighbour Amenity:

No neighbour amenity issues arise

Highways/Access:

Access will be as for other guests of the hotel. The hotel provides private transport for guests in 4x4 vehicles coming from Bigbury-on-Sea or by using the sea tractor during higher tides.

Planning Balance

The principal of expanding an existing tourism business within the countryside is supported by LDF policy and the NPPF, subject to all other material planning considerations.

The NPPF states that great weight should be given to permitting innovative and outstanding architecture. It also states that regard should be given to the opinions of Design Review Panels. In this case the Design Review Panel conclusions can be interpreted to be that the proposed development, subject to detail, would be innovative and outstanding architecture. Officers agree that the proposal is for very high quality, innovative architecture. This weighs in favour of the development.

Support for the design principles is caveated however and it is considered that some matters of detail should be addressed pre-determination to ensure the delivery of an outstanding piece of architecture. This weighs against approving the application in its current form.

The proposal will help to secure the long term viability of an iconic Grade II Listed Building; if delivered at the highest standard the building could enhance the setting of the Listed Building. This weighs in favour of the development.

Insufficient information has been submitted to assess the likely need for rock armour and also with regard to how habitation of the building will be managed to ensure the architectural integrity is not compromised by such things as hand rails, lighting and outdoor furniture. The weighs against approving the application in its current form.

The proposed development could add to the attraction of Bigbury and the South Hams as a tourist destination, the building becoming a point of interest in itself; the development will increase the potential number of guests using the hotel and it is hoped it will attract longer stays; the development will help to secure the long term viability of the hotel. All these factors make a positive contribution to the local economy. This weighs in favour of the development.

The NPPF states that great weight should be given to conserving the AONB and Heritage Coast. The AONB Unit consider the proposed development will have a significant adverse impact on the landscape character and quality of the area and object strongly to the proposal. The weighs heavily against the development.

The areas of uncertainty, regarding rock armour, domestic paraphernalia, safety railings etc, together with the adverse landscape impact identified by the AONB Unit weigh clearly against the development and as such the Officer recommendation for the application as currently presented is for refusal.

Were the areas of uncertainty fully addressed and it was demonstrated that all these issues would not impact on the outstanding quality of architecture, nor on the setting of the Listed Building the only issue weighing against the development would be the adverse landscape impact.

The NPPF requires that great weight is given to conserving the landscape and scenic beauty of AONBs and Heritage Coasts, this is supported by local planning policy. The NPPF also requires that great weight be given to innovative and outstanding design; whilst local planning policy supports high quality of design it does not allocate the same status to outstanding design as the NPPF. The LPA is the custodian of the AONB which is a finite resource.

Whilst a finely balanced judgment, it is considered that the adverse impact of the proposal on the character and appearance of the AONB and Heritage Coast weighs greater than the potential to achieve innovative, outstanding architecture that would also benefit the economy and help to secure the future of an iconic listed building. As such, even if the matters of detail mentioned in the report were to be satisfactorily addressed Officers would, on balance, recommend that planning permission be refused.

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

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change
CS12 Tourism

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
DP12 Tourism and Leisure

Emerging Joint Local Plan

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the

policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

Relevant emerging JLP Policies:

SPT11 Strategic approach to the natural environment
DEV15 Supporting the rural economy
DEV 20 Place shaping and the quality of the built environment
DEV 21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape Character
Dev25 Undeveloped Coast
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV24 Landscape Character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV37 Managing flood risk and water quality impacts
DEV28 Coastal Change Management Areas

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Sarah Carroll **Parish:** Marldon **Ward:** Marldon and Littlehempston

Application No: 4033/16/HHO

Applicant:

Mr I Rowden
Low Cedars
Westerland
Marldon
TQ3 1RR

Site Address: Low Cedars, Road From Marldon Cross To Roots, Westerland, Marldon, Devon, TQ3 1RR

Development: Householder application for composite decking to rear of property to facilitate access from bedroom and conservatory.

Reason item is being put before Committee

The applicant is an employee of the council.

Recommendation:

Conditional Approval

Conditions

Standard time limit
Adherence to plans

Key issues for consideration: The principle of the development and potential impact on the amenity of the neighbouring properties.

