

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 29th November, 2017										
Time:	11.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Brown</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 Brown	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Brown	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 - 8

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 1 November 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://apps.southhams.gov.uk/PlanningSearchMVC/>

(a) 2821/17/FUL

9 - 46

Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and re-establishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space

Fort Bovisand, Bovisand

(b) 1812/17/OPA

47 - 84

Outline application with all matters reserved for erection of circa 25no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park
Proposed development site at SX 550 523, Land at Venn Farm, Brixton

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

(c) 25/1720/15/O

85 - 114

Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works

Proposed Development Site at SX612 502, Land North of Church Hill, Holbeton

(d) 2964/17/FUL

115 - 126

Proposed construction of dwelling, with associated access, parking and landscaping works

Plot adjacent Old Coastguard Store, East Prawle

(e) 3360/17/FUL

127 - 146

Development of 49.99MW Battery Storage Facility with associated infrastructure and landscaping

Land at SX 774 647, Riverford Farm, Staverton

(f) 3083/17/FUL

147 - 154

Erection of an extension to provide new swimming pool and alterations to allow refurbishment to existing leisure centre

Ivybridge Leisure Centre, Leonards Road, Ivybridge

	Page No
(g) 2027/17/HHO	155 - 160
Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace.	
Brook Bakery, Riverside Road West, Newton Ferrers	
(h) 3071/17/FUL	161 - 166
Replacement of existing 2no. 2 storey dwellings with a single new dwelling with room in the roof and roof top terrace.	
18A & 18B, Leechwell Street, Totnes, TQ9 5SX	
7. Planning Appeals Update	167 - 170
8. Planning Performance Indicators	171 - 178

**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,
1 NOVEMBER 2017**

Members in attendance * Denotes attendance			
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

Other Members also in attendance:

Cllrs Baldry, Bastone 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.25/17

MINUTES

The minutes of the meeting of the Committee held on 4 October 2017 were confirmed as a correct record and signed by the Chairman.

DM.26/17

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 Brazil declared a personal interest in application number **2224/17/FUL**: The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation – The Tea House, Beacon Hill, Holbeton by virtue of the sister of the registered supporter of this application being a family friend and remained in the meeting and took part in the debate and vote thereon;

Cllr P W Hitchins declared a personal interest in application number **1743/17/FUL**: New dwelling – 1 Old School House Cottage, Bickleigh by virtue of the applicant of this application being a fellow member of the parish council and remained in the meeting and took part in the debate and vote thereon;

Cllr D Brown declared a personal interest in the following planning applications that were sited within the South Devon AONB by virtue of being a Member of the South Devon AONB Partnership Committee and remained in the meeting and took part in the debate and vote thereon:

- **2826/15/FUL:** Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking – Tides Reach Hotel, Cliff Road, Salcombe;
- **2224/17/FUL:** The safeguarding and reuse of the Tea House, Beacon Hill as one bedroom holiday accommodation – The Tea House, Beacon Hill, Holbeton; and
- **2027/17/HHO:** Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace – Brook Bakery, Riverside Road West, Newton Ferrers

DM.27/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

DM.28/17 **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:

2826/15/FUL Tides Reach Hotel, Cliff Road, Salcombe

Parish: Salcombe

Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking

Case Officer Update: National Trust representation on file but not referred to in the report, deals with concerns raised by AONB Unit and Natural England and draws attention to concerns about viability of the proposal; amendments to conditions not reflected in the report – Condition 6, amend wording relating to the floor level of the spa facilities; Condition 8 wording amended following receipt of a third party drainage strategy; Condition 24 wording amended re phasing plan. He reported a number of representations that had been received after publication of the agenda.

Speakers included: Objector – Ms Hannah Virta: Supporter – Mr Nicolas Roche & Mr Dave Jobbins; Salcombe Town Council – Cllr Mark Long; and local Ward Members – Cllrs Pearce and Wright

Recommendation: That Development Management Committee delegates the authority to the CoP Lead to approve, subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

Committee Decision: That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 obligations:

- A financial contribution of £400,000 disaggregated as:
 - £ 7,074 in education contributions
 - £ 392,926 towards Affordable Housing
- Provision of 5 pay and display parking spaces on site for use by the public within the hotel car park which are available for public use for a fee commensurate with public car parking rates within administrative district of the Council

Conditions:

1. Time, commencement within 18 months
2. Accord with Plans and Supporting Information
3. Floor Levels
4. Construction Environment Management Plan (including details of all permits, contingency plans and mitigation measures for the control of pollution, biodiversity and manage production of wastes) – submission prior to commencement of works
5. Flood Compensation Area – submission of details prior to commencement of works
6. Spa area restricted to Spa use only
7. Flood resilient construction
8. Permanent surface water drainage strategy submitted prior to commencement

9. Adoption and maintenance arrangements – surface water
10. Design of Lower Terrace & Upper Terrace Wave Defence – details to be submitted prior to commencement of works
11. Landscape and Ecological Management Plan (detail and implementation) - submission prior to commencement of works
12. Landscape scheme incorporating flood mitigation
13. Travel Plan Strategy
14. Construction Management Plan (Highways) – submission prior to commencement of works
15. Specification of external finishing materials of building and hard landscaping (including details of parking surface no dig surfaces)
16. Implementation of Parking/Visibility Splays - prior to use of the hotel/apartments
17. Lighting Scheme ((reflecting requirements for avoiding impact on habitats used by bats)
18. Fume Extraction
19. Noise Levels & Mitigation for All Plant
20. Details External Appearance for Refuse Storage
21. Unsuspected Contamination
22. Control over Piling/Foundation Designs
23. Programme of Archaeological Work
24. Completion of hotel prior to occupation of dwellings
25. Scheme for protection and retention of trees
26. Adherence to mitigation measures detailed within section 4 of the EclA.
27. Confirmation of granting of licence prior to commencement
28. Privacy screen condition

2224/17/FUL The Tea House, Beacon Hill, Holbeton

Parish: Newton and Noss

The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation

Case Officer Update: The history of the site was apparently that it was constructed around 1750 as a pleasure house. A revised plan submitted by the applicant to indicate the elevations outside of the ruin was shown. It had been done in 3D, but showed a metal box with glazing in the centre of the 4 elevations, with a wider opening towards the south (the sea).

Speakers included: Objector – Ms Sandi Marshall: Supporter – Mr Geoff Sayers: local Ward Member – Cllr Baldry

Recommendation: Refusal

Committee Decision: Refusal

2027/17/HHO Brook Bakery, Riverside Road West, Newton Ferrers

Parish: Newton and Noss**Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace**

Case Officer Update: None

Speakers included: Supporter – Mr Chris Hotham: Parish Council representative – Cllr Alison Ansell: local Ward Member – Cllr Baldry

Recommendation: Conditional Approval**Committee Decision:** Deferral

During discussion, a number of Members raised concerns over the method of construction, and asked that a Construction Management Plan be included as an additional condition. Whilst Members were broadly supportive of the application, there were concerns regarding the visual impact on the streetscene of the proposed door to the boat store. Members also requested that a record be taken of the internal elements of the property that related to the previous use as a bakery, as it was felt that they would be of historical interest. Members concluded the discussion by **PROPOSING** that the application be deferred, and re-presented to a later meeting of the DM Committee with details of the proposed door and window in the front elevation and confirmation that a Construction Management Plan would be provided. This proposal was **SECONDED** and on being put to the vote declared **CARRIED**.

1743/17/FUL 1 Old School House Cottage, Bickleigh**Parish: Bickleigh****New dwelling**

Case Officer Update: None

Speakers included: Supporter – Mr Frank Turner: local Ward Member – Cllr Hitchins

Recommendation: Refusal**Committee Decision:** Refusal

During discussion, some Members felt that the proposal was in a sustainable location, and that the proposal was organic development that should be allowed in a village location. Other Members accepted that the proposal was outside current policy and agreed with the recommendation of refusal.

It was initially **PROPOSED, SECONDED** and on being put to the vote declared **LOST** that the application be conditionally approved. A further vote resulted in the decision of refusal.

DM.29/17 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management presented further detail on specific cases. Following this, he discussed with Members the merit of imposing a condition on approvals for new agricultural buildings to required their removal if no longer used for agriculture. The purpose of the condition would prevent the proliferation of buildings in the countryside and is similar to the provisions within permitted development for agriculture. Members supported this as a way forward.

DM.30/17 **PERFORMANCE INDICATORS**

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

It was then:

RESOLVED

That the latest set of performance indicators be noted.

(Meeting commenced at 2.00 pm and concluded at 6.10 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 1 November 2017

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
2826/15/FUL	Tides Reach Hotel, Cliff Road, Salcombe	Conditional Approval	Cllrs Steer, Foss, Vint, Pearce, Cuthbert, Holway, Bramble, Brown, Hitchins, Rowe (10)	Cllr Hodgson (1)	Cllr Brazil (1)	
2224/17/FUL	The Tea House, Beacon Hill, Holbeton	Refusal	Cllrs Steer, Foss, Vint, Hodgson, Pearce, Cuthbert, Bramble, Brown, Rowe, Hitchins, Brazil (11)	Cllr Holway (1)	(0)	
Page 7 2027/17/HHO	Brook Bakery, Riverside Road West, Newton Ferrers	Deferral	Cllrs Brown, Foss, Holway, Vint, Pearce, Hodgson, Brazil, Hitchins (8)	Cllrs Steer, Bramble, Cuthbert, Rowe (4)	(0)	
1743/17/FUL	1 Old School House Cottage, Bickleigh	Conditional Approval				Cllrs Brown, Vint (2)
1743/17/FUL	1 Old School House Cottage, Bickleigh	Refusal				Cllrs Brown, Vint (2)

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

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

Application No: 2821/17/FUL

Agent/Applicant:

ADP
5 Coldharbour Business Park
Sherborne
Dorset
DT9 4JW

Applicant:

Mr P Beagle
c/o Darnells Chartered Accountants
Quay House
Quay Road
Newton Abbot
TQ12 2BU

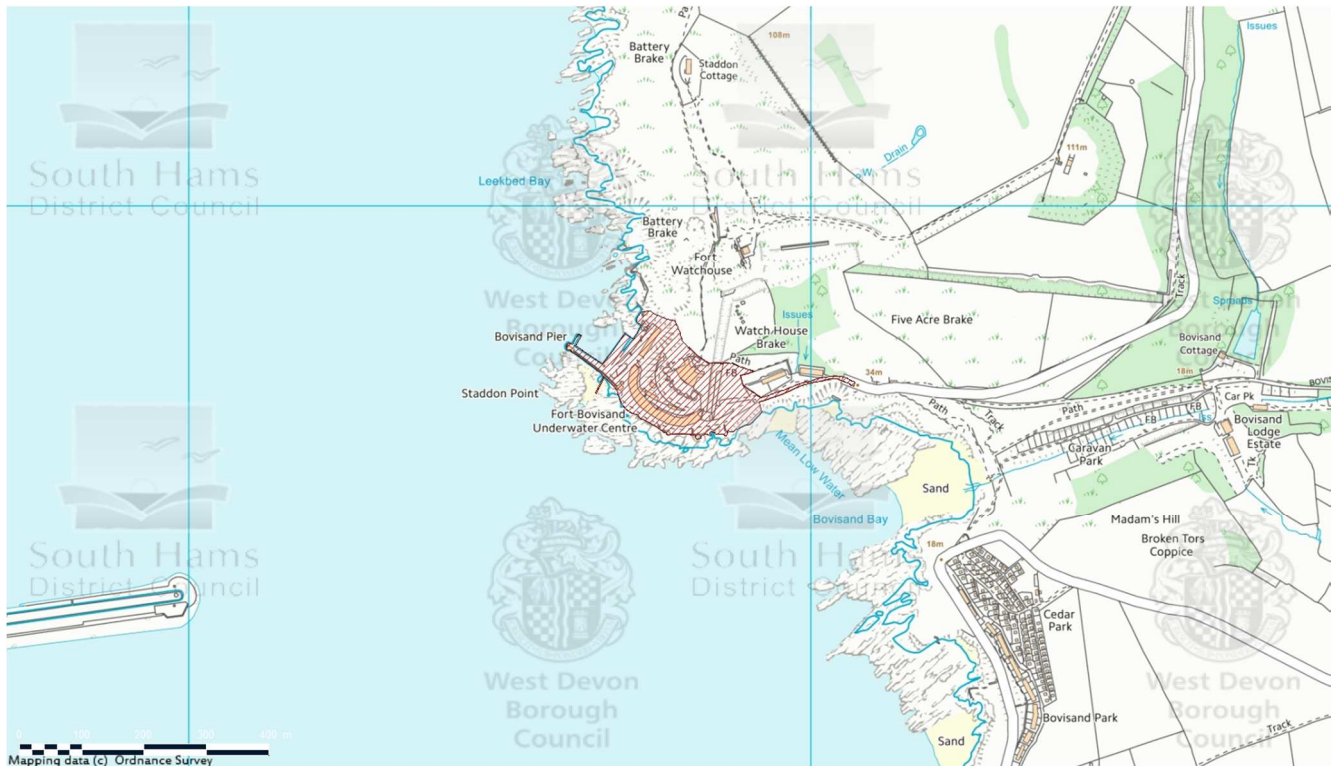
Site Address: Fort Bovisand, Bovisand, Devon, PL9 0AB

Development: Revised application for the conversion of Bovisand Fort and associated buildings, removal of one building, and construction of new towers, an apartment building, 11 new dwellings, new quayside commercial accommodation and conservation of historic fabric, together with associated landscaping, parking and re-establishment of the link to the coastal footpath, creating a total of 81 residential units, office, teaching/studio space, event space, visitor centre and facilities, café and relocation of MOD space and additional commercial space.

Reason item is being put before Committee:

Councillor Brown wants the application to be heard at Planning Committee because:

- Considerable public interest
- in my view considerable change from original application



Recommendation: Approval

Conditions/Reasons for refusal (list not in full)

1. Time limit
2. Accord with plans
3. Materials samples
4. Archaeological investigation and recording
5. Landscaping
6. Contaminated land details
7. Contaminated land verification report
8. Unexpected contaminated land
9. Construction Management Plan
10. Details of foul drainage system to be agreed
11. Repairs to pier/ harbour to be agreed and undertaken
12. Public safety procedures for flood or storm events to be agreed
13. Details of surface water drainage and pollution interceptors to be agreed
14. Revised emergency response plan to be agreed
15. Recommendations in Unexploded Ordnance Threat Assessment Report to be followed
16. Planting scheme for green roofing to be agreed
17. Recommendations in Unexploded Ordnance Threat Assessment Report to be followed
18. Details of all external lighting to be agreed
19. Bat Mitigation Strategy to be agreed and enacted
20. Reptile Method Statement and Mitigation Strategy
21. Details of the proposed interpretation boards etc to be agreed
22. Construction and Ecology Management Plan shall be submitted to the LPA for approval
23. A Landscape Ecological Management Plan shall be submitted to the LPA for approval, incorporating requirements for protected species
24. European Protected Species Licence prior to commencement
25. The final design details and material choices shall accord with DIO rules

Key issues for consideration:

- Development in the countryside
- Impact on AONB
- Effect on listed buildings and scheduled ancient monuments
- Traffic generation on completion
- Impact of development on neighbours
- Environmental impact
- Wildlife, ecology and biodiversity
- Water quality
- Flooding
- Contamination, unexploded ordnance etc
- Emergency response and public protection
- Benefits of visitor centre and restored heritage assets to the area
- Design of the new build elements

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

It was agreed during pre-application discussions that the site faces a large 'conservation deficit' and can only be viable with enabling development. The proposal also missed out on receiving the Heritage Lottery Funding, which was aiding the viability in the previous proposal. The viability figures have been assessed by Historic England's expert advisor and are judged to be sound. For this reason no financial contributions are sought.

Site Description:

The site is a former fort complex and was part of the coastal defences for Plymouth and encompasses evidence for continuous phases of improvement and adaptation to cope with changing threats and technological advances over the centuries. It is a fine example of a 19th century Palmerston fort. The completeness and outstanding national significance is acknowledged by the status of Scheduled Monuments and listing, with the lower fort being grade II* and the upper fort grade II. Recently some of the WWII searchlight structures have also been listed at grade II and Rennie's fine harbour wall is also listed at grade II. Regular use of the site by the MOD has ceased in recent years and as such the site has become vulnerable to vandalism and a lot of damage has occurred.

The Fort Bovisand complex lies towards the southern end of the site and is comprised of an upper (north) and lower (south) fort, ancillary buildings; a harbour and pier, containing further buildings including the dive centre; a relatively recent (1980s) accommodation block; several historic submarine searchlight positions; and a recent navigation waylight tower. The upper and lower forts are constructed over several levels including subterranean corridors, basements and other structures. The upper fort dates from 1849 and the lower fort from 1860-1869. The older buildings are mostly constructed of granite, limestone, concrete and brick.

The site is also well known for its dive centre and this important facility will also be provided for by the proposed development.

Fort Bovisand is a much loved feature of the coast path and for many years it was visited by generations of local people. Despite its scale and the robust and imposing nature of the buildings the site is well integrated into the landscape with a wild and natural character.

The 1980's dive centre accommodation block has not aged well and detracts from the appearance of the site as well as the setting of the heritage assets.

A previous proposal for the redevelopment and regeneration of the site was approved in 2015. The current has some changes from that approved scheme.

The site lies within the South Devon Area of Outstanding Natural Beauty (AONB).

The Coast guard cottages are listed grade II (outside of the application site)

Land to the north of the main fort buildings and the seashore are designated a Site of Special Scientific Interest (SSSI);

It is within the Plymouth Sound and Estuaries Special Area of Conservation (SAC)

It is also within the Bovisand County Wildlife Site and the Wembury Voluntary Marine Conservation Area.

A listed building application has also been submitted alongside the planning application. The detailed analysis of the impacts and works to the historic assets has been provided in that report.

The Proposal:

This is a revised application for the conversion of Bovisand Fort and associated buildings, which includes;

- Conversion of the SAM and listed building to the Lower Fort
 - Casemates 00 – 03 Café/restaurant with new build first floor extension (as per the approved scheme)
 - Casemates 04 – 06 for flexible event space
 - Casemates 07 – 08 permanent visitor centre

- Casemates 09 – 23 to provide 15 residential units of which 7 are as per the approved scheme
- Casemates 11 – 13 will be linked to the WW II towers above and a new infill extension.
- Conversion of the Scheduled Ancient Monument and listed building of the Upper Fort to provide 6 residential units. (This is as already approved).
- Construction of 2 new towers, (effectively the reinstatement of the historic towers) in the Upper Fort to provide 8 new residential units (4 in each tower);
- Construction of a new residential unit, replacing Hill House (this will include the retention / conversion of the searchlight position contained within the existing structure);
- A new apartment building, which will replace the existing two storey accommodation block to create 41 new apartments (30 were previously approved).
- Conversion of the Quartermaster's house with new first floor extension to replace the existing one, which will provide 1 residential unit
- Construction of 3 new residential units (outside the SAM) – Quarry Road cottages
- Construction of 6 residential units (also outside the SAM), Fort Bovisand Cottages
- New build quayside accommodation (replacing the existing structure) for the relocation of the MOD space/ commercial use for water based activities
- Conversion of buildings 5 & 6 to maintain space for commercial use and provide storage
- The searchlight positions, gun emplacements, buildings 1, 7 and 8 will be conserved with later additions removed.
- Remove building 9
- Landscaping of parts of the wider site and the creation of public landscaped areas at the Quayside.
- The former link to the public footpath will be reinstated.
- Residential, visitor and commercial parking provision. 65 additional spaces plus 16 cycle spaces and 4 disabled visitor spaces.
- An energy centre and LPG storage (as per the approved scheme).

The proposal is supported by the following reports and documents:
 Fort Bovisand Wave Overtopping Final Report May 2017

Fore Bovisand redevelopment SW and FW assessment 2017

Structural Engineering Statement.

Conservation Management Plan July 2017 plus appendices A-F.

Geotechnical Investigation reports: Geo – environmental-The site has had extensive MOD usage over the years and more recently extensive improvement works for commercial use. In the areas investigated, generally low contaminant concentrations were recorded with the exception of a localised hotspot. On further examination by bore testing, no further contamination was identified.

All other areas are considered to be of lower concern due to the proposal either being hard covered or low land use sensitivity and the existing site condition of very thick concrete floors which would have significantly minimised any potential contaminant migration. It is therefore assessed that significant contamination is not expected and extensive remedial measures are not likely to be required.

A number of locations of former fuel storage could not be fully investigated, therefore, further visual investigation is recommended during construction.

Geo technical: The previous geo-technical report identified key areas of immediate and short-term risk to the entrance road to Fort Bovisand. The immediate risk is to an area adjacent to the site entrance road where the road is only a metre or so from a near vertical cliff face. The short-term risk areas lie outside of the site adjacent to the entrance road opposite the neighbouring Bovisand Court.

Further investigations were undertaken to the cliffs within Fort Bovisand and found that there are areas where seawalls and coastal structures are being undermined. Design work has taken place to provide a preliminary report for the stabilisation of the cliffs which will be the subject of a separate planning application.

Preliminary Condition Assessment

Stabilisation works parts 1 -3

Design and Access Statement:

This provides detailed design and access analysis and explains the ethos behind the design evolutions.

Planning Statement. This provides an analysis of the planning policies in place in the area

Photographs of Fort Bovisand from various viewpoints

Arboricultural Survey: The Arboricultural survey identifies seven trees on the site which should, and are, being retained. Of the remaining, only five trees are to be affected by the proposal, two to the side of the accommodation block and one at the base of the killing trench and two to the rear of the upper fort.

Ecology Survey: A preliminary ecological report was carried out to support the original application which concluded: Evidence of bat use, mainly in the form of droppings and feeding remains, was found throughout much of the upper and lower forts; most of the other buildings have relatively low bat roost potential and contained no visible evidence of bat roosting in the areas inspected. Two lesser horseshoe bats were observed roosting in a subterranean corridor and DNA analysis of sampled droppings confirmed the presence of greater horseshoe bat, grey long-eared bat and brown long-eared bat. The surveys undertaken found low numbers of bats to most of the existing buildings. The proposed development and works are likely to affect the bats to the extent that a licence will need to be obtained from Natural England.

Bird survey: A breeding bird survey was undertaken of the site in 2014 (Swift Ecology 2014), based upon the combined survey methodologies of the common bird census (BTO 1983) and cirl bunting survey (RSPB 2014) methods, which identified forty-three bird species, indicating that the site is of 'local' ornithological importance. It also concluded bird species of high and medium conservation status, including a single recording for cirl bunting (a legally protected, rare species of high conservation concern). However the lack of further sightings/recordings was considered to indicate that the site did not include any nesting sites for cirl bunting during 2014.

Two further surveys have been carried out in 2015 and 2016, A total of thirty-five and twenty seven species were recorded during the 2015 and 2016 breeding bird transect surveys respectively, of which twenty-two species are considered to breed within or in the immediate surroundings to Fort Bovisand, reconfirming the site of 'local' ornithological importance. The 2015 and 2016 bird survey identified no cirl buntings, and it is not considered that the site supported any cirl bunting nesting sites during 2015 or 2016. The recommendations from the report would need to be complied with and include further cirl bunting surveys as well as new areas of nesting to be incorporated. This will also be the subject of a planning condition.

Reptile Survey: The site supports three species of reptiles; slow worm, common lizard and adder (see survey for details). Mitigation measures will be required in order to avoid significant harm to the reptiles. The proposal will follow recommendations put forward in the report. The precise requirements will depend on the nature of the impact on the reptiles. The report lists possible actions, habitat enhancements, refuges and mitigations that can be undertaken to minimise any adverse effect on the reptiles.

Fort Bovisand Bat report: The surveys undertaken found low numbers of bats to most of the existing buildings. The proposed development and works are likely to affect the bats to the extent that a licence will need to be obtained from Natural England.

Surveys have been updated annually since the first survey in March 2015. The latest was undertaken in February 2017.

Habitat Survey: The survey found six areas of scrub habitat supporting species of rich vegetation within the site. These habitats are relatively limited in extent and isolated. The habitats will be retained where possible and consideration will be given to enhancing the green infrastructure across the site.

Mitigation and Enhancement Strategy - Bats, Birds and Reptiles: A strategy has been developed to manage and enhance the habitats of the bats, birds and reptiles on site and safeguard their future on site.

Fort Bovisand Mitigation Strategy

Detailed Unexploded Ordnance Threat Assessment: Fort Bovisand lies within a nuclear site consultation zone and therefore any new construction is required to meet extreme loading requirements to its structure and facades. This has the consequence of restricting the choice of window frame types and sizes and construction methods in order to withstand these loads.

Floyd consult Moisture and drying report for Fort Bovisand and addendum

Fort Bovisand Asbestos register: this register indicates the various parts of the buildings and whether asbestos has been identified, is likely or has not been found. There are some areas within the building where asbestos has been identified.

Landscape and Visual Impact Assessment:

Landscape Character Assessment:

It concludes that the landscape character impact significance is deemed to be **'MODERATE'** Landscape areas with reasonably positive character, but with evidence of alteration or degradation of character or features. Potentially tolerant of some changes, and worthy of enhancement.

This is for the following reasons.

The site is of national importance and its preservation will significantly help to ensure the character of the coastline is enhanced.

Mitigation Measures.

Restoration should be sympathetic to the existing architectural character and guidelines followed within the ecological reports to ensure minimal disruption to the SSSI and SAC.

Landscape Visual Impact Assessment:

The overall visual impact significance is deemed to be **'MODERATE'** Properties with secondary views, primarily from first floor level. Users of outdoor recreational facilities where the view is less important to the activities (e.g. Sports pitches) Rights of way where the landscape is not the significant feature. This is for the following reasons.

Whilst the proposed development will be visible by the general public from designated areas, it is judged that by using an appropriate scale and material choice to the surroundings, these changes may cause a slight deterioration in the view but could be missed by the casual observer. In some cases the view is improved, where dilapidated buildings have been restored and greenery added.

Mitigation Measures

Materials should be selected to ensure the development is in keeping with the surrounding landscape character. As the site is exposed with little room for planting, there is minimal opportunity for tree planting to provide a screen, however, there is an opportunity to introduce some planting within the car park.

Acoustic report:

The assessment has indicated that internal noise levels in the proposed dwellings have the potential to satisfy the BS 8233 guideline limits. It has been established that the existing external noise levels satisfy the WHO *Guidelines for Community Noise* criteria due to the minimal presence of "community noise" sources.

Plant noise limits not to be exceeded at the closest residential receptors (Bovisand Court) have been proposed in the form of rating level limits. The noise limits will ensure that noise associated with the development will have a low impact on the receptors, given the context of the site, according to the methodology given in BS 4142.

Daylighting assessment (in relation to the accommodation in the Est and West towers of the Upper Fort and the new apartment building:

The results indicate that the average daylight factors in 83% of the rooms modelled in the east tower are **greater than 2%** when a light transmittance of 80% is used with no solar shading. Where rooms do not achieve the minimum daylight factor percentage consideration to reviewing the apartment layout and window location should be given architecturally.

The results for West tower show that the majority of the rooms meet the required levels. Where rooms do not achieve the minimum daylight factor percentage consideration to reviewing the apartment layout and window location should be given architecturally.

The revised layouts have made a noticeable improvement on the previous modelled proposal. Within the Apartment Building two typical apartments have been simulated due to the similarities between apartments the majority of the rooms meet the minimum daylight levels.

Flood Risk Assessment:

This has been assessed by DCC Flood Risk and Coastal Management Team and they have no objection provided a number of planning conditions are added any consent granted.

Sea Cliff remedial works Design Report:

This document recommends alterations and interventions into the cliffs below the access road which will be subject to a further planning application and EIA in due course.

Transport Addendum:

This concludes that as a result of the significant reduction in the visitor/ education visits to the site, which have reduced from an anticipated 35,000 down to 15,000 and the increase of residential units by 29, generating 18 peak flow two way trips, that the traffic moving to and from the site in this revised scheme is less in the current proposal than in the consented scheme.

External Lighting plan: This plan indicates the lighting proposals across the site.

Structural conditions survey: Provides structural surveys of the buildings on the site.

Commercial and Viability Information which is not public.

Plans and elevations of all of the buildings and proposed buildings as well as area schedules.

Consultations:

County Highways Authority:

The Highway Authority notes a total of 81 apartments are proposed broken down as follows -

16 x 1 bedroom

49 x 2 bedroom

14 x 2/3 bedroom

94 permanent residential car parking spaces are proposed along with 11 visitor spaces making a total of 105 spaces for the apartments. The Highway Authority accepts some of the apartments will be used as holiday rental. It also acknowledges the public highway provides some scope for parking.

Other uses on the site include:

A Visitor Centre - 207m²

Flexible Event Space - 207m²

Cafe/Restaurant - 314m²

Commercial Diving Centre - 299m²

MOD Building - 217m²

Plymouth City Council have jurisdiction of most of the roads leading to the site and therefore they should be consulted. Devon County Council as the Highway Authority in the direct vicinity of the site has no objection to the proposals.

Recommendation: The following conditions shall be incorporated in any grant of permission:

1. 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.

Highways England:

No objection

Environmental Health Section:

Recommends conditions

1. 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 site investigation scheme, based on the Phase 1 Contaminated Land Assessment submitted with the application to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) 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.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) 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: The initial contaminated land assessment has identified various sources of contamination on the site that need investigating further. 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 3 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.

Note: Depending on the situation, long-term monitoring may best be required by means of a S106 agreement, rather than a planning condition.

2. 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.

Note: Depending on the situation, long-term monitoring may best be required by means of a S106 agreement, rather than a planning condition.

3. Unsuspected Contamination

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

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

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

Note – this condition can be used in addition to the universal condition, or on sites where no contamination is known or suspected.

4. CEMP

Prior to commencement of development the following components of a scheme to deal with the environmental impacts of the construction phase of the development shall be submitted and approved by the local planning authority in writing. That scheme shall include details of noise impacts and controls, hours of operation, and dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

5. Provision of Electric Vehicle Charging Points

Prior to commencement of development the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

- **South West Water:** No objection

- **DCC Flood risk and Coastal management:**

At this stage, we object to this planning application because we believe it does not satisfactorily conform to Policy CS11 of South Hams District Council's Core Strategy (Adopted December 2006) which requires developments to manage the impacts of climate change through the inclusion of sustainable drainage. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Further clarification of the existing surface water drainage network and the capability of the network to accept additional areas draining into it is needed.

Amended response:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

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 this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water and Foul Water Drainage Assessment (job No. 14172; dated May 2017; Appendix K1 of the Fort Bovisand Regeneration Project), Flood Risk Assessment (job No. 14172; Rev. B; dated May 2017) Proposed Drainage Layout sheet 01 of 04 (drawing No. 200; Rev. P4; dated September 2015), Proposed Drainage Layout sheet 02 of 04 (drawing No. 201; Rev. P4; dated September 2015), Proposed Drainage Layout Sheet 03 of 04 (drawing No. 202; Rev. P4; dated September 2015), Proposed Drainage Layout Sheet 04 of 04 (drawing No. 203; Rev. P4; dated September 2015), MicroDrainage model outputs (File 14172-MD Summary Rev. A), Flood Flow Exceedance Path Sheet 1 of 4 (drawing No. 500; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 2 of 4 (drawing No. 501; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 3 of 4 (drawing No. 502; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 4 of 4 (drawing No. 503; Rev. P5; dated September 2015).

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

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in 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.

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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

Following my previous consultation response (FRM/SH/2821/2017, dated 14th September 2017), the applicant has provided additional information in relation to the surface water drainage aspects of the above planning application, in an e-mail dated 20th October 2017, for which I am grateful. If not already done so, the applicant should submit the below information to the Local Planning Authority:

- Proposed Drainage Layout sheet 01 of 04 (drawing No. 200; Rev. P4; dated September 2015)
- Proposed Drainage Layout sheet 02 of 04 (drawing No. 201; Rev. P4; dated September 2015)
- Proposed Drainage Layout Sheet 03 of 04 (drawing No. 202; Rev. P4; dated September 2015)
- Proposed Drainage Layout Sheet 04 of 04 (drawing No. 203; Rev. P4; dated September 2015)
- MicroDrainage model outputs (File 14172-MD Summary Rev. A)

The applicant should depict how and where the oil interceptor will be connected into the drainage network. As noted in the Surface Water and Foul Water Drainage Assessment (job No. 14172; dated May 2017; Appendix K1 of the Fort Bovisand Regeneration Project) the applicant should assess, clear and/or upgrade the existing surface water drainage network where necessary, as well as installing additional access points where appropriate.

It is noted that any proposed works to an ordinary watercourse located outside of the development may need Land Drainage Consent, which must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

Natural England:

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Plymouth Sound and Estuaries Special Area of Conservation
- damage or destroy the interest features for which Plymouth Sound Shores and Cliffs Site of Special Scientific Interest has been notified

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- financial contribution to the Tamar Estuaries Consultative Forum to mitigate potential increases in recreational pressure arising from the development
- Construction and Environmental Management Plan to prevent detrimental run-off, or physical disturbance of designated sites
-

Defence Infrastructure Organisation / MOD safeguarding:

Recommend a pre commencement condition:

Prior to the commencement of development, details and assessments of all existing and new buildings included in the development hereby permitted, using dynamic assessment methods shall be submitted demonstrating the compatibility of the structures with the following dynamic loadings

Full reflected pressure = 9.8kPa
Full Reflected Impulse = 1270kPa-ms
Incident Pressure = 4.8kPa
Incident Impulse = 705kPa –ms
Shock Front Velocity = 347 m/s
Peak Dynamic Pressure = 0.0805Kpa
Peak Particle Velocity = 11.28 m/s

Reason: The site of the proposed development is located within the outer statutory explosives safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be non-vulnerable and of robust construction and design, so that in the event of an explosive incident, nearby buildings will not collapse or sustain damage that will cause critical injury to the occupants of those buildings.

Historic England: This application follows the grant of planning permission and listed building consent in 2016 for the restoration of Fort Bovisand and its conversion into a mixed-use development. Historic England strongly supported the 2016 proposals, which were to be enabled through a substantial grant from the Heritage Lottery Fund. Unfortunately this grant was ultimately not forthcoming, rendering the consented scheme unviable.

After it became apparent that the HLF grant was not available, the applicants engaged with Historic England and South Hams District Council to establish whether there was scope for increasing the amount of residential development on the site to bridge the funding gap left by the loss of HLF grant aid. These proposals are the result of those discussions.

The previous proposals contained 52 residential units, a substantial visitor centre, plus other ancillary uses. These proposals provide 80 residential units, other ancillary uses, and a significantly-reduced visitor centre. The additional accommodation is provided for by increasing the size of the new-build apartment block, converting additional casemates into residential units, and constructing 9 new-build houses on sites outside the scheduled area.

In our previous assessment of the 2016 proposals we noted that that certain aspects may have an adverse impact on the significance of Fort Bovisand, but that harm should be balanced against the considerable heritage benefits associated with the restoration of the fort and provision for its long-term sustainable management. The primary question to be addressed in our assessment of these proposals, therefore, is whether the additional residential development causes further harm, and if it does whether that tips the “planning balance” such that the benefits no longer outweigh the harm.

Historic England’s view, expanded upon below, is that the proposals will cause a degree of additional harm to the setting of designated heritage assets when compared to the 2016 proposals. However, we consider that harm to be less than substantial, and recommend it is weighed against the wider public benefits on offer including the significant heritage benefit associated with restoration of the complex.

Impact

This section provides comment on proposed alterations and additions to the previously-consented proposals. We do not wish to provide additional comment on matters for which a principle was established in the 2016 consent.

In approaching the challenge of accommodating additional residential development following the loss of the HLF grant, during preapplication discussion we advised the applicant to consider the site as a series of “zones”. The site of the proposed apartment block (and the quarry area above) is outside the scheduled area, and we advised that any additional development at this location should subtly respond to the natural topography rather than the fort structures, and be as recessive as possible in the context of longer views of the site. Within the scheduled area we felt that there was no opportunity to construct any new-build, but we would consider further conversion of casemates. On land to the South - the other side of the “killing trench” - we advised that development should respond to the domestic scale and character of the existing (Grade II listed) coastguard cottages, adjacent. By and large this advice has been followed, and our detailed comments in respect of the extra residential units and their impact is set out below.

Coastguard cottages

The application proposed a terrace of six houses on land to the south of the “killing trench” that under the previous proposals was to be used for car parking. The proposed terrace is a contextual modern response which takes its design reference in materiality and architectural rhythm from the existing cottages, adjacent. The steeply-sloping nature of the site is taken advantage of to allow the provision of garaging beneath the terrace, but the applicant has taken care to ensure the garaging visually reads as a plinth cut into the land, ensuring the cottages above will be of the requisite domestic character.

The cottages are very close to the Southern side of the scheduled killing trench. The use of a hipped roof form will prevent direct visual intrusion in views of the monument, but nevertheless there may be an effect on its integrity as a piece of defensive infrastructure designed to protect Fort Bovisand from landward attack. The modern architectural style of the buildings will partially mitigate this impact, allowing the viewer to understand the terrace is a modern addition that would not have existed at the time the killing trench was designed.

Additional residential units within the lower fort

Under the previous consented scheme, seven of the casemates (the semi-circular emplacement at the base of the fort complex) were to be converted to residential units, with the remainder utilised for a visitor centre. The visitor centre is now significantly scaled back and 15 casemates would become new homes. The design and layout of the proposed casemate homes follows that of the previous proposals, and is a sympathetic response which retains defining features such as the weathered iron blast shields in-situ with no external modification.

A new aspect of this scheme is the proposed utilisation of both existing WWII searchlight emplacements as the upper part of new duplex apartments. This positive move provides a beneficial use for these vulnerable structures, although care and thought will be needed in the conservation of their fabric to allow them to be used as habitable rooms. We do not rule out the principle of external insulation but - if you are minded to approve the proposals - request you impose a planning condition requiring further details of insulation proposals for these structures.

The reuse of the searchlight emplacements brings with it a need to create two new apertures in the vaulted ceilings of casemates 11 and 13 to facilitate vertical circulation. This

intrusion in historic fabric should be viewed in the context of it facilitating the sustainable reuse of the structures above and could be justified if intrusion in fabric is kept to a minimum. A precedent exists in the form of the existing aperture in casemate 12, but a planning condition should be applied to require further drawn details of the new openings.

New apartment block

The proposed apartment block on the site of the existing former dive centre accommodation block has increased in size, with 41 units as opposed to 30 in the 2016 consent. This has been achieved through the provision of an additional storey and an increased footprint.

The topography of the site means that despite its size, the proposed apartment block will not be prominent in views from the fort. In close proximity, it is only in the quayside area where the proposed apartments will be prominent. In wider views from Plymouth Sound and the Hoe area, the apartment block has the potential to dominate the setting of the scheduled fort. This is why Historic England have consistently expressed the desire for the design to be as recessive as possible; tiered into the hillside, faced in natural local materials that reflect its surroundings, with glazing set in deep reveals to minimise potential glare from sunlight.

