

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 7th September, 2022										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Foss</p> <p style="text-align: center;">Vice Chairman Cllr Rowe</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr Long</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Brown</td> <td>Cllr Pringle</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Reeve</td> </tr> <tr> <td>Cllr Kemp</td> <td>Cllr Taylor</td> </tr> </table>	Cllr Abbott	Cllr Long	Cllr Brazil	Cllr Pannell	Cllr Brown	Cllr Pringle	Cllr Hodgson	Cllr Reeve	Cllr Kemp	Cllr Taylor
Cllr Abbott	Cllr Long										
Cllr Brazil	Cllr Pannell										
Cllr Brown	Cllr Pringle										
Cllr Hodgson	Cllr Reeve										
Cllr Kemp	Cllr Taylor										
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:	Amelia Boulter - Senior Case Manager Democratic Services 01822 813651										

- 1. Minutes** **1 - 18**

To approve as a correct record the minutes of the meetings of the Committee held on 6 July 2022 and 27 July 2022;
- 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**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable 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) 4318/21/FUL** **19 - 28**

Shelter 21m From Station Restaurant, South Embankment, Dartmouth
Change the use of parts of the South Embankment Promenade to facilitate 9 discrete 'pitches' which can be used by hospitality businesses to provide outdoor seating.
- (b) 3931/21/FUL** **29 - 38**

"Little Acres", Yealmpton
Conversion of existing garage and store to create annex with habitable accommodation (part retrospective)

(c) 3026/21/FUL **39 - 56**
"Vineyard North West of Buckland", Buckland, Bantham
READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks

(d) 3027/21/FUL **57 - 74**
Vineyard North of Lower Aunemouth, Bantham
READVERTISEMENT (Revised Landscape plan received) Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

(e) 1332/22/HHO **75 - 80**
"Netton Farmhouse", Noss Mayo
Householder application for single storeyside extension to kitchen.

***** The following Applications will be heard after 2.00 pm *****

(f) 2264/22/FUL **81 - 86**
"Cemetery", Woodland Road, Ivybridge
Proposed extension of existing cemetery

(g) 2453/22/HHO **87 - 92**
36 Furze Road, Totnes
Householder application for proposed single storey front extension

7. Planning Appeals Update **93 - 94**

8. Update on Undetermined Major Applications **95 - 100**

9. Planning Performance Indicators **101 - 102**

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY,**
6 July 2022

Members in attendance			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil	∅	Cllr G Pannell
*	Cllr D Brown	*	Cllr K Pringle
*	Cllr R J Foss (Chairman)	*	Cllr H Reeve
*	Cllr J M Hodgson	*	Cllr R Rowe (Deputy Chair)
∅	Cllr K Kemp	*	Cllr B Taylor
*	Cllr Thomas (substituting for Cllr Pannell)	*	Cllr McKay (substituting for Cllr Kemp) (for 5(a) only (Minute DM.15/22 refers)

Other Members also in attendance and participating:
Cllr J Pearce and Cllr H Bastone

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; Senior Specialists, Specialists and Senior Case Manager – Development Management; Monitoring Officer; IT Specialists; and Democratic Services

DM.12/22 URGENT BUSINESS
The Chairman advised that there was no urgent business

DM.13/22 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 B Taylor declared an Other Registerable Interest in applications 5(a), (b), (c) (d) and (f) (minutes DM.15/22 below refer), he was a member of the Member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

Cllr J Brazil declared a Personal Interest in applications 5(f) (minutes DM.15/22 below refer), the applicants are personal friends. The Member remained in the meeting and took part in the debate and vote thereon.

DM.14/22 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the

meeting.

DM.15/22

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:

5a) 1059/22/FUL Car Park off Leonards Road", Leonards Road, Ivybridge. Parish: Ivybridge East

Development: Delivery of a new A1 food retail store circa. 1950m2 (shell only), associated 2-tiered carpark, highway works, pedestrian, cyclist and public realm enhancements

The Chairman handed over to the Monitoring Officer to read the following statement:

“The following application is one that has been submitted by the Council. It is not unusual for a council to apply for planning permission and for the same council to decide whether planning permission should be granted or not. The law expressly allows for this. As with any other planning application that the Committee has to consider, the Committee is required to determine the application on its merits having regard to the development plan and any material considerations. The planning officer’s report to the Committee makes it plain what considerations are material and equally those that are not. Any benefits that the Council as the applicant and landowner might accrue from the proposed development are entirely separate from the planning process and are not relevant to the decision about whether the planning application should be approved or not.”

Case Officer Update: The Case Officer shared images of the site area and highlighted the development outline to members, different views following the site visit from the car park in relation to the Town Hall and Glanville Mill, EV charging points, disabled parking, mother and baby spaces, cycle path and planting/seating area. Image showing the different elevations and existing vegetation and the materials to be used on the build will be Siberian larch timber blades which will fade to a grey and will be in keeping with the surroundings.

The Chairman adjourned the meeting at 10.17 am to address technical issues with the live streaming. The meeting reconvened at 10.30 am and the Case Officer proceeded from the beginning of the presentation for the benefit of the recording of the meeting.

The Case Officer highlighted the concerns expressed on the location and stated that a retail impact assessment had been undertaken for an edge of centre site and concluded that the Co-op would see a loss in sales, however the Tesco at Lee Mill would see the most impact.

There will be a temporary loss of car parking spaces and currently there are 227 spaces. The proposals will see 222 spaces with an overall loss of 5 spaces, 99 spaces allocated to Aldi with 90 minutes free parking and 115 spaces run by SDHC. The percentage of parking allocation will be 44% to Aldi and 56% to SHDC. A survey was undertaken and at peak times 99 spaces were available across Iybridge. A mitigation scheme will be put in place during the construction period of 6 – 9 months or until the lower deck is open with a free shuttle bus from station car park, promotion of existing car parks and tariffs changed to allow shoppers to stay longer.

There will be public realm improvements with a new skate park and tree planting and vegetation on site. The JLP seeks to avoid tree loss however building on the car park cannot be secured without the loss of trees. £172k of mitigating tree planting on site and in other areas of Iybridge. Report submitted on flooding in this area and in order to overcome concerns the swale areas of land lower and can accommodate access water. Image showing the section of the swale. Drainage must be dealt with on site and in terms of impact potential flooding.

Police commented that they did express concerns on the development and applicants will have adequate lighting and trolleys locked. The applicant will undertake a review within a year of opening to ascertain what parts of the car park require CCTV.

This is supported by planning policy, there will be trade diversion, no significant competitive between Aldi and other retailers, car parking has been mitigated, drainage mitigated with a swale, no objections from the environment agency or flood agency. The Case Officer concluded that overall the proposals were in line with planning policies and the location supported by planning policy.

Speakers included: Objector – Jo Burgess (slides); Supporter – Martin Simpson; Parish Council – Cllr Hladkij (slides); Ward Members - Cllrs Abbot (slides) and Pringle

Following questions to speakers it was felt that an independent person should be appointed to undertake the assessment to review both reports before making a final assessment. It was reported that no other site was highlighted for this development. They were not asked to look at sustainable materials for the development which would also have cost implications. They were offering a range of flexible car parking tariffs to give people more flexibility when they visit Iybridge. They looked at several layouts for the site and wanted to maintain the car parking numbers and unfortunately there would be a loss of trees.

The Ward Members thanked members for attending the site visit. They said that this is not just a commuter town was their home. Iybridge has the lowest number of car parking spaces in comparison to other towns in the South Hams area. Car parking will be further impacted by construction workers taking up spaces and the impact on the loss of parking on local businesses, and people trying to access NHS services. An Aldi built in Totnes, Kingsbridge, Salcombe or Dartmouth take away from our town. Experts saying two different things regarding the veteran tree

and crucial to understand whether the tree is veteran before development takes place. Members when stood by the Co-op store saw green and this will be replaced by a two-storey building. When the bridge was renovated businesses saw a reduction in footfall which resulted in a shop not opening on the second day. The town has regenerated and recovered from covid and there is only one empty shop on Fore Street. Ivybridge is regenerated and do not take away the livelihood of retailers. The impact on the loss of car park for the Breast Screening Unit and Thursday market.

During the debate, Members felt that this scheme was not supported within the Ivybridge Neighbourhood Plan and would negatively impact on an already thriving Town Centre. Members questioned whether there was a more suitable site for this development. Concerns raised on the veteran trees and wildlife and the impact of the removal of trees. Members questioned whether appropriate assessments on flood risk, economic impact and the age of the veteran tree had been undertaken. The loss of car parking was of concern and the impact of the proposed mitigation during construction would have on the Town Centre. Members felt that appropriate assessments had not taken place on the viability of this scheme.

Recommendation: Approval

Committee Decision: The Head of Planning in consultation with Cllrs Hodgson, Brazil, Chairman and Vice-chair be authorised to finalise the reasons for the refusal of planning permission based on the Committee's concerns about parking provision, the unacceptable impact on town centre businesses, the design and retail building not supporting the local vallecular and would cause harm to the visual appearance to site and aesthetics; and the loss of trees as a result of the development being likely to have a significant impact to biodiversity.

5b) 1430/21/ARM "Site at SX 775 424", East of Creek Close, Frogmore Parish: Frogmore and Sherford

Development: READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 3880/17/OPA

Councillor Rowe chaired this application.

Case Officer Update: Two updates since the report written. The neighbourhood plan has been through a referendum and no change to the report. Cirl Bunting mitigation has been covered by an obligation in a Section 106 Agreement and therefore the proposed condition referred to in the report can be omitted.

Speakers included: Supporter – Alex Perraton; Parish Councillor – Cllr Smith

Following questions to speakers, it was reported that the agricultural access retained due to the narrowness of Mill Lane for large vehicles. There will be occasional access to that field.

The Ward Member questioned the safety of large farm machinery accessing the field and the layout of the site.

In response to questions from speakers it was reported that highways have not objected to this application.

During the debate Members discussed the layout of the site and agricultural access. The meeting was adjourned at 14.44 to ensure the right information was being provided. The meeting reconvened at 14.46 and officers reported that they were happy with the overall layout and that the access to the field would be very occasional.

Recommendation: Grant Permission

Committee decision: Grant Permission

Conditions:

1. Time limit (2 years) – as per the outline condition
2. Accordance with plans
3. Highways engineering details
4. Drainage (Installed in accordance with plans)
5. Compliance with Ecology report/LEMP
6. Biodiversity net gain
7. External lighting
8. Compliance with DEV32
9. Materials details - stonework, render and slate prior to commencement
10. Remove PD rights

**5c) 0746/22/FUL "Houndall Farm", Sparkwell
Parish: Sparkwell**

Development: Construction of replacement dwelling in place of barn with Class Q approval under 1567/21/PDM

Case Officer Update: This application is a full planning application for the demolition of the agricultural dwelling, and the construction of a replacement three-bedroom, two-storey dwelling.

Following questions from members it was reported the ridge height of the dwelling on the existing building will be higher by 4m. The fact the development cannot be seen isn't a reason for granting permission. On this site the principle of a residential dwelling is already established for Class Q permission. Members

questioned the size of the dwelling and it was reported by the agent that the size of the new building was not significantly larger.

Speakers included: Supporter – Amanda Burden; Ward Member – Cllr Baldry.

In response to questions to speakers it was reported that the ridge height was 9.5 m and the Scandinavian design of the build allows for better ventilation. The metal roof design to keep the agricultural feel of the building.

The Ward Member reported that he had enormous sympathy for Mr Kendrick and his needs for a more accessible dwelling, however the Ward Member said that personal circumstances were not material. The Ward Member reported that the Parish Council have raised objections with the increase in size and sustainability of the development. The Ward Member further reported that the development had limited accessibility and was not sustainable and therefore vote against the officer recommendations.

During the debate Members identified the main issues as the increase in size and whether detrimental effect on the landscape and heard from the officer this dwelling cannot be seen. Officers reported that the dwelling was now 18% bigger in volume metric and this was seen as an acceptable increase. Members also welcomed a high-quality eco-house.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

- Standard time limit
- Accord with plans
- Removal of permitted development rights
- Walls to be natural timber
- Details of materials
- No external lighting
- Accord with drainage details
- Details of ASHP prior to installation
- Details of noise mitigation prior to occupation
- Accord with ecology survey
- Unsuspected contamination

**5d) 3026/21/FUL "Vineyard North West of Buckland",
Buckland, Bantham
Parish: Thurlestone**

Development: Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks.

This application deferred to the next meeting.

5e) 3027/21/FUL

**"Vineyard North of Lower Aunemouth", Bantham
Parish: Thurlestone**

Development: Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

This application deferred to the next meeting.

5f) 3186/20/VAR

**"The High Nature Centre", East Portlemouth
Parish: East Portlemouth**

Development: Variation of conditions 3, 5 and 23 of planning consent 20/0785/12/F

Case Officer Update: Received a letter support saying that the site was very environmentally friendly. The application seeks variation of conditions numbered 3, 5 and 23 of Planning Consent 20/0785/12/F. Those conditions provided:

3. The use hereby authorised shall cease not later than 10 years from the date of this permission. On cessation, the land shall be returned to agricultural purposes, the Roundhouse, yurts and all other structures except for the polytunnels shall be permanently removed from the land.

5. The polytunnels shall be used for B1 and D1 purposes only of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. Notwithstanding these permitted uses, no use of plant, machinery, or other mechanical equipment is permitted unless otherwise agreed in writing in advance with the Local Planning Authority. Reason: To prevent noise and disturbance harming the amenity of neighbours and the tranquillity of the landscape.

23. No further chattels, caravans, tents, yurts or other temporary or moveable structures shall be positioned on the land without the prior written approval of the Local Planning Authority. There are environmental concerns as this is in AONB.

In response to questions raised it was reported that in the opinion of the landscape officer the high levels of recreational use would continue to impact on the condition of the landscape, with an increase in car parking, camping and caravan sites.

The Case Officer clarified for the Committee the officer recommendation for refusal was because the scope of Section 73 had been subject to a number of court cases that had adopted a restrictive interpretation. As a result the Officer explained that a section 73 application cannot extend the scope of the base permission. The original planning application established the base permission, in this case "Construction of roundhouse and siting of five yurts to be used in association with nature holiday enterprise. Provision of additional facilities for educational, recreational and business activities together with associated carparking landscaping works". Accordingly, in terms of the current application, what was

being proposed by way of changes to Condition 3, would be acceptable within the terms of section 73. Likewise Condition 5 if the additional of food and drink was connected with the recreational and business use of the base permission. Members were advised that the difficulty was in the changes sought to be made to Condition 23. Members felt disappointed that the local authority did not contact the applicant after they have followed the process and then for the application to be refused. In light of this, the Monitoring Officer suggested different scenarios for members to consider which included the applicant withdrawing that part of the Application relating to the variation of Condition 23.

The Chair adjourned the meeting at 15.46 for officers to discuss with the applicant the withdrawal of Condition 23. The meeting reconvened at 15.53 pm. Officers reported that the applicant had agreed to withdraw variation Condition 23 from this application.

Speakers included: Objector – John Miller (slides); Supporter - Catherine Middleditch (slides); Parish Councillor – Cllr Lawson; Ward Member – Cllr Brazil

In response to questions to speakers the main objection was the breaches and noise pollution during the summer months. Members highlighted the good social outreach work undertaken with children and young adults at the centre. With regard to noise complaints, it was reported that the centre had never been visited by an Enforcement Officer. It was further reported that it was extremely rare for the centre to hold a party.

The Ward Member reported that he understood the concerns of local residents, however he said that he represented the wider community and there was a lot of support for this application. He referred to the social benefits that the development has brought to the area and that the application ticked all the boxes and should be supported.

During the debate Members said that the original development had been a really important offer to the area and provided a real social service, important to children and young people and their families. Members highlighted a real concern for nearby neighbours and asked whether it would be possible to add a condition on the use of the field kitchen to alleviate the noise. Officers reported that they could impose a new condition on the hours of use for the field kitchen, but the question of noise nuisance was a matter for Environmental Health to address under its powers. In discussion members asked whether a dawn to dusk would be appropriate Officers advised that conditions needed to satisfy 6 tests and the difficulty with such a dawn to dusk condition is that the times vary from day to day and officers therefore encouraged members to consider a condition that was more precise. Accordingly, it was suggested that the Field kitchen close by 10 pm would be a good compromise.

Recommendation: Refusal

Committee decision: The Head of Planning be authorised to approve the application in consultation with the proposer and

seconded, Chairman and Vice-Chair.

DM.16/22 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.17/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10:00 am and concluded at 17:18 pm, with a 10 minute break at 12:20 pm and 4:15 pm, with lunch at 1:20 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 6th July 2022

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
1059/22/FUL	"Car Park off Leonards Road", Ivybridge	Refusal	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, McKay, Reeve, Rowe, Smerdon, Taylor and Thomas (12)			
1430/21/ARM	"Site at SX 775 424", East of Creek Close, Frogmore	Approval	Cllrs Abbott, Brazil, Brown, Long, Reeve, Rowe, Smerdon, Taylor and Thomas (9)		Cllrs Foss and Hodgson (2)	Cllr McKay (1)
0746/22/FUL	"Houndall Farm", Sparkwell	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon and Taylor (10)		Cllr Thomas (1)	Cllr McKay (1)
3026/21/FUL	"Vineyard North West of Buckland", Buckland, Bantham	Deferred				
3027/21/FUL	"Vineyard North of Lower Aunemouth", Bantham	Deferred				
3186/20/VAR	"The High Nature Centre", East Portlemouth	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Reeve, Rowe, Smerdon, Taylor and Thomas (11)			Cllr McKay (1)

MINUTES of the **MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE**
held in the **COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES**, on **WEDNESDAY**,
27 July 2022

Members in attendance * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil	*	Cllr G Pannell
*	Cllr D Brown	∅	Cllr K Pringle
*	Cllr R J Foss (Chairman)	*	Cllr H Reeve
*	Cllr J M Hodgson	*	Cllr R Rowe (Deputy Chair)
∅	Cllr K Kemp	*	Cllr B Taylor
*	Cllr P Smerdon (substitute for Cllr Pringle)		

Other Members also in attendance and participating:
Cllr J Pearce

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Principal Planning Officers; Senior Specialists, Specialists and Senior Case Manager – Development Management; IT Specialists; and Democratic Services

DM.18/22 MINUTES
The minutes of the meeting of the Committee held on 25 May and 1 June 2022 were confirmed as a correct record by the Committee.

DM.19/22 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 B Taylor declared an Other Registerable Interest in applications 6(a), (b) and (c) (minutes DM.21/22 below refer), he was a member of the Member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

DM.20/22 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.21/22 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:

**6a) 4175/21/VAR Sherford Housing Development Site, East
Sherford Cross To Wollaton Cross Zc4, Brixton,
Devon
Parish: Brixton**

**Development: READVERTISEMENT (Additional EIA Information Received)
Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions
relating to employment floor space in respect of the Sherford New
Community.**

Case Officer Update: The Case Officer highlighted to the committee a submission received from the Plympton St Maurice Society on traffic issues in which they feel have not been sufficiently addressed. The Traffic Officer who considered the proposal felt it did not alter the impact to the residents of Plympton St Maurice. The application didn't seek to change the existing masterplan and was generated by a need to reflect market changes and the Freeport.

In response to questions raised by Members, it was reported that there was no proposal to drop the school. Members raised concerns on the change of usage and increase in vehicle movement across the site and impact to the residents and local community. Members wanted to see evidence and a fuller assessment of the commercial need at Sherford. Officers reported that there was a strong demand across all sectors for business units. There was no availability in the south west part of South Hams and Plymouth and this is the last appropriate place for large scale commercial premises and JLP highlights this as an area.

Speakers included: Objector - Paul Ottewell; Supporter – Andy Tinnelly;
Ward Members – Cllr Brown

Following questions to speakers it was reported that traffic issues in the Plympton St Maurice area have been raised with the consortium and Plymouth City Council. Member's sought clarification on the roads that would be impacted and officers reported that the majority of traffic would flow through the Deep Lane Junction. Member's questioned which company would take up the commercial space and it was reported that a local marine company were interested in the space.

The Ward Councillor reported that this application here today for consistency and will be speaking on behalf Brixton Parish Council who have requested a potential condition to be added regarding the movement of traffic from A38. Brixton Parish Council do not object to this application. Sherford is a long term project and since conception in the 1990s the application on this site has changed over that time and the changes need to be reflected. The Ward Councillor sympathised with the objector in terms of traffic, however felt that it didn't have significant material consideration on this application. This is a good idea and will bring a lot of

investment to the site and employment. Since covid and a change to more flexible working has seen less of a need for office space and this application is moving with the times. This is important for the Freeport.

During the debate, some Members felt this was a good employment opportunity for the area and supports the Freeport, however traffic was of concern. Members felt that a condition for a no drive through restaurant near the Deep Lane junction would help ease traffic congestion. Some Members felt that this application was more about allowing the Freeport rather than change in use of commercial space. Members had sympathy with the objector(s) and the concerns raised regarding vehicular movements through Plympton St Maurice, however recognised that the existing S106 obligations around this was within the remit of the highway authorities and not SHDC and that continued pressure should sought be applied to the concerning parties to seek to resolve this outstanding matter.

