

## PLANNING APPLICATION REPORT

**Case Officer:** Jeffrey Penfold

**Parish:** Cornworthy **Ward:** West Dart

**Application No:** 0704/20/FUL

**Agent/Applicant:**

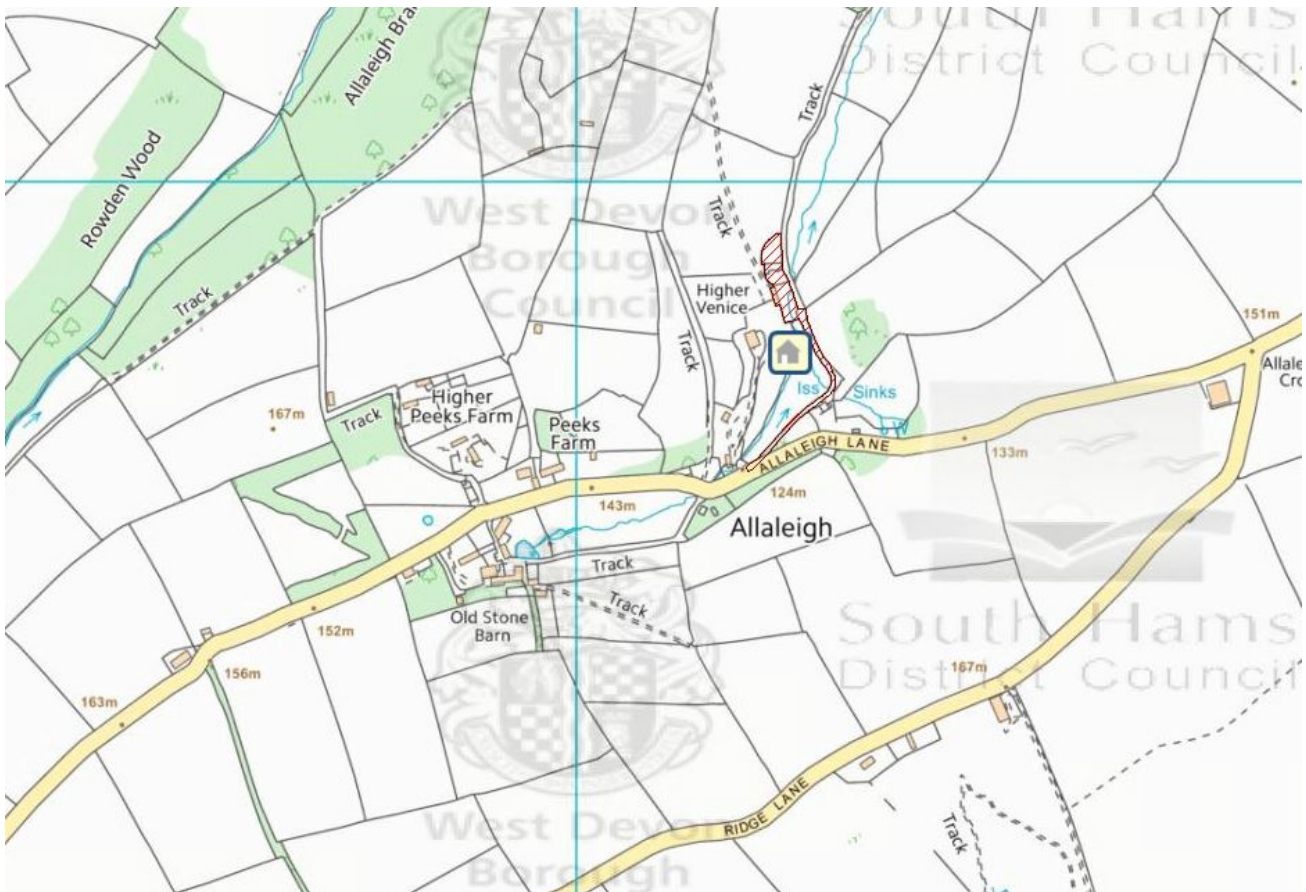
Mr Mark Evans - Mark Evans Planning  
Limited  
Cedar House  
Membland  
Newton Ferrers, Plymouth  
PL8 1HP

**Applicant:**

Mr Mark Watson  
Mallards  
Gracious Pond Road  
Chobham  
GU24 8EX

**Site Address:** Higher Venice Barn, Allaleigh, Blackawton, Totnes, TQ9 7DL

**Development:** Conversion of barn to dwelling and associated landscaping  
(READVERTISED)



**Reason item is being put before Committee:** *“The reason I am calling this application in is because I share the view of the many objectors to this applicant that there is a perfectly viable alternative route to the barn over the applicant’s own land. Green lanes are a unique and valuable resource as well as being wildlife corridors and need to be protected and should only be developed where there exists no alternative” – Cllr J McKay 30/09/2020.*

**Recommendation:** Conditional Approval

**Conditions (see Annexe 1 for list in full):**

Time Limit  
Approved Plans  
Unexpected Land Contamination  
Site Access  
Off-site Highways Works  
Car Parking  
Foul  
Surface Water Drainage  
Enhancements (Pre-commencement)  
Bat Emergence Survey Report Adherence  
Barn Owl Survey (Pre-commencement)  
Evidence of Barn Owl Nesting (Pre-commencement)  
CMP (Pre-commencement)  
Conservation Style Rooflights  
Details / Samples  
Natural Stone  
Natural Slate  
803 Material  
Remove PD Rights.