We are satisfied that the current proposals achieve this ambition. We note preapplication comments from the Design Review Panel expressing a desire for a more bold form of architecture that responds to the drama of the location, but in our view this approach risks the apartments becoming the principal focus of the site in longer views, to the detriment of the setting of the fort. The current proposal responds to surrounding topography through its curved footprint and tiered elevations, with storeys stepping back against the steep hillside as it rises. We are confident that this is the appropriate response to the historic context, and that - subject to careful consideration of materials - it will not dominate the setting of the fort.

Quarry Houses

Three new detached houses are proposed for construction on an existing terrace above the proposed apartment building, outside the boundary of the scheduled monument. These have the potential to be exciting additions to the landscaped setting, although there is a danger that in longer views they will be read as part of the apartment block, increasing its perceived scale and massing. This effect could be avoided through careful consideration of materials, and as with the proposed apartment block we recommend a planning condition be imposed to secure an appropriate appearance.

Policy

Enabling Development is development that would be unacceptable in planning terms but for the fact it would bring heritage benefits sufficient to justify it being carried out and which could not otherwise be achieved. The proposals have been scrutinized by our enabling Development department, as was the previous scheme. Based upon the loss of the HLF grant, they confirm that the amount of additional development proposed is still the minimum necessary to complete the project and provide the associated heritage benefits. There is an extra level of scrutiny that could be applied; that to verify the projected build costs and that to substantiate the projected sale valuations. Historic England previously undertook the former exercise but have been unable to do so this time due to staff shortages in our engineering team. The sale valuations exercise should be undertaken by an RICS accredited valuer.

Paragraph 140 of the National Planning Policy Framework provides advice in regards to enabling development proposals. It states that “Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

In this context, Historic England believes that these proposals represent the best chance for securing long-term management of the asset. They represent its optimum viable use; which is defined by paragraph 15 of the Planning Practice Guidance on conserving and enhancing the historic environment as the use “likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.”

The complex is partly scheduled and partly listed, and should be considered a highly graded heritage asset under the terms of NPPF 132, which advises that great weight should be given to the conservation of a heritage asset - and that the more important the asset the greater the weight should be.

Paragraph 126 requires local authorities to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay, or other threats. Commendably, South Hams District Council has a strategic objective set out in their Core Strategy to seek a reduction in the percentage of listed buildings at risk in the area. We suggest these proposals firmly dovetail with the objectives of these national and local policies.

As noted above, the proposals will cause some harm to the significance of the fort; the larger new build residential block will impinge on its setting, there is minor loss of historic fabric in the creation of new staircases, and the new terraced housing is uncomfortably close to the scheduled killing trench. But that harm should be balanced against the wider public benefits of the proposals as required by paragraph 134 of the NPPF.

Historic England is of the view that the heritage benefits remain very significant despite the loss of the proposed visitor centre. The complete restoration of all historic buildings and their subsequent removal from the National Heritage at Risk register is perhaps the most significant benefit. But greater appreciation and understanding of the site is also a significant aspect, with the proposed unfettered public access through the site (with the exception of the upper fort) providing multiple opportunities for the public to engage with the site and interpret its history. An interpretation strategy would assist this, and could be provided through planning condition. Ultimately, the scheme will provide a long-term sustainable future for the site, and it is very difficult to envisage any other means by which this could be achieved.

Recommendation

Historic England supports the applications on heritage grounds, subject to the imposition of the following conditions in addition to those your authority may choose to apply.

- Details of all new materials, including physical samples.
- Details of proposed insulation and measure to facilitate inhabitation of WWII searchlight emplacements.
- Details of proposed apertures in casemate vaulted ceilings to facilitate insertion of staircases.
- Details of all new fenestration.
- Details of a site-wide interpretation strategy.

These suggested conditions should be should be approved in writing by your authority in consultation with Historic England.

- **Town/Parish Council:** Objection unless amended to resolve traffic concerns:
- **Devon County Council Education:** Devon County Council would like to provide an education response for the application above.
The proposed 65 family-type dwellings, will generate an additional primary pupils 16.25 and 9.75 secondary pupils. Devon County Council will seek a contribution towards additional education infrastructure at the local primary school that serve the address of the proposed development. The primary contribution sought is £221,845 (based on the 2015 DfE extension rate per pupil of £13,652) which will be used to provide education facilities in the area. There is currently capacity at the designated secondary school and therefore a contribution towards secondary education would not be sought.

In addition, a contribution towards Early Years education is needed ensure delivery of provision for 2, 3 and 4 year olds. This would cost £16,250 (based on £250 per dwelling). This will be used to provide additional early years provision for pupils likely to be generated by the proposed development.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement. Legal costs are not expected to exceed £500.00 where the agreement relates solely to the education contribution. However, if the agreement involves other issues or if the matter becomes protracted, the legal costs are likely to be in excess of this sum.

- **Office of Nuclear Regulation (ONR):** I have consulted with the emergency planners within Plymouth Council, which is responsible for the preparation of the Devonport off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.
The proposed development does not present a significant external hazard to the safety of the nuclear site.
Therefore, ONR does not advise against this development.
- **Police Architectural liaison:** The inclusion of a Crime Prevention Statement is noted with many important factors having been considered but from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective please find the following reiterations and additional advice and recommendations to that of my previously submitted response dated 7th December 2015, the content of which remains relevant to the above revised application.

It is fully appreciated that the site is constrained by many factors and that 13 spaces have been added to create a total of 117 onsite parking spaces but as previously alluded to, given the remote location of the site it is likely that the reliance of a private vehicle will be the preferred method of transport, especially for residents. As such adequate and appropriate parking provision to cater for the expected level of onsite vehicle activity and parking requirements for residents, visitors and business/commercial use must be seriously considered and factored in to prevent the potential for problems in the future.

The police spend a lot of time dealing with parking related issues and complaints as a result of inconsiderate and/or obstructive parking which can easily escalate into incidences of conflict, criminal and antisocial or unacceptable behaviour.

Adequate and appropriate parking provision for new development is a contentious issue and one that is not always appreciated until full occupancy and at the busiest times which by then is generally too late.

- **Health and Safety Executive (HSE).** The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

Community consultation events have taken place for the previous planning application. An extensive consultation took place during 2014/15 which informed the evolution of the scheme which was consented in 2016. An additional consultation took place on April 2017 to inform the local community about the proposed changes to the scheme.

The exhibition was in two stages: Parish Councillors Information Afternoon at Fort Bovisand site, Individual invitations were issued to all Parish Councillors.

Five Councillors attended the exhibition; the project was well received with unanimous support.

Neighbours' Information Evening at Mount Batten Centre: Local residents were informed in advance by leafleting. Eight attended, views were varied from the majority who were very supportive, to a small number who raised some concerns, all of which related to operational and/or construction traffic.

Landscape: Having discussed the application with the Landscape officer, whilst it is acknowledged that the application is a major development in the AONB as a result of para. 116 of the NPPF, should be refused and there will be an impact on the coastal landscape as a result of the proposal, that impact is quite limited from a public viewpoint perspective, as Bovisand Cottages will be visible from across the bay. The harm is thus to a limited degree and the overall benefits of the proposal in bringing the Fort and associated buildings back into use outweigh the limited harm.

Representations:

Representations from Residents

Comments have been received and cover the following points:

How can a single width access road cope with this amount of traffic taking into account that there will be other uses of the Fort in addition to residential occupancy?

How will the increase in traffic affect the quality of life and safety of residents already living in the immediate area?

Fort Bovisand has been used as a diving facility, the proposed development will increase the number of residents and visitors. Bovisand Court is very close to the road. Has consideration been given for the increase in disturbance and noise.

It will become a busy main road which walkers and cyclist also use.

When will work be undertaken to secure and repair the access road and what guarantee is given that there will be no subsidence or cliff erosion that could result in road failure?

Will a detailed plan be given of works to be undertaken?

Will neighbours be consulted, by whom and at what stage?

Will there be permanent speed restrictions along the access road?

Where will car parking be located?

Where will additional parking be located?

What timetable will be followed for works traffic and will our access to the road and our car park be protected during this time and in the future?

The café and car park can be very busy in the summer, have the Highway Authority visited during these times to determine how the access road will cope?

The access road to Fort Bovisand is dangerous for lorries, the road is on the edge of a sheer drop and eroding in places. Does the work to make the road safe have to be completed before planning permission is given?

Conflict with the busy car park in the summer and lorries is an accident waiting to happen.

Resident parking is not enough, which will mean more pressure on the existing public car park.

Concerns that many of the residential units will be second homes and the needs of local people are disregarded. A proportion of these homes must be set aside for local people.

The diving activities should be able to continue.

81 more residents at least will have a huge impact on existing residents – car fumes, noise, inconvenience, which will change the living environment for all residents from a quiet beautiful place to a busy noisy place

Ecologically massive disturbance. No mention of the numerous owls, failure to provide annual surveys for the local Cirl Bunting population.

The harbour is home to the Black faced Blenny which is found at only a few sites in the UK.

Bovisand car park and café and the bus stop and turning area should be retained.

There does not seem to be enough car parking provided.

More spaces are needed for the dive centre because of the weight and bulkiness of the equipment.

Fort Bovisand cottages is a huge eyesore on the historic landscape. Complete over dominance on the landscape.

What are Fort Bovisand Developments Limited going to do to minimise 3 years of noise for residents?

The access road is directly past our house only meters away in places

Relevant Planning History

58/2441/15/F Construction of new build residential development in place of former dive centre accommodation conversion of upper fort and part of lower fort into residential units provision of an Interpretation Centre café/restaurant facility relocation of MOD space. Consent granted June 2016.

58/2442/15/LB Listed building consent for repairs and other works associated with a heritage led regeneration project involving conversion of the upper fort and part of lower fort into residential units provision of an Interpretation Centre café/restaurant and re- relocation of MOD space. Consent granted March 2016.

ANALYSIS

Principle of Development/Sustainability:

The principle of the regeneration of Fort Bovisand has been established by virtue of the planning and listed building consent granted in 2016. The conversion of the existing scheduled ancient monument and listed buildings ensures their existence and preservation and enhancement into the future and the proposals include a light touch response to those buildings.

The proposals also include an element of new build, which is a necessary part of any regeneration scheme, so as to act as enabling development towards the preservation works to the historic assets.

This is where the difference occurs between the extant planning consent and this new proposal and in essence it is these parts which require the more detailed consideration at this point. The previous application had the benefit of some HLF funding which enabled a larger visitor/education and learning centre. The residential element of the proposal was therefore smaller in scale.

The differences between the two schemes are thus:

Approved scheme	Proposed Scheme
Apartment building for 30 units	Apartment building for 41 units
Not part of approved scheme	Fort Bovisand Cottages 6 in number
Not part of approved scheme	Quarry road cottages 3 in number
Not part of approved scheme	Fortifications and searchlight positions conservation
Variation to approved scheme	Quartermasters House (building 4) change to use designation and new build first floor
Casemates 00 – 09	0,01,02,03 Café. 04,05,06 – event space ,07,08 visitor centre
Casemates 09 – 23	15 residential units conversion of existing structure and new roof level build
Casemates 09 – 16	Change to use designation, increase in residential units and some increase in new build at roof level linked to Casemates 11- 13.

Essentially therefore there has been an increase in the residential accommodation on the site and a decrease in the amount of space dedicated to the visitor/education centre.

In planning policy terms the site lies in the countryside and does not fall within any defined development boundary. Proposals for development in such areas must be justified on essential agricultural or forestry grounds, however in this case the Fort complex exists and much of the work is in relation to conversion of the historic buildings. The policy which is more applicable to such proposals is thus the conversion of buildings in the countryside Policy DP16. This allows for conversions subject to a number of criteria. If a building is going to be converted the policy stipulates that employment use should be the first consideration. The applicant has submitted a viability scheme, which was carried out in 2014. It concludes that the use of the buildings on this site for employment or commercial/industrial uses is not a viable proposition. Another criteria for residential conversions is the fact that the conversion is to a building of architectural or historic merit. In this case there is clearly an important historic asset which will benefit from the conversion.

The scheme is also a mixed use scheme as opposed to fully residential as the dive centre and MOD uses are to remain, the Fort Bovisand Trusts office will be on site and there will be a visitor centre and a café/restaurant.

In this case the proposal includes some new build elements as described above, which are necessary in order to help fund the historic conversions. Particularly as the Heritage Lottery Fund which was added to the development scenarios for the previous approved scheme has now not been achieved. A viability statement has been submitted justifying this. As a result of the time lapse and the loss of the HLF fund the approved scheme would not be a viable scheme to bring forward.

However, an important consideration here is that the historic elements do in fact benefit from the enabling development put forward. A Programme of works has been submitted providing a timetable for the various stages of the work, which will need to be a part of a Section 106 agreement so as to ensure that the historic elements are developed in accordance with the wider planning consent.

Design:

A detailed Design and Access Statement has been provided in support of the proposal as well as a comprehensive Conservation Plan, which both provide a justification and philosophy for the proposed works.

Upper Fort: The works to the upper fort are primarily the addition of the lost floors on the two towers as well as the conversion of the towers and upper fort to residential. The proposals have not changed significantly from the approved proposal, with merely minor changes to the glazing/openings. The massing and form is very much based around the original towers. In terms of materials, the ethos is to highlight the existing and creating a strong identifiable language to the new proposed insertions.

The Design and Access statement describes in detail the tower detailing, which in essence is a similar stone facing to the towers but constructed differently so that there is a clear change between the old and the new. The size of the window openings allow the walls of the towers to be read as a solid mass. There are more windows in the current scheme because of window cills found during the excavation work. On the 3rd floor there is a long panoramic window below a stone cornice, which places the window into shadow to minimise the impact. A split in the wrapping walls allows for daylight into the main living space, the glazing is set well back from the front façade so as to minimise the impact of the glass on the Upper Fort. The 4th floor is a light weight curtain walling system which sits within a surrounding stone wall.

Conditions will need to be applied so as to receive samples of all of the materials prior to them being used.

Lower Fort:

Hill House: converted into a single residential unit, which was not part of the approved scheme.

The Quartermasters house is also proposed to be converted into a residential unit

The Trust offices are proposed to be in a converted building (V) which sits behind the casemates.

The visitor centre which is now reduced in scale from the previous approved scheme, now is located in casemates, 07 and 08 and buildings 02 and 03. The event space will be located in 04,05,06 ground floor.

The commercial diving unit will remain on the site as at present and as per the approved drawings – buildings 06 and 01.

The MOD also retain a commercial space on the site also as per the approved drawings, on the quayside.

Casemates/magazines: These will be converted into 15 residential units, the visitor centre and the café/restaurant, which will be located in the end of the block. A lightweight extension onto the roof of the casemates is proposed for the café. It is proposed as a steel construction, clad in metal, steel and glass. The design reflects the once utilitarian use of the site. This will be located in casemates 0, 00,01,02,03 and the upper floor new extension.

It is proposed to lower the road in front of the casemates as it is currently at a higher level than it once was and its current position contributes significantly to the damp experienced within the building.

New Build:

Apartment building: The apartment building steps down towards the casemates and the café which is located on the end of the casemates. It comprises 41 apartments. The building is curved in a concave manner into the hillside. It steps up the hillside from the quayside. As it rises the building length decreases.

The materials proposed are: A strong base is formed by using stone facing to the lower part of the building. There are 5 apartment floors above the base. The first and second floor are proposed as ashlar limestone so as to contrast with the rough stone of the base. Slate cladding is proposed for the 3rd and 4th floors and zinc for the 5th floor.

It is considered that a lot of effort has been put into the design and massing of this block so that it reflects the existing historic built form on the site, but also identifies itself as a 21st Century addition to the site.

Quarry Cottages: The Quarry cottages of which there are 7, sit above the proposed apartment building in an area which is currently level, in an otherwise steeply sloping cliff. They have an upside down model with bedrooms requiring smaller windows on the ground floor and the living spaces on the first floor. This allows for a more solid base element to the building and a more lightweight zinc cladding to the first floor. Green roofs are proposed to aid assimilation into the vegetation on the cliff slope. A retaining wall is proposed in front of the houses which will also be constructed in stone.

Fort Bovisand Cottages: The design of these cottages, which are set in closer proximity to the existing cottages at Bovisand, are a terrace of 6 which is set into the hillside. Garages are in the ground floor with living accommodation above. Pitched roofs to reflect those on the adjoining houses.

Energy Centre: A new energy centre is proposed on the land below the proposed Fort Bovisand Cottages.

In design terms the new build elements and the additions since the approved scheme have been well considered, in relation to the cliff side context, the historic assets on the site and the need to tell a story in terms of the new additions. It is considered that the proposal complies with the policies relating to Design in the South Hams Core Strategy; the development Policies DPD and also in relation to the emerging policies in the Joint Local Plan.

Landscape:

The site lies within the South Devon Area of Outstanding Natural Beauty (AONB) and as it is major development, paragraphs 115 and 116 in the National Planning Policy framework are relevant to the decision. In particular para. 116 makes reference to major developments and states that such developments within the AONB should be refused, except in exceptional circumstances, where it can be demonstrated they are in the public interest.

In this case the site is quite specific in that it has a number of nationally important listed buildings and a Scheduled Monument in situ. The site has not been used fully for a number of years. These assets have thus deteriorated somewhat and if a viable use is not found for them are likely to deteriorate further. As the supportive information describes in detail other uses have been considered for the site, but because of the need to repair the historic assets, the viability of the scheme has been an issue. Even the previous approval without the HLF money is now an unviable proposition. The NPPF asks 3 key questions; around the need for the development, i.e. the impact of permitting it, or refusing it upon the local economy; the cost of and scope for developing elsewhere, outside of the designated area and any detrimental impact on the landscape and recreational opportunities.

As discussed above the historic assets are in situ and those asset is deteriorating without being used, it cannot therefore be located elsewhere. It can also be argued that there is a need for the additional development in order to preserve and protect the historic buildings. Without the enabling development the historic buildings would not be preserved. The local economy is likely to benefit from the proposal, by attracting more people to the area; providing events and educational facilities for local schools and the local population. There will be an impact on the landscape, in terms of the new enabling development, however the new build has been designed so as to seek to minimise the impact on the landscape by setting the Quarry cottages into the hillside; the apartment block stepping up the hill so as to sit within the cliff side and the use of materials that both reflect the historic assets on the site, but also subtly indicate that they are a later addition.

It is considered that whilst great weight must be given to conserving landscape and scenic beauty in the AONB, and ordinarily major development should be refused, the retention and re use of nationally important historic assets as well as the ability to open up the area more proactively to the public are of great public benefit and so in this case it is an exceptional circumstance and as such the application should not be refused in this case.

On the more micro level, the proposal identifies specific areas of landscaping proposed in the scheme are as follows:

A new feature entrance to the site;

A new enhanced sunken courtyard social area, that will also form the future entrance to the visitors' centre - This is located in the area formerly known as the "killing trenches". The site is contained by large gunport walls. It is a sheltered area and also faces south, useable by residents and the public. It is proposed to be hard landscaped and retained by gabion baskets on one side which will use material from the site. It will have seating areas and formal planting beds (representing Tudor knots). Adjacent to this area is an area to be known as the triangular garden, which lies to the west of the sunken courtyard. It is an area currently hidden behind the gunport walls and is a very small scale space. It is accessed via two sets of steps. It is proposed to have a single tree located in the space with seating around in a triangular pattern.

A natural amphitheatre area overlooking the quayside with associated public realm - There are already some large stone blocks within this space which will be utilised in the proposed scheme. They already represent an amphitheatre shape, so will be used to enhance that feature. Access to building 6 is still required for the dive centre, which must be maintained, however the rest of the space indicates curved seating areas and provision of new steps into the top of the space with level access at the bottom of the space.

A variety of communal gardens relating to the restoration of the top fort buildings:

It is proposed to improve the area in front of the upper fort and between the two towers, which is currently in a relatively poor state of repair. The applicant is considering creating a trail and a series

of gardens in the ruins. The upper part of the fort is a place where it is proposed to create secret semi private gardens for the residents use.

A historic soft landscape trail.

It is proposed to utilise, timber and corten steel (which looks like rusty metal).

An LVIA was submitted in support of the proposal and concluded that the proposals were likely to have a moderate impact on landscape character and the visual landscape.

Ecology: Detailed surveys have taken place and mitigation opportunities have been proposed for birds bats and reptiles. A condition will be attached to the consent ensuring the mitigation works are implemented at the appropriate times and that a European Licence has been approved for the works in relation to the bats on site.

Neighbour amenity: There have been a number of representations from neighbouring properties concerned about a number of issues, which will be considered in turn.

Suitability of the access road: The Highway authority have raised no objection to the use of the road for the development proposed and whilst it is narrow, this in itself can often act as a traffic calming measure, ensuring speeds are kept down. It is accepted that the road in certain places is very close to the cliff, however the applicant is aware of this and has carried out a number of studies and also put together designs to stabilise and support the cliff along the stretch of road which is affected. This will be the subject of a further application and an Environmental Assessment. A condition will be placed on the consent to prevent work starting until the road works have been completed.

Concern about noise and disturbance: It is accepted that there will be an increase in noise particularly during the construction phases as is the case with any development site and once the development is occupied there will be more movements to and from the site, so there will be an impact on the existing residents. However that impact has to be balanced against the potential benefits of securing the long terms future of the historic assets in Fort Bovisand.

Lack of adequate parking: The Highway Authority are satisfied with the number of parking spaces being provided, ensuring there are adequate spaces for the residential accommodation and visitors. Some concern was expressed at the lack of parking for the dive school. There are a number of spaces on the quayside, which for most of the time will be available for their use. There may be some days (as suggested by the Transport Addendum, Sunday's in the middle of the summer) when parking may be an issue. A development of this nature and extent should not be refused on the basis of a potential parking for a few days in the summer months.

Highways/Access:

The Highway Authority are satisfied with the proposals, provided conditions are added to the consent. The letters of objection received express concerns about the access road and the Parish Council comments suggest that they are happy provided the traffic concerns are resolved.

The transport addendum submitted with the proposal provides an update on the transport statement submitted with the previous approval, in relation to the changes in the application. It states that the traffic movements as a result of this proposal will be less than for the consented scheme.

For the current proposal of 81 residential units, 109 parking spaces are proposed. 13 visitor spaces are provided for the Visitor centre, including 2 disabled bays, plus an additional 10 shared spaces. The café is expected to generate 4 members of staff; a space on site for offices and teaching space. The commercial diving centre also remains. A total of 12 parking spaces are for the use of the MOD, the dive centre and staff, 2 dedicated to staff and the rest shared for the staff and visitors.

In terms of trips to and from the site, the addendum provides a comparison of visitor trips between the consented scheme and the current proposal. The previous proposal had a much larger visitor and education facility than is currently proposed. The number of visitors to the site for the current scheme, are half or more than half of what was proposed in the consented scheme. Visitor trips are thus

significantly reduced. Eleven less people are proposed to be working at the site as a result of the changes.

The residential units have however gone up in numbers from 52 to 81, an increase of 29 residential units. An increase of 18 two way peak hour trips is forecast.

The number of trips to and from the site is thus considerably less for visitors and 9 more trips morning and evening for the residential. This is not a number which is of concern to the Highway Authority.

Other matters:

Natural England in their comments raise no objection but ask that mitigation in terms of a financial contribution to the Tamar Estuaries Consultative Forum to mitigate potential increases in recreational pressure arising from the development and the submission of a construction Management. A condition is attached to ask for a construction management plan. A response has been received from the Tamar AONB partnership indicating that as the site does not lie within the Tamar Valley AONB, they would not wish to make any comment as the site is not within the designated area. As this is the case and there is no additional money in the scheme to generate any financial contribution, and provided a construction management plan is submitted, it is considered that the impact on the natural environment is adequately catered for in the conditions that are proposed.

In addition, Devon County Council Education Department have requested a financial contribution towards educational requirements that may be needed as a result of the development proposal. Whilst ordinarily such a contribution would be sought from the applicant, because of the very finely balanced relationship between the provision of enabling development and the works required to the historic elements of the proposed redevelopment there is insufficient finance available to provide for the normal requirements of such a development. It is considered that the benefit of preserving these buildings and bringing them back into a viable and long term use outweighs the need to require other financial contributions from the proposal.

Planning Balance:

There are clearly local concerns about the impact of the development proposed and the number of residential units included. And indeed the Parish Council have stated that they object unless the scheme is amended to resolve traffic issues. What must be borne in mind though is the fact that the Highway Authority do not consider that there are any traffic issues with the development proposed. The applicants will be stabilising the cliffs and doing some work therefore to ensure the safety and stability of the access road.

The proposals will secure the future of the historic buildings at the Fort and Historic England are supportive of the fact that the enabling development is necessary so as to enable the preservation of these important historic buildings to take place.

Whilst there will be some impact on the local residents, it is considered that once complete the impact will be minimal and the benefits of securing the conservation of those buildings outweighs the short term impact on the local resident population.

The site also benefits from an extant planning approval which could be implemented anyway. It is therefore recommended for approval.

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

Planning Policy

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 relevant development plan policies are set out below:

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
DP16 Conversion and Reuse of Existing Buildings in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT3 Provision for new homes
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV36 Community energy
DEV37 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

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 drawings and documents set out in the attached Schedule.

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

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

Reason: In the interests of character and visual amenity.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

5. No part of the development shall be occupied or used until a landscaping scheme for all public and private areas has been submitted to and approved by the Local Planning Authority, indicating planting, hard surfacing, maintenance of existing cover and any boundary treatments for the proposed development. The hard landscaping elements of the scheme submitted shall be fully implemented prior to occupation of any residential units in accordance with an agreed phasing of works. All planting shall be undertaken in the planting season following the completion of each phase of the development at the latest. The plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

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

6. 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 site investigation scheme, based on the Phase 1 Contaminated Land Assessment submitted with the application to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (1) 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.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) 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: The initial contaminated land assessment has identified various sources of contamination on the site that need investigating further. 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 3 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.

7. 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.

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

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

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

9. Prior to commencement of any part of the construction phases of the development (including demolition but excluding preparatory works such as localised repairs to historic fabric, archaeology etc) 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 08.00am and 6.00pm Mondays to Fridays, 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;

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

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

Reason: In the interests of highway safety, including preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

10. Prior to the commencement of the construction phase of the development hereby approved, (including demolition but excluding preparatory works such as localised repairs to historic fabric, archaeology, site security, access arrangements and basic infrastructure etc), details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the dwelling(s). Following its installation the approved scheme shall be permanently retained and maintained thereafter.

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

11. Prior to commencement of the new accommodation block a detailed schedule of repairs to the quay and harbour wall shall be agreed in writing with the local planning authority. The agreed works shall be fully completed to the satisfaction of the local planning authority prior to the occupation of any part of the approved development. The harbour wall and quay shall thereafter be maintained in accordance with the agreed details.

Reason: To ensure protection of the site from wave action and preservation of the heritage assets.

12. Prior to the use or occupation of any part of the development a detailed plan for public safety precautions/procedures/actions to be implemented in a flood or storm event shall be agreed in writing with the local planning authority. The action plan shall be reviewed and updated as appropriate in accordance with changing guidance from statutory bodies.

Reason: In the interests of public safety and the safety of residents.

13. 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 this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water and Foul Water Drainage Assessment (job No. 14172; dated May 2017; Appendix K1 of the Fort Bovisand Regeneration Project), Flood Risk Assessment (job No. 14172; Rev. B; dated May 2017) Proposed Drainage Layout sheet 01 of 04 (drawing No. 200; Rev. P4; dated September 2015),

Proposed Drainage Layout sheet 02 of 04 (drawing No. 201; Rev. P4; dated September 2015), Proposed Drainage Layout Sheet 03 of 04 (drawing No. 202; Rev. P4; dated September 2015), Proposed Drainage Layout Sheet 04 of 04 (drawing No. 203; Rev. P4; dated September 2015), MicroDrainage model outputs (File 14172-MD Summary Rev. A), Flood Flow Exceedance Path Sheet 1 of 4 (drawing No. 500; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 2 of 4 (drawing No. 501; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 3 of 4 (drawing No. 502; Rev. P5; dated September 2015), Flood Flow Exceedance Path Sheet 4 of 4 (drawing No. 503; Rev. P5; dated September 2015).

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

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

14. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in 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.

15. 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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

16. Prior to first occupation the applicant must provide to the local planning authority a revised emergency response plan based on the latest Devonport Off-site Emergency Plan. This plan is to be agreed in writing by the local planning authority and implemented in perpetuity.

Reason: In the interests of public safety.

17. A biodiversity and habitat protection scheme shall be agreed in writing with the local planning authority prior to commencement. These works agreed and additional biodiversity enhancement works shall be enacted within a timescale agreed in writing with the local planning authority.

Reason: To secure the protection and enhancement of habitats and deliver biodiversity benefits to the site.

18. Prior to implementation the planting scheme for green roofing shall be submitted to and agreed in writing by the local planning authority. The planting shall then be established and thereafter maintained in accordance with the agreed specification.

Reason: In the interests of visual amenity and biodiversity.

19. All works shall be carried out on site in accordance with the Unexploded Ordnance Threat Assessment Report unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the health and safety and future welfare of current and future users of the site.

20. No part of the development shall be used until a scheme for external lighting (if any) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the purpose, position, type, direction, luminance, cowl, time of operation and use of motion sensors for all external lights to the buildings and surrounding land. Upon the commencement of the use the external lighting shall accord strictly with the approved details.

Reason: To safeguard the appearance of the locality, the amenities of residents and in the interests of wildlife.

21. Prior to commencement of development, a Bat Mitigation Strategy shall be submitted to and agreed in writing by the LPA, detailing the location and requirements of bat roosts, their access points and corresponding external requirements including unlit corridors. This should include a phasing plan showing how bat roosts will be available at all times, and also updated plans/drawings reflecting the locations and requirements of the bat roosts and associated features. The identified and planned roosts and associated features shall be thereafter maintained as agreed.

Reason: In the interests of protected species.

22. Prior to commencement of development, a Wildlife Lighting Plan shall be submitted to the LPA, reflecting the dark corridors required for bats (noting the particular requirements of the light-sensitive species recorded on site) and other species. This should be endorsed in writing by a suitably qualified ecologist. All lighting on site, both during construction and ongoing, shall then accord with the agreed plan unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protected species.

23. Prior to commencement of development, a Reptile Method Statement (RMS) and Mitigation Strategy shall be submitted to and agreed in writing by the Local Planning Authority. All recommended works shall then be carried out in accordance with the RMS.

Reason: In the interests of protected species.

24. Prior to commencement of development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the local planning authority, incorporating requirements for birds, bats, reptiles, and other protected species as advised by the various ecology reports. This should contain details of specific provisions (e.g. locations and type of bird nesting boxes/provision, hibernacula), habitat creation and planting schedules, and ongoing management and maintenance arrangements. All recommendations contained in the agreed LEMP shall be enacted and maintained unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of protected species and biodiversity.

25. Prior to occupation or use of any part of the site, details of the proposed interpretation boards, and residents leaflet shall be submitted to and agreed in writing by the local planning authority. (NB – this should be formulated in consultation with the Tamar Estuaries Consultative Forum). The boards and leaflets shall then be displayed, maintained and distributed in accordance with an agreed timescale with the boards being in place prior to opening of the site to public access.

Reason: To inform the public and residents of the special interest of the site.

26. Prior to commencement of works, a Construction and Ecology Management Plan (CEMP) shall be submitted to and agreed in writing by the local planning authority, incorporating requirements for protection of habitats and species during the operational phase, including timings, no-go areas, and Ecological Clerk of Works. The requirements of the CEMP shall then be fully enacted.

Reason: In the interests of wildlife and biodiversity.

27. Works to the buildings on site shall not in any circumstances commence unless the LPA has been provided with either:

a) evidence that a European Protected Species Licence for bats has been issued by Natural England authorising the works to go ahead; or

b) a statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a licence.

Reason: In the interests of protected species.

28. Prior to the commencement of development, details and assessments of all existing and new buildings included in the development hereby permitted, using dynamic assessment methods shall be submitted demonstrating the compatibility of the structures with the following dynamic loadings

Full reflected pressure = 9.8kPa
Full Reflected Impulse = 1270kPa-ms
Incident Pressure = 4.8kPa
Incident Impulse = 705kPa –ms
Shock Front Velocity = 347 m/s
Peak Dynamic Pressure = 0.0805Kpa
Peak Particle Velocity = 11.28 m/s

Reason: The site of the proposed development is located within the outer statutory explosives safeguarding zone surrounding Plymouth Sound. All buildings within this zone should be non-vulnerable and of robust construction and design, so that in the event of an explosive incident, nearby buildings will not collapse or sustain damage that will cause critical injury to the occupants of those buildings.

29. A finalised version of the Sustainable Transport Strategy submitted in conjunction with this application shall be implemented from the commencement of use of the visitor centre and shall thereafter be complied with to the satisfaction of the Local Planning Authority.

Reason: To reduce the number of car borne trips to Fort Bovisand and encourage sustainable transport modes.

30. Prior to the commencement of development works for the stabilisation of the cliffs along the access road shall be completed to the satisfaction of the LPA.

Reason: To ensure the road is able to accommodate the heavy vehicles associated with the development proposed.

31.

INFORMATIVES

1. This permission is to be read in conjunction with the Section 106 Obligation dated 23rd March 2016 between South Hams District Council and The Fort Bovisand Developments Limited.

2. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

3. The MOD approved design methods are incorporated in Technical Manual (TM) TM5-1300 'Structures to resist the effects of accidental explosions'. Alternative appropriate sources which would be generally acceptable are: Blast Effects on Buildings, 2nd Edition, David Cormie, Geoff Mays and Peter Smith, Thomas Telford, 2009. ISBN 9780727735218. Blast and Ballistic Loading of Structures, PD Smith & JG Hetherington, Butterworth Heinemann, 1994. ISBN 0 7506 2024 2. The Centre for the Protection of National Infrastructure (CPNI) website may also provide a useful source of information. See <http://www.cpni.gov.uk/> for details.

4. 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.

5. 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.

