

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 16th December, 2015										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Steer</p> <p style="text-align: center;">Vice Chairman Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
Committee administrator:	Kathy Trant Specialist- Democratic Services 01803 861185										

- 1. Minutes** **1 - 10**

to approve as a correct record and authorise the Chairman to sign the minutes of the meetings of the Committee held on 18 November 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) 44/0800/15/F** **11 - 28**

Development of retreat for people with physical disabilities with 6no. guest pods, guest common area, owners accommodation and fitness centre (resubmission of 44/0979/14/F)
SX8088,4535, Lower Coltscombe, Slapton
 - (b) 37/1426/15/F** **29 - 44**

Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures
Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers

	Page No
(c) 37/2271/15/F Proposed temporary access from field onto Parsonage Road Field at SX 553 488, Newton Downs Farm, Newton Ferrers, Plymouth	45 - 50
(d) 05/1325/15/F Demolition of existing commercial building and replacement with two bedroom bungalow Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge, TQ7 4AN	51 - 58
(e) 28/1046/15/F Creation of new station and engine shed with track Proposed new station, engine shed and track at SX 7363 4388, Embankment Road, Kingsbridge TQ7 1LN	59 - 64
(f) 01/2131/15/F Proposed new dwelling in garden Proposed development site at 2 Dunstone Cottage, Ashprington, TQ9 7UW	65 - 70
(g) 53/2267/15/F Erection of replacement single dwelling The Cove Guest House, Torcross, Kingsbridge, TQ7 2TH	71 - 76
(h) 56/2221/15/O Outline application with all matters reserved for 8no. three bedroomed houses with 8no. parking spaces Cocos Nursery, Ashburton Road, Totnes, TQ9 5JZ	77 - 82
(i) 37/2181/15/VAR Removal of condition 6 of planning consent 37/0518/15/F (to allow owner's accommodation to be stand alone property and not tied to the site) Briar Hill Farm, Court Road, Newton Ferrers, Plymouth, PL8 1AR	83 - 86
(j) 58/2174/15/VAR Variation of condition 2 (approved plans) of planning consent 58/1431/14/F for amendments to external appearance of main dwelling Trenear, Traine Road, Wembury, Plymouth, PL9 0EW	87 - 92

(k) 56/1085/15/F

93 - 98

Demolition of existing single storey offices/workshops (B1/D1).
Erection of 5No 2 storey workplace units with associated off-
street parking and bin stores (B1)
11-20 Burke Road, Totnes TQ9 5XL

7. Planning Appeals Update

99 - 100

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

Members in attendance

Cllr I Bramble	Cllr J M Hodgson
Cllr J Brazil	Cllr T R Holway
Cllr B F Cane (pm only)	Cllr J A Pearce
Cllr P K Cuthbert	Cllr R Rowe
Cllr R C Steer (Chairman)	Cllr P W Hitchins
Cllr R J Vint	

Apologies

Cllr R J Foss (Vice Chairman)

Other Members in attendance

Cllrs Brown, Tucker and Ward

Officers in attendance and participating

Item No:	Application No:	
All agenda items		Planning Officers, Solicitor and Senior Case Manager
	07/1196/15/F 07/1197/15/O	Senior Specialist Place and Strategy Specialist - Assets
	14/1687/15/VAR	Highways Officer

DM.38/15 APPOINTMENT OF VICE CHAIRMAN

In the absence of the Vice Chairman, who had given apologies for this meeting, it was **PROPOSED** and **SECONDED** that Cllr T R Holway be appointed as Vice Chairman for the duration of this meeting.

DM.39/15 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:

Cllr Steer declared a personal interest on behalf of all Conservative Group Members of the DM Committee in the following applications by virtue of the landowner being a fellow Conservative Group Member. They remained in the meeting and took part in the debate and vote on each of the following applications:

07/1196/15/F: Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works (Phase 2a) – Development site at SX 551 523, adjacent to Venn Farm, Brixton;

07/1197/15/O: Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase b) – Proposed development site at SX 550 522 adjacent to Venn Farm, Brixton;

(NOTE: Since the above applications were considered on the morning agenda, Cllr Cane was only in attendance for the afternoon agenda items)

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:-

18/0742/15/F: Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking – Laburnum Cottage, Manor Street, Dittisham;

18/0743/15/LB: Listed Building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking – Laburnum Cottage, Manor Street, Dittisham; and

05/1325/15/F: Demolition of existing commercial building and replacement with two bedroom bungalow – Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge.

DM.40/15 **URGENT BUSINESS**

The Chairman advised that application **58/1736/15/F:** 3A Beach View Crescent, Wembury had been withdrawn from the agenda, and application **56/1085/15/F:** 11-20 Burke Road, Totnes had been deferred to a future meeting of the Development Management Committee.

DM.41/15 **MINUTES**

The minutes of the meeting of the Committee held on 21 October 2015 were confirmed as a correct record and signed by the Chairman.

DM.42/15 **PUBLIC PARTICIPATION**

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

DM.43/15 **PLANNING APPLICATIONS**

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

07/1196/15/F **Development site SX551 523, adj Venn Farm,
Brixton
Parish: Brixton**

Residential development comprising 17 dwellings with associated access, car parking, landscaping, open space and associated works (Phase 2a)

Speakers included: Objector – Mr Terry Salisbury: Supporter – Ms Laura Wilkinson: Brixton Parish Council Representative – Cllr Michael Wills: Ward Member – Cllr Dan Brown

Officer Update:

- Drainage objection withdrawn subject to planning conditions requiring:
 - A construction phase drainage plan;
 - Additional infiltration tests of one soakaway;
 - Section 106 obligation requiring a management and maintenance plan of SuDs features and establishment of a Management Company;
 - Correction on the access to the site – it was located to the South West of the site, not South East;
 - Education contribution clarified by the Officer as £23,257.11 towards sports provision at Ivybridge Town Council, plus £500 legal fees.

Recommendation: Conditional Approval

Committee Decision: That 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

Conditions:

1. Standard time limit;
2. Accord with Plans;
3. External Finishing Materials as shown on approved plans and maintained as such;
4. Stonework to be agreed and retained in natural finish;
5. Boundary Treatments as shown on approved plans;
6. Hardsurfacing, highway, footway, service routes etc. details to be submitted, agreed and implemented;
7. LEMP to be submitted;
8. Implementation of ecological mitigation measures and LEMP;
9. Details of landscaping scheme to be agreed;
10. Supervision of Ecological Measures;
11. Implementation of Landscaping;
12. Retention of Trees & Hedgerows;
13. No works to hedgerows without evidence of appropriate consents from Natural England;

14. Protection of Trees & Hedgerows and no storage of equipment etc. within root protection areas;
15. Open Space Provision, access and maintenance;
16. No External Burning of Waste;
17. External Lighting Details;
18. Details of Energy Efficiency Measures, including details of PV equipment. PV to be provided for the affordable homes unless the relevant Housing Association provides written confirmation that they will not accept PV on the properties;
19. Lifetime Homes;
20. Completion of Highways Related Works;
21. Garaging & Parking (Residential);
22. Construction Management Plan;
23. Hours of Construction Working;
24. Unsuspected Contamination;
25. GPDO Exclusion (roof alterations, boundary treatment, porches);
26. Natural slates to be used in accordance with agreed details, nailed not hooks;
27. Implementation and maintenance of agreed drainage strategy; and
28. Details of chimneys to be agreed.

Section 106

1. Affordable Housing – 4 units of intermediate sale affordable houses (plots 36, 37, 38 and 39).
2. Education – Payment of a financial contribution towards the provision of secondary education at Ivybridge Community College and secondary school transport.
3. Tamar/Yealm Estuary SACs – Payment of a contribution of £603.28
4. Sport and recreation – Payment of a contribution of £45.220 towards improved facilities for off-site sport and recreation
5. Play provision within Brixton if Phase 2b does not proceed – Payment of a contribution of £42,284 towards upgrading local play facilities if the play area shown in Phase 2b is not delivered - a trigger for this payment to be agreed.
6. Public Open Spaces, Landscape and Ecology – arrangements for the setting up of a management company or other organisation and the payment of a commuted sum of £12,000 to the Parish Council, management company or other agreed organisation for the maintenance of the public open spaces for a minimum period of 15 years
7. Provision of a permissive footpath linking the site to the Erme Plym Trail

07/1197/15/O **Proposed Development site at SX550 522 adjacent to Venn Farm, Brixton Parish: Brixton**

Outline application (with some matters reserved) for residential development of up to 17 dwellings, with associated means of access and provision of landscape buffer to south (Phase 2b)

Speakers included: Supporter – Ms Laura Wilkinson; Ward Member – Cllr Dan Brown

Officer Update:

- Phase 2b land not owned by the Council Member
- Drainage objection withdrawn subject to planning conditions requiring:
 - A construction phase drainage plan
 - Additional infiltration tests of one soakaway
 - Section 106 obligation requiring a management and maintenance plan of SuDs features and establishment of a Management Company
 - Education contribution clarified by the Officer as £23,257.11 towards sports provision at Ivybridge Town Council, plus £500 legal fees

Recommendation: Conditional Approval

During discussion, Members raised concerns over the urban feel of the proposal, design of the properties and that orientation of the properties be such to maximise solar gain, and that all of these matters be taken into account for the Reserved Matters application.

Committee Decision: That 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

Conditions:

1. Standard time limit for submission of reserved matters;
2. Standard time limit for commencement of development;
3. Access details accord with plans;
4. LEMP to be submitted;
5. Implementation of ecological mitigation measures and LEMP;
6. Supervision of Ecological Measures;
7. Retention of Trees & Hedgerows;
8. No works to hedgerows without evidence of appropriate consents from Natural England;
9. Protection of Trees & Hedgerows and no storage of equipment within root protection area;
10. Open Space Provision, access and maintenance;
11. No External Burning of Waste;
12. Details of Energy Efficiency Measures, including details of PV equipment;
13. Lifetime Homes;
14. Completion of Highways Related Works;
15. Construction Management Plan;

16. Hours of Construction Working;
17. Unsuspected Contamination;
18. GPDO Exclusion (roof alterations, boundary treatment, porches); and
19. Implementation and maintenance of agreed drainage strategy.

Section 106:

1. Affordable Housing – 5 units of intermediate sale affordable houses;
2. Education – Payment of a contribution towards the provision of secondary education at Ivybridge Community College and towards secondary school transport;
3. Tamar/Yealm Estuary SACs – Payment of a contribution dependent on final number of dwellings;
4. Sport and recreation – Payment of a contribution of £595 per occupier towards improved facilities for off-site sport and recreation; and
5. Public Open Spaces, landscape and Ecology – payment of a commuted sum to the Parish Council or other agreed organisation for the maintenance of the public open spaces for a minimum period of 15 years and a requirement to set up an appropriate organisation to manage the public open spaces, landscaping and ecology and to ensure continued access.

Informative:

1. Reserved Matters to include a housing mix that reflects local demand

14/1687/15/VAR

**Stables, Lownard Mill, Dartington
Parish: Dartington**

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

Speakers included: Dartington Parish Council Representative – Cllr Jo Tisdall;
Ward Member – Cllr Hodgson

Officer Update: The officer updated the Committee on the history of the access, and the Highways Officer gave advice on

Recommendation: Conditional Approval

Committee Decision: 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

[Cllr Brazil was not in attendance for the above application]

18/0742/15/F

**Laburnum Cottage, Manor Road, Dittisham
Parish: Dittisham**

Householder application for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

Listed building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

Speakers included: Objector – Mr John Walker: Supporter – Mrs Sharon Quinn: Ward Member – Cllr Tucker

Parish or Town Council: Dittisham Parish Council

Parish Council's View: Objection

Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit;
2. Accord with plans;
3. External finishes to extension;
4. Stonework to parking area; and
5. Unsuspected contamination.

Informative regarding protected species

18/0743/15/LB

**Laburnum Cottage, Manor Road, Dittisham
Parish: Dittisham**

Listed building consent for demolition of existing extension and construction of 2 storey extension, alterations to dwelling with associated landscaping and parking

Speakers included: Objector – Mr John Walker : Supporter – Mrs Sharon Quinn: Ward Member – Cllr Tucker

Officer Update: None

Recommendation: Conditional Approval

Committee Decision: Conditional Approval

Conditions:

1. Time limit; and
2. Accord with plans.

05/1325/15/F **Development site at SX 672 471, The Old Vineyard,
Easton, Kingsbridge
Parish: Bigbury**

Demolition of existing commercial building and replacement with two bedroom bungalow

Objector – Mr Mike Garton-Sprenger: Supporter – Mr Smith: Parish Council Representative – Cllr Cathy Case; Ward Member Cllr Ward

Officer Update: None

Recommendation: Refusal

Committee Decision: Defer the decision until a site visit has been conducted

DM.43/15 **PLANNING APPEALS UPDATE**

The COP Lead Specialist Planning advised Members of updates relating to the presented list of appeals.

(Meeting commenced at 11.00am and concluded at 4:35 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 18 November 2015

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
07/1196/15/F	Site at SX 550 522, Venn Farm, Brixton	Conditional Approval	Cllrs Steer, Bramble, Rowe, Hitchins, Cuthbert, Holway (6)	Brazil, Hodgson, Vint (3)	Pearce (1)	Cllrs Foss, Cane (2)
07/1197/15/O	Site at SX 551 523, Venn Farm, Brixton	Conditional Approval	Cllrs Steer, Bramble, Rowe, Hitchins, Cuthbert, Holway, Pearce (7)	Brazil, Hodgson, Vint (3)	(0)	Cllrs Foss, Cane (2)
14/1687/15/VAR	Stables, Lownard Mill, Dartington	Conditional Approval	Cllrs Holway, Bramble, Pearce, Cane, Hitchins (5)	Cllrs Cuthbert, Hodgson, Vint (3)	Cllrs Rowe, Steer (2)	Cllrs Foss, Brazil (2)
18/0742/15/F	Laburnum Cottage, Manor Street, Dittisham	Conditional Approval	Cllrs Steer, Holway, Bramble, Rowe, Cane, Cuthbert (6)	Cllrs Pearce, Hodgson (2)	Cllrs Hitchins, Brazil, Vint (3)	Cllr Foss (1)
18/0743/15/LB	Laburnum Cottage, Manor Street, Dittisham	Conditional Approval	Cllrs Steer, Holway, Vint, Bramble, Cane, Cuthbert, Rowe (7)	Cllrs Pearce, Hitchins (2)	Cllrs Hodgson, Brazil (2)	Cllr Foss (1)
05/1325/15/F	Site at SX672 471, The Old Vineyard, Easton, Kingsbridge	Site Inspection	Cllrs Steer, Bramble, Holway, Cane, Cuthbert, Vint, Brazil, Hitchins, Hodgson (9)	Cllrs Rowe, Pearce (2)	(0)	Cllr Foss (1)

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Slapton

Application No: 44/0800/15/F

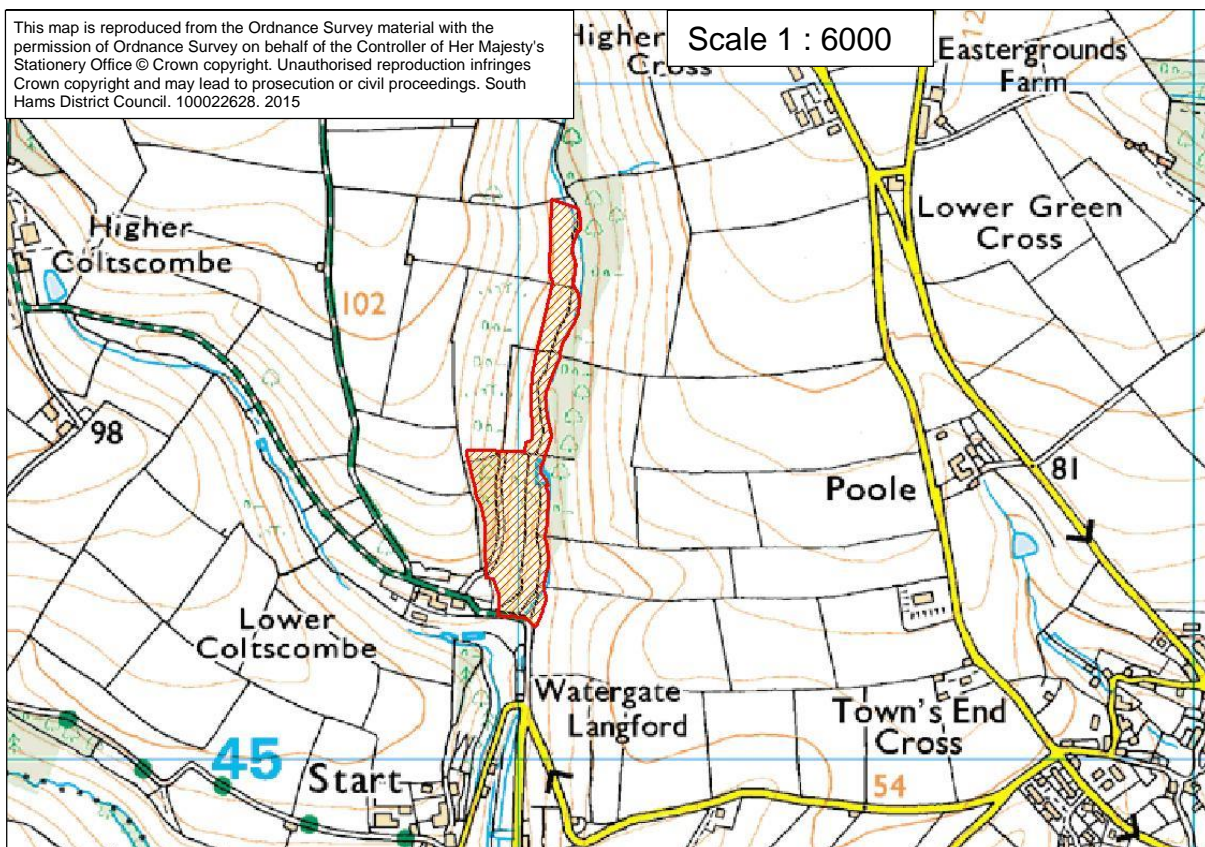
Agent/Applicant:

Mr W Costeloe
Stables Corner
Woolston House
Loddiswell
TQ7 4DU

Site Address: SX8088,4535, Lower Coltscombe, Slapton

Development: Development of retreat for people with physical disabilities with 6no. guest pods, guest common area, owners accommodation and fitness centre (resubmission of 44/0979/14/F)

Reason item is being put before Committee: Major Application



Recommendation: Conditional Approval

Conditions:

- Time
- Accords with plans
- Owners' accommodation not to be occupied until 3 pods and communal guest facilities are completed and available for use and is only to be occupied by a person(s) who are full time workers at the site or last occupied as such, their family and dependents.
- Pods – Holiday and respite use only unless otherwise agreed in writing
- Communal guest facilities to be retained as such and for no other use
- The new access bridge to be designed in accordance with the submitted FRA and details agreed with LPA
- The new access road to be fully implemented before the development is brought into use.
- No use of existing access during construction unless agreed with the LPA.
- Details of bollards or other means of enclosure at the existing site entrance to be agreed with LPA allowing only emergency vehicular access at existing site entrance. Agreed scheme to be implemented before any building is brought into use.
- The development will be served by an appropriate means of foul drainage, details to be agreed and implemented
- Prior to commencement – detailed drainage assessment to be agreed and implemented
- Appropriate licensing from Natural England prior to vegetation clearance or a statement that a licence is not required.
- Prior to commencement a Landscape and Ecological Management Plan to be approved
- Details of path lighting and other exterior lighting to be agreed and to accord with the submitted Habitat Survey
- Details of automatic window shutters to be agreed and implemented
- Construction Management Plan to be agreed prior to commencement of development.
- Submission of a detailed landscape scheme that fully integrates with the agreed Woodland Management plans and access track - to be submitted pre-commencement
- Submission of an Arboricultural Methodology Statement which addresses all construction close to trees and including the access track, bridge and pods.
- Tree Protection Plan and protection - implemented prior to any development.
- Detailed specification of internal layouts and specification of fixtures and fittings to ensure buildings are fully accessible to persons with disability, to be agreed and to be retained as such.
- Details of boundary treatments to be agreed and implemented
- Materials to be agreed
- Hard surfacing materials to be agreed
- Removal of PD rights – Part 1 and 2 of GPDO
- Pods – Holiday and respite use only unless otherwise agreed in writing
- Details of solar panels to be agreed and implemented.
- Parking layout to be agreed and implemented
- Details of refuse bins/waste storage to be agreed

Key issues for consideration:

- Sustainability
- Ecology/Trees

- Landscape Impact
- Design
- Highway Impact
- Flood Risk
- Need
- Residential Amenity

Site Description:

The application site is a woodland valley located at the northern end of the hamlet of Start, close to a group of converted barn residences at Lower Coltscombe. The village of Slapton lies approx. 1 mile to the east. At present access to the site is taken from the southern end of the site. It is proposed to provide an alternative vehicular access, across adjoining farmland to the east to link to the unclassified road that runs from Slapton to the A381 (between Townsend Cross and Lower Green Cross).

The site contains a large open sided agricultural barn at its southern end and a large pond of approx. 50m x 15m

The site is partly within Flood Zones 2 & 3 and lies within the South Devon Heritage Coast.

The Proposal:

It is proposed to build a retreat for people with physical disabilities within the woodland. This will include a substantial two storey building providing communal guest facilities on the ground floor and owners' (family) accommodation and reception on the first floor. Exterior walls will be of natural stone, the roof will be slate; it will include large decked areas facing south at ground and first floor levels.

Six guest pods will be constructed on the west side of the wooded valley, each pod provides two x one bed units which include a double bedroom, kitchen/living room, bathroom and large covered deck. It is possible to open the pods up to create two bed units. The internal layouts are spacious and with wide doorways so that they are fully accessible. The pods will be designed to include hoists, accessible baths and showers, kitchens with adjustable level countertops, wheel under sinks and stoves and easy to operate handles and switches throughout. Two high dependency units will include ceiling track hoists

The timber pods will have sedum roofs. They will emerge from the valley sides on stilts and have been located so as to minimise tree loss; no significant trees will be removed. The pods will be accessed via tracks which will wind along the valley side; the tracks will have a porous surface of gravel laid within a hexagonal honeycomb matting which is suitable for wheelchair use. The maximum gradient of the access tracks is 1:12. It is proposed to offer the use of motorised buggies within the site and each pod will have a charging point for this. Cars access is only possible as far as the car park areas.

