

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 6th July, 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
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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 – Democratic Services Officer – 01822 813651										

1. Urgent Business

Brought forward at the discretion of the Chairman;

2. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

3. 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;

4. Public Participation

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

5. 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/>

Application

Development/Site

START 10:00 am

(a) 1059/22/FUL

"Car Park off Leonards Road", Leonards Road, Ivybridge Delivery of a new A1 food retail store circa. 1950m2 (shell only), associated 2-tiered carpark, highway works, pedestrian, cyclist and public realm enhancements.

1 - 50

START 2.00 pm

(b)	1430/21/ARM	"Site at SX 775 424", East of Creek Close, Frogmore READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 3880/17/OPA	51 - 66
(c)	0746/22/FUL	"Houndall Farm", Sparkwell Construction of replacement dwelling in place of barn with Class Q approval under 1567/21/PDM	67 - 76
(d)	3026/21/FUL	"Vineyard North West of Buckland", Buckland, Bantham Temporary installation of two rows of Paraweb Fencing to protect planted windbreaks	77 - 92
(e)	3027/21/FUL	"Vineyard North of Aunemouth", Bantham. Temporary installation of two rows of Paraweb Fencing to protect planted Windbreaks	93 - 108
(f)	3186/20/VAR	The High Nature Centre, East Portlemouth Variation of conditions 3, 5 and 23 of planning consent 20/0785/12/F	109 - 122
6.	Planning Appeals Update		123 - 124
7.	Update on Undetermined Major Applications		125 - 132

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PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Ivybridge **Ward:** Ivybridge East

Application No: 1059/22/FUL

Agent/Applicant:

Mr Martin Simpson - LHC Design
The Design Studio
The Guardhouse
Royal William Yard
Plymouth
PL1 3RP

Applicant:

Mr Ross Johnson - South Hams District
Council
Follaton House
Totnes
TQ9 5NE

Site Address: Car Park off Leonards Road, Leonards Road, Ivybridge, PL21 0RU

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

Reason item is being put before Committee: The application is on land owned by South Hams District Council and the Council is also the applicant.

Recommendation: Approval

Pre commencement conditions: Pre commencement conditions are proposed and are currently being discussed with the applicant under the Town and Country Planning (Pre commencement conditions) regulations 2018.

Conditions (list not in full)

1. Time limit
2. Accord with plans
3. Accord with FRA
4. Scheme for bankside area to be submitted
5. CEMP
6. Tree method statement
7. Samples of materials
8. Opening hours of the store
9. Construction method statement
10. Waste Audit
11. Delivery times
12. No use of reversing alarms after 8pm
13. No concessions in store
14. Unexpected contamination
15. Lighting to improve the lighting situation along the river corridor
16. Details of EV charging points
17. Store not to open until car park / delivery area has been completed
18. Cycle stands to be provided prior to store opening
19. Public realm improvements prior to store opening
20. CMP
21. Lighting proposals to be agreed
22. Notification of noisy activities
23. No works to hedge and trees until Bat survey has been submitted and agreed
24. Works to the vegetation and trees to be carried out in accordance with the bat survey and mitigation proposals

25. No vegetation clearance in bird nesting season
26. LEMP
27. Construction lighting off at night
28. Access and larking to be provided before use commences
29. Offsite highway works to be completed prior to use commencing
30. Carbon reduction implementation before opening
31. Landscaping timing and plan to be submitted.
32. Drainage condition

Section 106 Heads of Terms

The application shall be delegated to the Head of Development Management to secure a Section 106 legal agreement with the following provisions:

- Contribution to be paid prior to commencement to DCC highways of £60,000 towards B3213 cycle safety infrastructure
- Provision of a new parallel crossing on the B3213 to be delivered under S278 legal agreement prior to opening of the food store.
- A sum of £172,142 to be allocated for the provision of offsite tree mitigation works within Ivybridge (or adjacent Parish).
- To be provided and agreed before the store opening a Biodiversity Net Gain Plan detailing compensation and net gain of no less than 0.3 units of native mixed scrub (12.68% Biodiversity Net Gain).
- Any habitat creation must take place within 6 months of commencement of development
- (a) Within 6 months of the commencement of the Ivybridge Regeneration Project (Planning Ref:), the Council will submit a planning application for a replacement wheeled sports facility at the location shown on Plan as appended and if approved thereafter, and within no later than 12 months of the opening of the food store, make the facility available for use.
- (b) In the event planning permission for the replacement wheeled sports facility is not forthcoming and the facility is not available for use within 12 months of store opening, £165,000 Index Linked contribution shall be paid on request to DCC towards the provision of a replacement wheeled sports facility to be located elsewhere in Ivybridge.
- Prior to the closure of Leonards Road and Glanvilles Mill car parks, a shuttle bus will be available for public use running from the Ivybridge Train Station car park to the town centre.
-

Key issues for consideration: Principle of the development; Impact of the development on parking afterwards and during construction; impact on the existing shops in the town; landscaping existing and proposed. Ecological impacts; carbon reduction measures; Biodiversity net gain; public enhancements and benefits; section 106 requirements.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description:

The application site is the existing car parks in Ivybridge located between the Town Hall, the Leisure centre and Leonards Road. The development area comprises the entire Leonards

Road and Glanville's Mill car parks. The site is split level with an established landscape buffer dividing the site at the point where it changes in level.

The lower car park (Glanville's Mill) links to the upper car park via a road to the north-west corner. The car parking provided by each car park currently is: 57 in Glanville's Mill which comprises:

- 41 parking spaces
- 5 disabled
- 2 with EV charging
- 5 taxi bays
- 1 trolley storage bay 3 recycling bays.

Leonards Road car park, comprising:

- 179 parking spaces
- 8 minibus bays
- 1 trolley storage bay.

Taking into account the above uses the total actual spaces for parking is 227.

The site area is 1.56 hectares (3.87 acres). The site is relatively level in the upper car park, with a fall of approximately 2.5m between the two car parks, but which is also more apparent in the lower car park.

The River Erme runs along the western and north western edge of the site. Immediately to the north is the Town Hall and Erme Court retail units and the car park associated with that development.

The site is partly within Flood Zones 2 and 3 and the entire site is in the Critical Drainage Area. Plymouth Sounds and Estuaries SAC Buffer Zone (does not affect the application). In the south east corner of the site is the Leonards Road Car Park Skate Park

The context of the site contains a number of cycle and pedestrian routes. National cycle route No 2 runs alongside the river corridor

The B3213 runs adjacent to the eastern boundary with the Town Hall to the north. Glanville's Mill is located to the west of the application on the other side of the River Erme. Glanville's Mill comprises a variety of independent shops, the post office and a café as well as a Co Op food store. Beyond Glanville's Mill is Fore Street, which comprises a shopping street, which is currently almost completely occupied.

The Proposal:

The erection of a new retail store together with a 2 level multi storey car park. The development will include some highway works and pedestrian, cyclist and public realm enhancements.

In detail the proposal comprises a retail store of approximately 1800 sq.m. The proposed building is rectangular in shape, with a flat roof. Solar panels are proposed on the roof. The preferred operator for the Store is identified as Aldi. The Design and Access statement describes Aldi as: *"a leading national deep discount grocery retailer, who globally has built up a network of over 10,000 stores in Europe, the USA and Australia. With a developed network of approximately 900 stores in the UK since entering the market in 1990, Ivybridge is part of the company's UK expansion and would delivery choice to the residents of PL21."*

The retail store proposed opening hours are Mon-Sat 8am-10pm and Sun- 10am-4pm. The preference in terms of delivery times is for there to be no set times, but will be during store opening hours. The building is proposed to have a sales floor area of 1315sqm and also includes: a customer toilet; staff areas; warehousing; plant room; cold rooms; servicing area and delivery bay.