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS

SCHEDULE OF PLANS. FORT BOVISAND

General Plans:

FB1-ADP-SP-XX-DR-A-010-S1-P11 SITE LOCATION PLAN

FB1-ADP-SP-ZZ-DR-A-120 – S1 –P3 PROPOSED SITE LOCATION PLAN

FB1-ADP-SP-ZZ-DR-A-121- S1- P9 PROPOSED SITE PLAN

FB1-ADP-SP-ZZ-DR-A-122 – P4 PROPOSED SITE PLAN

FB1-ADP-SP-XX-DR-A-123 – S1 - P PROPOSED CAR PARKING PLAN

FB1-ADP-SP-XX-DR-A-142 PROPOSED SERVICES LOCATION

FB1-ADP-SP-XX-DR-A-143-S1 –P2 PROPOSED SERVICES SECTION

FB1-ADP-SP-XX-DR-A-144-S1-P3 PROPOSED SERVICES ELEVATION

Upper Fort:

FB1-ADP-UF-XX-DR-A-210- S1 – P4 PROPOSED FLOOR PLAN 00

FB1-ADP-UF-XX-DR-A-211- S1 – P4 PROPOSED FLOOR PLAN 01

FB1-ADP-UF-XX-DR-A-212 – S1 – P5 PROPOSED FLOOR PLAN 02
FB1-ADP-UF-XX-DR-A-213- S1 – P4 PROPOSED FLOOR PLAN -01
FB1-ADP-UF-XX-DR-A-214- S1 – P5 PROPOSED ROOF PLAN
FB1-ADP-UF-XX-DR-A-215- S1 – P7 PROPOSED ELEVATIONS
FB1-ADP-UF-XX-DR-A-216-S1 –P7 PROPOSED ELEVATIONS
FB1-ADP-UF-XX-DR-A-217- S1- P5 PROPOSED SECTION UPPER FORT
FB1-ADP-UF-XX-DR-A-218 – S1-P1 PROPOSED SECTION UPPER FORT
FB1-ADP-UF-XX-DR-A-220 – S1 – P5 PROPOSED EAST TOWER - PLANS
FB1-ADP-UF-XX-DR-A-221 – S1 – P6 PROPOSED WEST TOWER - PLANS
FB1-ADP-UF-XX-DR-A-222- S1- P7 PROPOSED EAST TOWER ELEVATIONS
FB1-ADP-UF-XX-DR-A-223- S1 –P7 PROPOSED WEST TOWER ELEVATIONS
FB1-ADP-UF-XX-DR-A-224- S1- P7 HISTORIC COMPARISON VIEWS WITH CURRENT APPROVAL
FB1-ADP-UF-XX-DR-A-225- S1- P5 EAST TOWER VIEWS
FB1-ADP-UF-XX-DR-A-226 – S1 –P5 WEST TOWER VIEWS
FB1-ADP-UF-XX-DR-A-230-S1 –P5 DEMOLITION FLOOR PLAN 00
FB1-ADP-UF-XX-DR-A-231 –S1 –P5 DEMOLITION FLOOR PLAN 01
FB1-ADP-UF-XX-DR-A-232- S1 –P6 DEMOLITION FLOOR PLAN 02
FB1-ADP-UF-XX-DR-A-233- S1- P5 DEMOLITION FLOOR PLAN -01
FB1-ADP-UF-XX-DR-A-234- S1-P6 DEMOLITION ROOF PLAN
FB1-ADP-UF-XX-DR-A-235-S1 –P5 DEMOLITION ELEVATIONS
FB1-ADP-UF-XX-DR-A-236 –S1 –P5 DEMOLITION ELEVATION
FB1-ADP-UF-XX-DR-A-240-S1 –P4 UPPER FORT - TYPICAL ENVELOPE DETAILS
FB1-ADP-UF-XX-DR-A-241- S1- P4 UPPER FORT - TYPICAL DETAIL SECTION-LEVEL1
FB1-ADP-UF-XX-DR-A-242-S1- P3 UPPER FORT - TYPICAL WINDOW DETAIL

Proposed lower Fort:

FB1 – ADP- LF-XX-DR-A-320 - S1- P5 PROPOSED FLOOR PLAN BASEMENT
FB1 – ADP- LF-XX-DR-A- 321 – S1 –P5 PROPOSED PLAN 00
FB1 – ADP- LF-XX-DR-A – 324- S1- P7 PROPOSED FLOOR PLAN ROOF
FB1 – ADP- LF-XX-DR-A – 325 –S1-P7 PROPOSED ELEVATIONS
FB1 – ADP- LF-XX-DR-A - 326 – S1 – P6 PROPOSED CASEMATES 1-7 PLANS
FB1 – ADP- LF-XX-DR-A - 327 – S1 – P7 PROPOSED CASEMATES 1-7 ELEVATIONS

FB1 – ADP- LF-XX-DR-A – 328 – S1 – P5 PROPOSED CASEMATES PLANS 8-16
FB1 – ADP- LF-XX-DR-A – 329 – S1 – P6 PROPOSED CASEMATES 8-16 ELEVATIONS
FB1 – ADP- LF-XX-DR-A – 330 – S1 – P5 PROPOSED CASEMATES PLANS 17 – 23
FB1 – ADP- LF-XX-DR-A – 331 –S1 –P6 PROPOSED CASEMATES 17-23 ELEVATIONS
FB1 – ADP- LF-XX-DR-A – 332 – S1 – P7 PROPOSED PLAN CAFÉ
FB1 – ADP- LF-XX-DR-A – 333 – S1 – P5 EXISTING AND PROPOSED BASEMENT 1-7
FB1 – ADP- LF-XX-DR-A – 334 – S1 – P5 EXISITNG AND PROPOSED BASEMENT 8-16
FB1 – ADP- LF-XX-DR-A – 335 – S1 – P5 EXISITING AND PROPOSED BASEMENT 17 - 23
FB1 – ADP- LF-XX-DR-A – 336 – S1 – P5 LOWER FORT TYPICAL SECTION A-P4
FB1 – ADP- LF-XX-DR-A – 337 – S1 – P4 LOWER FORT SECTION B
FB1 – ADP- LF-XX-DR-A – 338 – S1 – P4 LOWER FORT TYPICAL SECTION C
FB1 – ADP- LF-XX-DR-A – 340 – S1 – P5 DEMOLITION FLOOR PLAN MAGAZINE 1- 16
FB1 – ADP- LF-XX-DR-A – 341 – S1 – P5 – DEMOLITION FLOOR PLAN MAGAZINE 17- 23
FB1 – ADP- LF-XX-DR-A – 342- S1 – P5 – DEMOLITION FLOOR PLAN CASEMATES 1-7
FB1 – ADP- LF-XX-DR-A – 343 – S1 – P5 – DEMOLITION FLOOR PLANS CASEMATES 8-16
FB1 – ADP- LF-XX-DR-A – 344 – S1 – P5 – DEMOLITION FLOOR PLANS CASEMATES 17- 23
FB1 – ADP- LF-XX-DR-A – 345 – S1 – P5 DEMOLITION ELEVATIONS CASEMATES 1-7
FB1 – ADP- LF-XX-DR-A – 347 – S1 – P5 DEMOLITION ELEVATIONS CASEMATES 17- 23
FB1 – ADP- LF-XX-DR-A – 350 – S1 – P5 TYPICAL DETAILS LOWER FORT
FB1 – ADP- LF-XX-DR-A – 351 – S1 – P5 TYPICAL DETAILS LOWER FORT
FB1 – ADP- LF-XX-DR-A – 352 – S1 – P5 TYPICAL DETAILS LOWER FORT

Lower Fort WW II tower:

FB1- ADP-TW-XX-DR-A-322-S1-P7 LOWER FORT - PROPOSED WW2 EAST TOWER
FB1- ADP-TW-XX-DR A-323- S1 –P7 LOWER FORT - PROPOSED WW2 WEST TOWER
FB1- ADP-TW-XX-DR A-339- S1 – P4 LOWER FORT - PROPOSED ROOFTOP INFILL
FB1- ADP-TW-XX-DR A-348 – S1 – P5 WW2 WEST TOWER – PROPOSED DEMOLITION
FB1- ADP-TW-XX-DR A-349 – S1 –P3 WW2 EAST TOWER – PROPOSED DEMOLITION

Accommodation Block:

FB1-ADP-AB-00-DR A-510-S1-P8 PROPOSED FLOOR PLAN - 00 8 09.06.17
FB1-ADP-AB-01-DR-A-511-S1-P9 PROPOSED FLOOR PLAN - 01 9 17.07.17

FB1-ADP-AB-02-DR-A-512-S1-P7 PROPOSED FLOOR PLAN - 02
FB1-ADP-AB-03-DR-A-513-S1-P7 PROPOSED FLOOR PLAN - 03
FB1-ADP-AB-04-DR-A-514-S1-P7 PROPOSED FLOOR PLAN - 04
FB1-ADP-AB-05-DR-A-515-S1-P7 PROPOSED FLOOR PLAN - 05
FB1-ADP-AB-XX-DR-A-516-S1-P10 PROPOSED ELEVATIONS - SOUTH ELEVATIONS
FB1-ADP-AB-XX-DR-A-517-S1-P8 PROPOSED ELEVATIONS - NORTH ELEVATIONS
FB1-ADP-AB-XX-DR-A-518-S1-P6 PROPOSED SECTION
FB1-ADP-AB-R1-DR-A-520-S1-P3 PROPOSED ROOF PLAN
FB1-ADP-AB-XX-DR-A-521-S1- P2 CURRENT APPROVAL & PROPOSED
FB1-ADP-AB-XX-DR-A-522-S1-P2 PROPOSED ELEVATIONS - WEST ELEVATIONS
FB1-ADP-AB-XX- DR- A-523–S1-P1 PROPOSED ELEVATIONS - EAST ELEVATIONS
FB1-ADP-AB-DR - A-530- S1- P7 DEMOLITION PLANS
FB1-ADP-AB-DR - A-531 – S1- P3 DEMOLITION ELEVATIONS

Fort Bovisand Cottages:

FB1- ADP-CC-XX-DR-A-410-S1-P10 PROPOSED FIRST AND SECOND FLOOR PLAN
FB1- ADP-CC-XX-DR-A-411-S1-P11 PROPOSED ROOF AND GROUND FLOOR PLAN
FB1- ADP-CC-XX-DR-A 412- S1- P13 PROPOSED ELEVATIONS
FB1- ADP-CC-XX-DR-A-413- S1 –P11 PROPOSED SECTION AND 3D VIEW

Quarry Road cottages:

FB1- ADP- QH-XX-DR-A701 – S1 – P8 PROPOSED FLOOR PLANS & ROOF PLAN
FB1- ADP- QH-XX-DR-A701 –S1-P10 PROPOSED ELEVATIONS
FB1- ADP- QH-XX-DR-A701 – S1 – P8 PROPOSED SECTION

Ancillary Buildings:

FB1-ADP-AN-XX-DR – A-801 – S1 – P6 PROPOSED BUILDING1
FB1-ADP-AN-XX-DR – A-811 - S1 - P6 PROPOSED BUILDING 2 & 3
FB1-ADP-AN-XX-DR – A – 821 – S1 – P6 PROPOSED BUILDING 4
FB1-ADP-AN-XX-DR – A – 822 – S1 – P3 DEMOLITION BUILDING 4
FB1-ADP-AN-XX-DR - A - 831 – S1 – P6 PROPOSED BUILDIMGS 5 & 6
FB1-ADP-AN-XX-DR – A - 841 – S1 – P6 PROPOSED HILL HOUSE

FB1-ADP-AN-XX-DR – A - 842 – S1 – P5 DEMOLITION HILL HOUSE

FB1-ADP-AN-XX-DR – A- 901 – S1- P5 PROPOSED BUILDING 7

FB1-ADP-AN-XX-DR – A – 911 – S1 – P6 PROPOSED BUILDING 8 &9

Quayside plans

FB1-ADP-Q-XX-DR -A601 – S1 – P8 PROPOSED PLANS & ELEVATIONS

FB -ADP-Q-XX-DR -A602 – S1 – P2 DEMOLITION PLANS & ELEVATIONS

Reports

2012s3663 MBA Consulting _ Fort Bovisand Wave Overtopping Final Report dated May 2017

Fort Bovisand Appendix Document K1 Surface Water and Foul Water Drainage Assessment dated May 2017

14172 Structural Engineering Statement, dated September 2015, updated REV A May 2017

A4A –CMP Appendix A Condition Survey Part 1, dated December 2013

A4A –CMP Appendix A Condition Survey Part 2, dated Rev. A, Date 15.01.2014

A4A –CMP Appendix A Condition Survey Part 3, dated Revision A , 17/01/2014

A4B- CMP Appendix B Structural Condition Report, dated December 2013

A4C –CMP Appendix C Ironwork Survey dated December 2013

A4D –CMP Paint Research Report, dated Feb 2014

A4E – CMP Appendix E Timber Assessment, dated January 2014

A4F – CMP Appendix F Preliminary Ecological and initial Bat Survey, dated January 2014

A4G – CMP Appendix G Access Audit, dated December 2013

A-CMP Appendix A Volume 1 Conservation Management Plan, dated March 2015

A-CMP Appendix A Volume 2 Zones 1-4, Conservation Management Plan, dated March 2015

A-CMP Appendix A Volume 2 Zones 5-11, Conservation Management Plan, dated March 2015

A-CMP Appendix 3, Conservation management Plan, dated March 2015

B3- Geotechnical Site Investigation Report ptB, dated 23/3/15

B3 – Geotechnical Site Investigation Report ptC, dated various dates in April and May 2015

B7C 2017 06 03 Preliminary Condition Assessment Pier, dated 30 June 2017

C1-Stabilisation Works – Lower Fort Part 1 reduced ptA, dated July 2017

C1 Stabilisation Works- Upper Fort Part 1 reduced ptB, dated July 2017

C2- Stabilisation works- Upper Fort- part 2, dated

C3 Stabilisation works – pier and Ancillary – Part 3, dated

Flood flow 14172-500 series P5

Landscape plans:

LFB1_ADP-XX-00-DR-L-1900(1)

LFB1_ADP-XX-00-DR-L-1900

LFB1_ADP-XX-00-DR-L-1901

LFB1_ADP-XX-00-DR-L-1902

LFB1_ADP-XX-00-DR-L-1903

LFB1_ADP-XX-00-DR-L-1904

Design and Access Statement

E1- Market Assessments – Visitor Attraction, dated July 2014

E2 – Hotel Market Assessment and Viability Report

E3 – Market Assessments – Commercial Use, dated July 2014

E4 – Commercial Feasibility Report

E5 – Market Assessments – Activity Holidays, dated July 2014

Floydconsult moisture and drying report, Fort Bovisand, with Addendum 100417, dated September 2015

Fort Bovisand Planning Statement dated 17/07/17

G2 Aboricultural Survey dated September 2015

H1 NVC Habitat Survey October 2014

H2 Fort Bovisand Bat Report 2017 REV01, dated February 2017

H3 Fort Bovisand Breeding Bird Updated survey Report 2016 REV02, dated September 2015

H4 Reptile Survey, dated June 2014

H5 Fort Bovisand Mitigation Strategy REV02 for bats, birds and reptiles, dated July 2017

I.1 Detailed Unexploded Ordnance Threat Assessment Report and Appendices 1 and 2 dated 8th January 2015

I2_Fort Bovisand Asbestos Register, REV4, surveys in 2014, report dated July 2017

Landscape and Visual Impact Assessment – LFB1_09June 2017

Northern Cut Calculation document, dated 07/07/17

Transport Addendum to Fort Bovisand FINAL for issue 01-5; issue 01-6

Pages 23 – end from 14172 Fort Bovisand Redevelopment FRA Rev B signed reduced -2

Proposed Accommodation Schedule, dated 18/7/17

REP_1005916_5A-RI_20150916_REV1- Planning Submission Acoustic Report, dated September 2015

REP-0307725-SS-150522-Daylighting Assessment REV P5, dated August 2015

RP6605 Fort Bovisand Photo Sheet

Sea Cliff Remedial Works Preliminary Design Report, including parts A, B, C, D, E, F dated June 2017

Fort Bovisand Regeneration Project Visual Appraisal Survey of Existing Structures, dated September 2015

Stage 1 Paged from Casemate Interpretive Layout ST02 (updated) – 2

Stage2 Paged from Casemate Interpretive Layout ST02

0307662-HL-XX-XX-DR-E-630-0001 – External Lighting P1 , dated May 2017

RRGL-RP6169-D1A-R1 Monitoring Areas

Drainage Layouts 14172-200 series P3, dated September 2015

ADP –SP-XX-DR-A-123 REV S1-P12 Proposed Car Parking Layout

RP6169 Slope Monitoring Areas All V2.

B3- Geotechnical Site Investigation Report ptA, ptD, dated June 2015

B7A Pier Structure December 2015

B7B Pier Structures August 2016

B2 Cliff Assessment Report June 2014

14172 Fort Bovisand Redevelopment SW and FWAssessment Appendices A-D

14172 Fort Bovisand Redevelopment SW and FW Assessment Appendix E reduced to a

14172 Proposed Structural Opening Up works, dated February 2015

14172 Stabilisation Works Schedule RevB, dated 15th June 2015

RP6605 – Bovisand Monitoring April 2017

Environmental Statement

Environmental Statement REV4, dated June 2017

Non- technical Summary Rev02, dated June 2017

Appendix 14 Extreme Loadings dated 26th May 2017

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

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

Application No: 1812/17/OPA

Agent/Applicant:

Grevan Ashmont Retirement
Po Box 108
Brixham
TQ5 5BB

Applicant:

Grevan Ashmont Retirement
Po Box 108
Brixham
TQ5 5BB

Site Address: Proposed development site at SX 550 523, Land at Venn Farm, Brixton

Development: Outline application with all matters reserved for erection of circa 25no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park

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

Officers consider that the application as currently presented is invalid and as such have not proceeded to determine the application. An appeal against non-determination has nevertheless been submitted. If the Planning Inspectorate decide the application is valid they will consider the planning merits of the scheme and will want to know the recommendation of this Council.



Recommendation: That the Council resolve that were it in a position to determine this application it would refuse planning permission.

Reasons for refusal

1. The proposed development in the countryside will result in a significant extension and expansion of the village of Brixton which already has sites coming forward providing significant amounts of new housing that exceed the housing needs of the Parish. The proposed development will add substantially to the cumulative impact of new development in the village that delivered as unplanned development in a short time frame will adversely impact on the social wellbeing and character of the village. As such the proposed development is not sustainable and is contrary to principles of the NPPF, in particular paragraphs 7, 14, 17 and 55 and is contrary to Policies CS1 and DP15 of the South Hams Local Development Framework and Policies SPT1, SPT2 and TTV30 and TTV31 of the emerging Plymouth and South West Devon Joint Local Plan
2. The proposed development fails to conserve or enhance the quality, character and local distinctiveness of the local landscape and adversely impacts on the setting of the South Devon Area of Outstanding Natural Beauty. As such the proposed development is contrary to policies CS9 and DP2 of the South Hams Local Development Framework, policies DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan, the provisions of the South Devon AONB Management Plan and the National Planning Policy Framework in particular paragraphs 109 and 115.
3. It has not been demonstrated that the proposed development can provide safe and convenient vehicular and pedestrian access to the site, including access for emergency vehicles. As such the proposed development is contrary to policy DP7 of the South Hams Local Development Framework, policies SPT2 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paragraph 32.
4. The proposal would generate a requirement for a signed Section 106 agreement to deliver identified planning obligations. The absence of such a signed agreement is contrary to policies CS6, CS8, CS10, DP5 and DP8 and of the South hams Local Development Framework, policies DEV9, DEV28, DEV29, DEV32 of the emerging Plymouth and South West Devon Joint Local Plan and paragraph 203 of the National Planning Policy Framework.

Key issues for consideration:

Whether the application as submitted is a valid planning application.

If the application is deemed to be valid then the key planning issues should be considered as follows:

The site lies outside of but adjacent to the settlement boundary. The site would be an extension to the village of Brixton which has had a high number of permissions for residential development granted in recent years and which is very close to the large urban development of Sherford.

South Hams District Council can demonstrate a five year housing land supply however its adopted housing supply policies are out of date. In such a situation, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF) it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

In making this assessment key issues will relate to social impacts of the development on the village, landscape impact, highway impact, ecological impact and impact on residential 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 £30,600 per annum, payable for a period of 4 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 red-line application site is a 2.24ha parcel of land immediately north of land on which outline planning permission was recently approved for 29 dwellings as 'Phase 3' of development on land originally known as Venn Farm, now known in part as Canes Orchard and also north of land which has planning permission for 17 dwellings as part of Phase 2a of the Canes Orchard development.

The site location plan includes a further area of land outlined in blue, north of the red-line site, which amounts to a further 2 ha (approx). The planning statement refers to 'the site' as extending to 4.2 ha and currently comprising two arable fields bisected by a hedgerow running north-south, the planning statement therefore refers to both the red line and blue line areas combined as the application site.

The 4.2 ha site is boarded by mature hedgerows with some trees. The site is in agricultural use and is Grade 2 agricultural land.

There is an existing field access on the northern boundary of the blue land. A public right of way crosses the eastern field diagonally linking Cherry Tree Drive to the road to the north. This forms part of the Erme-Plym Trail and is a popular and well used recreational route.

As acknowledged in the design and access statement the site is crossed by a ridge and falls to the south across the principal area for the proposed residential development. There are views across the village and its surroundings from the upper slopes.

The red-line application site adjoins Lodge Lane to the west, this is the only road from which it may be possible to provide a direct access, based on the site location plan submitted. The application site does not extend south to meet up with the road within Canes Orchard.

The South Devon AONB lies approx. 200m to the south of the site on the opposite side of the A379.

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 25 age restricted bungalows/chalet bungalows, allotments, public open space and visitor car park. This is the description set out on the application form.

The application form states that the application is in outline with all matters reserved. This conflicts with the design and access statement which states the details of access are to be submitted at this stage and that access will be gained from the existing phased housing development (presumably on the land to the south).

The application is supported by an illustrative masterplan. This shows 25 dwellings located within the red line application site and an area of public open space to the south. The plan shows a vehicular access to the south of the site linking into the Phase 3 of Canes Orchard. This road however does not exist, reserved matters for this phase of development is yet to be agreed and the route of this road could change; this approved scheme may or may not come forward for development.

A substantial area of public open space, the allotments and a visitor car park, together with an emergency access are all shown on the illustrative masterplan as located within the blue line area of the site plan, therefore outside of the application site.

The illustrative plan shows bungalows located on the northern part of the actual application site and chalet bungalows on the southern, lower part of the site. A new Devon bank is indicated running east west across the existing fields, dividing the application site from the public open space and allotments to the north.

The illustrative layout will require the existing public right of way to be diverted, there is no mention of how or if it is intended to do this within the supporting documents. The illustrative plan has been amended so that it could be possible to achieve a link from the PROW into the site but there is no route diversion indicated on the plan.

The application includes draft heads of terms for Section 106 provisions which include the following:

- 30% on site provision of affordable housing (age restricted).
- On site provision of allotments and open space
- On site provision of landscape and biodiversity

Consultations:

- County Highways Authority: Objection: It is normally the case that when a site exceeds 100 houses an emergency access should be provided. The Highway Authority would not accept the principle of a main site access from Lodge Lane it is 3m wide generally and has a poor junction with Stamps Hill at Wollaton Cross.

The land required to gain safe and suitable access to a Public Highway is not included within the application site, nor is the land within the control of the applicant such as to ensure that a satisfactory access can be achieved contrary to paragraph 32 of the National Planning Policy Framework.

- Environmental Health Section: No objection subject to the following conditions: universal condition for development on land affected by contamination, verification report and CEMP to include details of noise impacts, dust control and hours of operation.
- NHS: No comment to make
- Affordable housing: There is no identified need for over 55 affordable housing in Brixton that SHDC is aware of however the Brixton housing needs survey does indicate a demand for 3 units. A 30% on-site provision based on 25 dwellings would result in 7.5 affordable age restricted dwellings. The properties would need to be of a suitable mix to ensure that the affordable housing is indistinguishable from the open market housing ie we would need to think about size and type. It is likely that any RP taking interest in this type of property would only seek one bedroom accommodation due to the potential reliance on benefits, LHA bedroom cap would still apply to tenants who are in the 55 – 65 age range and therefore this proposal is potentially going to cause issues.
- Wales and West Utilities: Applicant may not build over any of their plant or enclose their apparatus.
- South West Water: No objection
- Natural England: No objection subject to a financial contribution to mitigate impacts on the Plymouth Sound and Estuaries Special Area of Conservation. Advise consultation with AONB Unit, recommend an LVIA is submitted.
- SHDC Landscape: Objection, contrary to Policies CS9, DP2 and emerging DEV24.
- AONB Unit: No comment received
- Barn Owl Trust: This is a suitable habitat for Barn Owls; no objection subject to planning conditions requiring the provision of a permanent accessible nesting space for Barn Owls within one or more of the developed buildings.
- Devon County Lead Local Flood Authority: No in-principle objections subject to pre-commencement conditions to secure a detailed surface water management scheme, a detailed construction phase surface water management scheme and details of the adoption and maintenance arrangements for the approved drainage scheme.
- DCC Public Rights of Way: The effect of a development on a Public Right of Way is a material planning consideration. Express permission from DCC is required to alter or stop up a PROW through a diversion or stopping up order.
- Historic England – Do not wish to comment.
- DCC Archaeology: No comment to make

- Police AOL – General advice plus the following comments: The public right of way linking into the public open space between 2 dwellings may prove problematic for residents in terms of undermining security and privacy

There is evidence in the county where inadequate and poorly designed in-curtilage parking is creating problems for new development, seeing residents and their visitors preferring or having no choice but to park on the highway, pavements or any available space. But this can create chaotic street scenes which can easily lead to safety implications and inconsiderate and obstructive parking, creating upset and angst amongst residents and the potential for this to escalate to incidences of antisocial and criminal behaviour, thus increasing demand on the Police and other relevant agencies. It is requested that adequate parking is provided.

The allotments should ideally have their own access and be well overlooked.

- Open Space Sport and Recreation: No evidence of demand for the allotments; open space provision is generous but proposed use may be inappropriate, an alternative better use of the open space may be possible. No objection, noting that the applicant will need further consultation with the community and Parish Council as to be best use of the public open space and subject to:

S106:

- Clause securing £892.50 per dwelling towards improvements to the recreational footpath and cycle network within Brixton Parish.
- Access to public open space in perpetuity, and management and maintenance in accordance with LEMP

Condition:

- Details of specification for public open space at Reserved Matters

Public Right of Way – this will require a s257 diversion order and the success of the order cannot be assumed. There is no indication in the submission of how it would be diverted; based on the illustrative layout it would require quite considerable diversion.

- Ecology: No objection subject to:

Conditions to secure:

- Pre-commencement submission of a Landscape and Ecological Management Plan
- Submission of a sensitive lighting plan at Reserved Matters

S106 Clause securing a sum to mitigate recreational impacts of new residents, by delivering actions within the Tamar and Yealm Estuary Management Plans, to be calculated in accordance with the adopted table at Reserved Matters.

- Brixton Parish Council: Object. The Parish have submitted a very detailed report to support their objection which is included in full at the end of this report. Their summary of objections is as follows:

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF). – Sustainability and promoting healthy communities

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *'Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.'*

3. The application is not in accordance with the emerging Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*

(a). Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.

b). Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues for pedestrian and vehicular access to the site through Canes Orchard.

7. The site is not suitable for age restricted bungalows due to its topography, its isolation from the village and lack of public services.

8. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

9. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

10. There are serious and well-founded concerns in the local community that the continuing approval of applications for significant housing developments in Brixton village coupled with the new town of Sherford less than a mile away that Brixton will become an anonymous dormitory suburb with inadequate facilities resulting in an erosion of community identity and character.

Representations:

Approximately 53 letters have been received raising objections on grounds that include the following:

- Impact on Public Footpath No 9 which will have to be diverted or closed – this PROW is an important safe pedestrian link via Monkey Lane for Sherford residents that could be lost.
- An excessive numbers of houses have already been approved in Brixton, well over the 10 identified in the JLP.
- No need for further housing – Sherford and existing consents in village
- Further new housing will destroy the character of the village
- Out of scale with the village
- Local services and infrastructure cannot support more housing – nearest health centre is in Yealmpton and it takes 3-4 weeks to get an apt.
- Not sustainable development
- Neighbourhood Plan has identified no need for retirement homes
- Residents will use the footpath between nos 30 and 32 Cherry Tree Drive as a shortcut and this will impact on amenity and security
- Development in the countryside on an unallocated site – contrary to policy
- Loss of green space
- Impact on wildlife
- Adverse landscape impact
- Limited public transport available
- The site is within 250m of South West Composting Ltd
- Local roads cannot cope with added traffic, they are narrow and congested; further traffic will compromise highway safety on roads with inadequate/lacking in footpaths.
- Transport Statement is inaccurate - and out of date relying on 2011 survey data
- Residents would drive as development is at the top of a hill
- New housing at Canes Orchard has not been affordable to locals and neither will the proposed.
- Sewage and drainage will be overloaded causing pollution of the Yealm Estuary.
- Evidence submitted from EA showing sewage spills in Brixton
- Yealm shellfish fisheries is being polluted – damage to environment and economy
- Site is isolated from village, not suitable for older residents
- Unreasonable for Canes Orchard residents, who were told there would be no more development, to have to endure more years of construction traffic and disturbance. Continued construction traffic on the narrow access road is dangerous.
- Will adversely impact on amenity of Cherry Tree Drive.
- There is retirement accommodation available at Venn Court
- A green buffer was promised between Sherford and Brixton and should be maintained.
- Wrong to assume that over 55's do not work and will not drive at peak times.
- No local demand for over 55 housing
- Orchard Road is sub-standard and cannot take more traffic.
- The application is correct to say the land is vacant, it is agricultural land – loss of productive agricultural land

2 letters have been submitted in support of the application for reasons that include:

- A welcome addition to the village

- Will be a nice place to retire to
- There is a need for this type of accommodation – will balance out the current permissions
- Bungalows are rarely built and will be eagerly sought out

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

1825/16/OPA - Outline application (with some matters reserved) for the erection of circa 29 dwellings and means of access

The applications above have granted planning permission for a total of 90 dwellings

ANALYSIS

Validity and status of the application

The application is made in outline with all matters reserved. The site location plan outlines one parcel of land (the southern parcel) in red and the other parcel (the northern parcel) in blue. The red line should indicate the extent of the application site and the blue line should indicate adjoining land within the control of the applicant.

Paragraph 023 of the NPPG states the following:

As a minimum, applicants will need to submit a 'location plan' that shows the application site in relation to the surrounding area.

Paragraph 024 of the NPPG states that:

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

The description of development is for the erection of circa 25 age restricted bungalows/chalet bungalows, allotments, public open space and visitor car park (all matters reserved).

An illustrative plan supports the application and this shows the dwellings in the southern parcel with an area of POS adjacent the southern boundary, access coming from the south from within the as yet unbuilt Phase 3 land, a large area of POS, allotments and visitor car park in the northern parcel and an emergency access running through the northern parcel.

Any third party reviewing and commenting on this application would reasonably assume that the illustrative plan is showing the likely form of development and would assume the proposal includes a large area of POS, allotments, parking and an emergency access. All these elements are mentioned in the description of development except for the access.

The POS, car park and access road and potentially the allotments are development requiring planning permission and as such should be within the application site, but are outside of the application site.

The means of access shown in the illustrative plan and referred to in the design and access statement does not link into any existing road network; the red line of the application site does not extend to any existing road. Again any third party would reasonably assume the proposal is to take access from Orchard Road and would comment accordingly.

The Design and Access Statement which forms part of the application states that access is not a reserved matter and will link into the approved scheme to the south. The application from states that access is a reserved matter.

The Planning Statement which also forms part of the application refers to the application site as being the entire 4.2ha site (both the north and south site combined). The application form states that the site area is 2.24ha..

The application is inconsistent and proposes development outside of the identified red line site location plan. As such the application is invalid. For this reason the LPA had declined to determine the application and instead asked the applicant to amend the application to include all the relevant land within the red line plan. The applicant has declined to do this and has instead appealed against non-determination.

Officers will inform the Planning Inspectorate that they consider the application to be invalid. In the event that the Inspector does not agree with this assessment however the planning merits of the scheme will then be assessed and the LPA will need to advise the Inspectorate of the decision it would have made had it been in a position to determine this application. This report therefore continues to assess the merits of this application notwithstanding the fact that officers consider the application to be invalid and misleading.

Principle of Development/Sustainability:

The application proposes major development of circa 25 dwellings on an unallocated site in the countryside, outside of the Brixton settlement/development boundary.

The starting point for consideration is the development plan and the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004 (replacing Section 54A of the Town and Country Planning Act 1990) that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would need to be in conformity with South Hams District Council (SHDC) Core Strategy (December 2006), SHDC Development Policies (July 2010) and the Rural Areas Site Allocations Development Plan Document (February 2011) to be acceptable in principle (These documents all form part of the Local Development Framework (LDF).

The Plymouth and South West Devon Joint Local Plan (JLP) is the emerging development plan which when adopted will replace the current LDF. The JLP is at an advanced stage having been submitted for examination and as such carries weight; the extent to which there are unresolved objections to relevant policies will influence how much weight individual JLP policies can be given.

Policy CS1 of the LDF identifies settlements in which the principle of development is acceptable and this includes Brixton. The site however lies outside of the settlement boundary, in the countryside. Policy CS1 states that outside of identified settlements development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Policy TTV31 of the emerging JLP addresses development in the countryside and states, inter alia, the following:

Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

Within the JLP housing sites have not been allocated for villages, this has been left for Neighbourhood Plans to identify and bring forward. Policy TTV30 of the JLP identifies Brixton as a village able to accommodate around 10 dwellings.

Paragraph 49 of the National Planning Policy framework (NPPF) states that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

This authority has a demonstrable 5 year housing land supply of deliverable housing sites, however the evidence base for this forms part of the emerging JLP which remains to be tested through examination. As such only limited weight can be applied to this 5 year housing land supply at present. The tilted balance of paragraph 49, in favour of sustainable development, is therefore relevant.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; 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.

Addressing the first bullet point it is relevant therefore to consider whether the proposals accord with the development plan. To comply with policies CS1 and TTV31 there should be a local need for the development.

A recent Housing Needs Report for the Parish of Brixton, dated April 2016 has identified a need for 11 affordable homes and 18 open market homes within the next 5 years. The following planning permissions have recently been granted within the village:

07/2022/12/F -	Canes Orchard Phase 1 – 27 dwellings including 6 affordable units
07/1196/15/F -	Canes orchard Phase 2a – 17 dwellings including 4 affordable units.
07/1197/15/O -	Canes Orchard Phase 2b – 17 dwellings including 5 affordable units
1825/16/OPA -	Canes Orchard Phase 3 – 29 dwellings including 9 affordable units
2771/16/FUL -	Tuscany’s Legion Lane – 4 dwellings

Plus extant consents for 20 further dwellings on smaller sites in the Parish. This equates to planning permission for circa 114 dwellings, granted since 2012.

Phase I of Cane’s Orchard has been delivered, the affordable units were completed in 2015 and therefore pre-date the Housing Needs Report.

Phase 2a of Cane’s Orchard is under construction and will deliver 4 affordable units and 13 open market dwellings.

The remaining permissions remain extant and will provide a total of 14 additional affordable units and 52 further open market dwellings.

The applicant argues that none of the extant consents will provide for older persons housing. The Brixton Housing Needs survey identified that 3 households were looking for older persons housing. The current application proposed circa 25 units, well in excess of this provision. It cannot be assumed that the extant permissions will not deliver accommodation suitable for older persons; dwellings do not need to be age restricted to be suitable for later life living.

It is demonstrated therefore that planning permission exists for development that will deliver well in excess of the identified local housing need in the Parish of Brixton and therefore there is no local need for further housing. As such the proposed development does not accord with either policy CS1 of the development plan or policy TTV31 of the emerging development plan; the development is not small scale and does not meet an identified local need.

The principle of the proposed development does not accord with the adopted or emerging development plans.

The Council’s adopted policies regarding location of housing development are however out of date as they are based on housing supply up to 2016 only. Advice in para 14 states that where the development plan is out of date, if the development is sustainable, planning permission should be granted unless the adverse impacts of doing so would significantly and

demonstrably outweigh the benefits or if specific policies in the NPPF indicate development should be restricted.

It is relevant therefore to consider the following:

- i. is the development is sustainable;
- ii. are there any adverse impacts and if so whether they would significantly and demonstrably outweigh any benefits; and
- iii. do specific policies in the NPPF indicate development should be restricted

(The recent Supreme Court ruling of Suffolk Coastal has established that development plan policies that indicate that a particular development should be restricted are relevant in the context of footnote 9 in Para 14.)

Sustainable Development

Location

Policy CS1 - Location of Development, of the LDF 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.

Policy TTV30 of the emerging JLP also identifies Brixton as being a sustainable village.

Policy TTV1 identifies development appropriate for sustainable villages as being that which will meet locally identified needs and which will sustain limited services and amenities; settlement boundaries are identified to focus development accordingly.

Policy TTV2 states that the LPA will support development of housing in a location where it will enhance or maintain the vitality of rural communities.

Policy SPT2 states that the LPA will apply principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area, this includes development being well served by public transport, walking and cycling opportunities

It is clear that Brixton, as a village, is sustainable however this does not necessarily mean it is sustainable for all types and amounts of development. In addition any sustainable development would need to be able to properly access the village facilities to benefit from them.

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 some which would be likely to be spent in the local area with some increase in the demand for local goods and services.

Paragraph 7 of the NPPF however does qualify this benefit; stating that LPA's should ensure that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

Windfall sites such as this can only be required to contribute to local infrastructure insofar as the improvements are needed to mitigate the effects of a specific proposal. By contrast, residential development that is plan led can be brought forward together with necessary supporting infrastructure.

Increased spending power where local facilities are lacking can result in greater economic benefit to nearby larger centres, in this case Plymouth, with Brixton increasing functioning as a dormitory settlement; this minimises the local economic benefit.

In respect of the economic element of sustainable development the balance is considered to be marginally in favour of the development.

The Social Role

In respect of the social aspect of sustainability a number of objections have been raised including the pressure on local services with the medical centre in particular being oversubscribed, added congestion on highways that are already dangerous, unsafe pedestrian access and impacts on existing residents who live nearby. Concern is also raised with regard to the cumulative impact of significant numbers of new house building on the social wellbeing and character of the village.

The NPPF places a priority on significantly boosting housing supply and the proposed development would be a clear benefit in this regard, delivering 25 homes of which 30%, 7.5 units, would be affordable.

Since 2014 approx. 115 dwellings have either been built or granted planning permission in the Parish of Brixton. In 2009 Venn Farm, now known as Canes Orchard was allocated for development that included up to 50 dwellings. Planning permission has been granted for this site and beyond the allocation boundaries, for 90 dwellings, of these 27 have been completed and 17 are under construction. This 115 new dwellings represents an approximately 28% increase in housing within the village.

There are very limited employment opportunities in the immediate area. It is likely that residents will rely on larger settlements such as Plymouth for employment. There is a real danger that constructing large amounts of new housing on the basis that its occupiers would commute out to Plymouth for work risks turning Brixton into a dormitory town, impacting on the character of the village.

The NPPF places importance on widening the choice of high quality homes, and ensuring that sufficient housing (including affordable housing) is provided to meet the needs of present and future generations. As discussed above, the proposed development would be of clear benefit in terms of the district's housing supply, however the NPPF does not identify a straightforward correlation between the construction of houses and ensuing social benefit. Paragraphs 54 and 55 explain that housing development should reflect local needs, and be located where it will enhance or maintain the vitality of rural communities.

An Inspector in the Feniton appeal 2014, (APP/U1105/A/13/2191905) commented that substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. This type of impact is always hard to quantify, given the difficulties of obtaining tangible evidence. Prior to 2014, there were approx. 400 dwellings in Brixton village; planning permissions have been granted for the provision of 115 further dwellings. The current proposals would add circa 25 more, resulting in an overall increase of over 35%. This would constitute a sizeable expansion. Officers accept the Parish Council's argument that it would take the existing community some time to adapt, and may have adverse consequences for the social and cultural wellbeing of existing residents. There is evidence that many residents chose to live in Brixton specifically because it is a small, quiet, rural settlement.

The Inspector in the Feniton appeal commented that communities (quite rightly) expect that decisions about a settlement's capacity to take significantly more houses should be taken through the Local Plan process. The Inspector comments that in this context, a considerable quantity of new housing being allowed on appeal in advance of that process, shortly after permission having been granted for a significant number of new houses, could lead to hostility and resentment being directed towards the occupiers of the new housing. The Inspector concludes that the potential adverse impact on the existing community is a consideration which must be weighed in the overall balance.

In addition to the social pressures from on-going and proposed development within the village the urban expansion of Sherford which is bringing forward approx. 2000 new dwellings lies only 500m north of the village, the closest point being Wollaton Cross at the top of Stamps Hill, less than 500m from the application site. The development site will take the village boundary closer to Sherford, eroding the countryside buffer between the two. This could further erode the identity and social cohesion of Brixton.

The issue of congestion and highway safety is considered elsewhere in the report.

A further issue regarding the social aspect of sustainability relates to the sites location. As will be expanded on later in this report the application site cannot provide safe pedestrian access for all users into the village to access services and public transport. This could result in social isolation for some residents.

Neighbour Amenity -

Existing neighbours, in particular those residents on Cherry Tree Drive that back on the application site have raised concerns regarding loss of amenity; this includes concern about increased use of the public footpath and the loss of privacy, security and noise disturbance that could arise.

This is an outline application with all matters reserved. The revised illustrative site layout shows public open space acting as a buffer at the rear of properties on Cherry Tree Drive. The plans indicate that it should be possible to achieve a development that would not significantly impact on the residential amenity of neighbours. Increased use of the existing footpath would not justify the refusal of planning permission.

On balance, it is considered that the adverse social impacts of this proposal weigh against 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; impacts of the local composting facility; heritage assets and surface and foul water drainage.

Looking at the principle of development on this green field site, the likely increase in vehicular traffic would conflict with the aim of minimising pollution. Building houses on undeveloped parts of the countryside would also conflict with the core planning principles set out in paragraph 17 of the NPPF of conserving and enhancing the natural environment and encouraging the effective use of land by reusing land that has previously been developed.

The proposal is on Grade 2 arable land which is one of the categories of best and most versatile land. Paragraph 112 of the NPPF states that LPA's should take into account the economic and other benefits of the best and most versatile agricultural land. The loss of good quality agricultural land is an adverse impact to be weighed in the overall planning balance

Landscape Impact:

The Councils landscape specialist has assessed the proposal and has commented as follows:

Landscape Character and Visual Impact

The site and surrounding area lies wholly within Landscape Character Type 3E: Lowland Plains. The key characteristics of this area include the undulating landform, with undeveloped areas comprising predominantly arable farmland, bound by banked and wide mixed hedgerows. Whilst settlements including Plympton, and the smaller villages at Yealmpton and Brixton are noted as more densely settled areas, long views across the landscape towards Dartmoor to the north and the coast to the south are key characteristics, along with recreational value from footpaths and tracks providing quiet enjoyment and ready access to the natural environment from these settlements.

Recognising the context of new and consented development immediately to the south, along with efforts to bring down the scale of proposed development through the suggested use of single-storey development and the introduction of new landscape features, there are however still landscape concerns in relation to this application and the principle of development at this site. Whilst visibly extending the urban form of Brixton, the previous developments in this area have maintained the historic pattern of the village; on land sloping down to the valley to the south and south east, with a tangible connection to the road network and historic settlement pattern in this area. The site now proposed loses this connection, with development breaching and over-topping the high-point of the ridge to the north of the village.

Experiencing the character of the site and its surroundings from the public footpath passing through the eastern parcel of land, there is very limited association with the village; with only the top edge of dwellings on Cherry Tree Drive and the new build development on land below to the south visible. The character and visual quality of the site is clearly that of the rural landscape north of the village; the rolling arable farmland landscape, with an intact field pattern typical of the Lowland Plains LCT.

Breaching the principle pattern of development form of this area would undermine these key characteristics in an area with an otherwise robust and intact landscape character. Visual impacts would be significant and adverse locally; introducing residential development into an area with little or no context, and restricting the rural experience of a well-used stretch of footpath (and long distance Erme-Plym Trail) offering one of the few recreation access points to and from the village.