Site Description: The site lies to the west of Totnes road in Westerland on the approach into Marldon. Access to the site is achieved via a lane in the centre of two residential plots of a similar size. The proposal site lies behind these two residences with larger plots located to the south and to the north of the site. There is a large amount of vegetation surrounding the plot, to the south of the site in particular.

The Proposal:

The proposal seeks to introduce new steps and a terrace to the north-west corner of the dwelling to meet the ground floor level of the existing property. The access onto the terrace will be from the conservatory and bedrooms at ground floor and access steps lead into the garden area of the site. As the ground level slopes down away from the dwelling, the height of the decking above ground level will range from 0.65m (closest to the dwelling) to 0.8m as the ground level slopes away.

Consultations:

- County Highways Authority: N/A
- Environmental Health Section: No comments received.

- Town/Parish Council: Support

Representations:

There were no letters of representation in relation to this proposal.

Relevant Planning History

No relevant planning history.

ANALYSIS**Principle of Development/Sustainability:**

The principle of the development is considered acceptable as the development is minor in nature and occurring within the grounds of a residential curtilage to improve the amenity of the existing property.

Design/Landscape:

There is thought to be no harmful impact on the dwelling in terms of the design of the proposal. Officers agree that the proposal is minor in nature and will have little or no negative aesthetic effect on the property as a whole.

Neighbour Amenity:

There are no neighbour amenity issues as a result of this proposal. There is no view of private areas of neighbouring properties and therefore the neighbour impact is negligible.

Highways/Access:

No highway issues arise

Planning Balance:

It is recommended that conditional approval be granted.

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

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

Emerging Joint Local Plan

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- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Relevant Emerging JLP Policies

TTV32 Residential Extensions and Replacement Dwellings in the Countryside
Policy DEV1 Protecting health and amenity
Policy DEV10 Delivering high quality housing
Policy DEV24 Landscape character

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended Conditions:

1. The development 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) site location plan, SHDC 1, SHDC 2, SHDC 3, SHDC 4 and SHDC 5 received by the Local Planning Authority on 09/01/2017.
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.

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

Appeals Update from 3-Feb-17 to 2-Mar-17

Ward Ivybridge East

APPLICATION NUMBER : **0786/16/OPA** APP/K1128/W/16/3160136
APPELLANT NAME: Mr & Mrs Alec Murdoch
PROPOSAL : Outline application with some matters reserved for 2no. new dwellings
LOCATION : Filham Cottages Godwell Lane To Filham Cross Filham Devon PL21 0DH
APPEAL STATUS :
APPEAL START DATE: 21-November-2016
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 13-February-2017

Ward Newton and Yealmpton

APPLICATION NUMBER : **37/1831/15/F** APP/K1128/W/16/3155335
APPELLANT NAME: Mr and Mrs Williams
PROPOSAL : Provision of new dwelling
LOCATION : Development Site At Sx 552 481 Barnicott Bridgend Hill Newton Ferrers
APPEAL STATUS : Appeal decided
APPEAL START DATE: 22-August-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 03-February-2017

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **2498/16/HHO** APP/K1128/D/16/3163477
APPELLANT NAME: Mr I Gardner
PROPOSAL : Householder application for first floor extension (resubmission of 55/2207/15/F)
LOCATION : 16 Meadcombe Road Thurlestone Devon TQ7 3TB
APPEAL STATUS : Appeal decided
APPEAL START DATE: 22-December-2016
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 17-February-2017

ENFORCEMENT NUMBER : **007317** APP/K1128/C/16/3162002
APPELLANT NAME: Mr P Colclough
PROPOSAL :
LOCATION : Salcombe Court, Cliff Road, Salcombe, TQ8 8JQ
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 24 February 2017
APPEAL DECISION:
APPEAL DECISION DATE:

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

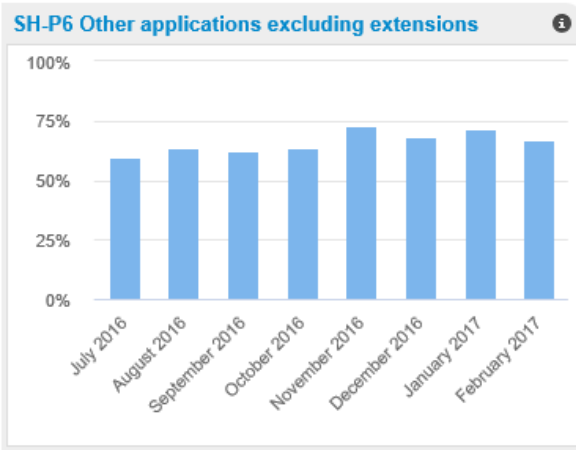
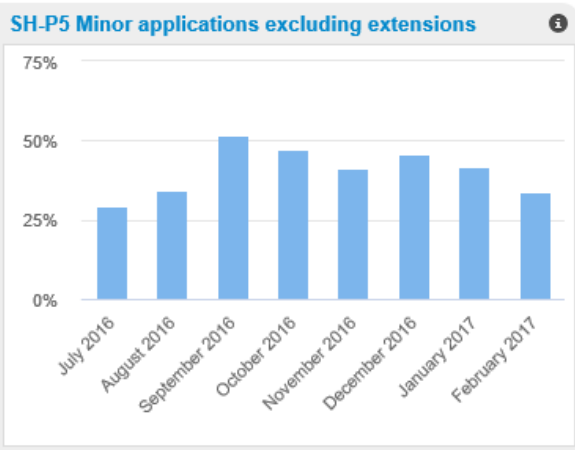
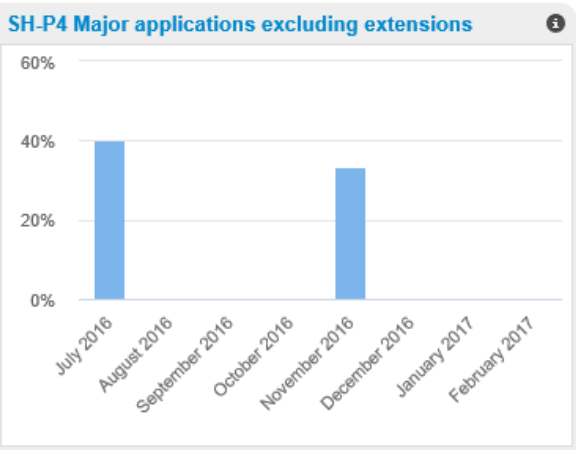
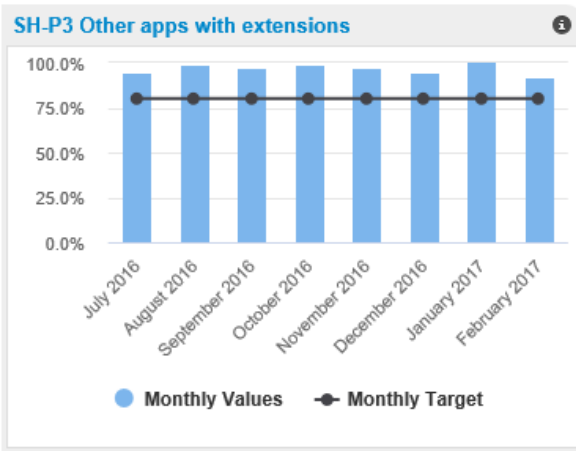
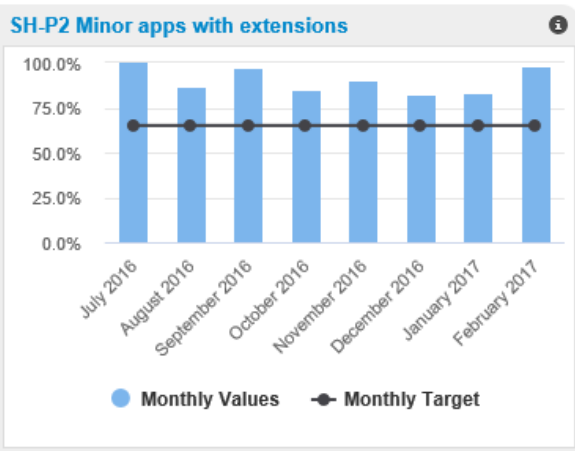
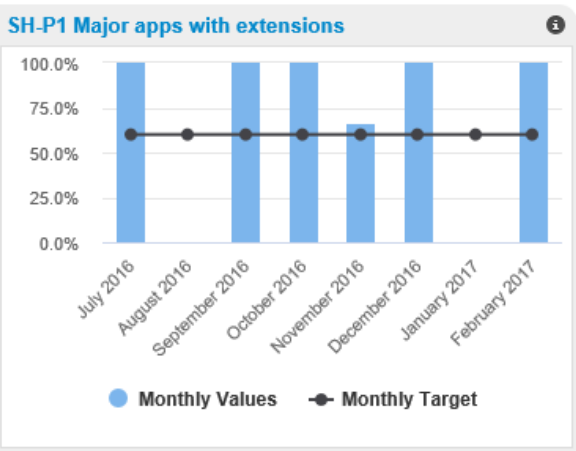
Ward Kingsbridge