The proposal was subject to a pre application process, where the LPA indicated that they did not want to see the typical 'Aldi box'. Concern was also expressed at the pre app that the proposal did not respond to the local character nor did it relate well to nearby buildings or enhance the wider site. The relationship of the building with the River Erme was also a concern. The application proposes a single (retail) storey building with the primary elevation facing towards Glanville's Mill, where there is a glazed double height entrance and shopfront. The Design and Access statement describes the elevations as follows:

“A heavy-set steel frame with timber blade inserts flies across the front of the store at high level connecting to the Fibre cement panel feature which frames the curtain walling, finished with opaque glazing at ground level.

The southern elevation continues with the use of the fibre cement panels to highlight key areas of the façade intermixed with curtain walling at ground level to draw visitors to that end of the store. The introduction of vertical timber cladding to the elevation provide balance to a prominent area which houses the delivery ramp / bay and external plant area.

The east elevation which fronts onto the B3213 is a mix of Fibre cement panel and timber cladding. Arranged to provide a less uniform elevation the mix of the two materials break up the mass of the building before we get to the corner where the textured panel again returns to frame the building signage as a key node / entry point to the site for pedestrians and cyclists alike.

Finally, the north elevation has the iconic Aldi ribbon window set for the most part into the vertical Siberian larch cladding to provide a softer outlook when viewed predominantly from the town hall.”

The materials chosen are Siberian larch cladding, which will mature to a light grey finish; a fibre cement panel in a graphite grey; black steel frame; glazed high level sections and shopfront.

To the south of the proposed store is the delivery area as well as an area for SHDC parking (12 spaces) and mini buses (4 x larger spaces) and an area for taxis (4 spaces). This area will be accessed from a separate entrance from Leonard's road. This will be a new access to the site.

To the east of the building adjacent to the B3213 is an area of landscaping which includes the onsite flood mitigation in the form of a swale. Its purpose is to manage any overland flood waters.

To the west of the proposed retail store is the proposed replacement car park, which will incorporate public parking and parking for the store. The parking is proposed as a 2 storey raised deck, taking advantage of the difference in levels of the land. The car park will lead to the loss of the hedge and trees that currently runs north south between the existing 2 car parks. The car park surface will be asphalt, with marked parking bays.

The below table indicates the proposed parking provision:

LGF Proposed	UGF Proposed
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103 x Parking spaces	85 x Parking spaces (DFS)
5 x Disabled spaces	4 x Disabled spaces (DFS)
3 x EV Charging points	6 x Parent and child (DFS)
1 x Drop down / Pick up	2 x EV Charging points (DFS)
1 x Taxi bay	
	The spaces below are to the south of the proposed retail store.
	12 x Parking spaces (SHDC)
	4 x Taxi bays
	4 x Minibus spaces
	2 x Recycling bays
Subtotal	Subtotal
113	121

Public Realm Improvements:

A series of improvements to the public realm are also proposed through the application.

- New cycle stands with allocation for standard, cargo and electric bikes along the river corridor, but close to the store entrance.
- Maintenance to overgrown landscaping along the River Erme
- Upgraded refuse and recycling bins throughout
- Upgrade to existing amphitheatre seating
- New planted areas to enhance the biodiversity of the river corridor
- New surfacing to shared space and upgrade of cycling connections to Woolcombe road.
- New Skate Park on land to the rear of the leisure centre.
- The existing grassed area verge to Leonards Road and low stone wall to be retained
- Swale to the east of the proposed store, in a wildflower lawn. New trees are also proposed within this area.
- New shrub and herbaceous planting on the southern boundary around the SHDC parking area
- New landscape buffer adjacent to the proposed store along its northern edge, to enhance the setting of the pedestrian /cycle route and provide a defensible edge to the building.
- New climber planting and ground level parking along parts of the western edge of the car park to make a more attractive approach to pedestrians from Glanville's Mill. And the river corridor.

Consultations:

The responses below are summarised. The full consultation responses can be found on the website at <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/221059>

- **County Highways Authority:** No objection subject to the payment of the sum for the cycle improvement works and the provision of a road crossing via a Section 278 Agreement with the Highway Authority and subject to planning conditions.
- **Environmental Health Section:** The Contaminated land report and Air quality Assessment are considered acceptable. No objection provided the developer informs EH of the timings of the noisy activities.
- **Ecology:** No objection subject to the imposition of conditions in relating to lighting along the river corridor and a PEA prior to works being carried out. Confirms that a pre-construction survey is acceptable and that if any bat roosts are found at that time, the three tests would be met and Natural England would issue a protected species licence for the works to go ahead legally

- **Landscape Specialist:** Whilst discussions have taken place to amend the landscaping proposals, no plans have been provided as yet. A landscaping condition would therefore be required for full details of hard and soft landscaping.
- **Tree Specialist:** Content with the proposed off site mitigation measures, with a strong preference for Option A. Onsite tree planting is acceptable bearing in mind the constraints posed by underground services. A pre commencement condition is proposed requiring a method statement to be submitted.
- **Economic Development Specialist:** The proposal will be beneficial to the local economy and is an opportunity to improve the longer term viability of the town. Conditions or Section 106 obligation for parking mitigation to be provided during construction; marketing/ economic development support during construction and for 12months afterwards; a parking schedule (e.g. 3 hours) that is conducive to enabling shoppers to explore the rest of the town centre during their visit.
- **DCC Lead Local Flood Authority:** No objection, but require additional information around the maintenance of the whole site and the SuDs. Condition required to ensure surface water system is provided in accordance with the plans; pre commencement condition with details of surface water management during construction; drainage plans to be included in approved plans.
- **Fire and Rescue:** No comments.
- **Environment Agency:** No objection provided conditions are attached to any consent to secure the implementation of the FRA; a scheme of environmental improvements on the bankside and a CEMP. The sequential test will also be needed to be undertaken.
- **SHDC Conservation:** No comments
- **Environmental Services:** Waste: As there is provision for a recycling bank in the SHDC parking allocation, would need to see swept path analysis for the skip lifting vehicle. Otherwise, no further comments at this stage.
- **Waste services:** Devon County Council: No Waste Audit has been provided therefore a condition should be attached to any consent requiring the submission of a waste audit statement prior to the commencement of development.
- **Ugborough Parish Council:** Object because the infrastructure cannot cope.
- **DCC Archaeology:** No comments.
- **Open Space Sport and Recreation (OSSR):** Response is based on the loss of the Skate Park. The existing skate park will be lost as a result of this development. It is understood discussions have been taking place with Skate South Devon and an alternative site for the skate park has been identified. The preferred option is the delivery of a replacement facility adjacent to the leisure centre. The replacement facility would require all necessary consents, including planning permission. The fall-back position (if consents were not able to be secured) would be an increased financial contribution of £150,000(or as agreed) towards a new facility in a different location. The space identified has sufficient space for a

potentially larger facility. A timescale for the submission of a planning application should be secured through the Section 106 agreement.

- **Town Council:** Initial response: Object

The Town Council have submitted a 17 page letter providing their objections to the development. Whilst ordinarily the Town Council comments would be printed in full in the planning officer report, in consultation with senior management it has been agreed that a summary of the concerns raised in the response will be provided here. The full response is available to view using the following link,

<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/221059>

The comments have been submitted under a number of sub headings, which will be replicated in this summary. The first comment is provided in full:

“As South Hams District Council are the applicant and the determining Local Planning Authority, the Town Council trusts that all submissions and professional reports will be scrutinised completely objectively by all, challenging the anomalies and shortcomings identified.”

Principle of development.