**Legal Agreements:**

S278 Legal Agreement – Highways  
S106 – Local Connection Restriction in perpetuity restricted to the JLP Area.

**Informatives:**

Temporary Traffic Regulation Order to temporarily close this public highway via DCC's PRoW form, available on the DCC website under Roads & Transport – Public Rights of Way.

Access during works.

**Key issues for consideration:**

Principle / Sustainable Development  
Design, Visual Impacts and the Historic Environment  
Neighbouring Amenity  
Drainage / Flooding  
Highways / Access  
Ecology / Biodiversity  
Trees  
Waste / Recycling  
Low-Carbon Development.

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**Site Description:**

The application site comprises an existing traditional historic barn, previously used as an agricultural barn serving the surrounding land. The barn is traditionally constructed with natural

stone walls, natural slate roof and with timber windows and doors. The barn is deemed a non-designated heritage asset. The site is currently accessed via an existing track / PRoW (public highway is Cornworthy uUCR 305), managed by DCC.

The site is located within a Landscape Character Area (3G), is within the Cornworthy Parish Area, an identified Barn Owl Nest Site, the Countryside and a SSSI Impact Risk Zone. The site is not located within a flood risk zone as identified by the Environment Agency nor is it located near to any listed buildings.

### **The Proposal:**

The application proposes to convert the existing barn into a single 3 bedroomed dwelling along with associated landscaping and car parking at Higher Venice Barn.

The proposal would seek to maintain the existing window and door openings with very little external façade changes deemed necessary to achieve a residential conversion of the building.

A new access route is also proposed to serve the barn and the application has been revised since submission to reflect this. Said access route would utilise an existing PRoW managed by DCC.

Other changes include:

- Change of surface to compacted road planings
- Unspecified tree pruning / felling prescriptions
- Creation of a passing bay
- Installation of larger culverts within unspecified RPA's
- Track to be widened and levelled.

### **Consultations / Representations:**

#### **Representations from Residents**

7 objections have been received in response to the public consultation exercise, raising the following concerns:

- Proposed 'Green Lane' access unsuitable for residential use / ensures full view and public appreciation of the site's environmental value
- Current surface and dimensions of the Green Land would not support the motor vehicles or construction traffic to access the barn.
- Widening of the lane impact upon natural and heritage environment
- Flooding / Drainage risks as a result of the track being metalled
- Planning History
- Private use of Green Lane
- Increased Traffic / Highway Safety concerns
- Conservation (SSSI, AONB and nearby Ancient Woodland)
- Ecology Report (Bird and Bat surveys to be completed and published)
- Impacts upon biodiversity
- Loss of amenity
- Impacts on Trees
- Impacts upon farmers / other wider land owners / fire & rescue as a result of the proposal

- Issues concerning land ownership / Trees and felling / pruning.

Since submission and in response to objections / officer's recommendations, the application has been revised, now proposing improvements to the proposed access track / PRoW / Trees following that originally submitted. The application has since been re-published for public consultation and 10 objections have been received in response to the revised consultation and no new matters have been received in addition to the above.

**Officer's Response:** The above matters are discussed within the relevant sections of this report.

### **Representations from Internal Consultees:**

**Landscape:** see relevant section of this report.

**Trees:** see relevant section of this report.

### ***Drainage: Recommendations – No objection***

*Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.*

### **Observations and comments**

*This is a small scale minor development for the barn conversion to a dwelling with associated works. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753). SuDS should be designed to reduce or manage the surface water as close to the source as possible. The drainage hierarchy should be followed with the top of the list as first choice. Evidence will be required to show each option has been explored and discounted.*

- 1. By infiltration, soakaway.*
- 2. Discharge to a water course, attenuation maybe required.*
- 3. Discharge to the public sewer, attenuation will be required and permission from SWW.*

*The proposed surface water drainage scheme is for a direct discharge to the watercourse which cannot be supported. An attenuated offsite discharge can only be considered once use of the soakaway, as a first choice, has been fully explored and discounted. This is a redevelopment of the site which requires drainage situation to be improved to bring it up to the current standards. Therefore a drainage assessment will be required to ensure a workable drainage solution, in line with current standards, is possible.*

### **Suggested conditions:**

#### **Foul Drainage:**

*The foul drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development. Reason: In the interests of the prevention of pollution.*