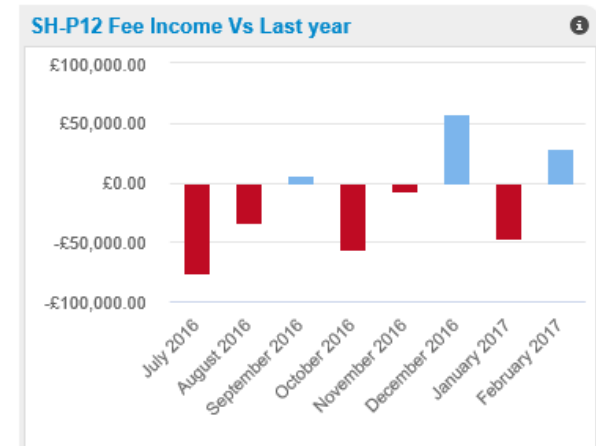
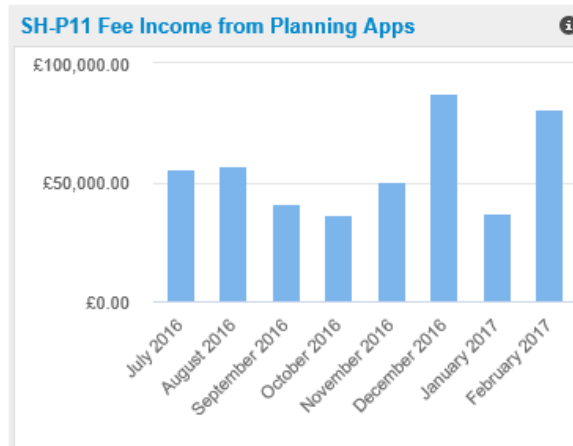
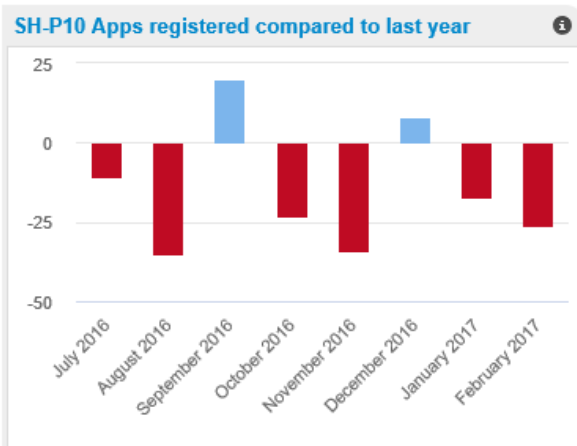
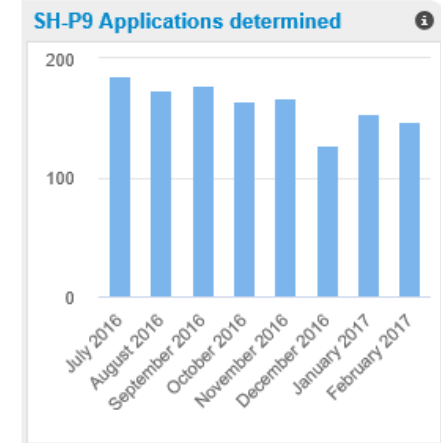
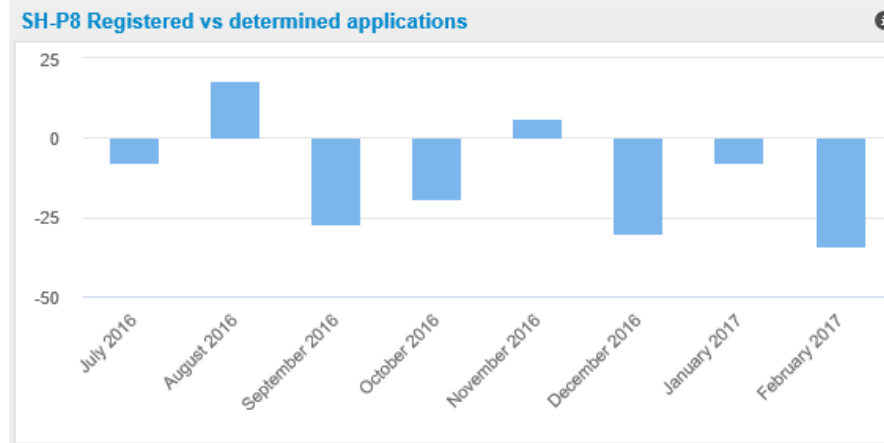
APPLICATION NUMBER : **28/1560/15/O** APP/K1128/W/16/3156062
APPELLANT NAME: H2 Land Ltd
PROPOSAL : Outline application with some matters reserved for residential development scheme for 32no. dwelling at allocated site K4
LOCATION : Proposed Development Site At SX 7392 4386, Allocated Site K4, Garden 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:

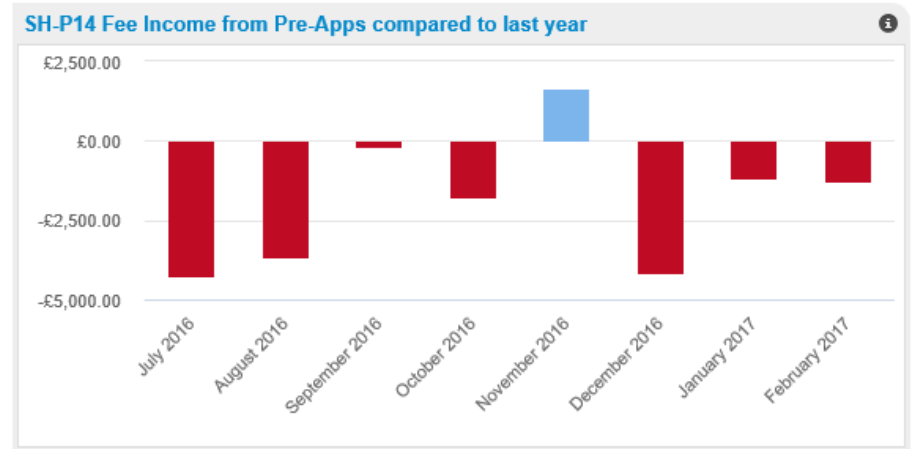
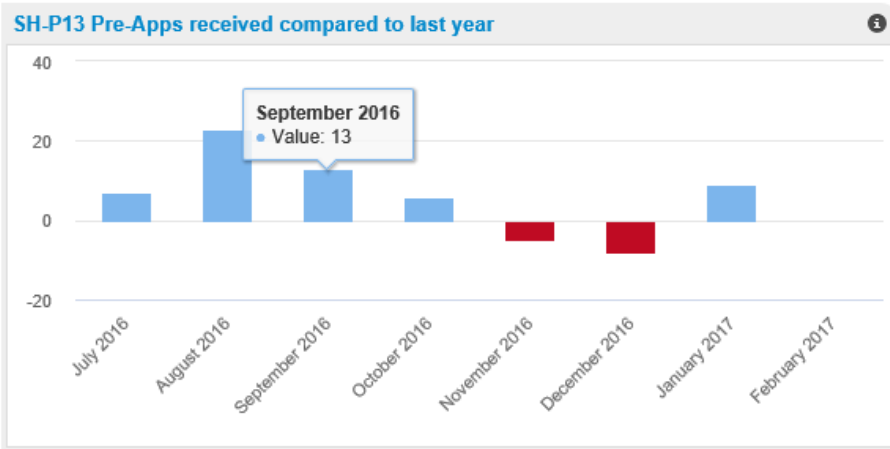
Ward Bickleigh