- Reference is made to various aspects of the JLP (para 5.41; Spatial Priority SP2) and that the site lies outside of the designated primary shopping area and as such is an edge of centre location.
- The site is not allocated in the JLP and does not meet the definition of brownfield land. It is used as a car park and is vital for viability of Ivybridge.
- Weekly markets and other events use the car park, which attract many people. The car park is used for public health testing, consultations, mobile banking and ring and ride.
- The TTV6 allocation in the JLP is preferred location and would support new residents to the east of Ivybridge. This would mean no impact on the viability and vitality of shops in the town centre.
- The high street is full – no need to improve the retail offer.
- The 99 Aldi spaces will not lead to cross shopping because of the long queues in the shop and the need to store frozen goods quickly.
- No assessment of the impact on existing shops in the town. Negative impact means the development would not meet SP2.1 in the JLP. An independent retail study is requested rather than the market study submitted.
- (Ref to Para 5.43 in the JLP). The proposal would compete for custom against the existing shops.
- The proposal does not enhance the identity/character of the town. It homogenises it with a chain store.

Site Design

- Car parks scale is overbearing and incongruous, not enhancing the river frontage
- Inadequate soft landscaping
- Impact on public safety – a hot spot for antisocial behaviour and crime.

Appearance and materiality

- Larch cladding is cheaper than more long lasting materials.
- Pre app indicated concerns with ‘Aldi Box’, the proposal does not respond to that.

Public Realm Improvements

- Some of the proposals are just general maintenance – bins, seats, vegetation.
- The build cost could rise. The public realm improvements must happen.
- The Town Council wish to see replacement of southern bridge over the river.

Access, Transport, Loss of General Use parking

- Applicant argues less car journeys, DCC Highways indicate diversion trips from the A38.
- Entrance to car park is opposite Police station. Increased traffic here could impede 999 responses.

- Loss of general use parking will impact surrounding communities, reliant on car use.
- Lack of parking will drive people to go elsewhere.
- Some non-residential parking at Stowford Mill could be placed under pressure with less spaces here.
- PL21, a transition town initiative group has raised concerns about some design elements. These could be further improved to encourage active travel and comply with the Street Design Strategy for Ivybridge.
- The shift to short stay parking, will push long stay onto the highway, impacting on pedestrians and cyclists.

Access for breast screening

- Where will this go? The new layout does not allow for this. Conflicts with NPPF 93 if not provided for.

Cycle parking

- No long terms secure cycle provision
- DCC engineers suggests there should be 36 spaces – drawings only show 16 and none for cargo bikes.
- Hoops need to be useable.

Drainage

- Report states impermeable rea not increased, however removal of large hedge has been overlooked. Clarification required due to loss of trees and landscaping.
- Request a deferral pending a site visit by the DM Committee.

Trees and Hedges

- Major concern over negative impact of loss of Devon bank and 3 class A trees and B and C specimens
- Mitigation will take a long time.
- The TC and Chamber survey + 89% opposition to a supermarket here.
- Advantages of a store do not outweigh the destruction of a veteran hedge
- Hedge removal will destroy part of the character of Ivybridge and does not meet Policy DEV20.3 in the JLP.
- A significant veteran oak adjacent to one of the cycle racks is not included in any reports. Tree Protection Plan is incomplete.
- The trees on site have been given little consideration.
- Trees add to Local distinctiveness and health and wellbeing.
- Trees capture pollutants – important because of the nearby Air Quality Management Area. (Quote from The Woodland Trust)
- Retention of trees should be a priority because of air pollution. (Quote from the Woodland Trust).
- Removal of trees on SHDC land within a town centre location is counter to the aims of net zero carbon.
- Request deferral pending a site visit by DM Committee

Ecology

- Ecology report showed presence of bats – more detail needed on store opening time, light spill, and reduction in light spill on river corridor.
- Further bat boxes along the river corridor on SHDC land are requested.

Consultation

- No feedback from engagement with the TC provided in the D & A; Policy INP2 in the NP requires a masterplan or at the least engagement responses (pre app response).
- SHDC public consultation (pre covid) was a survey- was misleading and did not highlight the full impacts of the proposal.
- The No. of objections to this proposal is evidence of the lack of detail in the consultation.
- Shopping trends have changed since the pandemic – not reflected in the submission.
- Pandemic has resulted in the full occupancy of the town centre with people working at home more has led to more use of the local shops.

- Recent meeting of the Chamber of Commerce resulted in a unanimous vote against the proposal. Annual TC meeting 16th May 2022 – majority vote against. Many in favour of an alternative site.

Survey results: 317 responses.

- **Q1. During construction the 2 car parks could be closed for 15 months or more. May also be the Glanville's Mill Bridge closed too. How do you feel about this?**
- The results indicated that for visits to the town centre in general; Glanville's Mill and Fore Street separately and The Watermark, most respondents stated they currently visited, but will visit less. For the no longer visit and will visit the same the numbers were roughly the same, except for the Watermark where will visit the same was the higher of the two.
- **Q2. What would be acceptable things for SHDC to do to help you continue to use the town centre during construction?**
- The highest score was that there is nothing that can be done, followed by make use of other car parks for short stay and then the shuttle bus from the railway station.
- **Q3. Aldi to have 99 spaces for 90 min.'s; lower deck 113 spaces will be similar to current provision – short stay and long stay. What will this change make to you?**
- Majority said they would use the town centre; the hairdressers, therapists and health professionals; independent retail shops; cafes and pubs; attend cinema at the Watermark; visit Glanville's Mill; visit Fore Street; visit Erme Court less. However there was a reasonable percentage who would use all of the services as they do now.
- **Q4. How will the plans affect the following?**
- Facilities for young people; river walk from Costly St to the Leisure centre; footpath from Leonards Road to Glanville Mill bridge; View from Glanville Mill to the river and car park; view from the car park to the river and Glanville's Mill; the public spaces near the site; the natural environment and biodiversity; traffic and air quality on Western road; the character and identity of Ivybridge.
- In all cases, the results indicated that the plans would make the situation 'worse', by a large margin. 'Same as it is now' was the second place in all cases, except for the identity of Ivybridge which was the same as 'improve it'.
- **Q5. Regeneration project – what would your response be to SHDC? 46% felt that the proposal did not contribute to the regeneration of Ivybridge, but would like to see it in a different location?**
- 39.7% indicated that it did not contribute to Ivybridge's regeneration and needed to be re thought.
- In terms of the age range of participants 45.4% were over 65, 32% between 35-64 and the remainder in the younger age groups. *4.2% of the participants live in Ivybridge

Conflict with the adopted Joint Local Plan.

- The Town Council consider that the proposal is contrary to **Policy SPT1.2.i; SPT.2.iv; SPT2.3.i; Spt.3.v** – due to loss of parking; loss of space for markets; no provision of green space; loss of trees to counter climate change; loss of trees contrary to creating a sustainable environment and no sense of place created
- Contrary to policy **SPT2.7; SPT.10**, due to not creating a safe, accessible, healthy and wildlife rich environment, well designed spaces, nor a positive sense of place.
- **Policy SPT5** provision for retail. There are 3 small scale local convenience shops within equal walking distance.
- **Policy SPT12**; Strategic approach to the natural environment. The proposal fails to protect, conserve and enhance the distinctive qualities of the natural environment.
- It removes town centre biodiversity and off site mitigations are not helpful to the local town centre environment.
- **Strategic Objective SO7**. Fails to provide distinctive and sustainable development (SO7.4).
- Contrary to town centre biodiversity and the climate change and Biodiversity emergencies.
- Contrary to SO7.5 loss of parking will mean the loss of infrastructure to make the Town centre a hub for rural communities.