Concerns on climate emergency where also raised, as for the people who will move into the new town we are allowing a much bigger and much worse carbon footprint.

Recommendation: To delegate authority to the Head of Development Management, in consultation with the Chairman of the Development Management Committee to grant conditional approval subject to a S106 with Plymouth City Council and Devon County Council, and to; 1. Make minor alterations to the planning conditions set out at the end of the report to ensure consistency and appropriate cross referencing to the S106; and 2. In the event that the S106 agreement remains unsigned six months after this resolution, that the application is reviewed by the Head of Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the Head of Development Management to refuse the application in the absence of an agreed S106 agreement.

Committee decision: To delegate authority to the Head of Development Management, in consultation with the Chairman of the Development Management Committee in conjunction with Ward Members to grant conditional approval subject to a S106 with Plymouth City Council and Devon County Council, and to; 1. Make minor alterations to the planning conditions set out at the end of the report to ensure consistency and appropriate cross referencing to the S106 including an amendment to condition 48 that adds a further restriction preventing drive through takeaways being located within the commercial area – Reason: to ensure highway safety and the function of the highway network are maintained; and 2. In the event that the

S106 agreement remains unsigned six months after this resolution, that the application is reviewed by the Head of Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the Head of Development Management to refuse the application in the absence of an agreed S106 agreement.

Conditions: The original outline conditions as imposed upon 0825/18/VAR to be reiterated, but amended as necessary to reflect the proposed amendments (included in full at the end of the report).

6b) 1159/21/FUL Land at West End Garage, Main Road, Salcombe Parish: Salcombe

Development: Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL).

Case Officer Update: This application was considered in June and the committee were unhappy with certain aspects of the development and therefore deferred the application. Meetings have taken place with the developer on the concerns raised which included the room sizes in the apartment building, some of the garden sizes and the level of renewal energy provided. Officers feel that these concerns have been addressed.

Members raised concern over the lack of a pedestrian crossing. The Highways Officer outlined in the report that the number of dwellings do not support the need for a crossing and will leave the crossing well underutilised.

Speakers included: Supporter – Stephen Thompson; Ward Members – Cllrs Pearce and Long.

The Ward Members both reported that the deferment improved and addressed the issues raised. However disappointed in the response received from highways and once this development up and running will go back to highways. Also highlighted that this is a strategic site from a landscape perspective and would like to public realm trees to be TPOd to be preserved.

During the debate concerns were raised on the pedestrian crossing and whether Section 106 could secure this at a later date. Members also wanted to ensure adequate planting and landscape management plan in place for this development. Officers highlighted that condition 13 requires a landscaping plan pre commencement.

Recommendation: Delegate to the Head of Planning to approve conditionally subject to the conditions below and

subject to prior completion of an acceptable s106 agreement.

Committee decision: Delegate to the Head of Planning to approve conditionally subject to the conditions below and subject to prior completion of an acceptable s106 agreement. To include a mechanism to TPO newly planted trees.

Conditions:

1. Time Limit
2. Approved plans
3. Construction Management Plan (pre commencement)
4. Drainage; surface and foul (pre commencement)
5. CEMP (pre commencement)
6. LEMP (pre commencement)
7. Accord with tree survey
8. Accord with ecology report
9. Bird/bat/box provision
10. Repeat badger survey
11. No clearance in nesting season
12. Landform/Engineering Plan (clearly showing the details of levels and design of any retaining feature on the western boundary) (pre commencement)
13. Hard and Soft Landscaping Plan (inc. boundary treatments/enclosures) (pre commencement)
14. Exceptional planting contract
15. External materials, finish and colour (including windows and doors)
16. EV Charging inc. 7kw point for each property
17. Comply with Energy Statement
18. Waste Management Plan (pre commencement)
19. Unexpected Land Contamination
20. Parking provision
21. Highway details
22. Off-site highway works
23. Provision of site access
24. Road survey (pre commencement)
25. Employment and Skills Plan (pre commencement)
26. Removal of PD
27. Locked gates
28. No additional lighting

**6c) 1424/22/VAR Waves Edge, Challaborough
Parish: Bigbury**

Development: Application for variation of condition 2 (approved plans) of planning consent 4416/17/FUL (APP/K1128/W/18/3202068) (Retrospective)

Case Officer Update: A further discussion with the agent since the chair's brief and the agent happy to accept condition to use an anti-reflective coating to the roof windows.

Speakers included: Ward Members – Cllr Taylor.

The Ward Member had received objections from the parish council and neighbours regarding the massive reflection from the roof lights. This is a retrospective planning application and why a bungalow needs so many roof lights. This is affecting the neighbours and the increase in roof lights will cause light pollution.

During the debate Members discussed the roof lights and the concern on light pollution in this area. Members supported the applicant's use of reflective cover to reduce the glare to neighbours, however did request whether a further condition be included on blinds and officers reported that this would be difficult to enforce. Members requested applicants to put on the reflective screen within a month and to be maintained for perpetuity.

Recommendation: Conditional approval with additional condition for anti-reflective coating to roof windows as per Case Officer update.

Committee decision: Conditional approval with additional condition for anti-reflective coating to roof windows as per Case Officer update.

DM.22/22 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.23/22 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10:00 am and adjourned at 10.13 am to address technical issues and resumed at 10.20 am. Meeting concluded at 13:05 pm, with a 10 minute break at 11.49 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 27th July 2022

<i>Application No:</i>	<i>Site Address</i>	<i>Vote</i>	<i>Councillors who Voted Yes</i>	<i>Councillors who Voted No</i>	<i>Councillors who Voted Abstain</i>	<i>Absent</i>
4175/21/VAR	Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon	Approval	Cllrs Abbott, Brown, Foss, Long, Reeve, Rowe, Smerdon and Taylor (8)	Cllrs Hodgson and Pannell (2)	Cllr Brazil (1)	
1159/21/FUL	Land at West End Garage, Main Road, Salcombe	Approval	Cllrs Abbott, Brazil, Brown, Foss, Hodgson, Long, Pannell, Reeve, Rowe, Smerdon, Taylor (11)			
1424/22/VAR	Waves Edge, Challaborough	Approval	Cllrs, Brazil, Brown, Foss, Hodgson, Pannell, Reeve, Rowe and Smerdon (8)	Cllrs Abbott, Long and Taylor (3)		

PLANNING APPLICATION REPORT

Case Officer: David Jeffery

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

Application No: 4318/21/FUL

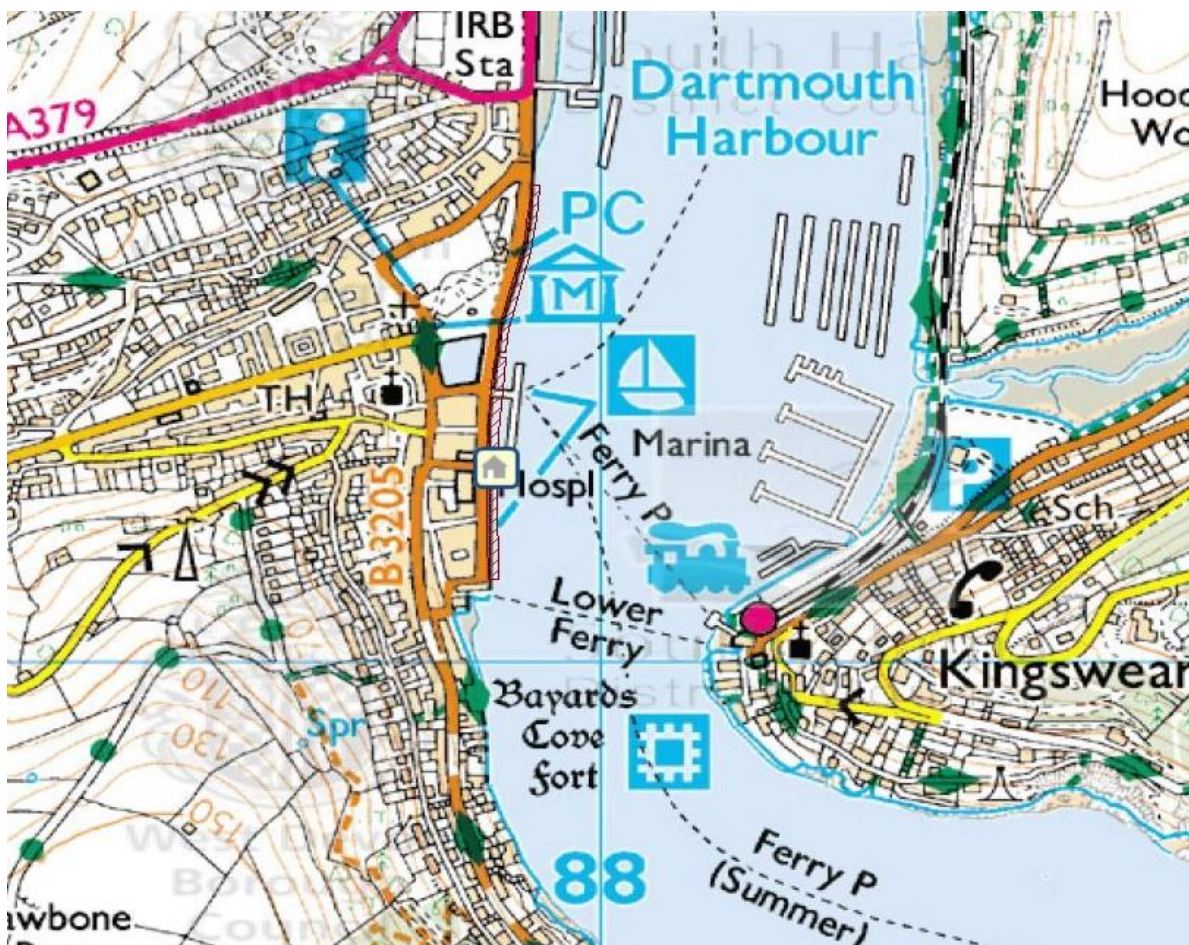
Agent:

Mr Guy Pedrick - South Hams District Council
Follaton House
Plymouth Rd
Totnes
TQ12 4XX

Applicant:

South Hams District Council
C/O Agent

Site Address: Shelter 21m From Station Restaurant, South Embankment, Dartmouth, TQ6 9BH



Development: Change the use of parts of the South Embankment Promenade to facilitate 9 discrete 'pitches' which can be used by hospitality businesses to provide outdoor seating.

Reason item is being put before Committee

South Hams District Council are the Applicant.

Recommendation: Conditional Approval

Conditions

- Time limit (temporary 3 year consent)
- Accord with plan
- Use of 'banks person'
- Hours of operation 9am – 10pm

Key issues for consideration

- Principle of development
 - Design/Landscape
 - Highways/Access
 - Neighbour Amenity
 - Flooding
-

Site Description

Dartmouth is a small coastal town, sited on a steep hillside on the west bank of the Dart Estuary. The overall site is directly adjacent to the sea/river wall and is bordered by the river to the east and the highway to the west. Parts of the site are used for a variety of purposes, from general circulation space/promenade for the public, to an operational fish quay.

The Proposal

Change the use of parts of the South Embankment Promenade to facilitate 9 'pitches' which can be used by hospitality businesses to provide outdoor seating. It is proposed that the nine areas would be made available to hospitality businesses for the sale and consumption of hot and cold food and drinks, including the sale and consumption of alcohol. Each pitch would provide a space for to locate tables, chairs and awnings during opening hours, demarcated by small studs inserted into the ground.

The site is located within a Conservation Area and is a prominent area on Dartmouth's waterfront. There are several Grade II listed buildings along South Embankment. Being directly adjacent to the sea/river wall, the whole of the site is within Flood Zone 3, as is much of this part of the town centre. The site is also located within the South Devon AONB.

Consultations

- County Highways Authority – Initial objection overcome by conditioning the proposal to a temporary consent and a condition businesses to provide a member of staff to supervise road crossings.
- Conservation Specialist – No objection
- Dartmouth Town Council – Support

Representations

76 letters have been received in 'support' of the application, on the following grounds:

- Opportunity for locals and visitors to enjoy outdoor seating in a position with excellent views of Dartmouth.
- The temporary use of this area over the past two years has been successful.
- Benefit to local businesses.
- The improved atmosphere/vitality and continental feel is welcomed.
- Ample room is available to accommodate the businesses and walkers.
- The Embankment is a low speed area, which shouldn't give rise to unacceptable risks for users from road crossings.
- Full support but enforcement of how the areas are used is important to avoid additional structures being added.

6 'objections' have been received to the application, which raise the following issues/concerns:

- The marked sites impede pedestrian access including for those with disabilities to the Embankment, double steps and also for activity associated with boats.
- Concerns over the lack of toilet facilities, music, electrical generators and rubbish collection – the management of which should be conditioned.
- Requirements needed in relation to waste collection and a curfew on evening use so as not to disturb local residents.
- The plots are too wide and will restrict the width and access of the remaining promenade
- Greater control over the overall aesthetic is required.
- This represents the privatisation of public space and a loss of public realm.

1 further letter has been received, from a representative of Dartmouth Food Festival which is classified as 'undecided'. This raises the following issues/comments:

Dartmouth Food Festival (which attracts approximately 25,000 people over the weekend) requests reassurance that the seating will be cleared for the festival as the event will not be viable without full use of the Embankment.

The Dartmouth and Kingswear Society have submitted two letters of representation but remain 'Undecided'. Although it declares support for the principle the provision of outside seating to support hospitality businesses along the South Embankment it makes the following comments:

- There should be avoidance of any structures that inhibit views of the river from seated and passing pedestrians.
- There should be a design protocol for the type of seating enclosure, outdoor furniture and parasols to provide a consistent appearance and approach to these outside areas.
- There should be a refuse strategy to ensure the embankment remains clean and tidy, commensurate with the increase of trade.
- The seating should be contained and managed to ensure the free movement of pedestrians along both the riverside and roadside during busy periods.
- We believe the pitches provided should be let on the basis of an annual licence.
- Share concerns of the Dartmouth Food Festival and support their request to ensure provision is made to accommodate the festival in this location during the month of October.

Relevant Planning History

Although there is no relevant planning history associated with the application, it is worth noting that the temporary seating areas have already been in place during the 2020/2021 seasons. This has been enabled through a temporary relaxation in Permitted Development rules in response to COVID19. The temporary relaxation of these rules is due to end later this year and as such this application has been submitted to allow for continued use of this outdoors seating. Officers are not aware of any nuisance complaints arising from the use of the outdoor seating to date.

ANALYSIS

Principle of Development/Sustainability

The site is within the centre of Dartmouth, one of the Main Towns identified within policy TTV1 of the Joint Local Plan (JLP), which seeks to prioritise growth in sustainable locations. The Main Towns area, within which the site is located, is the top tier of the settlement hierarchy, identified as the most suitable locations for growth and development.

JLP Policy TTV1 states that *'The Main Towns will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area'*.

To guide development in Dartmouth, the JLP includes 'Spatial Priority SP1: Spatial priorities for development in Dartmouth', which states that: *"The plan seeks to enhance the vibrancy and sustainability of Dartmouth"*.

JLP Policy DEV 16 'Providing retail and town centre uses in appropriate locations' states that: *'Proposals will be assessed in relation to their support for the spatial strategy of the local plan and the sequential hierarchy of centres. Proposals within identified centres should be of a scale appropriate to the role of the centre'*. DEV 17 'Promoting competitive town centres' states that *'In the town centres of the Thriving Towns and Villages Policy Area' the LPAs will enable and where appropriate support measures to enhance the economy'*.

In considering this application, it is also noted that the expanded seating areas for use by existing hospitality businesses have been in temporary use for the past two years. Their scale and use is considered appropriate for the centre of a Main Town and has supported the local economy as it has had to adapt to COVID19 and the increased preference for outdoors seating. As can be seen from the high degree of support received for this application, the move towards greater use of outdoors seating in public spaces has for the most part been welcomed and subject to the consideration of other key issues, including highways safety, is considered to be an appropriate town centre activity for Dartmouth that aligns with Dartmouth's role as a Main Town within the TTV Policy Area.

The principle of the continued use of Embankment Quay for local traders to provide additional outdoors seating is supported, subject to the considerations below.

Design/Heritage/Landscape

JLP Policy DEV20 'Place shaping and the quality of the built environment' states that *'Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment'*. As the proposals are located within the Dartmouth Conservation Area Policy

As the site is within the Dartmouth Conservation Area, JLP DEV21 'Development affecting the historic environment' is of relevance. This requires all development proposals to '*sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment*'.

As the site is within the South Devon AONB, JLP Policy DEV25 'Nationally Protected Landscapes' is of relevance. This requires proposals to '*conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*'. Special attention must also be given to desirability of preserving or enhancing the character or appearance of the Dartmouth Conservation Area in accordance with the Council's duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the setting of individually listed buildings in the locality under Section 66 of the same Act.

No permanent additions are proposed as part of the application other than the addition of small studs to demarcate the extent of each of the 9 pitches. Each area will consist of tables, chairs, separation barriers and parasols, which are proposed to be in place during opening hours only. Images provided of the seating areas in use over previous seasons show parasols, seating and barriers that balance a degree of coordination between the businesses (blue parasols) and personalisation to respond to the branding of the business they serve.

Given the surrounding built form, and the complimentary nature of the proposals to a Town Centre setting, Officers consider the proposals are appropriate in terms of design, would preserve the setting of the AONB and Dartmouth Conservation Area and therefore comply with policies DEV20, DEV21 and DEV25 of the JLP. The Conservation Officer noted in their response that "*the vibrancy which will no doubt result will offer a positive enhancement to the immediate Conservation Area.*" The nature of the proposal would not detract from the setting of any individually listed buildings along South Embankment.

Highways/Access

JLP Policy DEV29 Specific provisions relating to transport requires that '*Development will contribute positively to the achievement of a high quality, effective and safe transport system in the Plan Area*'.

The Applicant's design and access statement states that: "*During the previous two seasons (2020 & 2021), the operators of the nine areas have effectively managed the crossing of the highway by staff by the use of a banksman/supervisor as and when required. This was and will be a requirement within any agreement entered into between the Landlord and the operator. Throughout this time, there were no reported incidents in relation to the crossing of the highway*".

DCC Highways initially objected to the application as follows:

"The Highway Authority notes the proposals include nine hospitality pitches on the eastern side of South Embankment Road designed to facilitate out door seating for several hospitality businesses located on the western side of South Embankment Road. When informally approached by South Hams District Council regarding this proposal previously the Highway Authority raised concerns regarding the likely regular crossing of South Embankment Road back and forth by waiting staff and customers between parked cars. This is whilst concentrating on carrying food and drinks. It is noted the proposals put forward a suggestion of a banksperson to monitor/control staff crossing the road. The Highway Authority considers

it is unlikely and impractical that the businesses will be able to each dedicate a permanent bank person to continually monitor staff and customers crossing the road. Furthermore, it is likely the Planning Authority would find it difficult to enforce this if it was conditioned as a requirement of planning.

Whilst the government has recommended Local Authorities are pro-active in facilitating local business needs through the pandemic restrictions, this is a permanent planning application, that if granted cannot be reversed. Therefore, whilst the proposals currently have not created any accident statistics over the last two years or so of restrictions, it is deemed inappropriate to assume this will be permanent with this less than ideal arrangement. It is therefore recommended that due to the safety concerns raised by the Highway Authority the District should continue to review licences on an ad hoc basis, so that should in the future accidents occur, the situation can be reviewed and reversed if needs dictate.

Unfortunately the Highway Authority does not have the benefit of traffic count data on this road, observations on site are that during the summer months this is a very busy road. This is at the exact time when the seating areas are likely to be at full capacity.”

Following further discussions between Officers, the Applicant and DCC Highways, revised comments were submitted as follows:

“Following the previous objections from the Highway Authority the applicant has suggested in order to establish if safety records arise from the proposals, in the first instance a temporary three year permission should be granted. Previously it is understood the District Council had taken the decision to lease pitches associated to the businesses in the same locations as is proposed, as part of the measures to ease conditions for businesses in response to Covid19. This has occurred over the last two seasons. The suggestion of a three year temporary permission with the offer that the businesses will supervise staff crossing the road at all times is thought to be a reasonable compromise. If the Planning Authority is minded to approve the temporary permission to enable road safety implications to be monitored the Highway Authority would not object to the application subject to the following conditions.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

· Unless written permission is received from the Local Planning Authority, the use hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this planning permission.

Reason: In order to enable the Local Planning Authority to monitor the impacts of the proposed change in use on highway safety.

· Businesses shall provide a member of staff to supervise road crossings between their premises and associated pitch at all times.

Reason: In the interests of highway safety.”

Officers are satisfied that the above recommended conditions would provide appropriate and enforceable means to control the situation for a temporary period and enable the highways implications to be further assessed through the submission of a an application to further extend/make permanent the change of use at the end of the temporary consent period.

Neighbour Amenity

The seating areas would be located in a busy town centre location where a certain degree of activity during the days and evenings, especially during the holiday season would be expected.