The application has been amended such that fewer windows are now included within buildings; low lumen downlighting is proposed for the access tracks, remote controlled window shutters are proposed. These measures are intended to reduce light pollution that may affect bats in the area.

It is proposed to build a new access road giving vehicular access from the unclassified road that links Slapton to the A381. This road will run parallel to an existing hedgerow, a new hedgerow will be planted on the north side of the new road to screen it. This track will be made from rolled stone and scalplings except for one section where it is too steep for this and tarmac is required.

The access will enter the site over a new stone bridge which will be built over the stream that runs through the site.

It is stated that this facility would operate year round. It is intended as a woodland retreat for holiday, respite and transition, designed specifically to accommodate people with varying degrees of physical disability and their carers, families and friends.

This site has been selected having regard to the tranquillity and high scenic quality of the site and its surroundings, to provide a retreat setting to a large market for which it is claimed there is a clear demand and to whom such privileges would otherwise be unavailable.

Consultations:

CPRE – Object – Contrary to Policies CS9 and DP13. Roads are narrow in the area; not an accessible location.

Parish Council – Object on the following grounds:

- Policy
- Access and highways
- Ecology and Landscape
- Visual Impact

SHDC Drainage – no objection subject to a planning condition to agree the detailed drainage design.

DCC Drainage – no objection subject to a planning condition to agree the detailed drainage design

Environment Agency – No objection subject to conditions requiring the following:

- The new access bridge is designed in accordance with the submitted FRA
- The new access road is fully implemented before the development is used.
- The development will be served by an appropriate means of foul drainage

Natural England – No objection

SHDC Ecology – No objection subject to conditions requiring the following:

- Appropriate licensing from Natural England prior to vegetation clearance or a statement that a licence is not required.
- Prior to commencement a Landscape and Ecological Management Plan to be approved
- Details of path lighting to be agreed and to accord with the submitted Habitat Survey
- Details of automatic window shutters to be agreed and implemented

Highway Authority – no objection subject to conditions to require the following:

- New access road to be provided prior to occupation of any unit.
- Construction Management Plan to be agreed prior to commencement of development.
-

SHDC Landscape and Trees – No objection subject to conditions to include the following:

- Submission of a detailed landscape scheme that fully integrates with the agreed Woodland Management plans and access track - to be submitted pre-commencement
- Submission of an Arboricultural Methodology Statement which addresses all construction close to trees and including the access track, bridge and pods
- Tree Protection Plan and protection - implemented prior to any development

Representations:

177 letters of **OBJECTION** have been received which are available to view on the web site. Reasons for objection are summarised as follows:

Highway safety – increased traffic on narrow roads
Area is unsuitable for disabled visitors due to topography
Adverse impact on environment and wildlife
Aim is to obtain a new dwelling in the countryside
Routes to Slapton Ley are not wheelchair accessible
Existing tracks were created unlawfully
Insufficient detail
Health and Safety will require high levels of lighting – adverse impact on ecology
Poor design of buildings
Adverse impact on nearby AONB
Exacerbating existing problems of flooding downstream from the site.
Precedent for similar developments in the area
Lower access should be permanently closed, bollards are hard to police
Light pollution
Noise pollution
Applicant has caused spread of Japanese Knotweed
Adverse impact on character of the area
Adverse landscape impact
Footpath around Slapton Ley is often flooded or wet
Adverse landscape impact of new road
Better, flatter sites available
Loss of privacy and peacefulness of Coltscombe Court
Low demand exists for disabled facilities
No justification for 'eco' label
Road scalplings are wrong surfacing material for access road – too steep
Adverse impact of surface water run-off from new road
Tracks within site will adversely impact on trees
Retaining walls will be needed which will impact on trees
Drainage all reverts to the natural watercourse which will lead to flooding
Dangerous roads to be used by wheelchairs or motorised buggies
Lack of evidence of need for the facility in this coastal location
New road is narrow, twisting and steep
Contrary to Policy DP1 – High Quality Design

Contrary to Policy DP2 – Landscape Character
Contrary to Policy DP3 – Residential Amenity
Contrary to Policy DP4 – Sustainable Construction
Contrary to Policy DP5 – Biodiversity and Geological Conservation
Contrary to Policy DP7 – Transport, Access and Parking
Contrary to Policy DP12 – Tourism and Leisure
Contrary to Policy DP13 – Holiday Caravan, Camping and Chalet Sites
Contrary to Policy DP15 – Development in the Countryside
Contrary to Policy CS9 – Landscape & Historic Environment
Contrary to Policy CS12 - Tourism
Increase in pollution
No provision for cyclists, pedestrians or public transport
Unsustainable, inaccessible location
Guests will be dependent on the car
Underground pipes – impact on tree roots
Development should be restricted to brownfield sites
No details about storage of waste
Traffic will still pass though Slapton to get to the coast
Risk to SSSI
Adverse impact residential amenity of neighbours
Local shops and amenities not wheelchair accessible
Adverse impact on nearby Listed Buildings
Disturbance during construction
Not financially viable

44 letters in **SUPPORT** of this application have been received, comments include the following:

There is a need for this type of facility
Will benefit local economy
Devon should be accessible to all
Well thought out scheme
Innovative and beautifully designed
Previous concerns now addressed
Allows wheelchair users to enjoy a woodland and countryside setting
Inclusive facility; not hospital-like as other facilities can be.
Few facilities can accommodate whole families like this would
Woodland will benefit from management
Minimal impact on surroundings

8 letters of **COMMENT** were received

Relevant Planning History

44/0979/14/F – Development of a non-ambulatory woodland retreat with owner's accommodation and central facilities building and 8 no. woodland eco pods. SX8088, 4535, Lower Coltscombe, Slapton - Withdrawn

ANALYSIS

Principle of development/Sustainability

The application site is located outside of a development boundary, in the open countryside and within the South Devon Heritage Coast.

Policy CS1 of the South Hams Local Development Framework (LDF) identifies settlement boundaries within which the principal of development is acceptable. Elsewhere development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

At the heart of the National Planning Policy Framework, 2012 is a presumption in favour of sustainable development. Sustainable development is defined as a consideration of the following:

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes*

The NPPF goes on to say that Local Planning Authorities should *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.*

This application site does not fit the definition of a sustainable location as generally perceived as it is outside a settlement boundary without access to public transport, where visitors will be reliant on the private car. However it does meet many of the criteria of the definition of sustainability as set out in the NPPF. The facility will operate year round adding to the local economy; it will create a high quality, accessible built environment that reflects a need within the area and which supports health and social well-being. The development incorporates design principles of a low carbon footprint and offers the opportunity to secure biodiversity enhancement within the site.

Whilst the application does include many sustainable elements it is not a fully sustainable location. Exceptional circumstances should therefore be demonstrated to justify allowing this development. The applicant has submitted that the need for fully accessible accommodation for disabled people in the area is an exceptional circumstance.

Need

In support of this application the applicant has submitted supporting evidence of need for accessible holiday accommodation in the South Hams which is available to view on the web site. This evidence includes the following:

- There are around 16,000 disabled people in the South Hams.
- 9.9% of people in the South West have a mobility impairment
- Information from Tourism for All states that people did not travel or go on holiday as often as they would like for reasons including lack of suitable facilities. Tourism for All have written a letter supporting this planning application.
- A letter from the CEO of the Disabled Holiday Directory stating that there is a serious shortfall of accessible accommodation in Devon and Cornwall with 50% of enquiries being turned away. Many places listed as accessible have only limited accessibility.
- A survey undertaken by the applicant which looked at 1,362 properties in South Devon found 10 properties which were partially accessible. No accommodation offered hoists, none had accessible kitchens nor adaptable furniture.
- A review of specialist accessible holiday booking company websites showed only 3 accessible units in the South Hams.
- A review of properties listed on the Owners Direct website advertising holiday properties in the South Hams as having wheelchair access found that, on enquiry, accessibility was very limited within the properties, if possible at all.

Having reviewed the evidence submitted Officers consider that there is a clear demand for fully accessible holiday accommodation in the South Hams.

Sequential Approach to site selection

Policy CS12 recognises the importance of tourism to the economy of the South Hams and identifies a goal of becoming the premier UK Green tourism destination. This policy sets out a sequential approach to the location of new tourism facilities, favouring previously developed

land and Town Centre locations; green field development in the countryside is the least favoured option.

The applicant has submitted a statement addressing this sequential approach. It concludes that the key features of the site such as tranquillity, natural woodland setting and proximity to the coast are an essential part of the experience to be offered and this is very difficult to achieve within an established centre.

In considering this Officers have given weight to the fact that converting existing buildings to fully accessible and equipped disabled persons accommodation is unlikely to be viable. A purpose built facility such as this requires a comparatively large area of land which again is less likely to be found within a local centre and is more likely to add to problems such as congestion. Other sites may also be more visually prominent.

Officers consider that the sequential approach has been addressed satisfactorily.

Policy DP12

Policy DP12 also addresses tourism, stating that proposals for tourist accommodation will be permitted where they are

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

In the countryside proposals should:

- Demonstrate they require a rural location and cannot be sited elsewhere
- Support the objectives of rural regeneration

The proposed development complies with all elements of this policy except part a) which requires development to be located in sustainable and accessible locations.

This site is not fully sustainable in terms of accessibility. The applicant proposes to offer a shuttle service to the bus stop in Slapton but it is the opinion of Officers that the majority of visitors will use their private car. This is the most common form of transport for all types of visitors to the South Hams but where a visitor has a physical disability it is even more likely that they would use a private car. This is likely even if the site were located within or adjacent to a local centre.

Having regard to the nature of the proposed use it is considered that the isolated location is unlikely to result in a significantly greater number of car movements than if the facility were in a more sustainable location.

This fact, together with the exceptional circumstance of need, justify allowing this development as an exception to part A of Policy DP12.

Policy DP13

Policy DP13 considers holiday caravan, camping and chalet sites, stating that within the AONB and undeveloped coast, proposals for new chalet sites will not be permitted.

Outside these designated areas proposals for new chalet sites will be permitted where the following criteria are met:

- They would meet a demonstrable need
- Are of an appropriate scale in relation to their setting and would not diminish local amenity
- Sited to be visually unobtrusive
- Road network can safely accommodate any traffic
- Net environmental benefits to site as a whole will result

The application proposal does comprise a number of separate units set around a central facility and therefore could be defined as a chalet site. It is not typical of the type of chalet sites present in the South Hams at the time this policy was prepared. Caravan, camping and chalet sites are typically in open countryside where their landscape impact can be significant.

As will be discussed in more detail the landscape impact of this development would be very limited due to the site being a wooded valley.

The site is not within the AONB but is part of the undeveloped coast. The development would meet all of the criteria listed above and having regard to the special circumstance of need and its minimal landscape impact, the application is considered to be acceptable with regard to Policy DP13.

Design

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

Policies CS7 and DP1 of the South Hams LDF state that development must include high quality design which, inter alia, respects the character of the site and surroundings.

The proposed development includes the use of natural materials of timber, slate, sedum and natural stone which are appropriate within this woodland setting. The buildings will be set within the woodland and below the ridge line of the valley. The nearest building to the existing access from Lower Coltscombe is set 120m back into the site and will not be visible from the road. The existing, unattractive agricultural barn set nearer to the site boundary will be removed and the area landscaped.

Views into the site from elsewhere will be very limited. Within the site the buildings are well spaced and of an appropriate design which would offer a pleasant, rural environment for users of the facility.

The site has been designed so that it is fully accessible to disabled users, an important element of this is the internal layout and equipment within the buildings. To ensure that this facility remains available for disabled users it is proposed to add a planning condition to

require approval of the internal layout and fixtures such as kitchen and bathroom layouts and specifications, location and provision of hoists etc. and to require that these features are retained in perpetuity.

Sustainable Construction

The pods will be constructed from 172mm Structural Insulated Panels.

Underfloor heating will be powered from geothermal screw piles (in foundations) and solar PV and solar thermal and /or solar PVT

An intent is expressed to use a micro wheel to harness hydroelectric power from the stream, although no details of this have been submitted for approval

Helical (screw) foundations from the guest pods will minimise soil and root disruption.

Raised nature of the pods minimises impact on the environment and provides roosting areas.

Porous surfaces to be used for tracks

Sedum roofs proposed on pods

Additional solar PV on south facing roof slope of owners' accommodation

Landscape Character and Visual impact

The Council's landscape officer has commented as follows:

The submitted report is noted and its conclusions are broadly sound.

The proposed development site is with Devon Character Area 51 – Start Bay Coastal and Hinterland. Further inland on the plateau, the character is agricultural with some wooded valleys. These small wooded copses are a distinctive characteristic; there is also a strong sense of tranquillity and remoteness. The site is outside of the South Devon AONB and does not affect its setting.

The proposed development is located within part of a small wooded valley which is to be retained and enhanced. Within the woodland, the proposed development seeks to introduce 6 pods, an accommodation/facilities unit, and a network of 'access for all' paths. A new access track will be constructed to the east, linking across open fields and down into the site. The track will utilise existing paths within the woodland. There are more open areas within the woodland that will be utilised by the main buildings, with the pods placed strategically beneath the woodland canopies.

The site has limited visual intrusion to the wider landscape, with views constrained by the wooded nature of the steeply sloping combe. The overall impact would be limited and acceptable.

Officers are satisfied that the proposed development conserves the landscape character, and in parts will lead to enhancements to the woodland through appropriate active management and new planting. It therefore accords with relevant landscape policy CS09 and DP02.

Arboriculture and Woodland Management

The Council's arboricultural officer has commented as follows:

The relevant documents have been reviewed and noted (including amendments). The management plan will need reviewing in the context of the development as would be

expected; this should be secured within the Conditions (i.e. all updates and amendments to be agreed in writing).

A detailed landscape scheme shall secure further planting and specific details thereof. An Arboricultural Methodology Statement will be required detailing all construction when close to retained trees and in accordance with BS 5837:2012. Full details shall be submitted identifying all trees to be retained or removed for the new access track and bridge, including access track construction details within the 'no dig' principle.

Overall officers are satisfied this can be achieved by utilising the existing woodland tracks and where removal of trees is necessary, can be mitigated with new replacement planting to maintain and enhance the local character and diversity of the tree stock.

No objection is raised subject to recommended conditions.

Ecology

The latest comments from the Council's ecologist are as follows:

Dormice

Dormice were recorded within the woodland site. Due to the nature of proposal an EPS Licence will be required for the proposal to proceed. Where a proposed development would result in a Habitats Regulations offence, and an EPSL would be required, the LPA must consider whether the proposal meets the '3 derogation tests' and if the proposal would likely be granted an EPSL. The 3 tests are considered below:

- *Imperative reason of overriding public interest – The applicant puts a case (see Statement of Need) that the public interest from the development lies in the provision of accessible holiday and respite accommodation for those with disabilities. The applicant advises that there is limited provision within Devon, and particularly the South Hams. The proposal seeks to meet the need of an 'untapped market,' and to provide availability of experience and accommodation which would otherwise be unavailable. With respect to the requirements of EPS Licence applications, a reasonable case has been put forward as to the public interest in this proposal.*
- *No satisfactory alternative – A case has been argued as to why this location is a suitable one for the proposed use which meets the identified need – namely based upon its tranquillity and high scenic quality. I am not convinced that there would not be more suitable alternative locations (in terms of sites) which would not have the same impact upon dormice, however, if one accepts that this site meets the needs of the proposed use, then it is difficult to see how the proposal could otherwise be delivered at this site without some impact on dormice habitat – accordingly, there is no realistic satisfactory alternative that could meet the identified need (accessible holiday/respite accommodation) at this site with less impact on dormice.*
- *Maintenance of favourable conservation status – The ecologist advises that subject to adherence to mitigation and compensation measures outlined in the ecology report, that this 3rd test will be met. Having now seen the amended WMP, I am satisfied that requirements for dormice as outlined in the Dormouse survey read across to the WMP and that this 3rd test will be met.*

I consider that the 3 derogation tests have been met. The likely impact on dormice has been minimised through design and I consider that through improved management, and

compensation, the favourable conservation status can be maintained. The applicant has put forward a reasonable case for IROPI and no satisfactory alternative which I consider is sufficient to meet the 3 tests with respect to EPS Licensing. It would be reasonable to expect that Natural England will subsequently grant an EPSL.

Bats

My previous comment referred to loss of habitat namely along the eastern boundary. Removal of the hydropool, clarification of removal of trees and amendments to the WMP have satisfactorily addressed previous concerns.

Previously I expressed concern with respect to light spillage. Within the 11th August document, the applicant has detailed the use of remote controlled shutters to avoid light spillage on sensitive aspects, and noted the 4.5m covered terrace on other elevations. Bearing in mind the findings of the ecology survey, and the further detail supplied by the applicant, I consider that this concern is sufficiently addressed, and that it is reasonable to expect that bat use of the woodland would not be significantly disturbed (with respect to potential for Habitats Regulation offence).

Reptiles

With the removal of the hydrotherapy centre from the proposed development, I am satisfied that there is no further requirement for a detailed reptile survey.

Wildlife value

I am mindful of the significant number of comments which refer to the likely detrimental impact of the proposal on the wildlife value of the woodland. It is acknowledged that the application will impact on dormice, and accordingly will require an EPS Licence, however taking into account the proposed mitigation, compensation and ongoing woodland management, it is considered that the value of the woodland for dormice can be maintained. As discussed above, it is considered that there is sufficient mitigation now built into plans to ensure that the proposal does not adversely affect bats.

It is clear from the application that there will be some limited tree and scrub removal. However, this is in keeping with the aspirations of the WMP, and such activity is not at odds with an aspiration to bring a woodland back into sustainable management. I also note the creation of a new Devon hedgebank. While I am not in a position to state that proposal will enhance the wildlife value of the woodland, the evidence provided within the ecology surveys and WMP indicate that the proposals intend to conserve the wildlife value, and bring the woodland back into active management. I would also require pre-commencement submission and agreement of a Landscape and Ecological Management Plan which should fully detail habitat and protected species protection, creation and enhancements. The LEMP should also detail measures with respect to invasive species. On balance, I consider that the proposal is in keeping with related policy (namely SHDC Core Strategy CS10, NPPF Para 118).

No objection is raised subject to recommended conditions.

Natural England raise no objections to this application

Drainage/Flood Risk

Part of the application site lies within Flood Zones 2 & 3; none of the buildings lie within the flood zones. The application is supported by a Flood Risk Assessment and a Drainage Assessment

Local residents have raised concern about the impact of the development on flooding downstream of the site.

The Environment Agency and drainage engineers at SHDC and DCC have reviewed this development and raise no objection subject to conditions. All of these bodies are aware of the local concern about flooding

Highways/Access:

Many objections have been raised on the grounds that the development will have an adverse impact on highway safety and will cause congestion. Slapton is characterised by its narrow and winding streets and approach roads are narrow rural roads with passing places.

The original scheme for this site, which was withdrawn proposed access into the site from the existing site access at the southern end of the site. The Highway Authority objected to this on the grounds of increased traffic movements through the village of Slapton. The Environment Agency were also concerned as this part of the access road passed through Flood Zones 2 & 3.

This application proposes to close off the existing southern site access using removable bollards that would allow for emergency access if needed. A new access road is proposed from the unclassified road that runs from Lower Green Cross and Townsend Cross, north of Slapton. It will cross agricultural land to reach the middle, eastern side of the application site where a bridge will be built over the stream.

This new access road means visitors will not have to drive through Slapton or Lower Coltscombe to reach the site if coming from the A381 which is the most likely route to the site.

The Highway Authority has commented as follows:

The Highway Authority notes the reduction in Pods from eight to six and the removal of the Hydro therapy facilities from the previous planning application 44/0979/14/F. 12 rooms are proposed in total. It could be reasonable to expect at least 30% of these rooms will use shared transport on a daily basis. It is noted the applicant is now proposing a new access road, which adjoins the public highway unclassified road just south of Poole. The introduction of this access road removes the need of site users to travel through the existing poor junction at Town End Cross. However, there is no guarantee this will be the case. It is recommended the existing access is blocked to vehicle traffic associated to the new proposed use and is ideally converted into a pedestrian access only or if this is not possible a barrier system could be considered. Details of how this will be achieved will need to be submitted with the planning application.

Having interrogated TRICS 7.2.1, which is a national data base giving likely vehicle trip rates for different use classes the Highway Authority notes this evidence shows vehicle trip rates are likely to be extremely low for this type of use class. The evidence suggests that for each resident 0.2 daily two way vehicle trips will be generated. Meaning assuming each bedroom

had one resident in the proposals will generate around three daily two way vehicle movements. Having regard to this evidence, the Highway Authority feels it is very low and the Highway Authority would assume a more reasonable figure of around 30 two way vehicle trips/ day is more appropriate. This is based on a worst case of four trips per day per room minus

30% for car sharing plus 10 two way trips for staff. In the busiest two hours of the day approximately 15% of 30 trips would be added to the network meaning an extra five vehicles per hour on average would be the worst case. In terms of severity it would be difficult to argue this is severe and therefore would be inappropriate to object to the proposals on increased traffic grounds if the use of the poor junction at Towns End Cross can be removed from the equation. This assumption is now confirmed by submission of details from the applicant as to what the proposed staffing levels are likely to be.

It is accepted local concern also relates to the narrow roads which lead through Slapton Village also, however these roads are suitable to allow emergency vehicle access for the fire brigade and the Highway Authority would refer to UK legislation and notes the maximum width of any vehicle in the UK is 2.55 metres. The roads through Slapton Village will practically permit this width and hence will allow a mini bus size vehicle.

The previous junction visibility concerns are now addressed with proposals for a pedestrian only access to the south west of the site and a new access to the west of the site.

Visibility splays are now submitted and levels for the first 20m into the site.

The Highway Authority raise no objection to the application subject to conditions.