- **Spatial Priority SP2** (for Ivybridge).
 - Not allocated for development in the JLP
 - SP2.1 –Doesn't increase employment opportunities
 - SP2.2 - Does not enhance identity or character of the town
 - SP2.4 - Does not protect the integrity of the town because of loss of parking and space for markets.
 - SP2.6 –Loss of mature trees does not recognise the sensitive location next to Dartmoor NP.
 - SP2.7- Loss of trees will impact on air quality.
- **Strategic Objec. SO11** – contrary to SO11.4 failing to provide high quality places.to create a positive legacy for future generations.
- **Policy DEV16 Providing retails and town centre uses in appropriate locations.** DEV16.3 states proposals for retail in edge of centre locations must be accompanied by an impact assessment where the floor space exceeds new floor space greater than 250 square metres. Any proposal which would have a significant adverse impact on the investment in and/or the vitality and viability of an existing centre or prejudice the deliverability or investment in a proposed centre will not be permitted.
- **DEV18 Protecting local shops and services.**
- DEV18.1 Development should maintain the vitality and viability of the centre, meeting the needs of the area. - Lack of Retail impact study, means the impact is unknown.
- DEV18.6- removal of parking would contravene this part of the policy. A vast majority of the parking is to be removed from public use and leased to a commercial tenant. It is of local community importance because of the services and facilities within it.
- **DEV 19 Provisions for local employment and skills** – The application indicates it will provide 30 jobs. Evidence suggests that where new Aldi's have opened Co Op stores have closed (e.g. Southway On Plymouth)
- **DEV20 Place shaping and the quality of the Built Environment.**
- The proposal does not meet good standards of design or improve the environment.
- Fails to meet DEV20.1; DEV20.2; DEV20.3; DEV20.4; DEV20.6; DEV20.8 – The proposed materials are not resilient to their context; the development has not had regard to its context; it does not achieve a good quality sense of place, or make good use of existing assets (trees); it is not locally distinctive; it doesn't create a layout which is safe and reduces opportunities for crime and does not enhance the key pedestrian route into the town centre.
- **DEV23 Landscape character**
- It fails to conserve and enhance townscape character and visual quality, contrary to DEV23.1; DEV23.2; DEV23.3; DEV23.7, in terms of local distinctiveness; not retaining existing site features; not of a high architectural quality or landscape design, or any enhancements in that regard.
- **DEV28 Trees, Woodlands and hedgerows**
- The loss of an important hedgerow and Class A specimens cannot be mitigated by planting trees off site. The bank and trees are part of the character and amenity value of the town centre.
- **DEV29 Specific provisions relating to transport**
- The proposal removes parking spaces, and displaces parking to surrounding residential streets.

Ivybridge Neighbourhood Plan

- **SNP1 town centre regeneration** Priorities: *A town square and enhanced gateway entrances at either end of Fore Street.* – The public space outside of the entrance to the store does not constitute a town square or useable public space.
- *Improved public transport and parking* – there will be less public parking – does not comply with **INP1** or the pre app engagement between SHDC and Ivybridge TC.
- No information on what measures are in place for parking during the construction?
- *Public Realm enhancement:* No enhancements proposed for the town centre and no Sec 106 contribution to deliver town wide enhancement.

- *Support for good local events and community initiatives in the town centre.* No useable space remaining, putting markets and other community events at risk as well as health and other events
- **SNP2- Land east of River Erme.** *Any application should be supported by a Masterplan which includes proposals for the inclusion of the following uses, subject to viability:*
 - *A health and leisure hub*
 - *A hotel and restaurant, and*
 - *Retail and office development.*
- There will be a loss of parking.
- *Creating a safe and attractive environment with improved access to the river including new and/or improved bridges.*
- One bridge replaced by a private company, the other has been removed altogether.
- Removal of scrub land (hedge) is neither safe or attractive, but overbearing and incongruous and will cause antisocial behaviour.
- No consideration of hotel, health or office uses.

Policy INP5 Improved provision for young people.

- Loss of Skate Park needs to be resolved before approval given. Needs to be replaced by equivalent or better provision

Policy INP7 Traffic and Movement

- Need independent Traffic and Air quality Impact Assessments

Policy INP8 Historic and natural Environment

- The trees and hedge and the river are all important parts of the history and natural environment of Ivybridge.

Climate change and Biodiversity Emergency

- SHDC declared this in 2019 and have a Climate change and Biodiversity Strategy and Action Plan (Dec 2020.)
The goals include – SHDC to reduce carbon footprint to net zero by 2030 and increasing biodiversity on own land by 10% in 2025. (Quotes para 2.4 in Council's net zero update 7/4/22). Loss of trees and lack of soft landscaping contrary to setting the right example.
- Objective 3 Land use and biodiversity – develop a Natural Environment Design Guide to support proposals in DM (Obj. 3.6)
- New development led by SHDC to be exemplar. The importance of existing urban trees has been disregarded. This proposals fails in this regard.

- The Woodland Trust: Objection – direct loss of a veteran oak and notable trees. This application contravenes national and local planning policy designed to protect veteran trees and should be considered for refusal.

Representations:

There have been 727 letter of objection to the development; 81 letters in support and 12 undecided (at the time of writing the report). A summary of the responses is provided below. The letters can be read in full on the website: <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/221059>

Objections

Principle of the development

- Ivybridge already has 3 supermarkets and a superstore at Lee Mill. No need.
- Ivybridge is already thriving.
- Insufficient business available for another supermarket
- The town needs a health centre or hospital instead
- No need for it, was mentioned many times in the LoR's

Location

- Location is unsuitable; better locations include:
 - New commercial estate to the east to support houses there
 - Off the new roundabout as you enter Ivybridge from Bittaford
 - On Exeter Road opposite Rutt Lane, serviced by the Gold and X38 bus services
 - Near the Tennis Courts
 - South of railway station and its car park,
 - South of new roundabout,
 - Out of the town,
 - Old recycling centre,
 - Near rugby club
 - Park and Ride facility
 - Near new housing on outskirts of town
 - Western or eastern end of town
- Should be on outskirts of town not in centre/ A shuttle bus could be operated from the 'village' taking people without their own transport to the store, and those with cars can drive.
- Already 3 food shops in Ivybridge and bus service and free parking for Tesco at Lee Mill; there is a supermarket with a budget range a short free bus ride away
 - Location next to river is waste of opportunity for precious space, not in-keeping with previous regeneration development plans at Glanville's mills and the watermark which have not distracted from gateway to moors image
 - Not a suitable location – new development at top of Exeter Road a more suitable location, or Erme playing fields area, brownfield sites on Erme road, the train station area
 - located wrongly too close to the centre of town
 - Location – agree in principle but wrong place.
 - Support second supermarket in Ivybridge but out of town.

Parking

- Loss of already limited parking spaces as a result of the development
- Short-term parking proposed (1.5hours)
- Loss of parking for those using leisure centre and local amenities
- Permit parking will increase because of Aldi staff
- Extra pressure for local residential parking
- Aldi spaces will not be able to be used for community uses
- A height restriction may affect use of car park for tall vehicles
- Loss of disabled-parking spaces, preventing rights of access for disabled people
- Loss of parking for in-commuter forcing parking in residential streets

- Loss of parking for old aged pensioners
- There should be a phased approach to ensure that loss of parking does not impact the town
- Post construction there will be a loss of public spaces
- Parking will be displaced to surrounding residential streets which will impact local residents
- Loss of 2 hours free parking
- Loss of parking for the Breast Screening Unit
- Loss of parking will impact those visiting the Ivybridge Leisure Centre
- How will the car park be managed to ensure that bona fide Aldi customers are not penalised if they leave their cars and shop elsewhere?
- Why is half of town centre parking being dedicated to one business?
- Fails to consider the lack of long stay parking needs and short stay parking for non-Aldi customers, loss of overall spaces detrimental to blue badge holders, disabled children cannot use shuttle bus - not an inclusive proposal, were these consulted on?
- Ensure parking conditions imposed to prevent restrictive parking enforcement practices in addition to any contractual agreement
- Perhaps stagger the closures of the car parks
- Inconsiderate to give Aldi 90 spaces
- Always busy currently
- Difficult to use multi story parking
- Post construction – no long term parking for workers. Increased residential parking. Jobs – people need places to park.
- Parking – insufficient already
- Multi story car park dominating and frightening / safety concerns at night.
- Parking – multi level haven for crime and antisocial behaviour
- Disabled parking, no longer accessible when closed
- Parking – essential for children’s play area
- Two story car park not in keeping
- Parking for o non Aldi users reduced.
- Breast screening unit parks on the carpark which will be closed.
- Car park – location next to river is waste of opportunity for precious space, not in-keeping with previous regeneration development plans
- Access to leisure centre reduction
- Aldi getting 90 places unfair on existing businesses.
- Temporarily removing all parking and permanently deleting half except for new Aldi customers makes no sense
- Underground car park haven for antisocial behaviour
- Long term loss of over 100 spaces, preventing people coming into the town and shop.
- Increase in size of Ivybridge makes maintaining parking essential.
- 90 minutes parking means a high proportion will not have time to visit other shops afterwards.
- Footfall – will not increase with 90 mins free parking
- Potential hang out of youths – anti social behaviour