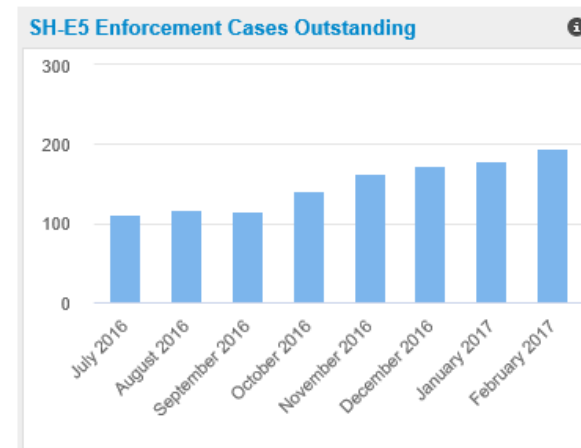
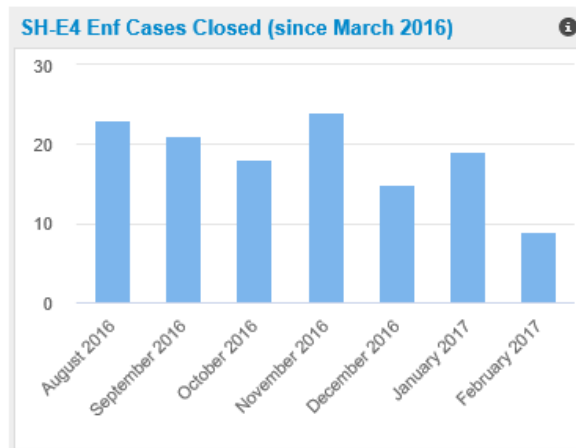
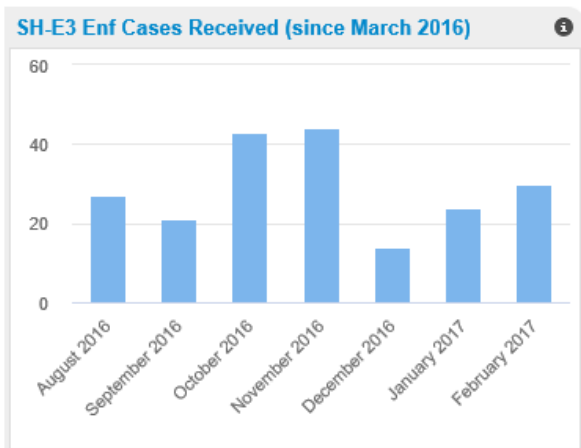
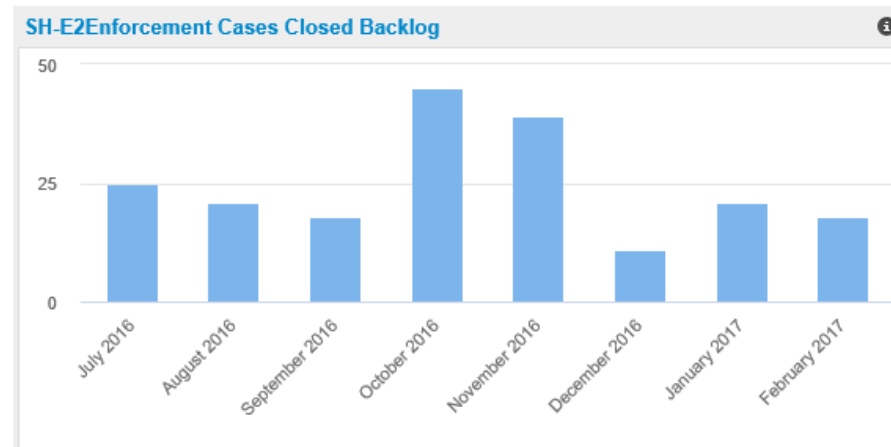
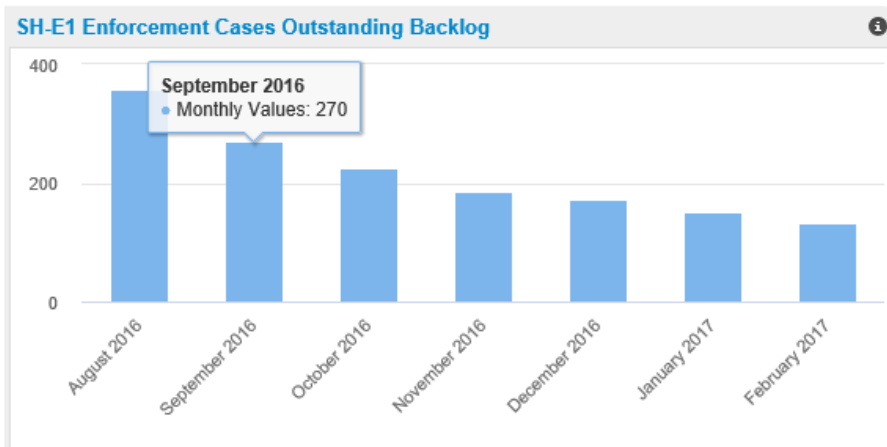
APPLICATION NUMBER : **04/1129/15/F** APP/K1128/W/16/3167179
APPELLANT NAME: Taylor Wimpey Exeter
