

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 21st October, 2015</b>										
<b>Time:</b>	<b>12.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
<b>Interests – Declaration and Restriction on Participation:</b>	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.										
<b>Committee administrator:</b>	Kathy Trant Specialist- Democratic Services 01803 861185										

- 1. Minutes** **1 - 14**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 23 September 2015;
- 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) 37/2548/14/O** **15 - 32**

Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land  
SX5670, 4944, West of Collaton Park, Newton Ferrers, PL8 2NE
  - (b) 58/1014/15/F** **33 - 40**

Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment.  
Construction of 6no. 2 bed apartments on associated land  
The Eddystone Inn, Heybrook Bay, Plymouth, PL9 0BN

	<b>Page No</b>
<p><b>(c) 14/1687/15/VAR</b></p> <p>Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F Stables, Lownard Mill, Dartington, Totnes, TQ9 6JJ</p>	<b>41 - 44</b>
<p><b>(d) 37/1621/15/F</b></p> <p>Householder application for proposed erection of a garage and boat store 3 Beacon Hill, Newton Ferrers, Plymouth, PL8 1DB</p>	<b>45 - 50</b>
<p><b>(e) 32/1742/15/F</b></p> <p>Proposed siting of mobile home Land at SX 718 489 adjacent to Robins Park Industrial Estate, South Brent Road, Loddiswell, TQ7 4EE</p>	<b>51 - 56</b>
<p><b>7. Planning Appeals Update</b></p>	<b>57 - 58</b>

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,  
23 SEPTEMBER 2015**

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

<b>Other Members in attendance</b>
Cllrs Baldry, Blackler, Saltern, Ward and Wright

Item No	Minute Ref or App. No. below refers	Officers in attendance and participating
All agenda items		Planning Officers, Solicitor and Senior Case Manager
	37/2548/14/O	Senior Specialist Place and Strategy, Highways Officer
	57/2472/14/O	Senior Specialist Environmental Health, Highways Officer
	27/1159/15/F	Highways Officer

**DM.28/15 MINUTES**

The minutes of the meeting of the Committee held on 2 September 2015 were confirmed as a correct record and signed by the Chairman.

**DM.29/15 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:

The Chairman declared a personal interest on behalf of all Committee Members in application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwelling, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers by virtue of the applicant being an Honorary Alderman of the Council. Members remained in the meeting and took part in the debate and vote thereon;

Cllr Steer declared a further reason for his personal interest in this application by virtue of knowing the applicant's son through his work as a land agent. He remained in the meeting and took part in the debate and vote thereon;

Cllr Hitchins declared a disclosable pecuniary interest in application **57/2472/14/O** Outline application for mixed use development of approx. 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered) – Land at SX6483 5632, off Rutt Lane, Ivybridge, by virtue of the applicant working on his behalf. He left the meeting for the duration of this application;

Cllrs Rowe and Cane both declared a personal interest in the following applications by virtue of being the Chairman and Vice-Chairman of the South Devon AONB Partnership Committee within which the applications were sited. They remained in the meeting and took part in the debate and vote on each of these applications:-

**37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers;

**52/0782/15/F**: Change of use to domestic curtilage and erection of greenhouse and shed – Land adjacent to 8 Andrews Park, Stoke Gabriel;

**41/1023/15/F**: READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 no. apartments with associated landscaping and car parking – Spion Lodge, Bennett Road, Salcombe; and

**41/1262/15/F**: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no. residential units above, new vehicular access and parking – Development site at SX 738 392, Forer Gars Works, Gould Road, Salcombe.

## DM.30/15 PUBLIC PARTICIPATION

The Chairman proceeded to announce that the following members of the public had registered their wish to speak at the meeting:-

- **37/2548/14/O**: Objector – Mr John Tighe: Supporter – Mr Richard Yonge: Parish Council Representative – Cllr Alan Cooper: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land SX 5670 4944, West of Collaton Park, Newton Ferrers;
- **57/2472/14/O**: Supporter – Mr Mike Craggs: Outline application for mixed use development of approx. 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered) – Land at SX6483 5632, off Rutt Lane, Ivybridge;
- **27/1159/15/F**: Objector – Mrs Dee Marshall: Supporter – Ms Tamzin Wood: Town Council Representative – Cllr Tom Bowden: Change of use of redundant barn to 2 no. dwellings, erection of garages, additional access and associated alterations – Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge;

- **52/0782/15/F**: Objector – Mrs Barbara Heath: Supporter – Mr Mark Newell: Change of use to domestic curtilage and erection of greenhouse and shed – Land adj. to 8 Andrews Park, Stoke Gabriel, Totnes;
- **41/1023/15/F**: Supporter – Mr Jan Tribble: READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 no. apartments with associated landscaping and car parking – Spion Lodge, Bennett Road, Salcombe;
- **41/1262/15/F**: Supporter – Mr Paul Fong: Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5 no. residential units above, new vehicular access and parking – Development site at SX 738 392, former Gas Works, Gould Road, Salcombe.

## DM.31/15 **PLANNING APPLICATIONS**

The Planning Case Officers submitted details of the planning applications as presented in the agenda papers.

During discussion of the planning applications, the following motions (which were in contradiction to the planning officer recommendation in the published agenda report), were **PROPOSED** and **SECONDED** and on being put to the vote were either **CARRIED** or **LOST**:-

- a) In respect of application **37/2548/14/O**: Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land – SX 5670 4944, West of Collaton Park, Newton Ferrers, the following motion was **PROPOSED** and **SECONDED** and on being put to the vote declared **CARRIED**:-

‘That the application be deferred’

- b) In respect of application **52/0782/15/F**: Change of use to domestic curtilage and erection of greenhouse and shed – Land adj. to 8 Andrews Park, Stoke Gabriel, Totnes, the Case Officer introduced the application and set out the background to the site which should have been planted as part of the landscaping plan of the original Rowes Meadow development. A plan and elevations of the proposal were shown and Members asked a number of questions in relation to the ownership of the land and the condition that related to the current planning permission.

The local Ward Member advised Members of the misunderstandings around the site, and also the concerns of resident’s in terms of the unneighbourly impact of the proposal as the site was originally designated a buffer zone. The Ward Member concluded her presentation by proposing that the application be refused, contrary to officer recommendation.

Members discussed the application in detail. It was then **PROPOSED, SECONDED** and on being put to the vote and determined by way of Chairman's casting vote, declared **LOST**

'That application **52/0782/15/F** be refused'

It was then **PROPOSED, SECONDED** and on being put to the vote and determined by way of Chairman's casting vote, declared **CARRIED:-**

'That application **52/0782/15/F** be conditionally approved in line with the case officer recommendation'.

DM.32/15 **PLANNING APPEALS UPDATE**

There were no planning appeals to update at this meeting.

(Meeting commenced at 10.00 am and concluded at 4:20 pm)

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Chairman



## Voting Analysis for Planning Applications – DM Committee 23 September 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
37/2548/14/O	SX 5670 4944, West of Collaton Park, Newton Ferrers	Deferral	Cllrs Bramble, Cane, Foss, Hitchins, Hodgson, Holway, Pearce, Rowe, Vint (9)	Cllr Steer (1)	(0)	Cllrs Cuthbert, Brazil (2)
57/2472/14/O	Land at SX 6483 5632, off Rutt Lane, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Foss, Pearce, Rowe, Steer (6)	Cllrs Hodgson, Holway (2)	Cllr Vint (1)	Cllrs Cuthbert, Brazil; Cllr Hitchins was absent for this item as a result of a DPI (3)
27/1159/15/F	Proposed development site at SX 624 562, Woodland Barn, Woodland Farm, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Foss, Pearce, Hitchins, Holway, Rowe, Steer (8)	Cllrs Hodgson, Vint (2)	(0)	Cllrs Cuthbert, Brazil (2)
52/0782/15/F	Land adj 8 Andrews Park, Stoke Gabriel	Refusal	Cllrs Hodgson, Vint, Bramble, Pearce, Rowe (5)	Cllrs Cane, Foss, Hitchins, Holway, Steer (5)  Lost by Chairmans casting Vote	(0)	Cllrs Cuthbert, Brazil (2)
52/0782/15/F	Land adj 8 Andrews Park, Stoke Gabriel	Conditional Approval	Cllrs Cane, Foss, Hitchins, Holway, Steer (5)  Carried by Chairmans casting Vote	Cllrs Hodgson, Vint, Bramble, Pearce, Rowe (5)	(0)	Cllrs Cuthbert, Brazil (2)
41/1023/15/F	Spion Lodge, Bennett Road, Salcombe	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Vint (7)	Cllr Pearce (1)	Cllr Brazil (entered the meeting part way through the presentation); Cllr Rowe (2)	Cllrs Cuthbert, Hodgson (2)
41/1262/15/F	Development site at SX 738 392, Former Gas Works, Gould Road, Salcombe	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe (8)	Cllr Brazil (1)	Cllr Vint (1)	Cllrs Cuthbert, Hodgson (2)

56/1693/15/AD	16 Leechwell Street, Totnes	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe, Brazil, Vint (10)	(0)	(0)	Cllrs Cuthbert, Hodgson (2)
56/1694/15/LB	16 Leechwell Street, Totnes	Conditional Approval	Cllrs Bramble, Cane, Steer, Foss, Hitchins, Holway, Pearce, Rowe, Brazil, Vint (10)	(0)	(0)	Cllrs Cuthbert, Hodgson (2)

**APPENDIX A****37/2548/14/O**

Outline application (with some matters reserved) for mixed use development of 70 dwellings, allotments, community facility, recreation and employment land

**Parish or Town Council** – Newton and Noss

**Parish Council's Views** – Objection

**Officer Update**

Officers provided updates with respect to the detail of the Affordable Housing (AH) offer; the consideration of an alternative sites assessment (ASA) that had been submitted by the applicant; and the previous use of the land.

With respect to AH it was confirmed that the applicant was offering 50% and that the housing would be an appropriate mix of shared ownership and social rented properties. The applicant's representative later described the AH element as 'self-build' / 'custom-build', which contradicted Officer advice to Members.

With respect to the ASA Officers advised that this had been reviewed to an extent, but not thoroughly due to it only being available ten days prior to Committee. The initial view of Officers was reported as not disputing the conclusion of the report that the site was potentially the best to deliver a major development in the AONB in Newton and Noss Parish, but that the report was limited in its validity since it had not considered sites outside the AONB and was, in any case based on a quantum of development the need for which had not been demonstrated.

Officers advised that, based on the definition of pdl in the National Planning Policy Framework, the site is partly pdl.

**Recommendation** – Refusal

**Recommended Conditions** – N/A

**Committee Decision** - Deferral

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**57/2472/14/O**

Outline application for mixed use development of approx 198 no. dwellings, public open space, employment uses (including Health Centre), a neighbourhood centre and new roundabout on Exeter Road (access to be considered)

**Parish or Town Council** - Ugborough

## **Parish Council's Views - Objection**

### **Officer Update**

Officers provided an update with respect to the review of the Affordable Housing (AH) / s106 offer; the design of the roundabout; and the medical centre. In addition a petition with some 300 signatures was handed to the Chair by Cllr Holloway. The petition requested highway safety measures on the A38 at Bittaford and Wrangaton.

With respect to the review of the AH / s106 offer Officers advised that a comprehensive review had now been completed and that the applicant had provided more detail about costs, including abnormal costs. The review concluded that the applicant would not make an unreasonable profit.

Officers confirmed that the design of the roundabout now met highway safety standards.

Officers advised that the proposal was to provide land for the medical centre, not its construction, and that the phasing plan would seek to ensure it could be delivered during the first phase of development.

### **Recommendation – Conditional Approval**

#### **Recommended Conditions**

1. Standard time limit for commencement;
2. Accord with Plans, Drawings and FRA;
3. GPDO Exclusion;
4. Unsuspected Contamination;
5. On-site highway works in accordance with plans / drawings;
6. Construction Management Plan to be submitted and approved prior to commencement;
7. Construction Method Plan to be submitted and approved prior to commencement;
8. Phasing Plan to be submitted and approved prior to commencement;
9. Surface water drainage layout and details to be submitted prior to commencement and the approved details completed and operational prior to occupation;
10. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
11. Submission, prior to commencement, of a Lighting Strategy;
12. Tree / hedge protection;
13. Submission and agreement, prior to commencement, of a Landscape and Ecological Management Plan.
14. Adherence to measures within Preliminary Ecological Appraisal, and Bat
  1. Activity Survey Report;
15. As part of any Reserved Matters application for this site, the applicant shall undertake an acoustic assessment of the proposal and provide details of any attenuation necessary in accordance with BS8233:2014, to the Local Planning Authority for approval. This scheme once approved shall be implemented and maintained in perpetuity;
16. A link road to the remainder of the allocation site;

17. Construction method statement and management plan;
18. Phasing plan;
19. Highway works to be completed in accordance with approved details to be submitted to the LPA;
20. Submission of a stage 2 highway safety audit;
21. Details of retaining walls/structures;
22. Details of boundary treatments;
23. Lifetime homes;
24. Use of employment land; and
25. Inclusion of a review mechanism to allow a revision upwards of s106 payments/ the proportion of AH with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted;
26. A foot and cycle path will be provided to link the site to the existing residential area to the west.