It is however acknowledged that there is potential for conflict with some existing residential accommodation. It is proposed that with the inclusion of a condition limiting the use of these areas to between 9am and 10pm (as has been the case during the past 2 seasons), the granting of a temporary permission should not give rise to any significant concerns regarding the impact to nearby residents, and is considered to comply with policy DEV1 of the JLP.

Flooding

Although the sites are within Flood Zone 3, due to the temporary and moveable nature of the seating areas, the proposals are not considered to give rise to any significant risk from flooding. The proposals will not result in an increased risk from surface water flooding.

Low Carbon

JLP Policy DEV32 requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction. The nature of the proposals comprising a temporary extension to the seating areas of existing businesses is not considered to give rise to any significant implications in terms of compliance with Policy DEV32.

The Planning Balance

On balance, subject to the use of a banks person to supervise road crossings and that the permission is temporary (for 3 years) to allow the monitoring of any implications for highway safety, the proposed use is considered to be complimentary to this town centre location and will contribute to its vitality and viability. The proposals are therefore considered to be acceptable and the application is recommended for approval on this basis.

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

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

TTV3 Strategic infrastructure measures for the Main Towns

DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV14 Maintaining a flexible mix of employment sites
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
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

Neighbourhood Plan

The application is located within the parish of Dartmouth; a Neighbourhood Plan is under preparation and an Inspector was appointed in April 2022 (Reg 17 stage) so is now at an advanced stage of preparation and carries weight for decision making. In particular Policy DNP TE 4 ; 'Respect, protection and enhancement of civic spaces' identifies South Embankment as a civic space. The policy supports external seating areas in these locations and seeks to facilitate greater economic activity in these spaces. It is considered the application proposal accords with the objections of this policy and overall does not present any clear conflict with the emerging Neighbourhood Plan.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

South Devon AONB Management Plan 2019-2024

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended conditions in full

1. Unless written permission is received from the Local Planning Authority, the use hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this planning permission.

Reason: In order to enable the Local Planning Authority to monitor the impacts of the proposed change in use on highways safety.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) Site Location Plan, 15/528/002 Rev F and Plot Dimensions Plan (plot sizes only) received by the Local Planning Authority on 30th November 2021.

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

3. Each business shall provide a member of staff to supervise road crossings between their premises and associated pitch at all times.

Reason: In the interests of highway safety.

4. All tables, chairs, parasols, barriers and other items shall be removed from the pitches and they shall not be used for the serving of customers outside of the following times: 09:00am – 22:00 pm.

Reason: To safeguard the amenities of adjoining residents.

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PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

Parish: Yealmpton **Ward:** Newton and Yealmpton

Application No: 3931/21/FUL

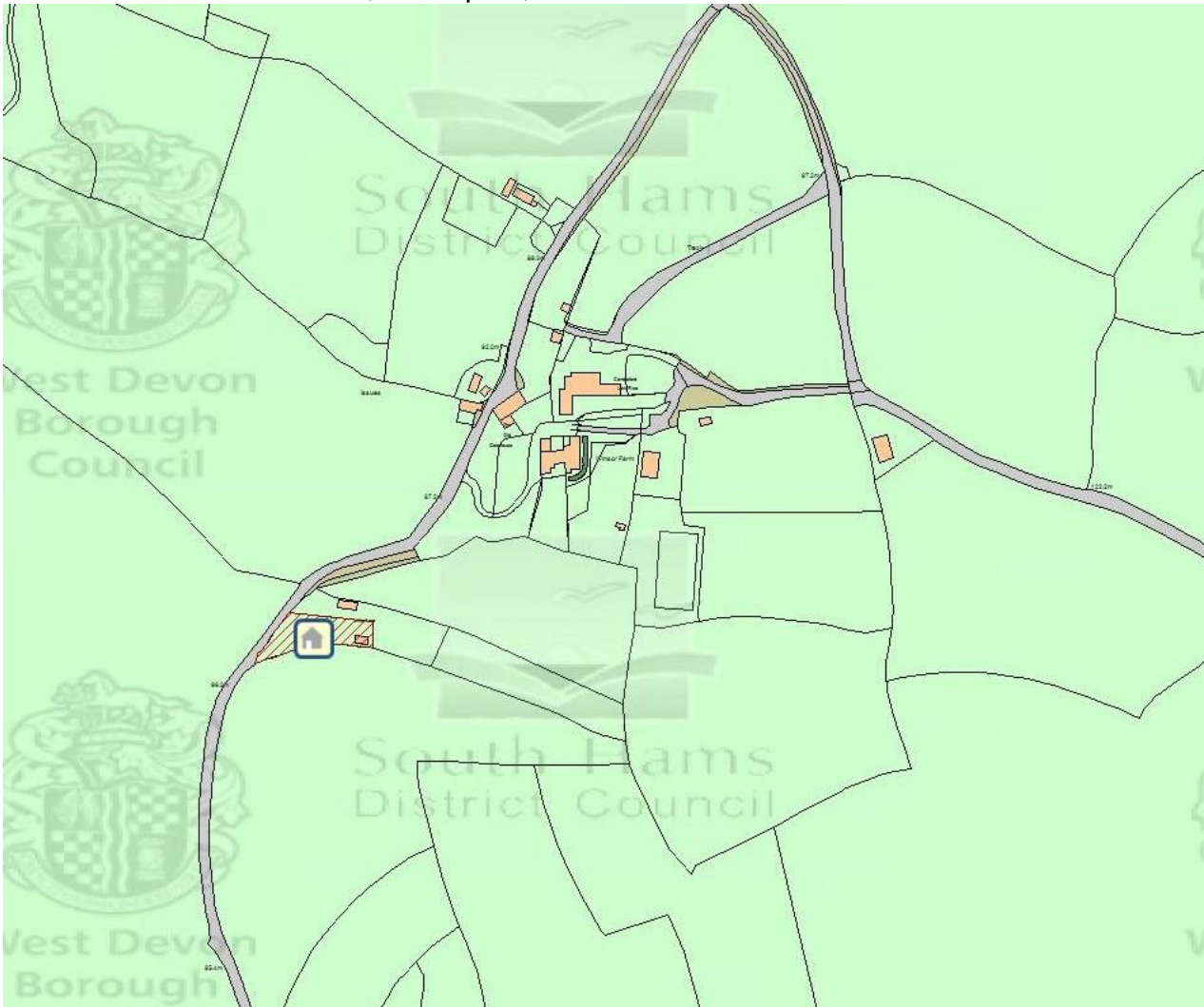
Agent/Applicant:

Mr & Mrs Kevin & Jessica Duff
Little Acres
Winsor
Yealmpton, Plymouth
PL8 2LL

Applicant:

Mr & Mrs Kevin & Jessica Duff
Little Acres
Winsor
Yealmpton, Plymouth
PL8 2LL

Site Address: Little Acres, Yealmpton, PL8 2LL



Development: Conversion of existing garage and store to create annex with habitable accommodation (part retrospective)

Reason item is being put before Committee:

The application has been called in to be determined by the Planning committee by the Ward Member because of the following reasons:

1. This is the latest in a series of retrospective applications for this site.
2. It is over development of an isolated rural site.
3. Despite the alleged lack of highways implications, this is a difficult to access road and any increased traffic will be a potential problem.
4. 0171/21/VAR was refused and the Officer reports says: "creation of a single open market dwelling located within an unsustainable, countryside location.....is contrary to S01, S06 and S10 of the local plan." I agree.
5. I think that it is contrary to TTV 26
6. The claim that the new dwelling is to be used by relatives of the applicant is of course not a planning matter. If consent is granted, the future is unpredictable.
7. The need to have two dwellings on this site is not proved.
8. I have concerns about surface water drainage.

Recommendation:

Conditional Approval

Conditions:

In accordance with plans

Restriction on use – ancillary to main dwelling known as Little Acres

Drainage scheme installed in accordance with plans

Unilateral Undertaking to secure Plymouth Sound and Estuaries EMS contribution has been completed and signed.

Key issues for consideration:

Principle, design and appearance, amenity and highways.

Site Description:

The application site is located just outside of Yealmpton. The site is accessed off a public highway (unclassified) from Orchard Hill in Yealmpton. There is a residential dwelling at the site and detached garage within the garden. The site is surrounded by open countryside.

The site is not within a designated landscape, nor are there heritage assets located within the setting of or on the site.

The site is located within the Zone of Influence for recreational impacts on the Plymouth Sound and Estuaries European Marine Site (EMS).

The Proposal:

This application seeks full permission to convert an existing detached garage and store room into an annexe, which would be occupied as ancillary to the main dwelling known as Little Acres. The annexe would be to serve the applicant's relatives. Planning Consent was granted on 06/02/2020, under application reference 0390/20/FUL, for the garage: "*Proposed replacement of agricultural building with garage building within the curtilage of residential dwelling.*"

The proposed annex will include a kitchenette and shower room/toilet and one bedroom. In order to convert the garage into an annex some minor alterations will take or have taken place, including installation of 3 roof lights, insertion of 2 windows on the west elevation, and alteration of the 'front door' access to the annex.

Consultations:

- County Highways Authority: No highways implications.
- Environmental Health Section: No objection
- Yealmpton Parish Council: Objection

"We 'Object' as we support the previous decision from 0171/21/VAR and stand by our comments contained within that application".

- Drainage Specialist: Support

Representations:

Representations from Residents

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

- I cannot see any negative impact by the approval
- It will not degrade the environment or the area
- The building works are small and cannot be seen from the road
- Small scale development

6 letters of objection have been received and cover the following points:

- There are lots of retrospective changes being done at the site, and I would respect the proposal if planning was sought
- Other peoples applications for residential use have been refused so why should this one be any different
- We support the parish council's objection
- The site will have two dwellings, not one – creation of another dwelling not supported
- Parking concerns
- Overlooks immediate neighbours
- Garage was permitted for storage and vehicles only
- Previous refusal to grant the garage into accommodation
- It is being built purely for income generation
- Over development of the site
- Access and impact on highways
- Hard to keep up maintenance of the hedgerow
- Will open the gates for further retrospective builds locally

Relevant Planning History

Planning Application Ref: 62/0852/15/F

Description: Retrospective conversion of redundant barn/store to single dwelling

Decision Date: 13 June 2015

Refusal

Planning Application Ref: 0385/20/FUL

Description: Siting of a replacement residential dwelling

Decision Date: 22 May 2020

Conditional Approval

Planning Application Ref: 0390/20/FUL

Description: Proposed replacement of agricultural building with garage building within the curtilage of residential dwelling

Decision Date: 08 June 2020

Conditional Approval

Planning Application Ref: 2596/20/VAR

Description: Application for variation of condition 2 of planning consent 0390/20/FUL

Decision Date: 15 October 2020

Conditional Approval

Planning Application Ref: 3832/20/ARC

Description: Application for approval of details reserved by condition 5 of planning application 2596/20/VAR

Decision Date: 16 March 2021

Discharge of condition Approved

Planning Application Ref: 0171/21/VAR

Description: Removal of condition 3 of planning consent 0390/20/FUL to allow residential use of garage and variation of condition 2 (plans)

Decision Date: 19 March 2021

Refusal

ANALYSIS

Principle of Development/Sustainability:

Spatial Strategy:

Policy SPT1 of the Joint Local Plan (JLP) seeks a sustainable society where sustainable and health-promoting transport options are available to access local education, services, and jobs.

Policy SPT2 sets out that development should support the overall spatial strategy through the creation of communities which; have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services, and community facilities, and; are well served by public transport, walking and cycling opportunities.

Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements within the Thriving Town & Villages Policy Area (TTV), further explained in policy TTV25. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'.

The site is not within an area identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area.

Consequently, 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, where development will be permitted only *"where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27"*.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy is to protect the role and character of the countryside. The proposal relates to the use of an existing domestic garage for ancillary residential purposes within an established residential site, and the principle of the development in this location is acceptable in this context.

Policy TTV29 does not specifically refer to residential annexes. The extension and erection of the garage has already been permitted and fully assessed under previous planning consent. Policy DEV10.4 specifically refers to residential annexes. It states: *"Residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary."*

The submitted application is considered by Officers to meet these requirements. The adopted JLP SPD provides further guidance on the creation of annexes under Policy DEV10.4. The LPA will normally expect an annex to:

*'Be an extension to the existing dwelling, or an outbuilding sited within its garden;
Be functionally related to the main dwelling, for example where the occupant is a dependent relative of the main dwelling's resident(s);
Be used only in conjunction with the main dwelling;
Be in the same ownership as the main dwelling;
Be accessed via the main dwelling or its garden and not by means of an independent access.
Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently;
Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe; and,
Be designed in such a way as to easily allow the annexe to be used as an integral part of the main dwelling at a later date'*

The applicant has provided a supporting information statement setting out how the proposal complies with each requirement of the SPD Policy DEV10.4 (listed above). The proposal is considered to meet the policy requirements because it is within the same ownership of the main house and is an outbuilding sited within the garden of the main dwelling. The two buildings share a highways access, and parking areas, and in order to reach the main house, you walk directly past the annexe. There is an access directly leading from the annexe to the main house front terrace area. There are no boundary treatments proposed, or separation between the two buildings. The two buildings will share a garden, driveway, parking and outdoor space. The annexe will be reliant on the use of the main dwelling for the utility room including laundry and washing facilities, and wider kitchen use as only a very basic kitchenette will be installed in the annexe. A condition will be issued to ensure the annexe remains in use ancillary to the main dwelling, and is not occupied or separated as a separate unit of accommodation or used for commercial/business uses.

In light of the above, the proposal is considered to be acceptable in principle, and compliant with Policy DEV10.4.

Officers note the concerns that have been expressed by the Parish Council and letters of objection about there being a new unit of residential accommodation created at the site, and the site being home to two separate dwellinghouses. The proposed annexe is on the larger scale than what would generally be considered suitable for an annexe style accommodation. However, there is merit in that an existing outbuilding will be used, as per the Policy DEV10 requirement, and that the proposal will not introduce further built form into a countryside location.

Officers are required to consider the case as put before them, and this application does not seek to create an independent unit of accommodation or residential dwelling in the garage, but an ancillary annexe. Officers are not able to base the decision making process on what has formerly been proposed and refused or withdrawn at the site, in earlier planning applications, when assessing this fresh application.

Design/Landscape:

The proposal will see some design changes to the garage. These are commensurate and will not add scale, height or mass to the garage as it exists. The proposed materials are in keeping with the vernacular of the site. The detached garage is an already approved building at the site so the overall design and landscaping matters have been assessed and considered acceptable under the original permission granted for the garage. The proposed design is considered to meet the policy DEV20.

Owing to the minor changes that have been made to the garage there are not considered to be any wider landscape changes as a result of the proposal. Due to the position and layout of the highway, and the well-established hedgerow that borders the site and the road network, views into the site are not greatly possible. The proposal will not see an increase in height or result in the building protruding further into the open countryside. The site is not within a designated landscape. In summary, the proposal is not considered to be of detriment to the landscape setting so is compliant with Policy DEV23.

Amenity:

The proposed annexe would not meet the National described space standards, however, because of its use as ancillary and that it will rely on the floor space of the main dwelling, this is not an issue. There is sufficient space on site to serve both the main house and the annexe in terms of garden and parking. The proposed relationship between the two buildings will be connected as there are no boundary treatments proposed, and the annexe would be used ancillary in nature to the main dwelling.

There are no neighbours in proximity to the site to be impacted by the change of use of the garage into an annexe.

Highways/Access:

The Highways Officer has expressed no objection to the scheme.

Drainage:

The Council's Drainage Specialist supports the application subject to a condition to ensure the proposed drainage scheme is installed in accordance with the submitted plans and maintained as such. This condition forms part of the Officer recommendation.

Other Matters:

The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries EMS can be appropriately secured by via a legal agreement to secure a financial contribution.

A legal agreement is in place and the applicant will be instructed how to pay the contribution prior to the occupation of the annexe. For this application a contribution was sought because of the use of the building will be adding a bedroom to the site, which could increase the recreational pressure on the zone of influence. The nature of the proposal is one where there is an intensification of use, by the garage becoming ancillary accommodation. Although the garage will not be one independent residential unit in itself, there is the potential for pressures to be added to the Plymouth Sound and Estuaries EMS as the garage as converted would intensify the residential use of the site.

Conclusion:

The proposal for an ancillary annexe to be used in connection with and ancillary to the main dwelling at the site known as Little Acres, in an existing garage and store, where there is an existing residential use, is considered to be supported by Policy DEV10.4. The annexe will be an ancillary use to the main dwelling, and used in connection, not as a separate unit of accommodation, which would be secured by condition. The proposal has minimal impact on the landscape and street scene. No highways objection received and the contribution to the Plymouth Sound and Estuaries EMS has been secured through a completed Unilateral Undertaking. In summary, the proposal is considered to be policy compliant and recommendation of approval subject to conditions.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 120, 136 and 140 and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended conditions in full:

1. The development hereby approved shall in all respects accord strictly with drawing number(s):

Site location plan;

18423/203 C Proposed plans and elevations;

received by the Local Planning Authority on 14th January 2022

and

18423/202 C Proposed site plan

Received by the Local Planning Authority on 24th January 2022

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

2. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling "Little Acres", and shall not be used, let, leased or otherwise disposed of for any other purpose, including for commercial or business use, or as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling, and likely result in amenity concerns. Also, to prevent the establishment of a new independent dwelling within a location which is not considered to be sustainable for the provision of unrestricted dwellings.

3. The drainage scheme shall be installed in strict accordance with the plan '18423/202 C', received by the Local Planning Authority on 14th January 2022, and 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.

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PLANNING APPLICATION REPORT

Case Officer: Chloe Allen

Parish: Thurlestone

Ward: Salcombe and Thurlestone

Application No: 3026/21/FUL

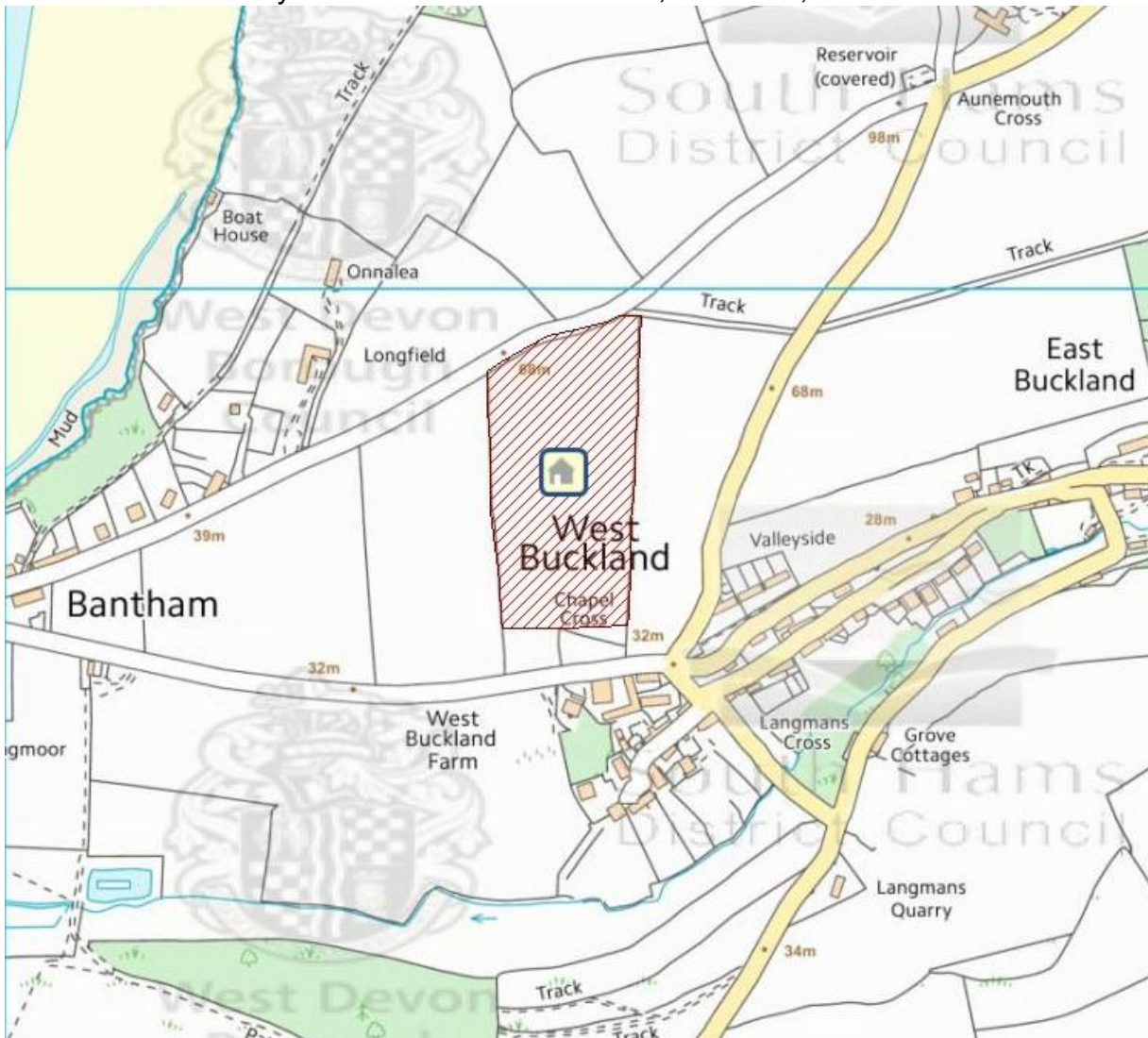
Agent/Applicant:

Mr. C. Wojtulewski - Parker Dann Ltd.
S10 The Waterside Centre
North Street
Lewes
BN7 2PE

Applicant:

Bantham Estate Ltd .
Bantham Estate Office
Bantham
Kingsbridge
TQ7 3AN

Site Address: Vineyard North West of Buckland, Buckland, Bantham



Development: Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks

Reason item is being put before Committee

Called in by Cllr Mark Long who commented in an email dated 03/05/22:

I would want these two applications to go before the Development Management Committee for consideration given the objections and comments of the SHDC Landscape Officer relating to impact on the AONB and UDC, as well as other similar representations.