Objections have been raised in regard to the perceived inappropriateness of this site as a facility for people with disabilities having regard to the sloping nature of the valley sides within the site and the terrain in the vicinity of the site. Evidence of localised flooding of nearby roads to the south of the site has also been submitted.

Within the site access tracks will have gradients not exceeding 1:12. Motorised buggies will be available to use within the site if required or desired and the site and buildings are laid out and equipped to deal with this. The site may be slightly challenging but remains fully accessible. The South Hams is characterised by its undulating terrain which is part of what makes this such an attractive area to visit. The applicant has expressed a desire to create a more challenging, natural environment for visitors as a contrast to some other facilities that can appear clinical.

A report by an Occupational Therapist, commissioned by an objector, considered the suitability of the wider environment for people with disability, focusing on a route from the site to Slapton Ley that it had been suggested may be a possible route for wheelchair users. The report concluded that this was not safely accessible by wheelchair users. It is suggested that more detail on gradients within the site be obtained and questioned whether or not the topography challenges within the site can be overcome. The author did not have the benefit of access to the site.

A plan showing details of the gradients of the tracks within the site has now been obtained, showing a maximum gradient of 1:12 (which is the recommended maximum gradient for wheelchair users).

The applicant, who is a wheelchair user, stated that he did manage the route to Slapton Ley in his wheelchair but required assistance at one point where there are steps. Officers consider the suitability of the terrain outside the site is not a material planning consideration; the terrain is typical of much of the South Hams. If this development led to the upgrading of this walking route to improve its accessibility this would be of benefit to the wider community. The nearest coastal area to the site however, Slapton Sands and Torcross does benefit from being at road level.

With regard to the flooding of local roads within Lower Coltscombe, this will not impact on users of the development who will be using the new access out to the east.

Residential Amenity

Concerns have been raised with regard to increased noise and disturbance resulting from the development.

The nearest neighbouring property is Coltscombe Court, set approx.140m from the nearest proposed building and separated by sloping, wooded land. No facilities are proposed in the southern part of the site, closest to Coltscombe Court.

The proposed development which offers 12 bedrooms of accommodation aimed at persons wishing to enjoy the rural tranquillity of the South Hams is unlikely to cause any disturbance to occupiers of any existing residential properties in the area.

Some noise during construction is possible and it is proposed to require a Construction Management Plan to limit this.

The impact on the residential amenity of the area is considered to be acceptable and in accordance with Policy DP3

Heritage

Coltscombe Court is a Grade II Listed Building set 140m from the nearest proposed building with hillside and trees between, screening the site from the listed building. The development will have no significant impact on the setting of the listed building and would not harm the buildings special architectural or historic interest, there being no material viewpoints where the listed building would be viewed in tandem with the proposed buildings.

Conclusion

This application accords with national and local planning policy except that it is not fully sustainable being in an isolated location. Having regard to the evidence of need for this facility within the area, and the fact that users of the development are likely to already be unusually dependant on use of the private car, it is considered that the benefits of permitting this development outweigh any harm that may arise. As such it is recommended that conditional planning permission be granted.

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

Planning Policy

National Planning Policy Framework

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS12 Tourism

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Biodiversity and Geological Conservation
DP6 Historic Environment
DP7 Transport, Access & Parking
DP12 Tourism and Leisure
DP13 Holiday caravan, Camping and Chalet Sites
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.

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Newton and Noss

Application No: 37/1426/15/F

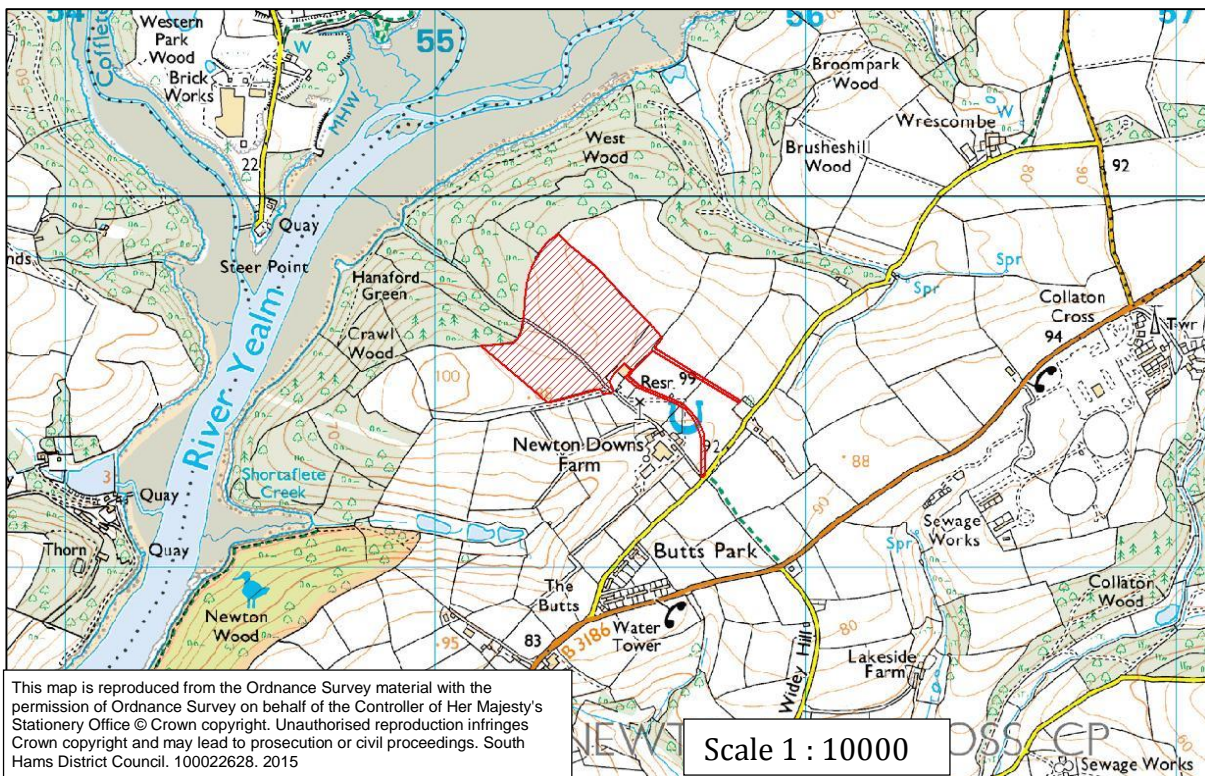
Agent/Applicant:

Good Energy Development (No.23) Ltd
Good Energy Generations Ltd
Monkton Reach
Chippenham
Wiltshire
SN15 1EE

Site Address: Proposed Solar PV array at SX 553 496, Newton Downs Farm, Newton Ferrers

Development: Temporary (30 years) change of use to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels (proposed output 5mW, site area 11.9 hectares) together with associated structures

Reason item is being put before Committee: The Ward Member has requested that the application is considered by Development Management Committee given the substantial local support



Recommendation: Refusal

Reasons for refusal:

- The proposed development would, due to its scale and nature, have an unacceptable adverse impact on the AONB. It does not, therefore, meet the tests of paragraph 116 of the National Planning Policy Framework and would result in harm to the landscape, contrary to the provisions of Policy DP15 of the Development Plan.
- The proposed development would use Grade 3a agricultural land. This is not appropriate given the provisions of paragraph 112 and 116 of the National Planning Policy Framework, which require the applicant to demonstrate that land of poorer quality and outside the AONB is not available to meet the national need for renewable energy.

Key issues for consideration

Paragraph 97 (edited text below) of the National Planning Policy Framework (NPPF) states that in pursuing the objective of helping to ‘... increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

They should:

- ... design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- ... support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; ...’

Paragraph 98 states that ‘When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy ... and approve the application¹⁸ if its impacts are (or can be made) acceptable ...’

Footnote 18 makes reference to the need to take into account other material considerations.

The proposal represents major development in the AONB, which means that it is necessary to demonstrate exceptional circumstances in the context of paragraph 116 of the NPPF and to demonstrate that the development is in the public interest before it can be approved. It is also noted in this respect that paragraph 115 of the NPPF requires that ‘great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’.

Other key issues for consideration include highway impact, neighbourhood amenity, ecology and heritage.

Site description

The site comprises two fields located to the north-west of Newton Downs Equestrian Centre, some 1km to the north of Newton Ferrers, and to the east of the River Yealm

Newton Downs Equestrian Centre is within the same ownership.

The site is classified as Grade 3a Agricultural Land, although a small area may be 3b.

The land sits within a 'bowl' in the terrain, which precludes inter-visibility in the vicinity of the site. There are no public footpaths and no public access land crossing or close to the site, the nearest being the public road some 360 metres to the east.

The B3186 is located approximately 600m to the south of the site.

The northern field faces west to south-west and falls from approximately 90 metres above ordnance datum (AOD) in the north to 75 metres AOD in the south. The southern field faces north-east and falls from approximately 85metres AOD in the south-west to 75m AOD in the north-east.

On the eastern border of the northern field are a group of modern farm buildings and enclosures. The northern and south-east boundaries are managed native hedges on Devon banks approximately 2.5 to 3m high in total.

A private farm track runs between the two fields and is overgrown. This now forms a double row tree hedge and this defines the bottom of the bowl / valley. West Wood / Crawl Wood, a significant deciduous woodland lies on the western boundary.

To the south there is a tall unmanaged native hedgerow on a bank, in variable condition, with some areas of dead elms.

The Proposal

The proposed development is to establish a solar farm producing up to 5MW of electricity on this site of about 11.9 hectares. The solar farm would be connected, largely by underground cable, to an existing electricity substation that sits some 250 metres to the east.

Drawing GE-SL-015-PL rev R06 illustrates the site layout.

This development would comprise two fields of some 8.5 hectares in total. The current grazing use would continue.

Development would include rows of mounted solar panels with three equipment cabins, substation cabins and a sub-station located close to the existing farm buildings and within the array.

The existing farm track, which leads from the public road junction to the farm, would be used to service the site and for construction traffic. The two fields will be connected via underground cabling and further underground cabling will connect the proposed

solar farm to the national grid.

A temporary construction compound would be sited on the farm.

Approximately 20,000 photovoltaic cells (solar panels) would be supported, in rows, on a metal substructure no higher than 2.7m above ground. Converted energy from the sun to DC power would be transmitted to the transformers and inverters housed within small buildings on site.

Rows would be separated by varying distances of 3 to 7 metres with panels facing due south and angled at between 20-35 degrees, as shown in drawing GE-EL-015-PL R01. The support structure would sit on poles pile-driven into the ground.

Two cabins, grey or green in colour, would house substation and other electrical equipment (drawing GE=SEI-015-PL R02) and these would be sited close to the existing farm buildings. A general storage metal cabin (drawing GE-ST-015-PL R01) would also be sited here.

Three inverter / transformer cabins, in grey / green would be located within the solar arrays and would measure up to 3m in height, raised a further 300mm on a concrete plinth (drawing GE-EL-015-PL R02). As shown on the layout plan GE-SL-015-PL R06, cabins would be distributed close to field boundaries where there are existing hedgerows with two in the valley bottom.

The applicant proposes dark green, visually permeable, mesh security fencing of approximately 2.0 metres in height to be installed around the edge of the solar arrays (drawing GE-SF-015-PL R02). This would sit no closer than 5m from the hedge line and include regular gaps at the bottom to allow mammals to pass through.

Approximately thirteen CCTV cameras would be located on poles around the site and would be coloured grey. Cameras would face inwards to overlook the site and its immediate boundaries (see drawing GE-SC-015-PL R02).

A 4m high pole with meteorological sensors and a transmission dish would be sited amongst the array.

Permission is requested for 30 years, following which the site would be restored to its current form and use.

Ecological enhancements include the reinstatement of a historic hedge line to the south of the array, reinforcement of existing hedgerows around the site and wild flower planting. The detail would be specified in a Landscape and Ecological Management Plan (LEMP). Hedgerows would be allowed to reach about 3m in height.

The installation could produce up to about 5100 mWh of electricity per year which will be fed into the national grid. This is sufficient to provide the power needs of about 1206 average households (based on 4229 kwh per home) and save about 2175 tonnes of carbon dioxide per year that would otherwise be generated through the use of traditional fossil fuels.

Construction access would be from the A379 turning south at Yealmpton onto the B3186 towards Newton Ferrers. At Butts Park large lorries would use a newly created turning circle on the west side of the main road. This would enable lorries to access the local road and, subsequently the site whilst avoid the acute corner. The provision of this turning circle is the subject of a separate planning application (reference 2271/15/F) that would be tied to this permission, if granted, to ensure its prior delivery. The creation of the turning circle would involve the removal of 6m of hedgerow. The land used for the turning circle and hedgerow would be re-instated following the end of construction activity.

During the operational phase visits would amount to 6 to 12 per year, comprising routine maintenance checks and cleaning.

After 30 years the solar farm would be decommissioned. The main activities would include removal and appropriate re-use, recycling of disposal of:

- PV panels;
- supports;
- Inverter and Transformer pre-fabricated cabin and the concrete slab upon which they are supported;
- cable and ancillary structures;
- fencing and any ancillary associated equipment; and
- temporary gravel based trackways.

The provision of a decommissioning plan would be a condition if planning permission were granted.

Consultation responses

Full details of consultation responses are available on the website. The following text provides a summary.

Devon County Council Highways Authority, in their response dated 6th July, states no objection in principle, but requests conditions should planning permission be granted.

The **Environment Agency**, in their representation dated 1st July advises that they have no bespoke comments to make on this planning application and recommend consultation with Devon County Council as the Lead Local Flood Agency.

South Hams District Council (SHDC) Drainage Engineer, in their response dated 7th July, makes no objection.

The **Devon County Council Archaeology Officer** confirms, in an email dated 6th July, that the Historic Environment Team has no comments to make on this application.

South West Water (SWW), in their response dated 29th June, advises that they have no comment or objection.

Devon and Cornwall Police Liaison Officer in the response dated 30th June, provides guidance for the applicant with respect to security and safety. The Council is grateful to receive the advice and the information has been made available to the applicant.

Natural England (NE), in their letter dated 16th July, makes no objection, but records uncertainty due to the absence of a detailed Landscape and Ecological Management Plan. NE notes the potential for ecological enhancement that solar farms offer. In a second letter dated 4th November, NE indicates that they share the concerns raised by the AONB Unit (see below).

Historic England (HE), in their response dated 21st July, advises that they make no formal comment.

SHDC Strategic Planning makes no comment.

The SHDC Ecology Officer, in their representation dated 18th August, makes no objection and recommends conditions should planning permission be granted.

The SHDC Environmental Health makes no comment.

The **AONB Unit**, in their response dated 10th August and in subsequent correspondence, and the Landscape Officer (verbally) object to the proposed development.

Newton and Noss Parish Council (NNPC) in their representation of 23rd July expresses support, but requests conditions with respect to highway safety and road condition survey / repair.

Representations

Holbeton Parish Council, in their response dated 25th July, makes no comment.

Wembury Parish Council (WPC), in their representation dated 28th July, objects on the basis of the installation being visible from Wembury Parish and the impact on the AONB.

The **Barn Owl Trust**, in their comments dated 2nd July, offer recommendations with respect to potential enhancement of habitat.

At the time of writing this Report some 11 third parties have expressed support. The reasons can be summarised:

- limited impact on AONB;
- ecological enhancement;
- not Grade 1 or Grade 2 Agricultural Land; and
- that the opportunity exists for a Community Energy Group to own the installation.

A number of the expressions of support are on the basis that the development would become a community asset. In this respect The Yealm Community Energy Group, in a

letter dated 23rd September, emphasises strong community support and confirms that they have been actively seeking a site in which to invest. This matter is discussed further in the Analysis section of this Report.

Newton and Noss Parish Council, in a letter dated 25th September, confirms support for the proposal and for the objectives of the Community Energy group.

Four third party representations, including the CPRE and the South Hams Society, object to the proposed development. The reasons can be summarised:

- Impact on AONB, protection of which is overriding irrespective of whether it can be seen or not;
- Site is visible from the AONB;
- ecological baseline and evidence of benefits is lacking
- The use of this site has not been justified as exceptional;
- Use of Grade 3a Agricultural Land;
- 30 years would effectively be permanent as permission would be renewed;
- Inadequate community consultation; and
- subsequent applications could not be refused in the AONB

Relevant Planning History

[37/1121/14/F](#) Agricultural track permitted; and
[37/0784/14/F](#) extension to barn permitted.

ANALYSIS

Principle of Development

The National Planning Policy Framework (NPPF) states that the purpose of planning is to contribute to the achievement of sustainable development. This can be judged through consideration of the social, economic and environmental dimensions.

As established in the section of this Report titled 'key issues for consideration', paragraph 97 of the NPPF challenges all communities to contribute to energy generation from renewable sources; and that in making decisions on applications an LPA should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and approve the application if its impacts are (or can be made) acceptable. The judgment is to be made with a balanced assessment of material considerations and ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.

The proposal represents major development in the AONB, which means that is necessary to demonstrate exceptional circumstances in the context of paragraph 116 of the NPPF and to demonstrate that the development is in the public interest before it can be approved.

The AONB Unit draws attention to the interpretation given to the word 'exceptional' in the High Court¹ as meaning rarity, such that major development should only rarely be permitted in an AONB, and only when fully justified by meeting all the three tests set out in policy 116.

In this respect the AONB Unit highlights that in addition to the consideration of the impact on the AONB and the objectives of protecting it, a key consideration of paragraph 116 is to ask whether there a better alternative site that the applicant could use and whether the particular development must be sited at this particular AONB location.

The following analysis first considers the tests of paragraph 116 and then considers the balance of sustainability, before concluding with respect to the balance of planning considerations.

Exceptions test (paragraph 116 of the NPPF)

The AONB Unit advises that in making a judgement with respect to the tests of paragraph 116, regard should be had to the general statutory duty relating to Planning in an AONB:

'Local Planning Authorities are obliged under section 85 of The Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing natural beauty when discharging any function affecting land within an Area of Outstanding Natural Beauty.'

The three tests are, in summary:

- need for the development;
- whether the development can be provided elsewhere or by other means; and
- impact on the environment.

It is considered inherent to these tests, and given that the proposed development is to deliver renewable energy, that if they are met, the proposal would be in the public interest.

The first test is met by virtue of the provisions of paragraph 98 of the NPPF.

The second of the three tests requires an assessment of the scope for developing elsewhere outside the designated area. In this case, there is indeed scope for developing a solar generation facility outside the AONB and there are numerous examples where this is already happening: in addition to the new large commercial solar farm at Balls Wood north of Brixton, there are also several solar arrays constructed or approved in the area west of Totnes, including Blakemore Farm, Marley Thatch Farm, Blue Post, South Downs Dartington, and Coombeshead Farm; as well

¹ The judgement quashing the planning permission granted by Cornwall Council for a housing scheme in the Cornwall AONB at Mevagissey - High Court Queens Bench Division Bristol citation number 2013/EWHC/3684 (Admin)

as at Lower Langage Farm, at Hemerdon. Given this pattern of current development outside the AONB, there is clearly no reason why major development of commercial scale solar generation installation is justified within the AONB location. The AONB Unit considers that the application should be refused on this basis.

The applicant has, however, provided evidence that the electricity grid is constrained in this part of the District. It is also the case that the desire of the farmer / landowner to improve the environmental credentials of their business should carry some weight as should the benefit to farm diversification.

The applicant considers that National and Local Plan policies encourage the use of such sites for renewable energy, and this proposed solar development will provide a significant contribution towards Devon's renewable energy production and the 15% target set for the year 2020.

The Yealm Community Energy Group has provided further justification for the development in their representation to the Council, which states that they have been seeking a suitable installation in the locality that can be purchased and owned by the community.

The applicant has submitted an 'Alternative Sites Assessment', which includes a comprehensive consideration of the reasons why the site has been selected. The applicant has also provided, confidentially, evidence that the cost of connecting to the grid at the point of connection offered by the District Network Operator (DNO), requires that if the solar farm needs to be of a large scale. The assessment of alternatives also expresses the opinions that:

- the National Grid is constrained across the South Hams and neighbouring areas;
- connection is available at the site;
- there is no previously developed land available within a reasonable distance that could be connected economically to the point of connection that is available;
- Grade 3 land is not a scarce resource locally and sheep grazing is an appropriate use; and
- the Impact on the AONB is limited

It is the conclusion of the DM Specialist that the applicant has demonstrated that alternative means of delivering renewable energy at this location are limited and that land that would have a lesser impact on the AONB and could be connected economically is not currently available to them. This does not, necessarily, mean that planning permission should be granted and this matter will be considered in the balance later in this Report.

A key matter for consideration with respect to the third test is the potential harm to landscape character and AONB special qualities. It is the opinion of the AONB Unit that the proposed development is wholly incompatible with the landscape character of the AONB and in particular damages the defining characteristics that led to its designation as an AONB.

The Council's statutory AONB Management Plan (revised and adopted 2014) lists the following distinctive characteristics that define the AONB and its sense of place. There is a clear emphasis on the extent and continuity of agricultural and pastoral land, and undeveloped landscape perceived as timeless and natural:

Fine, undeveloped, wild and rugged coastline (p70)

- The scale, extent and continuity of fine undeveloped coastline that provided the primary reason for the AONB designation remains a finite and critically important national asset in its own right today.
- A largely undeveloped coast where limited development is restricted to historic coastal settlements.

Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses (p71)

- Extensive entirely undeveloped areas of the middle estuaries and smaller creeks.
- Development restricted to historic settlements in sheltered locations close to estuary mouths, or at inland tidal extremities.

Deeply rural rolling patchwork agricultural landscape (p72)

- The patterned mosaic of predominantly small fields and Devon hedges reflects centuries of harmonious human involvement working in and shaping the landscape.
- Predominantly mixed farming with pasture on the steeper slopes.
- Arable cultivation on flatter areas with larger field systems.

Iconic wide, unspoilt and expansive panoramic views (p74)

- Open and uninterrupted panoramic views from high ground offer a real sense of remoteness, wildness and scale. They are a resource of exceptional value.
- Vantage points with views that only contain natural features that are consistent with landscape character represent a diminishing, highly valued resource that is very highly regarded.