### **S106**

1. 20% Affordable Housing;
2. Affordable Housing occupancy;
3. Green Travel Plan and Vouchers;
4. Education;
5. Solar pv;
6. Play space;
7. Off site sports;
8. Applicant and LPA legal fees; and
9. A 'claw back' mechanism with respect to any uplift in plot value that may arise if more valuable alternative land use(s) are, subsequently, permitted

**Committee Decision** – Authority to grant conditional approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee, subject to conditions and the signing of a Section 106 Agreement

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### **27/1159/15/F**

Change of use of redundant barn to 2no.dwellings, erection of garages, additional access and associated alterations

**Parish or Town Council** – Ivybridge

**Parish Council's Views** – Objection

### **Officer Update**

Mr Jones drew the committee's attention to a late letter received from an objector and comments made by Ivybridge Town Council. He responded as follows:

- Acknowledged factual inaccuracies within the submitted Design and Access Statement, however, they were not deemed to prejudice assessment of the application
- Agreement that extant TRO prohibits all vehicular movements
- Emphasised that both SHDC and DCC officers have considered merits of application on basis that TRO restricts all vehicular movements
- Regardless of existence or otherwise of separate access members must assess the application as it is before them
- Clarified, as within officer report, that revised plans encompass small scale alterations to scheme which did not require formal readvertisement

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Time
2. Accord with Plans
3. Removal of Permitted Development Rights
4. Parking and garaging retained in perpetuity
5. Details of dividing boundary treatment prior to commencement of development
6. Confirmation of granting of licence prior to commencement
7. Removal of hedgerow outside of nesting season
8. Bathroom/toilet windows on north elevation obscure glazed
9. Joinery details prior to installation
10. Natural slate, sample prior to installation
11. Natural stone, matching existing
12. Unsuspected contamination
13. Landscape plan prior to commencement of development
14. Soakaway specification prior to commencement of development
15. Construction Environment Management Plan prior to commencement of development

**Committee Decision** – Conditional Approval

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**52/0782/15/F**

Change of use to domestic curtilage and erection of greenhouse and shed

**Parish or Town Council** – Stoke Gabriel

**Parish Council's Views** – Objection

**Officer Update** – None

**Recommendation** – Conditional Approval

### **Recommended Conditions**

1. Time Limit
2. Accord with Plans
3. Boundary planting to be implemented in first available planting season and thereafter
4. Use as garden area only
5. Removal of permitted development rights for additional structures

### **Committee Decision – Conditional Approval**

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#### **41/1023/15/F**

Demolition of existing dwelling and erection of building to contain 6No apartments with associated landscaping and car parking

**Parish or Town Council - Salcombe**

**Parish Council's Views – No objection**

**Officer Update** – Additional comments received from Town Council who raise no objection; two further letters of representation objecting to the application; error in calculation for affordable housing contribution as the net gain of units is five, not six as calculated. Revised figure of £130,783; comment of Town Council in report refers to 6 parking spaces which should be 8 and error in Highways/Access section which incorrectly refers to no cycle parking which is incorrect as the proposal does provide secure cycle parking.

**Recommendation** – Conditional approval subject to the completion of Section 106 Legal Agreement

### **Recommended Conditions**

1. Time Limit for commencement
2. In accordance with plans
3. Materials
4. Unsuspected contamination
5. Works to adhere to measures within Ecological Survey
6. Landscaping
7. Construction Management Plan

**Committee Decision** – Authority to grant Conditional Approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee subject to completion of Section 106 Agreement

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## **41/1262/15/F**

Demolition of existing stone boundary wall and redevelopment of site to form 300sqm of A1, A2 and A3 ground floor commercial space and 5no residential unites above, new vehicular access and parking

**Parish or Town Council** - Salcombe

**Parish Council's Views** - Objection

**Officer Update** – Comments received from Environmental Health who raise no objection subject to condition regarding details of extraction equipment for the commercial use (s); one further letter of representation objecting on the basis of overlooking of 'Jilmar' which would be hemmed in by the development.

**Recommendation** – Conditional approval subject to Section 106 Legal Agreement in respect of financial contribution

### **Recommended Conditions**

1. Time limit for commencement
2. In accordance with plans
3. Materials
4. Details of surfacing
5. Construction Management Plan
6. Highway works to be completed prior to occupation
7. Submission of combined Stage 1 and Stage 2 safety audit
8. Use Class of commercial units to be A1/A2/A3 and no other permitted changes.
9. Flood Warning and Evacuation
10. Contaminated Land
11. Unsuspected Contamination
12. Details of inbuilt provisions for birds to be agreed.
13. Vegetation removal to be outside of bird nesting season

**Committee Decision** – Authority to grant Conditional Approval be delegated to the Lead Specialist (Development Management) in consultation with the Chairman of Development Management Committee subject to completion of Section 106 Agreement

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## **56/1693/15/AD**

Advertisement consent for 2no. hanging signs and to add text to window and door

**Parish or Town Council** - Totnes

**Parish Council's Views** – No objection



**Officer Update** - None

**Recommendation** – Conditional Approval

**Recommended Conditions**

1-5 Standard Advert conditions

**Committee Decision** – Conditional Approval

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**56/1694/15/LB**

Listed building consent for 2no. hanging signs and to add text to window and door

**Parish or Town Council** - Totnes

**Parish Council's Views** – No objection

**Officer Update** - None

**Recommendation** – Conditional Approval

**Recommended Conditions**

1. Time Limit
2. Accord with approved plans
3. External redecoration to be in a cream colour

**Committee Decision** – Conditional Approval

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## PLANNING APPLICATION REPORT

**Case Officer:** Thomas Jones

**Parish:** Newton and Noss

**Application No:** 37/2548/14/O

**Agent/Applicant:**

Mrs D McCann  
Manor Barn  
North Huish  
TQ10 9NH

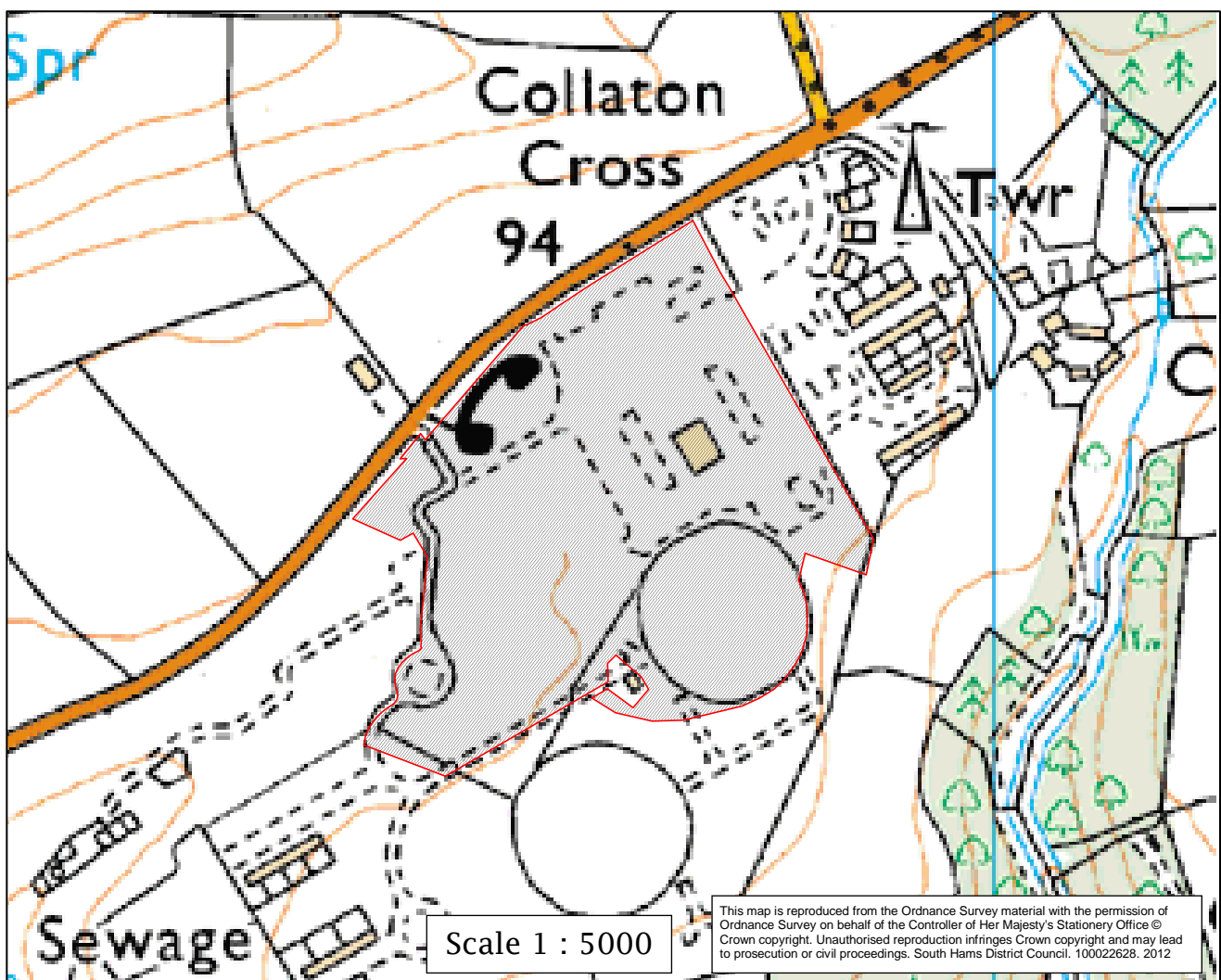
**Applicant:**

Mr & Mrs Yonge  
Puslinch Farm  
Yealmpton

**Site Address:** SX5670, 4944, West of Collaton Park, Newton Ferrers, PL8 2NE,

**Development:** Outline application (with some matters reserved) for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land.

**Reason item is being put before Committee:** At the request of the local Ward Councillor, given the scale of the development and local interest



## RECOMMENDATION

The recommendation is for the application to be refused for the following reasons:

1. The proposed development represents a major application in the South Devon AONB. The NPPF states that planning permission should be refused for major development in such designated areas other than in exceptional circumstances and where it can be demonstrated it is in the public interest. Whilst it is noted that the proposal would provide affordable housing to meet need in Newton and Noss Parish, the circumstances are not considered to be exceptional since the nature of that need, notably the quantum of housing, has not been demonstrated; and it follows, therefore, that a proper assessment of alternative deliverable sites that could meet this need with a less harmful impact on the AONB is not possible. As a consequence the selection and development of this site is not considered to be in the public interest.

## UPDATE / CLARIFICATION

### Revised description of development

The applicant confirms the scope of development:

- 70 residential units, of which 50% would be Affordable Housing (AH) Units
- 743 square metres (8000 square feet) business use
- 0.5ha (1.25 acres) community project space
- Bus Stop and bus subsidy
- 20 Allotments and community market square
- 0.75ha (1.87 acres) woodland, orchard and public open spaces

If permission were granted conditions would be applied with respect to ensuring the treatment of landscape, ecology, layout, scale, form and materials would be compatible given the location within the South Devon AONB. The applicant has made a commitment to achieving energy efficiency levels and renewable energy capacity at a level higher than that required by Building Regulations and planning policy.

s106 Draft heads of terms

### 1. Affordable Housing

50% of the residential units to be delivered in accordance with SHDC affordable housing policy and the Devon Home Choice Policy, affordable in perpetuity.

Tenure: 30% rented homes and 70% intermediate housing.

Unit size / mix: 5 x 2 bed, 6 x 3 bed (to be let at affordable rents) and 7 x 2 bed, 17 x 3 bed (intermediate affordable for discounted open market sale or shared ownership or affordable self build).

All intermediate units to be retained as intermediate affordable dwellings in perpetuity.

Affordability of units: rents are restricted to a maximum rent of 80% of market rents (inclusive of any service charges), intermediate sale is restricted to 60% of open market value in perpetuity.

Delivery of the affordable housing would be linked to delivery of the market units as agreed with SHDC.

## 2. Allotments

20 allotments for residents of the development / residents of the local area.

## 3. Site for Outdoor Community Use

1000m<sup>2</sup> area of land for the purposes of holding a outdoor community events (including farmers' markets and similar type events)

## 4. Public Open Space and Play Provision

Areas of land within the development will be provided as Public Open Space / community woodland / community orchard. This area to be a minimum of 10,000m<sup>2</sup> in association with local planning authority's Public Open Space requirement.