Wider visual impacts from the south would be less affected, but would consolidate and solidify the presence of development on the ridgeline above Brixton. From the north and west, views are restricted by topography to glimpses from lanes, but would experience the introduction of residential built form (ridge tops and rooflines) into a currently visually undeveloped landscape.

Protected Landscape

Although not within the South Devon AONB, the village of Brixton and its surrounding landscape lie within the setting of the designation. The Special Quality of the AONB relating to setting has the following distinctive characteristic: The inland boundary of the AONB is mostly not marked by a distinct change in scenery and the landscape character continues seamlessly into the neighbouring countryside. The hinterland of the AONB – particularly the rural largely undeveloped countryside, farmland and woodland – is particularly significant as a setting for the AONB.

The AONB Management Plan contains policies and objectives to protect its setting, including Lan/P7, Lan/O2, and Plan/O6. The changes to character and visual amenity set out above resulting from the development would conflict with these. Due to the distances of available views of the site from within the AONB, despite this management plan conflict, I would not object solely on AONB grounds, but note that impacts upon its setting are a material consideration.

Arboricultural Impact

It is possible that the proposed development could be achieved at this site without impacting on any significant trees or hedgerows and I would therefore raise no objection on arboricultural grounds, subject to securing appropriate protection for the existing vegetation during construction. However, if the scheme were to move forwards, the layout would need to be amended to remove the Category B hedgerows from private rear gardens so that their future management and integrity can be secured.

Policy

In light of the above issues and identified landscape and visual effects of the proposed development, I would conclude that the proposals fail to meet policy tests in the adopted Core Strategy, the Development Policies DPD, and the emerging Joint Local Plan in relation to landscape character and visual impact. Although these impacts are fairly localised in nature, the policy tests of CS9 and DP2 are not ones of degrees of harm; they are explicit in requiring that development proposals conserve and enhance the quality and character of the

natural environment (CS9) and conserve and/or enhance landscape character (DP2). The same principles are carried forward into emerging draft policy DEV24. Therefore, the localised effects predicted would still fail these policy tests.

The adverse landscape weighs heavily against the application.

Ecology:

Detailed comments have been provided from the Council's ecology specialist as follows:

The submission is supported by a Preliminary Ecological Appraisal. The site is described as comprising two arable fields with natural vegetation limited to narrow field margins adjacent to the species-rich hedgerows which border the fields. A small area of dense bramble is present in the southwest corner of the site.

Wildlife interest was predominantly considered to be restricted to the boundary hedgerows and included assumed dormice presence, bat foraging and commuting, and bird nesting.

The PEA includes a Conservation Action Statement which shows how impacts can be mitigated to an acceptable level, namely by:

- *Fingertip search of bramble scrub before removal*
- *Sensitive lighting scheme*
- *Timing of works to avoid sensitive nesting/breeding seasons*

The Conservation Action Statement outlines measures which could reasonably be expected to enhance the wildlife value of the site including:

- *Species-rich hedgebank planting*
- *Wildflower mix planting*
- *Tree planting*
- *Bird and bat boxes*

Given the location of the development within the Zone of Influence for new residents leading to recreational impacts on the Plymouth Sound and Estuaries SAC, the submission acknowledges the requirement for a contribution to be secured by s106 towards mitigating this impact by delivery of actions within the Tamar and Yealm Estuary Management Plans. Subject to securing this payment to mitigate impacts, the proposed development would not have an adverse impact on the European Site.

Impacts on bio-diversity are considered to be acceptable

Impact of the local composting facility

The illustrative layout indicates that it would be possible to locate all dwellings more than 250m from the Venn Farm composting facility and as such no issues arise in this regards. In any future reserved matters application it would be important to ensure this minimum distance is maintained.

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 and concludes that there will be no material impact on an identified heritage assets or their settlings.

The result of this statement are accepted; there will be no adverse impacts on heritage assets as a consequence of this development.

Drainage/Flood Risk

Concern has been raised by local residents and the Parish Council about capacity in the foul drainage system that the development would connect into. There is concern that sewage spills have an adverse impact on the Yealm Estuary SSSI and shell fish industry.

South West Water raise no objection to the development.

Devon County Flood Risk have reviewed the drainage details submitted and raise no objection subject to pre-commencement conditions.

The statutory bodies responsible for surface and foul drainage raise no objection to this scheme and as such it is concluded that impacts in this regard are acceptable.

Environmental dimension balance

The proposed development will have an adverse impact on the visual amenity and character of the landscape, including an adverse impact on the setting of the AONB. Great weight should be given to conserving landscape and scenic beauty in the AONB. The proposal will result in the loss of Grade 2 agricultural land and the loss of green space. Any ecological 'benefits' identified are essentially mitigation.

It is concluded that the adverse environmental impacts weigh heavily against the development

Other Matters:

Open Space, Sport and Recreation

The Council's OSSR Specialist has considered this application and provided comments as follows. These comments assume that all the land and proposals shown on the illustrative plan form part of the application proposal:

The submission outlines an area for allotments in the northwest of the site, and public open space in the north east (in addition to alongside the southern boundary).

Whilst allotments would typically be welcomed, there must clearly be a local demand. The Parish Council in their consultation response advise that in the 2016/17 Neighbourhood Plan consultation there was no evidence of a requirement for additional allotments in Brixton.

The development incorporates a significant amount of open space. The space would more than meet the needs of the new residents. The point made by the Parish Council however is a good one – in such a location this open space is likely to be used by neighbouring developments (no bad thing in itself) – but due to its peripheral and unsupervised location it is likely to attract anti-social use and likely to be at odds with housing for over-55s or indeed their use of the site.

It is considered that the offering of open space comprising the outlined allotments and ‘public open space’ is generous for a site of this size, and that with further consultation prior to Reserved Matters a use of this area which better meets the needs of the community might be secured (not least given that the Parish Council consider that the phases of the Venn Farm development to the south underprovide for public open space). Alternatively it may be possible to revise the layout to better incorporate the open space into the development to make it more of a focal point/integral to the site.

New residents from the development would be expected to use sport and recreation facilities within the locality. Surveys relating to the Neighbourhood Plan have identified a requirement for improvements to the recreational footpath and cycle network around Brixton, and these will be formulated into projects within the Brixton Open Space, Sport and Recreation Plan which is expected to be an appendix to the Neighbourhood Plan. Whilst these specific projects are not yet identified, it is considered that new residents will make regular use of the recreational footpath and cycle network across Brixton, adding pressure to the network, and that these impacts should be mitigated. These new residents will benefit from investment in improving the network.

Acknowledging that the dwelling size mix is not yet known, and that developments for over 55s may have a smaller occupancy rate, SHDC has recently taken the approach on a number of similar developments of seeking only the sports/recreation component of ‘OSSR’ (i.e. not the play area component), which is £595 per resident as per the SHDC OSSR SPD (2006), and applying an average of 1.5 residents per dwelling.

Recommendation – No objection, noting that the applicant will need further consultation with the community and Parish Council as to best use of the public open space offering, and subject to:

S106:

- Clause securing £892.50 per dwelling towards improvements to the recreational footpath and cycle network within Brixton Parish.*
- Access to public open space in perpetuity, and management and maintenance in accordance with LEMP*

Public Right of Way

A Public Right Of Way crosses the site. This would require a s257 diversion order (application separately made to the LPA) to divert the PROW in relation to facilitating the proposed development. The success of a diversion order cannot be assumed and is subject to its own consultation process. The illustrative plans do not show how it is intended to divert the route nor is the diversion mentioned in any supporting documentation.

The PROW forms part of the well-used long distance Erme Plym Trail, the urbanisation of this part of the route will detract from the enjoyment of this part of the trail. It is not clear to what extent the route may become less convenient.

The proposed development is likely to have a negative impact on the enjoyment and convenience of this PROW.

Highways/Access

Concerns have been expressed by local residents and the Parish Council with regard to vehicular and pedestrian access to the site in terms of pedestrian and highway safety and congestion. These concerns are based on the assumption that access will be from Orchard Road, this is a narrow winding route which is a shared surface. There is concern about congestion here and conflict with increased numbers of pedestrians.

Access is a reserved matter. The application site (red line) however adjoins only Lodge Lane to the west. The access road shown on the land to the south does not exist and the application site does not extend further south to link into the existing estate road, Orchard Road. The Design and Access Statement indicates that this is the proposed route for the access but it cannot be secured via the current application.

If planning permission is granted for this scheme the only access link that does not appear to rely on third party land would be onto Lodge Lane. The Highway Authority have stated that Lodge Lane is not suitable as a principle point of access into the site being only 3m wide and having a poor junction with Stamps Hill at Wollaton Cross. It should also be noted that there is no footway along Lodge Lane and walking distances into the village would be excessive.

It is normally the case that when a site exceeds 100 houses as would be the case here, an emergency access should be provided. The emergency access indicated to serve this site falls outside of the application site.

The Highway Authority initially provided detail comments on this application, on the basis that access would be from Orchard Road; they raised no objection. The Highway Authority are now aware that this access cannot be secured through this application and consider that as satisfactory access cannot be secured the application is contrary to paragraph 32 of the NPPF which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Policy DP7 of the LDF states that development should

a. provide priority to cyclists and users of public transport, over the private car. This will be achieved, in part, through the creation of links between new development and existing pedestrian, cyclist and public transport networks;

b. provide for safe, easy and direct movement for those with mobility difficulties;

c. have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal;

d. not materially impair highway safety or traffic movement; and

e. not detract or conflict with the transport function of the road.

Policy DEV31 of the emerging JLP states that development, where appropriate, should:

- 1. Consider the impact of development on the wider transport network.*
- 2. Provide safe and satisfactory traffic movement and vehicular access to and within the site.*
- 3. Ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network.*
- 4. Limit / control the overall level of car parking provision at employment, retail and other destination locations.*
- 5. Provide for high quality, safe and convenient facilities for walking, cycling, public transport and zero emission vehicles.*
- 6. Mitigate the environmental impacts of transport including air quality and noise pollution.*
- 7. Incorporate travel planning, including Personalised Travel Planning (PTP), which helps to maximise the use of sustainable transport in relation to the travel demands generated by the development and limit the impact of the development on the road network.*
- 8. Ensure that access and infrastructure delivered as part of the development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area alongside supporting place-shaping objectives.*
- 9. Contribute to meeting the wider strategic transport infrastructure needs generated by the cumulative impact of development in the area.*
- 10. Locate new homes in locations that can enable safe, secure walking, cycling and public transport access to local services and amenities.*

The failure to provide safe and convenient vehicular and pedestrian access for all users, from the site into the facilities within the village, is contrary to the NPPF, the adopted LDF and the emerging JLP. This weighs against the development.

Planning Balance

Whilst this authority can demonstrate a robust 5 year housing land supply based on the emerging JLP the evidence base for this remains to be tested at examination and therefore carries limited weight. The Council's adopted policies for the supply of housing are out of date as the adopted development plan makes provision only up to 2016. As such it is relevant to consider this application in the context of paragraph 14 of the NPPF.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development subject to two criteria, the first being that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole:

Benefits of the development:

- Provision of 25 new dwellings within the District

- Provision of circa 7.5 new affordable homes within the District
- Economic benefit to the local economy during construction.
- Economic benefit to the local economy through added spending and use of facilities by new residents.

Significant adverse impacts of the development:

- Adverse impact on the social wellbeing and character of the village of Brixton as a consequence of unplanned, cumulative, large scale, new development within a short time frame and where there is no local need for further housing.
- The application fails to conserve or enhance the local landscape character and the setting of the AONB
- The development would adversely impact on the rural character and possibly the convenience of use of this part of an important PROW.
- It has not been demonstrated that a safe and convenient means of vehicular and pedestrian access can be delivered
- There is a limited opportunity to provide any meaningful public open space within the application site; the illustrative plan relies on land outside the application site
- In the absence of a signed Section 106 agreement the application would fail to provide necessary provision of affordable housing, ecology mitigation and contributions towards recreation/open space

The second criteria is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted. As established in the Supreme Court ruling in the case of Suffolk Coastal, such restrictions can include development plan policies. Adopted LDF policy CS1 and emerging JLP policy TTV31 seeks to restrict unsustainable development in the countryside which should only be allowed in response to small scale, local need. There is no identified local need for further housing within the emerging plan period and the proposed development is not small scale.

As such the development proposal fails the tests of paragraph 14 of the NPPF; it is not sustainable development and the adverse impacts of the development significantly outweigh any benefits. The proposed is contrary to NPPF, adopted and emerging development plan policies; it is recommended that planning permission be refused.

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 relevant development plan policies are set out below:

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

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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the natural environment
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns

TTV29 Site allocations in the Smaller Towns and Key Villages
 TTV30 Empowering local residents to create strong and sustainable communities
 TTV31 Development in the Countryside
 DEV1 Protecting amenity and the environment
 DEV2 Air, water, soil, noise and land
 DEV3 Sport and recreation
 DEV4 Playing pitches
 DEV5 Community food growing and allotments
 DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
 DEV9 Accessible housing
 DEV10 Delivering high quality housing
 DEV20 Place shaping and the quality of the built environment
 DEV21 Conserving the historic environment
 DEV22 Development affecting the historic environment
 DEV24 Landscape character
 DEV27 Nationally protected landscapes
 DEV28 Protecting and enhancing biodiversity and geological conservation
 DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
 DEV30 Trees, woodlands and hedgerows
 DEV31 Specific provisions relating to transport
 DEV32 Meeting the community infrastructure needs of new homes
 DEV33 Waste management
 DEV34 Delivering low carbon development
 DEV37 Managing flood risk and Water Quality Impacts
 DEV38 Coastal Change Management Areas
 DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Full comments of Brixton Parish Council

1. Summary of objections:

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF). – Sustainability and promoting healthy communities

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *'Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.'*

3. The application is not in accordance with the emerging Plymouth and South West

Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*

(a). Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.

b). Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term

future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues for pedestrian and vehicular access to the site through Canes Orchard.

7. The site is not suitable for age restricted bungalows due to its topography, its isolation from the village and lack of public services.

8. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

9. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

10. There are serious and well-founded concerns in the local community that the continuing approval of applications for significant housing developments in Brixton village coupled with the new town of Sherford less than a mile away that Brixton will become an anonymous dormitory suburb with inadequate facilities resulting in an erosion of community identity and character.

2. Irrevocable destruction of the identity and character of Brixton as a village and as a parish community

2.1 Very serious concerns continue to be expressed by the whole community about the destructive impact of any further housing development in and around Brixton village. The village of Brixton, gateway to the South Hams, is centred on the Church, a shop with a part time Post Office, a pub and a primary school. The village has a strong sense of identity based on its history and significance as a rural community where change has been incorporated incrementally over the years. Gradual development and change reflecting the needs of the community over time has given the village distinctiveness, continuity and character and for its residents an appreciation of Brixton as a special place with integrity and stability.

2.2 No other development in the village over the years has concentrated so many houses in

one particular area. The national census data evidences that from 2008 – 2011 the housing stock in Brixton Parish increased by 28% with the construction of houses at Carrollsland at Staddiscombe. Since 2011 there was further increase of 16% in the housing stock in the parish and of that increase 25% was in Brixton village. Since 2014 the developments at Venn Farm, known as Canes Orchard, total 44 houses with full planning permission and 46 dwellings with outline planning permission creating a total of 90 new houses on this site to date. A planning application has been made for 64 houses at Stamps Hill and a further 25 bungalows at Venn Farm (still to be determined) Thus the number of dwellings in these applications increases the figure to a total increase of 179 which, if approved, has the accumulative effect of a 45% increase on the existing number of houses within Brixton village in 3 years.

2.3 This magnitude of the increase in housing at Canes Orchard/Venn Farm and Stamps Hill within a short time scale will erode the individual distinctiveness, unique character and identity of the village and its community. **This continuous attrition of what residents believe to be a healthy and happy place to live is starting to have a serious impact on the physiological well-being of the whole community.**

2.4 This application relates to land which is outside the village development boundary. It is part of the agricultural heritage and landscape of the village and parish and is being used for arable farming.

2.5 In 2009 following consultation by the Princes Trust South Hams District Council as part of the Local Development Plan agreed that 50 new houses should be built in Brixton village. The chosen site was land at Venn Farm. Since that time the number of houses on the now Canes Orchard development has increased to potentially 115.

2.6 A further 32 new homes have been built in and around the village or have planning approval as part of infill or change of use. Canes Orchard will potentially provide the village with an urban estate of 115 homes impacting on the identity and the integrity of Brixton as a village in a rural and farming community located in the South Devon Area of Outstanding Natural Beauty. The Plymouth and South West Devon Joint Local Plan 2014 - 2034 (JLP) currently out for consultation has identified that 10 houses are needed in Brixton in the lifetime of the plan - 20 years. A previous Officer's Report (App. Ref. 1825/16/OPA – Canes Orchard) suggested that this indicative figure of 10 dwellings was a minimum figure and not to be regarded as a ceiling, although there is no clear basis for this particular interpretation of housing need. Given that since 2014 a total of 211 houses have been built, have planning permission or are in the process of obtaining planning permission the need for this amount of housing has already been met and exceeded in the parish.

2.7 Brixton village has a very limited range of local facilities. No new facilities have been provided or are planned in Brixton as a result of this excessive house building. In fact the services offered have reduced with a part time Post Office which opens mornings only Mondays, Tuesdays, Wednesdays & Fridays and Thursday afternoons. There is no Saturday service. There is an unreliable bus service during the week and no Sunday service.

2.8 A Housing Needs Survey conducted in April 2016 by the Brixton Neighbourhood Plan Group on behalf of South Hams District Council did not identify the need for specialist housing

for the over 55's. It identified the need for 11 affordable homes for younger people to maintain family and employment links with the Brixton community. Appendix 1

2.9 Furthermore, it should be noted that although previous Officer's Reports have found Brixton to be a "sustainable location" for residential development, it does not follow that any and all further residential development must necessarily be sustainable too. The question of whether or not a particular proposal constitutes "sustainable development" is not simply a matter of location, but involves a wide variety of other considerations.

2.10 The capacity of any individual settlement to absorb residential development is clearly subject to constraints and that capacity cannot, in any event, be regarded as limitless. Any objective consideration of this current development proposal must take into consideration the cumulative impact of this proposal together with those residential developments already permitted. The effect of those permissions when taken together with this current application would be to increase the adverse impacts of this proposal in both a significant and demonstrable manner, in terms of overall sustainability, adverse transport effects, and increased journeys by private car, social inclusion and over-development of the settlement.

2.11 The consideration of the location of residential development, the imposition of specific numerical limits and such matters as objectively assessed housing need are all matters that will be considered at the Examination in Public, which is the proper forum for such analysis. This process should not be usurped by speculative and opportunistic development proposals seeking to take advantage of the 5 year housing land supply situation.

2.12 The emerging JLP now that the Regulation 19 Consultation phase has been completed, will be subject to an Examination in Public (EiP) this Autumn, and the Councils hope that the new JLP will be adopted relatively shortly thereafter. As such, the JLP may be regarded as at an advanced stage and consequently afforded significant weight in the assessment of this application.

2.13 This application is a quasi-urban development in the countryside linked opportunistically to the Canes Orchard development.

3. Policy - Development in the countryside

3.1 This proposed development does not meet the policy of the existing South Hams District Council LDF nor comply with the Policy for thriving towns and villages as identified in 'The Plymouth and South West Devon Joint Local Plan' (JLP) for 2014-2034 and it is contrary to the Policy for development in Brixton in the emerging Brixton Parish Neighbourhood Plan 2014-2034.

3.2 This proposed development is outside the development policy boundary for Brixton village.

3.3 LDF policy CS1 makes it clear that any development outside the development boundary will be strictly controlled and can only be permitted where it responds to a demonstrable local need. **There is no identified need for further housing in Brixton and no identified need for age restricted housing.** This application is essentially development in the countryside. DPD policy DP15 sets out the criteria for development in the countryside: such development

must require a rural location and support the needs of agriculture or meet the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries. This proposal conflicts with the objectives of LDF policy CS1, DPD policy DP15 and the NPPF, intended to protect the countryside from unnecessary development. It takes further valuable agricultural land for housing from the village environment and potentially destroys the character of Brixton as a rural village community.

3.4 In 'The Plymouth and South West Devon Joint Local Plan 2014-2034' (JLP) Brixton is listed as a sustainable village in the JLP's Thriving Towns and Villages policy. The JLP's strategic objective for sustainable villages is *'characterised by strong social networks and traditions. Development will have contributed to enhancing their character and local distinctiveness and helped provide a more balanced demographic profile and greater resilience to change for rural communities.'* This application does not respect the existing networks and traditions of Brixton and does not respect the character and local distinctiveness of the village by attaching an exclusive housing mass for people over 55 in a field at the top of a hill and on the edge of this essentially rural village. It does not enhance the character and local distinctiveness and does not provide a more balanced demographic profile and greater resilience to change it in fact has the opposite impact. Policy TTV31 identifies that LPAs will protect the special characteristics and role of the country side, it continues that housing development adjoining or very near to an existing settlement will only be supported where it meets essential, small scale local development need of the community and provides a sustainable solution. This application is in clear conflict with this policy as there is no identified need for age restricted accommodation in the village and this is contrary to the sense of community and inclusiveness experienced living in Brixton. The 10 identified houses for Brixton in the JLP in the Thriving Towns and Villages policy has already been greatly surpassed.

3.5 JLP Para 5.154 *'The JLP does not identify sites for development in the villages as being the sustainable villages. Rather, an approach is taken which aims to enable development to come forward in these villages which reflects their sustainability, and which will respond to local needs. In these locations, it is clearly important to strike a balance so that development maintains or improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people. It is important that any development in the Sustainable villages also respects the character of the villages and particularly any landscape designation such as the AONBs.'*

3.6 The National Planning Policy Framework (NPPF) identifies three dimensions for sustainable development (see para.7) and NPPF para. 8 states *'to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system'*. This proposed development in this application does not meet the criteria for sustainable development as required by the NPPF under the three dimensions identified.

3.7 For development to properly be regarded as sustainable all three roles need to be fulfilled, so that even if a proposed development may contribute an economic and social role, if such fails to perform in terms of the environmental role proposed development should be refused.

3.8 For example, is the site in question actually of the right type, in the right place and at the right time "to support growth and innovation?" The analysis set out in this document strongly suggests that the land is not of the right type, being open, undeveloped countryside, is not in the right place, as the site is not sustainably located,

and is not at the right time in that there is no proven local need for housing of this scale.

3.9 The Applicant fails to address how the addition of up to 25 age restricted dwellings will positively contribute to performing a social role, and set against any purported benefits are the observations that the addition of some 25 new dwellings will simply serve to increase pressure on existing facilities to the detriment of the area, thus not fulfilling a positive social role as required by the NPPF, where emphasis is placed on “accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

3.10 This view was reiterated at the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

3.11 In addition, the Inspector took the view, in the context of para 9 of the NPPF which states that sustainable development involves seeking positive improvements in people’s quality of life, that constructing large amounts of housing on the premise that its occupiers would commute out, risked turning Feniton into a dormitory town. This was described by the Inspector as “a real danger” (para 85), and contrary to para 9 of the NPPF.

3.12 Furthermore, all the evidence suggests that the proposed development will be heavily car-dependent, in terms of access to employment, services and facilities, thus clearly conflicting with key principles of sustainable development.

3.13 With reference to the environmental role of sustainable development, the likely overall increase in car journeys resulting from the proposed development conflicts with the NPPF’s aim of minimising pollution, and building on previously undeveloped countryside also conflicts with core planning principles set out in para 17 of the NPPF, of conserving and enhancing the natural environment and encouraging the effective use of land by using land that has been previously developed. The NPPF Para 30 states that ‘encouragement should be given to solutions to reduce green gas emissions and reduce congestion. Para 32 emphasises the importance of safe and suitable access for all people’.

3.14 On balance, in terms of the three dimensions of sustainable development, it is clear that the limited benefits arising from the proposed development are significantly and demonstrably outweighed by the adverse impacts.

for Brixton Parish states that *‘All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development should take into account topography, layout, building orientation, massing and landscaping (including any associated public realm) to minimise visual, ecological and social impact’*. This application does not meet this draft policy.

3.16 The emerging Brixton Neighbourhood Plan 2014 - 2034 is at a relatively advanced stage and consequently should be afforded reasonable weight in the consideration of this application.

3.17 This site has not been previously identified in any of the above policies or plans for housing development.

4. 5 Year Housing Land Supply

4.1 It is very difficult for Brixton Parish Council in making an objection to this application to refer the current 5 year housing land supply (HLS) as South Hams District Council has been apparently unable to provide any up to date information. Whilst it is understood that SHDC is, at the present time unable to demonstrate a 5 year HLS, its Housing Background Paper dated Feb 2017 produced for the JLP states that there will be a 5 year HLS by the end of March 2018 (p.57 para 8.13).

4.2 The recent Supreme Court judgement (10 May 2107) on NPPF paras 14 and 49 took the view that despite an absence of a 5 year land supply, existing policies restricting development must still be afforded due weight in the determination of planning applications. Consequently South Hams LDF Policy DEV15 is still an important material consideration. It states “Within the South Hams there is considerable pressure for new development in the country side. Some proposals in the countryside can lead to unsustainable development which individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development”. This application clearly conflicts with this policy.

4.3. Furthermore, in this context LDF Policy CS1 should be regarded as a policy protective of the open countryside, not as a policy restrictive of housing. Despite the 5 year HLS, Policy CS1 should not therefore be regarded as out-of-date.

5. Urban Sprawl on Plymouth fringe – proximity to the new town of Sherford

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

5.2 As a parish, in addition to the 45% increase in house building in the village itself, the new town of Sherford will bring just over 5,000 new homes into the parish area. Considering the geography of the parish and the impact of these developments there are serious concerns regarding the long term future of the character of Brixton as a rural parish; and its capacity to absorb any more house building without existing for Brixton Parish states that *‘All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development should take into account topography, layout, building orientation, massing and landscaping (including any associated public realm) to minimise visual, ecological and social impact’*. This application does not meet this draft policy.

Considering the geography of the parish and the impact of these developments there are serious concerns regarding the long term future of the character of Brixton as a rural parish; and its capacity to absorb any more house building without existing

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs*
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community*

□□ ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'

The application for 25 age restricted bungalows on Canes Orchard does not meet these planning requirements.

6.3 This site and the increase in the number of dwellings exceeds the original RA12 (Rural Allocation) boundary and allocation defined by South Hams District Council and exceeds the boundaries of the developer's Master Plan for Brixton agreed in 2012.

6.4 Illustrative numbers on the outline application - an undertaking is required that the illustrative figures of numbers of bungalows for this site must not be varied or increased as part of any reserved matters application from the applicant if the outline application is approved.

7. Numbers of houses

7.1 The planning statement reports that there are 810 dwellings in Brixton village. This is incorrect and misleading as there are approximately 800 houses in Brixton Parish with only approximately 400 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.

7.2 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. Outline planning consent for Phase 3 for circa 27 houses has been granted for this site and with this proposed application increases the number to 115 in 2 years. The allocation for new housing in Brixton has therefore been met and indeed exceeded by a substantial number. Assurance is needed that if outline planning permission is granted that the figure of 25 will not be exceeded to increase the density in any later planning application and/or the number increased as evidence 'for economic reasons'.

8. Open Space and Allotments

8.1. Open Space has been allocated on the site plan this open space is away from the rest of housing on the Canes Orchard site. Phases 1-3 have inadequate open space. Children playing in this open space will need to be supervised due to its isolation away from the main housing development. Its remoteness could encourage anti social behaviour in an area close to housing for vulnerable older people.

8.2 8 Allotments have also been included in this application. From the Neighbourhood Plan consultation (2016-17) there is no evidence of any further need/ demand for allotments in Brixton as there are already 29 in Stamps Hill. Allotments will also attract additional car users to this site via Orchard Way

9.1 Drainage and surface water run off. As arable land these fields are known to have poor drainage with considerable surface water accumulating in periods of heavy rain. The risk of problems identified by Brixton Parish Council and residents relating to drains and surface water run off on from Canes Orchard were ignored by planners and builders in the applications for Phases 1, 2a & 2b and 3 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 Road. This is before the loading is increased by Phase 2a currently being constructed and Phases 2b and 3 which are still to be built. (Temporary fixes of earth trenches by the developer are unsustainable).

This phase with 25 bungalows will further lead to the encroachment of water onto to the Phase 1 and 3 sites and increase the risk of further local flooding. Based on this information serious concerns remain for residents of Canes Orchard and the Parish Council about the continuing risk of flooding from drains and surface water on and from this site.

Existing infiltration solutions for a 1 in 100 year's event plus 30% for climate change have already proved to be ineffective in Phase 1 in the past 2 years. As the weather pattern of frequent heavy downfalls of rain since 2015 evidences that the 1 in a 100 years target is unrealistic and inadequate.

9.2 Sewage – No information has been provided to ensure that the current sewage system can cope with increased capacity. There is evidence in the public domain provided by the Environment Agency that the sewage filtration plant below Brixton is not performing well and has insufficient capacity to manage the current demand. It shows that the following raw untreated sewage spills have occurred at Mudbank - 58 spills total 620 hours or spilling for 2 days (48 hours each month) into the River Yealm. This is occurring before the 63 houses for Phases 2a, 2b & 3 at Canes Orchard are built so the impact of the capacity from a further 25 houses to this water treatment plant must be taken very seriously. This level of contamination puts at risk the water quality in the river Yealm which is used for commercial oyster farming, for leisure and recreation and supports valuable wildlife habitats.

Brixton Parish Council requests that evidence is provided from SWWA to the Development Management Committee to clarify that the current sewage plant at Mudbank has sufficient capacity for this further increase in number of houses in Brixton and to also protect the River Yealm from pollution.

9.3 Roads in Canes Orchard – There are serious road safety issues for residents of Phase 1 of Canes Orchard due to the cul-de-sac road layout of Orchard Road 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, Phase 3 and if this application is approved is approved. Assurance is needed that all emergency vehicles can safely access the site.

The Manual for Streets – Department of Transport Guidance para 5.7 describes designing streets as social spaces '*The public realm should be designed to encourage the activities intended to take place within it. High-quality open space is a key component of successful neighbourhoods. Para 5.91 the space between the front of the building and the carriageway, footway or other public space needs to be carefully*

managed as it marks the transition from the public to the private realm. Continuous building lines are preferred as they provide definition to, and enclosure of, the public realm. They also make navigation by blind and partially-sighted people easier'.6.1.1 Street design should be inclusive. Inclusive design means providing for all people regardless of age or ability. There is a general duty for public authorities to promote equality under the Disability Discrimination Act 2005.1 There is also a specific obligation for those who design, manage and maintain buildings and public spaces to ensure that disabled people play a full part in benefiting from, and shaping, an inclusive built environment.6.1.2 Poor design can exacerbate the problems'

As this application for development is for older people, the likelihood of them having increasing long term mobility difficulties, sight and hearing impairment and other disabilities throughout their lives, safe access through Orchard Road with its narrow shared surface and current limitations cannot be guaranteed alongside other road users.

More than 70% of over 70 year olds have some form of hearing loss, 14% of people over 65 have sight loss which affects their day to day living; this increases to 35% for those aged over 75 and 50% for those over 90 Source 'Later life in the United Kingdom July 2017' The width of Orchard Road was raised in the planning application for Phase 3 of Canes Orchard when it was found that the road did not meet the required widths by Devon County Highways. The road has now been designated for joint pedestrian and vehicle use. This is of great concern to residents as children can play in the road where a minimum of 250 traffic movements may take place during the day. This does not include people accessing the proposed allotments by car.

9.4 Access to Health Care/Social Care and Medical Provision

There are no medical services/ provision in Brixton village. The health and social care needs of the residents of this development will not be met in Brixton village. This development will not be benefitting the local economy as there are no medical or social care facilities in Brixton. Currently residents travel to get the best value for their money, their time and where services are safely and easily accessible.

Access to all medical provision from Brixton is highly dependant on travel by car. The nearest Health Centre is at Yealmpton which can only be safely accessed by bus, taxi or car. There is also a dentist and optician at Yealmpton. Silverbridge Way, a permissive footpath running parallel to the A379, is 1.8 miles from the village and can be walked by fit and well people to access the Medical Centre. This path is very steep in places. Other GP Practices used by current residents of Brixton are in Plymstock 3 miles away these can only be accessed by public transport, taxi or car by older people. This location provides the services they need at one location i.e. GP, dentist, optician, pharmacy, and choice of retail for weekly shopping. As the bus service is unreliable more older people use taxis to access these services in Plymstock as is the most cost effective and accessible choice of location.

Derriford Hospital is a round trip of 22 miles by car from the site and if travelling by bus would require a change in Plymouth City Centre and Kingsbridge Hospital used by patients of the Yealm Medical Centre is a round trip of 28miles. There is an unreliable hourly bus service during the week and no Sunday service. Access to either hospital is dependant on travel by car for patients, carers and family visitors. Other medical services provided for people with disabilities are located in Plymouth and again would involve a change of bus in the City Centre to access services at Mount Gould and other health and social care provision around the City.

Given the limited and unreliable public transport facilities for Brixton the residents of the over 55's development will need to be car drivers or car dependent and be able to continue to drive in later life. Many elderly people with complex health conditions the prevalence of which increase in later life, i.e. dementia, heart failure breathing conditions etc. have to give up driving. This site is very isolated, at the top of a hill with a significant gradient and is at least 500 meters walk to the main road and another further walk to the bus stop or Post Office. People living on this site will be remote and socially cut off from the community.

The application does not identify what the need of the residents of this development would be. For example, there is no attempt made to calculate or project what percentages of residents of the new development would be likely to be still working and travelling to work, what percentage would use public transport, cycle or walk. It is simply asserted residents could access a range of services and facilities lying within given distance of the site entrance. 400 metres is most commonly cited as a standard distance for walking to public transport, whereas an alternative accessibility methodology, PTAL, used in London, has a cut-off of 640m for walking to a bus stop, and 960 for rail, beyond which only insignificant numbers would be prepared to walk. Even though such distance-decay is implicit in The Institution of Highways and Transportation -Guidance for Providing Journeys on Foot Guidance (distinguishing between "desirable", "acceptable" and "preferred maximum"), there is no distancedecay effect taken into account.

Outside large towns and cities the standard approach to measuring accessibility is to use data on stops and services to produce different gradations of access by public transport, often defined as access to the nearest significant employment and shopping services.

By way of illustration, Transport for Greater Manchester uses the Greater Manchester Accessibility Levels (GMAL), which is included in "Transport for Sustainable Communities: a guide for Developers" dated March 2013. It states at page 13; "As a rule of thumb, 400 metres (about 5 minutes' walk) is often taken as the distance people are prepared to walk to a bus stop. In general, people are prepared to walk further to rail or Metrolink services: up to 800 metres or more. In terms of assessing the accessibility of a new development, however, distance criteria are an oversimplification because they take no account of factors such as where services go to, how frequent or reliable they are or whether they are likely to endure in the future." When set in this context, the proposed development site lies in a "sustainable location" is unsupported by any reliable evidence.

The Institution of Highways and Transportation -Guidance for Providing Journeys on Foot states *'Planning for pedestrians should be a specific and positive part of the Development planning process. It should not be treated as something that can be fitted in once decisions about road layouts have been made.'* In this case the road layout and its width has already been determined and is not suitable for pedestrians with increasing age related disabilities.

9.5 Public Right of Way (PROW)

Currently there is a PROW across the field from Cherry Tree Drive to Catson Green. This not referred to in the application and there is no indication of its location should it need to be moved on the plans. There is no comment from Devon County Council PROW Officer on the footpath.

10. Traffic Statement 14/3/2017

10.1 Traffic Flow

The evidence in the Traffic Statement concerning traffic flow through the village is out of date. The survey took place in June 2011. In the intervening 6 years new housing has been built in Brixton, Yealmpton (50), Ermington and Modbury resulting in increase in traffic along the A379.

10.2 An up to date report on traffic flow through Brixton village and traffic generation from Canes Orchard needs to be available as evidence to the Development Management Committee.

10.3 Traffic Generation –

In the Transport Statement (14/3/2017) the traffic generation and flows to and from the site are underestimated. In total with 25 bungalows there will be vehicles from 121 houses (90 new houses, 4 barns, Venn Farm House and The Wheelwrights) accessing and exiting from this site. This access is directly onto the busy A379 the main commuter road into Plymouth from the South Hams. It is not 'lightly trafficked' as described in the Transport Statement. The mini roundabout is not a 'traffic calming device' it provides access to Steer Point Road. Although the bungalows are age restricted it is likely that most residents will continue to work, particularly given the very recent announcement that the retirement age be raised to 68. Up to date information needs to be available to provide an informed impact assessment of the traffic flow from 96 dwellings onto the A379.

11 Design and Quality

11.1 The design of these bungalows must ensure that sufficient garage/parking, visitor parking and turning space for the numbers of cars and vehicular movements likely to be generated from this site is properly accommodated and safe. The design of Phase 1, 2 & 3 of Canes Orchard does not demonstrate an understanding of the character of Brixton village, with its suburban design and poor detailing of the public realm.

11.2 Loss of privacy for neighbours in Cherry Tree Drive - there is no buffer zone between Cherry Tree Drive and the houses proposed in the development. Further consideration must given to reconfiguration of the road layout to ensure that there is privacy and their right to an outlook for the residents of Cherry Tree Drive whose outlook will be ruined if this application is granted.

11.3 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'. This homes need to be fit for purpose for the over 55's and suitable to meet their long term health and other needs in later life.

12. Energy Efficiency

12.1 Any new housing should be very thermally efficient and incorporate renewable energy sources.

Conclusions.

1. The application is contrary to, and conflicts with a number of core principles and policies set out in the National Planning Policy Framework (NPPF). - Sustainably and promoting healthy communities.

2. The application is not in accordance with the South Hams Local Plan (SHLP) – LDF Dev 15. *‘Within the South Hams there is considerable pressure for new development in the countryside. Some proposals in the countryside can lead to unsustainable development which, individually and cumulatively, change its rural character. In order to protect the quality and character of the countryside it is essential to prevent inappropriate development.’*

3. The application is not in accordance with the emerging Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034, specifically Policies – SO10, TTV30 Figure 5.8, TTV31, DEV1, DEV24, DEV25, DEV30, and DEV32.

4. The application is not in accordance with the emerging Brixton Neighbourhood Plan 2014 - 2034, specifically Policies – Dev2. *Location, scale and character of development.*
(a). *Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views or skylines, local amenity, traffic, parking or safety.*
b). *Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location, or secures a viable long-term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met.*

5. The application does not meet the sustainability criteria as established by the Feniton Appeals (APP/U1105/A/132191905) where the Inspector found that “substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion” (para 87).

6. There are major safety issues with pedestrian and vehicular access.

7. The site is not suitable for age restricted bungalows due to its topography, its isolation from the village and public services.

8. There are not sufficient material considerations in favour of the development so as to outweigh the provisions of the Development Plan particularly in terms of restricting development in the countryside.

9. The adverse impacts of permitting these proposed developments would significantly and demonstrably outweigh the benefits.

10. There is a serious fear in the community that medium density urban housing of a ubiquitous and monotonous mass as proposed in this application develops a model which will erode the character of Brixton as a rural village.

For the reasons set out above this application should be refused.