Following receipt of additional landscape plans and details, and additional comments from the Landscape Officer, Cllr Mark Long confirmed he would like the applications to still be heard at Development Management Committee for consideration of justification, planting and landscape comments.

Cllr Judy Pearce was agreeable to the application being a delegated decision for approval.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided.

Conditions

- 1) Time limit
- 2) Approved drawings
- 3) Ecology recommendations
- 4) Nesting birds
- 5) Planting
- 6) Temporary condition / removal after five years

Key issues for consideration:

- Principle
- Design and Landscape
- Neighbouring Amenity
- Heritage
- Ecology
- Highways
- Flooding
- Planning Balance

Site Description:

The application site comprises agricultural land accessed via the Class C road, Bantham to Aunemouth Cross. It lies on the south side of this road, to the east of Bantham village and to the north of Buckland, beyond the Conservation Area.

The site lies within an Area of Outstanding Natural Beauty (AONB), Heritage Coast, Undeveloped Coast and the 3G. River Valley Slopes and Combes Landscape Character Area.

The site lies at a distance of approx. 522m from the nearest ancient monument to the south, Four Bowls Barrows, and at a distance of approx. 87m from the nearest Listed Building, Grade II Buckland Cottage, to the south, and 483m from the Grade II Sloop Inn, to the west. The West Buckland Conservation Area lies to the south east, with the main area for such being approximately 60m from the site (approx. 80m from the proposed fencing).

Description of Proposal:

The application seeks temporary permission, for five years, for the top section of two rows of proposed fencing which run north-south alongside the west and east field boundaries, which are lined with existing hedgebanks. The eastern site boundary is actually in the middle of the vineyard, with the fields to the east also being used for such, being within the applicant's ownership.

The proposed fencing comprises 4m high timber posts, with the first 1.8 metre section consisting of permanent deer fencing, and the 2.2 metre section above this consisting of paraweb polyester webbing. The purpose of the temporary paraweb fencing is to protect natural windbreaks, comprising double rows of saplings that have already been planted, adjacent to hedgebanks that are approximately 3m high. This temporary protection would allow the planting to mature sufficiently to both withstand the wind and provide adequate shelter for the vines.

At the end of the temporary five year period the paraweb would be removed and the timber posts would be reduced to 1.8m, leaving only the deer fence and natural windbreaks in situ. This would result in the deer fence then falling within the height limitations for permitted development for gates, fences and walls as set out in Class A, Part 2, Schedule 2 of the Town and Country (General Permitted Development)(England) Order 2015 (as amended).

A section of heritage fruit trees is also proposed beyond the application site to the south, within the blue outlined area under the applicant's ownership. The Officer has also requested a detailed landscaping plan, showing the extensive existing planting which is to be retained, the proposed planting, and details of how existing gaps in the hedgebanks will be filled.

Consultations:

External Consultees

- DCC Highways - No highway implications
- Town/Parish Council - Thurlestone Parish Council supports this application for the temporary installation of two rows of 2.2 m high Paraweb fencing provided a condition is imposed to ensure that within 5 years, the Paraweb is removed and the timber posts are cut down from 4m to 1.8m high permanent deer fencing, which it is understood benefits from permitted development rights.

Councillors were satisfied that the temporary Paraweb fencing is necessary to protect the new trees and Devon hedge banks from the prevailing coastal winds in order to help establish the newly planted vineyard, which will provide opportunities for local employment and contribute towards the sustainable future of the local economy (NP Policy TP8.1).

Internal Consultees

- SHWD Landscape Officer – Initial Objection: Proposed section of Paraweb fencing would be unnecessarily high, visually prominent against skyline and uncharacteristic. Would be detrimental and fail to conserve and enhance the landscape/AONB#

Officer Note: Further landscaping details and a response to the original comments have been provided by the applicant. Following review of such the Landscape Officer commented as follows:

'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant. The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'

- SHWD Tree Officer - No comment
- Drainage - No comments

Representations:

x2 letters of objection from separate addresses have been received. The comments received are summarised as follows:

- The Bantham Estate vineyards are more exposed than Sharpham Vineyard where natural high windbreaks are used
- Natural high windbreaks should have been planted and allowed to grow before planting the vines
- The enhanced employment claims are dubious and the employees who planted the vineyard were not local
- The applicants are installing the windbreaks before having received the planning decision
- The applications show the permanent deer fencing would only be installed on two sides of each vineyard so would be pointless
- If the plants can't grow without a temporary windbreak then the windbreak is pointless as the plans would not survive long term following removal of the temporary windbreak
- these proposals would have a detrimental effect on the highly sensitive AONB, Undeveloped Coast, and Heritage Coast, and are contrary to planning policies PT11, DEV23, DEV24, and DEV25
- Site is unsuitable for vineyards due to exposure to salt laden air
- Once the temporary windbreaks are removed, the natural windbreaks they would protect will break or blow over
- The windbreaks will not be temporary
- The windbreaks will be on a prominent skyline and contrary to SPT11
- The benefits promoted such as public events, leisure and retail are inappropriate for the village location and rural roads
- Application fails to mention visual impact to the east from public right of way
- The artificial shelter will cause a weak and uncharacteristic hedge to grow that will not be an enhancement in the AONB
- This will only serve the economic wellbeing of an estate based in Oxfordshire
- The run off from agrichemicals required to prevent mould etc will end up in the Marine Conservation Zone

Relevant Planning History

3027/21/FUL

Vineyard North of Lower Aunemouth Bantham TQ7 3AD

Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks UNDER CONSIDERATION

ANALYSIS

Principle of Development

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. The policy seeks to, amongst other things: encourage and support opportunities for business growth; promote environmentally conscious business development; promote a low carbon economy; protect and enhance biodiversity; protect the best and most versatile agricultural land for agricultural purposes; and strengthen, respect, and maintain local distinctiveness and sense of place through high standards of design.

Policy SPT2 elaborates further, supporting the creation of sustainable neighbourhoods and sustainable rural communities. The policy requires developments to support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other things; have safe, accessible, healthy and wildlife rich local environments; and provide a positive sense of place and identity, including through the recognition of good quality design, and protection and enhancement of the natural environment.

Policy TTV1 of the JLP sets out how the LPA will distribute growth and development in accordance with a hierarchy of settlements, enabling each town and village to play its role within the rural area. In this case, the application site would fall within tier 4 of TTV1, being within the countryside. TTV1(4) states that development will only be permitted in the countryside if it can be demonstrated to support the principles of sustainable development and sustainable communities (SPT1 and SPT2), including as provided for in Policy TTV26. Policy TTV2 indicates that sustainable rural development will be supported if it involves the growth and expansion of rural businesses and enterprises and the diversification of agricultural and other land-based rural businesses.

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, with part 1 applying to development proposals considered to be in isolated locations only. Given the proximity of development in the surrounding area and the proximity of Buckland to the site, part 1 is not considered to be relevant in this case. Therefore, only the second part of the policy, which is applied to all development in the countryside, is of relevance, stating that:

'Development in the Countryside:

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'

In respect of TTV26(iii) and (iv) the wider site owned by the applicant is used as a vineyard, being a lawful agricultural use which requires a countryside location. A letter from Vinescapes consultants, dated 19/07/2020 confirms that an assessment of the climatic, soil and topographic suitability of the land at Bantham Estates was undertaken, the conclusion being that there was '*cool-climate viticulture potential for a range of grapevine cultivars (selected because of their climatic suitability and for specific wine styles)*'. However, this conclusion was caveated by their advice that the viability of commercial viticulture would be restricted unless windbreaks were established to protect the vineyards from westerly winds.

A Wind Mitigation Strategy, dated 18/06/21 by Vinescapes Consultants, has been submitted in support of this application. This report sets out the need for the proposed Paraweb temporary fencing and its design, and explains why such is considered to be critical to the sustainability and success of the vineyard, stating that:

'Windbreaks in and around the vineyard sites at Bantham are essential to protect the significant investment in hedges, trees, vines and native vineyard floor plants from coastal winds. Exposure to wind in a vineyard can disrupt flowering (leading to yield loss), reduce temperatures (resulting in reduced ripeness), physically damage the vine canopy (resulting in yield and quality losses) and cause operational challenges. A breeze is beneficial in a vineyard as it will help reduce disease pressure. The Bantham vineyards are exposed to sea winds and breezes from the south-west and west. To protect against the negative impacts these may cause it has been recommended that windbreaks be established around and within the vineyards...'

'In total 2,000 trees and 2,400 hedging plants have been established to form natural windbreaks for the vineyard (~25,000 vines).'

'To ensure the best chance of hedge and tree establishment and to speed up their growth as much as possible, and to protect the young vineyard (planted in May 2021) Vinescapes have recommended that temporary Paraweb windbreaks (Figure 3 below) are established in the locations shown in Figures 4a and 4b, to a height of 4m.'

'After 4–5-years the windbreak trees, and hedges on top of the Devon Banks, should be mature enough to withstand the sea breeze and coastal winds and the Paraweb can then be removed.'

Given the above, it is considered that the proposed development complies with TTV26(iii) and (iv). The development also complies with DEV15(6) which supports the rural economy providing, amongst other things, that development meets the essential needs of agricultural or forestry interests.

Additionally, Natural England's Agricultural Land Classification Map for the area identifies the site to be Grade 3 land, which is described as 'good to moderate'. Grade 3 land is split into two categories being Grade 3a and 3b, with only Grade 3a falling within the definition of 'the best and most versatile agricultural land'. Whilst it is not clear which category of Grade 3 the site falls within, the proposal seeks to support the continued use of the applicants land for agricultural purposes, which is supported by policy TTV26(v).

Considerations relating to site enhancement and impacts on the landscape, natural environment and public footpaths are set out in further detail below. However, the proposal is for a temporary period of five years only, with the upper section of the fence being removed at the end of such duration. Whilst the development will temporarily have some impact on the landscape, as a condition can be imposed to ensure the fencing is reduced in height after five years, it is not considered that the proposed fencing would result in long term degradation of the landscape or the natural environment, thereby complying with TTV26(vi). The proposed development is also likely to enhance the natural environment by supporting the establishment and growth of a significant amount of existing and proposed planting which will provide wildlife corridors and net gains in biodiversity.

Furthermore, the submitted supporting statement, dated 30/07/21, notes that the wider site under the ownership of the applicant, Bantham Estates Ltd, measures 303ha., of which, 6ha. have been planted with vines to assist with diversification of the estate. The letter from Vinescapes, dated 19/07/21, submitted in support of this application also notes that the vineyard is expected to result in economic benefits involving a minimum of 2no. full time staff and approx. 20no. seasonal staff for harvesting and other activities. The letter, authored by Dr Alistair Nesbitt, a Viticulture Climatologist, also notes that vineyards are more intensively managed than arable farming and present opportunities for a wider range of skilled workers. He also refers to a recent Viticulture Impact Study for the South Downs National Park that found vineyards contribute positively to local economies through employment and tourism spending of £62 on average per visitor. The proposed development will facilitate the diversification of an existing agricultural/land-based business which will provide economic benefits, according with the requirements of TTV2(3) and (4), and the aims of DEV15 which seeks to support proposals in suitable locations which improve the balance of jobs within the rural areas and diversify the rural economy. Policy TP8.1 of the Thurlestone Parish Neighbourhood Plan (TPNP) also provides support for proposals for economic development and new commercial or business premises providing such meets the requirements of Policy TP1 and other relevant policies within the plan, which is discussed in further detail throughout this report.

For the reasons above, the principle of the proposed development is considered to accord with JLP policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15, as well as TP8 of the TPNP. Furthermore, the development accords with the aims of Paragraph 84 NPPF, which requires planning decisions to support a prosperous rural economy by enabling, amongst other things; the sustainable growth and expansion of all types of business in rural areas; and the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 is also of relevance, stating that '*Planning...decisions should recognise that sites to meet local business and community needs in rural areas may have to be found...beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.*'

Design/Landscape:

The site is within the open countryside, the undeveloped coast, the heritage coast, the South Devon AONB, and the 3G. River Valley Slopes and Combes Landscape Character Area.

Reflecting the aims of Paragraph 174 of the NPPF, JLP policy DEV23 supports development that conserves and enhances landscape character and visual quality, resisting adverse landscape or visual impacts.

JLP policy DEV24 seeks to protect the undeveloped and heritage coast, stating that:

'Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*
- 5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.'

Reflecting national planning policy set out in Paragraph 176 of the NPPF, JLP policy DEV25 affords the highest degree of protection to the protected landscapes of the South Devon AONB and requires the LPA's to protect the AONB's from potentially damaging or inappropriate development either within the protected landscape or their settings. Policy TNP1(5) and TP22 of the TPNP aligns with the aims of DEV23 and DEV25, seeking to conserve and enhance the natural beauty of the AONB and the character of the areas skylines, seascapes and riverscapes. The most relevant sections of DEV25 are as follows:

'In considering development proposals the LPA's will:

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape's special qualities and distinctive characteristics or valued attributes.*
- 8. Require development proposals located within or within the setting of a protected landscape to:*

- i. Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects*

The proposal comprises the temporary installation of a 2.2m high section of fencing, above a permanent 1.8m high deer fence, formed of black polyester webbing between 4m high timber poles. The fencing would form two rows, following the existing field boundaries in a north-south direction.

The proposed section of fencing would lie parallel to existing hedgebanks that have been enhanced by additional planting, and a double row of proposed tree saplings. The purpose of this upper section of fencing as set out in the submitted documents is to provide a windbreak for a temporary period of five years. This would enable the saplings and hedgebanks to grow sufficiently to serve as a natural windbreak to protect the vines that were planted in May 2021.

The submitted covering letter notes that the establishment of the vineyard has involved a significant investment in new hedges, trees, vines and native ground cover, including:

- c.2,700m of young trees planted in 2020;
- c.1,200m of hedging mostly on top of new or repaired Devon banks;
- 200no. salt resistant pine trees;
- 800no. additional trees (Alder and Beech) to be planted as windbreaks;
- A group of 34no. heritage fruit trees to be planted beyond the southern boundary of the application site – comprising traditional Devon varieties as set out in drawing 377/01/26A, received 05/05/22.

A fully detailed landscaping scheme has been submitted which clearly sets out the proposed and existing planting along with a maintenance schedule.

It is acknowledged that the synthetic black webbing would be out of character with the surrounding landscaping and that, due to its height, stretching from 1.8 to 4m above ground level, it would be visible from public viewpoints.

This visual prominence, however, would be slightly reduced by the dark colour of the proposed material, its permeable nature, and its position alongside linear landscape features (hedgebanks and trees/hedge plants). Additionally, the site is mostly screened from the public vantage points directly north and south by a high landscaped hedgebank and the submitted layout drawing shows the fencing to be set back 8-9m from the northern roadside boundary and 30-44m from the south boundary. Therefore, visual impacts of the development will be limited to gaps in the hedgebanks (i.e. entrance gates) and long distance views where the fencing will be seen within the context of the existing vineyard, existing landscaping, planting and development. The longevity of its impact would also be reduced by the temporary duration of its installation, whereby the upper part of fencing would be removed completely at the end of the five year period.

A Landscape and Visual Appraisal (LVIA) has been submitted in support of the application, which notes:

'The proposed temporary shelter fencing works will introduce a feature which is not characteristic into the landscape for a period of 5 years. It is necessary to help establish the vineyard, and to restore associated existing Devon Hedge banks. Whilst there will be adverse landscape character and visual effects, these are relatively minor in nature and of a temporary nature. The associated longer term landscape and conservation benefits that have been described will provide compensation and help mitigate for the temporary adverse effects.'

The Council's previous Landscape Specialist was consulted on this application and raised an objection on the grounds that the proposed section of Paraweb fencing would be unnecessarily high, visually prominent against the skyline and uncharacteristic, and that it would be detrimental to and fail to conserve and enhance the landscape and AONB for the 5 year period it is proposed for. However, the application has been reviewed by the current Landscape Officer following submission of a detailed landscaping scheme and a response from the applicant. The objection from the Landscape Officer has now been withdrawn, with comments being as follows:

'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.'

'The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'

The Tree Officer was consulted on the application and raised no objections, and the AONB Unit have not commented.

Whilst a degree of visual harm would ensue from the scheme in respect of the AONB, Heritage Coast and Undeveloped Coast, the proposed fencing is required to protect the young plants for a temporary period and could not reasonably be relocated. Notwithstanding the temporary harm to the landscape resulting from the proposal, it must also be recognised that the purpose of the upper section of fencing is to protect the vineyards and associated new and proposed planting from harsh weather conditions. The submitted documents demonstrate that the proposal would allow natural windbreaks to establish that would remove the need for artificial windbreaks after the temporary period.

It is recognised that the additional planting, listed above and shown on the detailed landscaping plan, would serve to enhance the natural beauty of the landscape and special qualities of the AONB over the long term. The planting would strengthen the existing field boundaries and wildlife corridors, as well as creating new areas of planting, thereby conserving and enhancing the natural environment and providing biodiversity net gains, in line with the aims of

DEV25(8)(vi) and DEV26 of the JLP. The development also aligns with the aims of DEV28 of the JLP and TP22(2-4) of the TPNP, which supports the retention of existing trees and hedgerows, including Devon hedgebanks.

The success of the planting, including the natural windbreaks and vineyard, would be dependent on the proposed temporary measure to allow the young plants to become established. In addition, as the planting matures, some degree of screening to the fencing would be provided in the interim.

The proposed development would temporarily harm the landscape and the character of the AONB, and the heritage/undeveloped coast. However, it will also provide long term benefits, including biodiversity enhancements, the strengthening/restoration of existing landscaped boundaries and Devon hedgebanks, and economic benefits.

It is also important to consider the requirements of Paragraph 177 of the NPPF, which states the following:

'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.'

'For the purposes of Paragraphs 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'

The assessment for major development is therefore not based on the major development definition set out in Part 1(2) of the Town and Country (Development Management Procedure)(England) Order 2015. In this case, given the limited scale/impacts of the proposed development, as discussed above, and its temporary nature, the development is not considered to be a major Paragraph 177 type. The Landscape Officer also concluded in their comments that the development is not considered to constitute major development.

Neighbouring Amenity:

JLP policies DEV1 and DEV2, and TPNP Policy TP1 require development to safeguard the health and the amenity of local communities and to avoid unacceptable harm to living conditions.

There are no residential properties in the immediate vicinity of the application site.

As such, the proposal is considered capable of compliance with JLP policies DEV1 and DEV2, and Policy TP1(1) of the TPNP in this regard.

Heritage:

The site lies at a substantial distance from the nearest heritage assets, and there is existing built form and significant landscaping between the site and such. Therefore, intervisibility between the site and surrounding heritage assets is extremely limited.

For these reasons, it is not considered that the scheme would result in harm to the Conservation Area, Ancient Monument and Listed Building or their settings.

The scheme would, therefore, be capable of policy compliance in this regard; thereby complying with DEV21 of the JLP and Policy TP1(6) of the TPNP.

Ecology:

The Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP policy SPT1.3.ii supports development that delivers:

Overall gains in biodiversity [that] are achieved by protecting and enhancing species, habitats and geological sites.

JLP policies SPT12 and DEV26 seek to enhance the natural network, providing multiple benefits both to people and wildlife while protecting and enhancing biodiversity and geological conservation, while policy DEV2 limits light pollution.

JLP policy DEV28 requires net gains to compensate for any loss of trees, woodlands and hedgerows.

TPNP policy TP22 resists harm to species and habitats and encourages the use of Devon hedgebanks, biodiversity enhancement, and the protection and enhancement of the visual amenity and AONB.

NPPF paragraph 174 d) states:

... decisions should contribute to and enhance the natural and local environment by ...providing net gains for biodiversity...