The applicant's landscape appraisal acknowledges that the landscape value is high, that the landscape condition is good, and that the level of sensitivity is high. The applicant's assessment of the impacts of the development, focusing on visibility from certain public viewpoints, is considered by the AONB Unit to be too narrow in its scope and does not properly address the impact on the intrinsic character and integrity of the designated landscape itself.

The AONB Unit emphasises that the first policy in the Council's adopted statutory AONB Management Plan reads: The special qualities, distinctive character and key features of the South Devon AONB landscape and seascape will be conserved and enhanced (page 19). The installation of a large industrial scale energy generation facility diminishes the integrity of the AONB landscape as a resource of national significance. It is incompatible with AONB landscape character and purpose.

It is important to recognise and appreciate the significance and integrity of the landscape pattern as a whole in this area. The Devon Historic Landscape Characterisation mapping indicates that this site is part of a wider 15th-18th Century

field pattern based on an earlier medieval field system, with adjoining medieval enclosures and Ancient Woodland. There are few visible buildings and structures in the landscape apart from farmsteads and village settlements. The solar panels would fail to conserve the largely undeveloped and intact historic character of the landscape by introducing a wholly discordant modern built form into the landscape, and bringing an urbanising feature into a largely unspoilt part of the designated landscape.

The Planning Inspector's appeal decision dismissing an application for a very small (20 panel) solar installation within the Dartmoor National Park (Appeal Ref: APP/J9497/A/12/2170199 Oxenham Manor, South Tawton, Okehampton) emphasises the importance of intrinsic landscape character, even in cases where public visibility is restricted:

"8. The Authority submits that the statutory purpose of the National Park, which is to conserve its natural beauty, extends to a consideration of the effect of development on the fundamental character of the protected area; I agree."

"9. In this context the solar panels would fail to conserve the largely undeveloped character of the landscape."

The current application asserts that, because the development can be seen from relatively few public viewpoints, it is therefore not harmful. However, the Court of Appeal considered this issue at length ([2011] EWCA Civ 203) and the appeal judges held that:

"21. ...the landscape's intrinsic beauty will or will usually be diminished by a harmful development whether it can be seen or not. I accept (the) submission that the intrinsic character of the landscape is not to be confused with visual impact."

The development will not be totally screened from view. The inter-visibility of the application site with the Balls Wood solar farm is instructive in this respect. Even fleeting and distant views across towards the Balls Wood site clearly show how that landscape character has been changed by the intrusion of extensive manufactured panels into an otherwise pastoral landscape.

The AONB Unit concludes that, in their opinion, the 30 year temporary change of use does not reduce the severity of the likely impact.

It is the case, however, that solar farms have been permitted outside the District even where they are visible and it is notable that the submitted LVIA demonstrates that even in winter, there would be 'no effect on the visual amenity of the wider landscape as perceived from public vantage points.' It is also the case that the development of a solar farm would contribute to wider objectives of the South Devon AONB Management Plan.

The final paragraph in the LVIA concludes that 'The proposal would not be a highly visible, dominant feature in the landscape and would not impact on the key characteristics of the landscape. As a consequence it is considered that the proposed

solar farm at Newton Downs could be effectively assimilated into the existing landscape'. It is agreed that the impact would be limited, but the advice of the AONB Unit is that the installation would harm the intrinsic value of the AONB.

Site visit has indicated that a very small portion of the site may be visible from a permissive way on the west side of the River at a distance of some 2km. There are no other public views. In this respect it is to the credit of the applicant that whilst capacity exists to feed more energy into the grid the size of the site has been reduced to avoid visibility from properties at Butt Lane and from the bus stop at Collaton and properties at Collaton.

The applicant has assessed the cumulative impacts of the proposed development in terms of other local renewable schemes, both proposed and in place. Whilst it is possible to see other installations from the site, it would not be possible to see the proposed development from a public vantage point in the same vista as another installation. There are not, therefore, considered to be any adverse impacts from this proposal in this respect.

Sustainable development

Social

The social benefit of the delivery of renewable energy is considered to be substantial. This is consolidated by the offer of the applicant to enter into a s106 Agreement to require the Developer and a Community Entity to enter into an option agreement allowing the Community Entity to call for the Developer to sell the site to the Community Entity on pre-agreed terms, including that the value of the project would be determined based on an independent valuation to reflect a fair market rate.

The Community Entity's call option would expire three months after the development was completed.

If the purchase cannot be agreed between the parties or if a Community Entity is unable to or chooses not to exercise its call option under its terms, Good Energy would make an annual community contribution.

Environmental

There are no heritage buildings or assets in the immediate vicinity of the site and none would be directly impacted.

It is feasible that the entrance to the solar farm on the north east edge of the northern field could be seen from land at Wrescombe Farm, a Grade II Listed Building to the north. The applicant is, however, proposing landscape planting at this location to ensure there would be no inter-visibility with the solar farm.

With respect to the test of paragraph 126 of the NPPF and of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is considered, therefore, that the setting of heritage assets would not be affected.

By moving to a less intensive form of farming with a management regime to support biodiversity it is considered that ecological benefits can accrue.

It is noted that the Ecological Survey finds that the biodiversity interest generally lies within the surrounding hedgerows, which would be retained. The fields contains, however, some 0.4ha of grazed low value semi-improved, species-poor grassland that would be lost.

The Ecological Survey advises that the hedgerows are to be retained and protected during and after construction, by appropriate buffering. It is the view of the Ecology Specialist that it is reasonable to consider that the impact of the proposal on protected habitats and species is limited. The vicinity to the Plymouth Sound and Estuaries SAC is noted, however, no likelihood of significant effect is anticipated.

The ecology Specialist considers that the proposed development has the potential to secure a biodiversity gain. However, as noted in the Natural England response, details are currently limited with respect the current height of hedgerows (and therefore whether maintaining at a height of 2m is an improvement), and there may be potential for improving the ground flora further (Natural England suggest stripping the perennial ryegrass and resowing with native species-rich grassland). The Barn Owl Trust also makes suggestions with respect to management regimes to ensure a beneficial rough grassland habitat for Barn Owls.

There is sufficient information provided to give confidence that the biodiversity value of the site can be conserved and enhanced (and accordingly, the proposal is in line with policy), however, it is clear that a pre-commencement Landscape and Ecological Management Plan will need to provide significantly more detail on existing hedgerows, and proposed habitat creation and management taking into account Natural England suggestions.

It is noted that an historic hedgerow would be re-instated at the southern end of the site, which would have ecological, landscape and heritage benefits.

Landscape matters have been discussed earlier in this report and will be further considered in the conclusions.

A LEMP and Construction Environmental Management Plan would be conditions if planning permission were granted.

The site is Grade 3a Agricultural Land. Where alternative land is available that is wither previously developed or of a lower agricultural grade this should be used in preference. In considering alternative sites, the applicant has illustrated that Grade 3a land is a plentiful resource in the locality. Furthermore, agricultural use would continue in the form of sheep grazing. On balance, it is considered that the use of Grade 3a land weighs against the proposed development.

Economic

The economic benefit of the delivery of renewable energy is considered to be

substantial.

The applicant and landowner have stated that the development seeks to provide a secure income to support viability of farming operations. In this respect the proposed development would need to accord with the principles of policy CS13, which supports diversification of the rural economy where:

- it is compatible with its location and setting and will cause no unacceptable harm to the surrounding landscape or historic and cultural heritage;
- ... new replacement buildings must be well related to existing buildings, of an acceptable scale and blend satisfactorily into the landscape;
- complementary to and not prejudice the agricultural operations on the holding;
- would result in injection to the finances of the farm, which could be used to further to farms' core business being agriculture, so being complementary to the agricultural operations on the farm holding.

The proposal meets all the above tests other than with respect to the impact on the AONB, which is discussed earlier in this Report.

Given that the installation would barley be visible, it is not considered likely that there would be any adverse impact on tourism.

Other matters

The Highway Authority does not object and recommends conditions:

1. Prior to commencement a swept path analysis and topographical survey of the junction of the B3186 and the unclassified road leading to the site shall be undertaken and submitted to the Planning Authority for approval;
2. Details of wheel washing on site facilities shall be submitted prior to commencement of the site;
3. A road condition photographic survey report shall be undertaken with the presence of the Highway Authority prior to commencement of the site.

Conditions would require a road condition survey prior to and after construction, with any damage repaired.

Despite the absence of an objection from the Highway Authority and in recognition of public concern, the applicant would enter into a s106 Agreement requiring the provision of an HGV turning circle (temporary) at Butts Lane (link planning application 2271/15/F).

A Flood Risk Assessment and drainage strategy has been provided. This is considered to address this matter and the measures described would be a condition if permission were granted.

Consideration has been given to the impact on neighbour amenity. Noise and other disturbance would occur during the construction phase, but it is considered that this can be controlled to an acceptable level, given its temporary nature, by a condition requiring a Construction Management Plan.

The possibility of reflection and glare affecting sensitive receptors, namely residents and walkers / riders, has been considered. In view of the lack of visibility of the arrays, no adverse impact is likely.

Strong community support has been expressed, including the Parish Council and a local Community Energy Group. Paragraph 97 of the NPPF states that all communities should contribute to energy generation from renewable or low carbon sources; and that local planning authorities should support community-led initiatives. The NPPF and Guidance suggest that development such as this could be taken forward through neighbourhood planning. Whilst there is strong local support, it is considered, therefore, that this has some, but not substantial weight in favour of the development.

The Council is mindful of the content of the Localism Act 2011. The objections raised in respect of this application have also been carefully and objectively taken into account in forming a recommendation to Committee.

Planning Balance and Conclusion

In favour of the proposed development it is noted that visibility from public vantage points would be limited to a permissive footpath at a distance of some 2km to the west; that there is strong and clear community support; and that benefits would be likely to accrue with respect to biodiversity.

Furthermore, the grid is constrained at this location and the combination of the justification of the farmer to diversify and reduce environmental impact of their business with the relatively high cost of connection, means that there is significant weight to justify approval of the proposed development.

The applicant has responded well to advice from the Council is, firstly, reducing the size of the array before submitting an application and, subsequently, siting ancillary buildings more sensitively. The applicant has also proposed a better access arrangement by providing the means to approach Butts Lane from the south rather than the north. Finally, the applicant has committed to selling the installation to a local energy group, if the finances can be raised.

The land is Grade 3a, which is not a scarce resource locally and sheep grazing is an appropriate use. With the impact of restricting agricultural use limited to 30 years it is considered that this factor weighs against the development.

However, the AONB Unit, Natural England and the Landscape Specialist are in agreement that the application should be refused since the proposed development does not meet the exceptions test of paragraph 116 of the NPPF. Specifically, the AONB Unit considers that the pattern of solar development in the District has established that there is no need to use land within the AONB; and that the installation of a large industrial scale energy generation facility diminishes the integrity of the AONB landscape as a resource of national significance. It is concluded, therefore, that the proposed development is incompatible with AONB landscape character and purpose. For these reasons the recommendation is that the application is refused.

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

CS13 Farm Diversification

NERC Act 2006, NPPF Para 14, 97, 115, 116

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

NPPF

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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.

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

PLANNING APPLICATION REPORT

Case Officer: Thomas Jones

Parish: Newton and Noss

Application No: 37/2271/15/F

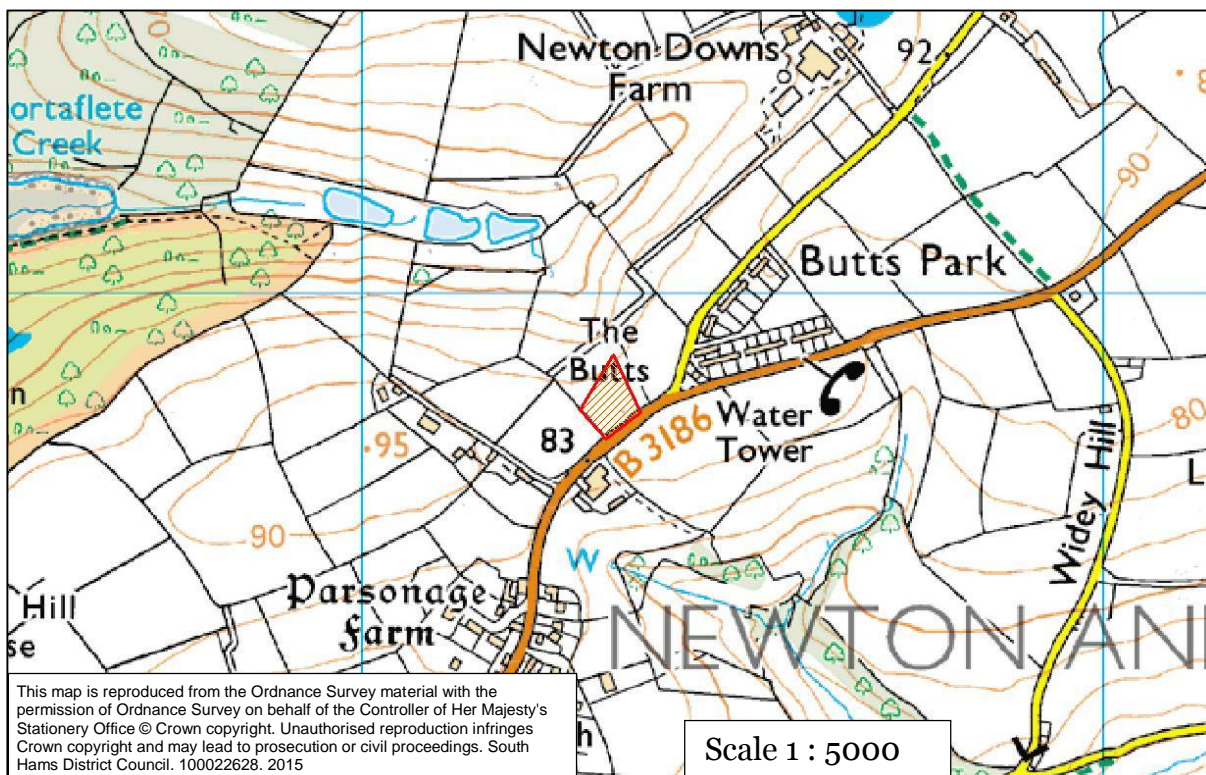
Agent/Applicant:

Good Energy Development (No.23) Ltd
Good Energy
Monkton Road
Chippenham
SN15 1EE

Site Address: Field at SX 553 488, Newton Downs Farm, Newton Ferrers, Plymouth

Development: Proposed temporary access from field onto Parsonage Road

Reason item is being put before Committee: The Ward Member has requested that the application is considered by Development Management Committee given the substantial local support.



Recommendation: Refusal

Reasons for refusal: The proposal for a solar farm, the approval of which would necessitate the construction of this turning facility for HGVs is recommend to be refused. The need for this development is, therefore, not established. It is inappropriate development in and that would harm the character of the countryside.

Policy CS9, Policy CS10 and Policy DP15

Key issues for consideration

- Need for development
- Landscape character
- Biodiversity

Site description

The application site is an agricultural field that borders Parsonage Road (B3186) which is situated in the northern part of Newton Ferrers and just south of Butts Park.

Access is currently via a narrow farm gate. The existing access is located where visibility splays are obscured by roadside vegetation and the bend and dip in Parsonage Road further towards the south.

Surrounding land is generally agricultural, with farm buildings and isolated residential properties.

There is a roadside pavement on the opposite (eastern side) of Parsonage Road to the proposed access. The access is within a 30MPH zone.

The Proposal

A new access would be created into the field.

Temporary metal sheets / boards would be lain on the grass to support large vehicles as they turn and exit, through the newly created access and turn left.

Construction traffic would approach from the north on the A379, turning south at Yealmpton onto the B3186 towards Newton Ferrers. At Butts Park large lorries would use this newly created turning circle on the west side of the main road. This would enable lorries to access the local road to Newton Downs Farm, avoiding the need to attempt to turn right at the acute corner at Butt Park.

The creation of the turning circle would involve the removal of 6m of hedgerow. The hedgerow and land used for the turning circle would be re-instated following the end of construction activity.

The solar farm (subject to planning permission 37/1426/15/F) is to be built on land at Newton Downs Farm which is accessed via a narrow lane off Parsonage Road. A Construction and

Transport Management Plan (CTMP) accompanied 37/1426/15/F planning application when it was submitted in July 2015. This provides details of the proposed route of the construction traffic. Construction traffic mainly consists of light vehicles and vans, but also of various sizes of lorry.

Consultation responses

Full details of consultation responses are available on the website. The following text provides a summary.

Devon County Council Highways Authority, in their response dated 3rd November, There are no objections in principle to the formation of a temporary access in the location shown. Although the plans and supporting statement say a 2.4 metres by 90 metres sight line is available in both directions, it is not available due in the trailing traffic direction due to the vertical alignment of the carriageway. It is possible to see greater than 43 metres in this direction though, which is an acceptable visibility for the 30 mph speed limit that prevails.

Conditions are recommended to be imposed on any planning permission granted:

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 20 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway

Newton and Noss Parish Council (NNPC) in their representation of 16th November supports the application subject to the following:

- Work conducted during the winter months while the hedgerow plants are dormant;
- Hedgerow plants cut back to approximately 1 to 1.5m cube;
- An excavator with suitable large bucket would dig the hedge from the ground, scooping the surrounding soil and keeping the hedgerow rootball intact;
- The excavated hedgerow would be planted in a purpose dug trench – the ‘temporary receptor site’. This will be dressed with compost with a nutrient level to suit;
- During the usage of the construction access, the hedge would remain in its translocated site and will be monitored and watered and fed to sustain it for the period;
- Once the turning circle is no longer required, the hedge will be reinstated, suitable compost added to its original location to help ensure the roots take and the plants establish; and
- Monitoring to be part of the landscape and ecological management plan with any of the return plants that do not re-establish replaced with hedgerow whips

Representations

None.

Relevant Planning History

None.

ANALYSIS

Principle of Development

The proposed solar farm (application reference 37/1426/15/F) at Newton Downs Farm would be accessed via a narrow lane off Parsonage Road.

If permitted the use of a right turn at the water tower at Butts Park would prove a difficult corner for large vehicles to negotiate. The solution of the applicant is to use a field on Parsonage Road to allow vehicles to change direction and approach the turning from the south and in a safer manner.

If the solar farm were permitted the limited and temporary harm to landscape and biodiversity (see below) is likely to be acceptable. The recommendation is, however, to refuse the application for the solar farm, making this development unnecessary and the associated, minor harm unacceptable in the context of Policies CS1 Location of Development, CS9 Landscape and Historic Environment and CS10 Nature Conservation.

Considerations

A Construction and Transport Management Plan (CTMP) accompanied the planning application when it was submitted in July 2015. This provides details of the proposed route of the construction traffic. Construction traffic includes various sizes of lorry, including up to 15.4m long.

The difficulty that has been identified in the haul route is the sharp left turn north from the B3186 at the location of the water tower into the minor (unnamed) lane.

The location of the access is approximately half way between the existing field access and the lane adjacent to the Water Tower. At this point, Parsonage Road is straighter and so the 90m visibility splay can be easily achieved.

Within the site, temporary boarding will be laid down on top of the ground which will allow heavy vehicles to drive over and turn around so that they leave the site in a forward gear. This should ensure that no mud or earth will leave the field on tyres and become deposited on the highway.

The hedge, that would need to be removed will be inspected by a consultant ecologist prior to its removal to ascertain if there are birds or dormice present. If they are present, then the proposed development will cease until an appropriate time when the ecologist instructs that work can hence proceed.

A new hedge will be planted in the first growing season following the cessation of use for the access. The hedge planting will be in accordance with the planting schedule as detailed on drawing GE-SL-015-PL R04.

The proposed access is temporary and will be in existence only whilst the construction of the nearby solar farm takes place. This will be for approximately 15 weeks.

Replanting of the hedge would be undertaken in the first growing season as described in the planting schedule on drawing GE-SL-015-PL R04).

Other matters

No other matters have been raised.

Planning Balance and Conclusion

If the solar farm were permitted the limited and temporary harm to landscape and biodiversity (see below) is likely to be acceptable. The recommendation is, however, to refuse the application for the solar farm, making this development unnecessary and the associated, minor harm unacceptable in the context of Policies CS1 Location of Development, CS9 Landscape and Historic Environment and CS10 Nature Conservation.

South Hams LDF Core Strategy

CS1 Location of Development

CS9 Landscape and Historic Environment

CS10 Nature Conservation

NERC Act 2006, NPPF Para 14, 97, 115, 116

Development Policies DPD

DP7 Transport, Access & Parking

DP15 Development in the Countryside

NPPF

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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.