Appendix A Executive Summary and Conclusion of Brixton Parish Housing Needs Survey dated April 2016

1 Executive Summary

Principal Conclusions

The survey identified a need for 11 affordable homes within the next 5 years.

Key findings

A total of 25 households stated they wanted or needed to move home within the next 5 years.

Affordability

The survey found 7 households in housing need who could not afford to buy in the open market.

4 additional replies were received by households on Devon Home Choice who had not completed the survey but were eligible for affordable housing in the village.

Tenure

10 of the households in housing need qualified for affordable rent, 1 may be able to afford a shared ownership property.

Size of Property Required

6 x 1 or 2 bedroom properties for singles or couples

3 x 2 bedroom properties for families

2 x 3 bedroom properties for families

Other Findings

800 surveys were delivered and 233 survey forms were returned. The response rate was 29%. This is a good response rate, with the average response being 25%.

47% of those who answered the question said they would be in favour of a small development of affordable housing for local people. 25% were against any development and 28% stated they may be in favour depending on the circumstances.

9. Conclusion - Future Housing Need for Brixton

Overall, it must be remembered that this Housing Needs Survey represents a snapshot in time. Personal circumstances are constantly evolving. Any provision of housing, would, by necessity, need to take account of this. However, given the level of response to the survey, and in spite of the potential for circumstances to change, the Parish Council can feel confident in the results of this survey. The survey has identified a need in the near future for 11 units of affordable housing and a further 18 units of open market housing.

As the needs of households are constantly evolving the level and mix of need in this report should be taken as a guide. In particular it may be appropriate to vary the mix of sizes provided. This report remains appropriate evidence of need for up to five years. However if there is a significant development of affordable housing in the parish which is subject a local connection requirement and substantially meets the need identified in the report it will normally be necessary to re-survey the parish before any further development to address local needs is considered.

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

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

Application No: 25/1720/15/O

Agent/Applicant:

Savils incorporating Smiths Gore
York House
Blackbrook Business Park
Taunton
Somerset
TA1 2PX

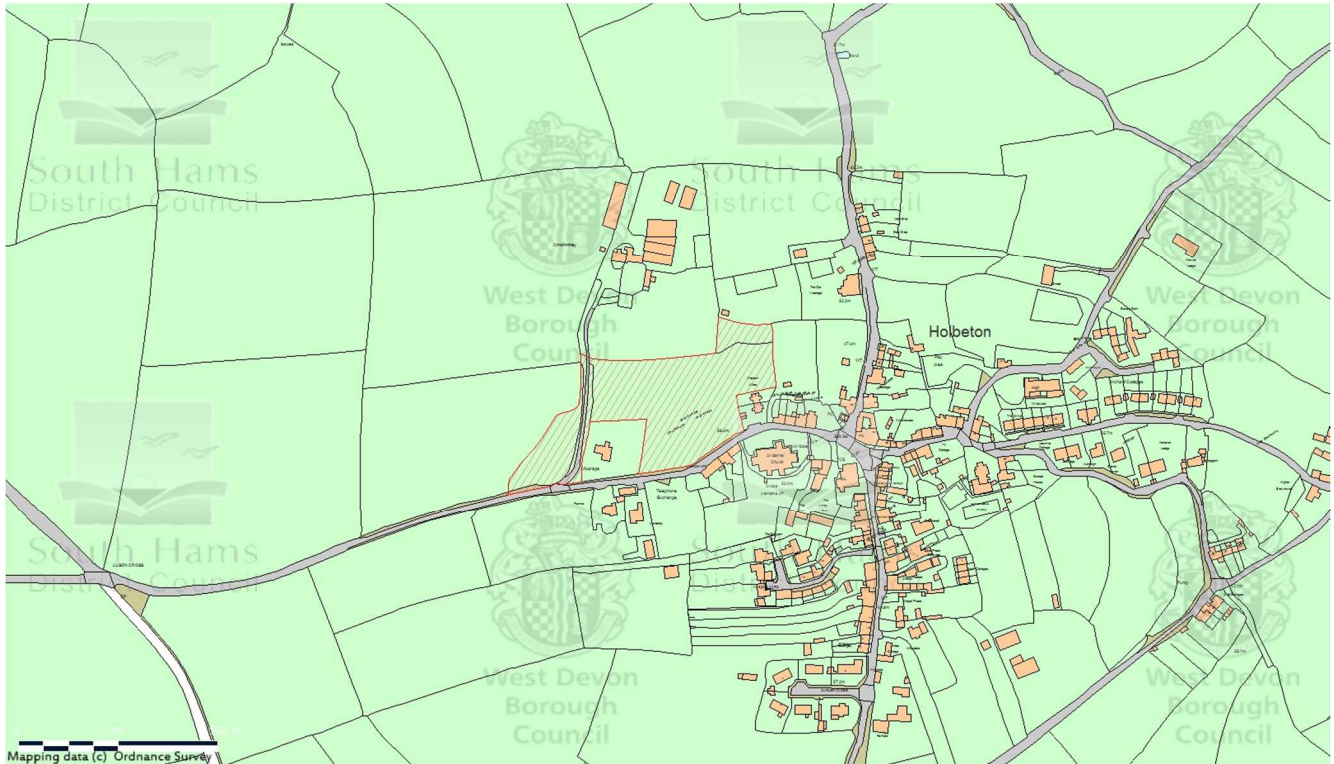
Applicant:

Trustees of Flete Estate
Haye Farm
Holbeton
PL8 1JZ

Site Address: Proposed Development Site At Sx 612 502, Land North Of Church Hill, Holbeton, Devon

Development: Outline application with some matters reserved for erection of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works

Reason item is being put before Committee: This application has previously been considered by this Committee and a resolution to grant Conditional Approval was made. The validity of this decision has been challenged on a number matters and it has been decided that it is appropriate to return the application to the Committee to consider the concerns raised.



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- 35% on site provision of affordable housing
- £38.306 towards infrastructure at Ivybridge Community College
- £13,851 toward school transport
- Ongoing management and maintenance of open space, SUDs features, landscape and wildlife features in accordance with LEMP in perpetuity
- Provision of footpath link to Church Hill
- £380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field or other play facilities to be agreed by the local Parish Council
- £595 per occupier for improvements to the Holbeton playing field to allow increased use for sports
- Public access and on-going management of the allotment area in perpetuity
- Public access, use in perpetuity and ongoing maintenance and management of the car park

Conditions

- Standard outline time conditions (3 years + 2 years)
- Accords with plans
- Access and visibility splays to be constructed and laid out and maintained for that purpose, in accordance with approved plan and details
- Pre-commencement – Construction Environmental Management Plan
- Pre-commencement – details of road construction to to be agreed
- Pre-commencement – suitable highway drainage scheme to be agreed and then implemented
- Pre-commencement – ground investigation to be undertaken to prove that the 1:2:5 batter slopes adj. the car park are safe
- Pre-commencement – Programme of percolation test to be agreed and undertaken in consultation with LLFA.
- Pre-commencement – detailed design of permanent surface water drainage management system to the agreed with LLFA.
- Pre-commencement – Details of adoption and maintenance arrangements for proposed surface water drainage management system to be agreed with LLFA
- Pre-commencement – detailed design of surface water management during construction to be agreed with LLFA
- Pre-commencement - LEMP to be agreed
- Details of allotments to be agreed and implemented
- Unsuspected contamination
- Details of footpath to be agreed and implemented

- Pre-commencement – Arboricultural Impact Assessment to be submitted, agreed and implemented
- Pre-commencement – Arboricultural Method Statement to be submitted, agreed and implemented
- Pre-commencement – Tree protection plan to be submitted, agreed and implemented
- Removal of PD – roof alterations, means of enclosure, hardstandings, boundary treatments.
- Garages and parking areas to be provided in accordance with approved details prior to occupation
- Vehicular access and road to be provided in accordance with phasing plan to be agreed
- No external lighting in public areas other than that agreed in lighting strategy
- Development in accordance with Ecology Report
- Materials to be agreed
- Boundary treatments

Key issues for consideration:

The site lies outside of the development boundary but the southern third is an allocated site in the current Development Plan, identified as site RA18, proposed for about 15 dwellings with footpath access to the village centre. The site is within the South Devon AONB.

Given the location outside of the development boundary and that only one third (approx.) of the site is an allocated site, the development does not accord with the Development Plan. 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.

In such a situation it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

In this assessment key issues will relate to heritage, landscape, drainage and access.

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

It is estimated that this development has the potential to attract New Homes Bonus of approximately £16,618 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

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 is located to the west of the village of Holbeton, adjacent to the development boundary. Holbeton is located approx. 1.5km south of the A379 accessed via typical, often narrow, Devon lanes.

The village offers a wide range of community facilities including a primary school, post office and shop, village hall, two pubs, a church, allotment gardens, community orchard, playing fields and a children's play park. These facilities serve the residents of Holbeton and other small settlements in the surrounding rural area.

Holbeton has limited off road parking provision at present which can cause congestion at times

The site is located to the north of Church Hill. To the south west the site adjoins a dwelling in a large plot, the Vicarage, which is mostly surrounded by trees and to the south east are two attached properties, Western Villas which sit at ninety degrees to the main road and front onto the application site

Opposite the southern boundary, on the other side of Church Hill, is a terrace of historic cottages; these are set at a lower level than the site with their first floor front facing windows overlooking the site. Also on the south side of Church Hill and south east of the application site is the Grade 1 Listed All Saints Church.

The Conservation Area lies immediately south and east of the site.

The site rises gently from south east to north-west. For the most part the site is set approx. 2m above road level where it abuts the road, although it does grade down to road level in the south east corner. The road boundary is defined by Devon bank which in parts has been allowed to grow high.

A footpath with an entrance gate runs diagonally across the site from Church Hill, this is known as Monks Path and is considered locally to have heritage interest. This is not an identified public right of way.

The site is currently in agricultural use as pasture land. To the north lies Minchinhay Farm.

The site is located in the South Devon Area of Outstanding Natural Beauty

The Proposal:

Whilst this is a stand-alone application it is possible that if planning permission for application 25/1721/15/O for 11 houses at Vicarage Hill is approved the affordable housing quota for that site may be provided on the Church Hill site. This however does not materially affect this application which is in outline.

The proposal at Church Hill is for the construction of 14 dwellings of which 35% (5 units) would be affordable homes, a community car park, community allotments, public open space and a footpath link through to Church Hill. It is anticipated that the scheme will also reduce existing surface water flooding problems associated with Minchinhay.

While the application is made in outline, an indicative layout plan and sketch drawings are submitted; this is a very sensitive site and it is necessary to demonstrate that it is possible to develop the site for the proposed type and quantum of development with significant adverse impacts.

Following consultation with Historic England and the Council's Heritage Specialist the illustrative layout has been amended significantly since the original submission. It now proposes a more informal rural layout with housing fronting onto a large open area of common/open space. It is intended that the open space have a very informal, rural treatment akin to a common. This open space is proposed to preserve the setting of the listed church. Dwellings are indicated fronting onto the common and parking is sited so as not to dominate the site.

Two parking spaces per dwelling are proposed and a garage is proposed for 2 Western Villas which currently has no off street parking. Approximately 20 'public' parking spaces are to be provided as overflow parking for the village. A footpath link through to Church Hill would be provided which will meet the road opposite the lych gate to the Church allowing a safe pedestrian route to the village for those that chose to use it, this route does include some steps. The most direct route however will be along the lane where there are no footpaths.

A new vehicular access is to be provided to the west of the existing access to the Vicarage (this access cannot be used due to poor visibility), this will result in a new opening and loss of Devon hedgebank, new hedgerow planting is proposed along the length of the new access. Due to the topography of the site it is not possible to gain access closer to the allocated land.

Community allotments are proposed adjacent to the new access road making use of the island of land that will be created.

The site area has been increased to include land needed for drainage and is likely to require two large attenuation ponds to the north west and north east of the site to manage surface water runoff coming from Minchinhay Farm, as well as swales.

Consultations:

- County Highways Authority: No objection subject to conditions
- Environmental Health Section: No objection subject to conditions
- SHDC Ecology: No objection subject to conditions and implementation of a LEMP to be secured in a 106 Agreement.
- AONB Unit: No objection subject to conditions.
- DCC Archaeology: No objection subject to pre-commencement condition requiring a programme of archaeological work
- SHDC Landscape: No objection subject to conditions
- Open Space, Sport and Recreation: No objection subject to financial contributions to secure the following:

£380 per occupier for improvements to Holbeton play area and provision of a skate facility on the playing field

£595 per occupier for improvements to the Holbeton playing field to allow increased use for sports

- DCC Education: No objections subject to financial contributions to secure the following:

£38,306 towards infrastructure at Ivybridge Community College

£13,851 toward school transport

- Natural England: No objection
- Affordable House: The application proposes 35% affordable housing across this site and the application at Vicarage Hill, however it may all be provided on the Church Hill site. No objection is raised to this approach but evidence needs to be provided to explain why they are doing this and it would only be supported if it assisted viability. A Section 106 will need to link the two sites to ensure the affordable units at Church Hill are provided in advance of the market homes at Vicarage Hill
- DCC Flood Risk: No objection subject to conditions.
- SWW – no objection subject to no surface water being connected to the public sewer.
- Historic England: No objection, detailed comments are provided which include the following:

The development will still impinge upon the open character of the field, and to some extent restrict views towards the church. However, given that this site has already been allocated for development, we feel that the harm that could be caused to the setting of the Church will be limited in the revised scheme, to the point where it wouldn't be unacceptable. The success of this development will also depend on the design of the houses harmonising with the traditional buildings of the village and upon sensitive landscaping

- SHDC Conservation: No objection

I agree with the sentiments offered by the Historic England Regional Inspector in that the surrounding rural landscape adjacent to the highly graded Church will undoubtedly change through the inclusion of new housing if permitted. However given the presumption in favour of development offered by the allocation I would suggest that the scheme before us now for consideration is a scheme that has been well-considered and offers mitigation through its preferred design approach which seeks to address the previously aired concerns relating to potential impact on the Church and its setting.

The fact that this application is presented in outline form only still raises a few concerns. The success of this scheme will still heavily rely on its integration with the surrounding historic village settlement and its adopted Conservation Area. The palette of materials to be used and the treatment of the 'open spaces' will be a key factor in this integration.

- Town/Parish Council: Support subject to:
 - The applicant must provide the additional information as identified in the Lead Local Flood Authority Response document compiled by Richard Rainbow and as annexed to these minutes, and observe strict adherence to the pre-commencement conditions as set out in the aforementioned document.
 - Further consideration, from a safety aspect, be given by the applicant to pedestrian access, both from the car park to the housing (ie car to door) and also from the site to the village.
 - As a heritage site, the applicant responsible is to acknowledge the monk's path and treat it sympathetically along with any other special unique characteristics the development may uncover
 - Restriction on second homes and holiday lets

Representations:

There are approximately 26 objectors who have submitted representations which include the following reasons:

- Flooding is a problem on the Minchinhay field and this would be made worse by the development.
- Overlooking of cottages opposite
- Unrealistic to say pedestrians will walk through the Church to get to the villages services- added danger for pedestrians to walk on narrow roads
- Road is narrow and cannot cope with more traffic
- Disturbance from cars headlights to cottages opposite due to elevated nature of site.
- AONB location – development should not occur
- Contrary to NPPF – inc. paras 115 and 116
- Contrary to AONB guidelines
- Contrary to Development Plan, inc Policy DP2
- Any drainage scheme needs to be maintained in perpetuity
- Out of character with the village
- Loss of privacy from car park to houses opposite
- Loss of view
- Light pollution if street lights are used
- Over dominance
- Loss of light
- Noise disturbance
- Loss of open space
- Users of new village hall will try to park closer not in proposed car park
- Will urbanize the area
- Village does not need further development to remain viable
- Loss of hedgerows
- Includes land outside of the development plan allocation
- Poor public transport – the location is not sustainable

- Adverse impact on conservation area or a listed building
- Adverse impact on setting of Grade 1 listed church
- Impact on important trees
- Design and appearance
- Car parking provision
- Loss of ancient link across the site
- Likely to become second homes

Two letters in support has been received which raises the following issues:

- Needed so that Holbeton can remain a sustainable community
- Holbeton has an aging population
- Primary school, pub and shop are all suffering from decline in use – one pub has closed and school role fallen by over 50%
- Main concerns about traffic and drainage can be overcome

Since the Council resolve to approve this application on 2 August 2017 a number of complaints have been submitted raising issues that include the following:

- A comment should have been obtained from the AONB Unit on the revised scheme, the LPA was legally obliged to elicit comments from them before the meeting.
- Consultation comments from DCC Archaeology were not reported to the Committee
- Many letters of objection were not visible on the web site
- The number of letters of objection was significantly mis-represented.
- The two application sites are linked, their cumulative impact should be considered and the development classed as Major Development in the AONB where para 116 of the NPPF applies.
- The officer did not mention the AONB location on the site visit
- Members were not specifically told to look at visual impacts from the church lych gate when on site, nor were they conducted up Fore Street.
- The Conservation buffer zone was not included on the map shown to Members at committee.
- The application was rushed to committee at only 2 weeks notice.
- The Officer Report gave undue weight to para 49 of the NPPF
- It was not made clear that there is no right of way across the Church yard
- Failure to consider disabled access
- New Homes Bonus given undue weight in the Officer Report
- Contravenes Council's own site assessment

Relevant Planning History

None

ANALYSIS

Principle of Development/Sustainability:

The site lies outside of the development boundary but the southern third of the site is an allocated site, RA18, for about 15 houses. This application proposes 14 dwellings in addition to other community facilities.

Policy CS1 of the South Hams Local Development Framework (LDF) identifies Holbeton as a village in which the principle of development is acceptable; elsewhere development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a local need.

Policy DP15 of the LDF addresses development in the countryside and states that within the countryside, development will be permitted where it requires a countryside location and:

- a. supports the essential needs of agriculture or forestry interests; or
- b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

Para 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development; development that accords with the Development Plan should be approved without delay 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 (such as in the AONB)

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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.

At present this Council has a demonstrable 5 year housing land supply through sites that have been identified in the emerging Plymouth and South West Devon Joint Local Plan (JLP) but the evidence base for the allocations has yet to be tested; as such limited weight can be given to this supply.

The adopted Development Plan housing supply policies relate to supply up to 2016 and is now out of date. As such paragraph 49 applies to the consideration of housing applications in the area. Policies CS1 and DP15 are therefore considered to be out-of-date.

Following guidance from the most recent Supreme Court judgement on how to interpret paras. 14 and 49 of the NPPF, the case of *Suffolk Coastal District Council v Hopkins Homes Ltd and another* *Richborough Estates Partnership LLP and other v Cheshire East Borough Council*, the general effect is reasonably clear:

In the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and

demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.

There are two threads to this. The first thread, *whether the benefits are “significantly and demonstrably” outweighed by the adverse effects*, will be assessed against the specific policies in the framework below.

The second thread refers to *‘where “specific policies” indicate otherwise’*. Footnote 9 gives examples of such specific examples and this includes the AONB.

Para.115 of the NPPF states that:

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

Paragraph 116 of the NPPF states that:

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

The definition of major development can cause some confusion. For the purposes of para 116 of the NPPF this matter is not to be determined by reference to the definition of ‘major development’ for the purposes of the Town and Country Planning (Development Management Procedure)(England) Order 2015, which refers to major development being 10 or more dwellings. Instead the advice of the National Planning Practice Guidance is that the definition of major development it will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.

The proposed development of 14 houses on the edge of Holbeton is not considered to be major development. It has been argued that this application should be considered together with the Vicarage Hill scheme which would result in 25 new dwellings. Officers do not consider this to be the appropriate test due to the physical separation of the sites and the fact that each site has a separate planning application. Even taken together however, having regard to their separation and context within the village it is not considered that they would constitute major development for the purposes of para 116.

The AONB Unit have stated that they do not consider this application, on its own, constitutes major development in the AONB but together with the application at Vicarage Hill they do consider the cumulative impact of the schemes would result in major development in the AONB. Officers do not agree with this assessment for the reasons set out above.

This application is presented to Members as a stand-alone scheme; as and when the application for development at Vicarage Hill is re-presented to Members the issue of cumulative impact may become relevant. It is not considered to be considered relevant at this stage.

Para 115 does not rule out development in the AONB however great weight should be given to conserving its landscape and scenic beauty. The impact on the AONB will be considered later in this report and weighed heavily in the planning balance.

Affordable Housing

Policy CS6 of the LDF states that new residential development should provide affordable housing consistent with the overall strategic target of 50% from all sources and having appropriate regard to the:

- Identified local need;
- Nature and scale of the location and the development proposed;
- Characteristics of the site; and
- Economics of provision

The adopted affordable housing SPD states that on unallocated sites with capacity for 6 to 14 dwellings a 35% on site provision would be sought and on allocated sites the provision will be 60% in rural areas. The emerging JLP proposes on site provision at 30% for development over 10 dwellings.

The NPPF considers affordable housing at paragraph 50 where it states that LPAs should:

Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

In this instance it is proposed to provide 35% affordable homes on site, this will result in the provision of 5 affordable homes. It is possible that if planning permission is granted for the Vicarage Hill site that additional units of affordable housing will be provided on this site; this will not impact on the overall number of homes to be provided

The Church Hill site is well related to the village and the illustrative layout indicates an attractive layout set around a large open common. This should provide a pleasant living environment.

Officers consider the proposals for the provision of affordable housing to be acceptable.

Landscape:

Policy DP2 of the LDF states that:

Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

- a. reflecting the needs and issues set out in identified landscape character areas;
- b. 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);

- c. retaining, integrating and enhancing distinctive features such as trees, ancient woodlands, field boundaries, walls, hedgerows, watercourses and river valleys;
- d. 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
- e. respecting the unspoilt nature and tranquillity of the area.

Policy CS9 of the LDF states that in designated AONB's their conservation and enhancement will be given great weight and development will not be permitted which would damage their natural beauty, character and special qualities or prejudice achievement of their designated purpose.

Para 115 of the NPPF states that

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

The AONB Unit did not provide a consultation response on the revised layout at Church Hill in advance of the application being previously considered by the Committee on 2 August 2017. The AONB Unit were consulted on this and sent a number of reminders which they did not respond to. The AONB Unit have now provided a detailed consultation response (received on 16/11/2017) which addresses this application and the Vicarage Hill application. Their full comments are appended to this report.

The AONB Unit do not object (take a neutral stance) to the proposed development in isolation but state that if the LPA is minded to consent this application appropriate conditions must be used to ensure the proposed layout is achieved; the final design and materials of the housing respects and enhances the very coherent character of Holbeton; the strategically positioned open space is appropriately managed; and that the boundary Devon hedges and their banks are safeguarded and continue to provide visual amenity and ecological function.

The AONB Unit comments that the Church Hill application appears to better match local housing need and shows clear evidence of design and layout mitigation having been carefully considered for the site, though in their view some landscape and scenic beauty impacts remain. They consider the application both accords and conflict with AONB Management Plan Policies in roughly equal measures

The AONB Unit object to this proposal if combined with the Vicarage Hill site but take a neutral stance if the application is considered in isolation.

The full comment from the AONB Unit is as follows, much of which relates to the Vicarage Hill application rather than this application at Church Hill:

South Devon AONB Consultation Response:

Consultation response to planning application

*The South Devon AONB Unit **objects** to the combination of planning applications 25/1720/15/O and 25/1721/15/O, **objects** to 25/1721/15/O if considered as a stand-alone*

scheme and has a **neutral position** to planning application 25/1720/15/O if considered as a stand-alone scheme.

The two applications have been presented by the applicant as inter-dependent, therefore given the combined quantum of development in the context of Holbeton and the level of associated harm arising to landscape and scenic beauty of the South Devon AONB, these applications in their combined form are considered NPPF para 116 major development with an absence of exceptional circumstances and overriding public interest and should be refused. The presumption in favour of sustainable development is removed in this instance by the application of footnote 9 to Paragraph 14 of the NPPF. Exceptional is to be understood as meaning unusual or rare.

Application 25/1721/15/O at Vicarage Hill on its own, is similarly considered to constitute NPPF para 116 major development in the context of the Holbeton part of the South Devon AONB based on the nature of the development and level of harm to the South Devon AONB that would result with an absence of exceptional circumstances and overriding public interest.

The circumstances with 25/1720/15/O in isolation are however different and given the part allocation of the site in the current development plan together with modifications made to layout in order to conserve the settings and views of heritage assets, this application is more finely balanced and does not constitute major development. Great weight should be applied to the landscape and scenic beauty in this part of the AONB. If the LPA is minded to consent this application appropriate conditions must be used to ensure the proposed layout is achieved; the final design and materials of the housing respects and enhances the very coherent character of Holbeton; the strategically positioned open space is appropriately managed; and that the boundary Devon hedges and their banks are safeguarded and continue to provide visual amenity and ecological function.

Reasons for response

The potential for harm to the AONB is the foremost consideration in determining whether a development is NPPF para 116 major development or not. In our view the combined scale and impacts of these two applications must be considered as NPPF para 116 major development in the context of the Holbeton area of the South Devon AONB. NPPF paragraph 116 requires that planning permission should be refused unless exceptional circumstances apply and these are demonstrably in the public interest. The same position applies to the Vicarage Hill proposal by virtue of harm to AONB character and scenic beauty that would arise.

General exceptional circumstances such as the need for housing does not necessarily equate to exceptional circumstances for the two particular sites that form the subject of these two proposals.

The local planning authority must investigate and assess the matters identified in the three bullet points of NPPF paragraph 116:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- the cost of, and scope for, developing elsewhere outside of the AONB, or meeting the need for it in some other way; and*
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

as well as other relevant considerations.

The two related tests must then be applied:

- *do exceptional circumstances exist in this instance? and*
- *having given great weight to conserving landscape and scenic beauty in the AONB can it be demonstrated that this proposed development is in the public interest?*

The LPA is reminded that by virtue of NPPF para 116 applying to these cases, the planning balance for determining the applications is not an ordinary or standard balancing exercise which would involve merely balancing the ‘exceptional circumstances’ and ‘public interest’ against the harm to the AONB. Instead the balancing exercise must be a weighted one in which there is a strong statutory presumption against development and that the conservation of the AONB’s landscape and scenic beauty are given great weight.

The Church Hill application appears to better match local housing need and shows clear evidence of design and layout mitigation having been carefully considered for the site, though in our view some landscape and scenic beauty impacts remain. On its own we do not therefore see this as AONB major development.

Both proposals must meet the principal policy tests required by landscape and environment policies of the adopted development plan, and be in accordance with the National Planning Policy Framework.

Duty of regard for the AONB purpose

In considering these planning applications, the Planning Authority is also 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, s85) and of the policies in the Council’s adopted statutory management plan for the South Devon AONB which is a material consideration in determining this application.

South Devon AONB Management Plan

The South Devon AONB Management Plan policies particularly relevant to both applications include:

- **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*
- **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 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.*
- **BioGeo/P3** *Opportunities will be sought to establish well functioning ecological networks at a landscape scale to improve connectivity and resilience, strengthen landscape character and safeguard for the benefit of wildlife and people, those services provided by the natural environment. This approach will also provide for the creation, enhancement or planned*

migration of habitats which are under threat from human activity, climate change or sea level rise, using the Devon Nature Map and its Strategic Nature Areas as guidance.

- **Hist/P1** The identification, protection and active conservation of the AONB's cultural and historic environment will be promoted and supported.
- **Hist/P2** The entire South Devon AONB landscape will be regarded as a single unified heritage asset of national importance, given the number and extent of designated and non-designated historic features and the age and complexity of the field, road and settlement pattern.
- **LanMan/P3** The retention and sensitive management of trees and woodlands will be promoted, especially the hedge banks, hedgerow trees, historic parkland trees, ancient woodlands, small woods, orchards veteran and ancient trees which are of particular importance in the AONB. The planting of orchards, specimen trees and some new woods will be encouraged, subject to existing biodiversity interests and the careful selection of sites and species to reflect and strengthen local landscape character.
- **Trans/P2** The landscape and cultural features of the AONB's road network will be protected and conserved – including hedge banks, flower-rich verges, and locally distinctive highway “furniture” such as mileposts and stone bridges.

Taken in combination, the Vicarage Hill and Church Hill applications conflict with the majority of above AONB Management Plan policies. The Vicarage Hill application in isolation conflicts with all of the above AONB Management Plan policies and Annex 3 to the AONB Management Plan: adopted AONB Planning guidance. The Church Hill application in isolation, both accords with and conflicts with the above AONB Management Plan policies and Annex 3 to the AONB Management Plan: adopted AONB Planning guidance in roughly equal measures.

South Devon AONB Special Qualities

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

- *Deeply rural rolling patchwork agricultural landscape.*
- *A landscape with a rich time depth and a wealth of historic features and cultural associations.*
- *An ancient and intricate network of winding lanes, paths and recreational routes.*
- *Iconic wide unspoilt expansive panoramic views*
- *A breadth and depth of significant habitats and species.*

Landscape and Visual Impacts

The applicant's LVIA is noted however it relates to early versions of scheme design and was not updated. Whilst the assessment methodology that has been followed is broadly sound the presentation of viewpoint photos at 3 panoramic images to a page does not follow best practice and distorts impacts to some degree. Additionally although a wireframe of an earlier version of the Church Hill site has been included in Appraisal photo 12, the same does not appear to have been provided for the Vicarage Hill site from a viewpoint that represents a worse case scenario i.e. from Fore Street looking northwards or southwards down the narrow intimate section of Vicarage Hill lane that will be substantially altered by part removal and part alteration to the existing mature double height Devon bank.

Aside from the accuracy of visual impact representations and conclusions, we believe the landscape impacts associated with the Vicarage Hill site are underplayed, partly due to the choice of viewpoints. Holbeton's landscape is very susceptible to change and is a high value landscape making an important contribution to the South Devon AONB.

The in-combination effects of introducing 25 new dwellings, access roads, street lighting, car parking, relocation of the village hall to a more prominent location, tree removal, introduction of visibility splays, disturbance to double height Devon banks and the introduction of

urbanising features represents a scale, pace and character of development that is disproportionate to and does not respect Holbeton's strong and distinctive village character.

The Vicarage Hill site would cause the spread of development away from the village centre to a largely isolated field resulting in the northern edge to the village moving significantly northward and reducing the clear separation between Ford and Holbeton. Intervisibility with the hamlet of Ford would arise as the screening effect achieved from the existing Devon hedge line would not prevent buildings visible on the skyline.

Overall, I would contend that for some viewpoints there are major to moderate adverse effects on village character and appearance arising from the Vicarage Hill site.

Recent planning appeal decisions would suggest that the critical issue to address in determining this application is whether the proposals harm the character and appearance of the South Devon AONB. The cumulative effects of these proposals with other consented development throughout Holbeton over the last 10 year period feels at odds with the character and scenic beauty of the village. Taken together it is clear to us that the quantum of the proposals would markedly alter the character and scenic beauty of Holbeton and that the change would not be consistent with landscape character.

Lighting

The area covered by this application is currently unlit. Contrary to policy, the proposals will introduce lighting into two areas of agricultural fields/woodland and therefore increase rather than limit or reduce the effects of light pollution on the natural nightscape of the South Devon AONB. This would not conserve and enhance natural beauty.

Conclusion

The proposals in combination, and alone in the case of the Vicarage Hill site, would result in detrimental effects on the environment and landscape of the South Devon AONB. Harm to the AONB and its special qualities arising from the Vicarage Hill proposal could not be effectively moderated. After having given great weight to conservation of landscape and scenic beauty, the proposals in combination and alone in the case of Vicarage Hill, do not achieve sustainable development.

The Council's landscape specialist does not object to this application and has commented on the revised illustrative layout as follows:

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 116, due to its scale and form. In consideration of the location of the proposal within the South Devon AONB, great weight will be given to this fact in the planning balance.

Landscape Character and Visual Amenity

The site is located on the edge of Holbeton, within allocated site RA18. Within the SHLAA analysis the site is noted as being within the South Devon AONB under Landscape and Ecology.

The application is accompanied by an LVA (Savills; dated July 2015), this is noted and is broadly sound in the approach and conclusions drawn. However, the officer appraisal has been considered in light of the most recent concept plan which differs from that included in

the LVA; it is also acknowledging this is an outline application and design may subsequently be further altered. Careful consideration has been given to the baseline position established by the LVA and the most recent concept plan considered in that context.

In considering the application, officers have also referred to the most up to date Landscape Character Assessments (JLP evidence base), in particular with a focus on the Landscape Character Types and accompanying analysis. The site is within 1B – Open coastal plateaux. It is adjacent to the settlement boundary and, as a result of the topography, well contained visually, with limited or negligible impacts more widely. Key landscape features are retained, and their context understood in terms of the proposed scheme and layout, ensuring that the overall character is conserved. Boundary hedge-lines will need to be secured for retention either within a management company or by deed, in particular along the Church Hill lane.

Cumulative impacts have also been considered in the context of the other sites coming forward off Vicarage Hill. Analysis of the schemes shows there is limited or no inter-visibility and therefore it is felt that if the Vicarage Hill scheme also comes forward that cumulative impacts would be acceptable.

In conclusion it is acknowledged that there will be some adverse impact as a result of the proposed development. However, this is limited in nature and can be successfully mitigated to ensure the overall and wider landscape character is conserved.

Having given due consideration to the various policies, designation and guidance, no objections are raised to the proposed development subject to relevant landscape conditions.

Having regard to both technical responses on landscape/AONB impact it is considered that there will be a limited degree of adverse impact on landscape character but which can be mitigated. As a consequence the AONB landscape will be conserved

Trees

The Council's arboriculturalist has commented as follows:

No significant arboricultural features are being removed and due consideration is given to protecting retained trees. This has again been considered in the context of the most recent scheme. There will be a need to secure any Arboricultural Methodology statements where designs have the potential to impact on root protection areas. Conditions to include AIA for final design, any necessary AMS and tree protection.

Impact on trees is acceptable.

Heritage/Design

Policy DP6 of the LDF states that Development will preserve or enhance the quality of the historic environment. The design, siting, bulk, height, materials, colours and visual emphasis of proposed new development should take into account local context and in particular the character and appearance of the historic building and its environment.

Policies DP1 and CS7 of the LDF require 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 states that good design is a key aspect of

sustainable development and should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (para 56 and 58).

Despite its allocation for development the RA18 site has significant constraints, in particular the importance of the current open, agricultural and rural setting that the site provides to the nearby Grade I listed church. The original illustrative layout showed development right across the site with a large carpark at its frontage; this was wholly inappropriate. Despite this being an outline application it is essential that it is demonstrated that an appropriate form of development can be achieved.

The applicant worked closely with Historic England and the Council's heritage specialist to revise the scheme resulting in the current layout which now has the support of Historic England. The Council's heritage specialist has commented as follows:

The proposed site is located in close proximity to the grade I listed All Saints Church and sits just outside of the designated Conservation Area. As with many Churches the tower, in this case, the distinctive spire offers an important visual landmark, signalling the presence of a place of worship to those both near and far. Its prominence in the rural landscape is a contributing factor to the asset's overall significance and the contribution that this commanding visual presence offers to the Church's setting should not be underplayed.

The scheme has been substantially revised since the initial submission and Officers together with the Historic England Regional Inspector have worked in close liaison with the Applicant's Agents to address the heritage-based concerns that were previously raised.

The layout of the development has shifted significantly. Previously the site was developed east to west following the contours of the site with development across the middle of the open field immediately in front of the church. The scheme which has now been reduced in numbers (14 in total) is now effectively 'split'. Proposed there is to be a small enclave to the north east behind the existing cottages in the corner of the field, totalling three in number. The remaining majority of the housing is to sweep down from a north-west position to the south-east, wrapping around the boundary of the existing Vicarage residence. The access road serving the development is predominately restricted to a position where it hugs the northern boundary, a boundary which is well established offering a natural shield to the somewhat necessary new access road.

This site layout strategy has been carefully considered, a key driver being to maintain the visual connection between the rising public footpath to the north-west and the open vista of the Church thus preserving its setting. The considered position of the new proposed housing will afford a most generous 'open space' within the middle of the site thus securing the relationship between the wider rural landscape setting and the prominent Parish Church.

I agree with the sentiments offered by the Historic England Regional Inspector in that the surrounding rural landscape adjacent to the highly graded Church will undoubtedly change through the inclusion of new housing if permitted. However given the presumption in favour of development offered by the allocation I would suggest that the scheme before us now for consideration is a scheme that has been well-considered and offers mitigation through its preferred design approach which seeks to address the previously aired concerns relating to potential impact on the Church and its setting.

The fact that this application is presented in outline form only still raises a few concerns. The success of this scheme will still heavily rely on its integration with the surrounding historic village settlement and its adopted Conservation Area. The palette of materials to be used and the treatment of the 'open spaces' will be a key factor in this integration.

As long as there is a confidence that the above matters can be dealt with satisfactorily through future 'reserved matters' application then I raise NO OBJECTION to the development proposals

To achieve this successful layout it has been necessary to incorporate additional land, beyond the RA18 boundaries.

When this application was last considered by this committee the report failed to include reference to a consultation response from DCC Archaeology which raised a holding objection requiring on site investigation to take place prior to the determination of the application.

These on site works have now taken place and a report prepared and submitted to DCC, it is available to view on the website. This work has confirmed the presence of a prehistoric or Romano-British ditched enclosure lying partially within the proposed development site. DCC do not consider the significance of this heritage asset to be such that they would advise preservation *in situ*. However, groundworks for the construction of the development will expose and destroy archaeological and artefactual deposits associated with this early settlement site. As such it is recommended that a planning condition be applied to secure a programme of archaeological work to secure an appropriate record is made of the archaeological evidence, in accordance with Policy DP6 of the development plan and para 141 of the NPPF.

The heritage impacts and illustrative layout of the proposal are considered to be acceptable.

Ecology

Policies DP5 and CS10 of the South Hams LDF require that development will conserve, enhance and / or restore biodiversity.

Para 118 of the NPPF states that:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

A detailed ecological assessment was submitted as part of this application which identified a number of protected species within the vicinity of the site, including bats, badgers and birds.

The development will result in the loss of 5.5m of hedgerow for access and loss of improved grassland.

A Conservation Action statement have been produced to demonstrate how ecological impacts can be mitigated.

The Council's ecology specialist concluded that although the development will result in a number of ecological impacts it is considered that adequate mitigation and enhancement is provided. No objection is raised subject to conditions

Ecological impact is considered to be acceptable.

Neighbour Amenity:

Policy DP3 of the LDF states that development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. The NPPF at para 17 states within the core planning principles that good standard of amenity for all existing and future occupants of land and buildings should be achieved.

Concern has been raised by neighbours about the potential for loss of privacy, over dominance, noise and disturbance from headlights

This is an outline application with matters such as layout and scale to be agreed. The illustrative layout shows that new buildings can be located well away from existing dwellings. Appropriate design and landscaping can limit loss of privacy to an acceptable level.

Landscaping and/or boundary treatments can be used to mitigate the impact of car parking/headlights on neighbours.

It is considered possible to develop this site as proposed without significant harm to residential amenity

Highways/Access:

The application proposes a new vehicular access and access road west of the Vicarage on Church Hill. It is not possible to provide direct access into the site due to the topography of the land, the application site is at a much higher than the road.