#### **Surface water:**

*Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:*

- 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.*
- 2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.*
- 4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.*
- 5. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.*
- 6. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.*
- 7. The drainage scheme shall be installed in strict accordance with the approved plans, 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.*

**No further comments made to the latest consultation exercise.**

**Representations from Statutory Consultees:**

**DCC Highways:** See relevant section of this report.

**Natural England** – No comments.

**Environment Agency** – No response.

**Cornworthy Parish Council:** *Please see the comments of Cornworthy Parish Council following a site meeting to the location for this planning application. Cornworthy Parish Council are concerned about the access to this property which is down an unmetalled road seemingly unfit for most general vehicles. The road is in poor condition and suffers from flooding during the winter period. This is more of a pathway for walkers and possibly cyclists and does not constitute a good means of access to the property.*

Comments in response to the revised application confirm the parish maintain its objection:

*Cornworthy Parish Council remain concerned about the use of the DCC lane as access to Venice Barn. We would like to see the county road preserved in its present state. This road/lane is unsuitable for larger vehicles, especially wide construction vehicles which are liable to cause damage to the ancient walls here. The lane also regularly holds water especially during the winter and the water run-off from the main highway is likely to undermine the new surfacing as proposed.*

**DCC PRow Team: Confirmed approval with latest submission and confirmed:** *“A reminder that, when the time comes to undertake these works, the developer will need to apply for a Temporary Traffic Regulation Order to temporarily close this public highway. This should be done through PRow’s own form, available on the DCC website under Roads & Transport – Public Rights of Way. FYI, the PRow Label for this public highway is Cornworthy uUCR 305”.*

*Re: “Encroaching vegetation - The owner of land from which it arises has a legal responsibility to ensure it does not interfere with the use of the Public Highway/Right of Way. In this case, as the route is a Public Highway (albeit unsealed) and therefore the public enjoy vehicular access as well as access on foot and horseback, the owners of adjacent land should ensure that their vegetation is cut back to the full limits of the Highway, to a height commensurate with the normal uses of the lane, which would certainly include tractors”.*

#### **Relevant Planning History:**

None.

#### **ANALYSIS:**

##### ***Principle / Sustainable Development:***

Policy TTV1 of the JLP sets out the Council’s development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the ‘Main Towns’, ‘Smaller Towns and Key Villages’ and ‘Sustainable Villages’ within the Thriving Towns and Villages Policy Area. However, ‘Smaller Villages’ and ‘Hamlets’ are not identified as part of the Policy TTV1.

Paragraph 5.5 of the JLP explains that policy TTV26 - Development in the Countryside will be applied 'outside built up areas'. Allaleigh is not identified as a ‘Main Town’, ‘Smaller Town’, ‘Key Village’ or ‘Sustainable Village’ within the Council’s Thriving Towns and Villages Policy Area. Consequently, for the purposes of Policy TTV1 of the JLP, the proposal site is considered to be located within the fourth tier of the Council’s settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement, and only part 1 applies to development proposals considered to be in isolated locations. The second part of the policy is applied to all development proposals that are considered to be in countryside location.

Paragraph 5.169 of the JLP provides reasoned justification for TTV26 in general, and explains how the policy works in conjunction with TTV1 and the settlement hierarchy, in particular 'the delivery of new homes that are distant from existing services and amenities do not represent a sustainable solution to the need for new homes in rural areas.' This accords with the wider spatial strategy for meeting housing and employment needs in the TTV policy area, which seeks to direct the vast majority of development towards the named sustainable settlements identified in paragraphs 5.8 - 5.10 of the JLP.

The application site forms part of a wider residential unit with an existing residential unit located to the immediate south west. The site at present is only accessible via an existing PRoW: Green Lane and is somewhat detached from the built up area of the nearest settlement yet is in relatively close proximity to the settlement of Allaleigh (approximately 335m) but is accessible only via an unlit single carriageway. The settlement of Allaleigh is not therefore considered to be sited within a sustainable location, however, the proposal would seek to utilise an existing traditional agricultural building which would accord with JLP Policy TTV26 (2) (ii).

The Local Planning Authority is applying the Braintree Ruling (Braintree District Council v Secretary of State for Communities and Local Government & Ors (2017) EWHC 2743 (Admin) and the subsequent Court of Appeal Judgement) when considering whether a proposal site should be described as 'isolated' in planning terms. Para 5.169 of the JLP should not be read as an alternative interpretation to the Braintree ruling in terms of isolation. The JLP establishes a settlement hierarchy and a spatial strategy that are considered robust basis from which to assess the suitability of development proposals across the TTV policy area; a proposal site in the countryside will not be considered suitable for development if it does not accord with the wider aims of TTV26 and paragraph 5.169. In terms of isolation, in applying the Braintree ruling, the LPA will consider if the proposal site 'is far away from other places, buildings or people' as required by case law.

Given the site's location and proximity to other existing and occupied residential dwellings and the settlement of Allaleigh, the proposal is not considered to constitute isolated development.