Play space / equipment to be provided on site within the development.

The developer will submit plans to the Local Planning Authority for the management and maintenance of the Play and Public Open Space.

The owner will secure public access to the Play and Public Space.

## 5. On Site Sport/Community Facility Provision

5000m<sup>2</sup> of land which could be used to accommodate a leisure / community facility / activity for the benefit of the local community subject to a community group coming forward with the funds to build and a viable strategy to maintain the facility.

## 6. Employment Element

To provide within the development a minimum of 750m<sup>2</sup> of business units for B1 / B2 and B8 (as considered appropriate by the LPA)

## 7. Education Contribution

Contribution towards secondary school education of £191,530.50.

Contribution towards the cost of transportation to school (Ivybridge) for secondary school aged children living at the development of £33,335.50.

£500 towards Devon County Council legal costs

## 8. Sustainable Transport Contribution

Contribution towards the retention of the number 94 bus. Total contribution £125,000 to be provided over a 5 year period (£25,000 per annum)

## 9. Boat Storage (Community Use)

Covered storage within the development for the storage of boats for the use of the residents of the development / local community (to be used to store the regatta boats and gig boats owned by the regatta committee and gig club)

## 10. Cycle path and footpath upgrade

## 11. Barn Owls

New barn owl habitat and accommodation to a specification agreed with the Barn Owl Trust.

12. The Developer will pay the Council's reasonable legal costs.

### **Paragraph 116 of the NPPF**

Councillors are reminded that there is a requirement for the following three tests to be met before planning permission can be granted for major development in the AONB. Meeting these three tests would establish exceptional circumstances and that the development is in the public interest.

- 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 the designated area, 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.

### Need

It is considered that some need exists and that this need is demonstrated by the unmet need of the 2008 Housing Needs Survey, which equates to 18 AH units, and the absence of a 5 year Housing Land Supply.

The 2008 Housing Need Survey is, however, considered to be out of date and does not in any case justify the need for 35 AH units at this location.

The absence of a 5 year Housing Land Supply is considered to identify a need within the District and / or some other more local housing market area. The local market housing area for the Parish of Newton and Noss would include Area Centres, Local Centres and Villages

that are listed as appropriate for development in Policy CS1 and that lie outside the AONB. In this respect development has recently been built, permitted and is planned in the Parish of Newton and Noss and a number of centres. This includes Parsonage Road, within the Parish and, outside the Parish, Yealmpton, Brixton, Sherford and Ivybridge. These completed, permitted and planned developments exceed 500 units and can meet some of the need arising in the Parish of Newton and Noss.

#### Alternative sites and means of meeting need

With respect to the availability of other sites it is considered that in addition to the statement above and if need were demonstrated for development of the quantum proposed in the Parish of Newton and Noss then the site selected is likely to be the most suitable within the Parish at this time.

#### Environmental impact and sustainability balance

The impact on the AONB is considered in the original report and was discussed at DM Committee of 23<sup>rd</sup> September. Officer opinion is confirmed as being that the impact is not likely to be significant, but this is dependent on the provision and implementation of a Design Guide that would address layout, scale, massing, form, design and materials.

The proposed, indicative, quality of development is considered to be of a high quality. It is also noted that benefits are proposed with respect to biodiversity. These factors and the status of the site as previously developed land (at least in part) weighs in favour of the development in the balance of sustainability.

As described in the original report the site is isolated, which weighs against it in the sustainability balance, but the applicant has responded well to the potential negative implications through the permanent provision of a footpath and funding for a local bus service, both of which would benefit the wider population.

On balance it is considered that this third test is met.

### **THE REMAINDER OF THE REPORT IS THE ORIGINAL REPORT TO DMC 23<sup>RD</sup> SEPTEMBER REPRODUCED**

#### **KEY ISSUES FOR CONSIDERATION**

The application site lies within the Area of Outstanding Natural Beauty (AONB) where development should only be permitted in exceptional circumstances.

Paragraph 115 of the National Planning Policy Framework (NPPF) requires that great weight should be given to conserving landscape and scenic beauty in AONBs, which 'have the highest status of protection'.

Paragraph 116 subsequently clarifies that planning permission should be refused for major developments in an AONB other than in exceptional circumstances and where it can be demonstrated

that development is in the public interest. The NPPF requires that consideration of such applications should include an assessment of:

- 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 the designated area, 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.

In accordance with Paragraph 49 of the NPPF the absence of a five-year housing land supply indicates a presumption in favour of granting planning permission for sustainable development and this is relevant to the need for housing in the District as a whole. In accordance with paragraph 14 (extract below), however, the presumption in favour does not automatically apply if specific policies within the Framework indicate that development should be restricted:

- 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;
- specific policies in this Framework indicate development should be restricted.<sup>9</sup>

Footnote 9 to the above extract (from paragraph 14 of the NPPF) specifically identifies that 'specific policies' includes those relating to AONB's as one such exception. Similarly, the provisions of Policy CS1 of the Core Strategy DPD apply, with Clause 4 requiring that outside Area Centres 'development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.'

Planning Policy Guidance states that 'Local housing need surveys may be appropriate to assess the affordable housing requirements specific to the needs of people in rural areas, given the lack of granularity provided by secondary sources of information' (Paragraph: 017 Reference ID: 2a-017-20140306, PPG on Housing and economic development needs assessments).

The NPPF deals with affordable housing in rural areas such as the Parish of Newton and Noss in paragraph 54, stating that 'in rural areas ... local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs'.

The site is partly previously developed land (pdl), which weighs to an extent in favour of the development, in accordance with paragraph 111 of the NPPF.

As a Departure Site the proposed development should meet the requirements of Policy CS6 of the Core Strategy DPD, which would ordinarily amount to at least 50% Affordable Housing.

## **HISTORY OF THE APPLICATION**

A period of pre-application consultation took place between November 2013 and January 2014. During this period Council Officers advised the applicant that the proposed development did not meet policy tests and would not be likely to succeed.

A number of public consultation exercises were held prior to submission and these were well attended. Full details are provided in the Statement of Community Involvement submitted with the application.



For the avoidance of confusion, a separate planning application for the employment element of the above (reference 37/2547/14/F) has been withdrawn.

## **SITE DESCRIPTION**

The application site is located in the Parish of Newton and Noss on the south side of the B3186 just under 2km to the north-east of Newton Ferrers and just under 3km south-west of Yealampton. The highway distances are 2km and 3.2km respectively.

The area within the ownership of the applicant extends to approximately 20.23 ha (50 acres) being formally a Ministry of Defence (MoD) site used during the Second World War for the storage and launching of Barrage Balloons for the protection of Plymouth.

The application area extends to 8.86 hectares and lies in open countryside entirely within the South Devon AONB. The site is partly previously developed land comprising former Ministry of Defence land and buildings. The remnants of the previous use are not apparent when passing the site, as the observer will only see an agricultural barn. A concrete road runs to that barn and concrete hard standings are still in situ, albeit predominantly covered by land used for agriculture. The site is described as 'brownfield' in the application form and this does not appear to have been specifically challenged by the Council, a point that is discussed later in this Report.

Currently part of the site is used for agriculture, another area houses a Coastguard Station whilst the rest is derelict.

There are two areas of existing housing to the north and the south of the site. These formed part of the original MOD site.

The boundaries of the site include a managed hedge line, which runs along the north-west boundary parallel with the B3186; a row of tall conifers, which screens the Collaton Park development to the north-east; an open boundary to the south-east, which is formed by a stock proof fence; and a varied south-west boundary, which is formed of tall coniferous hedges and woodland blocks.

The site is well screened from the B3186, but open views are available from the south-east and from higher ground to the west.

## **PROPOSED DEVELOPMENT**

The application is for outline permission for mixed-use development of 70 dwellings, allotments, community facility, recreation and employment land. The matters reserved are appearance, landscaping and scale.

The proposed mix of housing is 50% open market and 50% AH units. The applicant has indicated that the mix could include at least 20 self build units to be discounted affordable housing, 8 units discounted to open market and 4 bungalow as retirement affordable rented units. The number of bedrooms in each unit can be determined at reserve matters if planning permission were granted.

The applicant states that the objectives of the proposed development include allowing Newton and Noss to grow sustainably without threatening the fragile waterside environment; for employment opportunities; to provide recreation / sport / leisure opportunities; and to deliver affordable / low cost housing.

The site would be accessed from the B3186 and would be constructed to facilitate a bus turning and waiting area near the entrance.

A footpath would be provided to link the development to Newton and Noss.

A draft s106 Heads of Terms has been submitted and this includes a commitment to provide:

- Affordable Housing;
- allotments
- land for outdoor community use;
- public open space;
- play provision;
- on site sport / community facility provision;
- employment land;
- education contribution;
- sustainable transport contribution
- boat storage (community)
- contribution to SWW for upgrading Newton Ferrers Sewage Treatment Works
- legal costs

The Planning Statement describes some aspirational elements that could be delivered through development and this includes the opportunity to develop workspace of varying types, including live / work units, an office hub, and a training facility for traditional workshops / office space; as well as the opportunity to provide plots for custom build and affordable self-build. The applicant states that it would be the intention to work with the local community to establish needs, including an innovative way for the community to take control over this element in a way which will ensure sustainability of funding and community involvement. If planning permission were granted, some of these elements could be considered at the reserved matters stage.

The proposal is supported by the following documents:

- 15 questionnaires indicating interest in purchasing or renting a house (2015)
- Bat Survey (July 2015)
- Reptile Survey (July 2015)
- Archaeological Desk Based Assessment and Report (July 2015)
- Revised LVIA (June 2015) and original Visual Impact documents (October 2014)
- Revised Planning Statement (June 2015) and original Planning Statement (October 2014)
- Revised Design and Access Statement (June 2015) and original Design and Access Statement (October 2015)
- Access and footpath plans (June 2015)
- Transport Statement Addendum (June 2015)
- Heritage Impact Assessment (December 2015)
- Brownfield Areas Plan (December 2015)
- Sewer Construction plans (October 2014)
- Flood Risk Assessment (October 2014)
- Transport Statement (October 2014)
- Landscape Plan (October 2014)
- Contaminated Land Phase I and Phase II Reports (October 2014)
- Draft s106 Heads of Terms (October 2014)
- Preliminary Ecological Assessment (October 2014)
- Indicative House Types (October 2014)
- Business units location plan (October 2014)
- Statement of Community Involvement, with questionnaire results (October 2014)

## CONSULTATIONS

**Natural England**, in their letter dated 10<sup>th</sup> November 2014, makes no objection, but notes that consideration is required with respect to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) in the context of the Habitats Regulations.

The **Environment Agency**, in their response dated 9th January 2015, considers the proposed development to be acceptable and recommends three conditions. The conditions cover sustainable drainage and a contamination schedule.

**Historic England** has been notified and has made no comment.

**SHDC Environmental Health** considers that the impact of this development is acceptable subject to conditions to protect existing residential amenity by way of noise and exposure to contamination.

**SHDC Drainage** confirms no objection in their representation dated 23<sup>rd</sup> October 2014.

The **SHDC Natural Environment and Recreation Team** raises no objection and provides a detailed response that is dated 13<sup>th</sup> August 2015. The comments have been incorporated into the Analysis section of this Report.

The **AONB Unit**, in a letter dated 27<sup>th</sup> July 2015 objects to the development, stating the opinion that the proposal does not meet the tests of paragraph 116 of the NPPF and is, due to its isolated location, an unsustainable development. The AONB unit notes that there is adjacent housing, but considers that the proposed development does not integrate with these and compounds an already inappropriate setting for housing; and considers that the development fails to respect the historic development pattern, which is clustered dwellings and settlements in sheltered locations with open land in between.

**SHDC Countryside and Community Projects** (ecology) has no objection and requests inclusion within the s106 of a clause to retain and manage semi-improved grassland within the blue line for the purposes of providing habitat for reptiles and Barn Owls (in line with the Landscape and Ecological Management Plan which must be submitted with Reserved Matters). The LEMP will also need to include details of necessary mitigation before and during works (notably reptile capture and translocation measures, and timings of vegetation removal).

The development is in close vicinity to the River Yealm component of the Plymouth Sound and Estuaries SAC. The Council Specialist concurs with the conclusion within the Preliminary Ecological Appraisal that 'none of these features would be directly affected by the proposal.' The HRA Screening Opinion of the Council recommends mitigation by way of a contribution towards the 'minimising recreational risks' strategic objective as identified within the Tamar Estuaries Management Plan 2013-2018, which seeks to reduce any effects on the SAC European Marine Site to a negligible level. This contribution should be secured via the S106.