Loss of parking and business during construction

- Closing the car park for 6 months and then opening with less spaces
- During construction will take people away from Ivybridge. Reducing overall parking spaces.
- During construction local shops will lose trade.
- During construction potential to decimate businesses

- During construction 100% reduction – disadvantage local facilities including Read & Reminisce Group which parking is needed.
- During construction nowhere to park.
- Closing the carpark will decrease footfall.
- Should be a phased approach to car parking work
- Disruption to local services during building works
- Construction vehicles highway access is severely limited at peak times along Exeter road, Marjorie Kelly way, western road and western a38 access roundabout
- Impact on mental health of those attending meetings at the watermark as will no longer be able to attend due to unavailability of nearby car parking during construction.
- Fails to consider the lack of long stay parking needs and short stay parking for non-Aldi customers, loss of overall spaces detrimental to blue badge holders, disabled children.
- Loss of free parking detrimental for residents, commuters, public, charities, elderly, people with disabilities, gym members, shoppers, parents drop off and pick up, and businesses, including leisure centre (contrary to Ivybridge NP objectives to encourage sport and exercise) additional parking needed as already an issue.
- Contrary to Ivybridge NP policy – ‘no loss of public car parking’.
- Perhaps stagger the closures of the car parks
- Devastating on local trades during construction. Car parks full currently. If development goes ahead less than half for local business.

Traffic cars, pedestrians and cyclists

- Roads not designed for additional traffic
- Will lead to congestion at seasonal times – impact on Air quality
- Aldi deliveries may arrive any time
- Large vehicle will not be able to enter if cars are existing, needs both sides to make manoeuvre to line up to reverse to unloading bay
- Rural area with absence of adequate public transport residents are dependent on cars, parking fully utilised, buses are too expensive, cycling too dangerous
- Cycle path – if approved please involve cyclists in improvements,
- Ivybridge start of Devon Way walk and Tourists Park in town for this.
- Extremely concerned about proximity to Ivybridge community college, due to increasing cars and traffic causing safety concerns.
- Create a shuttle bus from park and ride near station to encourage trade in the town
- People who drive to Aldi will not use the town centre
- Many will be using cars either through Exeter Rd or Western Rd Both of these roads are on the SHDC website at being over the environmentally safe levels of NO2
- Exposing vulnerable road users such as pedestrians and cyclists to greater risk of harm.
- Traffic junction at the west end of town at capacity and Western Rd. Additional traffic and Lorries exacerbate this. Already busy at school times – will make worse.

Trees and ecology

- Destruction of trees and Devon hedge unacceptable - This is an important feature for local wildlife.
- Loss of trees
- Ecology – destruction of a Devon Bank, mature Oak trees and an entire ecosystem. No adequate replacement.
- Destruction of existing trees and banks
- Ecology – planting new trees will not replace habitat
- Trees to be felled for a supermarket is wrong.
- Destroy last remnants of original hedge bank that predates the Glanville’s Mill area.
- Replanting will take decades to get similar.

- Removal of mature trees and Devon Bank cause loss of native habitat. Potential of pollution during construction into the river and increased traffic flumes in Western Road.
- Losing more trees which act as a sound barrier
- Loss of trees and Devon Bank which is a habitat for flora and fauna.
- Ancient trees described as 'scrub land'. When installed great care taken to remove only necessary trees.
- Council needs to protect trees essential to our ecosystem. Devon bank focal point in natural beauty. Fully grown trees filter, absorb substantial amounts of CO2. Saplings absorb less and take years to form into trees.
- Loss of Devon Bank and mature Oaks. Identified off set area at Torre Park not adequate.
- Central oak tree is also a roost for the pipistrelle bat.
- Mitigation trees – Disproportionate to the skewed baseline assessment. Does not follow mitigation protocols required by NPPF.
- SHDC SPD not adhered to in respect of replacement planting.
- Ecology - removal of existing trees shows no concern for the existing environment.
- Biodiversity offsetting: loss of Devon hedge, with mature trees. Offset in Torre Park already has new trees. Climate emergency – should set example. No ground or air source heat pumps. Solar provision is only for the minimum for planning requirements.

Retail impact/ employment/ health and wellbeing.

- Independent shops losing trade harmful to the local economy/employment
- Independent shops and cafes should be encouraged instead of big chains
- Damaging to high street still recovering from lock downs
- Employment – how many of the 40 jobs created will be for town residents?
- Car parking will cause loss of light to hair dressers and impact business
- Parking is essential to local economy, leisure centre will lose business, negative impact on health and wellbeing of local population.
- Will not regenerate town, it will lead to fewer people using current businesses and impact the commercial activity in the town
- The way forward ought to be to improve the local village, by supporting local business and creating less food miles
- Co-op serves the need to central supermarket needs. Should the application be passed, the Co-op may close and be a huge irreplaceable loss.
- Independent shops losing trade harmful to the local economy
- Footfall – will decrease
- Local trade – decrease, will only go into Aldi
- No investment in local businesses
- Jobs – new staff will only replace what is lost through local business closures.
- Positive feeling in town from trade's people after pandemic. Positive progress will be undone by this development.

Design

- Overall scale and design of multi-storey imposing. Path between rear store and town hall intimidating to walk through at night.
- Design – eye sore
- Over dominating, not to scale
- Not a regeneration project bringing a large superstore into a small town. Change outlook of town centre.
- Ivybridge losing individuality
- Ugly and box like. Out of context for location and not in keeping with town. Out of character
- Space could be better used

- Over imposing, massive design risks damaging the heart and soul of the town.
- Negative visual impact of multi-storey car park.
- Significant negative impact on atmosphere and appearance of the proposed area. Over dominated creating a characterless, industrial environment.
- Scale and industrial carpark dominate the surround area and buildings. Design will deteriorate rapidly and become detrimental.
- Destroys Ivybridge charm
- Dominates the riverside which is a beautiful place to walk and sit.
- Aesthetics of car park not appealing.
- Contrary to an objective in the local plan.
- Smaller local style preferable
- Design – ruin look of town, car park is an eye sore will dominate the riverside and is intrusive, ugly and overbearing, the store more in-keeping with an industrial site, visually unattractive contrary to character/heritage of town ‘gateway to the moors’
- The visual impact due to its positioning and scale will detract from the visual amenity of the River Erme
- The proposed building has no character and will dwarf the existing buildings and surrounds
- Design of multi-storey imposing.
- Path between rear store and town hall intimidating to walk through at night.
- More seating, picnic areas needed to be a place to visit, especially when mental wellbeing is important. Spoiling townscape.
- Large scale, not in keeping significant negative impact on atmosphere and appearance of the proposed area. Over dominated creating a characterless, industrial environment.
- Multi story monstrous.