As such, the LPA are considering the proposal against the policies of SPT1, SPT2, TTV1, TTV2 and TTV26.2.

The starting point for this application is that of JLP Policy TTV26, which states:

***Development in the countryside:***

*The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:*

*1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:*

*i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*

*ii. Secure the long term future and viable use of a significant heritage asset; or*

*iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*

*iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*

*v. Protect or enhance the character of historic assets and their settings.*

*2. Development proposals should, where appropriate:*

*i. Protect and improve public rights of way and bridleways.*

*ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*

*iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*

*iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*

*v. Avoid the use of Best and Most Versatile Agricultural Land.*

*vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

With regard to TTV26 (2) (i), the proposal has since been revised so as to now incorporate the existing PRoW serving the building as a dedicated access route. Full details of this assessment is provided for in the highways / access section of this report, yet for convenience is deemed acceptable.

The proposal seeks to re-use a traditional barn building which is considered structurally sound for re-development. The proposal would not require significant enhancement or alteration and this is reflect in the proposed design brief.

No other concerns are raised in response to JLP Policy TTV26 and the proposal is considered acceptable in principle. As such, the proposal accords with JLP Policy TTV26 (2).

The application would seek to provide for a 3-bedroomed, detached property in a countryside location. In response to the housing market data for the Cornworthy Parish Area, the introduction of a 3-bedroomed property would be acceptable in respect of the housing needs for the parish and although the area is over provisioned for detached dwellings, on-balance, it is not considered that the proposal would represent an unacceptable development in this location.

In order to ensure that the proposal responds to local needs, the applicant has agreed to enter into a s106 agreement restricting occupancy, in perpetuity to persons from the plan area.



In light of the above, the proposal accords with JLP Policy DEV8 and the introduction of a residential dwelling in this countryside location is suitably mitigated through the means of an s106 agreement restricting its occupancy.

As such, the proposal accords with JLP Policy DEV8.

***Design, Visual Impacts, The SWD Landscape Character Area (3G) and the Historic Environment:***

The existing barn is deemed a non-designated heritage asset given its original character and form and is noted as not being redeveloped in recent years. The barn is constructed traditionally of natural stone walls, natural slate roof and timber windows and doors.

The application seeks to convert the existing barn into residential use, utilising existing windows and doors openings with limited external façade changes.

No concerns are raised in respect of the proposed design which is considered an effective and acceptable response in conserving the historic character / significance of the building.

The proposal would maintain the existing openings to an acceptable degree and the amount of glazing would also be acceptable. A number of rooflights are proposed and should planning permission be achieved then a condition shall be attached to said permission requiring the installation of conservation style rooflights.

The proposed materials include:

- Natural Slate Roof Tiles
- Natural Stone Walls
- Painted Timber Walls
- Stainless Steel Flue.

Overall, the above materials are considered acceptable when considering the existing situation. A suitable condition shall be attached requiring the submission of samples / details of all external materials.

The guidelines for the SWD Landscape Character Area 3G state:

*“Protect the **strong perceptions of tranquillity, remoteness and seclusion** in the landscape, with its well managed woodlands and fields enclosed by an intact network of species-rich Devon hedges and dark night skies, and ensure the area remains valued for informal recreation.*

*Manage and enhance **semi-natural woodlands** through traditional woodland management, and explore new incentives for good woodland management practices. Promote natural regeneration to enhance longevity whilst using extensive grazing to promote the species diversity of woodland ground flora.*

*Manage and extend areas of **wet woodland and grassland**, through appropriate grazing and traditional land management regimes – both to enhance their wildlife value and functions in flood prevention.*

*Manage **existing plantations for sustainable timber production** and wildlife interest, creating new green links to surrounding semi-natural habitats. Plan for the long-term restoration of the more prominent conifer plantations to open habitats and broadleaved woodlands (where their role in timber production has ceased).*

*Restore and manage areas of relict **traditional orchards** and explore opportunities for the creation of new ones, including community orchards to promote local food and drink production.*

*Manage species-rich **Devon hedges** through regular coppicing, laying, and replanting of gappy sections, strengthening irregular medieval field patterns. Reinstate lost lengths of hedgerow and replacement fencing, respecting traditional bank styles and species composition, particularly where at right angles to slopes, to help reduce soil erosion and run-off into watercourses.*

*Protect the **sparsely settled character** of the LCT ensuring that new development on the edges of nearby settlements does not encroach into the area (including related lighting schemes) and avoiding vertical structures in places such as Paignton and Salcombe where there are already extensive urban views.*

*Protect **traditional building styles and materials**, particularly cream or whitewashed thatched cottages, as well as exposed stone and slate. Any new development or extensions should utilise the same materials and building styles, and be sited to avoid the need for excessive ground engineering.*

*Protect the **narrow rural character of the lanes**, and manage roadside verges to maximise their biodiversity potential”.*