**SHDC Strategic Planning** comments (April 2015) that the site is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD); and that it is outside the Newton Ferrers development boundary as defined in the South Hams Local Plan (1996) and is, therefore, deemed to be in the Countryside.

The comments continue by explaining the planned delivery of development in the area and this has been incorporated into the Analysis section of this Report.

The comments make reference to the initial objection raised in terms of landscape character and visual amenity. This has since been revised (see Natural Environment and Recreation Team, above) such that there is no objection in this respect. Strategic Planning also refers to the Sustainability Threshold Assessment (STA) that was undertaken during the plan preparation process. This

assessment concluded that the Collaton site had significant sustainability issues, with adverse visual impact, affect on the AONB, contamination, and potential impact on the quality of the built environment being specifically identified as issues of concern. The assessment with respect to 'walking' was rated red, indicating an absolute sustainability constraint. This was a consequence of the site's location, being separate from and a distance from the edge of Newton Ferrers, with the associated consequences for connectivity, especially the more sustainable modes of movement.

The SP comment acknowledges that part of the site can be regarded as being Previously Developed Land (PDL).

The Strategic Planning team recommends that the application is refused for the above reasons.

The **County Highways Authority** (Statutory Consultee), in their response dated 10<sup>th</sup> August 2015, states that the submission of additional information has removed all the previously stated highway related objections. The detailed comments have been incorporated into the Analysis section of this Report.

The Highways Authority recommends conditions and sets out requirements for s106 payments to cover the bus service (94).

The County Education Authority (Strategic Planning Children's Services), in their letter dated 3<sup>rd</sup> November 2014, states a requirement for a payment towards secondary school places and a payment towards secondary transport, to be secured through a s106 Agreement.

The County Archaeologist, in their response dated 1<sup>st</sup> July 2015, states that there is no requirement for further archaeological investigation and that no archaeological conditions are required.

**South West Water** (SWW) in their email dated 27<sup>th</sup> October 2014, confirms that capacity exists at the sewage treatment works and there is no requirement for a payment towards foul water infrastructure. SWW also advises that development should not take place within a 3m corridor of a public sewer that crosses the site

The **Police Architectural Liaison Officer** provides general advice with respect to good practice. The matters raised will require further scrutiny at the Reserved Matters stage should the application be approved.

The **Barn Owl Trust** has, in a letter dated 7th November, requested three conditions to require / cover a permanent nesting / roosting space, provision of habitat and appropriate construction management.

**NHS** has responded to confirm no comment.

**Newton and Noss Parish Council**, in their letter dated 14th November 2014, objects to the proposed development, stating that it does not consider that exceptional circumstances exist to justify development in the AONB; and that it supports the comments made by the River Yealm District Association in their letter dated 13<sup>th</sup> July 2015 and 14<sup>th</sup> November 2014 (see representations below).

**Yealmpton Parish Council**, in their letter dated 17<sup>th</sup> November, raises concerns and these have been listed with the representations, below.

## Representations

Some 38 objections and approximately 9 representations of support have been received. The objections include two detailed responses from the River Yealm District Association, one of which receives express support from the Newton and Noss Parish Council.

The full text of the representations can be read on the Council's website and are summarised, in no particular order, as below insofar as they relate to matters of proper concern to the planning process.

Comments in support:

- resolves problems associated with a derelict site;
- the best opportunity for development in the area that will deliver the needs of the community;
- the site is sensitively located between two existing residential developments;
- welcome retirement bungalows;
- goes some way to address lack of Affordable Housing given that none have been delivered since the 2008 Housing Needs Survey;
- development can help rebalance the housing stock, which has an under-representation of flats, semi detached and terraced housing and many second homes;
- layout appears to be well oriented to allow solar gain in buildings;
- inclusion of allotments is welcomed;
- footpath is welcomed;
- self build affordable is welcomed;
- layout is sympathetic to the setting;
- shared office space welcomed; and
- supports viability of local services.

Objections (in no particular order):

- the site is not brownfield, it is used for agriculture;
- the transport addendum claims benefits of the footpath, which some consider is not well used other than for recreation, by existing residents due to the excessive distance;
- the number 94 bus is a limited service;
- inappropriate site for Affordable Housing due to isolation from services;
- the site is 2.8km from the nearest services (Newton Hill) and not walking distance to the village school;
- inducements for support were offered at the community exhibition and these have subsequently not appeared in the application (swimming pool / leisure / community centre);
- do not agree with the claim by the applicant that the area has an 'unsightly nature';
- the site does not meet the NPPF definition of previously developed land;
- the development does not meet the tests of paragraphs 115 and 116 of the NPPF;
- the LVIA does not give a proper account of visibility / is misleading;
- unacceptable adverse impact on countryside;
- insufficient capacity at / additional burden on schools;
- local roads not suitable for additional traffic (capacity);
- concerns with respect to speed of traffic at access point;
- water mains would need upgrading;
- would exacerbate existing parking problems in Newton Ferrers ;
- mix of housing and commercial uses is not appropriate due to noise;
- potential harm to ecology;
- potential for unknown contamination that has not been investigated;
- no evidence of need for allotments and other community uses;
- no evidence for the need for housing at this location;
- previous Housing Needs Surveys have not identified the need for the amount of development proposed;
- development at Sherford, Brixton and Yealmpton is meeting need;
- isolated from other urban areas;
- contamination survey and assessment not adequate;
- undermines the Community Plan;
- undermines the viability of shops in Newton Ferrers;

- would not integrate with existing development at Collaton Cross;
- employment related activity will harm amenity / tranquility;
- employment uses could have an adverse effect on business' in Newton Ferrers;
- the increased loading on the sewage treatment facility could significantly raise the risk of non compliant discharges into the Yealm Estuary, with negative impacts on the fishing / shell fish industry;
- could provide a catalyst for further 'ribbon' development along the road; and
- foot / cycle path does not connect the existing residential areas to Newton Ferrers

#### General comments

- All houses / plots should be sold preferentially to local people and not as second homes;
- would welcome further community engagement to discuss the plans and the detail of the community uses, which have changed from that previously presented to the public
- a smaller development might be acceptable; and
- lighting the footpath is not favoured due to impact on the environment / landscape.

#### Relevant Planning History

An application was submitted in 1982 to determine the permitted use of land, reference 1582/82. The applicant was advised that development would not be appropriate due to the location within the AONB.

Application for residential development, reference 1258/86, was refused in 1986.

Application for HGV parking and training, reference 0526/90, was refused in 1990.

Application 37/0271/09/F was granted permission for the creation of a permissive footpath to link Collaton and Butt Park, Newton Ferrers.

A separate planning application, reference 37/2547/14/F, for the employment element of the application the subject of this Report has been withdrawn.

## ANALYSIS

### Principle of Development / Sustainability

The proposal represents major development in the AONB on a site that is not allocated for development in the Council's adopted Local Development Framework Site Allocation Development Plan Documents 2011 (SA DPD). It is outside the Newton Ferrers development boundary (and other settlement boundaries) as defined in the South Hams Local Plan (1996) and is, therefore, in the Countryside.

As identified in the preceding section 'Key Issues' the applicant must demonstrate compliance with a series of tests. The first test is to demonstrate the need for development in the AONB; the second is whether any identified need can be met outside the AONB or by different means; and the third is, if the first two tests are met, to consider any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. These matters are discussed in detail below. It is also necessary to demonstrate that the development would be in the public interest, but it is considered that meeting the three tests described would automatically mean that this has been achieved.

## **Need for development**

The absence of a 5-year HLS carries some weight in the balance, but only in the sense that there is a need for housing sites to come forward in the District. This does not automatically mean that such sites should be in the AONB.

Planning Policy Guidance states that Local Housing Need Surveys (HNS) are an appropriate means to assess the affordable housing requirements specific to the needs of people in rural areas.

The last HNS for Newton and Noss was undertaken in 2008. The first line of the 'Executive Summary' in the subsequent Report (the Parish of Newton and Noss Local Housing Needs Report, July 2008) states that the survey 'identified need for ... the next three years'; and, in the first bullet point, that '... the survey should remain relevant for at least three years subject to significant changes in the condition of the housing market.' Whilst the Report uses the words 'at least' the 2008 HNS is now 7 years old and is, therefore, not considered to be a robust indicator of housing need for the purposes of judging this application.

The absence of a 5-year HLS demonstrates need for more housing in the District as a whole. In addition, the applicant submitted, on 23rd April 2015, a number of questionnaires that have been completed by residents in the Parish with respect to the need for housing.

Planning permission was granted in 2012 for 14 AH units in Newton and Noss Parish at Parsonage Road. That development has not come forward to date for unknown reasons. The Council has a live planning application for minor amendments to that development and has received a representation of support from the Parish Council and, to date, is not aware of any reasons why the application should be refused. If it is assumed that the local need identified in the 2008 HNS still exists, then that survey would indicate only 18 AH units are needed, considerably lower than the 35 proposed in the application that is the subject of this Report.

Since the need for 70 houses (35 AH) in Newton and Noss Parish has not been demonstrated the applicant has been invited to undertake a new HNS such that the quantum and type of housing need could be determined. The applicant has declined to do so.

In principle and in the context of Paragraph 54 of the NPPF it would be appropriate that a mix of open market and AH units would be accepted if development were to come forward at the site.

With reference to Policy CS5 of the Core Strategy and Policy AH3 of the Affordable Housing DPD, the development should provide at least 50% of housing as AH units. The proposal meets this requirement.

As is the case with housing, however, Policy CS1, Clause 4 requires that outside Area Centres and specific industrial estates, development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need. Without demonstrating the need for housing at this location in the AONB, the need for employment is not justified.

## **Alternative sites**

The applicant has submitted, on Thursday 11th September, an assessment of alternative sites with a view to meeting the second test of Paragraph 116 of the NPPF. It has not been possible to analyse this information and an update will be provided at Committee.

In the absence of an up to date HNS it may be the case that the applicant considers the unmet need identified in the 2008 HNS and the absence of a 5-year HLS to be relevant. With respect to the latter, a more focussed housing market area might provide an appropriate geographical scope. In this respect the Council is processing planning applications to deliver at least 400 houses in Ivybridge,

with 198 on the DMC Agenda and a recommendation for approval; and has recently permitted 300 houses in Sherford. In addition houses have been built in Yealmpton and Brixton. It is reasonable to assume that all these developments have met and can meet some of the demand for housing in Newton and Noss Parish.

Should the alternative sites assessment identify that the Collaton site is the best site in the Parish of Newton Ferrers to bring forward a mixed development of 70 houses with employment uses this would not necessarily meet the test of Paragraph 116: since the number, type and size of dwellings needed has not been established it is not possible to identify the size and nature the required site or whether the need can be met in some other way.

## **Environmental impacts**

The third test of Paragraph 116 of the NPPF requires a consideration of environmental matters. In this respect Development Plan Policies CS9, DP2 and DP15 require great weight for conservation and enhancement of the AONB; and for development that does not require a countryside location to be refused planning permission.

The Visual Impact Assessment submitted by the applicant has been considered by the Council's Natural Environment and Recreation Team, which advises that landscape characteristics are well represented locally and are intact, with a range in condition from very good to excellent. In considering this baseline position, it is the Officer view that within a robust landscape strategy and protection of the recognised higher sensitivity landscape features, through careful design, the proposed development can conserve and enhance what is special about the landscape character and visual amenity. This means that should development come forward the design, location, massing and scale of the proposed development need to be fully considered at Reserve Matters ensuring they do not conflict with the defining landscape characteristics.

Notably, the development envelope has been amended to preclude development adjacent to the road, such that it is less prominent.

The Team concludes that in understanding the landscape character and special qualities of the South Devon AONB in this location it is acknowledge that the site is highly sensitive. Given the dialogue and changes in approach, which include a revised landscape approach, and the withdrawal of the full application, which detailed the Community and Employment elements, no objection is raised on landscape character and visual amenity. This should not, however, be considered to be a judgement with respect to whether or not the site would be, if need were demonstrated, the best site for development in the area in terms of limited impact on the AONB.

The AONB Unit, however, considers that the proposed development does not meet the third test of Paragraph 116 of the NPPF and is an isolated location that would amount to unsustainable development.

With respect to the status of the land, the definition of previously developed land (pdl) is set out in the Glossary of the NPPF (Annex 2, page 55). The definition excludes 'land that is or has been occupied by agricultural or forestry buildings' and 'land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.' The development site cannot, therefore, be considered to be wholly pdl. If the test of Paragraph 116 were met then this factor would have some weight in the balance of sustainability.

The Council's Environmental Health section has not objected to the proposed development, and it is considered that should development come forward at this site in the form currently proposed then conditions could be applied to prevent harm to the amenity of existing and new residents.

Similarly, SWW considers that there is capacity in the local sewerage infrastructure.