A pedestrian route is proposed from the east and west of the site down to the south east corner of the site. It will emerge onto the highway opposite the church lynch gate. From here it is possible to walk through the church grounds into the village centre. This is not the most direct route however and does include some steps, pedestrians may also chose to walk down the road into the village centre which is a a distance of approx.100m.

It has been pointed out that the footpath through the Church yard is not a public right of way; officers are not aware however that there is any intention to restrict access through the church yard.

The highway authority, who have reviewed the detailed Transport Assessment that forms part of this application raise no objection to this development subject to conditions.

There is a safe pedestrian access into the village centre for those who chose to use it and the highway authority raise no objection in this regard.

The provision of a community car park is welcomed by the Highway Authority.

Matters relating to highways and access are considered to be acceptable.

Drainage:

The determination of this application has been significantly delayed due to the requirements of DCC as lead Local Flood Authority for the applicant to address drainage issues robustly. Part of the site has a history of flooding due to surface water run-off from land outside the site, this is mentioned by a number of local residents in their representations.

The applicants have sought to address the existing flooding problems and it is anticipated that the development should be able to provide betterment in this regard.

The final comments from the DCC engineer are as follows:

The submitted FRA also details a flood mitigation scheme which will deal with current surface water flooding issues (generated offsite) which effect the eastern section of the site and results in flooding to the neighbouring properties. The current flooding results from defects within an existing 225mm land drainage pipe. The current proposals will seek to control runoff from adjoining land and control flows through the existing pipe work (which will includes remedial works to ensure appropriate operation). In principle this is acceptable and the proposed attenuation ponds and pipe remedial works could be secured by an appropriate condition.

South West Water raise no objection to this application.

It is concluded that the site can be adequately drained in respect of the proposed development and is likely to cause betterment

The Planning Balance

In the absence of a 5 year housing land supply that can be given significant weight, paragraph 49 of the NPPF requires this authority to determine housing applications in accordance with para 14 of the NPPF, but tilting the balance in favour of the development.

Para 14 sets out two criteria:

The first criteria is that planning permission should be granted 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. It is necessary therefore to balance the benefits against any harm when assessed against policies in the Framework as a whole:

Benefits of the development:

Provision of 14 new houses

Provision of 5 affordable homes within Holbeton

Provision of a community car park within the village for which there is a need

Provision of community allotments.

Provision of public open space

Betterment of drainage/flooding problems

Economic benefit to the local economy during construction

Economic benefit to the local economy through added spending and use of facilities by new residents.

Support for local services such as the pub and school to maintain their viability and thus the sustainability of the village as a whole.

Enables provision of a site for a new village hall with good links into the adjoining playing field at the Vicarage Hill site

Significant adverse Impacts of the development:

None

Weighed against the policies in the NPPF as a whole the balance weighs in favour of the development.

The second test is that planning permission should be granted unless specific policies in the NPPF indicate development should be restricted.

Para 115 of the NPPF is a potentially restrictive policy giving great weight to conserving landscape and scenic beauty in the AONB. This policy however does not preclude development itself, the test here is giving great weight to conserving the AONB.

It has been judged that the proposed development will conserve the AONB.

On balance it is considered that, the benefits of the development outweigh any harm and as such the development is sustainable.

It is recommended that conditional planning 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 relevant development plan policies are set out below:

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

The Countryside and Rights of Way Act 2000

South Devon AONB Management Plan

Planning for the South Devon AONB: Planning Guidance Version 1 (South Devon AONB Partnership)

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
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
TTV30 Empowering local residents to create strong and sustainable communities
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
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. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (i) the expiration of three years from the date of the grant of outline planning permission; or if later
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- (a) the design and external appearance of the proposed buildings;
- (b) their siting;
- (c) existing (and proposed) (i) site levels (together with proposed (ii) slab levels);
- (d) the materials for their construction
- (e) the arrangements for the disposal of foul and surface water;
- (f) the areas for (i) parking (ii) (and turning) of vehicles (in accordance with the Devon County Council's parking standards);
- (g) all other works including walls fences means of enclosure screening;
- (h) the location, extent and layout of open spaces;
- (i) the design, layout, levels, gradients, materials, drainage, lighting and method of construction of all new roads and connection with existing roads.

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

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

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

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

Reason: In the interests of visual amenity

5. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use. Thereafter the boundary detail shall be retained and maintained.

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

6. No part of the development hereby permitted shall be commenced until a programme of percolation tests has been carried out in accordance with BRE Digest 365 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 site, with particular focus placed on the locations and depths of the proposed infiltration devices.

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

7. 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 this permanent surface water drainage management system will be informed by the programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests and in accordance with the principles set out in the Flood Risk Assessment (Reference: HOL-HYD-PH1-XX-RP-D-5001 SO P1.2 (Rev P1.2, dated June 2016)).

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

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

8. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local

Planning Authority, in 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.

9. 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.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

10. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

(i) All trees and hedgerows to be preserved should be marked on site and protected during any operations on site by a fence in accordance with details to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development (ii) No fires shall be lit within the spread of the branches of the trees (iii) No materials or equipment shall be stored within the spread of the branches of the trees. (iv) any damage to the trees shall be treated with an appropriate preservative. (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: To protect the existing trees and hedgerows in order to enhance the amenities of the site and locality.

11. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal Report by Blackdown Environmental dated 03.07.15 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

12. Notwithstanding the details provided, there shall be no external lighting of public areas including highways unless otherwise agreed in writing by the Local Planning Authority through the submission and agreement with the LPA of a lighting strategy

Reason: To protect the countryside from intrusive development and in the interests of ecology

13. No part of the development hereby permitted shall be occupied unless and until the vehicular and pedestrian accesses, internal roads, visibility splays and footpaths as approved have been laid out, surfaced and in all other respects completed to the satisfaction of the local planning authority. Once completed, the visibility splays shall be retained and maintained free of all obstruction over 1m high at all times.

Reason: To provide adequate visibility from and of emerging vehicles and in the interest of highway safety.

14. Prior to the commencement of development hereby permitted, a construction environmental management plan (CEMP) shall be submitted, detailing measures to mitigate or reduce the impact of the construction activities. This plan shall detail hours of operation and hours of deliveries, methods of controlling noise from construction activities, a dust impact assessment and mitigation assessment, location of contractors compound, location of the storage of materials, wheel washing facilities, details of delivery routes for construction traffic from and to the A379, provision of car parking for contractors, details of a temporary direction signing scheme. Once approved all construction activities shall be carried out in accordance with this management plan.

Reason: In the interests of the safety and amenities of neighbouring occupiers and the safety of highway users.

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

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

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

16. The dwellings hereby approved shall not be occupied until the parking, servicing, garaging areas relating to them in accordance with drawings that shall have been previously submitted to and approved by the Local Planning Authority have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: In the interests of the visual amenities of the area and the safety of road users.

19. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types described in Schedule 2, Part 2, Classes A and B including gates, fences, walls or other means of enclosure and

means of access shall be erected or constructed between the buildings and the estate roads unless permission is granted by the Local Planning Authority.

Reason: In order to safeguard the character and visual amenities of the locality.

20. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes B, C, D and F of the Order, including the erection of porches, dormers and roof alterations, shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area, to ensure adequate space about the buildings hereby approved, to prevent the increased risk of flooding elsewhere and in the interests of amenity.

21. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) An Arboricultural Impact Assessment and Method Statement detailing the location, species and spread of all trees, shrubs, hedges, hard landscaping, boundary treatments existing on the site, distinguishing those proposed to be removed and those to be retained;

(ii) a landscaping scheme showing ground moulding, screen banks, hedgebanks, trees, shrubs, and hedges, including proposals for protection and maintenance of the landscaping. The scheme submitted shall be fully implemented

(a) in the planting season following the substantial completion of the development

(b) in tandem with each phase of the development as set out under condition above, and must be implemented not later than the planting season following the completion the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting.

Reason: To protect and enhance the visual amenities of the site and locality.

22. The following details shall be submitted at the same time as the layout under the reserved matters:

(i) A landscape and ecology mitigation and management plan

Reason: To protect and enhance the visual amenities and biodiversity of the site and locality.

23. The following details shall be submitted at the same time as the layout under the reserved matters:

A detailed landscaping and layout scheme for the area of allotments. The approved scheme shall be implemented not later than the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary to the reasonable satisfaction of the Local Planning Authority for a minimum period of five years following the date of the completion of the planting or until development of the village hall commences.

Reason: In the interests of the amenity of the area

25. The following details shall be submitted at the same time as the layout under the reserved matters:

Full details of the proposed pedestrian access to Church Hill included means of construction, visibility splays, materials and landscaping. Development shall take place in accordance with the approved details

Reason: To secure adequate connectivity to the village and in the interest of the amenity of the area and in the interest of highway safety.

26. The proposed road, footways, footpaths, verges, junction, sewers, drains, retaining walls, service routes, surface water outfall, roof maintenance/vehicle overhang margins, embankments, and street furniture shall be constructed and laid out in accordance with details to be approved by the LPA in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and methods of construction shall be submitted to the LPA.

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

27. Prior to the commencement of development on site a suitable highway drainage strategy solution shall be submitted to and approved by the LPA including a flood exceedance route plan. Development shall take place in accordance with the approved details,

Reason: In the interests of highway safety.

28. Prior to the commencement of development ground investigations shall be undertaken to the satisfaction of the LPA to demonstrate how the 1:2:5 batter slopes adjacent to the road are to be made safe and these details shall be submitted to the LPA and approved in writing. Development shall take place in accordance with the approved details.

Reason: In the interest of highway safety

29. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the LPA.

The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the LPA.

Reason: To ensure, in accordance with paragraph 141 of the NPPF that an appropriate record is made of archaeological evidence that may be affected by the development

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PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Chivelstone **Ward:** Stokenham

Application No: 2964/17/FUL

Agent/Applicant:

Mrs Debbie Crowther
9 Lyte Lane
West Charleton
Kingsbridge
TQ7 2BW

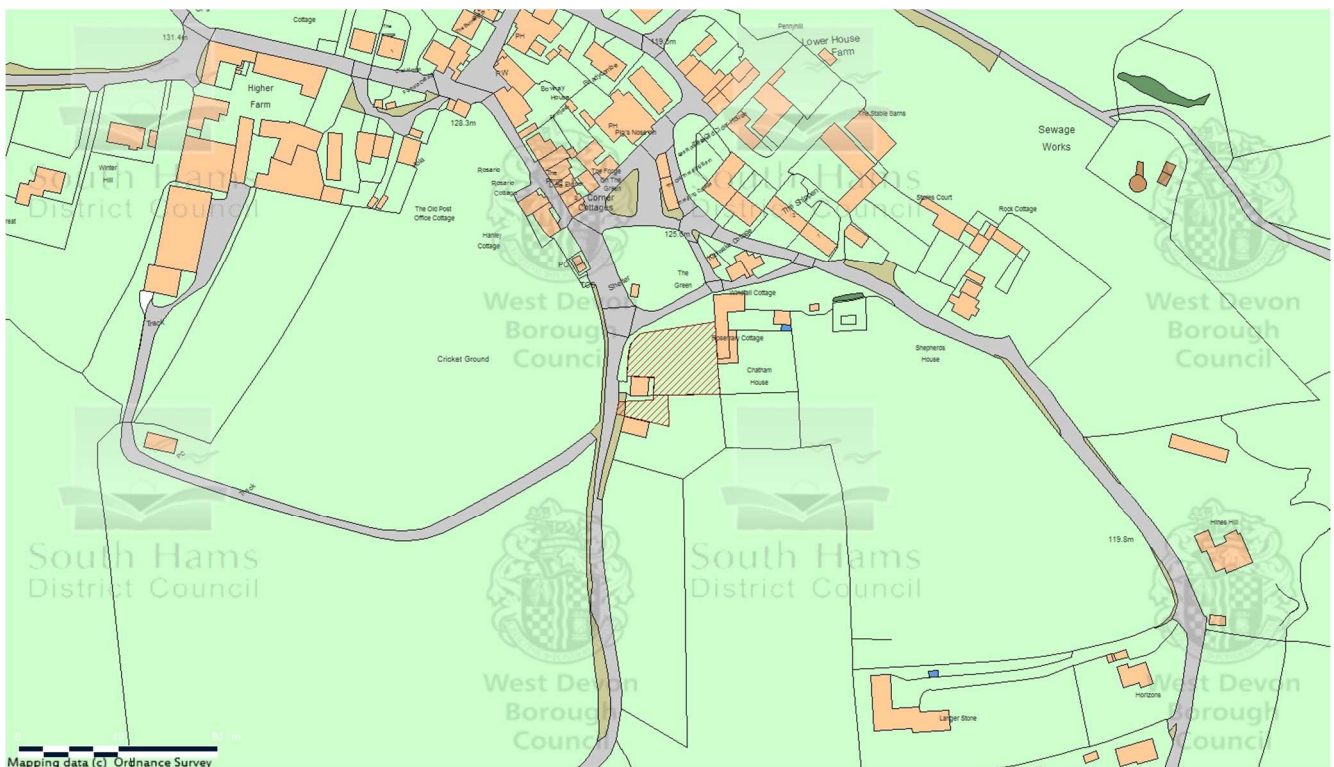
Applicant:

Sally O'Connell & Jane Toofan
The Bungalow
Fore Street
Ivybridge
PL21 9AE

Site Address: Plot adjacent Old Coastguard Store, Prawle Point Cottages to East Prawle Green, East Prawle, Devon, TQ7 2BY

Development: Proposed construction of dwelling, with associated access, parking and landscaping works

Reason item is being put before Committee: Referred by Cllr Brazil due to concerns over loss of public amenity, landscape impact, sustainability and housing need.



Recommendation: Conditional Approval

Conditions:

1. Three Years statutory period for commencement
2. Development in accordance with approved drawings
3. Hard and soft landscaping
4. Surface water drainage
5. Removal of permitted development rights
6. Parking to be provided/retained
7. Unexpected contamination
8. Tree protection measures
9. Landscape management plan
10. Ecology report recommendations to be carried out

Key issues for consideration:

The main issues are the design, massing and associated visual impact of the proposal within the street scene and wider AONB, any impact on the amenity of neighbouring properties, ecology, drainage, access and parking

Site Description:

The application site is located immediately to the south of the Green at East Prawle. The site area comprises 0.10 hectares of land.

The village of East Prawle is centred around the Green, with The Pigs Nose Inn and Piglet Stores and Cafe lying to the north of the Green and Chivelstone Parish Community Hall beyond. Residential properties in the main lie to the north of the Green, and also to the east and south east. Public toilets are situated to the west of the Green and public parking is available immediately adjacent to the Green to the west and south.

A rough road to the north of the application site separates the application land from the Green. The application site is bounded by a public road to the west which provides access to Prawle Point car park and Prawle Point Coastguard Cottages.

The public road to the west of the site is also a Public Right of Way (PRoW); Chivelstone Byway 14. The Byway runs from the Green to just south of Prawle Point car park where it links with Chivelstone Footpath 11 and the South West Coast Path. Immediately to the east of the plot of land lies Rosemary Cottage a two/three storey dwelling. To the south west of the land lies a private garage building in separate ownership. Immediately to the south of the garage is an access gateway into Mollie Tucker's Field, a Caravan Club Certified Site. This access also currently serves the application site. It is proposed that this existing access would form the vehicular access to the dwelling to the south of the access gateway, lies a single storey detached building, known as the Old Coastguard Store. Further to the south east of the site, separated by the camp site and agricultural land lies further residential development

The application site lies within and on the southern edge of East Prawle Conservation Area. The Conservation Area also includes a separate parcel of land comprising a number of dwellings to the south east of the site. The whole area lies within the South Devon Area of Outstanding Natural Beauty and falls within the Undeveloped and Heritage Coast designations.

The Proposal:

This planning application seeks full planning permission for the construction of a new 3-bedroom dwelling with associated access, parking and landscaping.

Access to the dwelling is provided by the existing vehicular access from the public road to the west of the site. The proposal makes provision for on-site turning and parking of vehicles to the west of the dwelling.

The proposal is for a two storey building of a traditional local vernacular. The eastern end of the property comprises a single storey lean-to element. The submitted plans show lounge, dining room, kitchen and utility on the ground floor with bedroom accommodation and family bathroom arranged on the first floor.

Consultations:

- County Highways Authority: Standing advice applies
- Chivelstone Parish Council:
Chivelstone Parish Council object to planning application 2964/17/FUL and feel that planning permission should be refused as
 - it will not meet the affordable housing criteria for local people struggling to find a house.
 - it is not being built to be a home for the planning permission applicants, with a high probability that it will become another second home.
 - it sets a precedent for all the fields in that location.
 - whilst the trees would currently screen the proposed dwelling they will only be there for a further 20 years and the house will be in full view.
 - it would block the view from the village Green.

Representations:

Representations from Residents

Comments have been received and cover the following points:

- Site is outside settlement boundary and within the South Devon AONB
- Proposed dwelling is overly large
- Loss of light to Chatham House and overlooking
- Loss of light and views to the village green
- Negative impact on tourism
- Other properties for sale in village
- No need for further second homes
- Harmful impact on conservation area
- Location plan shows land not owned by applicant
- Proposed dwelling has good proportions and appearance, however too large for the plot
- Would set a precedent for further development in the AONB
- Previous refusal on the site in 1984
- Affordable housing need in East Prawle
- Result in increased algae growth on western side of Rosemary Cottage

Representations from Internal Consultees

Landscape Officer/AONB

- Whilst the development would comprise a new visible built feature, the context of the village combined with the proposed design, scale and materials of the new plot would provide an acceptable means to develop the site with a single dwelling without adversely affecting the local landscape character, protected landscape or visual quality of the area. I would therefore raise no objection to the application on landscape grounds.

Suggested Conditions

- Implementation of Tree Protection measures and AMS
- Landscape management plan
- Consider removing PD rights to the garden/curtilage.

Relevant Planning History

10/1278/95/3 - Erection of two cottages and provision of car park Withdrawn: 13 Sep 95

10/0557/84/3 - House and garage Refusal: 15 May 84

ANALYSIS

Principle of Development/Sustainability:

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.

Paragraph 14 of the National Planning Policy Framework states that *at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; 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.*

Paragraph 15 of the NPPF states that:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Policy DP 15 of the South Hams Development Plan Policies relates to development in the countryside and states;

Within the countryside, development will be permitted where it requires a countryside location and:

- a. supports the essential needs of agriculture or forestry interests; or
- b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

The South Hams Development Plan Policies DPD was adopted in July 2010 and pre-dates the NPPF. The enforcement of strict development boundaries is not considered to comply with the guidance

within the NPPF as this does not follow the approach of the presumption in favour of sustainable development.

The current position therefore 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. Footnote 9 states that the presumption in favour of sustainable development should not apply if '*specific policies...indicate development should be restricted.*'. This includes paragraph 115 which states that '*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*'

The main issue, therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits with strict regard to the AONB which is afforded the highest status of protection.

The site relates well to the village and reads as a natural infill, the emerging policies in the Joint Local Plan (JLP) make allowances for residential development adjoining or very near to an existing settlement where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

East Prawle is identified in the JLP as being able to accommodate 10 new dwellings within the plan period. The proposed settlement boundaries for the JLP are at a draft stage but is worth noting that the proposed JLP settlement boundary for East Prawle includes the application site.

Design/Landscape:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "*major development*" in the context of paragraph 116, due to the context of existing built form of a comparable scale and appearance in the immediate locality.

Landscape Character & Visual Impact

The site lies within a highly sensitive landscape, designated as AONB and Undeveloped Coast, and lying within the Heritage Coast. However these designations wash over the village as a whole and do not preclude development where it is sensitively sited and designed so as to conserve and enhance the character of the area. As a well-defined plot of land with existing built form located both within and adjacent to the site and further to the south of the site area, the site reads as part of the village form rather than the surrounding coastal landscape, which is dominated by the undeveloped, wild and rugged coastline.

The settlement characteristics of the area include:

- Sparse settlement pattern, with isolated farms or large houses and several villages, often distinguished by their uniform appearance, and a few scattered small coastal resorts.
- Settlements often hidden by the dips in the topography.
- Roads generally comprise narrow rural lanes.

The proposed development is considered to sit comfortably within these characteristics, without impacting upon the surrounding protected landscape. It is therefore considered acceptable in principle to introduce a single dwelling here, continuing the existing pattern of development clustered around the green.

Views from the surrounding landscape may variously pick up the new dwelling ridgeline in views of the village, but the close association in scale, appearance and materials to the adjoining properties would not result in an adverse change to the views. In keeping the ridgeline below that of the adjacent dwelling, but at close proximity within the plot, the proposed building would not introduce a more visually prominent element to the village, and would not change its perception as a village within a coastal landscape. In respect of views from the village (and the village green) towards the coast, numerous coastal views are available as you pass through the village, seen between buildings, across roof tops and around vegetation. The proposed development would continue this character, and would not block a particularly striking or well-framed view of the coast; it would replicate the existing situation within the village area.

Protected Landscape

The Council's Landscape Officer and the South Devon AONB Team were involved in pre-application discussions around this site, and raised no principle objection to the proposals for the above reasons. Their concerns related to the design of the building and its need to reference the style of buildings in East Prawle, the location of the development within the plot, and the height of the building in relation to the adjacent plot and the trees. These issues have been addressed with the design, scale and appearance of the proposal coming forward.

Detailed Design / Landscape Design

The proposed materials and finish to the building are considered to be in keeping with the surrounding built form. The design is modest and traditional, without excessive use of glazing or other visually prominent features often seen on modern buildings. The design is of a traditional vernacular and the use of slate roofing and painted rendered walls with traditional glazing patterns are suitable for the conservation area setting.

The location of the proposed dwelling within the plot itself is also considered to be appropriate; clustering built form together, and avoiding the introduction of taller built form into the outer edges of the site where it may have been more visually dominant on the approach from the south. The location on the north eastern edge maximises the opportunity for screening from the trees, and the takes maximum advantage of the context of the existing village built form in minimising the impact of the dwelling.

It is apparent that the boundary treatments would remain as they are currently, and there are no principle issues with this. a landscape management plan condition is recommended to ensure that the hedge and trees are appropriately managed going forwards, given their importance as landscape features on the approach to and leaving the village. Permitted development rights are recommended to be removed for extensions as well as curtilage outbuildings and means of enclosure, so that the council retains control over the erection of outbuildings, fencing and other ancillary structures which may be visually prominent in this sensitive location.

Arboricultural Impact

The submitted Arboricultural Impact Assessment provides a fair assessment of the trees on site, showing them to be retained through the proposed development. The protection measures and

methodology set out in the Arboricultural Method Statement (AMS) are appropriate and would be effective in the protection of the trees throughout the construction of the development.

Following completion of the development, as the trees are within a Conservation Area, control over works to the trees remains with the council, and we can therefore be confident over their retention or replacement in the longer term as necessary.

I would therefore raise no objection to the application on arboricultural grounds subject to a condition requiring the implementation of the submitted tree protection measures and AMS.

Policy

Adopted and emerging local plan policies seek to conserve and enhance landscape character, avoiding significant and adverse landscape and visual effects. They place great weight on the landscape and scenic beauty of the AONB and the character of the coastal landscape. The AONB Management Plan similarly seeks to conserve and enhance landscape and scenic beauty and protect the Special Qualities of the designation through its policies.

As noted above, the impacts of the proposed development are considered to be acceptable; not adversely affecting the landscape and visual amenity of the area, or the Special Qualities of the AONB. It would therefore meet the above policy tests.

Neighbour Amenity:

The building would be located at such distance from neighbouring property, principally 'Chatham House' to the East so as not to give rise to unacceptable levels of overshadowing or result in an overbearing impact or outlook issues.

The eastern boundary of the site forms the boundary with Rosemary Cottage at the northern end, which adjoins Chatham House whose western elevation forms the mid-section of the eastern boundary with its garden area to the south forming the remainder of the boundary. The two storey section of the proposed dwelling is sited 5.3 metres from the western elevation of Chatham House with a 2.5 metres from the ground floor lean to section.

Rosemary Cottage has 1 no small window on the western elevation, which is set forward of the proposed dwelling and will not be impacted. Chatham House has 2 no roof lights in the western slope of the roof. Due to the separating distances and position of these roof lights it is considered that the development will not result in a significant loss of light to these roof lights. The first floor windows on the south elevation are set sufficiently in from the boundary to afford limited oblique views into the garden area of Chatham House and this would not warrant refusal of the application.

In order to ensure protection of neighbour privacy in perpetuity it is considered appropriate to withdraw permitted development rights for extensions and alterations, which will include the insertion of windows.

Highways/Access:

Vehicular access will be via an existing entrance, which serves the camping field to the south. It is considered acceptable in terms of highway safety and has no negative impacts on visibility.

The site has sufficient off-street parking for the size of the proposed dwelling and a condition is recommended to ensure that it is provided prior to occupation and maintained thereafter.

The highway is also a public right of way that leads to Prawle Point, the site has sufficient space for the accommodation of building materials and therefore a construction management plan is considered to not be required for the development.

Other Matters:

Foul drainage will be discharged into the existing main sewer line and surface water drainage is proposed via soak-aways. A condition requiring the surface water drainage works to be agreed is recommended.

An ecology report has been submitted as part of the application, which concluded "Given the limited biodiversity interest of the site, it is considered that the proposed development will not have a significant negative ecological impact and that, if the above measures are implemented, the development could result in an overall net positive impact on site biodiversity." The report suggests biodiversity enhancements, which will be conditioned to be provided.

The availability of other houses for sale and whether the proposed dwelling will be occupied full time are not material considerations for this planning application. Similarly, the light to a flank wall of the adjacent dwelling and the potential for algae growth on the wall are not a matter to be considered as part of this planning application.

An amended site location plan has been submitted which address the concerns raised, the amended red line did not require further consultation to be undertaken.

It is considered that the dwelling proposed would not result in harm to the tourist offering or attractiveness of east Prawle as a tourist destination.

All applications are dealt with on their own merits and would not set a precedent for further developments. There has been a previous refusal on the site, however the application has to be considered against current planning policy and the refusal was a significant time ago. The proposal is for an open market dwelling and has been assessed as such.

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

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 relevant development plan policies are set out 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
DP5 Conservation and Wildlife
DP6 Historic Environment

DP7 Transport, Access & Parking
DP15 Development in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries
KP 14 East Prawle

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

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.

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 permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

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

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

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
 - (a) Part 1, Class A (extensions and alterations including the insertion of windows or roof lights)
 - (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 14, class A & B (Installation of domestic Microgeneration Equipment)

(g) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and re-enacting this Order)

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

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

6. The dwelling hereby approved shall not be occupied until the parking, and garaging areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

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

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

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

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

8. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence;
- (ii) No fires shall be lit within the spread of the branches of the trees;
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees;
- (iv) Any damage to the trees shall be treated with an appropriate preservative;
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: In order to identify, and protect, trees of public amenity value

9. No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall provide for the management and maintenance of public open space and green

infrastructure for biodiversity, landscape and informal recreation purposes. The LEMP shall include:

- (i) All existing boundary hedgerows and trees
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (vii) Materials, heights and details of fencing and other boundary treatments;

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

10. The recommendation sand mitigation measures contained within the submitted ecology report by Greenwood Ecology and Conservation shall be carried out in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology and biodiversity.

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby
Staverton

Parish: Staverton **Ward:** Dartington and

Application No: 173360 3360/17/FUL

Agent/Applicant:
Abham Storage Limited
239 High Street Kensington
London
W8 6SA

Applicant:
Abham Storage Limited
239 High Street Kensington
London
W8 6SA

Site Address: Land at SX 774 647, Riverford Farm, Staverton, TQ9 6AF

Development: Development of 49.99 MW Battery Storage Facility with associated infrastructure and landscaping

Reason item is being put before Committee The Ward Member considers there are considerable concerns regarding this large scale application and as such it should be brought to DM committee for decision



Recommendation: Delegate to CoP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement*.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

The Section 106 should secure the following:

- Provision and ongoing maintenance of newly created habitat (including attenuation pond), as outlined in the Great Crested Newt Mitigation Strategy, and in accordance with a Planting and Maintenance Plan.
- Provision and on-going maintenance of newly created bat foraging habitat in accordance with an agreed LEMP

*this recommendation is subject to confirmation that the recently proposed bat mitigation strategy is acceptable and passes a Habitat Regulations Assessment, this will be verbally updated to the Committee.

Conditions

- Time
- Accords with plans
- Prior to commencement – road condition survey to be submitted and approved
- Prior to commencement – details of vehicular access including visibility splays and surfacing to be submitted, approved and implemented.
- Prior to commencement – scheme to assess and mitigate the risks to controlled waters as a result of the development to be submitted, agreed and implemented.
- Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed by the LPA.
- Prior to commencement, submission of a planting and maintenance plan for the retained and newly created habitat including attenuation pond.
- Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017).
- No ground works should commence until the LPA has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.
- Prior to commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater horseshoe bat mitigation land' should be submitted to and agreed by the LPA.
- The 'Greater horseshoe bat mitigation land' shall be prepared in advance of commencement of development.
- Pre-commencement – detailed surface water management scheme to be submitted, agreed and then implemented.
- Mitigation measures set out in Noise Assessment by RPS dated September 2017 to be adhered to.

- Acoustic fencing to be erected in accordance with approved details prior to development being brought into use.
- Pre-commencement: Notwithstanding the submitted masterplan, detailed existing and proposed levels for the site and its surroundings to ensure that the ground remodelling is sensitively 'blended' into the surrounding contours without abrupt changes in level (the current contours shown are too coarse to ensure that this is the case). Any material not used in the construction of the levels as approved must be removed from site to a licenced facility.
- Pre-commencement : A Construction Method Statement for the ground works, detailing the methodology for constructing the level changes. This should include site preparation (stripping and storage of topsoil and fencing to protect the boundary vegetation), the creation of the new levels and their compaction, the removal of any debris, and the reinstatement of the topsoil. The restoration and making good of the site compound should also be included.
- Pre commencement: A Landscape Strategy to include:
 - a concept statement explaining how the proposed landscape treatment responds to the landscape character of the area;
 - the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - details of any changes to the site access, including hedgerow removal; creation of visibility splays; kerbs, signage or other highways infrastructure; and gates, fencing or other structures.
 - the method of planting, establishment and protection of tree, hedge and shrub planting;
 - a timetable for the implementation of all landscaping; and
 - a management plan detailing the management of the landscaped areas for a minimum period of 10 years.

Colours of the containers and other equipment within the compound to be agreed prior to installation.

- Details of lighting (temporary construction lighting and permanent lighting) including function, location, design and intensity to be agreed prior to installation.
- Details of CCTV infrastructure including height and location of any mounted equipment to be agreed prior to installation
- Pre-commencement: A decommissioning strategy to be submitted to and approved in writing by the LPA.

Key issues for consideration:

Key issues for consideration relate to landscape impact, impact on ecology and impact on neighbours with particular reference to noise and to balance any adverse impacts against any benefits of the scheme.

Site Description:

The site is 2.05ha of agricultural pasture land within a larger field located immediately south east of the existing electricity sub-station at Bumpston Cross, some 2km north west of the village of Staverton.

The land is surrounded by mature copse/woodland to the north, east and south. There are two ponds within the copse on the southern boundary. A stream runs close to the eastern site boundary and on the east side of the stream a public footpath runs north south

Access is from a rural lane linking Bumpston Cross to Staverton Station.

Abham Cottage, a Grade II Listed Building, is located approx. 250m south of the site on the other side of a further hedgerow and smaller field.

Other residential dwellings in the area include Abham Orchard (300m to south east), Hole Cottages (approx 200m to the south west), Bumpston Cross Cottage (approx.300m to north west) and Bumspton Bridge Cottages (approx 130m to north)

The land slopes gently downwards from north west to south east. Views into the site at present are mainly from the road access point to the west and from the higher land of the hills rising in the east. The site is not within a designated landscape.

The site is within a sustenance zone and flight path within the Greater Horseshoe Bat Consultation Zones and is also within a Great Crested Newt Consultation Zone.

The Proposal:

The Development: The proposed battery facility would comprise 39 prefabricated units placed on a compacted stone platform, 13 of these will contain the batteries the remaining units will contain switchgear and inverters. The height including AC units is 4.6m. A single larger switch and control unit is also required (up to 3.9m high).

The units will be enclosed within a 4.5m high timber acoustic fence and the whole facility will be enclosed with 2.5m high steel palisade fencing.

Two substations are required adjacent to each other and the equipment within them will be up to 5.5m high

The scheme proposes a surface water attenuation pond on the eastern site boundary and proposes additional woodland planting around the north and west site boundaries to provide screening from this aspect.

The application shows a temporary construction compound that would be provided on land immediately adjacent to the west of the site.

Access would be from an existing field access on the western side of the field.

No permanent lighting is proposed. Lighting will only be required when maintenance takes place on site in low light.

Background: The applicant has provided information regarding the background to this proposal:

The Government is targeting the reduction of carbon emissions and much of this will be achieved through decommissioning carbon intensive plants and continuing with the delivery of low carbon generation renewable energy such as off shore wind. The integration of renewable

and nuclear energy supplies places an increased demand for additional flexibility and reserve supply to be provided.

National Grid also has to manage changes in the system frequency, voltage and reactive power-imbalance that can occur when there is a high generation and low demand or low generation and high demand. Balancing supply and demand and system stability is fundamental to an energy efficient future.

Enhanced Frequency Response (EFR) is a new service required by National Grid to help it balance the frequency fluctuations on the grid system. Certain commercial batteries are able to achieve the required 100% power output in 1 second (or less).

In response to this requirement for increased flexibility for local demand, the application proposes to develop an asset for National Grid using batteries, on land to the southeast of Abham Substation to provide these services. The battery facility will store up to 49.99 megawatts of electricity to provide ancillary services to National Grid and supply energy security to the local network during times of peak demand.

A site selection process assessed the 9 major substations in the South West and the Abham site was identified as the only site meeting all of the necessary criteria, including being suitable for the scale of battery system where the precise export and import requirements can be met.

It is stated that the facility is essential infrastructure required to support renewables but compared to wind and solar the facility uses very little land for its output. A solar farm of equivalent installed capacity would need 83 times the land area and in terms of power generated would require 356 times the land area.

Operation: National Grid need to maintain a frequency of 50Hz on the Grid. The battery providing ancillary services will assist in maintaining frequency by being fast and flexible. The facility will largely be on stand-by until needed, usually but not solely between 8am and 8pm.

Its use will cover periods where there is a shortage of generation and high demand. It is stated that little noise and no emissions result from its operation.

The site will be operated remotely so will generally be unmanned except for scheduled maintenance

Consultations:

- County Highways Authority: No objection, recommends planning conditions regarding provision of visibility splays, a road condition survey and details of the access formation.
- Environmental Health Section: No objection subject to conditions to ensure implementation of proposed noise mitigation measures.
- Environment Agency: No objection subject to conditions to ensure the protection of controlled waters from risks associated with the development

- Police AOL: Pleased to note presence of CCTV and security fencing, but recommends use of alternative forms and colours of security fencing which are more secure.
- Devon and Somerset Fire and Rescue: Proposals must comply with Approved Document B of the Building Regulations to include access requirements for Fire Service Vehicles. Water supplies for firefighting should be provided.
- South West Water: No objection in principle but advises that a public water main runs across the site which according to the proposed layout would have to be diverted at the cost of the applicant.
- DCC Flood Risk: No comment received
- Natural England: Further survey work required regarding bats and in the absence of this information an objection may be made.
- SHDC Ecology: No objection subject to conditions and Section 106 clause to secure GCN and bat mitigation and subject to a review of additional information that is to be submitted and the subsequent HRA that will take place
- SHDC Landscape: No objection subject to conditions
- SHDC Heritage: No objection subject to conditions
- Town/Parish Council: Object – noise issues and environmental impact.

Representations:

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

- Traffic Statement does not mention how the construction traffic will interact with the Riverford Farm traffic in the local area.
- Lack of information
- Environmental health hazard – including health effects from electro-magnetic radiation
- Noise Pollution
- Applicant is not an established company, what will happen if business fails or they don't get a contract with National Grid?
- Local of local consultation – no noise assessment at Fursdon
- No local economic benefit
- Noise Assessment is misleading and was not undertaken at the right times
- Industrial development in a rural area – landscape impact
- Adverse impact on highway safety during the construction period
- What happens to the site when no longer required?
- Contrary to para 56-58 of the NPPF
- Will air cooling systems be needed and if so what is the noise implications?
- Contrary to JLP policies So10, SO12, SPT1, SPT11, TTV30, TTV31, DEV24

1 letter states that it agrees with the proposal but does raise concern that the acoustic fencing is proposed lower than the height of the air conditioners – the fencing should be higher

ANALYSIS

Principle of Development/Sustainability:

Policy CS11 of the Core Strategy, 2006 states that development must reflect the need to plan for climate change, through addressing its causes and potential impacts.

Policy DEV35 of the emerging JLP addresses renewable and low carbon energy and states that proposals to increase the use and production of renewable and low carbon energy to contribute to national targets will be supported where there are no significant adverse impacts.

The National Planning Policy Framework also addresses climate change, relevant paragraphs include:

Paragraph 93: Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development

Paragraph 97: To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;¹⁷
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

The proposed development proposes infrastructure to support the National Grid in making more efficient use of energy, a significant proportion of which comes from renewable energy such as wind, which is erratic in its energy production. The battery facility allows energy to be stored at times of high production and low demand so that it can then be used at times when production is low but demand is high. It will help to use existing energy resources more efficiently.

The principal of the proposed development, which will help to reduce greenhouse gas emissions, is supported by National and Local Planning Policy and is considered to be acceptable subject to all other material planning considerations.

Design/Landscape:

The site is located within a rural setting. It is however set on relatively flat, low lying land, surrounded on 3 sides by existing tree/copse vegetation and it is seen within the context of the adjacent electricity sub-station with its large pylons marching out across the landscape.

The scheme has been reviewed by the Council's Landscape Specialist who has commented as follows:

The submitted Landscape Appraisal provides a fair assessment of the likely landscape and visual effects resulting from the development. Disappointingly, it does omit views from the lane approach from the east, which is elevated with clear views of the upper slopes of the site. It has also assessed the application site during the summer whilst the trees and hedgerows are in full leaf, though this is recognised in the report as a shortcoming and the slightly greater visibility in winter is noted.

Notwithstanding these issues, I would recognise that the proposed development site is generally well-contained within the landscape with only limited views available during the winter months, and that the local landscape character of wooded valley sides and vegetated river corridors does provide the opportunity to effectively mitigate the site. The adjacent electrical infrastructure also provides a context for such development in this location.

There would be significant and adverse construction impacts, principally from the ground engineering and re-profiling operations to accommodate the levelled platform and surplus spoil, and from the construction compound which is at the more visible western end of the site. However, subject to an effective landscape mitigation strategy, these effects upon completion and establishment of the landscaping could be minimised so that the development is not visually prominent, and does not result in significant and adverse effects on the local landscape character.