NPPF paragraph 180 d) states:

..opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

An Ecology Statement, dated 08/07/21, has been submitted in support of this application. The report confirms that, due to the scale of the proposal, no impacts on designated sites are predicted. No other negative ecological impacts are predicted providing best practice pollution control measures are employed during installation of the fencing, and providing the installation of the fencing takes place outside of cirl bunting breeding season (March-September inclusive) to prevent disturbance. The report acknowledges that the temporary fence will allow the hedgebank planting and tree lines to establish into dense structures that are able to withstand the coastal wind, and will also provide good quality wildlife corridors across the site and additional foraging and shelter for a range of species, including bats, breeding birds, reptiles, dormouse and invertebrates; thereby providing net gains in biodiversity. A condition can secure compliance with the actions set out in the ecology report. Furthermore, no external lighting is proposed as part of the application, ensuring the development does not harm the intrinsically dark landscape.

A further document, titled 'Hedges and shelter in Devon and Cornwall', has been submitted in support of this application that notes how the existing field boundary hedgebanks in the vicinity of the site have been reduced in terms of the height and growth of vegetation over recent years and that in the past, the vegetation would have been allow to grow much taller and thicker to

improve the microclimate of the adjacent fields. The planting and works carried out on the existing hedgebanks will help to restore their original height and vegetation growth, and the temporary fencing will support such.

Given the above, it is the Officer's view that the proposal would be acceptable and accord with JLP policies SPT1, SPT12, DEV2, DEV26 and DEV28, TPNP policy TP22, and paragraphs 174 d) and 180 d) of the NPPF. The temporary Paraweb would allow the establishment of the planting, both recent and proposed, and in turn would provide good quality wildlife corridors and result in a net gain for biodiversity across the wider area under the applicant's ownership.

Highways, Parking:

JLP policies SPT1.2.ii, SPT2.6, SPT9 and DEV29 encourage sustainable travel and development to be sited in accessible locations.

NPPF paragraph 111 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Highways Authority has been consulted and has raised no objections.

The proposal forms part of an agricultural use which would not give rise to any highway changes over the existing situation.

As such, the proposal is acceptable in this regard and compliant with the relevant policies.

Flooding, Drainage and Contamination:

JLP policy SPT1.2.iv supports climate change resilient development that avoids increased flood risk and point 3.iii seeks to minimise or mitigate environmental impacts.

JLP policies DEV2 and DEV35 require the prevention of water and soil contamination, reduction of water consumption and reduction of flood risk.

A Flood Risk and Drainage Assessment has been submitted in support of this application, which notes that the proposal does not involve any buildings such that there would be no change in terms of foul or surface water drainage.

The application site lies within Flood Zone 1 and does not form part of a Critical Drainage Area.

Given the nature and scale of the proposal, no change of the existing situation would be considered to arise regarding flooding, drainage and contamination.

For these reasons, the proposal would be acceptable in this regard and would accord with JLP policies SPT1, DEV2, DEV35 and the relevant policies of the NPPF.

Planning Balance:

It is acknowledged that the Council's previous Landscape Specialist objected to the proposal on the grounds of visual harm to the surrounding landscape, which forms part of the Heritage Coast and Undeveloped Coast, and failure to conserve and enhance the AONB.

It is also the Officer's view that the proposed upper section of fencing would be relatively high and out of character with the prevailing field boundaries, mostly hedgebanks, and would, therefore, result in some degree of visual harm. However, this harm would be reduced or compensated by the following:

- the material would be of a dark colour and perforated, rather than solid, which would reduce the visual impact to some degree;
- the fencing would be installed for a temporary five year period only
- the rationale for the fencing is to allow the establishment of natural windbreaks to shelter the recently planted vineyards;
- the enhanced planting including a high quantum of trees and hedgebanks would improve the appearance of the surrounding area in the long term;
- the increased vegetation would provide biodiversity net gains in the long term;
- the vineyards would result in diversification of the rural economy and provide a range of skilled employment opportunities in the short and long term.

Overall, the long term benefits of the scheme, in terms of visual impact on the landscape, biodiversity and the rural economy, are considered substantial and to outweigh the short-term and limited harm of the proposal. Additionally, the Landscape Objection has been withdrawn and the current Landscape Officer, following review of the additional plan/information submitted, confirmed that such provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.

On balance, the proposal is considered, for these reasons, to result in benefits that would outweigh the adverse impact, when assessed against the policies in the Development Plan taken as a whole.

The proposal is considered, overall, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Joint Local Plan policy SPT1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and approval is recommended subject to the conditions below.

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

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council,

South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

Plymouth & South West Devon Joint Local Plan (JLP)

(The JLP 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
SPT9 Strategic principles for transport planning and strategy
SPT11 Strategic approach to the historic environment
SPT12 Strategic approach to the natural environment
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped Coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
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

Neighbourhood Plan

Thurlestone Parish Neighbourhood Plan 2015-2034

TP1 – General Development Principles

TP8 – New Economic Proposals

TP22 – The Natural Environment

Other material considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

CONDITIONS

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawings/documents:

377/01/16 Location Plan Red line areas East Site, received 19/08/21
377/01/05 Layout to Buckland Vineyard, received 26/08/21
377/01/06 Temporary Shelter Fence Detail, received 26/08/21
377/01/12 Application Area East Vineyard, received 26/08/21
377/01/26A Heritage Orchard Area East Site, received 05/05/22
377/01/26, dated 14th July 2022 Planting to Buckland Vineyard, received 25/07/22

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

3. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecology Statement, carried out by ge consulting, dated 8th July 2021.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

4. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

5. The planting/landscaping scheme shown on drawings: 377/01/05 - Layout to Buckland Vineyard (received 26/08/21), 377/01/26A - Heritage Orchard Area East Site (received 05/05/22), 377/01/26 Planting to Buckland Vineyard (received 25/07/22), and 377/01/06 Temporary Shelter Fence Detail (received 26/08/21), including gapping up of the existing hedge banks, shall be carried out in its entirety within the first planting season following the date of this decision notice. All planting/landscaping, including that shown as 'existing - to be retained' on the approved drawings, shall be maintained by the owner or owners of the land on which they are situated in accordance with the maintenance details set out on drawing 37/01/26 and for a minimum of five years beginning with the date of completion of the scheme. During that period all losses shall be replaced with planting of the same species.

REASON: To ensure the provision and maintenance of trees, hedgebanks and other plants in the interests of visual amenity and biodiversity in accordance with JLP policies SPT12, DEV2, DEV23, DEV24, DEV25, DEV26 and DEV28, TPNP policies TP1 and TP22 and the NPPF.

6. The upper section of the fencing and fence posts hereby permitted, labelled as 'A' on drawing number: 377-01-06, shall be completely removed no later than five years following the date of this Decision Notice such that the height of any remaining fencing does not exceed a maximum

height of 2m above ground level. All of the removed fencing shall be removed from the site and appropriately disposed of.

Reason: Temporary permission is given in this case by reason of the special circumstances pertaining to the proposed scheme, that is to allow the existing and proposed natural windbreaks to become fully established to provide shelter for the vineyards and associated planting, and only on a strictly limited basis so that the position may be reviewed in the light of circumstances prevailing at the expiry of the permission.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

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PLANNING APPLICATION REPORT

Case Officer: Chloe Allen
Thurlestone

Parish: Thurlestone **Ward:** Salcombe and

Application No: 3027/21/FUL

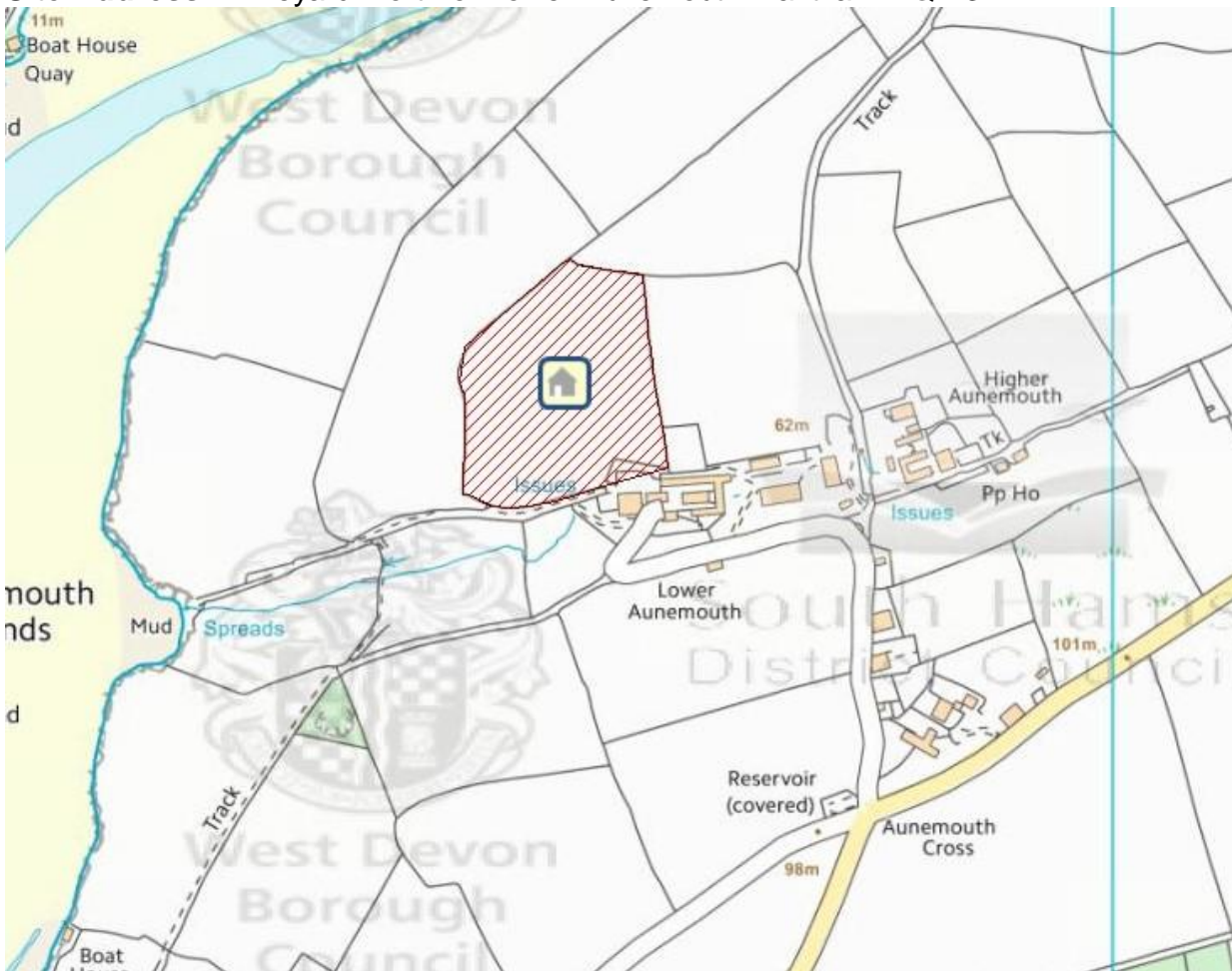
Agent/Applicant:

Mr. C. Wojtulewski - Parker Dann Ltd.
S10 The Waterside Centre
North Street
Lewes
BN7 2PE

Applicant:

Bantham Estate Ltd .
Bantham Estate Office
Bantham
Kingsbridge
TQ7 3AN

Site Address: Vineyard North of Lower Aunemouth Bantham TQ7 3AD



Development: Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

Reason item is being put before Committee:

Called in by Cllr Mark Long who commented in an email dated 03/05/22:

I would want these two applications to go before the Development Management Committee for consideration given the objections and comments of the SHDC Landscape Officer relating to impact on the AONB and UDC, as well as other similar representations.

Following receipt of additional landscape plans and details, and additional comments from the Landscape Officer, Cllr Mark Long confirmed he would like the applications to still be heard at Development Management Committee for consideration of justification, planting and landscape comments.

Cllr Judy Pearce was agreeable to the application being a delegated decision for approval.

Recommendation: Conditional approval, subject to a detailed landscaping scheme being provided.

Conditions

- 1) Time limit
- 2) Approved drawings
- 3) Ecology recommendations
- 4) Nesting birds
- 5) Planting
- 6) Temporary condition / removal after five years

Key issues for consideration:

- Principle
- Design and Landscape
- Neighbouring Amenity
- Heritage
- Ecology
- Highways
- Flooding
- Planning Balance

Site Description:

The application site comprises agricultural land accessed via the unclassified, Lower Higher Aunemouth Service Road, leading northwards from the crossroad on the Class C road, Bantham to Aunemouth Cross. It lies on the north side of Lower Aunemouth, to the north-east of Bantham village and to the north of Buckland, and is located in proximity to Thurlestone Public Footpath no.6.

The site lies within an Area of Outstanding Natural Beauty (AONB), Heritage Coast, Undeveloped Coast and the 3G. River Valley Slopes and Combes Landscape Character Area.

The site lies at a distance of over 1.2km from the nearest ancient monument, Four Bowls Barrows, to the south-east and at a distance of over 600m from the nearest Listed Building, Grade II Myrtle Cottage and Cob Cottage, to the south, and beyond the West Buckland Conservation Area.

Description of Proposal:

The application seeks temporary permission, for five years, for the top section of two rows of proposed fencing which run north-south alongside the west and east field boundaries, which are lined with existing hedgebanks. The eastern site boundary is actually in the middle of the vineyard, with the fields to the east also being used for such, being within the applicant's ownership.

The proposed fencing comprises 4m high timber posts, with the first 1.8 metre section consisting of permanent deer fencing, and the 2.2 metre section above this consisting of paraweb polyester webbing. The purpose of the temporary paraweb fencing is to protect natural windbreaks, comprising double rows of saplings that have already been planted, adjacent to hedgebanks that are approximately 3m high. This temporary protection would allow the planting to mature sufficiently to both withstand the wind and provide adequate shelter for the vines.

At the end of the temporary five year period the paraweb would be removed and the timber posts would be reduced to 1.8m, leaving only the deer fence and natural windbreaks in situ. This would result in the deer fence then falling within the height limitations for permitted development for gates, fences and walls as set out in Class A, Part 2, Schedule 2 of the Town and Country (General Permitted Development)(England) Order 2015 (as amended).

A swathe of trees have recently been planted adjacent to the proposed western fence, beyond the application site to the west, within the blue outlined area under the applicant's ownership.

Consultations:

External Consultees

- DCC Highways - No highway implications
- Town/Parish Council - Thurlestone Parish Council supports this application for the temporary installation of two rows of 2.2 m high Paraweb fencing provided a condition is imposed to ensure that within 5 years, the Paraweb is removed and the timber posts are cut down from 4m to 1.8m high permanent deer fencing, which it is understood benefits from permitted development rights.

Councillors were satisfied that the temporary Paraweb fencing is necessary to protect the new trees and Devon hedge banks from the prevailing coastal winds in order to help establish the newly planted vineyard, which will provide opportunities for local employment and contribute towards the sustainable future of the local economy (NP Policy TP8.1).

Internal Consultees

- SHWD Landscape Officer - Initial Objection: Proposed section of Paraweb fencing would be unnecessarily high, visually prominent against skyline and uncharacteristic. Would be detrimental and fail to conserve and enhance the landscape/AONB

Officer Note: Further landscaping details and a response to the original comments have been provided by the applicant. Following review of such the Landscape Officer commented as follows:

'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant. The removal of the paraweb fencing at the end of the five

year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'

- SHWD Tree Officer - No comment
- Drainage - No comments

Representations:

x21 letter of support has been received; comments as follows:

- I feel the vineyard and associated works should be supported because the local neighbourhood plan, Policy TP8 New Economic Proposals states that we need to be providing opportunities for local employment and helping to contribute to a year round working community.
- By helping to establish the trees to grow, the application supports a new business venture and will help it succeed.
- I personally know of 3 local people who have been working on this venture.
- TP22 in the Thurlestone neighbourhood plan 'Natural Environment' states that the character of the skylines, seascapes etc should be protected and enhanced.
- The temporary webbing is dark green in colour and see-through which I believe has no negative impact. I live next door at Higher Aunemouth Farm and look out these fields every day. The webbing has very little negative visual impact and I believe outweighs the positive impact the new venture will have in the area.
- I notice that some people have noted that a vineyard is not viable here but I have noticed that there are 3 successful vineyards in the Scilly Isles which are open to much more wind than here.

3 letters of objection from separate addresses have been received.

The comments received are summarised as follows:

The Bantham Estate vineyards are more exposed than Sharpham Vineyard where natural high windbreaks are used

- Natural high windbreaks should have been planted and allowed to grow before planting the vines
- The enhanced employment claims are dubious and the employees who planted the vineyard were not local
- The applicants are installing the windbreaks before having received the planning decision
- The applications show the permanent deer fencing would only be installed on two sides of each vineyard so would be pointless
- If the plants can't grow without a temporary windbreak then the windbreak is pointless as the plans would not survive long term following removal of the temporary windbreak
- these proposals would have a detrimental effect on the highly sensitive AONB, Undeveloped Coast, and Heritage Coast, and are contrary to planning policies PT11, DEV23, DEV24, and DEV25
- Site is unsuitable for vineyards due to exposure to salt laden air
- Once the temporary windbreaks are removed, the natural windbreaks they would protect will break or blow over
- The windbreaks will not be temporary
- The windbreaks will be on a prominent skyline and contrary to SPT11
- The benefits promoted such as public events, leisure and retail are inappropriate for the village location and rural roads
- Application fails to mention visual impact to the east from public right of way

- The artificial shelter will cause a weak and uncharacteristic hedge to grow that will not be an enhancement in the AONB
- This will only serve the economic wellbeing of an estate based in Oxfordshire
- The run off from agrichemicals required to prevent mould etc will end up in the Marine Conservation Zone

Relevant Planning History

30273026/21/FUL

Vineyard North West of Buckland, Buckland, Bantham

Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks

UNDER CONSIDERATION

ANALYSIS

Principle of Development

Sustainable development lies at the heart of the spatial strategy, with Policy SPT1 setting out how development and change will be managed in accordance with the principles of delivering sustainable development through a sustainable economy, a sustainable society and a sustainable environment. The policy seeks to, amongst other things: encourage and support opportunities for business growth; promote environmentally conscious business development; promote a low carbon economy; protect and enhance biodiversity; protect the best and most versatile agricultural land for agricultural purposes; and strengthen, respect, and maintain local distinctiveness and sense of place through high standards of design.

Policy SPT2 elaborates further, supporting the creation of sustainable neighbourhoods and sustainable rural communities. The policy requires developments to support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other things; have safe, accessible, healthy and wildlife rich local environments; and provide a positive sense of place and identity, including through the recognition of good quality design, and protection and enhancement of the natural environment.

Policy TTV1 of the JLP sets out how the LPA will distribute growth and development in accordance with a hierarchy of settlements, enabling each town and village to play its role within the rural area. In this case, the application site would fall within tier 4 of TTV1, being within the countryside. TTV1(4) states that development will only be permitted in the countryside if it can be demonstrated to support the principles of sustainable development and sustainable communities (SPT1 and SPT2), including as provided for in Policy TTV26. Policy TTV2 indicates that sustainable rural development will be supported if it involves the growth and expansion of rural businesses and enterprises and the diversification of agricultural and other land-based rural businesses.

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, with part 1 applying to development proposals considered to be in isolated locations only. Given the proximity of development in the surrounding area and the proximity of Buckland to the site, part 1 is not considered to be relevant in this case. Therefore, only the second part of the policy, which is applied to all development in the countryside, is of relevance, stating that:

'Development in the Countryside:

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'

In respect of TTV26(iii) and (iv) the wider site owned by the applicant is used as a vineyard, being a lawful agricultural use which requires a countryside location. A letter from Vinescapes consultants, dated 19/07/2020 confirms that an assessment of the climatic, soil and topographic suitability of the land at Bantham Estates was undertaken, the conclusion being that there was *'cool-climate viticulture potential for a range of grapevine cultivars (selected because of their climatic suitability and for specific wine styles)'*. However, this conclusion was caveated by their advice that the viability of commercial viticulture would be restricted unless windbreaks were established to protect the vineyards from westerly winds.

A Wind Mitigation Strategy, dated 18/06/21 by Vinescapes Consultants, has been submitted in support of this application. This report sets out the need for the proposed Paraweb temporary fencing and its design, and explains why such is considered to be critical to the sustainability and success of the vineyard, stating that:

'Windbreaks in and around the vineyard sites at Bantham are essential to protect the significant investment in hedges, trees, vines and native vineyard floor plants from coastal winds. Exposure to wind in a vineyard can disrupt flowering (leading to yield loss), reduce temperatures (resulting in reduced ripeness), physically damage the vine canopy (resulting in yield and quality losses) and cause operational challenges. A breeze is beneficial in a vineyard as it will help reduce disease pressure. The Bantham vineyards are exposed to sea winds and breezes from the south-west and west. To protect against the negative impacts these may cause it has been recommended that windbreaks be established around and within the vineyards...'

'In total 2,000 trees and 2,400 hedging plants have been established to form natural windbreaks for the vineyard (~25,000 vines).'

'To ensure the best chance of hedge and tree establishment and to speed up their growth as much as possible, and to protect the young vineyard (planted in May 2021) Vinescapes have recommended that temporary Paraweb windbreaks (Figure 3 below) are established in the locations shown in Figures 4a and 4b, to a height of 4m.'