There are no ecological designations affecting the site, although the Council's ecologist requests mitigation for recreational impacts on the Plymouth Sound and Estuaries SAC. Appropriate survey of protected species has been completed, assessed and a report provided to the Council. It is considered that should development come forward at this site in the form currently proposed then conditions could be applied to avoid harm to ecology and secure enhancements. The consultation response from the Barn Owl Trust advises specific design and location to be considered for the permanent Barn Owl provision. This falls within the blue line, and will be included within the S106. Also within the Barn Owl Trust response is advice on suitable management of grassland habitat, which would need to be reflected in the LEMP. The application is considered to demonstrate compliance with Policies CS10 and DP5 of the Development Plan.

There are gaps in the contaminated land evidence base with respect to risk for the site, but in general the overview provided indicates that this site is low risk. However, due to the previous use of the site there is the potential for hotspot contamination to be found. Should development come forward at this site then this matter would need careful consideration at the Reserved Matters stage.

It is proposed that all runoff from private and adoptable areas would be discharged into the ground via soakaways. If infiltration rates do not allow this then all runoff is to be conveyed to an attenuation system such as a pond or detention basin towards the south west of the site where the ground slopes away and forms the natural water catchment for a nearby spring. All runoff will reach the attenuation via a SWW adoptable surface water network, which will be designed to serve the adoptable road gullies. It is considered that should development come forward at this site, drainage can be addressed through a condition.

No external lighting is shown on the plans and it has been judged as such. If permission were granted then a lighting assessment and plan would be required at the reserved matters stage.

No concerns have been raised with respect to infrastructure by consultees and, consequently, the application meets the requirements of Policy CS8 of the Core Strategy DPD.

If the first two tests of Paragraph 116 were met, namely need for the quantum of housing and that there is no other way to meet that need outside the AONB, then it may be the case that in the balance of sustainability, the positive attributes described may outweigh the negative elements of concern identified.

### **Sustainability balance**

By including employment, community and recreation uses in the development the applicant seeks to not only provide a sustainable community, but also, to an extent, retrofit sustainability into two isolated groups of housing that lie immediately to the north (Collaton Cross) and to the south. It is also the case that employment uses are likely to 'intercept' some commuter journeys that would otherwise go to Yealmpton, Modbury, Ivybridge and Plymouth, amongst other potential destinations.

Originally the Highway Authority (DCC) raised a non-overriding sustainability objection on grounds that the site is divorced from Newton Ferrers and also Yealmpton Village. The applicant has, however, committed to provide a tarmac permissive path on land within their own control and on the verge next to the B Road leading to the existing footway network into the village of Newton Ferrers and enhance the bus service that serves the site and the wider area. The consideration around the objection relates to the distance from the village and the suitability of an unlit tarmac path, which is around 1500m in distance from the edge of Newton Ferrers from the western edge of the proposed development site. However, the applicable guidance for consideration is The Manual for Streets 2007 and PPS13 (albeit cancelled), which recommends that the acceptable walking distances are those less than 2km.

It is noted the bus service will be able to enter the site and be able to drop off / pick up and turn using a circular turn circle. The Highway Authority has made a request for a substantial payment from the applicant, through a s106 Agreement, towards enhancing the frequency of the 94 bus service.

Despite the provision of a footpath and support for the local bus service, concern exists with respect to the location of the site and that most journeys are likely to be by private car.

On balance, however, it is considered that the proposed development would deliver clear benefits to the economy and responds well, in the context, to concerns with respect to the location of the site relative to services and facilities

### **Other policy considerations**

With reference to Policy CS7 of the Core Strategy and Policies DP1 and DP8 of the Development Policies DPD, it is considered that whilst the application is in outline, the layout and proposed treatment of open space and the landscape represent good design.

Devon County Council Highways Authority initially raised four objections. Objections relating to the lack of details and junction visibility have been overcome by the submission of additional information to demonstrate that the proposal is acceptable in terms of visibility splays, road layout for the first 20m into the site, road construction for the first 20m into the site, road gradients for the first 20m into the site and, surface water drainage and, by the removal of an existing BT telephone call box. The objection with respect to the unsustainable location has also been overcome by the commitment to provide a footpath linking to Newton Ferrers and financial support, through a s106 payment. This would be a permanent extension to the permissive way established in 2009.

With respect to highway safety the applicant has undertaken a five-day speed survey near to the site access and this has informed appropriate visibility splays at the access in both directions; and a stage 1 safety audit demonstrates that the off-site footway highway works are safe in principle.

The applicant has provided a drainage solution that, subject to the approval of South West Water, is accepted by the Highway Authority.

Re-positioning of the existing southwest bound bus stop from the site access with a bus border and provision of a new northeast bound bus stop with dropped crossing and busborder will enhance safety and the local bus service. The applicant also proposes to allow the site to be used as a hub for buses to turn and wait, although this cannot specifically be required through conditions or a s106 Agreement.

Devon County Council Education Services have advised that the local primary schools have capacity and no contribution towards primary education would be required, but that a financial contribution would be required towards secondary education and towards secondary school transport. If planning permission were granted then this would be secured through a s106 agreement.

### **Planning balance**

In providing employment land, community uses, housing, recreational land (allotments / play spaces) and improved walking / cycle links the application responds to some local needs that have been identified in the Newton and Noss Parish Plan 2004, the Yealmpton Parish Plan 2006 and the Parish Housing Needs Survey of 2008; and addresses to a large extent concerns about the isolated nature of the location.

It is recognised that some housing need exists in the Parish of Newton and Noss. The exact nature of the need in terms of quantity, size and type is not, however, known. It would be contrary to

Paragraph 116 of the NPPF and Policy CS1 of the Development Plan to permit development in the AONB without a clear indication of the local need that is being met and an assessment of alternative sites to meet that specific need.

*This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, [where relevant – DELETE AS APPROPRIATE], with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. [IF LBC] This application has been considered in accordance with Sections 16,17, and 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990*

## **Planning Policy**

### ***South Hams LDF Core Strategy***

CS1 Location of Development  
CS2 Housing Provision  
CS6 Affordable Housing  
CS8 Infrastructure  
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  
DP8 Open Space, Sport and Recreation  
DP9 Local Facilities  
DP11 Housing Mix and Tenure  
DP15 Development in the Countryside

### ***Affordable Housing DPD***

AH3 Provision on unallocated sites

Open Space, Sport and Recreation DPD

South Devon AONB Management Plan

Conservation of Habitats and Species Regulations 2010

National Environment and Rural Communities Act 2006

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Mr Alex Sebbinger

**Parish:** Wembury

**Application No:** 58/1014/15/F

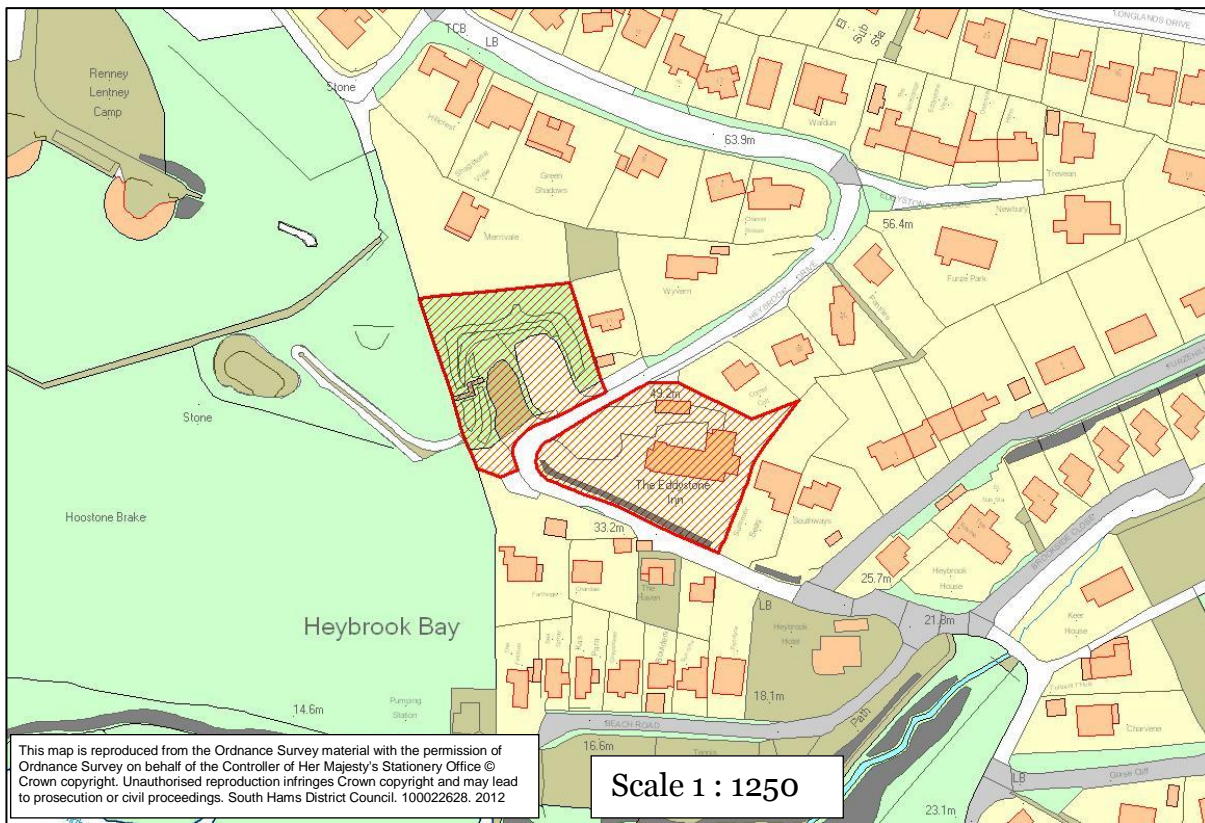
**Agent/Applicant:**  
Mr A Coughlan  
Drake Cottage  
Riverside Road West  
Newton Ferrers  
PL8 1AD

**Applicant:**  
Eddystone Inn Ltd  
The Eddystone Inn  
Heybrook Drive  
Heybrook Bay  
Plymouth  
PL9 0BN

**Site Address:** The Eddystone Inn, Heybrook Bay, Plymouth, PL9 0BN

**Development:** Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land

**Reason item is being put before Committee:** *This application is before Committee at the request of Councillor Brown, mindful of the levels of representation received.*



**Recommendation:**

Conditional approval delegated to the Community of Practice Lead, subject to Natural England withdrawing their objection.

**Conditions**

Time limit for commencement

In accordance with plans

Holiday use restriction for holiday units

Materials

Construction Management Plan

Contaminated land

Percolation tests

**Key issues for consideration:**

The main issues with this application are the principle of development of this site, which occupies a position within the development boundary. In addition the design and appearance of the proposed buildings and their impact upon the AONB is of consideration, as is any effects upon neighbouring properties. Furthermore, impacts upon ecology and designated areas and highways are further considerations.

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**Site Description:**

The application site is split into two; land currently occupied by a two storey public house with associated car parking, terraces and amenity areas, and land currently vacant having been formerly used as a quarry. The public house site is located on the eastern side of Heybrook Drive, where land slopes down to the south. The surrounding area is predominantly residential and both parts of the site are within the development boundary. The former quarry site is overgrown and largely vacant, and land to the north is at an elevated position in relation to the site. Due to topography the public house and quarry are set into the hillside.

**The Proposal:**

This application is for the redevelopment of the site to provide a replacement public house and restaurant and for the construction of ten holiday units with owners' flat and for the construction of six two bedroom apartments on the quarry land opposite the site.

**Consultations:**

- County Highways Authority – No objections subject to conditions
- Environmental Health Section – No objection subject to contaminated land condition.
- Ecologist – No objections
- Natural England – Objection based on insufficient information in respect of the impact of the development on the SSSI.
- Drainage Engineer – no objections subject to conditions.

- Devon County Council Education – Contribution towards infrastructure and secondary school capacity sought. £19,673.55 for school transport costs and £16,416.90 for use towards additional school facilities.
- South West Water – Will need to be aware of any works within three meters of a sewer or lateral drain.
- Affordable Housing Officer – no contributions are due.
- Natural Environment and Recreation Team – Having reviewed the Open Space, Sport and Recreation SPD and South Hams Playing Pitch Strategy, an OSSR calculation of £12,188 has been calculated (assuming 12.5 occupiers from 5 additional 2 bedroom residential dwellings). This is to be broken down as follows: Play – Contribution towards improvements at Down Thomas Play Area, Wembury £4,750. Sport – Contribution to Wembury Recreation Ground £7,437.
- Police Architectural Liaison: Should only be one main entrance to bar and restaurant. CCTV will be needed. All internal seating should be visible from the bar. No overriding objections.
- Parish Council – No objection however there is a lot of public concern about the effect of this development on Heybrook Bay regarding extra traffic on narrow roads, noise generated by the holiday units, parking provision, precedent for apartments in Heybrook Bay and the aesthetics/height of the apartment block.