#### **Landscape Officer’s Comments:**

*“The application site is not within any protected landscape designation.*

*The application site is located within landscape character type (LCT) 3G River Valley Slopes and Combes. Among the key characteristics of the LCT is a specific reference to the ‘sparse network of narrow sunken lanes bounded by high Devon hedges and hedgerow trees which often create tunnels in the landscape.’ A noted valued attribute of the LCT are the ‘intimate winding roads and sunken lanes’. Their enclosed nature is identified as contributing to the ‘hidden, secluded and historic character’ of the landscape.*

*With reference to drawings:  
Proposed site plan OHH113/06/Rev A and,  
Access track OHH113/101/A*

*It is considered that the proposed conversion of the barn would have only a limited effect on the existing elements and features of the application site and surrounding landscape. However, there would be the loss of some existing vegetation to the south of the existing building that would be visible from the adjacent access track.*

*The route of the proposed access track is publicly accessible and connects, to the north of the application site, with the wider public right of way network. The composition of the access track, as shown on the submitted plan, correlates with the description of the lanes that form a valued attribute within the local landscape - as outlined above.*

*As currently shown, the proposed works to the existing track, including the loss and crown working of the existing trees would have a detrimental effect on the nature of the track and the character of the local landscape. Such a change and adverse effect would be appreciable by members of the public using the route. Policy DEV23 of the JLP looks to conserve and enhance valued attributes and existing features. Similarly, Policy TTV26 seeks to protect and improve public rights of way.*

*Beyond the general arrangement, no details are yet provided for the proposed hard and soft landscape treatments associated with the proposed development. No mitigation or enhancement measures are currently proposed. Such information is required prior to further officer response.*

**Recommendation:** *Holding Objection on landscape and visual grounds prior to satisfactory review and commentary upon requested supporting information.*

*Following submission of further plans (Received 17/09/2020) the following comments have been received from the council's landscape officer:*

*The revised plan appears an improvement on the previous submission in that no trees are proposed to be removed entirely. In landscape terms, management of the existing vegetation through coppicing or pollard is often a positive action as it rejuvenates specimens and provides a more varied structure to the particular hedge or tree belt.*

*Compact 803 gravel is a specification i.e. 40mm to dust (former MOT type 1 from memory ) but as a surface, the source of the gravel should ideally be local and not of a different pH to the existing area to avoid altering/damaging the existing flora that characterises the track at the moment.*

*A suitable condition shall be attached to any planning permission granted requiring the gravel surface material atop of the Compact 803 be local and not of a different PH to the existing area.*

*Reason: To avoid altering / damaging the existing flora that charcaterises the track at the moment.*

*As there is no proposed removal or planting of vegetation, and all the operations are described, officer's are happy that in respect of the track, the submitted plan provides sufficient detail as a landscape submission to use for enforcement purposes if that was ever required".*

As such, subject to conditions, the proposal accords with JLP Policies DEV20 and DEV23.

With regard to the historic character of the barn, JLP Policy DEV21 is considered relevant in this instance and given the proposal sympathetic use of materials and limitation of extensions / additions, it is not considered that the proposal would give rise to any significant harm upon the significance of the locally important non-designated heritage asset nor its contribution to the character of the immediate context.

Any loss or harm that is experience is considered minimal and likely outweighed by the re-use of the barn as a dwelling and restriction to local occupancy in perpetuity. As such, the

proposal is considered acceptable with regard to its impacts upon the historic environment and in accordance with DEV21.

With regard to the alterations to the proposed PRow, it is considered that the re-use of this element is the best considered method to propose access to the barn. Discussions have taken place between DCC concerning the viability of a cross-land option which was considered un-viable and from the officer's perspective, specifically by virtue of the introduction of more, additional built form in this area, which would not only result in substantial engineering works, but would effectively alter the rural character of the application site and likely cause detriment to the rural context, resulting in an excessive number of road-like structures.

In addition, DCC Highways considered that the use of an additional road / access serving the application site would conflict with an existing watercourse which exists on site (EA flood risk mapping: <https://flood-map-for-planning.service.gov.uk/confirm-location?easting=280897&northing=53642&placeOrPostcode=TQ9%207DL>) and any new track would need to be positioned and therefore require the use of bridges.

Although not a material consideration for this application, there is concerns shared between officers that the implementation of such a track would render the proposal unviable.

In utilising the existing PRow / Green Lane, the applicant has taken on-board DCC's comments in avoiding a 'metalled' road and instead using compacted 803 material which is suitable for both vehicles, horses and off-road / ATVs. The proposal would also include some alterations to the existing trees on-site and the council's trees officer supports the proposed works (see later section of this report).

From a landscape a visual impact perspective, it is noted that the applications site is not in a highly sensitive area such as an AONB, Heritage Coast and / or Undeveloped Coast. In essence, the existing PRow would not be removed of its current and well-valued use as a Green Path for the use of a variety of vehicles and animals enjoyed by the residents of the area.