Funding:

- Misdirected public spending by the council, risk to tax payers, Aldi should fund work themselves, buy own land and improve skate parking before work starts, all benefits will go to Aldi corporation.
- Regeneration funding should be used to develop town centre and river front, this is not regeneration it will cause a decline for the town and will result in substantial degeneration of the town centre.
- Money spent better on existing infrastructure needed.
- Why SHDC is not spending money on new infrastructure/provisions instead of building a structure which will cost 9 million and take 50 years to pay back, by which time the building will need replacing?
- How is this value for the taxpayer?
- Funding – public money when Aldi could cover costs
- Funding – SHDC funding with SHDC land.
- Funding – unjustified
- Tax payers funding for a multi-national company. Aldi should fund.
- Not the best use of public funds – Aldi can fund themselves and funding better spent elsewhere.
- Money better spent on other needs such as pot holes, schools and healthcare.
- National audit office castigated local government officials for investing in retail parks only to find that demand and revenue subsequently evaporated.
- Funding – no benefit in borrowing the money and a 50 year lease untenable.
- Funding – should not be built with rate payer’s money – at their cost.

General:

- SHDC should not decide the application.

- Car parking will cause loss of light to hair dressers and impact business
- Recreational facilities – loss of sporting facilities, removal of well used Skate Park for kids who already have limited facilities
- Where are extra facilities for the youth?
- No guarantee it will be rebuilt. If approved replacement skate park equivalent or better should be secured via s106.
- Consultation – none with Ugborough.
- The skate park needs to be built before the demolition of the existing one
- Rapid growth but no change in infrastructure (new health centre, youth facilities and NHS dentist is desperately needed)
- Drainage and flooding – Where would the water be pumped out to from excavations? Potential for pollution into the River Erme.
- Local amenity – loss of Skate Park means more issues with teenagers.
- Local amenity- Skate park loss
- Wellbeing – negatively impact mental health by creating an area alongside the car park making people feel unsafe.
- Survey – conducted 2 years ago and no longer representative.
- Cycle parking not sufficient – no provision for cargo bikes or long term cycle spaces.
- SHDC cannot evidence placement of replacement Skate Park
- Climate emergency – plans do not reflect this. Heat recovery proposed but not clear if this meets all the stores heating needs. No ground or air pump. Solar provision only at minimum standards. Does not offset enough carbon footprint.
- Regressive not regenerative.
- Supporting statements- manufactured to support a predetermined case for development of the site
- Climate emergency - solar panels proposed on the build are the minimum needed, not the full scope achievable.

Letters in support: 81

- Aldi a location perfect for Ivybridge
- Good idea, decent supermarket, offers great value, help keep cost of living down
- Need decent budget supermarket as town is growing enormously
- Long term benefits to Ivybridge outweigh temporary inconveniences
- Balance of parking for supermarket and other uses is about right
- Will use Aldi for essential and more likely to use other shops in Ivybridge
- Will be beneficial to all local businesses
- Additional traffic will not cause problems for that part of town
- Opportunity to look at providing other transport options (park and ride/shuttle) e.g. land available at station could be purchased using money from s106
- Design – in-keeping with town and sit well alongside the river path, modern and visually pleasing
- Will increase footfall in Ivybridge and assist business generation
- Positive impact to the community
- Somewhere locals can shop who haven't got transport
- Will bring much needed jobs for locals, 16-20 yr. olds and part time for other age groups
- Other car parks are available in town are hardly ever full
- Get it done before Aldi pull out
- Commuters parking in Ivybridge and commute to Plymouth should be offered parking at railway station car park
- Welcome of change as a low income shopper interested in more options
- People want choice and no wish to drive in and shop in a city

- Good addition to economy
- Positive impact on environment - stop car trips from Ivybridge to Plimpton Aldi
- Using a brownfield site for regeneration
- Footfall – Attract more shopping and visitors to Ivybridge will benefit all businesses.
- Parking – in short supply could be mitigated by a park and ride making use of the neglected station car park.
- Location – Having it on the outskirts would drive people away from the town centre.
- Design – not sympathetic to the area but neither is the Watermark, Tesco metro and the row of shops including Pound land so no issue proceeding.
- Environmental – Other representations have commented on environmental factors to oppose, these are the same people driving over to Plympton to use. Higher levels of pollution and increased traffic locally.
- Necessity – currently travel out of the village for shopping. Will stay and use local shops more.
- Location – good. Do not have to move your car around all the time. Will provide jobs.
- Location – love to see Ivybridge with store – save a fortune getting shopping delivered. Fantastic for community
- Necessity – struggling families an affordable place to buy food, pet supplies and home bits.
- Footfall – will bring more to town after construction
- Necessity – currently have to leave Ivybridge for shopping, will stay once built
- Location – perfect with mobility scooter and elderly
- Necessity – needs additional retail facilities & parking
- Jobs – increase in town

Relevant Planning History

3319/20/PR6

Car Park Leonards Road Ivybridge Devon PL21 0RU

SCOPING Pre Application Enquiry for proposed food store and car parking

Officer support 23/12/2021

Lower car park.

27/1784/03/DC

Use of part of car park for Farmers' Market - one day per month, Regulation 3, LPA own Conditional Approval 29/10/2003.

Pre app enquiry:

A pre application submission was received by the Local Planning Authority on 15/10/2021. For a proposed food store and car parking on the Car Park at Leonards Road Ivybridge. The response to the pre application enquiry will be referred to throughout this report as it is considered to be a material consideration in the planning balance to be undertaken for this planning application. The conclusion dated 23/12/2020 (but should have indicated 2021), indicated “*The proposal is to take place on a sustainable brownfield site, allocated for regeneration in the Ivybridge Neighbourhood Plan. Whilst there is some policy conflict as noted above, the proposal is considered broadly policy compliant.*”

ANALYSIS

Principle of Development/Sustainability:

The starting point for consideration of development is the Development Plan, unless material considerations indicate otherwise (as identified in the National Planning Policy Framework 2021 and in law, by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The Development Plan includes Neighbourhood Plans. In this case there is a Made Ivybridge Neighbourhood Plan (adopted in 2017) and the Plymouth and South West Devon Joint Local Plan (JLP), which is up to date having been adopted in 2019. The Supplementary Planning Document (which is guidance and not policy) will also form part of the consideration of this proposal. National Guidance in the form of the National Planning Policy Framework is also relevant guidance.

The Joint Local Plan has sustainable development at its heart. The strategic policies SPT1 and SPT2 provide the basis upon which planning decisions should be made, to deliver “*a more sustainable future for Plymouth and South West Devon.*” Policy SPT1 indicates the 3 arms of sustainable development, which should provide economic, social and environmental outcomes. Policy SPT2 provides a set of principles of sustainable development and is a guide for how development should take place in the Plan area.

The NPPF as well as the JLP and the Ivybridge Neighbourhood Plan seek to promote growth and adaptation to town centres to maintain their position at the heart of communities and to maintain their vitality and viability. It is known as a ‘centres first’ approach to sustainable development.

Ivybridge is located in the Thriving Towns and Villages policy area and policy TTV1 provides a hierarchy for growth, with the main towns of the Policy area being the focus of that growth, followed by the smaller towns and villages and finally the countryside as the 4th tier. Ivybridge is identified in the Plan as a main town. The aim of the policy is to strengthen the role of the main towns as they are the most suitable locations for housing and employment growth.