### **Representations:**

Around 20 letters of objection and 9 letters of support making the following broad comments, made in no particular order:

#### **Objection:**

- Loss of view
- Three storeys out of keeping in AONB
- Impact on wildlife
- Impact on Human Rights
- Site not sustainable
- Dominance of buildings in landscape
- Impact on neighbouring properties
- Loss of daylight and sunlight
- Overbearing impact
- Encouraging tourism to this area a huge mistake
- More cars and traffic
- Danger to road users
- Lack of car parking
- Overdevelopment of site
- Concern about drainage of former quarry area
- Inn and Holiday apartments will not provide homes
- No affordable housing

- Covenants on site
- Impact on bats
- Overlooking
- Concern regarding ground stability
- Concern regarding road safety
- Discrepancies regarding the height of the quarry

#### Support

- Old Eddystone Inn not a focal point for the village.
- New pub is needed
- New development is attractive
- Removes unsightly quarry area

#### Relevant Planning History

The site has been subject to applications in connection with the former use of the Public House but none are specifically relevant to this application.

#### ANALYSIS

##### Principle of Development/Sustainability:

The site is located within an area which, although is semi-rural in nature and is of a coastal position, is situated within the Heybrook Bay Development Boundary. This application is for the removal of an existing disused public house and for the redevelopment with a larger building to comprise a replacement pub/restaurant and ten holiday apartments plus an owners' flat. The quarry site, which is also within the development boundary is to be cleared and a building to comprise six apartments (open market). As the site is within a residential area, within a Development Boundary the principle of development of this redevelopment is considered acceptable in principle under established planning policies.

Consequently it is considered that the principle of a development of this nature is acceptable subject to compliance with all other relevant development control policies.

##### Design/Landscape:

It is acknowledged that the proposed development on the site of the public house will be larger than the building that it will replace, however in terms of the overall height of the building, this is comparable to the existing public house. The building will be set into the hillside and will take advantage of the topography to provide lower levels. The aesthetic appearance is modern, and despite the lower ridge line than the existing building will provide development over three storeys (the public house has two storeys plus rooms in the roof), with a curved style roof. The surrounding style of built development is quite varied and it is considered that the proposed building on the site of the public house will not appear out of character when compared with the scale of surrounding buildings.

The proposed apartments on the site of the quarry are also of a contemporary design and are of a staggered height to take into account variations in topography. The proposed building is to feature a sedum roof and wooden cladding, with stone and rendered elevations. The proposed structure is set into the site of the former quarry and will lie beneath the top of the



existing quarry ridge. Although it is acknowledged that both new buildings will be of increased prominence in the hillside compared to the existing situation, it is considered that the design that has been adopted is acceptable, and given comparable roof-lines with existing development that the proposal is acceptable in terms of the impact on the AONB. Refusal on the basis of size and scale would be difficult to justify on appeal.

Overall, no design or landscape issues are considered to arise from this redevelopment.

#### Neighbour Amenity:

Significant concern has been raised regarding the impact of this development on existing neighbouring properties in respect of the proposal being overbearing, causing loss of light and overlooking. The nearest property to the development on the quarry site, "Dancing Waters" and concern is made regarding the potential for this development to lose outlook from this property and be overbearing. Reference to the submitted plans shows that the apartment building will largely be set below the existing top of the cliff line, but when viewed from "Dancing Waters", the rooftop element will be visible from the ground floor of that property by approximately 1.5m from above the ground level in front of that property. Whilst any loss of outlook is regrettable, it is considered that the distance of the proposal (in excess of some 17m from that property) will ensure that the development would not be significantly overbearing. Furthermore, the loss of a view over land which is in different ownership cannot be a reasonable reason for refusal. In terms of the layout of the apartment building, no part of it is considered to give rise to serious or adverse levels of overlooking.

The replacement public house building will be larger than that which it replaces, however given the fact that no part of this development would be significantly taller than the existing building to be replaced, and bearing in mind it is sited broadly in the same position, it is not considered that the proposal would give rise to significant harm to "Corner Cott" or "Summer Seas" (which both adjoin this site). Although properties opposite the site on Heybrook Drive may perceive additional levels of overlooking arising from the upper levels of the proposed building, given the set back into the site (and the topography), these would be no worse than the current situation. It is acknowledged that the works will remove the existing steep driveway and access, revealing more built development to the public perspective, but properties opposite the site are considered to be of significant distance away from this development (across the road) to ensure that levels of overlooking would not be serious or adverse.

Due to the siting of the proposals in relation to surrounding properties (and the fact that the rear elements are to be set into the hillside), it is not considered that any aspect of the proposals would be overbearing or give rise to loss of light.

#### Highways/Access:

The application as submitted received objections from the Highways Officer, on the basis of lack of information regarding visibility splays. That information has now been provided and these officers are of the opinion that parking and access are acceptable, and therefore no highway objections are raised.

Although concern has been raised regarding highway safety, in light of the lack of objection from Highways, this would be difficult to substantiate. A condition is recommended for the submission of a Construction Management Plan.

### Ecology:

The Council's Ecologist raises no objections to the application, stating that the detailed surveys of the building found no evidence of bats or protected species using the existing building. They conclude that the proposed demolition would not trigger an offence under Habitats Regulations and therefore raise no concerns.

Natural England have objected to the application based upon lack of information regarding the impact of the proposals on the Wembury Point Site of Special Scientific Interest. The applicant has advised that verbal discussions have taken place with Natural England, and supporting information is to be submitted for comment. An indication has been made that subject to an adequate report, no objections are to be raised. Members will be updated

### Financial Contributions:

Although the application proposes a number of holiday units, the development in total provides a net gain of five open-market residential dwellings (one exists on site at present, and ten of the units are holiday apartments). In light of the recent High Court Judgement regarding development under five units being liable for financial contributions, this development would now be eligible for off-site contributions.

This application proposes to retain the public house facility and has been accompanied with viability information that demonstrates this development would not be viable were financial contributions for education and off-site affordable housing levied. It is also the case that the pre-application advice and the preparation of this application was made on the basis of the former policy, which excluded "tariff-style" contributions for developments of five units or under, and that the policy changed at a stage very late in the 'lifetime' of this application, after the statutory target date for determining the submission.

In light of this, it is considered reasonable to adopt a pragmatic approach in this particular instance to revert to the previous guidance. It is also the fact that the Government has been given leave to challenge the High Court decision to quash the guidance, so it is considered that this stance is reasonable on this occasion. The Council's Affordable Housing Officer agrees with this approach.

Conclusion:

The application is considered to be acceptable and is therefore recommended for APPROVAL.

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

### **Planning Policy**

NPPF  
NPPG

### **South Hams LDF Core Strategy**

CS1 Location of Development  
CS7 Design

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

***Development Policies DPD***

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

***South Hams Local Plan***

SHDC 1 Development Boundaries

***Open Space, Sport and Recreation SPD***

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Tim Furmidge

**Parish:** Dartington

**Application No:** 14/1687/15/VAR

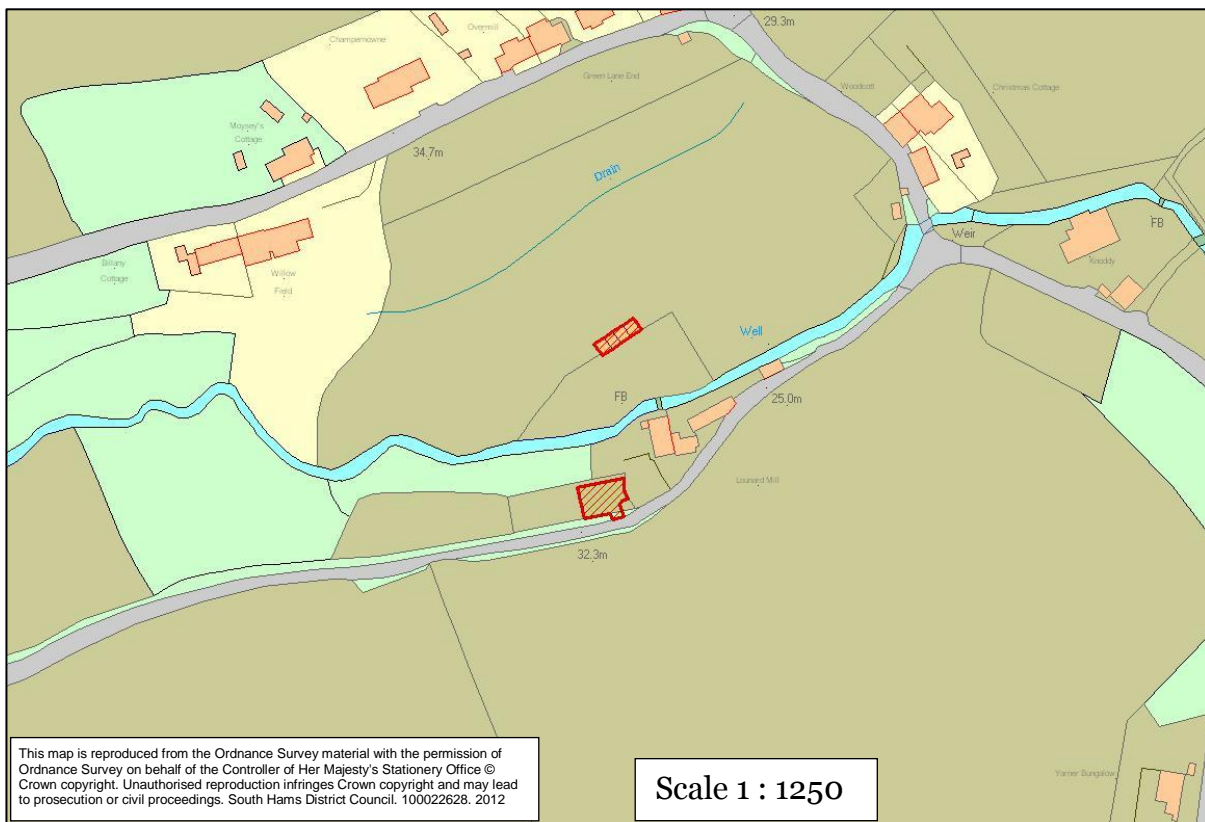
**Agent/Applicant:**

Ms H Ruddock-West  
Lownard Mill  
Week  
Dartington  
Totnes  
TQ9 6JJ

**Site Address:** Stables, Lownard Mill, Dartington, Totnes, TQ9 6JJ

**Development:** Variation of condition 6 (Traffic Management Plan) and removal of condition 7 (Closure of Access) of planning consent 14/3161/14/F

**Reason item is being put before Committee:** This application is before Committee at the request of Councillor Hodgson, mindful of the number of objections received



## **Recommendation: Conditional Approval**

### **Conditions**

1. Accord with plans
2. Unsuspected Contamination
3. Holiday accommodation
4. Access and parking in accordance with approved plans
5. Details of traffic movements and construction
6. Development carried out in accordance with Preliminary Ecological Assessment

### **Key issues for consideration:**

The impact of keeping the field access open, for the use of builders/contractors during construction phase and holiday cottage users, on Highway users and Highway safety.

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### **Site Description:**

The site is to the rear (north) of Lownard Mill, and is currently a redundant kennel block, which was given planning approval in April 2015 (14/3161/14/F) for the change of use and conversion of stables into self-contained holiday accommodation. The approved parking and access was to be from the south (the access also serves Lownard Mill).

The site is open countryside but has no statutory designation constraints.

### **The Proposal:**

The proposal is for the variation of Condition 6 (Traffic Management Plan) and removal of Condition 7 (Closure of Access) of planning consent 14/3161/14/F.

### **Consultations:**

- County Highways Authority: No objection.
- Dartington Parish Council: They object to the proposal for the following reason:
  - a) Unsafe highway access/highway safety implications
- Others: None received

### **Representations:**

The proposal has received 15 letters of objection from local residents, they object for the following reasons:

- Unsafe highway access / poor visibility / highway safety implications;
- Impact from building contractor movements.

### **Relevant Planning History**

14/3161/14/F - change of use and conversion of stables into self-contained holiday accommodation – Conditional Approval 24/04/15.

## **ANALYSIS**

The existing approval is for the change of use and conversion of stables into self-contained holiday accommodation. The applicants are now seeking to variation of Condition 6 (Traffic Management Plan) and removal of Condition 7 (Closure of Access) of planning consent 14/3161/14/F.

### Principle of Development

Planning officers have no objection in principle with the use of this small building for self-contained holiday accommodation. The applicant's have now applied to vary the condition to allow the use of the eastern field access for builders during construction and for users of the approved holiday accommodation, and to remove the amount of detail required for the Traffic Management Plan. On balance, it is considered by Officers to be acceptable and would be supported by Officers due to the comments received from the County Highways Authority, in which they have no objection to this application.