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

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Bigbury

Application No: 05/1325/15/F

Agent/Applicant:

Derek Butler
Derek Butler Designs Ltd
Hext Hill Cottage
Torr
Brixton
PL8 2BD

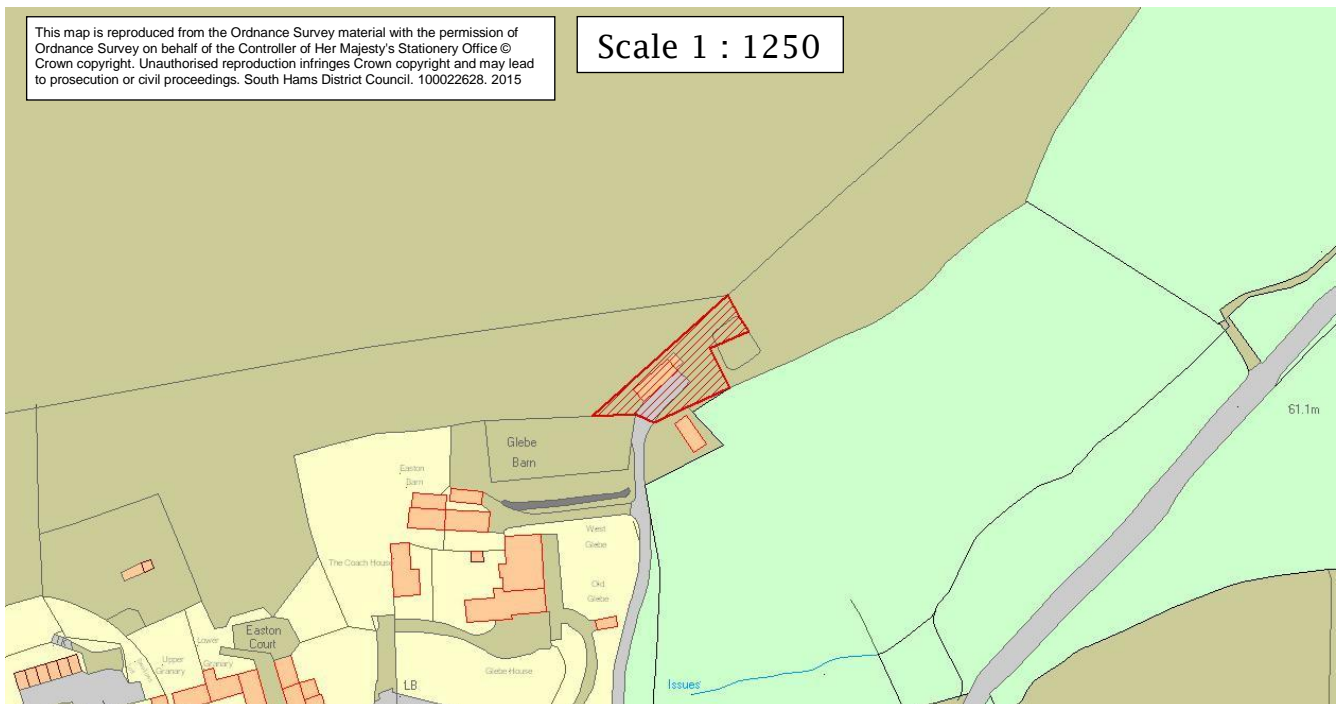
Applicant:

Mr & Mrs R Smith
67 Elford Crescent
Colbrook
Plymouth
PL7 4BT

Site Address: Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge, TQ7 4AN

Development: Demolition of existing commercial building and replacement with two bedroom bungalow

Reason item is being put before Committee: At the request of Cllr Ward, who wishes the Committee to consider making an exception to policy in this instance.



Recommendation: Refusal

Reasons for refusal

- The proposed development would result in unessential and unsustainable development within a remote location within the countryside, isolated from any defined settlement or local services and without demonstrable justification is contrary to policies LDF CS1, DPD DP15 and the National Planning Policy Framework.

Site Description:

The application site, The Old Vineyard, is located within the historic hamlet of Eastern which lies approximately 0.7KM south east of St Anns Chapel, 0.8KM north east of Bigbury and 2KM west of Aveton Gifford. The site occupies an elevated position on the north eastern edge of the hamlet, with a number of dwellings located to the south west including the Grade II listed Glebe House.

The site itself is essentially a long narrow field. There is an existing rendered concrete block building situated on the south western side of the site. Access to the site is off a shared private driveway, which is accessed off the lane to the south of the site.

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

The Proposal:

The proposal seeks to demolish the existing single storey building and replace it with a two bedroom residential bungalow.

The proposed bungalow would take the form of a simple rectangular block set under a hip roof measuring approximately 14.9 metres in length by 6.6 metres deep with a height of 2.2 metres to the eaves and 4.5 metres to the ridge. External finishing materials include render, timber framed openings and natural slate roof covering. The proposal also includes solar panels to the south elevation. The building would occupy a similar footprint as the existing structure.

The proposed internal layout includes two bedrooms, bathroom, kitchen/dinning area and living area, which would offer access onto a level patio to the east.

Access into the site would remain as existing with a new driveway and parking area proposed to the south of building.

The proposed residential curtilage, has been amended at the request of officers, to exclude the agricultural shed. Revised plans have been submitted.

Consultations:

- | | |
|--------------------------------|------------------------------------|
| • County Highways Authority | No objection |
| • Environmental Health Section | No comment subject to conditions |
| • Drainage Engineer | No objection subject to conditions |
| • Bigbury Parish Council | No objection |
| • Landscape | No objection |
| • Ecology | No comments |

Representations:

2 letters of objection have been received, raising the following issues: -

- Harm to landscape character and AONB;
- Light and noise pollution;
- Approval would set an undesirable precedent for similar proposals throughout the district;
- Proposal would detract from peace and solitude of the area;
- Increased traffic movements to the site
- Reduction in property values
- Contrary to policy
- Adverse impact on wildlife

1 letter registering support for the proposal has been received:-

- Consider change of use of the site from commercial to domestic would be the 'best outcome' for Easton as continuation of industrial could lead to intensification of the site, increased noise/nuisance levels and have an adverse impact on the highway network;
- Applicants are already part of the community having occupied the site for over 20 years.

Planning History

- 05/0061/80/3, Winery and tractor house, The Vineyard, Conditional Approval
- 05/1340/98/1, Outline application for erection of a dwelling, Land adj to The Old Vineyard, Refusal
- 05/1016/99/F, Extension to provide office and toilet facilities for workshop, The Old Vineyard, Withdrawn
- 05/0474/00/F, Installation of sealed cesspool. Conditional approval
- 05/0200/10/AG, Agricultural determination for erection of shed, The Vineyard, Withdrawn
- 05/1243/10/F, Shed to store animal feed, tools and machinery, The Old Vineyard, Withdrawn
- 05/0104/11/F, Resubmission of planning application 05/1243/10/F for erection of agricultural shed to store animal feed, tools and machinery. Conditional approval

Analysis

The application seeks full planning consent for the demolition of the existing building and its replacement with a two bedroom bungalow.

Site History

The existing building was consented in 1980 for use as a winery in connection with the former (adjoining) 'St Ann's Vineyard'. Although there have been a number of subsequent applications on the site, the established planning use of the building remains as a winery which does not have a specific planning use but is categorised as sui generis. The surrounding land remains agricultural.

Outline planning consent was refused in 1998 for the erection of a dwelling for the following reasons: -

(a) The proposal constitutes an undesirable intensification of sporadic development in the countryside which, in the absence of any overriding agricultural need, is contrary to the provisions of the County Structure Plan.

(b) The site is situated within the South Devon Area of Outstanding Natural Beauty and the proposed development would be detrimental to the character and appearance of this area where new development will not be permitted except where this is necessary to the economic or social well-being of the area or where it will enhance its character neither of which criteria are applicable in this case.

(c) The proposal would result in increased traffic using lanes that are of inadequate width and alignment to cater satisfactorily for the additional movements that would be generated.

A subsequent application for an extension to the existing building to provide a workshop and toilets was withdrawn in 1999. The most recent application was submitted in 2011 for an agricultural shed to provide a store for animal feed, tools and machinery and this was approved and is now in existence.

As outlined within their supporting statement, the applicants purchased the building and the associated site in 1987 and have used it for their personal use since that time including to camp in at weekends and store machinery and unused furniture. The surrounding land is used for animal grazing, in accordance with definition of agriculture. Without a lawful development certificate it would appear that the applicant's use of the building is contrary to the established planning use.

Planning Policy Context and Sustainability

The application site lies within the countryside, outside any settlement boundary. LDF policy CS1 sets out the strategic objectives for development and is clear that outside defined settlement boundaries development will be strictly controlled and *'only permitted where it can be delivered sustainably and in response to a demonstrable local need'*. This is consistent with the advice given in paragraph 55 of the NPPF which says *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*.

DPD policy DP15 sets out the criteria for new development within the countryside and states that it must require a rural location and support the needs of agricultural or forestry interests or *'meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within the development boundaries'*. It also goes on to say that within the countryside, agricultural, forestry and other occupational dwellings *may* be permitted where there is a *'proven essential operational need'*. This criteria reflects the advice given within paragraph 55 of the Framework which advises that Local Planning Authorities should avoid new isolated homes within the countryside unless there are *'special circumstances'* which includes an occupational dwelling where essential need is demonstrated; conversion of a heritage asset or the re-use of a redundant or disused building which would lead to an enhancement of the site. Whilst there is an argument that the proposed development could enhance the visual aesthetics of the site, the applicants have failed to adequately demonstrate why the existing building is no longer viable as a winery or for agricultural use and therefore on this basis have failed to show that there are special circumstances which merit a recommendation of approval.

The existing hamlet of Easton is made up of about 20 residential units. It lies in a fairly remote location, around 0.7KM from St Anns Chapel, the nearest settlement, 2KM from Aveton Gifford and 3KM from Bigbury on Sea.

There are no facilities or services within the hamlet so the occupants would need to travel to access these. The applicants indicate that the local village (St Anns Chapel) which has a pub and shop is within walking distance of the site. However, the journey would be either

across agricultural fields or along narrow, unlit country lanes with no pavements. It is therefore reasonable to assume that the occupiers of the dwelling would choose to travel by car for the majority of their journeys.

The applicants have argued that the range of services available within the neighbouring settlements is limited and therefore it is also reasonable to assume that the majority of trips made by occupants residing within the village will also be by car. Although historically St Anns Chapel did not have a defined boundary development, it is outlined within CS1 as a village where further development is acceptable in principle. Therefore on this basis the Council have accepted that it is a sustainable settlement. Locating new isolated housing developments where there is no immediate access to these provisions, outside of the established settlements is not considered to be a sustainable approach to development and results in unnecessary and inappropriate development within the countryside, contrary to the established planning policies.

The applicants have also argued that proposed use of the site as residential would actually result in a net reduction in potential vehicular trips to the site when compared with the current, established planning use, and on this basis Devon County Highways Officers have not raised any objections with the proposal. However, reusing the building in accordance with its established planning use would bring clear economic benefits. From looking at the original planning consent for the winery it would appear that was only approved having regard to its association with the existing vineyard. This use is fairly restrictive as a winery does not fall into a specific planning use class and is categorised as having a sui generis use. Therefore, notwithstanding the fact that there is an existing business use on the site, it is very specific and any change of use would require a further planning application.

Officers' note that a number of approvals have recently been given for new residential units within the neighbouring settlements, suggesting that the development needs of the neighbouring settlements can be met within its boundaries. As it stands without a clear justification setting out why there a demonstrable need for new houses within Easton or why there are special circumstances as to why this site should come forward for residential development, the proposal would conflict with the objectives of LDF policy CS1, DPD policy DP15 and the NPPF all of which are intended to ensure development is delivered sustainably and protect the countryside from harm.

It should be noted that the applicants have stated that the building has been used on what appears to have been an ad hoc basis for occasional habitable use for the past 25 years. Whilst this is noted, insufficient evidence has been provided to conclusively demonstrate that this has been continuous, nor is it clear the length of time that this has taken place. It is open to the applicant to submit a lawful development certificate with appropriate evidence, however, as matters stand this application has to be determined on the basis on what has been provided.

For the reasons discussed the proposed development is clearly contrary to the provisions of the development plan and inconsistent with the objectives of the NPPF, and therefore should be refused unless there are other material considerations sufficient to outweigh that conflict. The Council is unable to demonstrate a five year land supply and therefore the question arises of whether the benefit of providing the dwelling would outweigh the harm. Although small windfall sites can offer a positive contribution towards meeting housing targets, it is fundamental that these sites are delivered within sustainable locations. Ad-hoc, piecemeal development within unsustainable locations is not considered an appropriate long term

solution to addressing the districts housing shortfall and in reality the proposal would offer a negligible impact.

Landscape

Officers are satisfied that this modest building would not cause adverse harm to the character of the surrounding landscape which lies within the South Devon Area of Outstanding Natural Beauty. The existing building is rather unsightly and arguably its replacement with a simple, well designed bungalow could enhance the visual aesthetics of the site and its surroundings. Public views of the site are limited, and from a distance the unit would be read in association with the existing cluster of residential development within Easton.

Neighbour Amenity

The separation distance between the site and the nearest neighbour is considered to be acceptable and therefore on this basis officers are satisfied that the proposed use of the site as residential would not cause any harm to the neighbours living conditions.

Ecology

A preliminary ecological appraisal has been submitted in support of the application and no evidence of protected species was found within the building. A bat licence is therefore not required for the demolition.

Conclusions

The proposed development would be located on the edge of Easton, a remote hamlet, situated almost 700m from the nearest defined settlement. It represents unsustainable development within an inappropriate location. The proposal would conflict with the provisions of the local development plan and would be inconsistent with the objectives of the NPPF. The Council's absence of a five year housing supply, in this instance, is not considered to be sufficient to outweigh the harm caused and therefore on this basis the officer recommendation is refusal.

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

Planning Policy

NPPF

South Hams Local Plan

SHDC1 Development Boundaries

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment
DP7 Transport, Access & Parking
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.

This page is intentionally left blank

PLANNING APPLICATION REPORT

Case Officer: Mr Matthew Jones

Parish: Kingsbridge

Application No: 28/1046/15/F

Agent/Applicant:

Alex Lammie
Strawberry Cottage
3 Loring Road
Salcombe
TQ8 8BL

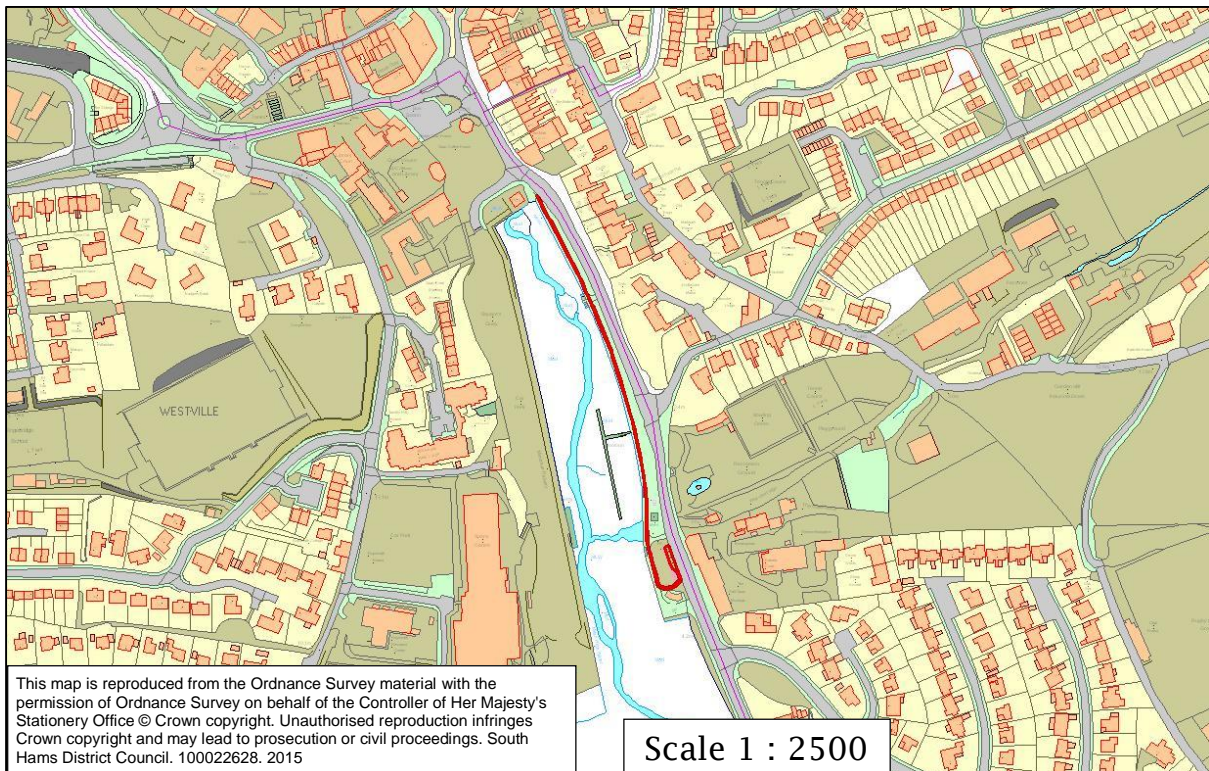
Applicant:

Mr S Mammatt
Kingsbridge & District Light Railway
c/o Action West
Orchard Ind Est South
Kingsbridge
TQ7 1EG

Site Address: Proposed new station, engine shed and track at SX 7363 4388, Embankment Road, Kingsbridge TQ7 1LN

Development: Creation of new station and engine shed with track

Reason taken before Development Management Committee: The application is taken before Development Management Committee as South Hams District Council is the land owner



Recommendation: Conditional approval

Conditions

Time

Accord with Plans

Tree Protection Scheme prior to commencement

Landscape Scheme prior to commencement

Surface water soakaway details prior to commencement

Sample of finish materials prior to commencement of station / engine shed

Cross-Section of track and bedding prior to commencement

Key issues for consideration:

The main issues are the impact of the proposed development on the amenity value of the public space, the appropriateness of the development within the CDA and Flood Zone 3, the amenity value of affected trees and the impact on the setting of nearby listed buildings and the Kingsbridge Conservation Area

Site Description:

The application site is the public amenity area encompassing the east of the Quay located within the town of Kingsbridge. The site for the train shed / platform is the public gardens within the vicinity of the existing public shelter. The track extends along the pathway which leads up to the public toilets at the head of the inlet.

The site is within the Kingsbridge Development Boundary and the South Devon Area of Outstanding Natural Beauty. The northern end of the line is within the setting of the Kingsbridge Conservation Area and the listed buildings fronting the promenade. The site is so within the Kingsbridge Critical Drainage Area and Flood Zone 3a.

The Proposal:

Planning permission is sought for the creation of a new, light leisure railway with associated track and a combined station and engine shed. The shed provides a secure location for storage of the train and the open air platform for the public is immediately to the south, under a canopy.

The line turns 180 degrees upon leaving the shed and then extends across along the public footpath forming the Promenade, on the eastern side of the Quay.

Officers consider the development to fall within the 'water compatible uses' within Environment Agency guidance as an '*amenity open space and recreation facility*'.

Consultations:

- County Highways Authority

No objection

- SHDC Landscape and Ecology Section

No objection subject to conditions for Tree Protection Scheme and overall Landscaping Scheme

- Environment Agency

Objection removed following receipt of Flood Risk Assessment

- SHDC Engineering section

No objection subject to soakaway specification condition

- Kingsbridge Town Council

Recommend approval

Representations:

Letters of representation have been received at the time of writing this report, letters objecting, letters in support and letters offering general comments. Concerns raised are summarised as follows:

- Will be dangerous and contravene Health and Safety
- Will obstruct public on footpath
- Economic and tourist benefits will be minimal
- The Promenade is not a suitable location for a train line
- Will cause erosion of embankment and structural instability
- New building will result in loss of public amenity
- Does not constitute replacement of train which was on different site
- Consideration should be given as to alternative sites
- How will the track be laid?
- Will harm tranquillity of embankment and estuary and AONB
- The rails are too close to the seats
- There should be fences erected
- Could interfere with underground utilities
- Specification of rail material needed
- Will destroy hedgerow and ecology
- Authorisation has not been sought from the landowner
- Will obstruct private views of estuary

Comments made in support of the application are as follows:

- Will attract tourists and families to Kingsbridge
- Is sustainable
- Will support existing businesses
- Child friendly tourist asset
- Is better located than previous railway
- Will enable better appreciation of Kingsbridge's history and natural environment

Relevant Planning History

None

Analysis

The Promenade is a public amenity asset of high value. It is a public footpath maintained by South Hams District Council. The introduction of the leisure railway adds an additional element to the existing leisure area. If successful, the proposed development will accrue an economic and social benefit for Kingsbridge and will provide an additional tourist facility at the heart of the town. It is likely that the users of the facility will be families with young children and the development therefore diversifies Kingsbridge's tourist offer.

Officers acknowledge the comments made regarding the impact on the open space as a public amenity access. However, officers note that the benches along the Promenade are partially set back, allowing for an adequate level of separation between the train and people sitting on the benches. The train and its gauge railway are narrow, providing adequate space for all users of the walkway.

Overall, officers consider the locating of the railway within the existing walkway to be feasible, and to ensure a satisfactory, shared public space. A detailed section of the railway line will be requested, prior to the commencement of development, to ensure the line can be walked over, allowing the space to remain shared by all users.

No evidence has been submitted to indicate that the presence of the railway will compromise the structural integrity of the Embankment, and the SHDC engineering section are not objecting to the proposal.

The site is in an extremely accessible and sustainable location and specific parking provision is not essential.

Other comments regarding health and safety are noted. The Council is satisfied that adherence to Health and Safety legislation will ensure appropriate measures are taken to avoid risk to the public.

Heritage, the green space and the AONB

The development is very small in scale and the train shed, platform and line are considered to have neutral impact on the setting of Kingsbridge Conservation Area and the setting of nearby listed buildings.

For the same reason, the proposal will have a negligible impact on the character and appearance of the South Devon AONB and people's enjoyment of this protected landscape when viewed from the site. The train shed takes a traditional form and design and the quality of finishes will be ensured through planning condition.

Retention of key amenity features, such as valued trees and hedgerows, will be ensured through submission of a detailed Tree Protection Plan prior to the commencement of development. The applicant has indicated that the hedgerow near the train shed will be retained and, again, this can be achieved through condition.

Flood Issues

Officers consider the development to fall within the 'water compatible uses' description within Environment Agency guidance as an '*amenity open space and recreation facility*'. The Environment Agency is not objecting to the proposal.

The proposal represents no change of use but an additional element within the established public amenity area. Operational Development is very small and tangible impacts on flooding are limited to the increased runoff rate from the train shed roof. This will be controlled through use of soakaways which will allow management of runoff rate and the opportunity to cleanse runoff water of pollutants prior to discharge into the Estuary.

Sequentially, this is fundamentally a tourist and leisure facility located centrally within the tourist and leisure hub of the town, in a location nearby to where a leisure railway once existed. Officers are entirely satisfied that sequentially there is no more appropriate location for this proposal outside of the flood zone.

With regard to safety, clearly as an open air facility, usage will be limited to periods of better weather. At times when bad weather increases flood risk it is unlikely the train will run at all. Therefore, the introduction of the railway, in the opinion of officers and the Environment Agency, does not represent an increased risk to users of the area.

Conclusion

The volume of letters of support indicates that this development has a notable level of public support. Kingsbridge Town Council is in support of the proposal. All comments made by statutory consultee are resolved or can be resolved through planning condition.