The strategic objective for the main towns, is identified in the Plan is “*South West Devon's Main Towns will be thriving, prosperous and resilient centres with a strong degree of self-containment, and providing a diverse mix of services and amenities that support a number of surrounding rural communities. The towns will have developed and benefitted from strong strategic links with larger towns and cities.*”

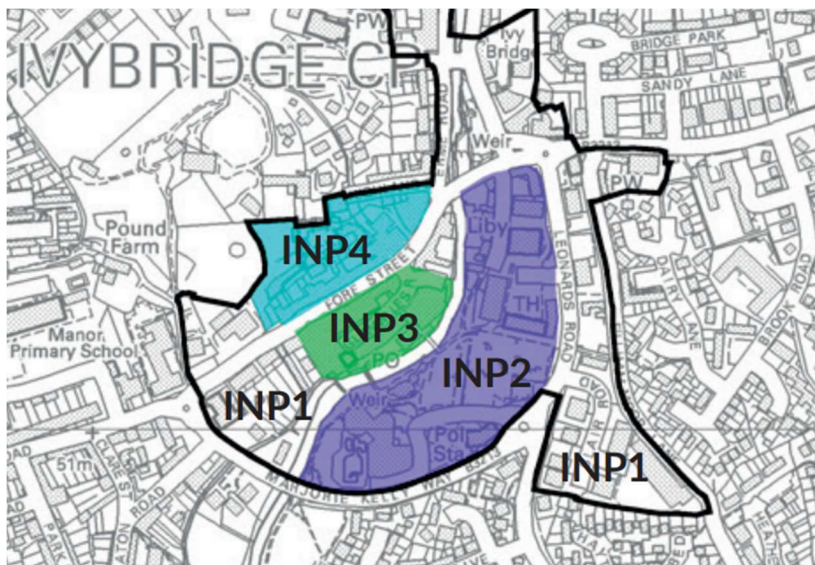
The spatial priorities for Ivybridge are set out in the JLP, under Policy SP2 and include:-

- Supporting employment and the long term resilience of the town
- Investments in enhancing the economy
- Improving traffic flow in and out of the town
- Improving the retail offer
- Avoiding impacts upon the Western Road AQMA
- Delivering appropriate community infrastructure.

Ivybridge is the largest town in the Thriving Towns and Villages policy area and its location close to the A38 as well as the rail link makes it accessible to both Plymouth and Exeter. The connectivity to Plymouth and Lee Mill does present some economic challenges to the town, however the centre does have a reputation for a lot of independent shops and the JLP and the NP seek to encourage and maintain that distinctiveness.

The application site is not contained within a specific allocation in the JLP. The allocations for the town are around housing and employment growth to the east and west of the town. This additional growth is ongoing and will lead to a much larger population in the town.

The application site is identified in INP2 in the Ivybridge Neighbourhood Plan as a potential redevelopment site. See plan below.



The NP indicates that *“The community of Ivybridge want to see the town continue to thrive and become increasingly successful, healthy, creative and sustainable. This plan aims to promote and enable some of the changes that can help to secure the town’s future. In particular it seeks to promote town centre regeneration and improved infrastructure provision.”*

In the preamble to the policy allocation, the NP states that *“In order to help sustain the regeneration of the town the plan aims to foster a growing retail footprint in the town centre but to limit retail developments elsewhere apart from small scale neighbourhood shops.”* A clear ambition in the plan to see the retail foot print of the town to grow to ensure and to avoid larger retail development in other areas of the town.

In relation to the key objectives and the growth of the local economy, the objectives in the NP are:

- *increasing numbers of new local jobs created*
- *new employment and business opportunities*
- *new investment in the town centre’s commercial role and vitality*
- *increased retail floor space and diversity*
- *new shopping and mixed use developments, including anchor businesses*
- *improved occupation of town centre commercial premises*
- *increased evening trade*
- *enhanced public realm and access to the river*

The NP focuses its aims on the town centre encouraging and enabling investment and regeneration at the heart of the town. It is also identified in the NP that the River Erme is an *“under-realised asset”* which the town centre should turn its face towards rather than away from.

The site forms part of the INP2 allocation, and a slight conflict with the allocation is noted in that it seeks any development to be supported by a masterplan for the wider site, noting uses to be a health and leisure hub, hotel and restaurant, along with retail and office development.

The policy for INP2 states:

Town Centre land east of the River Erme

Proposals for the mixed use development of the area east of the river (as shown on the proposals map) will be supported. Any application should be supported by a masterplan which includes proposals for the inclusion of the following uses, subject to viability:

- A. a health and leisure hub,*
- B. a hotel and restaurant,*
- C. retail and office development.*

Any application will be required to demonstrate how the proposal addresses:

- D. creating a safe and attractive environment with enhanced public open space;*
- E. creating a better relationship to the River Erma, with improved access to the river including new and/or improved bridges;*
- F. improved resistance and resilience to flood risk; and*
- G. high quality design with safe and convenient access for all, including no loss of public car parking capacity and suitable parking and servicing arrangements for the development*

Whilst the proposal meets the retail element, there is no masterplan approach. However, the Council accepts the difficulties in securing this, given the wider site falls within several different land owners, including the police station and scout hut, and given they have indicated they have no desire to move premises or redevelop.

In addition the proposal does not contain all of the uses in the policy. The uses proposed are retail and car parking. The INP2 allocation is however, for a much wider area than the application site. The leisure centre is included within the allocated area and has recently had further investment, which does contribute to the leisure aspect of the allocation. The area which is currently occupied by the Town Hall, Erme Court and the Watermark is also included in the allocation, but as far as officers are aware there is no plan to redevelop this part of the allocation at the current time. There are offices and other retail premises in this area, which contribute to the uses sought from the allocation. In terms of leisure hub, the leisure centre would make a contribution as would the Skate Park. Whilst the current Skate Park will be lost if this development were to proceed, there have been discussions which will be secured through the Section 106 agreement to provide a new Skate Park on land to the rear of the Leisure centre.

With regards to the other criteria in the allocation, the proposal indicates public realm improvements around the river, such as improvements to the vegetation, provision of additional benches and upgrading of the timber retaining walls to the riverside amphitheatre, which would help to meet both(d) and (e) of the allocation. In relation to (f), the planning submission includes a Flood Risk Assessment which has demonstrated that as well as attenuation the flow of the surface water runoff from the development, it will also manage the water from the Ivy Brook, which can cause low level flooding during periods of high rainfall. A swale on the eastern side of the site will manage that flow. The development proposed will therefore improve the areas resilience to flooding.

The final aspect of the allocation is met in terms of a scheme which has taken account of its context and proposed materials which are more appropriate in this setting, that the standard metal box which is normally associated with such developments. There is however a loss of public parking as a result of the development. This will be considered in more detail further in this report.

There is a clear emphasis in both the JLP and the NP for Ivybridge to grow and flourish in terms of housing, employment and retail in the town centre. The proposal of a discount food store could add to that desire.

A number of key issues are apparent in this application proposal and which have led to a large number of public comments. These are:

Location of the development;

Retail impact of the development on the existing town centre;

Loss of car parking, during construction and after the development proposal is completed.

Design;

Landscape and tree impact;

Highways impacts

Flood risk and Drainage;

Impact on neighbour amenity

Biodiversity net gain.

Climate change and carbon reduction.

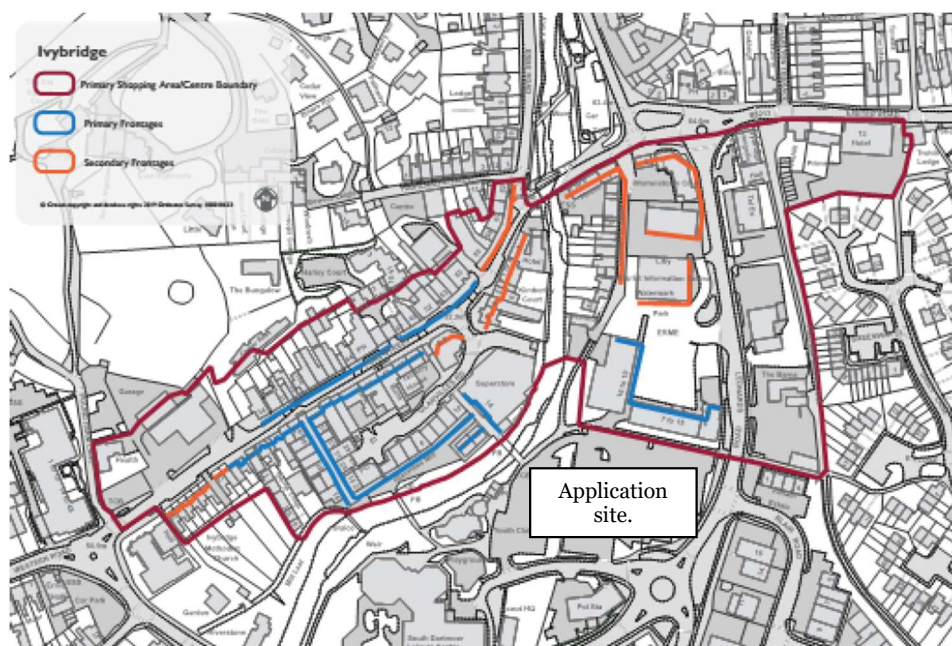
These issues will be considered in turn.