'After 4–5-years the windbreak trees, and hedges on top of the Devon Banks, should be mature enough to withstand the sea breeze and coastal winds and the Paraweb can then be removed.'

Given the above, it is considered that the proposed development complies with TTV26(iii) and (iv). The development also complies with DEV15(6) which supports the rural economy providing, amongst other things, that development meets the essential needs of agricultural or forestry interests.

Additionally, Natural England's Agricultural Land Classification Map for the area identifies the site to be Grade 3 land, which is described as 'good to moderate'. Grade 3 land is split into two categories being Grade 3a and 3b, with only Grade 3a falling within the definition of 'the best and most versatile agricultural land'. Whilst it is not clear which category of Grade 3 the site falls within, the proposal seeks to support the continued use of the applicants land for agricultural purposes, which is supported by policy TTV26(v).

Considerations relating to site enhancement and impacts on the landscape, natural environment and public footpaths are set out in further detail below. However, the proposal is for a temporary period of five years only, with the upper section of the fence being removed at the end of such duration. Whilst the development will temporarily have some impact on the landscape, as a condition can be imposed to ensure the fencing is reduced in height after five years, it is not considered that the proposed fencing would result in long term degradation of the landscape or the natural environment, thereby complying with TTV26(vi). The proposed development is also likely to enhance the natural environment by supporting the establishment and growth of a significant amount of existing and proposed planting which will provide wildlife corridors and net gains in biodiversity.

Furthermore, the submitted supporting statement, dated 30/07/21, notes that the wider site under the ownership of the applicant, Bantham Estates Ltd, measures 303ha., of which, 6ha. have been planted with vines to assist with diversification of the estate. The letter from Vinescapes, dated 19/07/21, submitted in support of this application also notes that the vineyard is expected to result in economic benefits involving a minimum of 2no. full time staff and approx. 20no. seasonal staff for harvesting and other activities. The letter, authored by Dr Alistair Nesbitt, a Viticulture Climatologist, also notes that vineyards are more intensively managed than arable farming and present opportunities for a wider range of skilled workers. He also refers to a recent Viticulture Impact Study for the South Downs National Park that found vineyards contribute positively to local economies through employment and tourism spending of £62 on average per visitor. The proposed development will facilitate the diversification of an existing agricultural/land-based business which will provide economic benefits, according with the requirements of TTV2(3) and (4), and the aims of DEV15 which seeks to support proposals in suitable locations which improve the balance of jobs within the rural areas and diversify the rural economy. Policy TP8.1 of the Thurlestone Parish Neighbourhood Plan (TPNP) also provides support for proposals for economic development and new commercial or business premises providing such meets the requirements of Policy TP1 and other relevant policies within the plan, which is discussed in further detail throughout this report.

For the reasons above, the principle of the proposed development is considered to accord with JLP policies SPT1, SPT2, TTV1, TTV2, TTV26 and DEV15, as well as TP8 of the TPNP. Furthermore, the development accords with the aims of Paragraph 84 NPPF, which requires planning decisions to support a prosperous rural economy by enabling, amongst other things; the sustainable growth and expansion of all types of business in rural areas; and the development and diversification of agricultural and other land-based rural businesses. Paragraph 85 is also of relevance, stating that '*Planning...decisions should recognise that sites to meet local business and community needs in rural areas may have to be found...beyond existing settlements, and in locations that are not well served by public transport. In these*

circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.'

Design/Landscape:

The site is within the open countryside, the undeveloped coast, the heritage coast, the South Devon AONB, and the 3G. River Valley Slopes and Combes Landscape Character Area.

Reflecting the aims of Paragraph 174 of the NPPF, JLP policy DEV23 supports development that conserves and enhances landscape character and visual quality, resisting adverse landscape or visual impacts.

JLP policy DEV24 seeks to protect the undeveloped and heritage coast, stating that:

'Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*
- 4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*
- 5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.'

Reflecting national planning policy set out in Paragraph 176 of the NPPF, JLP policy DEV25 affords the highest degree of protection to the protected landscapes of the South Devon AONB and requires the LPA's to protect the AONB's from potentially damaging or inappropriate development either within the protected landscape or their settings. Policy TNP1(5) and TP22 of the TPNP aligns with the aims of DEV23 and DEV25, seeking to conserve and enhance the natural beauty of the AONB and the character of the areas skylines, seascapes and riverscapes.

The most relevant sections of DEV25 are as follows:

'In considering development proposals the LPA's will:

- 1. Refuse permission for major developments within a protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*

6. *Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape's special qualities and distinctive characteristics or valued attributes.*
8. *Require development proposals located within or within the setting of a protected landscape to:*
 - i. *Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes*
 - ii. *Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
 - iii. *Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
 - vi. *Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
 - ix. *Avoid, mitigate, and as a last resort compensate, for any residual adverse effects*

The proposal comprises the temporary installation of a 2.2m high section of fencing, above a permanent 1.8m high deer fence, formed of black polyester webbing between 4m high timber poles. The fencing would form two rows, following the existing field boundaries in a north-south direction.

The proposed section of fencing would lie parallel to existing hedgebanks that have been enhanced by additional planting, and a double row of proposed tree saplings. The purpose of this upper section of fencing as set out in the submitted documents is to provide a windbreak for a temporary period of five years. This would enable the saplings and hedgebanks to grow sufficiently to serve as a natural windbreak to protect the vines that were planted in May 2021.

The submitted covering letter notes that the establishment of the vineyard has involved a significant investment in new hedges, trees, vines and native ground cover, including:

- c.2,700m of young trees planted in 2020;
- c.1,200m of hedging mostly on top of new or repaired Devon banks;
- 200no. salt resistant pine trees;
- 800no. additional trees (Alder and Beech) to be planted as windbreaks;

A fully detailed landscaping scheme has been submitted which clearly sets out the proposed and existing planting along with a maintenance schedule.

It is acknowledged that the synthetic black webbing would be out of character with the surrounding landscaping and that, due to its height, stretching from 1.8 to 4m above ground level, it would be visible from public viewpoints.

This visual prominence, however, would be slightly reduced by the dark colour of the proposed material, its permeable nature, and its position alongside linear landscape features (hedgebanks and trees/hedge plants). Additionally, the site is screened from some public vantage points, mostly to the east, south and north, by the topography and existing landscaping/built development. Visual impacts of the most eastern line of fencing will be limited to gaps in the hedgebanks (i.e. entrance gates), and long distance views where the fencing will be seen within the context of the existing vineyard, existing landscaping, planting and development. The most western line of fencing will also be seen from long distance views,

within the same context. However, it is acknowledged that this line of fencing is more visually prominent, being visible from the River Avon and the public footpath which lies to the west of the site. The longevity of the visual impacts of the development would also be reduced by the temporary duration of its installation, whereby the upper part of fencing would be removed completely at the end of the five year period.

A Landscape and Visual Appraisal (LVIA) has been submitted in support of the application, which notes:

The proposed temporary shelter fencing works will introduce a feature which is not characteristic into the landscape for a period of 5 years. It is necessary to help establish the vineyard, and to restore associated existing Devon Hedge banks. Whilst there will be adverse landscape character and visual effects, these are relatively minor in nature and of a temporary nature. The associated longer term landscape and conservation benefits that have been described will provide compensation and help mitigate for the temporary adverse effects.

The Council's previous Landscape Specialist was consulted on this application and raised an objection on the grounds that the proposed section of Paraweb fencing would be unnecessarily high, visually prominent against the skyline and uncharacteristic, and that it would be detrimental to and fail to conserve and enhance the landscape and AONB for the 5 year period it is proposed for. However, the application has been reviewed by the current Landscape Officer following submission of a detailed landscaping scheme and a response from the applicant. The objection from the Landscape Officer has now been withdrawn, with comments being as follows:

'The further information addresses a number of questions raised in my colleague's previous comments, and provides satisfactory explanations for the queries that were made. Whilst I support my colleague's concerns that the proposed paraweb fencing will introduce an incongruous feature into the protected landscape, I find that the most adverse effects are likely to be in the first couple of years following installation, beyond which time (providing that the shelter planting establishes as described), the effects will reduce to more acceptable levels for the remainder of the five year, temporary timeframe that the paraweb fencing will be in place. The information provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.

The removal of the paraweb fencing at the end of the five year period must be secured and implemented in order to avoid an unacceptable level of longer term, adverse harm to the protected landscape.'

The Tree Officer was consulted on the application and raised no objections, and the AONB Unit have not commented.

Whilst a degree of visual harm would ensue from the scheme in respect of the AONB, Heritage Coast and Undeveloped Coast, the proposed fencing is required to protect the young plants for a temporary period and could not reasonably be relocated. Notwithstanding the temporary harm to the landscape resulting from the proposal, it must also be recognised that the purpose of the upper section of fencing is to protect the vineyards and associated new and proposed planting from harsh weather conditions. The submitted documents demonstrate that the proposal would allow natural windbreaks to establish that would remove the need for artificial windbreaks after the temporary period.

It is recognised that the additional planting, listed above and shown on the detailed landscaping plan, would serve to enhance the natural beauty of the landscape and special qualities of the AONB over the long term. The planting would strengthen the existing field boundaries and wildlife corridors, as well as creating new areas of planting, thereby conserving and enhancing the natural environment and providing biodiversity net gains, in line with the aims of DEV25(8)(vi) and DEV26 of the JLP. The development also aligns with the aims of DEV28 of the JLP and TP22(2-4) of the TPNP, which supports the retention of existing trees and hedgerows, including Devon hedgebanks.

The success of the planting, including the natural windbreaks and vineyard, would be dependent on the proposed temporary measure to allow the young plants to become established. In addition, as the planting matures, some degree of screening to the fencing would be provided in the interim.

The proposed development would temporarily harm the landscape and the character of the AONB, and the heritage/undeveloped coast. However, it will also provide long term benefits, including biodiversity enhancements, the strengthening/restoration of existing landscaped boundaries and Devon hedgebanks, and economic benefits.

It is also important to consider the requirements of Paragraph 177 of the NPPF, which states the following:

'When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.'

'For the purposes of Paragraphs 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.'

The assessment for major development is therefore not based on the major development definition set out in Part 1(2) of the Town and Country (Development Management Procedure)(England) Order 2015. In this case, given the limited scale/impacts of the proposed development, as discussed above, and its temporary nature, the development is not considered to be a major Paragraph 177 type. The Landscape Officer also concluded in their comments that the development is not considered to constitute major development.

Neighbouring Amenity:

JLP policies DEV1 and DEV2 and TPNP Policy TP1 require development to safeguard the health and the amenity of local communities and to avoid unacceptable harm to living conditions.

The nearest residential properties to the application site include Lower and Higher Aunemouth Farms to the south and south-east respectively.

Given the separation distances between the area of development and the neighbouring dwellings, together with the limited scale, agricultural nature and perforated webbing material

involved, the scheme is not considered to give rise to harm in respect of the neighbouring amenity.

As such, the proposal is considered capable of compliance with JLP policies DEV1 and DEV2, and Policy TP1(1) of the TPNP in this regard.

Heritage:

The site lies at a substantial distance from the nearest heritage assets, and there is existing built form and significant landscaping between the site and such. Therefore, intervisibility between the site and surrounding heritage assets is extremely limited.

For these reasons, it is not considered that the scheme would result in harm to the Conservation Area, Ancient Monument and Listed Building or their settings.

The scheme would, therefore, be capable of policy compliance in this regard; thereby complying with DEV21 of the JLP and Policy TP1(6) of the TPNP.

Ecology:

The Council declared a Climate Change and Biodiversity Emergency in 2019.

JLP policy SPT1.3.ii supports development that delivers:

Overall gains in biodiversity [that] are achieved by protecting and enhancing species, habitats and geological sites.

JLP policies SPT12 and DEV26 seek to enhance the natural network, providing multiple benefits both to people and wildlife while protecting and enhancing biodiversity and geological conservation, while policy DEV2 limits light pollution.

JLP policy DEV28 requires net gains to compensate for any loss of trees, woodlands and hedgerows.

TPNP policy TP22 resists harm to species and habitats and encourages the use of Devon hedgebanks, biodiversity enhancement, and the protection and enhancement of the visual amenity and AONB.

NPPF paragraph 174 d) states:

... decisions should contribute to and enhance the natural and local environment by ...providing net gains for biodiversity...

NPPF paragraph 180 d) states:

..opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

An Ecology Statement, dated 08/07/21, has been submitted in support of this application. The report confirms that, due to the scale of the proposal, no impacts on designated sites are predicted. No other negative ecological impacts are predicted providing best practice pollution control measures are employed during installation of the fencing, and providing the installation of the fencing takes place outside of curl bunting breeding season (March-September inclusive) to prevent disturbance. The report acknowledges that the temporary fence will allow the

hedgebank planting and tree lines to establish into dense structures that are able to withstand the coastal wind, and will also provide good quality wildlife corridors across the site and additional foraging and shelter for a range of species, including bats, breeding birds, reptiles, dormouse and invertebrates; thereby providing net gains in biodiversity. A condition can secure compliance with the actions set out in the ecology report. Furthermore, no external lighting is proposed as part of the application, ensuring the development does not harm the intrinsically dark landscape.

A further document, titled 'Hedges and shelter in Devon and Cornwall', has been submitted in support of this application that notes how the existing field boundary hedgebanks in the vicinity of the site have been reduced in terms of the height and growth of vegetation over recent years and that in the past, the vegetation would have been allowed to grow much taller and thicker to improve the microclimate of the adjacent fields. The planting and works carried out on the existing hedgebanks will help to restore their original height and vegetation growth, and the temporary fencing will support such.

Given the above, it is the Officer's view that the proposal would be acceptable and accord with JLP policies SPT1, SPT12, DEV2, DEV26 and DEV28, TPNP policy TP22, and paragraphs 174 d) and 180 d) of the NPPF. The temporary Paraweb would allow the establishment of the planting, both recent and proposed, and in turn would provide good quality wildlife corridors and result in a net gain for biodiversity across the wider area under the applicant's ownership.

Highways, Parking:

JLP policies SPT1.2.ii, SPT2.6, SPT9 and DEV29 encourage sustainable travel and development to be sited in accessible locations.

NPPF paragraph 111 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The County Highways Authority has been consulted and has raised no objections.

The proposal forms part of an agricultural use which would not give rise to any highway changes over the existing situation.

As such, the proposal is acceptable in this regard and compliant with the relevant policies.

Flooding, Drainage and Contamination:

JLP policy SPT1.2.iv supports climate change resilient development that avoids increased flood risk and point 3.iii seeks to minimise or mitigate environmental impacts.

JLP policies DEV2 and DEV35 require the prevention of water and soil contamination, reduction of water consumption and reduction of flood risk.

A Flood Risk and Drainage Assessment has been submitted in support of this application, which notes that the proposal does not involve any buildings such that there would be no change in terms of foul or surface water drainage.

The application site lies within Flood Zone 1 and does not form part of a Critical Drainage Area.

Given the nature and scale of the proposal, no change of the existing situation would be considered to arise regarding flooding, drainage and contamination.

For these reasons, the proposal would be acceptable in this regard and would accord with JLP policies SPT1, DEV2, DEV35 and the relevant policies of the NPPF.

Planning Balance:

It is acknowledged that the Council's previous Landscape Specialist has objected to the proposal on the grounds of visual harm to the surrounding landscape, which forms part of the Heritage Coast and Undeveloped Coast, and failure to conserve and enhance the AONB.

It is also the Officer's view that the proposed upper section of fencing would be relatively high and out of character with the prevailing field boundaries, mostly hedgebanks, and would, therefore, result in some degree of visual harm. However, this harm would be reduced or compensated by the following:

- the material would be of a dark colour and perforated, rather than solid, which would reduce the visual impact to some degree;
- the fencing would be installed for a temporary five year period only
- the rationale for the fencing is to allow the establishment of natural windbreaks to shelter the recently planted vineyards;
- the enhanced planting including a high quantum of trees and hedgebanks would improve the appearance of the surrounding area in the long term;
- the increased vegetation would provide biodiversity net gains in the long term;
- the vineyards would result in diversification of the rural economy and provide a range of skilled employment opportunities in the short and long term.

Overall, the long term benefits of the scheme, in terms of visual impact on the landscape, biodiversity and the rural economy, are considered substantial and to outweigh the short-term and limited harm of the proposal. Additionally, the Landscape Objection has been withdrawn and the current Landscape Officer, following review of the additional plan/information submitted, confirmed that such provides a clearer understanding of the shelter planting that supports the proposal, and demonstrates that the proposals are broadly policy compliant.

On balance, the proposal is considered, for these reasons, to result in benefits that would outweigh the adverse impact, when assessed against the policies in the Development Plan taken as a whole.

The proposal is considered, overall, to represent sustainable development in terms of the economic, social and environmental objectives of NPPF paragraph 8 and Joint Local Plan policy SPT1.

The development would, therefore, accord with the Development Plan and the policies of the NPPF and approval is recommended subject to the conditions below.

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

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

Plymouth & South West Devon Joint Local Plan (JLP)

(The JLP 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
SPT9 Strategic principles for transport planning and strategy
SPT11 Strategic approach to the historic environment
SPT12 Strategic approach to the natural environment
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped Coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
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

Neighbourhood Plan

Thurlestone Parish Neighbourhood Plan 2015-2034

TP1 – General Development Principles

TP8 – New Economic Proposals

TP22 – The Natural Environment

Other material considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

CONDITIONS

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

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

2. The development hereby approved shall in all respects accord strictly with the following drawings/documents:

377/01/15 Site Location Plan, received 26/08/21

377/01/26 Location Plan Red line areas North Site, received 19/08/21

377/01/04 Layout to Aunemouth Vineyard, received 26/08/21

377/01/06 Temporary Shelter Fence Detail, received 26/08/21

377/01/27, dated 15th July 2022 Planting to Aunemouth Vineyard, received 28/07/22

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

3. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecology Statement, carried out by ge consulting, dated 8th July 2021.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

4. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

REASON: To safeguard the ecological interest of the site in accordance with JLP policies SPT12, DEV2 and DEV26, TPNP policy TP22 and the NPPF.

5. The planting/landscaping scheme shown on drawings: 377/01/04 - Layout to Aunemouth Vineyard (received 26/08/21), 377/07/27 – Planting to Aunemouth Vineyard (received 28/07/22), and 377/01/06 Temporary Shelter Fence Detail (received 26/08/21), including gapping up of the existing hedge banks, shall be carried out within the first planting season following the date of this decision notice. All planting/landscaping, including that shown as 'existing - to be retained' on the approved drawings, shall be maintained by the owner or owners of the land on which they are situated in accordance with the maintenance details set out on drawing 377/01/27 and for a minimum of five years beginning with the date of completion of the scheme. During that period all losses shall be replaced with planting of the same species.

REASON: To ensure the provision and maintenance of trees, hedgebanks and other plants in the interests of visual amenity and biodiversity in accordance with JLP policies SPT12, DEV2, DEV23, DEV24, DEV25, DEV26 and DEV28, TPNP policies TP1 and TP22 and the NPPF.

6. The upper section of the fencing and fence posts hereby permitted, labelled as 'A' on drawing number: 377-01-06, shall be completely removed no later than five years following the date of this Decision Notice such that the height of any remaining fencing does not exceed a maximum height of 2m above ground level.

Reason: Temporary permission is given in this case by reason of the special circumstances pertaining to the proposed scheme, that is to allow the existing and proposed natural windbreaks to become fully established to provide shelter for the vineyards and associated planting, and only on a strictly limited basis so that the position may be reviewed in the light of circumstances prevailing at the expiry of the permission.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.
3. You should note that certain wildlife habitats and species are subject to statutory protection under the Wildlife and Countryside Act 1981 (as amended) and/or the Habitats Regulations 1994. It is a criminal offence to breach the provisions of these legal constraints and if your development impacts upon such sites or species you are advised to take advice from a competent ecologist who has experience in the habitats/species involved and, as necessary, any relevant licenses from Natural England.

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PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 1332/22/HHO

Agent:

Mr Derek Butler
Derek Butler Designs Ltd
Hexhill Cottage
Brixton Torr
Plymouth
PL8 2BD

Applicant:

Mrs C Story
Netton Farmhouse
Netton
Noss Mayo
Plymouth
PL8 1HB

Site Address: Netton Farmhouse, Noss Mayo, PL8 1HB



Development: Householder application for single storey side extension to kitchen.

Reason for call-in: Cllr Thomas has called this in as he wishes to debate the application of Neighbourhood Plan policies N3P-1(c), N3P-4(ai, iii), N3P-8(b) and N3P-3(a, b).

Recommendation: Refusal

Reasons for refusal:

ANALYSIS

Principle of Development/Sustainability

The site is located within the hamlet of Netton and hosts a single residential dwelling; the principle of extending dwellings within this context is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

The applicant was advised during the life of the application that the proposal could not be supported, although it is noted that the Parish have supported the scheme. Alternative designs were discussed but it was not possible to reach a mutually acceptable compromise and the application has been determined on the basis of the plans as advertised.