The proposed works to the PRow would also see a number of passing spaces included into the final design and a speed bump, which address safety concerns raised via objections.

When compared to the other alternative of a new access road across the entire site which would likely result in a detrimental loss of the rural feel of the site, instead being altered to an over-connected area of land, the proposed works to the PRow are considered acceptable in grounds of landscape and visual impacts and an array of suitable conditions shall be attached to ensure this is the case.

As such, the proposal is considered acceptable in response to JLP Policies DEV20, DEV21 and DEV23.

### ***Neighbouring Amenity:***

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

The proposal would provide for at least 100sqm of external amenity space and would provide for 3-bedroomed, 6-person property (3B6P) over two floors which requires a minimum of 102sqm GIA and the proposal comfortably provides for this provision.

As such, the proposal accords with JLP Policy DEV10.

### ***Drainage / Flooding:***

The council's drainage officer maintains no objections to the revised proposal. As such, subject to conditions, the proposal accords with JLP Policy DEV35.

### ***Highways / Access:***

Discussions have taken place with DCC's highways / PRoW team with regard to the proposed highways / access works to the PRoW. From an officer's perspective, it is not considered that the proposal would give rise to a significant increase in the number of trips per day (likely no greater than 5) and the proposed works are considered an improvement upon the existing situation allowing for an improved and safer PRoW for the use by a variety of users.

The change in building use would attract domestic traffic and therefore the condition of the track needs to practically be useable for all vehicles or it is likely the Council / highway Authority would receive complaints in the future if it is not suitable. As such, DCC Highways insist on the improvements provided as per the agreed access track works plan.

The applicant is slightly widening the track to accommodate domestic vehicle movements and there are some points where users of the lane can wait should on the off occasion they come across an opposing vehicle. Speeds are incredibly low in this setting.

*The Highway Authority notes the barn conversion will generate a consistent level of domestic traffic on the existing highway lane, which is also a public right of way (Cornworthy UCR 305).*

*Currently the lane has issues with width, drainage, surface quality and the ability to turn around upon reaching the barn. The applicant has been in discussions with the Highway Authority and Public Rights of Way Warden for the area to discuss potential improvements which would satisfy the Highway Authority if permission was to be granted for the conversion.*

*Improvements have been agreed and are shown on drawing OHH113/101A. It is recommended these works are conditioned to be completed prior to occupation of the barn conversion.*

*Note - A reminder that, when the time comes to undertake these works, the developer will need to apply for a Temporary Traffic Regulation Order to temporarily close this public highway. This should be done through PRoW's own form, available on the DCC website under Roads & Transport – Public Rights of Way.*

*A Section 278 legal agreement will be required prior to commencement to alter the existing*

*public highway.*

**Recommendation:**

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

*1. Prior to occupation of the residential barn conversion, the site access shall be constructed, laid out and maintained thereafter in accordance with the attached drawing OHH113/101A.*

*REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway*

*2. The off site highway works, verges, sewers, drains, service routes, surface water outfall, embankments and tree works shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.*

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

*3. The occupation of the dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:*

*A) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;*

*REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site*

*4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:*

*(a) the timetable of the works;*

*(b) daily hours of construction;*

*(c) any road closure;*

*(d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;*

*(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;*

*(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;*

*(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;*

*(h) hours during which no construction traffic will be present at the site;*

*(i) the means of enclosure of the site during construction works; and*

*(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site*

*(k) details of wheel washing facilities and obligations*

*(l) The proposed route of all construction traffic exceeding 7.5 tonnes.*

*(m) Details of the amount and location of construction worker parking.*

*(n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;*

**DCC PRow** – support of revised plans and above highways comments. “A reminder that, when the time comes to undertake these works, the developer will need to apply for a Temporary Traffic Regulation Order to temporarily close this public highway. This should be done through PRow’s own form, available on the DCC website under Roads & Transport – Public Rights of Way. FYI, the PRow Label for this public highway is Cornworthy uUCR 305”.

NB: With regard to the closure of the route to allow the improvement works to be undertaken, it should be noted that a TTRO only applies to the public use of the highway – where landowners/occupiers have legitimate private access rights along a Public Highway, their rights remain, and therefore it is incumbent upon the TTRO applicant to seek out and manage the concerns of private users as an additional exercise.

As such, subject to conditions, the proposal accords with JLP Policy DEV29.

### ***Ecology / Biodiversity:***

The application is accompanied by an Ecology Report, the conclusions of which recommend that it is reasonable to conclude that the proposed development will not have a significant negative impact upon any designated wildlife sites. The curtilage is not considered suitable for protected species and should continue to be managed as it is prior to any new landscaping.

As bat droppings were observed inside the barn it is considered to have medium-high potential for roosting bats, following good practice guidelines at least as single dusk emergence and a single dawn re-entry survey are required from May-August when bats are most likely to be present to ascertain whether they are using the barn as a roost. Each survey

should be spaced two weeks apart and two bat surveyors will be required to survey the barn adequately. If bats are using the barn a further dusk or dawn survey will be required to classify the roost.