### Highways

The original point of access and egress to the site was revised during the course of the previous planning application (14/3161/14/F), and it was agreed that the access, egress and parking for users of the holiday accommodation would be from the public highway to the south that currently serves Lownard Mill. The submitted drawing titled 'Application Site in Context' (dated February 2015) clearly identifies this as the approved access and parking in relation to the holiday accommodation.

The previous application (14/3161/14/F) was approved on the basis that the eastern field access would be closed due to poor visibility and highway safety implications and that the southern shared access would be used for the approved holiday accommodation. This ensured that objections received from statutory consultees and interested parties on highway grounds were either withdrawn or that it was stated that there would be no objection. This was subject to being in accordance with Highways Standing Advice, which with the revised access, it was considered to accord with.

Conditions were attached to the approved application (14/3161/14/F) requiring the submission of details identifying the point of access, egress and parking for construction workers, as well as a planning condition stating that the point of access to the east of the site should not be used for vehicular access and egress for holiday residents to the facility (in that it should only be used for the maintenance of the surrounding land for agricultural purposes only). The Applicant has submitted this application to allow the use of the eastern access for construction traffic and access to the approved converted stables/kennels with the removal of condition 7 and the reduction of required information for traffic and construction in condition 6. The Applicant states that condition 6 is over onerous in its requirement for details of construction traffic and vehicle movements for this type of development and a simplification of Condition 6, especially with the use of the eastern access, would be more reasonable. They have submitted details regarding construction traffic, location of parking and normal working hours on site (construction between hours 08.00 to 17.00 Monday to Friday and 08.00 to 12.00 Saturdays). They state that the use of the eastern access will not cause delays on the local highway network and construction traffic would be small and for a short period of time due to minor size of the approved development; and the use of the track would allow safer and easier use of the approved holiday unit, without this it would be more difficult with people of limited movement or are disabled; and that the Highway authority did not object to the use of the eastern access.

Officers have taken a visit to the site and have viewed the proposed eastern entrance, access and the surrounding connecting highway network. It is appreciated that the country lane, in which the eastern track would be accessed from, is narrow with little visibility splays available for egress of vehicles from the site. Due to this, Devon County Highways Authority were consulted and they commented that they had no objection to the variation and simplification of Condition 6 and the removal of Condition 7 for allowing the use of the eastern field access for the development (due to low volume of traffic anticipated). In the light of these Highways comments, officers consider that they would be unlikely to maintain a Refusal on Highway Safety grounds, if the application was to be taken to Appeal, without the backing of the County Highway Authority.

**Conclusion:**

Although there are concerns regarding highway safety, and objections received from the Parish Council and from 15 local residents also on highway safety grounds, however, in view of the above comments from the Highway Authority, the proposed variation of Condition 6 and removal of Condition 7 is therefore considered to be acceptable and does accord with the relevant Local and National Planning Policies. It is therefore recommended for Approval subject to relevant conditions.

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

**Planning Policy**

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

***South Hams LDF Core Strategy***

CS1 Location of Development  
CS7 Design

***Development Policies DPD***

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP15 Development in the Countryside  
DP12 Tourism and Leisure  
DP16 Conversion and Reuse of Existing Buildings in the Countryside

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

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



## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Mr Matthew Jones

**Parish:** Newton and Noss

**Application No:** 37/1621/15/F

**Agent/Applicant:**

Jon Hallett  
3 Beacon Hill  
Newton Ferrers  
PL8 1DB

**Applicant:**

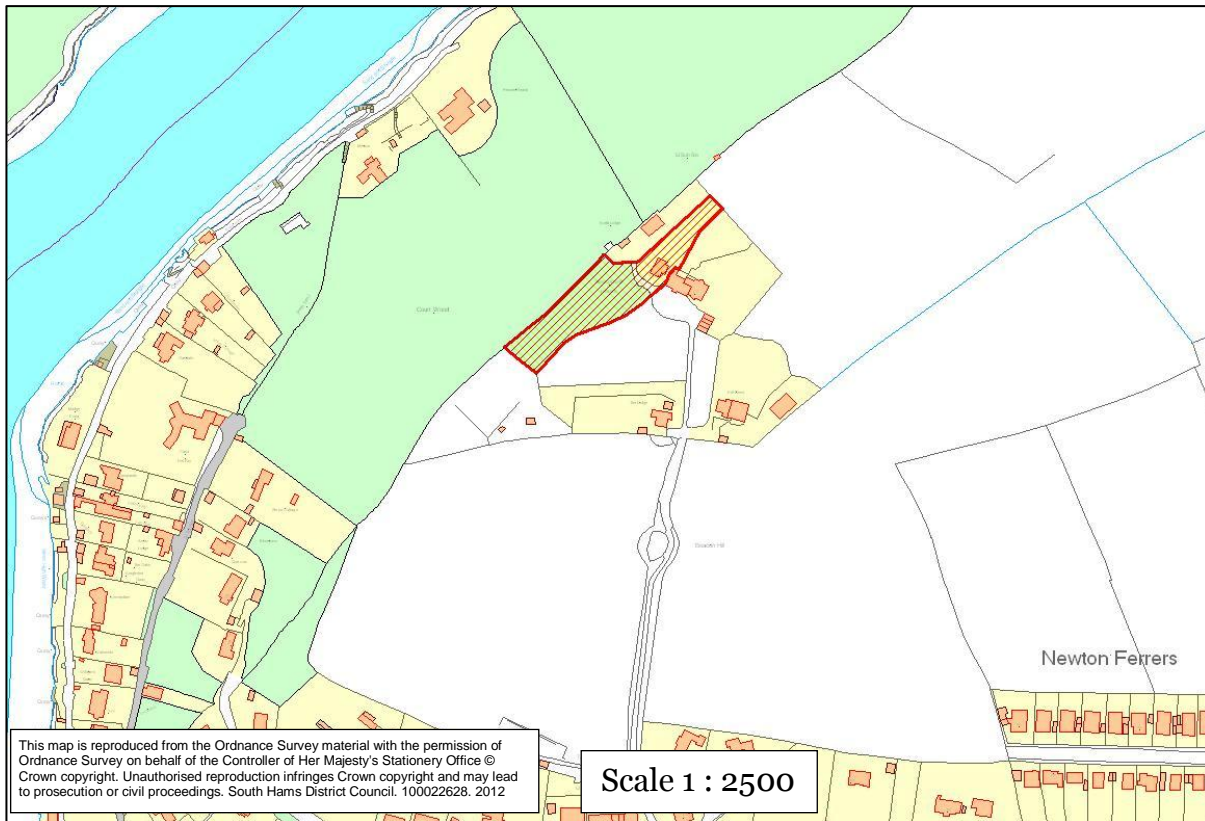
Mr S Hallett  
3 Beacon Hill  
Newton Ferrers  
Plymouth  
PL8 1DB

**Site Address:** 3, Beacon Hill, Newton Ferrers, Plymouth, PL8 1DB

**Development:** Householder application for proposed erection of a garage and boat store

**Reason application is before Development Management Committee:**

Cllr Baldry has requested that the application be determined by Development Management Committee due to concerns regarding the number of objections, overlooking and visual impact due to the development being out of keeping



**Recommendation:** Conditional approval

**Conditions**

Standard time limit

Adherence to plans

Retention of parking for boats and motor cars in perpetuity

Timber sample prior to installation

Adherence to arboricultural mitigation

To be used ancillary or incidental to main house only

**Main Issues**

The main issues are the scale and design of the proposal and its associate visual impact within the area and wider AONB and any impact on trees or the amenity of neighbouring properties.

The outbuilding is a relatively large accompaniment to the house it is proposed to serve, resulting in a level of conflict with policy DP17. However, due to the specific characteristics of the site, approvals for other large outbuildings in the vicinity, and lack of harmful relationships with neighbouring dwellings, officers conclude that there is no material reason to refuse the applications.

All issues regarding use and trees can be resolved through appropriate use of planning conditions. The application will have a neutral impact on the character of the wider AONB.

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**Site Description**

The site is within designated countryside and the wider South Devon Area of Outstanding Natural Beauty. The site is formed of a group of dwellings within and surrounding a former hotel building. Access is from the shared driveway to the south, through the village which is close by, approximately 300m to the south.

The site is within the countryside and also the South Devon Area of Outstanding Natural Beauty.

**Consultations:**

- County Highways Authority

No objection

- Newton and Noss Parish Council

Objection – due to concerns regarding scale, overdevelopment, impact on AONB, location outside of Development Boundary, neighbour impact through overlooking, other garages in area being smaller than as proposed

**Representations:**

2 letters of objection have been received at the time of writing this report. Concerns raised with the letters are summarised as follows:

- The development will lead to unacceptable overlooking of neighbouring properties
- There is no need for the building
- May become a dwelling in the future
- The proposal is too large with an unacceptable visual impact

### **Relevant Planning History**

37/0987/11/F - Householder application for demolition of existing garage and erection of new garage with music room over - Conditional approval

37/0943/15/PREHH - Preapplication enquiry for an oak framed 4 bay garage with ancillary space over – Officer Support forthcoming

### **Analysis**

Policy DP17 accepts the principle of new residential development within existing residential curtilage and the principal of development is therefore acceptable, with the applicant under no obligation to identify a need for the structure.

### **Scale design and visual impact**

This is a large outbuilding. However, it maintains a traditional, utilitarian design and, as such reads as an ancillary structure to the range of dwellings within the large converted hotel building. As with many subdivisions of a large building, there has been a proliferation over time of utilitarian domestic structures serving the number of dwellings at the site.

The proposed building is acknowledged by officers to be large. However, when considered against the hotel conversion as a whole, when mindful of other outbuildings in the area, and with the proposed simple design and use of materials, officers conclude that this will read as a subservient structure clearly serving a functional purpose in support of the domestic activities taking place within the main house. The main house itself, is also over three floors, and therefore larger than it appears simply on plan.

Weight is given to relevant site history, namely to the adjacent outbuilding, approved in 2012, which is similar in its form and maintains an incidental use at first floor level. The neighbouring structure is partially dug into the slope of the land but is a true two storey structure under a pitched roof. The currently proposed building is large but the first floor is contained within the roof and associated dormer. In addition, although comments have been raised regarding the large floor plan at first floor level, in reality this will be compromised by the pitch of the roof, with a much smaller internal usable area than suggested through consideration of only the proposed floor plan. The submitted section highlights the true level of internal usable space within this area.

The use of this area will also be controlled through planning condition. It is reasonable that, in effect, a 'pitching door' has been added if the applicant intends to store boating apparatus in relation to the boat storage within the ground floor garage.

The site is very well contained with extremely limited views in or out. As such the proposed building will have no harmful impact on the wider South Devon AONB. If glimpsed, it will appear within the context of the other built form at Beacon Hill.

Future use of the structure as self-contained living accommodation will be require further planning permission and a condition is added to this recommendation specifically restricting the use of the building to ancillary or incidental use, and the ground floor for the storage of boats and motor vehicles in perpetuity.

### **Neighbour impact**

The structure is a significant distance of approximately 40m to the nearest neighbouring bedroom window. It is over 15m from the garage outbuilding serving no.4, approved in 2012. Views towards other properties will be either similar to the existing interrelationships within the site or will be at long distance, oblique and partially screened by trees or other outbuildings. The impact of the proposal on the amenity of neighbouring properties is subsequently considered acceptable and in conformance to policy DP3.

### **Trees**

The application is submitted with an arboricultural impact assessment which concludes that it has an acceptable impact on trees within the site. Officers have considered this element and agree with its conclusion.

The comments made by third parties and the Parish Council are considered within the above analysis.

### **Conclusion**

The outbuilding is a relatively large accompaniment to the house it is proposed to serve, resulting in a level of conflict with policy DP17. However, due to the specific characteristics of the site, approvals for other large outbuildings in the vicinity, and lack of harmful relationships with neighbouring dwellings, officers conclude that there is no material reason to refuse the applications. All issues regarding use and trees can be resolved through appropriate use of planning conditions. The application will have a neutral impact on the character of the wider AONB.

For the reasons outlined above this applications considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommended for approval subject to appropriate conditions.