Detailed Design / Landscape Design

The masterplan shows some outline landscape principles as mitigation. Whilst the intention to landscape the site is welcomed, I would request that we condition an amended landscape strategy, taking into account the need to fully 'blend' the changing contours and appropriately landscape them. There are some steeply sloping embankments proposed to the east of the site which are likely to be visible as incongruous features during the winter, and it is not clear how the raised 'platform' on the 32m contour at the western edge of the site will be treated to ensure that it is not viewed as a large and engineered bund. Woodland planting on both of these features may be more appropriate, and would help to mitigate winter views.

It will also be critically important to the landscaping that the ground levels are engineered correctly through an agreed construction method statement; re-establishing a soil profile including subsoil and topsoil, with appropriate compaction of the subsoil in layers, and the avoidance of compaction of topsoil. The restoration of the construction compound including the decompaction of soil (or reinstatement of topsoil if this is stripped) should also be included.

Arboricultural Impact

Although bound by important vegetation features, the proposals could be accommodated without impacting on the trees and hedgerows. I would expect the method statement

mentioned above to cover the protection of these boundary features which is likely to simply be in the form of site fencing.

Policy and Recommendation

Adopted and emerging local plan policies seek to conserve and enhance landscape character, avoiding significant and adverse landscape impacts. Whilst the construction impacts would be significant and adverse, in the longer term these could be appropriately mitigated, and the proposals would be considered to conserve the character of the valley landscape. There would be limited enhancement opportunities, but with an amended landscape strategy, the mitigation proposed could be effective and in keeping with local character. I would therefore raise no objection to the application on landscape grounds.

Landscape impact is considered to be acceptable subject to conditions to secure mitigation landscaping.

Neighbour Amenity:

There are no residential properties immediately adjacent to the application site, the nearest properties being Bumpston Bridge Cottages some 130m to the north of the site boundary. While it may be possible to get glimpsed views of the site in winter the outlook of neighbouring properties will be little affected.

The key issue in terms of potential amenity impacts relates to noise. The site is in a tranquil, rural location away from notable noise generators except for the adjacent electrical sub-station from which, at the time of the officer site visit, there was an audible hum emitting.

The application is supported with a Noise Assessment the key results being as follows:

- Noise from the facility will be well below the noise standards contained in WHO guidelines for avoidance of annoyance during the daytime.
- Noise from the facility will be well below the noise standards contained in WHO guidelines for avoidance of sleep disturbance at night
- Ambient noise levels will increase by up to 1dB during the daytime and by up to 3dB during the evening. Noise levels are unlikely to increase during the night time except during major power shortages or system stress events where small increases may occur at Hole Farm Cottages, Abham Orchard and Abham Cottage. Taking into account the magnitude of the increases and the likely frequency of such events that would cause the increases, it is considered that the ambient noise increases will result in negligible to minor impacts.
- The result of the BS 4142:2014 assessment, taking into account the context of the scenario, indicate that no significant adverse impacts are likely at any time of the day at any receptor. Residual adverse impacts may occur at Hole Farm Cottages during the evening and at Hole farm Cottages and Abham Cottage during the night time. These residual adverse impacts are acceptable as they will result in adverse effects no greater than the LOAEL.

The proposed development proposes acoustic fencing to surround the facility to mitigate against noise impact as well as noise attenuation covers fitted to the inverters and specification of a low noise transformer.

This Noise Assessment has been reviewed by the Council's Environmental Health Specialist who raises no objection subject to conditions to secure the implementation of the noise mitigation measures.

Concern has been raised by local residents with regard to the sites and times used to monitor noise and to inform the Noise Assessment. Officers are satisfied that the methodology follows good practice and the conclusions of the assessment can be relied upon.

Overall it is considered that the impacts on residential amenity will be acceptable.

Ecology/Environmental Risk

The Environment Agency have assessed the application, they note that ground conditions mean that the water table is high. They have no concerns generally regarding the development but are concerned about risk to ground and surface water in case of disaster.

The EA have stated that the applicant needs to demonstrate that in case of fire the toxic chemicals released as a result of battery fire and fire suppressants will not directly enter ground or surface water. Any groundworks/civils must be prevented from causing pollution, including the mobilization of soils/sediments in to inland freshwaters. Furthermore, if there is any risk of leaks or spills from the compound, this must be prevented from escaping and suitable containment put in place. The EA have recommended a planning condition to secure this level of protection.

The EA advise that that no infiltration of surface water drainage into the ground in the E-House Battery Storage Area or the Transformer/Inverter areas is permitted apart from where it has been demonstrated that there is no resultant unacceptable risk to controlled waters from the accidental release of chemicals or products of fire and fire suppression systems.

In addition, the development must not adversely impact on the licenced water abstraction (including access by the Environment Agency to inspect the licence) or any other serviced located within the area. Advice is also given regarding the appropriate storage of materials/chemicals likely to cause pollution.

The site is within a Greater Horseshoe Bat Sustenance and Flight Zone and Great Crested Newt Consultation Zone. The application is supported by a Preliminary Ecological Appraisal which identified the need to do survey work in respect of Great Crested Newts.

Survey work took place in October 2017 and is reported in the Great Crested Newt and Reptile Mitigation Strategy.

Natural England have commented on this application as follows:

*As submitted, the application could have potential significant effects on greater horseshoe bats associated with the **South Hams Special Area of Conservation (SAC)**. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:*

- *Up to date greater horseshoe bat survey*
- *A comprehensive impact assessment*

Without this information, Natural England may need to object to the proposal.

On receipt of this comment the applicant has been in consultation with Natural England and the Council's Ecologist to attempt to address these concerns.

The Council's ecologist has reviewed the submitted information and has commented as follows:

The PEA notes two points of interest:

- *The site falls within a South Hams SAC Sustainment Zone – no detailed surveys are recommended based on the application not including proposals for new lighting, or removing any habitat (hedges, woodland, ponds) likely to be used by greater horseshoe bats – the proposal requiring removal of improved grassland.*
- *The site falls within a Great Crested Newt consultation zone – there was a previous record of GCN some 1km from the site, and the two ponds adjacent to the site have potential for use by GCN. The PEA advised further survey for GCN be undertaken.*

These two points are considered in turn below.

South Hams SAC

The site lies within the Bulkamore Iron Mine SSSI (2.7m to the southwest) and Buckfastleigh Caves SSSI (3.3km to the northwest) greater horseshoe bat sustainment zones associated with the South Hams SAC (as identified in Natural England planning guidance, 2010) and a strategic flyway associated with the watercourse on the eastern boundary of the site.

The battery storage facility itself (and the temporary construction compound) would be sited within an improved grassland field (managed in the recent past by cattle grazing). Bordering the field (outside of the red line) is broadleaved woodland, species-rich and species-poor hedgerows, marshy grassland and ponds.

The PEA advises that foraging/commuting habitats on site for bats; 'are assessed as having high potential for foraging and commuting bats due to the presence of open water, broadleaved woodland, and grazing pasture, and because the site is located in a rural location which is very well connected to the wider landscape via a network of hedgerows.'

The proposed works will result in permanent loss of part of the improved grassland field, and would retain woodland, hedgerows and ponds. The PEA did not recommend further bat activity surveys because there was no new lighting or removal of the higher value habitat (woodland, hedgerows and ponds) and the majority of improved grassland within the field was being retained, and accordingly impacts of the proposed works on foraging/commuting greater horseshoe bats were anticipated to be low/negligible.

In conversation with Natural England and the consultant ecologist, it has been accepted that the improved grassland does offer foraging potential for greater horseshoe bats and may form part of the foraging habitat supporting the South Hams SAC. Accordingly, it has been accepted that permanent loss of such habitat as proposed would require mitigation, either on-site or off-site to avoid significant effects on the South Hams SAC, and that such an approach would be acceptable in the absence of detailed bat activity surveys. Such mitigation habitat

would need to be greater in size than the habitat to be lost, and would need to include reversion from unsuitable land (e.g. arable) to suitable greater horseshoe bat foraging habitat (i.e. not just safeguarding land which is already suitable for foraging greater horseshoe bats) and be in a location which is well connected and accessible to greater horseshoe bats.

Such land would need to be made suitable for greater horseshoe bat foraging in advance of loss of the existing habitat, and would need to be managed for the benefit of greater horseshoe bats, and secured through the Section 106. At the time of writing, an area of land has been identified within the same landownership, and closer to the Bulkamore Iron Mine SSSI and Buckfastleigh Caves SSSI than the land to be lost. The land appears to be well connected in terms of landscape features for commuting and foraging greater horseshoe bats, and is anticipated to be suitable as mitigation for the permanent loss of improved grassland required for the battery storage facility. Full details are still awaited, and once received, a Habitats Regulations screening will be undertaken, and the screening shared with Natural England. This will be concluded and the HRA Screening will be uploaded to the website well in advance of DM Committee, with a verbal update being given to DM Committee.

Subject to the detail to be agreed, it is anticipated that the following conditions would be required:

- Prior to commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater horseshoe bat mitigation land' should be submitted to and agreed by the LPA.
- The 'Greater horseshoe bat mitigation land' shall be prepared in advance of commencement of development.

And s106 clause:

- Securing ongoing maintenance of the 'Greater horseshoe bat mitigation land' in accordance with a the LEMP/Bat Mitigation Strategy

Greater Crested Newts

eDNA sampling and net sampling were undertaken in October 2017, both returning no evidence of GCN, however both were undertaken outside of the recommended sampling months. Fish were recorded in one of the ponds. Whilst the consultant ecologist notes that it is unlikely that GCN are present in the ponds, they acknowledge that due to timings it has not been possible to complete presence/absence surveys at the correct times of the year. Therefore GCN are presumed present, and an impact assessment and mitigation strategy have been conducted accordingly. The consultant ecologist has proposed that works would be undertaken under a European Protected Species Licence for the fencing and translocation aspects of the proposal below.

The proposed development would result in the loss of some 1.95ha of improved grassland (and 0.26ha for a temporary construction compound), which is suboptimal habitat for foraging terrestrial GCN and does not contain opportunities for shelter or hibernation. Existing habitat around the ponds is of better quality and outside of the area proposed for development (i.e. it will be retained).

Prior to and during construction, GCN proof fencing, drift fencing and pitfall traps would be used to ensure that works did not injure or kill GCN, with any GCN found to be moved to retained habitat adjacent to the existing ponds.

Post construction, the 0.26ha would revert to improved grassland and 0.79ha of habitat would be enhanced, including woodland and hedgerow planting, rotationally managed grassland, habitat piles and hibernation sites and a new attenuation pond planted with aquatic and marginal native species which would have potential for breeding GCN. These measures fall within the same land ownership, but would require securing within a s106.

On the basis of an assumed presence of GCN, where a Habitats Regulations offence is likely, the LPA must consider whether the proposal would meet the 3 derogation tests and be likely to be subsequently granted a EPS Licence by Natural England. These tests are listed below, however it should be noted that the first two are planning tests and require consideration and recording by yourself/DM:

- *Imperative Reason of Overriding Public Interest*
- *No Satisfactory Alternative*
- *Maintenance of Favourable Conservation Status – within the GCN Mitigation Strategy (RPS, 2017), mitigation has been outlined that would reduce the likelihood of injury/death to GCN during construction and in a manner that reflects good practice. Post construction, habitat surrounding the existing (and new) ponds would be enhanced for GCN and managed appropriately. The test is considered met.*

If minded to approve the application, please apply the following condition:

- *Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed by the LPA.*
- *Prior to commencement, submission of a planting and maintenance plan for the retained and newly created habitat including attenuation pond.*
- *Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017).*
- *No ground works should commence until the LPA has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.*

And s106 clause:

- *Securing provision and ongoing maintenance of newly created habitat (including attenuation pond), as outlined in the GCN Mitigation Strategy, and in accordance with a Planting and Maintenance Plan.*

Derogation Test: As recommended by the Council's Ecologist it is necessary to consider the 3 derogation tests which are as follows:

Imperative Reason of Overriding Public Interest: The application proposes infrastructure which will help to deliver low carbon energy more efficiently, this will help towards the Government's targets of reduced emissions of greenhouses gases; the environmental benefits of this are of overriding public benefit.

No satisfactory alternative: The battery facility has to be located in close proximity to an electrical sub-station, the applicant states that all relevant sites within the South West were considered and this is the only site identified as suitable for this type of development. If the facility were to be located further from the existing ponds (potential GCN habitat) it would be much more exposed in the landscape. It is considered that on this basis there is no satisfactory alternative location.

The third test is addressed above. It is concluded that the proposed development meets the three derogation tests.

Subject to the detailed assessment of the proposed bat mitigation land and the follow up Habitat Regulations Assessment being favourable and subject to confirmation of this as an acceptable approach from Natural England and the Council's ecologist it would be possible to conclude that the ecological impacts of the development are acceptable.

Highways/Access:

The proposed development relies upon an existing field entrance which at the time of the Officer site visit appears to have been recently widened and a rolled stone threshold provided, the access is from the rural lane to the west of the site.

The Highway Authority have commented as follows:

It is expected the use on the site will generate limited levels of traffic once built so whilst the road directly leading to the site is narrow for the last 100m or so the Highway Authority would not wish to raise concern. It is however noted the site will generate fairly high levels of traffic during the construction period. The currently submitted Construction Management Plan does not include a road condition survey therefore it is recommended a condition is imposed requiring this information prior to commencement.

Having been to site and examined the existing access the Highway Authority notes the existing access is blind to the north. The Highway Authority would estimate the 85th percentile speed to be in the region of 20mph so a visibility splay of 25m 'y' distance to the nearside of the road x 2.4m 'x' distance x 600mm height should be formed to ensure maintenance vehicle drivers using the site do not cause additional danger to existing road users. If the applicant owns the land to the north then a condition could be required ensuring that prior to commencement details of a visibility splay are submitted.

It is recommended the access is hardened with either concrete or tarmac for at least 10m from the edge of the highway prior to commencement with a dropped bullnose kerb between the highway and the private access. This will help prevent mud, stones, water and debris from being deposited on the highway, which is a concern. Also any gates should be set back by approximately 10m so that any large vehicles entering the site can open the gate into the site without obstructing the highway. It is suggested a condition could be imposed requiring details of the access construction and material prior to commencement.

Officers consider that once operating the levels of traffic generation to and from the site would be very low, essentially only for maintenance, this is unlikely to be more than could arise from the existing use of the land and access for agriculture. The requirement for increased visibility splays should be weighed against the impact on hedgerows and character of the area. It is proposed that a planning condition should be applied to agree the detail of the access point however bearing in mind the low usage of the access, visibility will be balanced against hedgerow loss.

Local concern has been raised about the impact of the construction traffic. The construction phase is expected to take 6 months. Construction often causes some degree of disturbance and disruption to the local environment, this is not in itself reason to refuse the grant of planning permission however the impacts can be minimised to some extent through good

management. A Construction Management Plan forms part of the application and will help to control impact.

Highway and access impacts are considered to be acceptable.

Heritage

Grade II Listed Abham Cottage lies some 250m south of the site. The application has been considered by the Council's Heritage Specialist and his full response can be viewed on the web site. He concludes that given the existing well-established strong boundaries between the identified heritage asset (Abram Cottage) and the proposed site and the distances involved it is highly likely the listed cottage and its setting would not be adversely impacted upon. However as there is the potential for a degree of intervisibility between the site and asset in the winter months through the leafless trees it is recommended that a robust landscape plan (secured through the appropriate use of a planning condition) be secured to mitigate against any potential visual impact.

Planning Balance

The application proposes development to provide a battery storage facility which will allow a more efficient use of renewable energy and will as a result help to reduce carbon emissions to the benefit of the environment. This is in accordance with national and local planning policy and weighs strongly in favour of the development.

There is the potential for adverse landscape and ecological impacts however it is likely these can be mitigated through landscaping schemes, appropriate construction methodology and creation of new habitat. There will be no significant adverse impacts on residential amenity locally and again any potential for significant noise impact can be mitigated using acoustic fencing and other measures.

Subject to confirmation of the acceptability of the proposed bat mitigation, it is considered that the development is sustainable and the benefits of the proposal outweigh any harm. As such it would be recommended that conditional planning 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 relevant development plan policies are set out below:

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
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
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 in full

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers SL179_500, SL179_100, SL179_100, 210_CS_01, GP_DNO_01, GP_EH_01, GP_MV_01, GP_SF_01, GP_SS_01, GP_CR_01, GP_CC_01 and GP_AF_01.

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

3. Prior to the commencement of development a road condition survey shall be submitted to and approved by the Local planning Authority.

Reason: In the interests of road safety and amenity

4. Prior to the commencement of development details of the visibility splay to be provided at the site access shall be submitted to and approved in writing by the Local Planning Authority. The approved visibility splay shall be laid out prior to the development being brought into use and shall be maintained for that purpose.

REASON: To provide adequate visibility from and of emerging vehicles.

5. Prior to commencement of the site details of the site access for the first 15m from the highway shall be submitted and approved. The approved works shall be implemented prior to commencement of any of the on site buildings/infrastructure and details shall include materials, construction, any gates and kerbing.

Reason - In the interests of road safety.

6. No development approved by this planning permission shall take place until a scheme to assess the risks to controlled waters as a result of the development, including measures to mitigate the risks identified, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented and subsequently maintained in accordance with the agreed scheme.

Reasons: To ensure the protection of controlled waters from the accidental release of chemicals or products of fire and fire suppression systems.

7. Prior to the commencement of development a Landscape and Ecological Management Plan/Bat Mitigation Strategy for the 'Greater Horseshoe bat mitigation land' should be submitted to and agreed by the LPA.

Reason: In the interest of wildlife conservation

8. The 'Greater Horseshoe Bat mitigation land' shall be prepared in advance of commencement of development in accordance with the approved details

Reason: In the interest of wildlife conservation

9. Habitat creation and compensation measures shall be provided as outlined within the Great Crested Newt Mitigation Strategy (RPS, October 2017) unless otherwise agreed in writing by the LPA.

Reason: In the interest of ecology and wildlife conservation

10. Prior to commencement of development a planting and maintenance plan for the retained and newly created habitat including attenuation pond shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of ecology and wildlife conservation.

11. Works shall adhere to measures within the Conservation Action Statement (Appendix 5 of the Preliminary Ecology Appraisal, Acorn Ecology, July 2017) at all times unless otherwise agree in writing by the Local Planning Authority.

Reason: In the interest of ecology and wildlife conservation.

12. No ground works shall commence until the Local Planning Authority has been provided with a copy of the licence with respect to Great Crested Newts issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead.

Reason: In the interests of ecology and wildlife conservation

13. 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. The design of this permanent surface water drainage management system will be informed by a programme of approved BRE Digest 365 Soakaway Design (2016) percolation tests. Development shall take place in accordance with the approved details and shall be managed and maintained in perpetuity.

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

14. The mitigation measures set out in the Noise Assessment by RPS dated September 2017 shall be adhered to at all times.

Reason: In the interest of residential amenity

15. The acoustic fencing shown on the approved plans shall be constructed in accordance with the approved details and shall be maintained for the lifetime of the development.

Reason: In the interests of residential amenity

16. Notwithstanding the details already submitted, prior to the commencement of development detail of existing and proposed levels for the site and its surroundings shall be submitted to and approved in writing by the Local Planning Authority. Any material not used in the construction of the approved levels shall be removed from the site to a licenced facility.

Reason: To ensure that ground remodelling is sensitively blended into the surrounding contours without abrupt changes in level in the interest of the amenity of the area.

17. Prior to the commencement of development a Construction Method Statement for the ground works, detailing the methodology for constructing the level changes shall be submitted to and approved in writing by the Local Planning Authority. This should include details of site preparation (stripping and storage of topsoil and fencing to protect the boundary vegetation), the creation of the new levels and their compaction, the removal of any debris, and the reinstatement of the topsoil. The restoration and making good of the site compound should also be included. Development shall take place in accordance with the approved details.

Reason: In the interest of amenity.

18. Prior to the commencement of development a detailed Landscape Strategy shall be submitted to and approved in writing by the Local planning Authority. This shall include:

- a concept statement explaining how the proposed landscape treatment responds to the landscape character of the area;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- details of any changes to the site access, including hedgerow removal; creation of visibility splays; kerbs, signage or other highways infrastructure; and gates, fencing or other structures.
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- a timetable for the implementation of all landscaping; and
- a management plan detailing the management of the landscaped areas for a minimum period of 10 years.

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

19. Colours of the containers and other equipment within the compound shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To ensure the equipment blends into its surroundings

20. External lighting shall only be provided for use in emergency servicing/maintenance of the facility and only in accordance with details that shall have previously been agreed

in writing with the Local Planning Authority. Details shall include function, location, design and intensity.

Reason: In the interests of ecology and wildlife conservation and in the interests of amenity

21. Prior to its installation details of all CCTV infrastructure including height, colour and location of any mounted equipment shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity.

22. Prior to the commencement of development a detailed decommissioning strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall identify the trigger point(s) for decommissioning the site at which time the site shall be restored to its previous state as agricultural land with all infrastructure to be removed in accordance with details to be agreed within the strategy.

Reason: In the interests of amenity and wildlife conservation

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Ivybridge **Ward:** Ivybridge East

Application No: 3083/17/FUL

Agent/Applicant:

Miss Karen Banks
Canterbury Innovation Centre
University Road
Canterbury
CT2 7FG

Applicant:

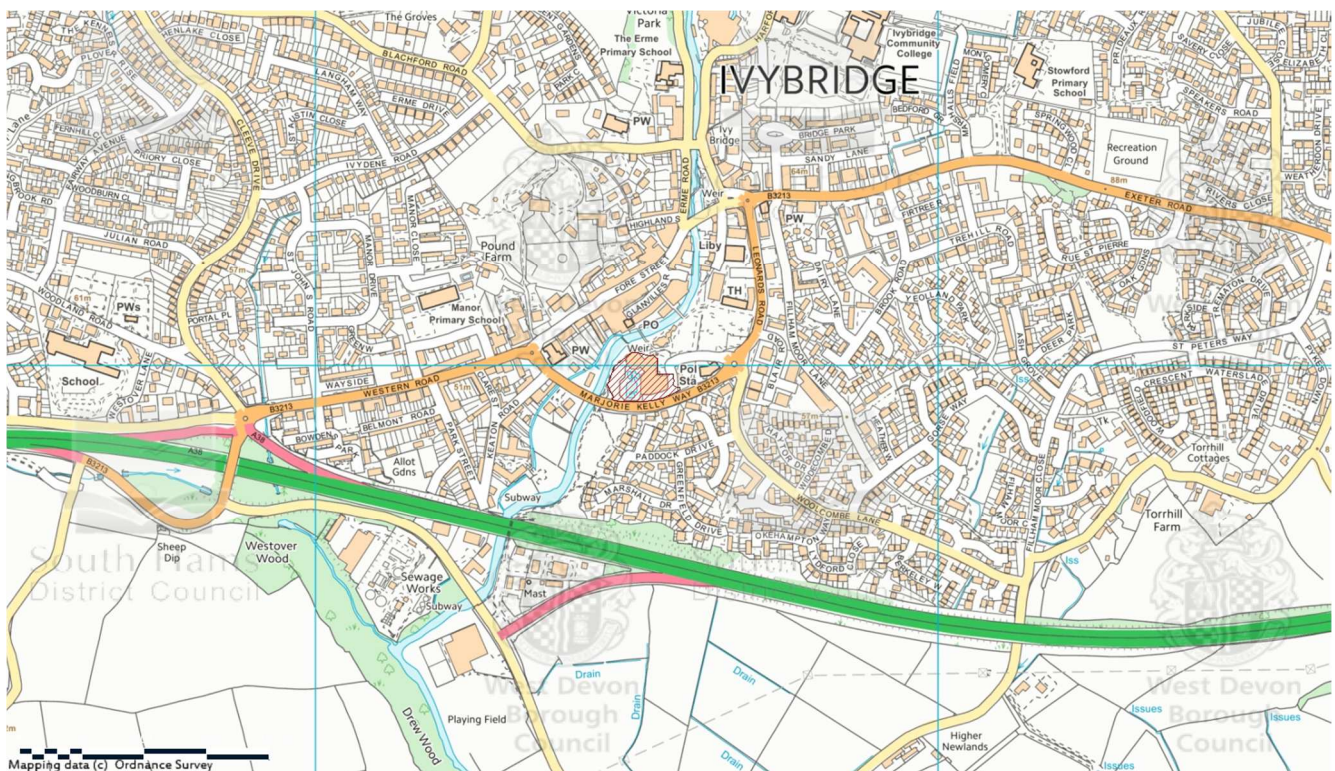
Mr A Cawley
C/O Agent

Site Address: Ivybridge Leisure Centre, Leonards Road, Ivybridge, Devon, PL21 0SL

Development: Erection of an extension to provide new swimming pool and alterations to allow refurbishment to existing leisure centre.

Reason item is being put before Committee:

The Council has a freehold interest in the application site



Recommendation: That Authority be delegated to the CoP DM Lead in consultation with the DM Committee Chairman to approve the application subject to the outstanding drainage issue being resolved (and necessary drainage conditions being added).

Conditions

1. Time limit
2. Accord with plans
3. Construction Management Plan
4. Details of any external lighting to be agreed
5. Recommendations of ecology report

Key issues for consideration:

Principle of development, design, visual impact, heritage, drainage, highways.

Site Description:

The site is situated close to the centre of Ivybridge to the north of Marjorie Kelly Way and east of River Erme. There is an existing children's playground immediately to the north east. Vehicle access to the site is via Leonards Road to the east of the site. The site comprises the existing large public leisure building and outdoor swimming area (currently disused). External walls include a mixture of render and stone. There is pedestrian access around the site to the north and west along the river path. The site is largely screened from Marjorie Kelly Way by mature vegetation.

The site is located within the Ivybridge Development Boundary and Critical Drainage Area (CDA).

The Proposal:

Permission is sought for an extension to the existing building to provide a new 25m swimming pool, which would be located on the site of the existing outdoor pool area. The new swimming pool would have a retractable mono-pitch glass roof. External walls would be a mixture of stone and render. Additional toilet facilities would be provided at the end of the new pool area, and a sun terrace is proposed to the west. The existing boundary wall and vegetation around the site on the Marjorie Kelly Way frontage is shown as being retained.

The submitted plans also indicate alterations to the interior of the existing building including the café area and changing facilities.

Consultations:

- County Highways Authority – No objections but recommends a Construction Management Plan condition
- Drainage – HOLDING OBJECTION
- Wales & West Utilities – Wales & West Utilities has pipes in area. Developer to contact directly if consent granted to discuss their requirements
- Ivybridge Town Council – *“SUPPORT The committee welcomed the proposals describing the proposed works as good for Ivybridge. Members would be pleased to see family changing rooms with baby changing facilities and suitable access for disabled. They did however raise concerns over the lack of poolside seating and would wish to see this addressed.”*

Representations:

4 letters in general support of the application have been received but with the following comments:

- Encourage walking and cycling by widening shared access path and further cycle stands.
- Views from reception into main pool are poor, poolside seating should be provided
- Poolside seating would enable use for events/competitions and swimming clubs
- Existing pool should be changed to make suitable for small children
- No specific reference to improving appearance of the existing building on plans
- Absence of offices, staff areas, meeting rooms

Relevant Planning History

The existing leisure building was originally consent in the 1980s and there have been no recent applications.

ANALYSIS

Principle of Development/Sustainability:

The proposal would provide for an enhancement to an existing public leisure facility in a town centre location, which is supported by local and national planning policy (including Policies SPT2 and DEV3 of the emerging JLP). The proposal would make use the existing disused outdoor pool area (and the retractable roof would still provide an opportunity for outdoor swimming when the weather permits).

Design/Visual Impact/Heritage:

The proposed swimming pool extension would be contained within the existing leisure centre site, and does not raise any design concerns having regard to the appearance of the existing building. Public views from outside the site would be constrained by the existing site boundary wall and vegetation (which would also provide privacy for the users of the pool and terrace area and as such are very unlikely to be removed).

The application has been advertised as affecting the setting of a listed building. The Ivybridge Aqueduct on the west side of the River Erme is Grade II listed, as well as the Methodist Church beyond. The nature and location of development proposed (with additional physical separation provided by the River Erme) would not result in harm to the setting of these heritage assets.

Ecology:

An Ecological Appraisal Report has been submitted with the application, which finds that the site itself is of low ecological value and no further survey work is identified. The report raises some concern about the impact of light spillage into the dark river corridor and assumes no external lighting is proposed. Light spillage from within the building itself would likely be contained within the leisure site, but a condition to ensure no external lighting is installed without prior agreement is recommended. A condition to ensure the other mitigation measures identified within the report are followed is also recommended.

Neighbour Amenity:

No concerns raised having regard to the existing site context and use.

Flood Risk/Drainage:

The application is accompanied by a Flood Risk Assessment. The Council's Drainage Specialist initially raised an objection on the grounds of insufficient information, having regard to the location of the site within the Ivybridge CDA. The Agent is aware of the objection and is working to resolve the matter, and

a further update will be provided at the Committee meeting. The Officer Recommendation reflects the need to address this issue prior to determination of the application (having regard to the CDA designation).

Highways/Access:

Devon County Highways have requested a Construction Management Plan condition which forms part of the Officer recommendation. A third party has requested additional cycle stand provision but in the absence of an objection from Devon County Highways Officers do not consider it would be reasonable to insist on this.

Other Matters:

Letters of representation are supportive of the principle of the development, but comment on the detail of the internal layout and lack of improvement to the exterior of the existing building. The internal layout of the building could be amended without the need for planning permission. Members need to consider the application as submitted, and for the reasons identified above Officers consider the current scheme is acceptable.

The Planning Balance:

The proposal would provide for an enhancement of an existing community facility without detriment to the visual amenities of the area or the historic environment. There are no planning reasons why permission should be withheld, and the application is recommended for approval subject to conditions as detailed above.

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

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 relevant development plan policies are set out 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
DP6 Historic Environment
DP7 Transport, Access & Parking
DP8 Open Space, Sport and Recreation
DP9 Local Facilities

South Hams Local Plan

SHDC 1 Development Boundaries

National Planning Policy Framework

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV7 Spatial priorities for development in Ivybridge

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV3 Sport and recreation

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV31 Specific provisions relating to transport

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.

Recommended conditions in full:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 01, 08, 09, 10, 11, 12, 13, 14, Transportation Technical Note received by the Local Planning Authority on 27th September 2017;

Planning, Design & Access Statement received by the Local Planning Authority on 5th October 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. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products,

parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site (k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

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

The development shall thereafter be carried out strictly in accordance with the approved CMP.

Reason: In the interests of highways safety and public amenity.

4. Prior to installation details of any external lighting of the development hereby approved shall be submitted to and agreed in writing with the Local Planning Authority. the development shall thereafter be carried out strictly in accordance with the approved details and thereafter so retained and maintained.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

5. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Ecological Appraisal Report dated October 2017 from Cornwall Environmental Consultants Ltd and received by the Local Planning Authority on 11th October 2017, including the provision of new access points, precautions during building works and timing of operations. The approved accesses shall remain in place and the openings kept unobstructed thereafter.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

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

Application No: 2027/17/HHO

Agent/Applicant:

Research & Design
The Plymouth Science Park
1 Davy Road
Plymouth
PL6 8BX

Applicant:

Mr And Mrs Hotham
Brook Bakery
Riverside West
Newton Ferrers
PL8 1AD

Site Address: Brook Bakery, Riverside Road West, Newton Ferrers, Devon, PL8 1AD

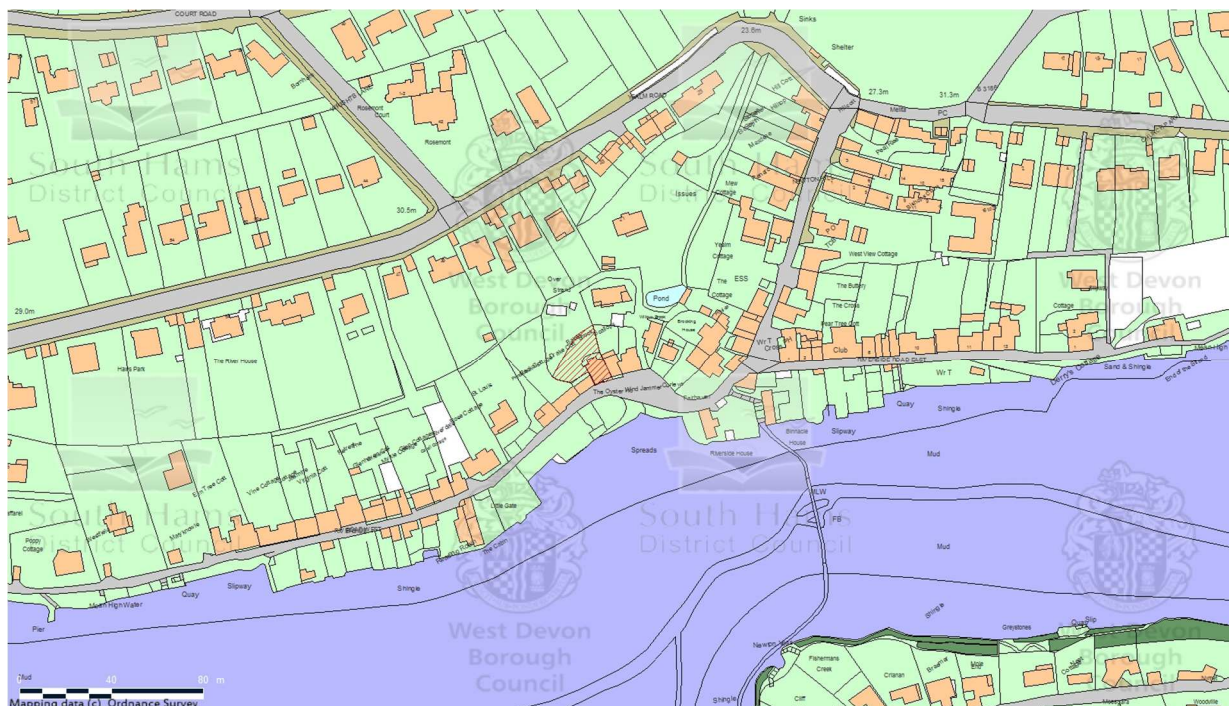
Development: Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace.

Reason item is being put before Committee:

This application was considered by the Committee on 01/11/17, where Members decided to defer making a decision to allow the Applicant/Agent to provide revised plans before a final decision was made. It is assumed that had a decision been taken at the meeting the application would have been refused. Since the last Committee meeting the Applicant/Agent has submitted an appeal to the Planning Inspectorate for non-determination of the application. Based on the concerns raised by Members at the previous meeting it is considered the reason for refusal of the application would have been:

1. The design of the proposed garage/boat store would neither preserve nor enhance the character and appearance of the Conservation Area. The proposal is therefore contrary to Policies CS7 and CS9 of the LDF Core Strategy; Policies DP1 and DP6 of the LDF Development Policies DPD; Policies DEV20, DEV21 and DEV22 of the emerging Plymouth & South West Devon Joint Local Plan; and the National Planning Policy Framework.

It is proposed that the non-determination appeal (which is considered as a deemed refusal of the application by the Council) be defended by Officers on the above basis.



Original Officer Report

Recommendation:

Conditional Approval

Conditions

Standard time limit

Adherence to plans

Unexpected contaminated land

Adherence to ecological mitigation

Privacy screen for southern boundary of upper terrace

Boat store door to be retained in timber

Key issues for consideration:

Design, impact in Conservation Area, impact on AONB, neighbour amenity.

Site Description:

The site is situated adjacent to Riverside Road West with views across the estuary. Brook Bakery is a two storey property which forms part of a terrace. The south (principle) elevations retains some historic charm. To the rear is an existing flat roof extension with terraced amenity space beyond which is elevated above street level. Internal accommodation is arranged across two levels.

The site is located just inside the Newton Ferrers Conservation Area, with the nearest individually listed building to the south west (Rock Cottage, Grade II). The site is also within the South Devon AONB.

The Proposal:

Permission was granted in 2016 for the erection of a replacement porch and extensions to the rear of the property (LPA ref. 1191/16/HHO). The approved plans show part of the approved rear extension being higher than the ridge line of the existing main dwelling, although the Officer report notes that sight lines would restrict views from road level and from within the Conservation Area.

The current application includes an extension to the rear to provide additional accommodation (bedroom and dining space), with a terrace area between the proposed extension and the existing dwelling. The proposed projecting extension would have a standing seam roof similar to that previously approved, but set further back into the site. The existing upper level of accommodation would also be extended with a sedum roof covering. The internal layout of the main dwelling would be reconfigured, including the introduction of a boat store area on the lower ground floor. The door to the boat store would be constructed in timber.

The submitted plans also show the existing slate roof being refurbished, with existing UPVC windows to be replaced with timber on the original cottage.

Consultations:

- County Highways Authority – No highways related issues
- Historic England – Do not wish to be consulted
- Newton and Noss Parish Council – Objection – “1. The extension will affect the privacy of the neighbouring property. 2. Overbearing. 3. Visual impact in a Conservation Area – the rear roof line will be higher than the existing roof line and will be visible from the river and Noss Mayo.”

Representations:

3 letters of objection/reservations have been received with concerns raised summarised as follows:

- Overlooking from roof terrace to bathroom window of Drake Cottage. Request a semi-solid screen at an agreed distance.
- Overlooking to Overstrand
- Undermining effect on construction of adjoining houses. Request condition survey and appropriate mitigation as a condition of any planning approval.
- Flood risk from removal of stone wall in front of Brook Bakery, flood barrier should be designed into plans.
- Surface water drainage
- Roll-over garage door not in keeping with surroundings, conventional opening wooden double door more appropriate
- Boat store not in keeping with surroundings in Conservation Area
- Living spaces inside property would be dark
- Disruption during building works due to limited access

One letter of support has been received subject to the front shared wall being protected from sea damage and damp once the retaining wall outside the Bakery is removed, reassurance that rear foundation works do not impact neighbouring property Scallops, and that loud ground and foundation work is done outside the summer season.

Relevant Planning History

- 1191/16/HHO READVERTISEMENT (Revised Plans Received) Householder application for erection of replacement porch and rear extensions. The Bakery, Riverside Road West, Newton Ferrers. Conditional Approval: 16 Sep 16.

ANALYSIS

Principle of Development/Sustainability:

The principle of alterations/extension to the existing dwelling raises no planning policy objections. Other material considerations are set out below. It needs to be noted that consent for a similar rear extension was granted relatively recently and could still be lawfully implemented.

Design/Heritage:

The refurbishment of the original cottage would offer an aesthetic improvement to the property, with the replacement of UPVC windows and doors with timber more in keeping with its historic character. The proposed extension to the rear would not be any more visible above the ridge line when viewed from the south than the previously approved scheme, and the overall character of the Conservation Area would still be preserved. As noted above the upward projecting rear extension would not be readily visible from street level. As with the approved scheme there would be views of the projection from the water and from across the estuary at Noss Mayo, but the scale of development would not appear significant or detrimental to the character of the area. The door to the boat store/garage is shown on the submitted plans to be constructed in timber, and a condition to ensure it is retained as such forms part of the Officer recommendation. On this basis Officers consider it would not be significantly out of keeping with the area. Overall the character and appearance of the Conservation Area would be preserved, and there would be no harm to the setting of any nearby individually listed buildings.

Notwithstanding third party comment it is considered the proposal would provide an acceptable level of amenity for the occupiers of the extended property, and does not constitute poor design in this regard.