As the barn has been used by nesting birds they will need to be considered against disturbances during nest building and nesting; generally from March – August inclusive to avoid contravening the legislation which protects all nesting wild birds. It should be a condition of planning consent that bird boxes of the open fronted kind are provided elsewhere during the building phase to compensate for the loss.

Particular attention should be paid to the owl box during this period and if work is carried out in this area during the nesting season then it should be observed to see if any birds are flushed out. If birds are flushed out work in this area should stop immediately and the author of this report contacted for advice on how to proceed legally.

Bat and bird boxes should be installed to the barn, adjacent stone walls or suitable trees within the curtilage to address this requirement.

No work to the barn should proceed until the bat surveys have been conducted and reported on; failure to carry out the bat surveys may result in contravening the legislation which protects bats resulting in the prosecution of the applicant.

If the recommendations in this report are followed it is reasonable to conclude that no wildlife legislation will be contravened by the proposed development and no further surveys are required.

The applicant has since submitted Bat Emergence Surveys which are deemed acceptable, subject to the inclusion of a condition requiring adherence to Section 5 of said report. This will require the pre-inspection checks by an ecologist and supervision of some of the works.

A suitable condition shall be attached to any planning permission granted to ensure the ecology report recommendations are also adhered to. In addition, the council's ecologist has requested the following conditions are attached to any planning permission granted:

- A condition requirement for a pre-commencement survey (as there will have been 2019 and 2020 nesting seasons since within which time Barn Owls may have taken up residence)
- Include a condition, that if the pre-commencement survey finds evidence of barn owl nesting, that works must not commence and disturbance must not increase between 1st March and 31st August.
- If a pre-commencement survey records evidence of barn owl nesting, and they are still before bird nesting season (say they did a survey in Dec 2020), then they could potentially provide a temporary nesting box elsewhere on site during construction (and close the access to the existing permanent and retained nesting box).

The submitted Bird Method Statement submitted has also been agreed as acceptable and a suitable condition shall be attached to any planning permission granted so as to ensure adherence with this document.

As such, subject to conditions, the proposal accords with JLP Policy DEV26.

***Trees: Appraisal:***



1. *The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.*
2. *An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery. It is concluded there to be no significant arboricultural features present on or off site that may bear potential to act as material constraints to the application on strictly arboricultural merit.*

**Recommendation:** *No objection on arboricultural merit.*

*Following submission of the revised plans, the following comments have been made:*

**Appraisal:**

1. *Prior to submission of this revised scheme there were considered to be no significant arboricultural constraints.*
2. *Study of the proposed access driveway notes a number of points of concern as below, outlines but not limited to-*
  - a. *Change of surface to compacted road planings*
  - b. *Unspecified tree pruning/ felling prescriptions*
  - c. *Creation of a passing bay*
  - d. *Installation of larger culverts within unspecified RPA's*
  - e. *Track to be widened and levelled.*
3. *No supporting arboricultural information in accordance with BS5837 accompanies the application therefore the level of constraint posed, protection methodologies as proposed, mitigation planting and so on cannot be considered.*
4. *No concerns arise in respect of the dwelling element of the application.*
5. *The following information is required prior to further officer response.*
  - a. *Baseline Tree Survey, Arboricultural Impact Assessment, Tree Protection Methodologies, Tree Constraints Plan*

**Recommendation;** *Holding Objection on Arboricultural merit prior to satisfactory review and commentary upon requested supporting information.*

Following submission of further plans (Received 17/09/2020) the trees officer maintains no concerns with regard to trees.

**Waste / Recycling:**

The proposal would be sited in suitable proximity to the nearby highway and no concerns are raised in respect of the proposal's ability to provide storage for the housing of waste and recycling containers. As such, the proposal accords with JLP Policy DEV31.

**Low-Carbon Development:**

A suitable condition shall be attached to any planning permission granted requiring the submission of a low-carbon development plan to ensure compliance with JLP Policy DEV32.

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

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts.

The SWD Landscape Character Area – Chapter 3.

**Neighbourhood Plan:** None.

**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.

**Annexe 1 – List of Conditions in full:**

Time Limit:

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

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

Approved Plans:

*The development hereby approved shall in all respects accord strictly with drawing number(s) .....received by the Local Planning Authority on .....*

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

Unexpected Land Contamination:

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

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

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

Site Access:

*Prior to occupation of the residential barn conversion, the site access shall be constructed, laid out and maintained thereafter in accordance with the attached drawing Ref: OHH113/101B.*

*REASON: To provide a satisfactory access to the site and to protect the pedestrian priority on the footway.*

Off-site Highways Works:

*The off site highway works, verges, sewers, drains, service routes, surface water outfall, embankments and tree works shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins, For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.*

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

Car Parking:

*The occupation of the dwelling in an agreed phase of the development shall not take place until the following works have been carried out to the written satisfaction of the Local Planning Authority:*