PROPOSAL : Construction of 65 no. dwellings together with associated landscaping, car parking and infrastructure.
LOCATION : Proposed Development Site At SX 4744 6168, Allern Lane, Tamerton Foliot
APPEAL 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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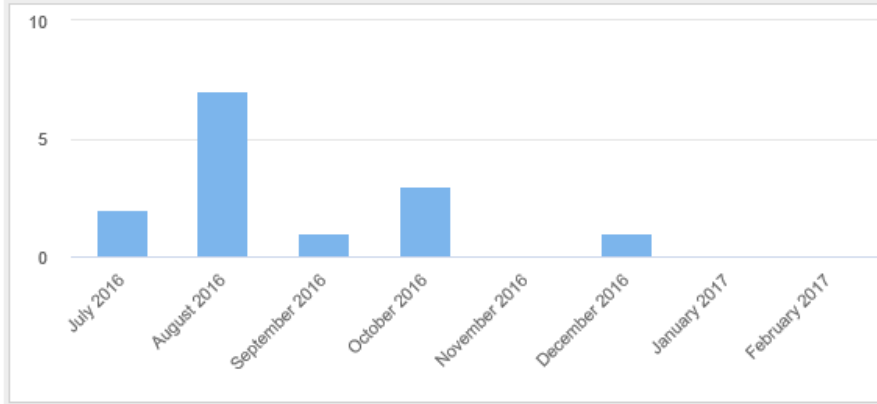