Landscape:

The scale and location of development proposed will have no adverse impact on the landscape setting of the AONB.

Neighbour Amenity:

It is considered the proposal would not result in an undue degree of overbearing or loss of privacy such that the application could be refused on this basis. There are already substantial degrees of overlooking from the application site into the neighbouring properties on either side. The proposed upper terrace would result in a slightly greater degree of overlooking to one of the rear windows serving Drake Cottage in particular as it would be easier to stand much closer to it, and a condition to secure a solid screen along the southern boundary of this terrace forms part of the Officer recommendation.

Highways/Access:

No concerns raised.

Flood risk:

The site lies just outside Flood Zones 2 and 3, and the scale of development proposed does not require the submission of a formal Flood Risk Assessment or substantiate mitigation measures.

Other Matters:

Whilst it is acknowledged that access to the site for construction vehicles etc. is constrained, the scale of development proposed is not considered sufficient to warrant a Construction Management Plan (bearing in mind the existing consent does not have such a requirement and it is not normally considered necessary for householder scale developments). Noise/disturbance complaints during construction would be investigated by Environmental Health as required, and construction vehicles would not have any legal right to obstruct the public highway.

The potential for damage to neighbouring properties arising from the development proposal is a civil matter and not a material planning consideration.

The Planning Balance:

The proposed development is considered acceptable in general design terms, and the appearance and setting of the Conservation Area would be preserved. There would be no adverse impact on the AONB. The proposal is considered to accord with the relevant Development Plan policies and there are no material planning reasons to justify refusal. The application is recommended for approval subject to conditions as detailed above.

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

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 relevant development plan policies are set out below:

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
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

National Planning Policy Framework

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
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.

Officer recommended conditions in full:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers EX01A, GA01, GA02, GA03, GA04, GA05, GA06, GA07, GA08, Design and Access Statement received by the Local Planning Authority on 29th June 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. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

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

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

4. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Ecology Survey dated 28 June 2017 from Accorn Ecology Ltd, including precautions during building works and timing of operations.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended).

5. Prior to be brought into use details of a privacy screen to be constructed along the southern boundary of the upper terrace shall be submitted to and agreed in writing. The approved privacy screen shall thereafter be installed prior to the upper terrace being brought into use and thereafter so retained and maintained.

Reason: In the interests of the amenities of neighbouring residential occupiers.

6. The door to the boat store shall be constructed and thereafter retained and maintained in timber.

Reason: In the interests of the visual amenities of the site which lies within a Conservation Area.

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Totnes **Ward:** Totnes

Application No: 3071/17/FUL

Agent/Applicant:

Mr Justin Sluce
9 Archers Court
Parsonage Road
Newton Ferrers, Plymouth
PL8 1BD

Applicant:

Mr Scott Ramsey
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Site Address: 18A & 18B, Leechwell Street, Totnes, TQ9 5SX

Development: Replacement of existing 2 no.2 storey dwellings with a single new dwelling with room in the roof and roof top terrace.

Reason item is being put before Committee:

The site is owned by South Hams District Council.



Recommendation: Approval

Conditions:

1. Time limit
 2. Accord with plans
 3. Samples of materials
 4. Unexpected contamination
 5. Construction Management plan
-

Site Description: The site lies in a in the centre of Totnes, within a courtyard style development of homes. The existing building has been built on land to the rear of 18 Leechwell Street. It sits within the courtyard of more contemporary housing scheme of 3 storeys.

The building behind the site is listed. And the site lies within the Conservation Area.

The Proposal: The proposal is to replace two dwellings with a single dwelling. The existing dwellings are in a poor state of repair. The applicant, has suggested that from a housing need and environmental impact perspective it is considered better to replace the existing building with a new one. The heritage statement submitted with the application, suggests that the impact of the proposed replacement is limited owing to the setting of the dwelling in the modern courtyard.

The building proposed is two storey but utilises the roof space for accommodation and there is a terrace at the roof top level. The design of the proposed building reflects the design which is on the existing contemporary dwellings in the courtyard.

An internal garage is located on the ground floor.

In terms of materials, aluminium or timber doors are proposed and aluminium/timber or upvc windows are proposed. The roof is currently tiled, but zinc coloured sheet membrane is proposed. The walls are proposed as render finish, but also includes cladding in metal and natural stone.

An ecology report has been submitted in support of the application. However it confirms that no evidence of bats or nesting birds have been found at the site.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section: No comments
- Town/Parish Council: No Objections
- Historic England: No need to consult on this application.

Representations:

None received

Relevant Planning History

56/2403/88/3 -Single storey extension (18b) Conditional approval: 08 Feb 89

56/0386/96/10: OPA -Outline application for office/community use Regulation 3 LPA own development pursuant to a decision by the Policy & Finance Committee minute No. PF 123/95Conditional approval: 25 Apr 96

56/2105/09/DC: RE3 -Resubmission of planning application 56/1210/09/DC for alterations and extension to existing dwellings to create a single dwelling Regulation 3 LPA own development Chief Executive delegated authority dated 26th June 2009Conditional approval: 11 Feb 10

56/2255/05/CA: RE3 -Conservation Area Consent for the demolition of ancillary adjoining structures to no.'s 13 16 and 18b Leechwell Street freestanding stone wall and the public conveniences -

Regulation 3 LPA own development pursuant to a decision by Council Minute No. 5 Conditional approval: 22 Dec 06
56/0385/96/10: OPA Outline application for residential development Regulation 3 LPA own development pursuant to a decision by the Policy & Finance Committee minute No. PF 123/95 Conditional approval: 25 Apr 96

ANALYSIS

Principle of Development/Sustainability:

The principle of development within the built up area of Totnes is acceptable as it lies within the development boundary. The site is an area which is currently residential in nature.

Design/Landscape:

The design of the proposal is considered to reflect the immediate modern context. It does not reflect the more traditional cottages on Leechwell Street, however as it is set within the courtyard setting, it is considered that the immediate context is contemporary.

In terms of materials the site does lie within the conservation area and is adjacent to a listed building. The applicant has indicated that they will use either timber, aluminium or upvc for the windows. It would be preferable if timber or aluminium is used as it is possible to create much more appropriate profiles in the window surrounds. The application proposes render walls and metal and natural stone cladding. Such materials on a contemporary building is considered acceptable.

Neighbour Amenity:

The proposal is shoe horned into the site, which is tight knit. However it is similar to other properties in the vicinity which is a dense form of development. In such areas there is naturally going to be an impact of neighbours because of the close proximity of the dwellings. However it is not considered that the situation than would be the case were the existing dwelling to be refurbished and used. There is therefore not considered to be an impact on neighbour amenity as a result of this development.

Highways/Access: No comments have been received from the Highway Authority on this proposal. The proposal includes an in built garage space and so does provide for some parking. It is also a town centre site where the lack of dedicated parking is less of an issue because of the accessibility to public transport networks and the ability to walk to obtain all essential facilities.

Other matters: A contaminated land assessment was submitted in support of the application, which indicates that there is unlikely that the land is contaminated. However it is considered appropriate to add a condition should any contamination be found.

In addition in light of the location and the very tight knit development it is considered appropriate to include a condition requesting a construction management plan so as to ensure that the impact on neighbouring properties are kept to a minimum during the construction of the dwelling.

Conclusion: It is considered that the proposal is acceptable and is therefore recommended for approval.

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

Planning Policy

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 relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

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DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local 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. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV37 Managing flood risk and Water Quality Impacts

DEV38 Coastal Change Management Areas

DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

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).

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 1602/EX01 Location Plan; 16021/SD303 Proposed north elevation and section; 16021/SD031 Proposed floor plans; 16021/SD302 proposed elevations, received by the Local Planning Authority on 14th September 2017.
Drawing number T56/043 Drainage Plan, received on 12th October 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. **PRE-COMMENCEMENT CONDITION**

No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

4. If, during development, contamination not previously identified is found to be present at the site, then no further development, (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: This condition is required where no desktop study has been carried out or if the desktop study failed to completely characterise a site.

5. No development whatsoever shall be commenced unless a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. This plan should include details of the timetable of the works, daily hours of construction, road closure, number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits, hours during which no construction traffic will be present at the site and the means of enclosure of the site during construction works. This plan shall be strictly adhered to during the construction of the development hereby permitted unless variation is agreed in writing by the Local Planning Authority.

Reason: In the interests of public and highway safety.

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South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 29-Nov-17
Appeals Update from 20-Oct-17 to 17-Nov-17

Ward Blackawton and Stoke Fleming

APPLICATION NUMBER : **0896/17/PDM** APP/K1128/W/17/3183554
APPELLANT NAME: Mr I Lethbridge
PROPOSAL : Notification of prior approval for proposed change of use of agricultural building to 3no. dwellinghouses (Class C3) and for associated operational development (Class Q(a+b))
LOCATION : Barn at East Down Farm, Blackawton Devon TQ9 7AW
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 20-October-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Charterlands

APPLICATION NUMBER : **1621/16/FUL** APP/K1128/W/17/3176134
APPELLANT NAME: Mr and Mrs Long
PROPOSAL : Erect replacement dwelling
LOCATION : Waves Edge, Challaborough, TQ7 4JB
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 27-July-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 02-November-2017

Ward Dartington and Staverton

APPLICATION NUMBER : **3326/16/PDM** APP/K1128/W/17/3177062
APPELLANT NAME: Mr & Mrs Manfred Tillbrook
PROPOSAL : Prior approval for a proposed change of use of Agricultural Building to a dwellinghouse (Class C3) and for associated operational development (Class Q).
LOCATION : Dodbrook Barn, Staverton, TQ9 6NZ
APPEAL STATUS : Appeal Decided
APPEAL START DATE: 27-July-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 02-November-2017

Ward Dartmouth and East Dart

APPLICATION NUMBER : **0863/17/VAR** APP/K1128/W/17/3183940
APPELLANT NAME: Mr A Davis
PROPOSAL : Removal of condition 4 (Footpath use restriction) following grant of planning consent 1775/16/HHO
LOCATION : 35 Crowthers Hill, Dartmouth, TQ6 9QX
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-October-2017
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER : **3627/16/FUL** APP/K1128/W/17/3184378
APPELLANT NAME: Mr D Thompson
PROPOSAL : Proposed garages, bin store, access path and associated landscaping to serve two dwellings approved under extant planning permission 41/2271/05/RM
LOCATION : Lorima, St Dunstons Road, Salcombe, TQ8 8AR
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 26-October-2017
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER : **3968/16/FUL** APP/K1128/W/17/3183532
APPELLANT NAME: Mr D Rossiter
PROPOSAL : Provision of residential dwelling (resubmission of 1880/16/FUL)
LOCATION : Development site at SX 693 404, Kennel Field, Galmpton, Hope Cove, TQ7 3EY
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 23-October-2017

APPEAL DECISION:

APPEAL DECISION DATE:

Ward Stokenham

APPLICATION NUMBER : **0525/17/HHO** APP/K1128/W/17/3180061
APPELLANT NAME: Mrs K Hollingworth
PROPOSAL : Householder application for proposed new garage and to change Juliet balcony to balcony by adding glazed balustrading around existing flat roof
LOCATION : Cartref, Kiln Lane, Stokenham, TQ7 2SQ
APPEAL STATUS : Appeal decided
APPEAL START DATE: 24-August-2017
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 03-November-2017

Ward Totnes

APPLICATION NUMBER : **0368/17/FUL** APP/K1128/W/17/3179162
APPELLANT NAME: Mrs S Woodman
PROPOSAL : Application for erection of dwelling.
LOCATION : Springfields, Jubilee Road, Totnes, TQ9 5BW
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 24-August-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 10-November-2017

Ward Wembury and Brixton

APPLICATION NUMBER : **0594/17/OPA** APP/K1128/W/17/3176148
APPELLANT NAME: Mrs J Wright
PROPOSAL : Outline planning application with some matters reserved for construction of a single dwelling
LOCATION : Field At Ford Road, Wembury
APPEAL STATUS : Appeal decided
APPEAL START DATE: 27-July-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 02-November-2017

APPLICATION NUMBER : **1812/17/OPA** APP/K1128/W/17/3187008
APPELLANT NAME: Grevan Ashmont Retirement
PROPOSAL : Outline application with all matters reserved for erection of circa 25no. age restricted (55+) bungalow/chalet bungalow dwellings, allotments, public open space and visitor car park
LOCATION : Proposed development site at SX 550 523, Land at Venn Farm, Brixton
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 01-November-2017

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER : **3977/16/FUL** APP/K1128/W/17/3179284
APPELLANT NAME: Blue Cedar Homes
PROPOSAL : Development of 15 age-restricted dwellings and associated infrastructure with details of access, appearance, landscaping, layout and scale
LOCATION : Land South Of St Werburgh Close, Wembury
APPEAL STATUS : Appeal decided
APPEAL START DATE: 11-August-2017
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 08-November-2017

South Hams District Council
DEVELOPMENT MANAGEMENT COMMITTEE 29-Nov-17
Appeal Hearings/Public Inquiry from 20-Oct-17

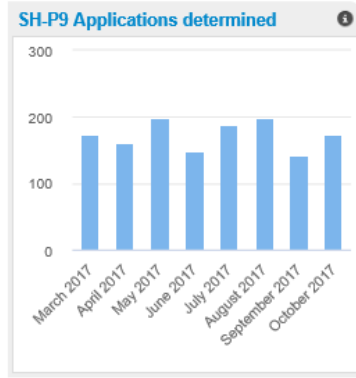
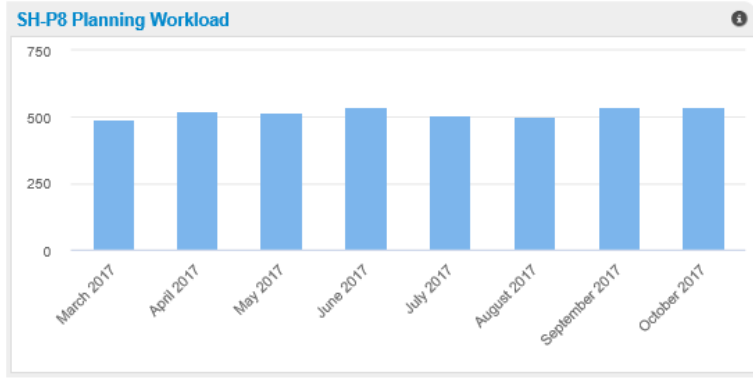
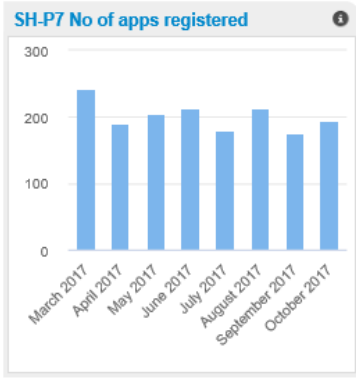
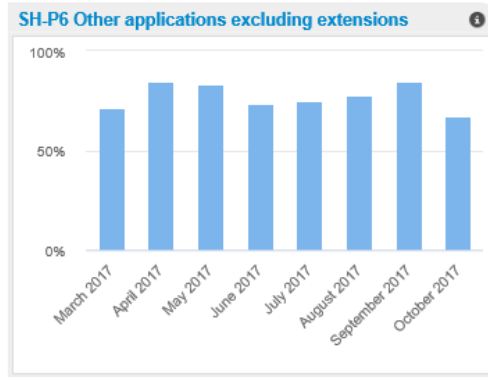
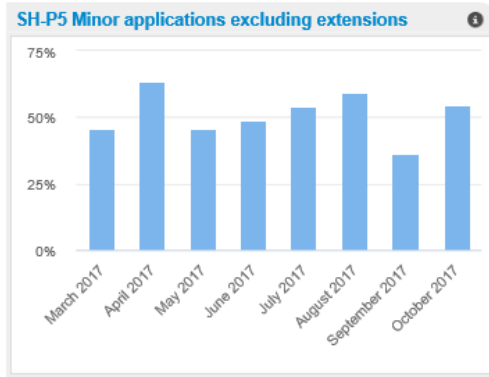
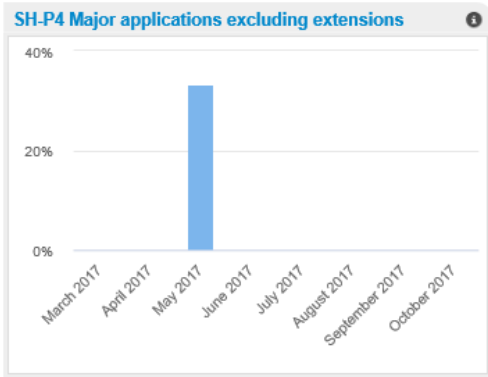
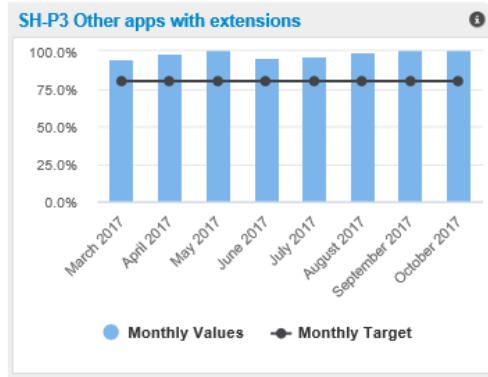
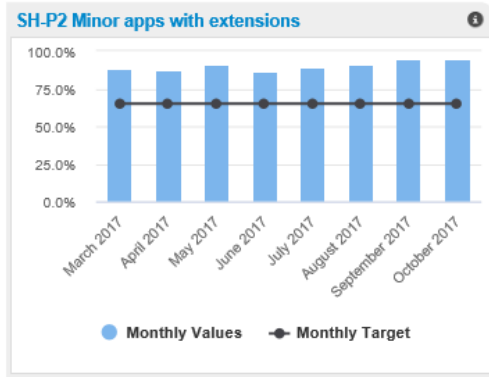
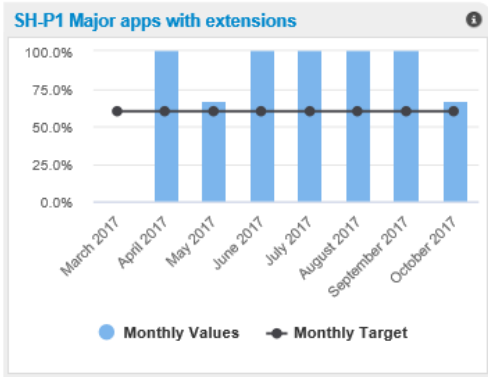
Ward Charterlands

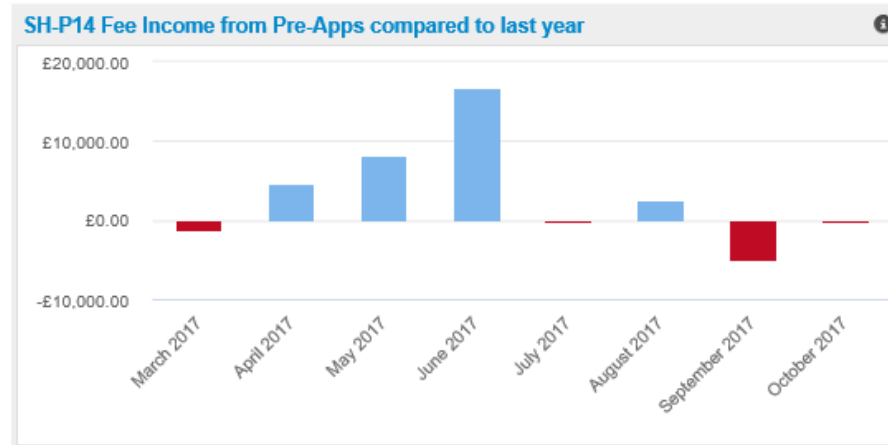
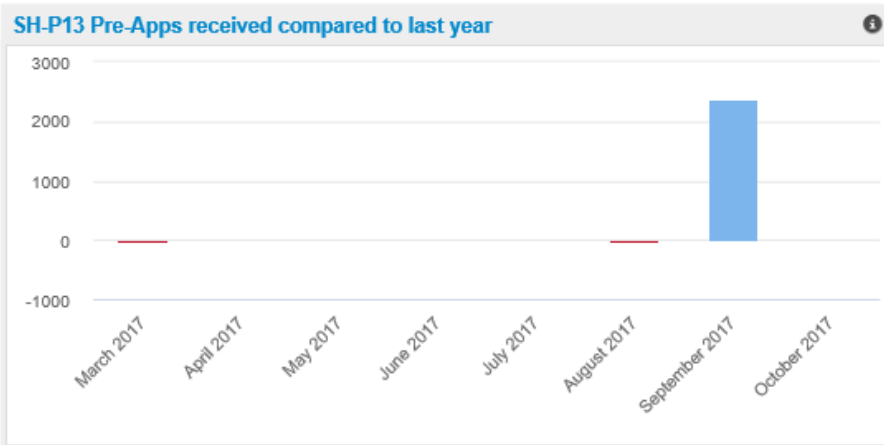
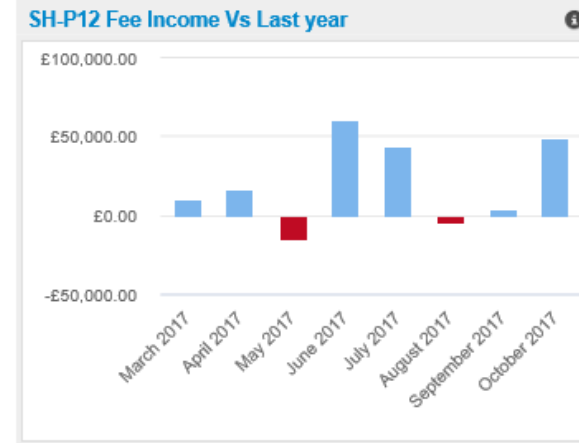
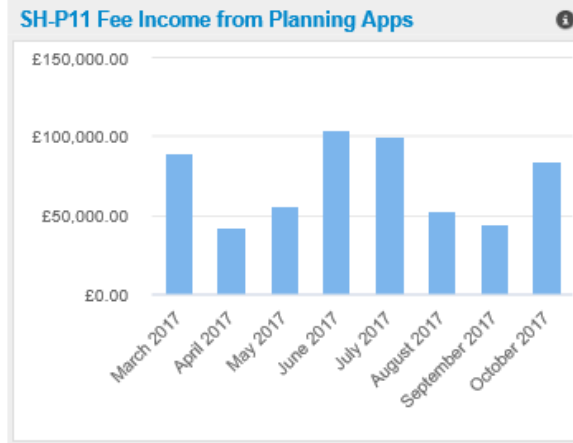
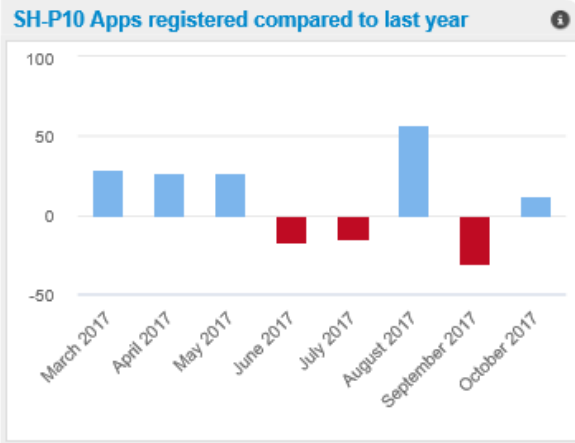
APPLICATION NUMBER : **1826/16/FUL** APP/K1128/W/17/3171733
APPELLANT NAME: Galion Homes (Bigbury) Ltd
PROPOSAL : Demolition of existing buildings and the proposed development of 4 detached four-bedroom houses and new landscaping on the site formerly known as Bay Cafe (resubmission of 2701/15/FUL)
LOCATION : The Bay Café, Marine Drive, Bigbury On Sea, TQ7 4AS
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 08-September-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 19-December-2017
LOCATION OF HEARING/INQ:
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartmouth & East Dart

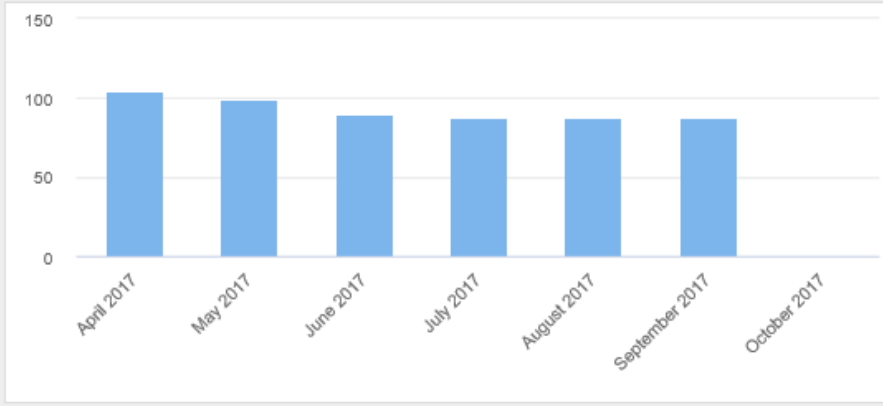
APPLICATION NUMBER : **0011/16/OPA** APP/K1128/W/173179884
APPELLANT NAME: LDU Developments LLP
PROPOSAL : Outline planning permission with some matters reserved; scheme includes residential development of up to 9 dwellings, utilising the existing access point
LOCATION : Land at Four Cross Paignton Road Stoke Gabriel TQ9 6QB
APPEAL STATUS : Appeal Lodged
APPEAL START DATE: 28-September-2017
TYPE OF APPEAL **Informal hearing**
DATE OF APPEAL HEARING OR INQUIRY: 22-November-2017
LOCATION OF HEARING/INQ: Cary Room, Follaton House
APPEAL DECISION:
APPEAL DECISION DATE:

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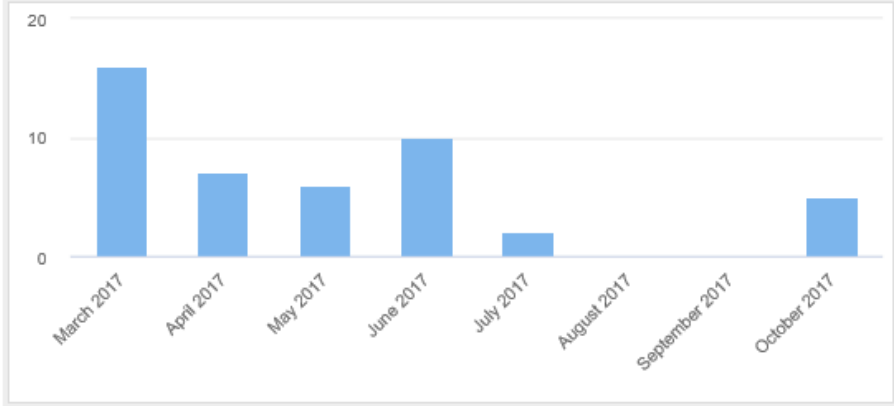




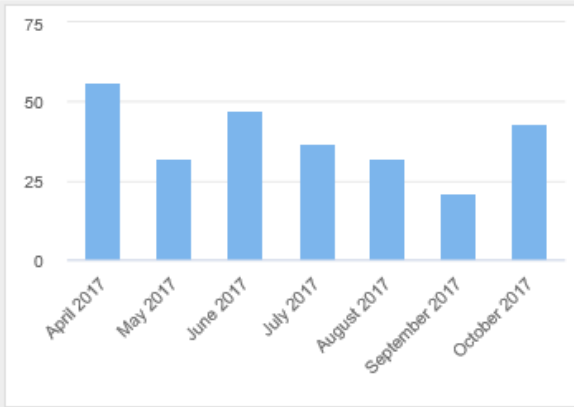
SH-E1 Enforcement Cases Outstanding Backlog



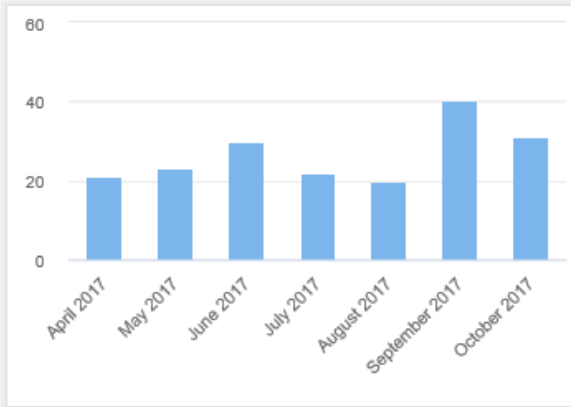
SH-E2 Enforcement Cases Closed Backlog



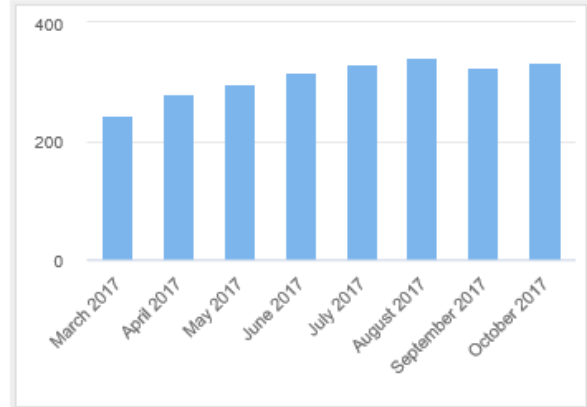
SH-E3 Enf Cases Received (since March 2016)

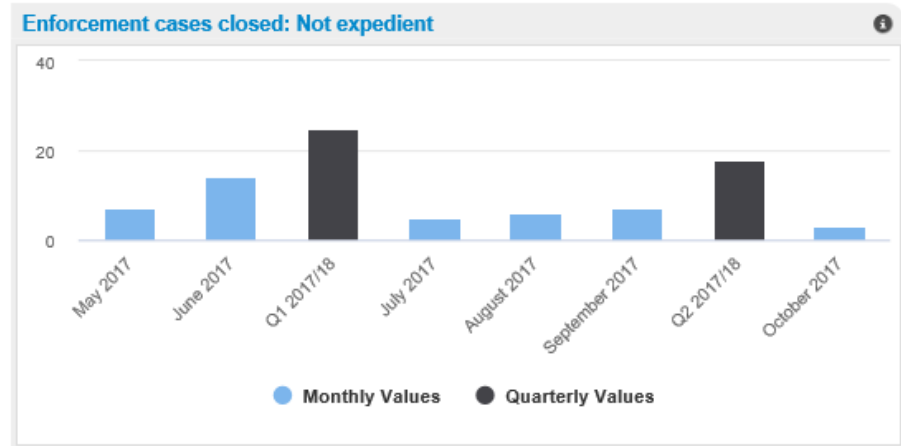
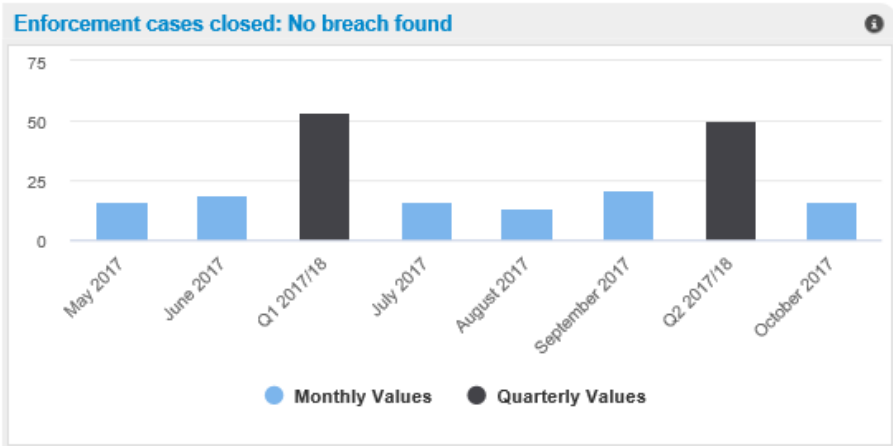
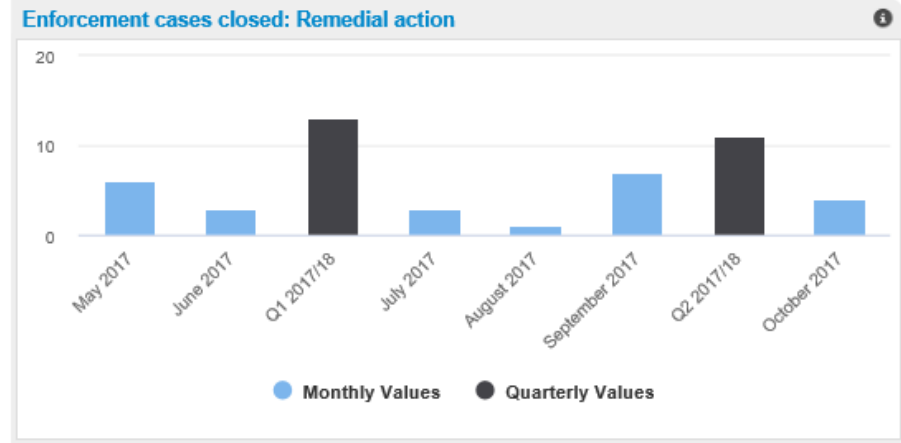
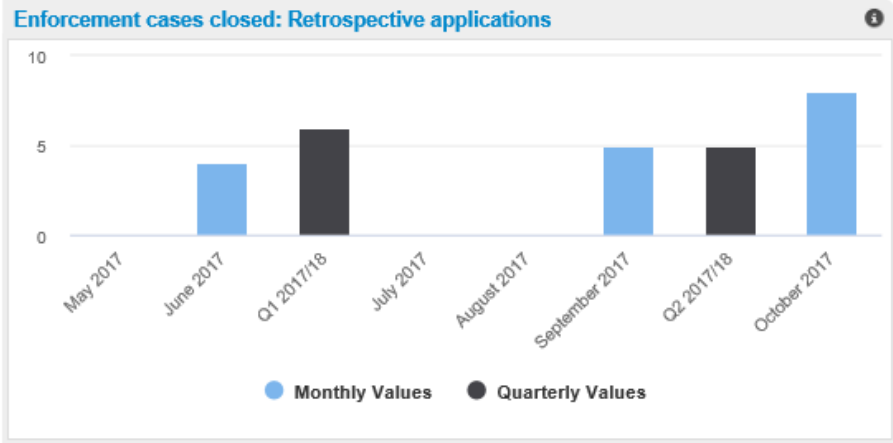


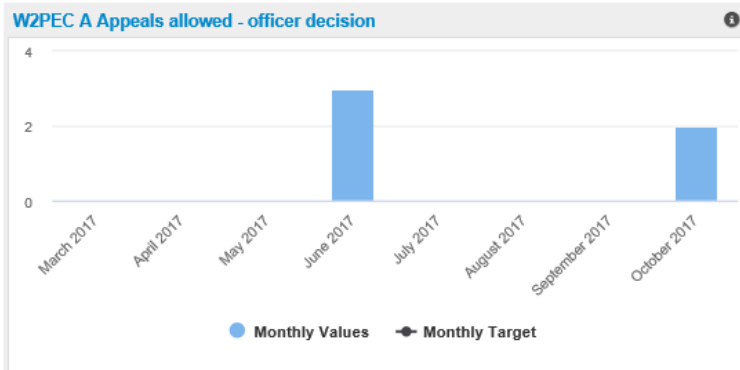
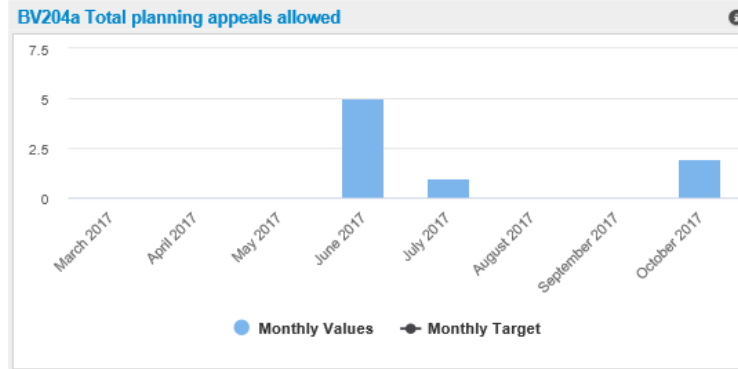
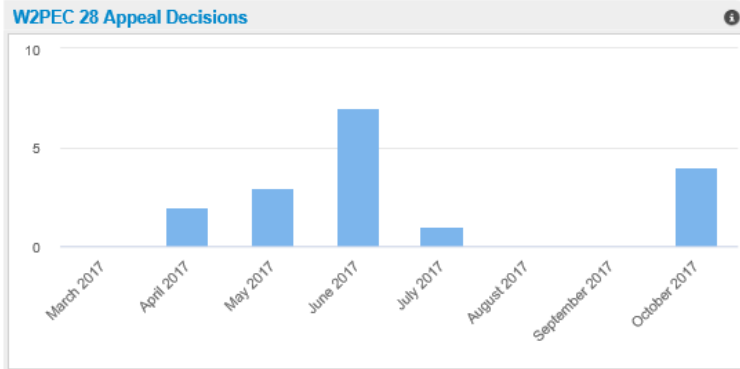
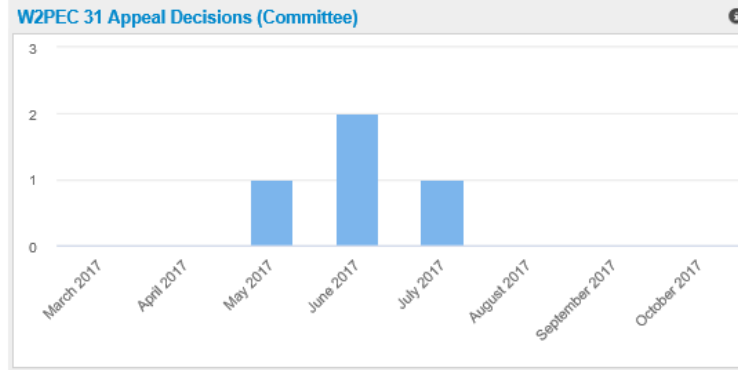
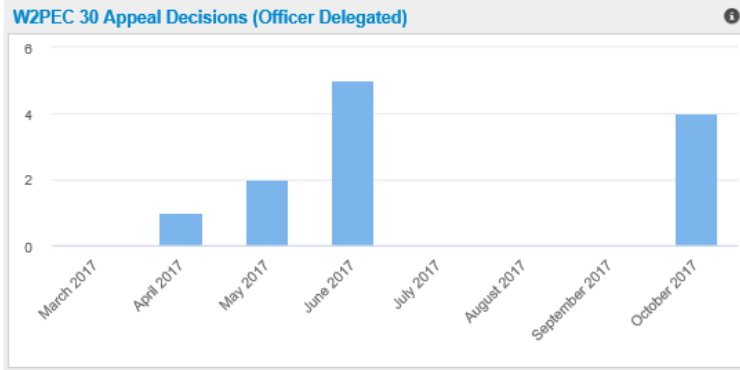
SH-E4 Enf Cases Closed (since March 2016)



SH-E5 Enforcement Cases Outstanding







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