*A) The car parking and any other vehicular access facility required for the dwelling by this permission has/have been completed;*

*REASON: To ensure that adequate access and associated facilities are available for the traffic attracted to the site.*

Foul:

*The foul drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.*

*Reason: In the interests of the prevention of pollution.*

Surface Water Drainage:

*Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:*

- 1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.*
- 2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%). Please note a pumping system for surface water drainage cannot be accepted, therefore the scheme should rely solely on gravity.*
- 4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.*
- 5. The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.*
- 6. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.*
- 7. The drainage scheme shall be installed in strict accordance with the approved plans, 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.*

*Enhancements (Pre-commencement):*

*Prior to commencement of any works taking place details of specific enhancements to be provided for bats and birds (reflecting section 4.5 and Appendix III of the Preliminary Ecological Appraisal (Green Lane Ecology, February 2019, Report #00520/GLE) shall be submitted for approval by the LPA.*

*Reason: To secure enhancements for biodiversity in accordance with the NPPF, JLP Policy DEV26 and the JLP SPD.*

*Bat Emergence Survey Report Adherence:*

*Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the Mitigation Measures set out in Section 5 of the Bat Emergence Survey Report, by Green Lane Ecology, July 2020 (ref: #06620/GLE).*

*Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and The Conservation of Habitats and Species Regulations 2017 and the 1981 Wildlife and Country Act (as amended)*

**Barn Owl Survey (Pre-commencement):**

*The approach detailed in the Green Lane Ecology letter (dated 22/10/2020) shall be fully adhered to. Prior to any works taking place, the building shall be inspected by a suitably qualified ecologist to establish barn owl use, if any, of the site. If the presence of barn owls are confirmed within any building on the site, the location of temporary nesting/roosting boxes for the construction period shall be confirmed to the LPA. Regardless of Barn Owl presence, access to the existing Barn Owl nesting box shall be re-established and retained upon completion of works.*

*Reason: Barn Owls are a protected species under Part 1 of the Wildlife & Countryside Act 1981.*

**Evidence of Barn Owl Nesting (Pre-commencement):**

*Should the results of the pre-commencement Barn Owl Survey required as part of this planning permission result in the discovery of evidence of Barn Owl nesting then no works are to commence on-site and disturbance must not increase between 1 March and 31 August.*

*In the instance that the pre-commencement Barn Owl Survey identify evidence of Barn Owl nesting, and the discovery is still before bird nesting season, then a temporary nesting box (of the open-fronted kind) could be provided elsewhere on site during construction and close the access to the existing permanent retained nesting box in which case works to the building could proceed within nesting season.*

*Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and The Conservation of Habitats and Species Regulations 2017 and the 1981 Wildlife and Country Act (as amended).*

**CMP (Pre-commencement):**

*Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:*

- (a) the timetable of the works;*
- (b) daily hours of construction;*
- (c) any road closure;*

*(d) confirmation that the public footpath adjacent to the site will not be blocked or restricted from use by the construction works*

*(e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;*

*(f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;*

*(g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;*

*(h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;*

*(i) hours during which no construction traffic will be present at the site;*

*(j) the means of enclosure of the site during construction works; and (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations*

*(l) The proposed route of all construction traffic exceeding 7.5 tonnes.*

*(m) Details of the amount and location of construction worker parking. (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);*

*Reason: In the interests of public amenity and highway safety.*

**Conservation Style Rooflights:**

*The proposed rooflights shall be fitted so as to be flush with the existing roof profile and conservation style.*

*Reason: To protect the appearance and character of the area.*

**Details / Samples:**

*Details (only) of any external finishing materials to be used for this development that do not match those of the existing building in colour, form, profile, texture and size shall be submitted to and agreed in writing by the Local Planning Authority prior to their use.*

*Reason: To ensure that the development is in character with the existing building and its surroundings.*

**Natural Stone:**

*All alterations and repairs to the existing walls shall be carried out to match the existing stonework with any repairs in lime mortar to match the colour and texture of the existing. New stone walls shall be constructed to match the existing stone walling of the development.*

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

#### Natural Slate:

*The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to development commencing, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority (only details required) .*

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

#### 803 Material:

*The gravel surface material atop of the Compact 803 be local and not of a different PH to the existing area.*

*Reason: To avoid altering / damaging the existing flora that characterises the track at the moment.*

#### Remove PD Rights:

*Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-*

*(a) Part 1, Class A (extensions and alterations)*

*(b) Part 1, Classes B and C (roof addition or alteration)*

*(c) Part 1, Class D (porch)*

*(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)*

*(e) Part 1, Class F (hardsurfaces)*

*(f) Part 1, Class G (chimney, flue or soil and vent pipe)*

*(g) Part 40 ,class A & B (Installation of domestic Microgeneration Equipment)*

*(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order)*

*(i) Part 2, Class A (means of enclosure)*

*Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.*