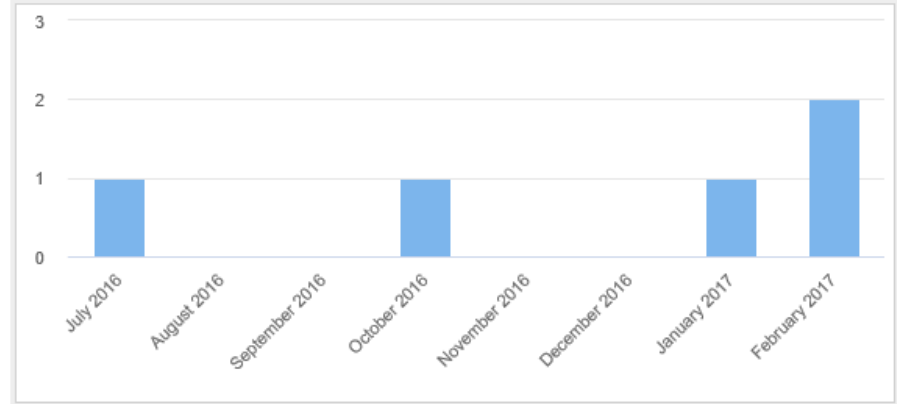




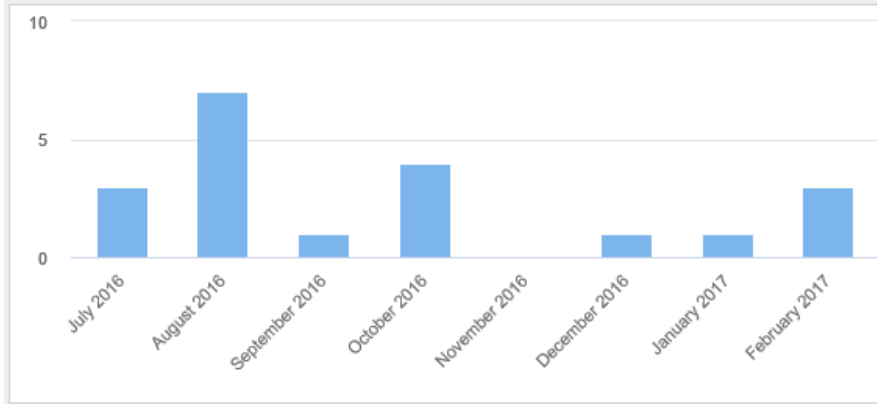
W2PEC 30 Appeal Decisions (Officer Delegated)



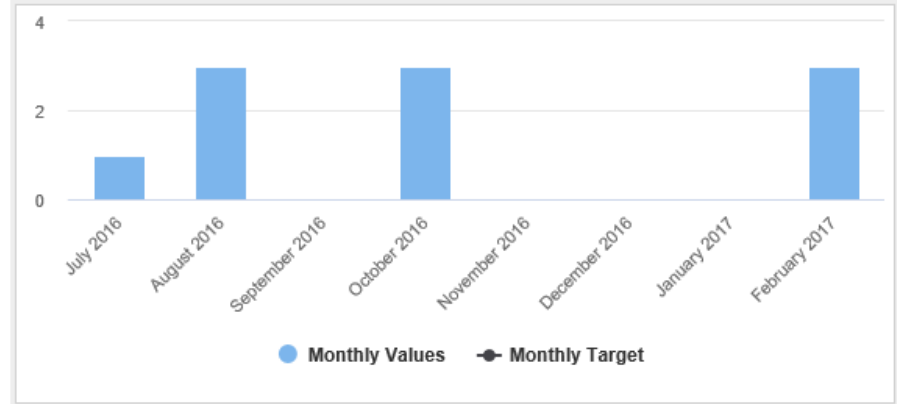
W2PEC 31 Appeal Decisions (Committee)



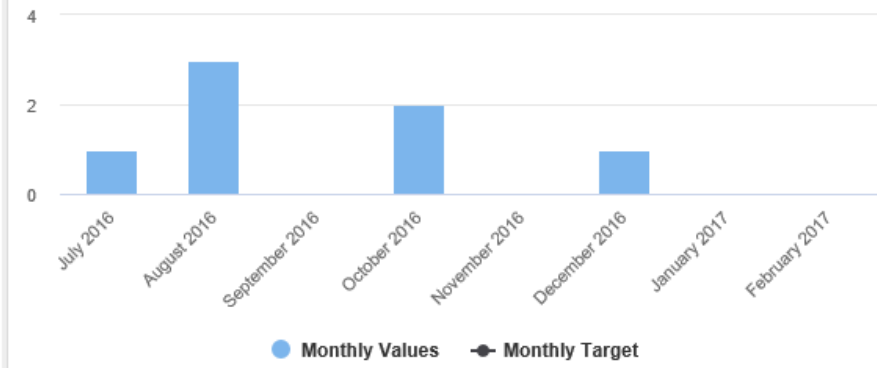
W2PEC 28 Appeal Decisions



BV204a Total planning appeals allowed



W2PEC A Appeals allowed - officer decision



W2PEC 29 Appeals allowed - member against officer decision