Concerns raised by other third parties are considered within the above analysis. For the reasons outlined above this application is 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 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

South Hams LDF Core Strategy

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

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity

DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Agenda Item 6f

PLANNING APPLICATION REPORT

Case Officer: Mrs Clare Stewart

Parish: Ashprington

Application No: 01/2131/15/F

Agent/Applicant:

Andy Smith
ASA Architects
Eastgate House
South Street
Totnes
TQ9 5DZ

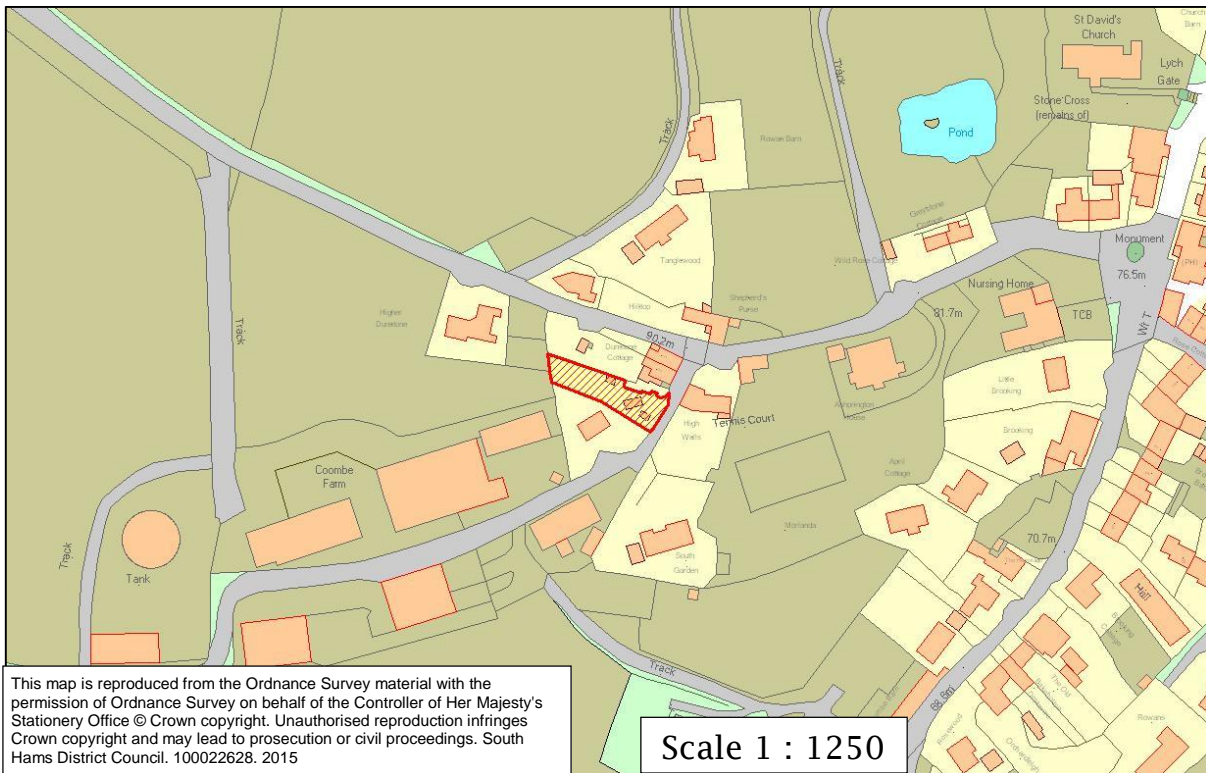
Applicant:

Mr L Marston
2 Dunstone Cottage
Ashprington
TQ9 7UW

Site Address: Proposed development site at 2 Dunstone Cottage, Ashprington, TQ9 7UW

Development: Proposed new dwelling in garden

Reason item is being put before Committee: In order for local concerns regarding design and neighbour impacts to be considered which do not form part of the recommended reason for refusal.



Recommendation:

Refusal

Reasons for refusal

1. The proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework.

Key issues for consideration:

Principle, design, impact on Conservation Area and setting of nearby listed buildings, neighbour amenity, highways safety.

Site Description:

2 Dunstone Cottage is situated on the western edge of the village of Ashprington, with vehicle access via a lane to the south which runs towards Coombe Farm and also serves a small number of residential properties. The main highway into Ashprington lies a short distance to the north. The site subject of this application lies to the south of the main curtilage of 2 Dunstone Cottage and is currently used a garden area for this property, with a driveway area on the lane frontage. Neighbouring residential properties are located to the south (Smallwell Bungalow), west (Higher Dunstone), north (Four Gables) as well as 2 Dunstone Cottage itself.

The site is located within the Ashprington Development Boundary and Buffer Zone of the village Conservation Area. The site is also located within the South Devon Area of Outstanding Natural Beauty.

The Proposal:

The application proposes the construction of a two bedroom detached dwelling. The new dwelling would be set back from the lane, with two parking spaces adjacent to the road frontage with a third retained for 2 Dunstone Cottage. The dwelling itself would offer a gable end facing the lane with glazing at ground and first floor level, with a pitched roof running to the north west into the site. The principle entrance would be on the south elevation with a dormer and porch in the roof slope above. The building would set into the slope of the site, with sliding doors at first floor level on the west elevation opening onto a terrace with the garden beyond. Two window openings are proposed in the north elevation with no apertures in the roof on this side.

External finishes would include rendered walls under a natural slate roof with double glazed timber windows and doors. A 1.8m high close boarded timber fence is proposed along the northern and southern site boundaries, with a new 1m high stone wall on the road frontage (part of an existing stone wall would be taken down and the stone retained to be used in the new wall). Some additional planting along the site boundaries is also shown.

Consultations:

- County Highways Authority – Recommend refusal on highways safety

- Drainage – No comments received
- Trees – No comments received
- Environmental Health Section – No objection subject to standard unsuspected contamination condition being imposed in any approval
- Ashprington Parish Council – Objection – detrimental impact on Smallwell Bungalow (obtrusive, loss of light and overlooking from new decking area); insufficient parking provision, at least 4 spaces needed; access during construction; not in keeping with Conservation Area.

Representations:

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

- Overdevelopment of small site
- Detrimental impact on neighbour amenity – loss of privacy (particularly Smallwell Bungalow), imposing height, disturbance
- Harm to Conservation Area
- Highways safety due to extra traffic, site already restricted, existing congestion issues
- Lane is not a dead end, used by farm traffic and recreational users
- 2 Dunstone Cottages has reduced its parking area to accommodate proposed dwelling, breaking law by parking so close to junction
- More elevations needed to show impact on Smallwell Bungalow
- Impact on sewer pipe
- Damage to third party property due to earth works and potential resulting subsidence
- Disruption during building works
- Precedent for building in other unsuitable gardens in village

Relevant Planning History

No formal applications of relevance have been identified. Proposals for a new dwelling on the site have been the subject of pre-application discussions with Officers.

ANALYSIS

Principle of Development/Sustainability:

The site is located within the Ashprington Development Boundary and is considered to be a sustainable location for new residential development. Due regard must still be had to other material planning considerations, with special attention had to the need to preserve and/or enhance the Ashprington Conservation Area and special regard had to preserving the setting of listed buildings in the locality.

Design/Landscape:

Proposals for a new dwelling on the site have been the subject of discussions with Officers prior to submission of the current application. The design has been amended from a two storey contemporary dwelling to a more traditional one and a half storey pitched roof structure.

Concern has been raised by third parties regarding overdevelopment of the site. Whilst it is acknowledged that the site is constrained in terms of its elongated shape and restricted frontage to the lane, it is considered the proposed dwelling is an acceptable form of development on the site in terms of its footprint. The application provides for outdoor amenity space to the rear of the dwelling with parking to the front. The impact of the proposal in terms of its proximity to the site boundaries and subsequent relationship with neighbouring properties is considered below.

Overall Officers consider the proposal is acceptable in design terms. The design approach is more traditional than contemporary, and the use of render under a pitched slate roof is considered an acceptable approach in this location. Final details of the external finishes could be secured by condition, along with a further condition to ensure the retention of the windows in timber. A condition would also be needed to secure the re-use of existing stone from the site in the construction of the new walls on the road frontage.

It is considered that the scale and location of development proposed within the village boundary would result in a low impact on the wider AONB.

Heritage:

The site is located within the Buffer Zone of the Ashprington Conservation Area. The design approach has a traditional feel, and it is considered the proposal would preserve the character and appearance of the Conservation Area and would not result in harm to it.

The application has also been advertised as affecting the setting of a listed building. The nearest listed building to the site is Ashprington House (Grade II) to the east along the highway into the village, with further listed buildings located within the Conservation Area beyond. Given the distance from and presence of other buildings between the application site and Ashprington House (and other listed properties beyond) and the scale of development proposed, it is considered that no harm to the setting of the listed buildings would occur.

Neighbour Amenity:

Particular concern has been raised with regards to the impact of the proposal on the neighbouring dwelling to the south, Smallwell Bungalow. The proposed dwelling would clearly have an impact on this property, most noticeably from the rear elevation and garden area. The proposed dwelling would run parallel with the shared site boundary, with a new 1.8m high boundary fence providing some screening. The new dwelling would clearly be visible above the fence line when viewed from within Smallwell Bungalow, but on balance it is not considered it would result in such substantial overbearing to warrant refusal on this basis. Two upper level windows are shown in the south elevation of the new dwelling which faces towards Smallwell Bungalow, one serving the kitchen and the second in the roofspace serving the bathroom. These windows would face towards the side elevation of the neighbouring property rather than directly into the garden or towards the windows on the rear elevation. On balance it is considered that the proposal would not result in a significant overlooking issue.

It is considered that the proposed new dwelling would have an acceptable relationship with the existing dwelling at 2 Dunstone Cottage, as well as Four Gables and Higher Dustone which are at a greater distance away from the proposed dwelling.

Concern has also been raised regarding the additional noise that would be generated by the occupants of the new dwelling. The construction of the dwelling would need to comply with current Building Regulations standards in respect of noise insulation, and any particular issues could be investigated as a noise complaint under separate legislation. The general noise associated with a new dwelling in this village location does not substantiate grounds for refusal.

Highways/Access:

Concerns have been raised regarding the existing parking situation at 2 Dunstone Cottage (with reference made to vehicles parking too close to the road junction and congestion problems). This application needs to be considered on the basis of the impact of the proposed development only.

Devon County Highways have recommended refusal of the application, noting that there is a complete lack of visibility onto the C Road to the west (one of the main roads into and out of Ashprington) as there is a building abutting the carriageway. This matter is not something that could be easily resolved as it relates to third party land/buildings, and weighs significantly against the application. Reference has been made in the Design and Access Statement to the small numbers of vehicles using the lane which runs directly past the site, but the highways issue relates to the junction where this lane joins main highway.

Notwithstanding the above, Devon County have advised if the application were to be approved at least one parking space would need to be retained for the existing dwelling 2 Dunstone Cottage. This is indicated on the submitted plans, and if the application were to be approved it is recommended that a condition be imposed to ensure this parking space remains available for the use of the occupants of 2 Dunstone Cottage.

Drainage:

Calculations for a proposed new soakaway have been included with the application. The Council's Drainage Engineer has been consulted and has not offered any specific comments.

Trees:

The application is accompanied by an Arboricultural Appraisal and Tree Constraints Plan. One Category B tree has been identified for retention. Were the application to be approved a tree protection condition could be imposed.

Other Matters:

Ashprington Parish Council raised concern about access during construction works. Were the application to be approved it is recommended a Construction Management Plan be conditioned given the constrained nature of the site and the additional vehicle movements that the build phase would generate.

Each application for planning permission is judged on its own merits and the approval of this application would not set a precedent for future applications for garden developments.

Damage to third party property due to earth works and potential resulting subsidence is not a material planning consideration. Impact on third party pipes/infrastructure would be a civil matter between the Applicant and the relevant landowner.

The Planning Balance:

The proposed development is considered acceptable in design and neighbour impact terms and in relation to impacts on the historic environment. However the safety objection from the Highways Authority weighs heavily against the application and it is for this reason only that it is recommended for refusal.

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

Planning Policy

National Planning Policy Framework

In particular:

Section 4. Promoting sustainable transport

Section 6. Delivering a wide choice of high quality homes

Section 7. Requiring good design

Section 12. Conserving and enhancing the historic environment

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

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Stokenham

Application No: 53/2267/15/F

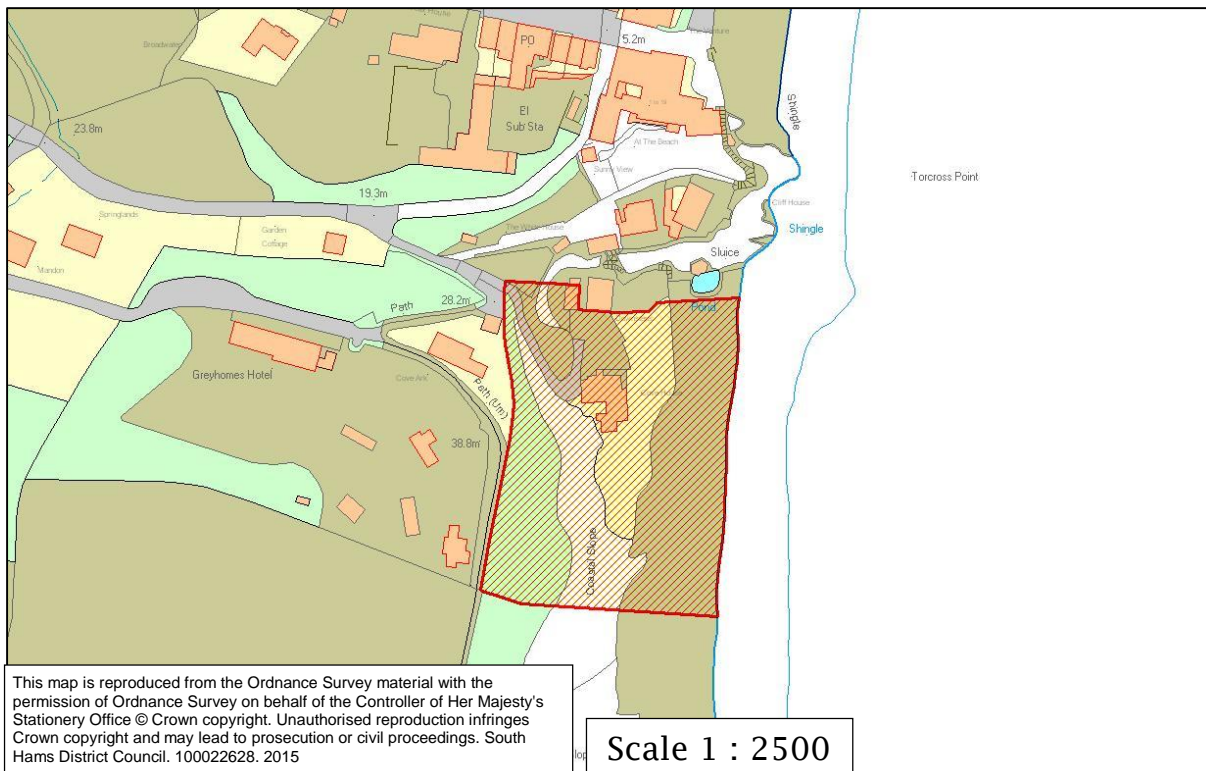
Agent/Applicant:
Nigel Cant Architects
Peppercorn Cottage
Woodland Head
Yeoford
Crediton
EX17 5HF

Applicant:
Mr P Charlton
c/o agent

Site Address: The Cove Guest House, Torcross, Kingsbridge, TQ7 2TH

Development: Erection of replacement single dwelling

Reason item is being put before Committee: At Ward Members request; due to sensitive site location, to allow Committee review of the design and scale.



Recommendation: Conditional Approval

Conditions

1. Time limit
2. Accord with plans
3. Development in accordance with geo-technical report
4. Schedule of materials and finishes
6. Natural local stone
7. Details of non-reflective glazing
8. Removal of permitted development rights
9. Details of hard and soft landscaping scheme
10. Reptile mitigation strategy
11. Garage to be retained for vehicle storage
12. Unsuspected contamination
13. Construction Management Plan to include detail to show how vehicular access to Downsteps will be maintained at all times
14. Privacy screen on north end of balcony
15. Balustrading to the north side of the roof terrace to be obscure

Site Description:

The site is situated to the south of Torcross, occupying an elevated position above the cliff face. Part of the site was previously occupied by a substantial building most recently used as a guest house. The building has been demolished, with some hardstanding remaining; the site has an untidy appearance. Access to the site is via a steep driveway.

The site is located outside any Development Boundary. It is within the South Devon Area of Outstanding Natural Beauty. The eastern edge of the site lies within Flood Zones 2 and 3 and the Slapton Ley SSSI. A Public Right of Way runs to the west of the site.

The Proposal:

It is proposed to build a large contemporary two storey dwelling on the site. The dwelling will have a floor area of approx 480 sq m. It is a linear shape, sited with the principal elevation facing east towards the sea. The dwelling will have a flat sedum roof which will incorporate a sunken garden/terrace area on top. An outdoor swimming pool with terrace will be located on the southern end of the building, with a gazebo garden building at the southern end of the swimming pool.

A first floor balcony with overhang above will run along the eastern elevation, articulating the frontage and providing shade from the summer sun.

The existing steep access drive will be widened to make it more user friendly. A pedestrian access to the building will be taken from the mid point corner of the access drive. A double garage is proposed at ground floor level with additional parking and turning in front.

The elevations will incorporate a significant amount of non-reflective glazing, grey metal cladding, local natural stone and stained grey timber slats and sliding screens.

The gardens surrounding the house will be landscaped.

Consultations:

- County Highways Authority - standing advice
- Environmental Health Section - no comment
- Ecology – no objection subject to reptile mitigation strategy to be agreed
- Drainage – no objection
- Natural England - no objection
- AONB Unit – No objection
- Parish Council - Objects for reason summarised as follows:
 1. Overdevelopment
 2. Out of keeping with area due to scale and materials
 3. Sensitive SSSI and AONB location
 4. Concern re instability of cliffs
 5. Difficult access – narrow roadway and driveway
 6. Construction Management Plan required
 7. Access roads back to A379 should be made good
 8. Safety of mariners could be compromised by amount of glazing
 9. Light pollution in SSSI

Representations:

7 letters of objection and 1 letter of comment received. Objections raised included the following:

1. Out of scale and character with the area
2. Overlooking of adjoining property Downsteps from balcony and roof terrace
3. Potential to disrupt access to Downsteps
4. Larger than previous approval
5. Overdevelopment
6. Possible landslides/subsidence
7. Vibrations and quakes from piling
8. Need a Construction Management Plan
9. Dominates Downsteps
10. Disruption during construction, will also impact on tourism economy
11. Adverse impact on SSSI and AONB

Relevant Planning History

53/2609/14/F – Erection of single dwelling on site of demolished guest house – Conditional Approval

53/3160/11/F, Renewal of extant planning application 53/0136/09/F (demolition of guest house and replacement with single dwelling), The Cove Guest House, Torcross – conditional approval

53/0136/09/F, Demolition of guest house and replacement with single dwelling, The Cove Guest House, Torcross – conditional approval

53/1775/08/F, Demolition of existing guest house and replacement with new residential dwelling, The Cove House, Torcross – withdrawn

ANALYSIS

Principle of Development/Sustainability:

There is an extant planning permission for a substantial dwelling on the site. Despite the site's countryside location the principal of redeveloping the site for a single dwelling has been accepted. There have been no material changes in circumstances since that grant of planning permission.

The principal of redeveloping the site for a single dwelling is therefore acceptable.

Design/Landscape:

The extant planning permission is for a dwelling with a floor area of approx 500 sq m; the proposed dwelling has a slightly smaller floor area of approx 480 sq m. The width of the principal elevation of the extant consent and proposed dwelling is also comparable at approx 30m. The proposed dwelling is taller than the approved scheme; the principal elevation being approx 9m high rather than 7m as in the approved scheme. The proposed scheme is significantly less deep than the approved scheme.

Both dwellings are located within a similar part of the site, occupying that flat area of the site previously developed as a guest house.

The proposed dwelling is taller than the approved scheme but in all other respects the scale of the building is similar to that already approved on the site. Due to its linear nature the height of the building is proportionate and, set with rising ground behind it, the scale of the proposed building is considered to be acceptable.

The first floor of the east elevation contains large glazed areas with sliding vertical timber panels attached to the front of the balcony. The balcony projection and overhang above reduce the impact of the large glazed area by creating shadow: it is also proposed to use non-reflective glazing. A significant amount of local stone is also proposed in the elevations which help to blend the building into its surroundings. The swimming pool appears as a stone retaining wall; the use of tall stone retaining walls is a typical feature of coastal areas within the South Hams.

The flat sedum roof and use of stone in the west elevation reduces the visual impact of the building to users of the nearby public footpath.

Officers consider the mix of traditional and contemporary materials and building patterns to be well conceived and if built to an appropriate standard this development could enhance this area of the AONB which is currently has an untidy, abandoned appearance. The scale of the building is clearly much greater than other properties in the area, but this is a unique site, previously occupied by a large building, but where redevelopment for a larger number of smaller units would be undesirable.

The building incorporates principles of passive energy design.

The design and landscape impact of the proposed dwelling is considered to be acceptable.

Neighbour Amenity:

Concerns have been raised about potential overlooking of Downsteps from the balcony and roof terrace. The extant permission at the site includes an east facing balcony, however it is not unreasonable to look to provide privacy for Downsteps if possible. The provision of a privacy screen at the northern end of the proposed balcony would give greater privacy to occupiers of Downsteps whilst still allowing occupants of the new dwelling wide views. This can be controlled through a planning condition.

The proposed roof terrace is sunken into the roof, set back from the edge of the roof and is topped with a glass balustrade, which would achieve a height of 1.5m above ground level. If the glass balustrade is opaque on the northern side this would minimise loss of privacy to Downsteps to an acceptable level. Again this can be controlled by a planning condition

The side elevation of Downsteps is some 16m from the side of the proposed dwelling, the principal elevation of Downsteps faces east towards the sea and not towards the proposed new dwelling. There would be no significant loss of light to Downsteps nor would the new dwelling appear unduly overbearing. The relationship is similar to that already approved at the site.