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

### **Planning Policy**

#### **South Hams LDF Core Strategy**

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

**Development Policies DPD**

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

**South Hams Local Plan**

SHDC 1 Development Boundaries

**National Planning Policy Framework (2012)**

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

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## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** Loddiswell

**Application No:** 32/1742/15/F

**Agent/Applicant:**

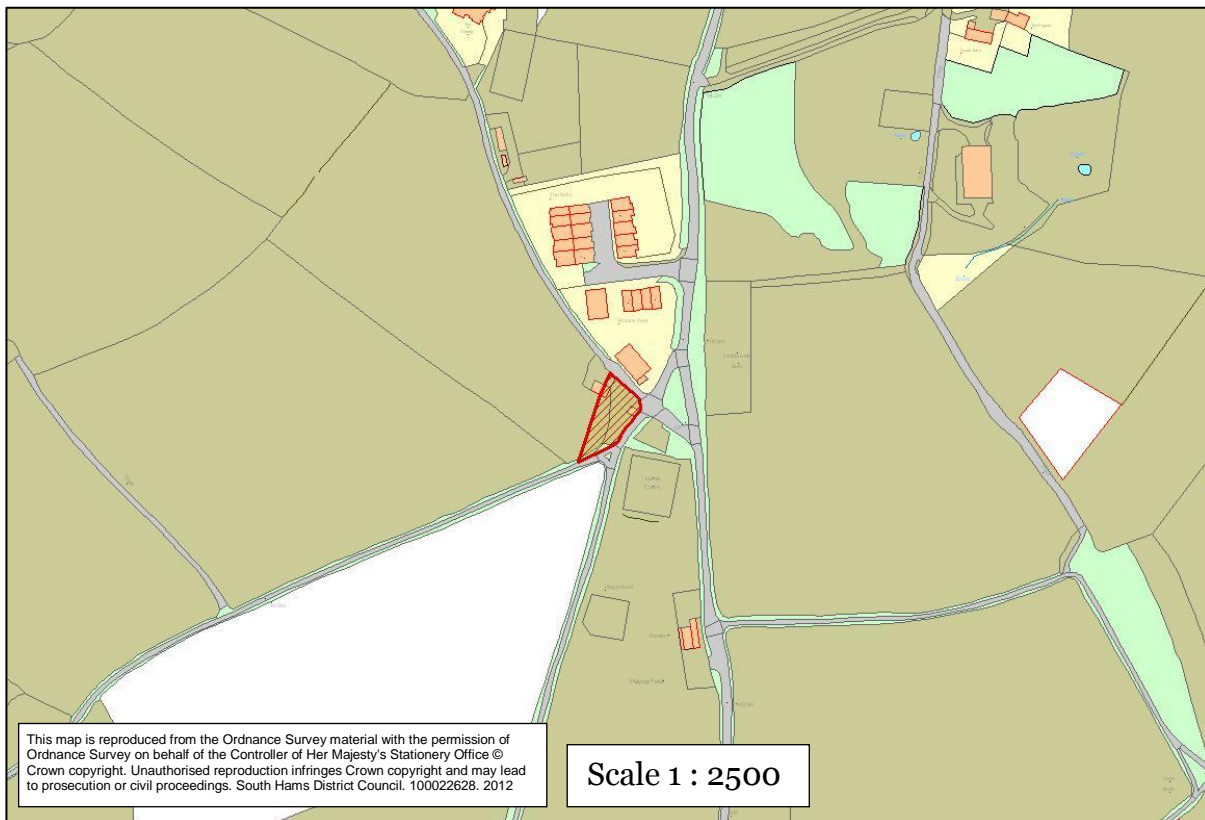
Mr & Mrs D Brooking  
Ashwood House  
Village Cross Road  
Loddiswell  
Kingsbridge  
TQ7 4SG

**Site Address:** Land at SX 718 489 adjacent to Robins Park Industrial Estate, South Brent Road, Loddiswell, TQ7 4EE

**Development:** Proposed siting of mobile home

**Reason item is being put before Committee:**

In respect of the link proposed developments will have with the industrial estate and its security needs, particularly in the light of recent events, all now a matter of police record. Also the applicant believes the drainage issue can be dealt with and that pedestrian access to the village centre does exist.



## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposal would result in unessential, unsustainable development in the countryside, isolated from any recognised settlement or local services, without demonstrable justification contrary to policies CS1, DP15 and DP17 of the South Hams Local Development Framework and the aims and objectives of the National Planning Policy Framework
2. The siting of a residential mobile home on this site is inappropriate in this location and out of character with the area. A mobile home is by nature a temporary building that is likely to deteriorate over time thus having the potential to further harm the amenity and character of the area, contrary to policies CS7 and DP1 of the Local Development Framework.
3. Insufficient information has been provided to demonstrate that the site can be suitably and adequately drained. In the absence of sufficient details it has not been shown that the proposed development can be drained without having any adverse impact on surrounding land.

### **Site Description:**

The application site lies to the south west of Robins Park industrial estate which is situated to the north of the village of Loddiswell. The site measures approximately 960 square metres and includes an existing mobile home and a recently built shed. The Local Planning Authority issued a Certificate for the Lawful use of the mobile home, shed (not the existing shed) and garden in 2009 (ref 32/0596/09). The site entrance is within the eastern corner of the plot and access is gained off two minor roads which lead off the B3196. Established hedgerows on the sites boundary help to enclose the site.

### **The Proposal:**

It is proposed to divide the current plot into two, creating a plot for a second mobile home in addition to the existing. The proposed mobile home will have a private garden and parking provision for one car. The existing access into the site will serve the existing mobile home and the proposed new mobile home. A timber fence will separate the mobile homes from the industrial estate to the north and west. The application seeks full planning permission.

### **Consultations:**

- County Highways Authority - standing advice
- Environmental Health Section - no comment
- Town/Parish Council - no objection
- Drainage – holding objection – insufficient information



## **Representations:**

None received

## **Relevant Planning History**

32/0596/09/CLE – Certificate of Lawfulness for an existing use of mobile home, shed and garden – Certified

32/0943/12/F- Erection of two new industrial buildings, parking and associated works-conditional approval.

32/2731/14/F – Erection of single dwelling to replace mobile home – Refused 14/04/15

## **ANALYSIS**

### **Principle of Development/Sustainability:**

In May 2015 planning permission was refused for the erection of dwelling as a replacement for the existing on-site mobile home. This application was refused on the grounds that this is an unsustainable location for a dwelling and because insufficient information regarding drainage has been submitted.

The existing mobile home is only authorised through a Certificate of Lawfulness.

It is now proposed to create a second dwelling on the site. The same policy issues will apply in the consideration of this application as with the application for the dwelling refused earlier this year. In that case the proposal was to replace an existing residential use, now a second dwelling is proposed.

Policy CS1 of the South Hams Local Development Framework Core Strategy, 2006 identifies settlements within which development is acceptable in principle; elsewhere development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

The proposed development site is not within, nor in convenient and safe walking distance, of any settlement identified in Policy CS1. It is not a sustainable location meaning occupants of the site would be reliant on use of the private car.

The pedestrian link referred to in the reason for bringing this application to committee is a new, unauthorised footpath which has been created without planning permission and which is currently under investigation. The footpath does not go as far as this application site, stopping approximately 170m south of the site.

Policy DP15 of the South Local Development Framework Development Policies, 2010 addresses Development in the Countryside, stating that within the countryside development will be permitted where it:

- a) it requires a countryside location and supports the essential needs of agriculture or forestry or;
- b) Meets the essential, small scale and exceptional local development needs of a settlement which cannot be met within development boundaries.

This proposed development does not meet either of the above criteria.

The National Planning Policy Framework considers development in the countryside at paragraph 55 where it states the following:

*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*

*— be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*

*— reflect the highest standards in architecture;*

*— significantly enhance its immediate setting; and*

*— be sensitive to the defining characteristics of the local area.*

None of the exception criteria set out in the NPPF apply to this development proposal.

The Ward Member has suggested in his reasons for bringing this application to committee that there is a link between this proposal and the security needs of the adjoining industrial site; the application however makes no reference to any functional link between the two sites. The existing mobile home which is understood to remain within the control of the applicant could be used if there is a need for a security presence at the site.

The principal of the proposed development is contrary to local and national planning policy.

### **Design/Landscape:**

The new dwelling is proposed as a mobile home and would be located adjacent to a second mobile home, lawful only through a Certificate of Lawfulness, not because it was ever deemed acceptable in planning terms. Mobile homes are typically used for holiday accommodation or to provide temporary accommodation, for example on farms or building sites.

While the site is well screened on many boundaries it will be visible from its access if gates are left open, as residential gates often are. The additional of a second mobile home on this

site will compound the change in character of this site to the detriment of the amenity of the surrounding area.

**Highways/Access:**

No highway issues arise

**Drainage:**

The application is not supported by sufficient information to demonstrate that surface water can be properly managed on site.

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

**Planning Policy**

*NPPF*

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP7 Transport, Access & Parking

DP15 Development in the Countryside

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

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## SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 21 October, 2015**

PLANNING APPEALS UPDATE (21-Aug-2015 to 09-Oct-2015)

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**APPLICATION NO :** 21\_27/2754/14/VAR  
**APPELLANT :** Endsleigh Garden Centre  
**PROPOSAL :** Variation of condition 2 of approval 21/2161/04/F to allow increase in the total floorspace devoted to the sale of certain goods  
**LOCATION :** Endsleigh Garden Centre, Endsleigh, Ivybridge, PL21 9JL  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 16-Sep-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 23/0041/15/F  
**APPELLANT :** A.E.Chudley & Son  
**PROPOSAL :** Application for erection of 1no. wind turbine (estimated output 0.1megawatts) with 36.9 metre hub height, 49.9metre tip height, and associated infrastructure  
**LOCATION :** Land at SX7664, 5694, Foales Leigh Farm, Harberton, Totnes, TQ9 7SS  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 16-Sep-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 15\_51/1710/14/O  
**APPELLANT :** Millwood Homes (Devon) Ltd  
**PROPOSAL :** Outline application (with details of appearance, landscaping, layout and scale reserved for subsequent approval) for a mixed-use development comprising up to 240 dwellings, employment land (up to 2.7Ha), local centre (0.4Ha), formal and informal open space, strategic landscaping, cycle path and footpath provision and associated infrastructure, served off new primary and secondary accesses at Townstal Road (A3122)  
**LOCATION :** Site Allocation DPD Proposal D1 at land adjacent to Townstal Road (A3122), West of Dartmouth  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 24-Sep-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 03/2422/14/F  
**APPELLANT :** Mr & Mrs P McGregor  
**PROPOSAL :** Erection of 1No. wind turbine (estimated output 60kW) with a 22.6m hub height, 34.2m tip height and associated infrastructure  
**LOCATION :** Proposed wind turbine at SX8312 5901, Lower Longcombe, Totnes  
**APPEAL STATUS :** **APPEAL DECIDED**  
**APPEAL START DATE :** 6-Mar-2015  
**APPEAL DECISION :** Dismissed - (REFUSAL)  
**APPEAL DECISION DATE :** 29-Sep-2015

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**APPLICATION NO :** 41/3102/14/CLE  
**APPELLANT :** Mr & Mrs T Edwards  
**PROPOSAL :** Certificate of existing use of dwelling  
**LOCATION :** Hangar Farm Bungalow, Beadon Road, Salcombe TQ8 8JS  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 1-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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# SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 21 October, 2015**

PLANNING APPEALS UPDATE (21-Aug-2015 to 09-Oct-2015)

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**APPLICATION NO :** 06/2747/14/AGDPA  
**APPELLANT :** Mr & Mrs Potter  
**PROPOSAL :** Prior approval for proposed change of use from agricultural building to dwelling (use class C3)  
**LOCATION :** Barn at SX 7801 5066 Gara Barton, Blackawton, Totnes  
**APPEAL STATUS :** **APPEAL DECIDED**  
**APPEAL START DATE :** 10-Apr-2015  
**APPEAL DECISION :** Upheld (Conditional Approval)  
**APPEAL DECISION DATE :** 06-Oct-2015

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**APPLICATION NO :** 49/2923/14/F  
**APPELLANT :** Mr G Milford  
**PROPOSAL :** Erection of new dwelling  
**LOCATION :** 2 South View, Hemerdon, Plymouth PL7 5BX  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 6-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 49/0775/15/F  
**APPELLANT :** Mr G Milford  
**PROPOSAL :** Erection of new dwelling (resubmission of 49/2923/14/F)  
**LOCATION :** 2 South View, Hemerdon, Plymouth PL7 5BX  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 6-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 30/1326/15/VAR  
**APPELLANT :** Mr S Parker  
**PROPOSAL :** Removal of condition 4 (details of privacy screens) of planning consent 30/2635/13/F for alterations and extension  
**LOCATION :** Bluewater House, Ridley Hill, Kingswear, TQ6 0BY  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 8-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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**APPLICATION NO :** 30/1322/15/F  
**APPELLANT :** Mr S Parker  
**PROPOSAL :** Retrospective householder application for provision of raised platform  
**LOCATION :** Bluewater House, Ridley Hill, Kingswear, Dartmouth, TQ6 0BY  
**APPEAL STATUS :** **APPEAL LODGED**  
**APPEAL START DATE :** 8-Oct-2015  
**APPEAL DECISION :**  
**APPEAL DECISION DATE :**

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