Design, Heritage and Landscape

A farmstead at Netton is mentioned in the Domesday Book (HER MDV19395¹), with the existing Farmhouse first noted on the First Edition Ordnance Survey map dated 1880-1899. Due to the building's age and the fact that much of the original fabric and character of the building remain, Officers consider the building a Non-Designated Heritage Asset in accordance with policy DEV21 and the guidance contained within paragraphs 6.75-6.79 of the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020. It is noted that such consideration does not preclude development but rather that "appropriate weight must be given to the asset in consideration of planning balance" (paragraph 6.78).

The host dwelling is a large two storey stone dwelling, of traditional form and proportions, set under a slate roof. The site occupies a corner plot and as such, both the north and west elevations are visible from within the public realm. The proposed development would introduce a new single storey, pitched roof element on the north elevation, with a new arrangement of fenestration, including apex glazing in the north elevation. As such, the proposal fails to "have proper regard to the pattern of local development in terms of style, local distinctiveness, layout, orientation, scale, massing, materials, detailing, historic value and character" as required by policy DEV20 (2) and paragraphs 13.6-7, 13.11 and 13.15 of the SPD. The host dwelling is partly characterised by its high solid to void ratio and the introduction of large areas of glazing would contrast starkly with the design theme of the host dwelling, thus failing to deliver "high quality architectural design appropriate to its landscape context" contrary to DEV23(3).

The proposal appears incongruous against the robust and traditional form of the host dwelling which would be harmful to the character and appearance of a Non-Designated Heritage Asset, thus failing to conserve and enhance the landscape and scenic beauty of this part of the South Devon AONB, contrary to the provisions of TTV29(5), DEV20(2,3,4), DEV21(3), DEV23(1,2,3), DEV24(3,5), DEV25(2,3,8), Newton and Noss Neighbourhood Plan policies N3P-1(c), N3P-4(ai, iii), N3P-8(b), N3P-3(a, b), the guidance contained within but not limited to paragraphs, 6.75-6.79, 13.6-7, 13.11 and 13.15 of the Plymouth and South West Devon Supplementary Planning Document 2020 and the guidance contained within but not limited to paragraphs 130, 134, 176, 178 and 203 of the National Planning Policy Framework.

Neighbour Amenity

Due to the scale, nature and siting of the proposal relative to near neighbours, it is not considered that the proposal would give rise to a detrimental impact on amenity for surrounding residents. As such, the proposal is considered to accord with the provisions of DEV1 and this does not form a substantive reason for refusal.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which would be

¹ https://www.heritagegateway.org.uk/Gateway/Results_Single.aspx?uid=MDV19395&resourceID=104

appropriate to secure through condition, were the development considered otherwise acceptable. On this basis, the proposal is considered to accord with the provisions of DEV26 and this does not form a substantive reason for refusal.

Highways/Access

The scheme does not include any alterations to the existing access or parking arrangements. As such, it is not considered that the proposal will result in an increased risk to highways safety and the proposal accord with the provisions of DEV29.

Construction Management Plan

The Neighbourhood Plan (policy N3P - 4: Development and Construction) requires that the applicant “provide[s] safeguards during construction to protect against environmental damage or local nuisance particularly from deliveries and parking. Specific proposals are to be submitted with the application to demonstrate how this requirement will be met”. The applicant has submitted a Construction Management Plan to comply with this requirement. In the context of the scale of the proposal, this Plan is considered broadly acceptable, although some minor revisions would be required to prevent any works or deliveries being undertaken outside working hours or on Sundays or Bank Holidays under any circumstance and that no road blockages would be caused at any time. Were the development otherwise acceptable it would be considered appropriate to secure the revised details by condition in the interests of residential amenity and highway safety in accordance with policy N3P-4c of the Newton and Noss Neighbourhood Plan. On this basis, the proposal is considered to accord with the provisions of N3P-4c and this does not form a substantive reason for refusal.

Conclusion

The proposal appears incongruous against the robust and traditional form of the host dwelling which would be harmful to the character and appearance of a Non-Designated Heritage Asset, thus failing to conserve and enhance the landscape and scenic beauty of this part of the South Devon AONB, contrary to the provisions of TTV29(5), DEV20(2,3,4), DEV21(3), DEV23(1,2,3), DEV24(3,5), DEV25(2,3,8), Newton and Noss Neighbourhood Plan policies N3P-1(c), N3P-4(ai, iii), N3P-8(b), N3P-3(a, b), the guidance contained within but not limited to paragraphs, 6.75-6.79, 13.6-7, 13.11 and 13.15 of the Plymouth and South West Devon Supplementary Planning Document 2020 and the guidance contained within but not limited to paragraphs 130, 134, 176, 178 and 203 of the National Planning Policy Framework. On this basis, the application is recommended for refusal.

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

Planning Policy

Relevant policy framework

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 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
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

Neighbourhood Plan

Following a successful referendum, the Newton & Noss Neighbourhood Plan was made at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Newton & Noss Neighbourhood Area.

The relevant policies are noted below;

N3P - 1: The Village Settlement Boundaries
N3P - 2: Protecting the Waterfront
N3P - 3: Development Policy Areas
N3P - 4: Development and Construction
N3P - 5: Movement and Parking
N3P - 6: Drainage and Flooding
N3P - 8: Heritage and Conservation
N3P - 9: Protecting the Landscape

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024), Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, Historic England Advice Note 7 (2nd edition) 2021.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Ivybridge **Ward:** Ivybridge West

Application No: 2264/22/FUL

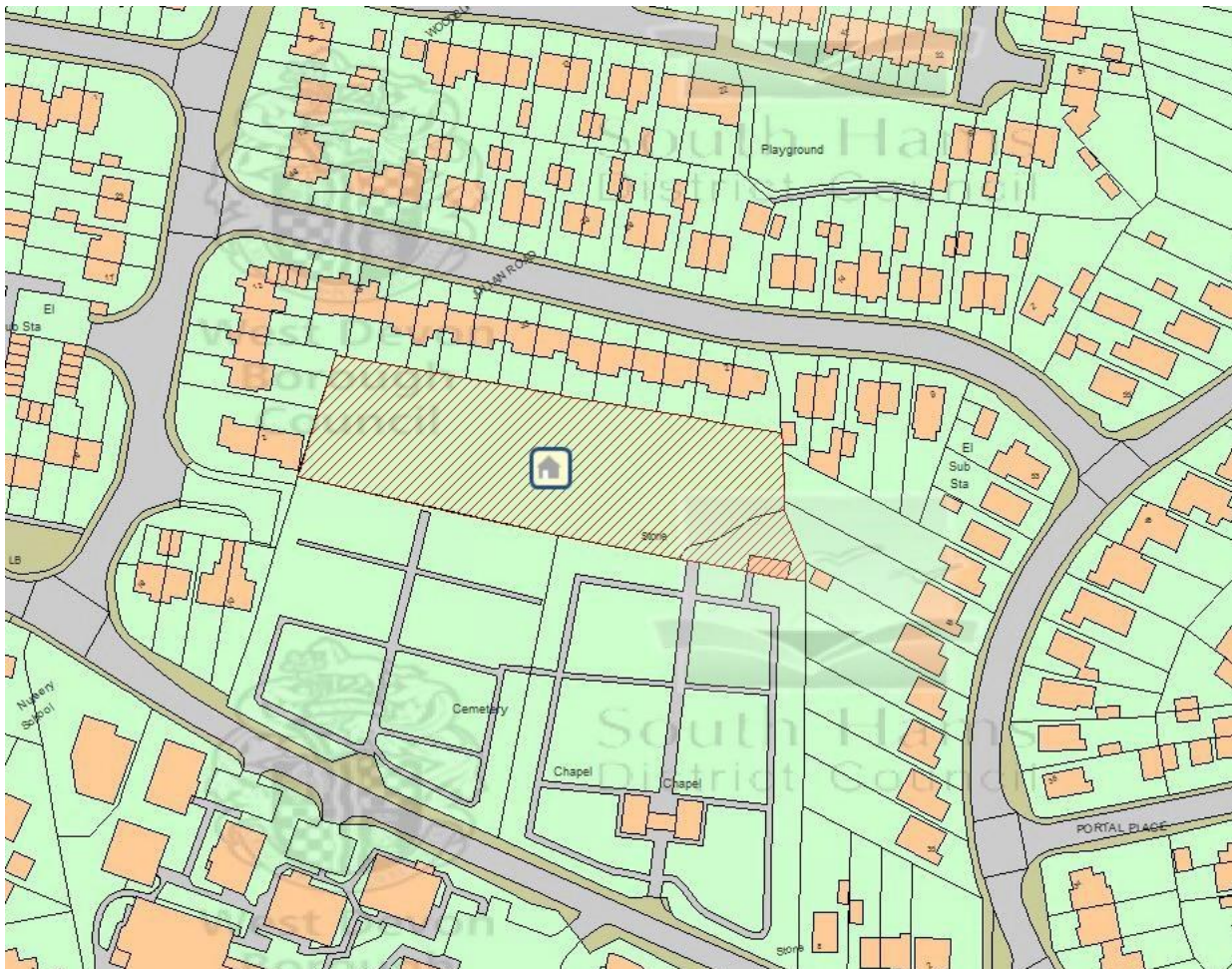
Agent:

Mr Keith Rennells
ParkLife South West CIC
24 Lower Drive
Dawlish
EX7 0AT

Applicant:

Mr Rob Sekula
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Site Address: Cemetery, Woodland Road, Ivybridge, PL21 9HG



Development: Proposed extension of existing cemetery

Reason item is being put before Committee: South Hams District Council are the applicant.

Recommendation: Conditional approval

N.B. At the time of writing the report, the public consultation period had not yet expired, nor had the applicant accepted the wording of a pre-commencement condition relating to tree protection measures. The Case Officer will provide a verbal update to Committee Members at the start of the presentation.

Conditions:

1. Time limit
2. Accord with plans
3. Tree protection plan (pre-commencement)
4. Siting of burials
5. Accord with ecological mitigation

Key issues for consideration:

Principle of development, protection of public health and amenity, design, heritage, biodiversity (including trees).

Site Description:

The site is located within a well-established residential area of Ivybridge, directly adjacent to Ivybridge Cemetery. The site comprises a c. 0.35 hectare rectangular plot at the north end of the Cemetery; pedestrian access is provided via a metal gate leading from the western side of the Cemetery. The area is covered by rough grass, with mature planting on the southern boundary and large trees in the south east corner. At the time of the site visit, additional tree planting had taken place on the northern and eastern boundaries of the site.

The Proposal:

The applicant wishes to extend the Cemetery and convert the existing open space to a burial ground, for both burials and the interment of ashes. Some landscaping works have been undertaken on the site; further levelling and seeding will take place before the area is brought into use for burials. Access will be provided by a 2m wide rolled stone path, arranged in a circuit around the site. Signage, benches and bins will be provided at suitable points across the site.

Consultations:

- | | |
|--------------------------------|-----------------------------------|
| • County Highways Authority | No highways implication |
| • Environmental Health Section | No objection |
| • Town Council | Support |
| • Environment Agency | No objection subject to condition |
| • SHDC Tree Officer | No objection subject to condition |

Representations:**Representations from Residents**

One letter has been received and includes the following points:

- Reference the trees at the rear of our property in Cleeve Drive, would it be possible for the remaining trees on the boundary bank of our garden/ proposed cemetery to be removed, as they are of considerable height towering over the end of our garden, and we have concerns of them falling in high winds onto the shed, greenhouse, and fencing. Also the top of the garden is losing natural light during the summer months.

Relevant Planning History

None recorded.

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Ivybridge and is directly adjacent to the existing Cemetery on land that has historically been earmarked for the purpose. The Cemetery and the Mortuary Chapel building first appear on the Ordnance Survey maps of 1904; the Chapel is well maintained and is still used today. As such, the Chapel and Cemetery are together considered a Non-Designated Heritage Asset. The proposal to extend the burial area does not require significant physical works or the removal of well established, visually prominent trees. The layout of the additional burial ground area continues the themes of the existing cemetery, supported by the provision of street furniture, such as benches, signage and bins. The Town Council have confirmed their support for the scheme. In this context, the proposal is considered to be appropriately sited and laid out such that it will appear sympathetic to the existing context, in accordance with the provisions of SPT1, SPT2, TTV1, TTV2, DEV20, DEV21, DEV23 and INP8.

Residential Health and Amenity

The Environment Agency have reviewed the application, as supported by a Geotechnical Report and advised that; "we have reviewed the Tier 1 Risk Assessment for Burial Grounds Report Ref. GD/SR/21119/T1RABG by Ruddlesden Geotechnical. We concur with recommendations in section 5.2 and the conclusions in section 5.3. In particular, we note that as a precaution burial plots will be kept 10m away from the eastern site boundary and it is likely that any contaminates in the groundwater would move towards the south east away from the historical abstraction point Ermewood Forge Well. We accept that, although there is a historical abstraction point within 250m of the site, given its distance from and relative location to the site, it is considered unlikely to be affected by the proposed cemetery extension". The EA have recommended a precautionary condition that sets out the restrictions on the siting of burials in order to protect the quality of controlled waters in the area; this approach has been supported by the LPA's Environmental Health Officer. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

Trees

A resident in Cleeve Drive has requested that the trees in the south east corner of the site be removed, as they are shading the gardens of dwellings in Cleeve Drive and could fall onto sheds, greenhouses and fencing. While these comments are noted, the current proposal includes the retention of these trees in order to safeguard biodiversity and the visual amenity of the area. Concerns regarding loss of light to part of the garden during the summer months and the potential for the tree to fall on garden outbuildings are not considered sufficient grounds for the removal of trees in this instance.

The SHDC Tree Officer has reviewed the proposal and has confirmed that there are "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. I note a target note on the layout plan in relation to Root Protection Areas but cannot see this expanded upon elsewhere. There is however clear scope for the use given the open grassed sward and absence of trees other than in the South Eastern corner on strictly arboricultural merit. A Tree Protection Plan is required to be submitted for review prior to any commencement on site". This condition is necessary to protect the trees during and post groundworks such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area. This condition must be discharged prior to commencement of development; appropriate safeguards must be in place prior to any construction works being undertaken on the site, including demolition or earthworks, as these may impact on root systems and damage the existing vegetation. The condition was still with the applicant for their consideration at the time the report was written. On the basis that the applicant accepts the wording of the condition, the proposal is considered to accord with the provisions of DEV28.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species and it is considered appropriate to secure these through condition. On this basis, the proposal is considered to accord with the provisions of DEV26

Highways/Access

The scheme does not include any alterations to the existing access or parking arrangements and the DCC Highways Engineer has confirmed that there are no additional highways implications associated with the proposal. As such, it is not considered that the proposal will result in an increased risk to highways safety and the proposal accord with the provisions of DEV29.

Conclusion

The site is located adjacent to the existing Cemetery and provides a logical extension, with appropriate landscaping and safeguards to protect public health and amenity. On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

Planning Policy

Relevant policy framework

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 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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

Neighbourhood Plan

Following a successful referendum, the Ivybridge Neighbourhood Plan was made at Executive Committee on 7 December 2017. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Ivybridge Neighbourhood Area.

It is not considered that the proposal conflicts with the policies below;

POLICY INP7: Traffic and Movement

POLICY INP8: Historic and Natural Environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Conditions

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

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

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

Site Location Plan 27/507-01

Received by the Local Planning Authority on 19 July 2022

Proposed Layout 17277 202 Rev P3

Received by the Local Planning Authority on 21 July 2022

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

3. Prior to commencement of works, a Tree Protection Plan, prepared in accordance with BS5837, shall be submitted to the LPA and approved in writing. The development shall be undertaken in accordance with those details as approved; the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the LPA.

Reason: This condition is necessary to protect the trees during and post groundworks such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area. This condition must be discharged prior to commencement of development; appropriate safeguards must be in place prior to any construction works being undertaken on the site, including demolition or earthworks, as these may impact on root systems and damage the existing vegetation.

4. All burials in the cemetery shall be:

- A minimum of 250m from any potable groundwater supply source located on the south and east side of the site;

- A minimum of 30m from a watercourse or spring;

- A minimum of 10m distance from field drains; and

- Not in standing water and the base of the grave must be above the local water table.

Reason: To protect the quality of controlled waters in the local area.

5. The recommendations, mitigation and enhancement measures of the Ecological Report, by Burton Reid Associates dated July 2021, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.

PLANNING APPLICATION REPORT – Householder Developments

Case Officer: Harriet Fuller

Parish: Berry Pomeroy

Application No: 2453/22/HHO

Applicant:

Jo Sweett
36 Furze Road
Totnes
TQ9 5YE

Site Address: 36 Furze Road, Totnes, TQ9 5YE

Development: Householder application for proposed single storey front extension



Reason item is being put before Committee: Applicant is Cllr Sweett, Ward Councillor for Totnes.

Recommendation: Refusal

Reasons for refusal

1. The proposed development, by virtue of its scale and mono-pitched design, does not respect the pattern of development within the existing street scene, and would represent an incongruous addition to the locality in this regard, contrary to policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and paragraph 130 of the National Planning Policy Framework (2021).

Officer will provide update on outstanding drainage comment at Committee.

Site Description:

The site is a semi-detached two storey property at the end of the Furze Road cul-de-sac in Bridgetown, Totnes. The existing dwelling includes a single-storey flat roof projection from the front elevation which extends approximately half way across the property. The building is rendered on the ground floor and tiled at the first floor. It has an asymmetrical roof with gable end on the detached elevation. The site has amenity space to the front and rear.

The proposal:

The application proposes a front extension which would extend across the entire front elevation. It would be of a mono-pitched design, with the pitch adjoining the existing dwelling at the bottom sills of the first floor windows. The proposed extension would be approximately 10cm smaller in depth than the existing front extension.

Consultations:

- County Highways Authority: No Highways Implications
- Town/Parish Council: Support
- Drainage: [Awaiting response]

Representations:

No comments have been received [as of 22/08/2022].

Relevant Planning History

Planning application reference	Proposal	Site address	Decision
03/1157/74/1	Housing development.	Courtfield & Mansbridge Road Totnes	Withdrawn
03/1150/75/3	a) Construction of roads and foul/surface water drainage for residential development on O.S. 5100, 5224, 5796, 5800, 5919, 6100, 6708 and 6917; (b) Construction of sewage treatment plant and associated sewerage; (c) Erection of Phase I of the development comprising 92 dwellings;(d) Provision of public open space (O.S. 4913)	Lower Weston Weston Lane Totnes (Berry Pomeroy Parish)	Conditional Approval

ANALYSISPrinciple of Development/Sustainability:

01. The site is an existing residential property which includes a single-storey flat roof integrated outbuilding to the front of the dwelling, which was included in the original design of the property and neighbouring dwellings. It is in Furze Road which features several properties which have been altered and extended over time.

02. The Supplementary Planning Document (SPD) guides Officers in suggesting that front extensions which project forwards of the front elevation will generally be resisted. Notwithstanding this, the SPD notes that exceptions may be allowed where front extensions are a feature of houses in the street. Whilst the existing flat-roof area to the front of the house is part of the original dwelling and not a later extension, it does lead Officers to conclude that a small-scale addition to the front elevation could be accommodated, as long as the scale and design remain in keeping with the appearance of the property and neighbouring pairs of dwellings.

03. Given the existing building line of the site and the direct neighbouring properties, the principle of a front extension is acceptable.

Design/Landscape:

04. The site is not located within any special areas of designation. Due to the highway arrangement at the end of Furze road, the front elevation of the site and its close neighbours are clearly visible from the highway and public footpath through to the Rush Way play area, and the 'Chicken Run' footpath through Bridgetown. The uniformity of the existing three sets of semi-detached properties, (with the site being part of the middle of the three) contributes to the character of the street scene and local pattern of development.

05. The proposed front extension introduces a pitched roof. Due to the height of the proposal, the top of the roof would attach to the property directly underneath the bottom sills of the existing first floor windows. As a result, the extension would dominate the front elevation of the site. The site and its adjacent properties are uniform and are rendered at ground floor with hanging tiles at first floor level. The existing flat roof projection on the property does not impact this pattern of architecture when read from the road. The proposed extension would interrupt the uniformity found at numbers 34 to 39 Furze Road and would be an incongruous addition to the property and immediate street scene.

06. The proposed design therefore fails to have regard for the local pattern of development and would not conserve the local distinctiveness of the built environment in this location. As such, the proposal fails to comply with policy DEV20 of the Joint Local Plan.

07. The applicant has provided examples of where pitched roofs have been built in nearby areas including Dukes Road and Rush Way. Whilst each application is considered on its own merits, applications must be assessed against the current policies, and Officers would note that several of the extensions with pitched roofs were approved prior to the adoption of the Joint Local Plan, and subject to different policy considerations. Furthermore, when considering the street scene and existing built environment, the impact of the proposal would be greatest to the southern area of Furze Road, where there are currently no front extensions with pitched roofs within this row of houses. Properties on the northern side of the street do have mono-pitched porches, or canopy roofs, however these are also fairly uniform for their part of the street. Officers would also note that these porches are of a significantly smaller scale and lower height than the current proposal. The impact of these pitched roof porches is significantly less than an extension which is the full width of the property and extends to the first floor windows in height.