Construction inevitably brings a degree of disturbance to neighbouring properties, this can be minimised through the agreement of a Construction Management Plan.

The impact on residential amenity is considered to be acceptable.

Ecology:

In accordance with the recommendations of the bat and protected species survey submitted with the previous applications a slow worm survey of the site has been carried out, and the findings form part of the current application submission. Six slow worm specimens were found during the survey. The report recommends that a reptile mitigation strategy be drawn up at the earliest opportunity to ensure the recommended management operations can be carried out at the correct time of year. A prior-to commencement condition in this regard therefore forms part of the recommendation

Highways/Access:

The current access road is very steep with a tight curve. The application proposes to widen this access; this will improve access to the site for the occupiers of the new dwelling and the neighbour Downsteps.

Concern has been raised regarding the impact of construction traffic using the narrow access road and the Parish have asked that the access road back to the A379 be made up. Having regard to the extant consent on the site it is not reasonable to require improvements to the road. A Construction Management plan can help to manage traffic flows along this access route.

Flood Risk:

The site and access to the proposed dwelling lies outside the Flood Zone 2 and 3 areas. As such a Flood Risk Assessment is not required.

Other Matters:

Concern has been raised about possible landslides and vibrations during construction in this sensitive coastal location. This application raises no unusual construction issues when compared to the extant consent on the site. Construction method and safety is a matter for the Building Control process.

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

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP17 Residential Extensions and Replacement Dwellings in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Totnes

Application No: 56/2221/15/O

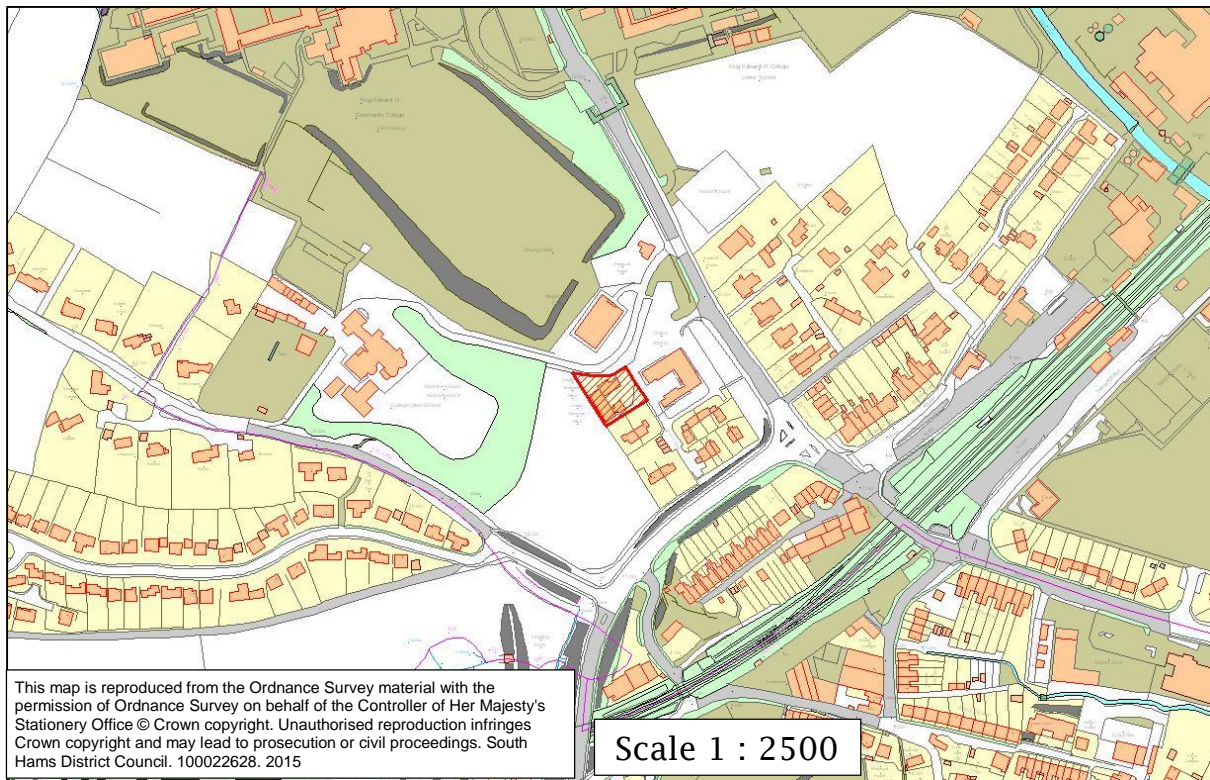
Agent/Applicant:

Coco's Nursery Ltd
Miss C Nicholson
Cocos Nursery
Ashburton Road
Totnes
TQ9 5JZ

Site Address: Cocos Nursery, Ashburton Road, Totnes, TQ9 5JZ

Development: Outline application with all matters reserved for 8no. three bedroomed houses with 8no. parking spaces

Reason item is being put before Committee: This application is before Committee at the request of Councillors Vint and Horsburgh who feel that this application could have major implications for the overall development of the wider area.



Recommendation:

To delegate approval to the Community of Practice Lead Officer subject to the completion of the necessary Section 106 legal agreement in respect of affordable housing and Open Space, Sport and Recreation contributions.

Conditions:

Time limit for commencement

In accordance with plans

Materials

GPDO restrictions

Parking and access to be provided before occupation.

Construction Management Plan

Universal contamination condition

Key issues for consideration:

The main issues with this application are the appropriateness of redevelopment of the site from that of a Nursery use to residential, on this site within the Totnes Development Boundary. The form of the development, as well as any impacts upon neighbouring properties, as well as any highway considerations are further matters.

Site Description:

The application site comprises land currently occupied by single storey flat-roofed buildings (although now disused) formerly used as a nursery, to the west of the Totnes Police Station. Residential properties are located to the south, and the former Magistrates' Court and open space is located to the north. The site is located within the Totnes Development Boundary.

The Proposal:

This is an outline application with all matters reserved for the demolition of the existing nursery and for the erection of eight dwellings.

Consultations:

- County Highways Authority – No objections as the junction of the private access shared with the Police Station is adequate to accommodate the proposed traffic generated by the development. Recommend two conditions.
- Environmental Health Section - No objections subject to contaminated land condition.
- DCC Education – A contribution towards education infrastructure is not sought; there is currently capacity at both the nearest primary and secondary schools for the number of pupils likely to be generated by the proposed development.
- Environment Agency – Site in Flood Zone 1 so no comments to make.
- Natural England – No comments to make.

- Affordable Housing Officer – Affordable housing policy is 35% on-site provision, which means two of the units must be affordable rented dwellings.
- Police Architectural Liaison – Detailed comments. Police do not consider the site appropriate for 8x3 bedroom housing with only one space per dwelling.
- Town Council – No objection. The Committee had reservations about the solar orientation of the houses and thought that any PV panels should be prioritised on social housing units. It felt that the site layout and street scene could be improved and wanted consideration of co-housing units. The Committee was satisfied with 25% affordable housing as a minimum level.

Representations:

Around four letters of objection making the following broad points, presented in no particular order:

- Insufficient parking provided
- Potential for disruption and obstruction of Police Station
- Will compromise security of the Police Station
- Concerns regarding potential conflicts between existing Police Station and new residents
- Development will overlook Police Station resulting in lack of privacy for Police, members of the public brought for questioning and the new residents.
- Will overlook residents of Walnut Close
- Where will extra vehicles park?
- Concern regarding surface water runoff.
- Too dense a layout.
- Concerns relating to future development of the adjacent Sheepfield site by KEVICC and whether this could prejudice it.

Relevant Planning History

No relevant history.

ANALYSIS

Principle of Development/Sustainability:

The application site lies within the Totnes Development Boundary and is within relatively close proximity to both Totnes railway station and the facilities of the town. The site is clearly sustainable and it would not be possible to argue in any way that development in this location would not accord with the principles of sustainable development.

The applicant has stated that the existing nursery business has now closed and that the business had been marketed for twelve months as a going concern. It was stated at the time of the application that the nursery was operating at 20% capacity and other nurseries are available within the area. Whilst the loss of the nursery is regrettable, there does not exist any fundamental reason to object to the redevelopment of this site with residential dwellings, given its highly sustainable location within the development boundary.

Design/Landscape:

It must be emphasised that this application is for all matters reserved outline consent, and in spite of indicative plans being submitted, the layout or scale of the proposals do not fall for consideration at this time. It would be for the reserved matters stage to fully assess the layout, scale and appearance of any development of the site. Despite this, plans have been shown that demonstrate that the site could contain eight dwellings and whilst the indicative layout shown may not be acceptable in itself, it does indicate that there is potential for development of this site for eight dwellings.

Neighbour Amenity:

Concern has been raised regarding the impact on amenity of both the residents in Walnut Close and the users of the Police Station. It is considered that there exists the ability at reserved matters stage to fully ensure the amenities of all of these buildings can be satisfactorily addressed, through the careful siting of buildings and through the use of obscure glazing to first floor windows where appropriate.

In terms of the indicative layout provided it is considered there exists the scope for a development to adequately cater for the amenities of existing properties. Unit 3 would lie close to the rear boundary of No. 12 Walnut Close but with obscure glazing this would mitigate any potential for overlooking. Given that these matters do not fall for consideration at this stage however it would not be reasonable to refuse outline consent on the impacts on amenity as there exists the ability for this to be fully assessed at the outline application stage.

Highways/Access:

Although concerns have been raised in respect of the levels of parking proposed, and for the potential of the proposal to cause unacceptable conflict with existing surrounding development (Walnut Close and the Police Station). Highway Officers raise no objection to the application, which in their opinion would not give rise to any situations prejudicial to highway safety. In light of this stance, and together with the highly sustainable location close to the town and railway station it is considered it would be very difficult to defend a refusal on this basis.

There exists the opportunity for the layout and bin storage arrangements to be satisfactorily agreed at the Reserved Matters stage.

Planning Obligations:

The Council's Affordable Housing Officer has advised that a contribution of two on-site affordable rented dwellings are required in order to accord with the Affordable Housing SPD. The applicant has indicated acceptance to this and will be secured through a Section 106 Legal Agreement.

In terms of Open Space, Sport and Recreation (OSSR) contributions, based upon the SHDC OSSR SPD (2006), the development will generate 32 anticipated occupiers and a requirement for an off-site contribution of £31,200.

Core Strategy Policy CS8 and Development Plan Policies DPD (2010) policy DP8 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of

reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR Supplementary Planning Document (2006).

This proposed development will be unable to incorporate levels of open space, play and pitch as required by policy on site at the proposed development, however an additional 32 anticipated residents (applying Table 3 of SHDC OSSR SPD) will generate increased pressure on existing local open space, sports and recreation facilities off site within Totnes.

Borough Park is just over 200m from the proposed development site, and contains a variety of open space, sport and recreation facilities (including play area, skate park, rugby pitch, tennis courts, MUGA) – this is the nearest facility that will be available for new residents for their formal and informal recreation. A variety of investment is required to ensure that Borough Park continues to meet current and future needs of residents – projects identified include improvements to the skatepark, landscaping at the play area, improvements to drainage of the rugby pitch, and improvements to the tennis clubhouse. The South Hams and West Devon Playing Pitch Strategy (Nov, 2015) identifies investment in improving drainage at Borough Park as a priority project for Totnes.

Investment in these facilities will assist with making them sustainable and mitigate for the pressure on the facilities within Borough Park generated by the proposed development, and accordingly make the proposal acceptable in planning terms. The contribution being sought is one required by policy to make the development sustainable and to mitigate the impact of the development (meeting the tests in the CIL Regs).

The contribution of £31,200 should be collected towards ‘improvements to open space, sport and recreation facilities within Borough Park, Totnes.’, and this can be secured by way of a Section 106 Legal Agreement.

The Devon County Council Education Officer has advised that in this instance, no contributions are to be sought.

Conclusion:

The application is considered to be acceptable and is therefore recommended for APPROVAL subject to the completion of a Section 106 legal agreement.

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

Planning Policy

NPPF
NPPG

South Hams LDF Core Strategy

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

Development Policies DPD

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

South Hams Local Plan

SHDC 1 Development Boundaries

Affordable Housing SPD

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.

Agenda Item 6i

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Newton and Noss

Application No: 37/2181/15/VAR

Agent/Applicant:

Mr A Coughlan
6 Church Park Road
Newton Ferrers
Plymouth
PL8 1AZ

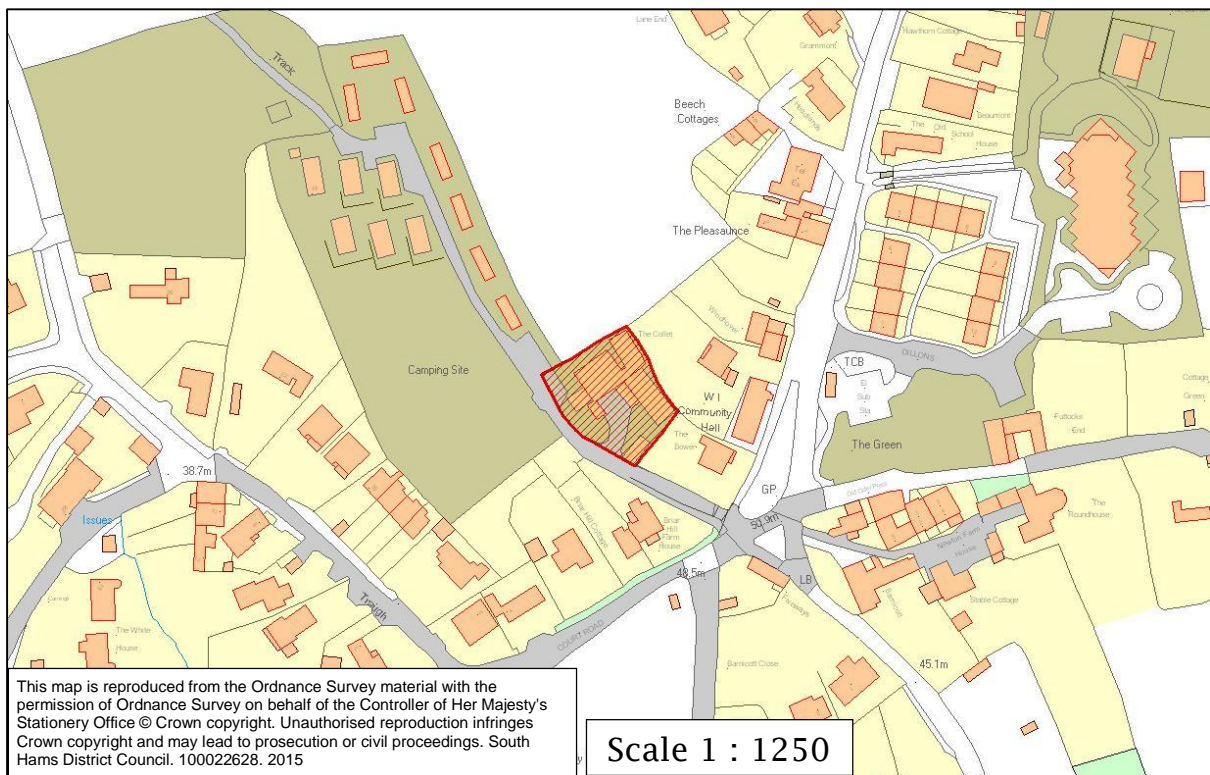
Applicant:

Mr S McCreedy
Briar Hill Farm Camp Site
Parsonage Road
Newton Ferrers
PL8 1AR

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

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

Reason item is being put before Committee *This application is before Committee at the request of Councillor Baldry, who considers there was a sound reason for the imposition of the condition.*



Recommendation:

Conditional approval

Conditions:

Time limit for commencement

In accordance with plans

Materials

Permitted development restrictions

Holiday use conditions

Percolation tests

Permitted development restrictions

North facing first floor windows on owners' dwelling to be obscure glazed

No further windows to be installed.

Key issues for consideration:

The main issue with this application is the acceptability of removing the condition that secures the owners accommodation as being tied to the site, to become an open-market dwelling.

Site Description:

The application site comprises land to the west of the Newton Ferrers Development Boundary, currently occupied by barns as part of Briar Hill Farm. The site lies immediately adjacent to dwellings and buildings within the centre of Newton Ferrers, and essentially marks the boundary where built development ends. The surrounding site is used as a camping site.

The Proposal:

This application is for the removal of condition 6 from planning permission ref 37/0518/15/F which ties the owners accommodation to being linked with the development of holiday units.

Consultations:

- Parish Council – Object: The Parish Council wish Condition 6 to remain in place being an integral part of the site.

Representations:

One letter of objection making the following broad comments, shown here in no particular order:

- Outside the village development boundary
- Removal of condition would remove special circumstances
- Nothing has changed since original submission

Relevant Planning History

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

37/0518/15/F – Replacement of existing barns with two holiday homes and owners dwelling with storage space.

Granted permission on 11/06/2015.

ANALYSIS

The application site is located outside of the Newton Ferrers Development Boundary, the boundary of which lies to the south-east of the site. At the time of considering the previous application, the development was considered acceptable as the site is located adjoining the existing settlement boundary and lies immediately adjacent to other properties and buildings.

Condition 6 of the approval states:

The owner's dwelling shall be occupied solely by the manager and their spouse (including any dependents) of the approved holiday units development and shall not be separated from the holiday development or otherwise used as a person's sole or main residence in any manner unconnected from that of managing the approved holiday use.

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

At the time of considering that application, it was considered necessary to impose the condition to ensure that the unit of accommodation was tied in with the approved holiday units, to ensure a cohesive development.

What must be noted is that this site lies directly adjoining the development boundary. Given the advice contained within the NPPF, the site enjoys the same levels of sustainability as the body of the village that lies within the development boundary.

On further reflection, due to the proximity of this site with the development boundary there does not exist any specific planning requirement for the owners' dwelling to be intrinsically tied to the development of holiday units. Indeed, the applicant has also advised that the Council gave pre-application advice prior to the submission of the application stating that there would not be any planning justification to do so. Given the position of the Council with the lack of a demonstrable five year housing and land supply, it is considered that resisting this application and continued imposition of this condition would be very difficult to defend on appeal.

An open market dwelling in this location is considered to represent sustainable development and it is therefore considered that the condition can be removed.

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

South Hams LDF Core Strategy

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

Development Policies DPD

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

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Wembury

Application No: 58/2174/15/VAR

Agent/Applicant:

Marcus Vasey Architectural Services
91 Staddiscombe Road
Plymstock
Plymouth
PL9 9LU

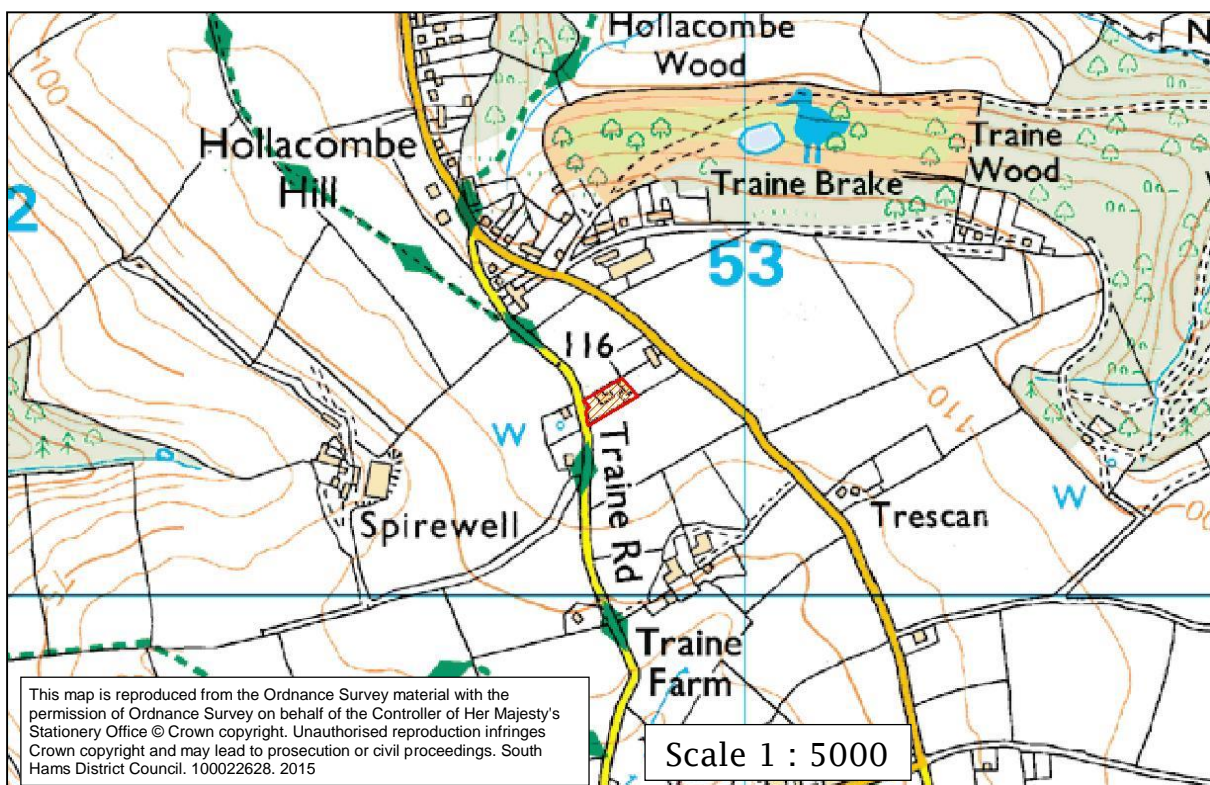
Applicant:

Mr G Rowe
58 Underlane Road
Plymstock
Plymouth
PL9 9JZ

Site Address: Trenear, Traine Road, Wembury, Plymouth, PL9 0EW

Development: Variation of condition 2 (approved plans) of planning consent 58/1431/14/F for amendments to external appearance of main dwelling

Reason item is being put before Committee: This application is before Committee at the request of Councillor Brown, who considers the impact on the neighbouring properties needs further consideration.



Recommendation: Conditional approval

Conditions

Accord with plans

Conditions requiring development to accord with details approved under 58/3165/14/DIS (Drainage, materials, natural stone and landscaping)

Removal of PD rights (extensions/outbuildings)

Retention of garaging for parking

Key issues for consideration

Whether the variations result in additional harm to the living conditions of adjacent occupiers or the appearance of the approved scheme.

Site Description

The dwelling approved under 58/1431/14/F has been substantially completed.

The Proposal

Variations to the approved scheme, primarily alterations to the south elevation, insertion of 2No roof lights on the north elevation and enlarged windows/French doors on the recessed balcony of the west elevation.

Consultations

- Wembury Parish Council: Objection – The actual building work does not comply with the plans – enforcement action possibly required – there will be overlooking with a loss of privacy by the neighbours with this variation.

Representations

1 Letter of objection

- Loss of privacy and overlooking to Heydon
- Original plans had 4 doors, reduced to 3 during application and internal layout amended so living room at rear
- Applicant has wilfully built the dwelling not in accordance with approved details

Relevant Planning History

58/1431/14/F - Demolition of existing dwelling, outbuildings and garage. Construction of replacement dwelling and garage with store over – Conditional approval

ANALYSIS

The indented text below is the assessment of 58/1431/14/F, which was granted conditional approval by planning committee. This variation seeks to amend the approved scheme by inserting 2No roof lights on the north elevation. This is acceptable and does not result in any further overlooking than the approved scheme. Alterations to the south elevation including changes to fenestration serving the hallway and enlarging the living room so the access to the terrace is in line with the landing window. These changes are acceptable and do not result in additional harm to the living conditions of adjacent occupiers.

The south west elevation first floor French doors have been constructed with four panels as opposed to three. An objection has been raised by the occupants of 'Heydon' to the west, however the increase of one panel in the French doors does not result in significant additional overlooking than would already be possible from the approved scheme, which was

considered acceptable. In addition, the distance between the two properties is significant as outlined in the officers report (excerpt relating to Heydon in italics below).

“The south-west gable elevation of the proposed replacement dwelling, which incorporates a recessed balcony at first floor level that faces towards ‘Heydon’, would be approximately 40 metres from this neighbouring dwelling. It is considered that the proposed replacement dwelling would be positioned at such a distance from the neighbouring dwelling, that it would not result in an unacceptable overlooking, loss of privacy or loss of light, and there would not be a justifiable reason to refuse this application.”

The alteration is therefore considered acceptable as it will not significantly increase any overlooking.

Principle of Development:

Policy DP17 of the South Hams District Council Development Policies DPD allows for the principle of replacement dwellings in the countryside. The existing dwelling is of limited architectural merit and therefore, it is considered that its replacement would be acceptable in principle, subject to material planning considerations being wildlife, landscape impact, highways impact, neighbouring amenity and drainage, together with the scale and design of the proposed replacement dwelling.

Design/Landscape:

The dwellings located alongside Traine Road have a mixed appearance. As set out earlier in this report, a high proportion of these dwellings are bungalows which have been substantially altered and extended to provide habitable accommodation within the roof space.

The proposed replacement dwelling would be sited on the footprint of the existing dwelling and would have a larger volume than the existing dwelling. The existing dwelling has a floorspace of approximately 109 square metres and the adjacent ancillary building has a floor area of approximately 61 square metres. Overall the floor area equates to approximately 170 square metres. The proposed replacement dwelling would have a floor area of approximately 227 square metres and this equates to an increase in floor area over the existing dwelling and outbuilding combined of approximately 33%.

The site is fairly prominent when travelling along Traine Road and although the new dwelling would be about 1.8 metres higher than the existing property and would also be bulkier in appearance; it would be situated within its own plot, and would be set back from the lane so that it would not be overly dominant in this location. The dwelling sits within a large curtilage therefore it is considered that the replacement dwelling can be easily accommodated without appearing cramped or resulting in overdevelopment of the site. In terms of the architectural style, it is considered that the replacement of the existing single storey dwelling with a property of one and a half storeys, would be compatible with the character of the surrounding area. The overall scale and massing of the proposed replacement dwelling is considered to be acceptable having regard for the requirements of policy DP17 of the Development Policies DPD.

The proposed palette of materials, being stone, render and timber boarding for the elevations, and a slate roof, is considered to broadly correspond with the materials which are locally distinctive and prominent in the surrounding area. The design and appearance of the proposed replacement of the dwelling is considered to be acceptable in this instance and in accordance with policies DP1 and CS7 of the South Hams District Council Development Plan. Taking into

account that the proposed dwelling would replace an existing property and would be viewed from distant viewpoints within the context of a small cluster of dwellings at this particular location on Traine Road; it is not considered that the proposed development would result in a harmful impact on the wider landscape having due regard for the siting of the application site within the South Devon Area of Outstanding Natural Beauty. The proposed development is therefore also considered to accord with policies DP2 and CS9 of the South Hams District Council Development Plan.

The proposed garage, which would be constructed to the east of the proposed replacement dwelling, and which has been reduced in size during the lifetime of this application, is considered to be acceptable in terms of its overall scale, in that the building would be subordinate to the proposed replacement dwelling which it is to serve. The materials would match those used for the proposed dwelling and are considered to be acceptable.

Highways/Access:

The existing vehicular access would be utilised and replacement entrance gates erected. Within the site, a garage with covered parking provision for three cars would be constructed to the east of the proposed replacement dwelling. Devon County Council has been consulted in respect of this application and has no objections to the proposed scheme.

Neighbouring amenity

‘Heydon’

A public letter of objection has been received from the occupants of ‘Heydon’, which is a detached dwelling located opposite the application site, on the west side of Traine Road. In terms of neighbouring amenity, the occupants object on the basis of loss of privacy and overlooking. In addition their objection relates to resultant loss of light.

The south-west gable elevation of the proposed replacement dwelling, which incorporates a recessed balcony at first floor level that faces towards ‘Heydon’, would be approximately 40 metres from this neighbouring dwelling. It is considered that the proposed replacement dwelling would be positioned at such a distance from the neighbouring dwelling, that it would not result in an unacceptable overlooking, loss of privacy or loss of light, and there would not a justifiable reason to refuse this application.

‘Meenavoy’

‘Meenavoy’ is a single storey dwelling, located to the north-east of the application site. It is one of two detached dwellings located to the north-east of the application site, which faces away from the application site with its accesses and frontage to the north-east on Wembury Road.

A letter of objection has been received from the occupants of ‘Meenavoy’ with concerns in respect of overlooking from the first floor window to the north-east gable end of the proposed replacement dwelling, and from the side of the proposed balcony positioned to the south-east elevation of the dwelling.

The proposed replacement dwelling would be situated over 25 metres from the shared boundary to the north-east. The separation distances between the dwellings would be in excess of 60 metres. Taking into account the distance of the proposed dwelling from shared boundaries, it is not considered that the proposed development would not result in an

unacceptable degree of overlooking or loss of privacy in respect of the occupants of the dwelling at 'Meenavoy'

To conclude on this particular issue, the impact on neighbouring properties has been carefully considered and, whilst there may be a perception of greater overlooking, it is considered that the proposed replacement dwelling would be set sufficiently far from the dwellings on the opposite side of Traine Road, and also from adjacent dwellings to the north-east of the site, so that the proposal would not have an unacceptable impact on the living conditions of neighbouring occupiers with regard to privacy or overlooking. Therefore the proposed development is considered to accord with Policy DP3 of the South Hams District Council Development Policies DPD which aims to protect residential amenity.

Ecology:

A protected species report was submitted as part of this application, which concluded the bungalow was of low potential for protected species. Therefore the proposed development is not considered to result in harm to protected species.

Drainage:

The South Hams District Council Drainage Engineer has considered the application and does not have any objections subject to the attachment of surface water drainage condition as follows:

The development hereby permitted shall not be commenced until a programme of and percolation tests (BRE digest 365 standard tests) are carried out in accordance with a scheme to be prior agreed in writing with the Local Planning Authority. Suds to be designed for a 1:100 year event plus 30% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

Summary:

For the reasons outlined above, this application is considered acceptable and in accordance with the relevant policies of the South Hams District Council Development Plan. 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

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Mr Matthew Jones

Parish: Totnes

Application No: 56/1085/15/F

Agent/Applicant:

Ron Milne
Mitchell Architects
Tourism House
Pynes Hill
Exeter
EX2 5WS

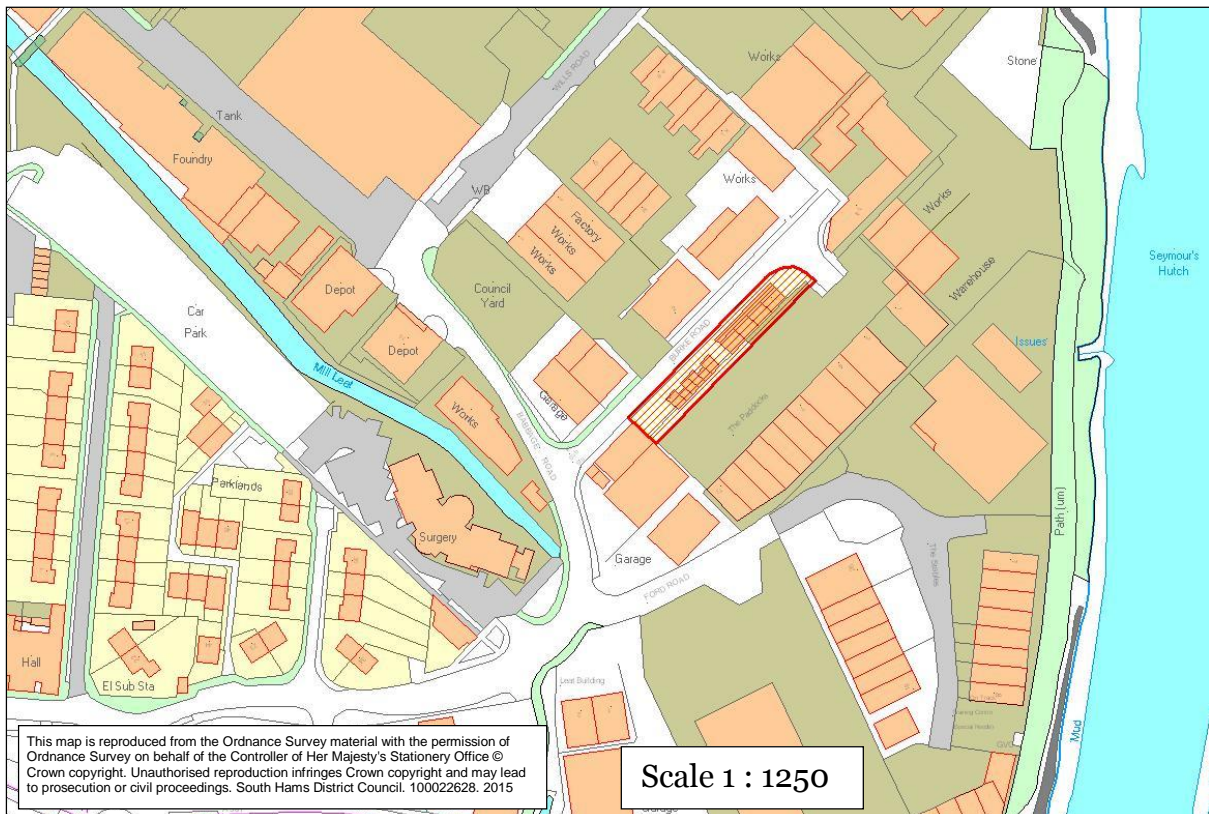
Applicant:

Mr C Brook
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Site Address: 11-20 Burke Road, Totnes TQ9 5XL

Development: READVERTISEMENT (amended development description): Demolition of existing single storey offices/workshops/shelter (B1/D1) & erection of 5No. 2 storey units comprising 4no. B1 (light industry) and 1no. D1 (homeless persons shelter)

Reason item is being put before Committee: The application is put before members of the Development Management Committee as South Hams District Council is the applicant.



Recommendation: Conditional approval

Conditions:

Time

Accord with plans

Retention of proposed parking in perpetuity

Construction Environment Management Plan prior to commencement

Removal of Permitted Development Rights (B8 storage and distribution)

'Unit 1' for D1 homeless shelter as conforming to current land use

No demotion of current homeless shelter prior to March 2016

Informative:

Section 171 licence will be required to make kerb adjustments for new parking spaces

Protected species

Key issues for consideration:

The main issues are design and appearance, the public benefit of the homeless drop in centre, drainage, flooding, ecology and parking provision

Site Description:

The application site is situated on an existing industrial estate on the northern side of Totnes, between the A381 to the east and train station to the west. The site, which measures approximately 717.97 square metres, forms a relatively flat narrow strip of land located immediately off Burke Road. The site is bounded by to the north by the road, to the south east by a parking area and to the south west by South Devon House.

The site is currently occupied by two, single storey buildings. The building to the south of the site is a rendered blockwork, flat roof building which is currently used as an emergency drop in shelter. The existing planning unit subsequently carries a mixed B1 and D1 use.

The site is within flood zones 2 and 3 and the Totnes Critical Drainage Area.

The Proposal:

The application seeks full planning consent for the demolition of the existing buildings and their replacement with one larger building which would be subdivided to provide 5 individual units; four B1 and one D1 (the homeless drop-in shelter)

The building would measure approximately 45 metres by 7.6 metres with a height of 5 metres to the eaves rising to 6 metres to the ridge. It would be a steel frame construction, clad externally with composite panels with mezzanine floors.

The development will provide 357.2 square metres of floor space, divided into 4 units of 74.2 square metres and 1 unit of 134.6 square metres.

The proposal also includes 10 off road parking spaces, to serve the units, and makes provision for bin storage.

Consultations:

- County Highways Authority

Recommend approval subject to condition requiring Construction Environment Management Plan

- South West Water

No objections with applicant's proposal to continue utilising existing sewer connection for foul and storm.

- Totnes Town Council

No objection on basis homeless drop-in shelter will be retained

- Environment Agency

Objection due to lack of information – Revised comments received and objection maintained with regard to finish floor levels surface water drainage

Representations:

None received

Relevant Planning History

56/1812/11/CU - READVERTISEMENT: Change of use from offices (use class B1) to charity drop-in centre (use class D1) – Conditional approval

56/0540/13/CU - Change of use from D1 (homeless drop in centre) to allow overnight and temporary emergency shelter/accommodation in addition to the existing use as a D1 (homeless drop in centre). Conditional approval. Now ceased due to condition of approval:

The use of the building for overnight and temporary emergency shelter/accommodation hereby authorised shall cease no later than 30th April 2015.

Reason: Permission is only granted having regard to the special circumstances of the case.

56/3234/14/PREMIN - Pre-application enquiry for proposed demolition of existing building and construction of commercial building sub-divided into 5 units - Officer support forthcoming

Analysis

Principle of development

The site is located within an existing industrial estate in Totnes where there is no objection in principle with further development subject to its design. Due to parking restrictions a B8 use would need further consideration and therefore Permitted Development Rights to change the

use to B8 without requiring further planning permission are recommended to be removed through a planning condition.

Design/Landscape Considerations

The building would take the form of a utilitarian industrial building finished in composite cladding. Although it is a sizeable structure it would be situated within an existing industrial estate where the existing character is of large, utilitarian buildings.

Residential Amenity

There are no neighbouring residential buildings which would be affected by the proposed development.

Highways

Devon County Council Highways Officers have not raised any objections to the proposal. They note that the footprint of the new building is less than that of the existing buildings and although it is proposed to subdivide the building to provide multiple units, the provision of off road parking is welcomed and will have a *'significant highway parking demand benefit'* within the area.

A planning condition requiring submission of a Construction Environment Management Plan, prior to the commencement of development, is recommended.

Drainage

The applicants propose to continue using the existing sewer connection for foul and storm. South West Water have not raised any objections to the proposed development.

Ecology

The submitted ecology survey confirms that the proposal will not disturb any protected species. *'None of the buildings were considered suitable for use by bats and no evidence of breeding birds past or present was identified'*.

Flooding

The application is accompanied by an 'Emergency Flood Plan'. However, the Environment Agency, at the time of writing this report, are objecting on the basis that internal floor levels are not raised to an adequate degree and are insistent that the applicant provide overall betterment within the planning application.

However, the new buildings, in the opinion of officers, represent a significant improvement with regard to flood resilience and design, compared to the existing, more run down structures. In addition, a mezzanine is incorporated into each unit which provides a dry area for safe refuge. The D1 element, housing the homeless drop-in shelter, has a dedicated first floor.

Following consideration of the EA's comments, the SHDC emergency planning section maintain no objection stating that *'...as you may be aware Totnes is identified as a High Risk Community from flooding due to both the tidal and fluvial flood risks. Due to this status there is a Local Resilience Forum approved Evacuation Plan including locations of rest centres and the triggers that will be used to assess need to activate the plan. This development would be*

covered by this plan and in my opinion this development could be easily accommodated within this plan.

There is also the added benefit that the applicant has provided a flood risk and emergency plan which demonstrates how the users of the buildings will be made aware of the flood risk and how the potential hazards will be mitigated through acceptable controls.

Therefore in my opinion this development can be safely delivered.'

The applicant has undergone a sequential test of more appropriate sites within the area. This proposal maintains the current, established land uses and is within a designated Development Boundary and within a designated industrial estate.

As this is for the replacement of existing buildings, maintaining the current land uses, this is considered to be sequentially the most appropriate site for the development and the test is considered to be satisfied.

The applicant is under no obligation to ensure betterment through the new buildings, but, in the opinion of officers, has done so, and remaining concerns registered by the EA are not considered to represent a reasonable or sustainable reason to refuse the planning application.

The D1 drop-in shelter

The homeless shelter provides a social benefit and officers consider it to fall within the remit of policy DP9 (Local Facilities). DP9 requires alternative provision to be made for the existing facility, either off site or within the new buildings.

The applicant has confirmed that the current D1 unit will be replaced within the new submission and this is reflected within the proposed floor plan, with 'unit 1' carrying a D1 land use. A condition is also imposed further restricting the use of unit 1 to that of a homeless drop in shelter, unless otherwise agreed through submission of a future planning application. This secures retention of a local facility within the new development as required within DP9. A separate condition is also recommended, ensuring retention of the existing building until March 2016, to secure provision of the drop-in shelter through the Winter period.

Conclusion

For the reasons outlined above this application is considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommend 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

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP5 Conservation and Wildlife
DP7 Transport, Access & Parking
DP9 Local Facilities

National Planning Policy Framework

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.

SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 18 November, 2015**
PLANNING APPEALS UPDATE (10-Oct-2015 to 09-Nov-2015)

APPLICATION NO : 22/1896/14/F
APPELLANT : Mr & Mrs Ward
PROPOSAL : Retrospective change of use of land to holiday accommodation, for positioning of 2no. yurts with timber bases and installation of sewage treatment plant (resubmission of 22/0454/14/F)
LOCATION : Chittlesford Mill Barn, Halwell, Totnes, TQ9 7HZ
APPEAL STATUS : **APPEAL DECIDED**
APPEAL START DATE : 15-Jun-2015
APPEAL DECISION : Upheld (Conditional Approval)
APPEAL DECISION DATE : 12-Oct-2015

APPLICATION NO : 41/2636/14/F
APPELLANT : Mr A Nicholls
PROPOSAL : READVERTISEMENT - Retrospective householder application for replacement garden shed
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ
APPEAL STATUS : **APPEAL DECIDED**
APPEAL START DATE : 1-Jun-2015
APPEAL DECISION : Dismissed - (REFUSAL)
APPEAL DECISION DATE : 13-Oct-2015

APPLICATION NO : 41/2361/14/F
APPELLANT : Mr R Brewster
PROPOSAL : Erection of single dwelling with associated landscaping and access
LOCATION : The Ridings, Bennett Road, Salcombe, TQ8 8JJ
APPEAL STATUS : **APPEAL DECIDED**
APPEAL START DATE : 1-Jul-2015
APPEAL DECISION : Upheld (Conditional Approval)
APPEAL DECISION DATE : 14-Oct-2015

APPLICATION NO : 35/1374/15/F
APPELLANT : Modbury Marketing Computer Services Ltd
PROPOSAL : Retrospective application for addition of external staircase from west access pathway to rear garden and change of use of first floor of building to include A1 (amendments to approval 35/2603/12/CU)
LOCATION : Sentinel House, Poundwell Street, Modbury, PL21 0XX
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 22-Oct-2015
APPEAL DECISION :
APPEAL DECISION DATE :

APPLICATION NO : 02/1287/15/F
APPELLANT : Mr & Mrs I Darbyshire
PROPOSAL : Householder application for rear extension and replacement roof with raised ridge height
LOCATION : The Rectory Stables, Jubilee Street, Aveton Gifford, Kingsbridge, TQ7 4LG
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 27-Oct-2015
APPEAL DECISION :
APPEAL DECISION DATE :

SOUTH HAMS DISTRICT COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE **Wednesday, 18 November, 2015**

PLANNING APPEALS UPDATE (10-Oct-2015 to 09-Nov-2015)

APPLICATION NO : 50/0388/15/AGDPA
APPELLANT : Mrs P Tucker
PROPOSAL : Prior approval of proposed change of use of agricultural building to residential dwelling (use class C3)
LOCATION : Proposed dwelling at SX 7849 6521, Hillcroft, Staverton, Totnes TQ9 6AL
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 27-Oct-2015
APPEAL DECISION :
APPEAL DECISION DATE :

APPLICATION NO : 23/2373/14/F
APPELLANT : New Energy for the World GmbH
PROPOSAL : Installation of ground-mounted solar arrays (total site area 94,000m2), estimated output 5 megawatts and associated infrastructure, cable route and Distribution Network Operator substation
LOCATION : Land at SX769,596, Lower Blakemore Farm, Totnes
APPEAL STATUS : **APPEAL LODGED**
APPEAL START DATE : 5-Nov-2015
APPEAL DECISION :
APPEAL DECISION DATE :