Neighbour Amenity:

08. There is a degree of mutual overlooking of the amenity spaces between the site and properties to the east and west (numbers 35 and 37 Furze Road). The proposal would not afford the applicant with the ability to overlook neighbouring properties when compared to the existing levels of privacy.

09. The proposed extension introduces a pitched roof extending across the width of the property. Whilst there are no windows proposed on the east elevation which borders the adjoining neighbour at 37 Furze Road, the structure would be approximately 1.1 metres taller than the existing front extension and would border the amenity space of number 37 Furze Road. Officers have some concerns that the

scale of the proposed extension could have an overbearing impact to number 37 Furze Road, impacting on the enjoyment of the front amenity space. However, on balance and considering the aspect of the properties, Officers consider that the proposal would not have a significant impact on neighbouring properties, so as to warrant refusing the application on this consideration. As such, the proposal complies with the requirement of policy DEV1 of the Joint Local Plan.

Ecology:

10. The application is supported by a Preliminary Ecological Assessment relating to bats and nesting birds which raises no concerns. Had the proposal been acceptable in all other regards, a condition would have been recommended to follow the recommendations of the Ecology Report.

Highways/Access:

11. There are no Highways or access concerns. The Highways Authority have responded to the consultation to advise that there are no highways implications posed as a result of the proposal.

Drainage:

12. The site is located within a Critical Drainage Area and partially within flood zones 2 and 3 associated with a small stream to the south of the site. The scale and nature of development is considered acceptable in this case, and the scale of the extension would not impact upon the flow of water during a flood event. The proposal would also be located upon an area of hardstanding. Officers are awaiting the response from the Council's Drainage Officer, which will be provided verbally at the Planning Committee.

Conclusion:

13. The principle of development is acceptable. The proposal would not impact upon the amenity of neighbours or affect highway users. There are no concerns regarding the use of the site for bats or nesting birds. However, the design of the current proposed development is considered to be an incongruous addition to the property and immediate street scene, and fails to have proper regard to the local pattern of development. As such the proposal fails to comply with the requirements of policy DEV20 and is recommended for refusal on this basis.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and

the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
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
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The site is located within the neighbourhood plan area of Berry Pomeroy. The Berry Pomeroy Neighbourhood Plan is at Designation Stage. As such there are no neighbourhood plan policies against which to review the application.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Plymouth and South West Devon Supplementary Planning Document (SPD) 2020

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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South Hams District Council Agenda Item 7
DEVELOPMENT MANAGEMENT COMMITTEE 7-Sep-22
 Appeals Update from 12-Jul-22 to 22-Aug-22

Ward Dartmouth and East Dart

APPLICATION NUMBER: **4212/21/HHO** APP/K1128/D/22/329643
 APPELLANT NAME: Mr & Mrs A Langford
 PROPOSAL: Householder application for removal and replacement of existing rear and side extensions and main roof and alterations to front drive and access (Resubmission of 0141/21/HHO)
 LOCATION: Beggars Roost 32 Vicarage Road Stoke Gabriel **Officer delegated**
 TQ9 6QP
 APPEAL STATUS: Appeal decided
 APPEAL START DATE: 03-May-2022
 APPEAL DECISION: Dismissed (Refusal)
 APPEAL DECISION DATE: 01-August-2022

Ward Ivybridge East

APPLICATION NUMBER: **3393/21/TPO** APP/TPO/K1128/8927
 APPELLANT NAME: Estelle Chevallier
 PROPOSAL: G1: Sycamore x 3 - Lateral reduction by 1.5m on south side to regain canopy form
 LOCATION: 9 Uphill Close Ivybridge PL21 0NA **Officer delegated**
 APPEAL STATUS: Appeal Lodged
 APPEAL START DATE: 07-July-2022
 APPEAL DECISION: Withdrawn
 APPEAL DECISION DATE: 16-August-2022

APPLICATION NUMBER: **3855/20/FUL** APP/K1128/W/22/3294930
 APPELLANT NAME: Mr Adam Steward
 PROPOSAL: Proposed Dwelling, off road parking and new vehicle access
 LOCATION: Development Site At Sx 637 567 off Cole Lane Ivybridge **Officer delegated**
 APPEAL STATUS: Appeal Lodged
 APPEAL START DATE: 12-July-2022
 APPEAL DECISION:
 APPEAL DECISION DATE:

Ward Kingsbridge

APPLICATION NUMBER: **0670/22/HHO** APP/K1128/D/22/3302753
 APPELLANT NAME: Mr David White
 PROPOSAL: Householder application for enlargement of first floor window on southwest elevation (retrospective)
 LOCATION: Swallows 1 Higher Warren Road Kingsbridge **Officer delegated**
 TQ7 1LG
 APPEAL STATUS: Appeal Lodged
 APPEAL START DATE: 25-July-2022
 APPEAL DECISION:
 APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **4024/21/FUL** APP/K1128/W/22/3301425
 APPELLANT NAME: Mr & Mrs P Lawrence
 PROPOSAL: Replacement dwelling
 LOCATION: Sunny Ridge Herbert Road Salcombe TQ8 8HN **Committee**
 APPEAL STATUS: Appeal Lodged
 APPEAL START DATE: 15-August-2022
 APPEAL DECISION:
 APPEAL DECISION DATE:

APPLICATION NUMBER: **4277/20/FUL** APP/K1128/W/21/3287234
 APPELLANT NAME: Trinity Square Developments
 PROPOSAL: Amendment to previously approved 2101/19/FUL for additional installation of 2 no. concealed gas tanks below lawn
 LOCATION: Lantern Lodge Hotel Grand View Road Hope Cove TQ7 **Committee**
 3HE
 APPEAL STATUS: Appeal Lodged
 APPEAL START DATE: 06-April-2022

APPEAL DECISION: Upheld
APPEAL DECISION DATE: 17-August-2022

APPLICATION NUMBER: **2609/21/TPO** APP/TPO/K1128/8804

APPELLANT NAME: Mr Clive Jacobs
PROPOSAL: T103: Quercus Ilex - Crown raise to 2.5m from ground level to allow light. T104: Fagus Sylvania - Remove to favour Scots Pine. T111: AcerPseudoplatanus - Remove to favour Beech. T109: Quercus Ilex - Crown raise to 2.5m from ground for safety reasons. T110: Acer Pseudoplatanus - Remove to favour adjacent trees. T114: Quercus Cerris- Crown raise to 3m from ground level to provide clearance. T115: AcerPseudoplatanus - Crown raise to 3m from ground level to provide clearance. T116: Acer Pseudoplatanus - Remove for safety reasons. T145: Acer Pseudoplatanus - Remove Western limb from base due to decay. T146: Quercus Ilex - Crown raise on West, North & East sides to

LOCATION: Bridleway House Moulton Hill Salcombe TQ8 8LF **Officer member delegated**

APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 18-April-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 14-July-2022

Ward Totnes

APPLICATION NUMBER: **2451/21/TPO** APP/TPO/K1128/8970

APPELLANT NAME: Mr Thomas Owen (Re Klyna Jordan)

PROPOSAL: T1: Beech - Crown height reduction by 3m, lateral reduction by 0.5m on East side, 1m on South side and 1m on West side to encourage better form. T2: Beech - Dismantle due to major defects. T3: Beech - Dismantle due to major defects. T4: Beech - Dismantle due to suppressed form and asymmetry.

LOCATION: Lower Cottage Farm Plymouth Road Totnes TQ9 5LH **Officer delegated**

APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 02-August-2022
APPEAL DECISION:
APPEAL DECISION DATE:

Ward West Dart

APPLICATION NUMBER: **1664/21/FUL** APP/K1128/W/21/3289096

APPELLANT NAME: Oakgreen Limited

PROPOSAL: Conversion and extension of a barn into a one-bed dwellinghouse, including integral garage, parking and garden amenity space

(resubmission of 1992/20/FUL)

LOCATION: The Old Bakehouse Tuckenhay TQ9 7EQ **Officer delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 08-March-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 22-July-2022

APPLICATION NUMBER: **0791/21/FUL** APP/K1128/W/21/3284914

APPELLANT NAME: Mr Richard Symons

PROPOSAL: Proposed single storey extension including demolition and replacement of existing roof structure, demolition of existing utility, storage and outbuildings. Replacement with single storey structure, extension to form new utility and garage spaces, new access to existing track and other associated landscaping works

LOCATION: Woodcourt Farm Woodcourt Road Harbertonford TQ9 7TY **Officer member delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 10-February-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 10-August-2022

Undetermined Major applications as at 22-Aug-22

	Valid Date	Target Date	EoT Date
0612/16/OPA Patrick Whymer Brimhay Bungalows Road Past Forder Lane House Dartington Devon TQ9 6HQ	8-Aug-16	7-Nov-16	
Outline planning application with all matters reserved for redevelopment of Brimhay Bungalows. Demolition of 18 Bungalows to construct 12 Apartments, 8 units of specialist housing for Robert Owens Community Clients and up to 10 open market homes.			

Comment: This Application was approved by Committee subject to a Section 106 Agreement. The Section 106 Agreement has not progressed

	Valid Date	Target Date	EoT Date
3704/16/FUL Charlotte Howrihane Creek Close Frogmore Kingsbridge TQ7 2FG	22-Nov-16	21-Feb-17	30-Sep-22
Retrospective application to alter boundary and new site layout (following planning approval 43/2855/14/F)			

Comment: Section 106 is with applicant to sign. They are waiting for the S38 agreement to be completed with Highways before signing the S106.

	Valid Date	Target Date	EoT Date
3749/16/VAR Charlotte Howrihane Development Site Of Sx 7752 4240 Creek Close Frogmore Kingsbridge TQ7 2FG	23-Nov-16	22-Feb-17	30-Sep-22
Variation of condition 2 (revised site layout plan) following grant of planning permission 43/2855/14/F			

Comment: Section 106 is with applicant to sign. They are waiting for the S38 agreement to be completed with Highways before signing the S106.

	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)	9-Jan-20	9-Apr-20	18-Dec-20
Outline application for up to 360 dwellings and associated landscaping, new access points from Towerfield Drive and Pick Pie Drive and site infrastructure. All matters reserved except for access.			

Comment: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to September 2021. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised programme has been agreed until the end of September 2022

	Valid Date	Target Date	EoT Date
4185/19/OPA Ian Lloyd Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)	9-Jan-20	9-Apr-20	18-Dec-20
Outline application for provision of up to 1,640 new dwellings; up to 1,200 sqm of commercial, retail and community floorspace (A1 - A5, D1 and D2 uses); a new primary school; areas of public open space including a community park; new sport and playing facilities; new access points and vehicular, cycle and pedestrian links; strategic landscaping and attenuation basins; a primary substation and other associated site infrastructure. All matters reserved except for access.			

Comment: Along with 4181/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to September 2021. Both parties agree more time is still required to resolve transport/delivery/other matters and for a period of re-consultation and a revised programme has been agreed until the end of September 2022.

	Valid Date	Target Date	EoT Date
4158/19/FUL Patrick Whymer Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park Ropewalk Kingsbridge Devon	17-Jan-20	17-Apr-20	6-Feb-21
READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, car parking and landscaping			

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
3752/19/OPA Jacqueline Houslander	11-Feb-20	12-May-20	6-Apr-21
Former School Playing Ground Elmwood Park Loddiswell TQ7 SA		READVERTISEMENT (Amended description) Outline application with some matters reserved for residential development of 17 Dwellings	

Comment – Formal pre app received with a revised layout.

	Valid Date	Target Date	EoT Date
0995/20/VAR Charlotte Howrihane	1-Apr-20	1-Jul-20	19-Feb-21
Hartford Mews Phase 2 Cornwood Road Iybridge		Variation of conditions 4 (LEMP) and 13 (Tree Protective Fencing) of planning consent 3954/17/FUL	

Comment- all variations acceptable and agreed by relevant consultees, but applicant advised that a Deed of Variation would be required as the original permission was subject to a S106. Applicant has confirmed (22/08/22) that they are prepared to enter into a DoV and a legal work request has been sent to initiate this

	Valid Date	Target Date	EoT Date
3623/19/FUL Jacqueline Houslander	14-Apr-20	14-Jul-20	15-Apr-22
Land off Godwell Lane Iybridge		READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure	

Comment: Amended plans received and re-consultation underway. Report partially written. Had an update meeting with applicants and received additional information on Biodiversity net gain, which has been sent to DCC ecologist.

	Valid Date	Target Date	EoT Date
0868/20/ARM Jacqueline Houslander	29-Apr-20	29-Jul-20	28-May-21
Development Site at SX 612 502 North Of Church Hill Holbeton		READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14no. dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale appearance and landscaping (Resubmission of 0127/19/ARM)	

Comment: Agreed under delegation, awaiting signature on unilateral undertaking.

	Valid Date	Target Date	EoT Date
2508/20/FUL Steven Stroud	12-Aug-20	11-Nov-20	6-Jan-21
Moor View Touring Park Modbury PL21 OSG		READVERTISEMENT (revised plans) Proposed expansion and development of holiday lodges and associated works to existing touring and holiday park	

Comment: Awaiting additional ecology information from applicant.

	Valid Date	Target Date	EoT Date
4254/20/FUL Jacqueline Houslander	23-Dec-20	24-Mar-21	25-Aug-22
Springfield Filham PL21 ODN		READVERTISEMENT (revised plans) The proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent. Landscaping works will provide communal areas and a playground as well as ecological features. Access will be provided from the main road with a main spine route running through the site. Springfield Cottage is to remain as current use but be a separate property entity with access from within the site.	

Comment – Amended plans received. Awaiting additional information.

	Valid Date	Target Date	EoT Date
0544/21/FUL Jacqueline Houslander	15-Feb-21	17-May-21	3-Dec-21
Land at Stowford Mills Station Road Ivybridge PL21 0AW			Construction of 16 dwellings with associated access and landscaping

Comment – Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement. Deed of Variation progressing.

	Valid Date	Target Date	EoT Date
1490/21/ARM Tom French	20-Apr-21	20-Jul-21	13-Aug-21
Sherford New Community Commercial Area North of Main Street Elburton Plymouth			Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 drivethrough restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

Comment – Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
1491/21/ARM Tom French	20-Apr-21	20-Jul-21	13-Aug-21
Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street Elburton Plymouth PL8 2DP			Application for approval of reserved matters for Green Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)

Comment - Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
1159/21/FUL Patrick Whymer	23-Apr-21	23-Jul-21	31-Jan-22
Land at West End Garage Main Road Salcombe TQ8 8NA			Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)

Comment – Approved at the last committee subject to S106 which is progressing.

	Valid Date	Target Date	EoT Date
2817/21/ARM Anna Henderson-Smith	29-Jul-21	28-Oct-21	24-Mar-22
Noss Marina Bridge Road Kingswear TQ6 0EA			Details of Reserved Matters and discharge of conditions, relating to layout, appearance, landscaping and scale, in respect to South Bay Phase (Residential Southern) comprising the erection of 27 new residential units (Use Class C3). Also provision of 58 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to planning permission 0504/20/VAR

Comment – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
3053/21/ARM Anna Henderson-Smith	5-Aug-21	4-Nov-21	24-Mar-22
Noss Marina Bridge Road Kingswear TQ6 0EA			Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR

dated 10/02/2021

(Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters)

Comment – architect working on revisions and redesign

	Valid Date	Target Date	EoT Date
3054/21/ARM Anna Henderson-Smith	5-Aug-21	4-Nov-21	24-Mar-22
Noss Marina Bridge Road Kingswear TQ6 0EA		Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 17 - Hillside (Residential Hillside) of the redevelopment of Noss Marina comprising the erection of 8 new homes (Use Class C3), provision of 21 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters)	

Comment – in the process of being written up for recommendation for approval

	Valid Date	Target Date	EoT Date
3119/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	
Proposed Development Site Sx856508 A3122 Norton Cross To Townstal Road Dartmouth		Full planning application for the erection of 32 residential units (situated within both phases 1 and 2) and associated works	

Comment - Consultation period complete and S106 being completed to ensure contributions are being made in line with phases 1 and 2. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
2982/21/FUL Chloe Allen	13-Oct-21	12-Jan-22	3-Mar-22
Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY		READVERTISEMENT (Revised plans) The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping	

Comment – Revised plans now received and reconsultation underway

	Valid Date	Target Date	EoT Date
3335/21/FUL Clare Stewart	14-Oct-21	13-Jan-22	17-Feb-22
Proposed Development Site At Sx 566 494 Land West of Collaton Park Newton Ferrers		Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.	

Comment – Approved by Members, subject to S106 agreement (now with legal)

	Valid Date	Target Date	EoT Date
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	29-Apr-22
Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon		READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community.	

Comment – Approved by Members, subject to S106 agreement (now with legal)

	Valid Date	Target Date	EoT Date
4021/21/VAR Amy Sanders	24-Nov-21	23-Feb-22	
Development site at SX 809597 Steamer Quay Road		Application for variation of condition 2 (approved drawings) of	

Comment – waiting on legal decision if the application is valid. Uncertainty if the works that began on site, constitute a meaningful start and if the development began in time, before expiration of 3 years.

	Valid Date	Target Date	EoT Date
4317/21/OPA Steven Stroud	5-Jan-22	6-Apr-22	6-May-22
Land at SX 5515 5220 adjacent to Venn Farm Daisy Park Brixton		Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)	

Comment:

	Valid Date	Target Date	EoT Date
4774/21/FUL Jacqueline Houslander	7-Feb-22	9-May-22	
Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG		READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements	

Comment: Awaiting comments from the Environment Agency regarding wave action.

	Valid Date	Target Date	EoT Date
0303/22/OPA Steven Stroud	4-Mar-22	3-Jun-22	
Land off Moorview Westerland Marldon TQ3 1RR		READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and four bedroom sizes with associated roads, paths, landscaping and drainage 30% of which would be affordable housing	

Comment - Under consideration by officer, met with agent 24/8/22

	Valid Date	Target Date	EoT Date
0934/22/FUL Lucy Hall	14-Mar-22	13-Jun-22	
Land At Sx 499 632 Tamerton Road Roborough		Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation and service yard.	

Comment: Under consideration by officer.

	Valid Date	Target Date	EoT Date
0510/22/VAR PI Officer	3-May-22	2-Aug-22	
Bovisand Harbour (Fort Bovisand) Bovisand Wembury PL9 0AB		Application for variation of condition 2 (approved plans) of planning consent 3814/20/VAR	

Comment – Awaiting additional information from applicant.

	Valid Date	Target Date	EoT Date
1178/22/ARM Bryn Kitching	11-May-22	10-Aug-22	
Land Off Townstal Road Townstal Road Dartmouth		Application for approval of reserved matters following outline approval 15_51/1710/14/O (Appeal APP/K1128/W/15/3039104) as varied by application reference 2609/19/VAR and 0479/21/VAR relating to access, appearance, landscaping, layout and scale for the construction of 46No. apartment extra care/assisted living scheme (Class C2) with provision of parking, gardens, access and associated works	

Comment – application recently submitted and consultation period underway.

	Valid Date	Target Date	EoT Date
1836/22/FUL Tom French	25-May-22	24-Aug-22	
Langage Energy Park Kingsway Plympton		Application for proposed green hydrogen production facility	

Comment: Application approved

	Valid Date	Target Date	EoT Date
1614/22/VAR Charlotte Howrihane	10-Jun-22	9-Sep-22	
Brutus Centre Fore Street Totnes			READVERTISEMENT (Revised plans received) Application for variation of condition 2 (approved plans) of planning consent 2560/21/FUL

Comment: Consultation period just ended (18th Aug). So far no objections received from statutory consultees although objections from neighbours have been received.

	Valid Date	Target Date	EoT Date
1523/22/FUL Jacqueline Houslander	20-Jun-22	19-Sep-22	
Proposed Development Site West Dartington Lane Dartington			Construction of 39No. two-storey dwellings with associated landscaping

Comment: Reviewing application with consultees

	Valid Date	Target Date	EoT Date
1629/22/ARM Jacqueline Houslander	20-Jun-22	19-Sep-22	
Dennings Wallingford Road Kingsbridge TQ7 1NF			Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions

Comment: Awaiting consultation responses

	Valid Date	Target Date	EoT Date
2084/22/OPA Jacqueline Houslander	27-Jun-22	26-Sep-22	
Land at SX 648 561 Rutt Lane Ivybridge			Outline application (all matters reserved) for the provision of new 120 Social, Emotional & Mental Health (SEMH) School including new two storey teaching block with associated hard & soft landscaping

Comment: Awaiting consultation responses

	Valid Date	Target Date	EoT Date
2243/22/FUL Amy Sanders	7-Jul-22	6-Oct-22	
Land at SX 784 583 Harberton			Stable block, hardstanding & change of use of field for the grazing of horses

Comment: Awaiting consultation responses

	Valid Date	Target Date	EoT Date
2412/22/OPA Clare Stewart	25-Jul-22	24-Oct-22	
Land South of Dartmouth Road at SX 771 485 East Allington			Outline application with some matters reserved for the development of up to 35 dwellings & associated access, infrastructure, open space, landscaping & biodiversity net gain infrastructure

Comment: Awaiting consultation responses