Location of development:

The location of the development both from an in principle perspective but also in relation to retail policy is a material consideration in this case.

The site is currently a car park split north - south by an existing Devon Hedge with trees throughout. It is the main short and long stay car park in the town centre. The site is adjacent to the Town Hall and a number of retail units and the Watermark, which contains a library, café on the ground floor and events space/cinema on the first floor (to the north). Glanville's Mill, which is a development which contains a number of retail units, including a Co Op store, lies to the West of the site. To the south is an entrance road leading to the Police Station; the leisure centre and the scout hut as well as providing access to the existing Glanville's Mill car park.

The site is however outside of the currently identified primary shopping area of the town as indicated in the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD).



Whilst very much part of the centre of Ivybridge town centre, it is not part of the designated Primary shopping area (PSA). The NPPF states: *Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.* Policy SPT5 in the JLP also supports retail development where compelling qualitative needs are provided by showing support for the principle of sustainable linked neighbourhoods. Policy SPT6 elaborates by seeking to focus retail development in the main towns of the TTV Policy Area. *“The town centres of the Main Towns - primarily main food / convenience shopping and other retail and services as appropriate to role of the centre.”* The policy promotes a centres first approach to retail and other town centre uses.

Policy DEV16 in the JLP states

“Providing retail and town centre uses in appropriate locations

In determining development proposals which include retail and other town centre uses, including new floor space, changes of use of existing floor space, variations in planning conditions and obligations, and also extensions of existing units, the LPAs will consider the following matters:

- 1. 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.*
- 2. Proposals for main town centre uses in edge of centre locations, out of centre locations and the Derriford Commercial Centre should be supported by a sequential test that demonstrates flexibility in its assessment and that there are no other sequentially preferable suitable and available sites within or on the edge of an appropriate centre within the hierarchy of centres. This sequential approach is not applicable to applications for small scale rural offices or other small scale rural development.*
- 3. Proposals for retail, leisure and office development in edge of centre locations, out of centre locations and the Derriford Commercial Centre must be accompanied by an impact assessment where the floorspace exceeds the thresholds set out below. Any proposal which would have a significant adverse impact on the investment in and/or the vitality and viability of an existing centre or prejudice the deliverability or investment in a proposed centre will not be permitted.*
 - i. Retail development creating new or additional floor space greater than 500 square metres (gross) in the Plymouth Policy Area.*
 - ii. Retail development creating new or additional floor space greater than 250 square metres (gross) in the Thriving Towns and Villages Policy Area.*
 - iii. Leisure and office development creating new or additional floor space greater than 2,500 sq.m. (Gross).*
- 4. For bulky goods retail provision a limited amount of out of centre retail floor space will be permitted only where it is robustly demonstrated that it relates to a format of store which has particular market and locational requirements which can only be accommodated in specific locations and cannot be located in the City Centre or another centre in the retail hierarchy. This floor space will be closely controlled in terms of size of units, range of goods and overall amount of floor space, and will only be permitted if it is shown through a retail impact assessment that there is no significant adverse impact on the investment in and/or the vitality and viability of any other centre, existing or proposed. Consideration will also be given to how a Scheme can improve the appearance and accessibility of the area.*
- 5. Limited development of main town centre uses including retail may be permitted within Plymouth's core tourism areas, including the waterfront area, provided that they are*

complementary to the role of Plymouth City Centre and other centres and specifically support the visitor economy of these destinations. “

Part 2 of the policy requires that for sites for main town centre use in edge of centre or out of centre locations, a sequential test should be carried out to establish whether there are no sequentially preferable suitable and available sites. Part 3 of the policy also requires that a retail impact assessment is required for such sites. These have both been provided as part of the submission and are considered below.

Retail: Sequential test and Retail Impact assessment.

This site is located to the south of the library and town hall, to the north east of the leisure centre, to the north of the police station and to the east of other shops in the town centre. It is also the primary car park for shoppers and businesses in the town centre. Fore street which lies to the west was the traditional high street for the town, but the more recent developments of The Watermark, Glanville’s Mill and the shops around the Town Hall have altered the focus of the town centre such that the frontage of Erme Court are identified as primary shopping frontage in the SPD plan. The site is on the boundary of the Primary Shopping area. The retail study (MWA), identifies the application site as an edge of centre site. In applying the sequential test the parameters applied were:

Unit	Minimum floor area (sq.m. gross)	Minimum site requirement
Discount food store	1,800	0.75ha

The minimum requirements as set out above are based on a reduced car parking number and an untypical servicing arrangement (which some sites can accommodate).

Sites within the Primary Shopping Area (as identified in the JLP SPD (July 2020) were assessed for their compatibility with the parameters identified. At the time the assessment was carried out there was only 1 vacant unit in the Primary shopping frontage. This was No.15 Fore Street (former Gribbles Butchers) which has a floor area of approximately 200Sq.m. This was clearly unsuitable.

The study therefore looked at two sites, which are allocated in the Ivybridge Neighbourhood Plan (INP). Policy INP3 – Glanville’s Mill site and Policy INP4 – North of Fore Street. INP3 lies wholly within the Primary Shopping Area and INP4 lies partly within and partly outside the town centre boundary.

Policy INP3 supports a mixed use development, with a requirement to retain ground floor space and shopping frontages in retail / business use. The total site area extends to 0.96ha. It contains a mix of existing uses and businesses which include amongst others: - Co-op supermarket; Glanville’s Mill Shopping Centre; Newsome Opticians; Ivybridge Post Office; Lloyds Bank; Day Lewis Pharmacy; Ivybridge Bookshop.

At the time of writing the study and currently there are no plans to redevelop the existing site. The study concludes that the site is occupied and is unlikely to become available within a reasonable time frame. It also suggests that the imposition of a large format food store on this site, would require considerable if not wholesale demolition and re-organising rear servicing facilities for many existing shops along Fore Street itself.

Policy INP4 supports redevelopment and enhancement of the area, again retaining ground floor frontages in retail use, with mixed use and residential above. The site extends to in excess of 1ha, which would make it a large enough to accommodate an 1800 sq. food store with car parking. The existing premises though are in use already, with No.'s 34-55 as primary shopping frontage and 56 - 62 as secondary frontage. There is also Harley Court (residential) and Cedar Rise (NHS Dental practice). The redevelopment of the site to a food store of the size required would also involve a lot of demolition and impact on the existing businesses and homes. The study again concludes that this site, either in whole or part would be available within a reasonable time frame. And the impact on existing businesses would be significant which also makes the site unsuitable. Any redevelopment would also require significant financial challenges such that the development would be commercially unviable.

No other sites within the Primary Shopping Area have been identified to accommodate the store and car parking. The car dealership at the end of Fore Street has a site area of 0.17ha, which is too small.

In reviewing the Sequential test provided, officers are of the view that there are no other sites within the Primary shopping area available or suitable for a discount food store and associated car parking.

When a proposal for retail does not lie in the Primary Shopping Area, the NPPF and Policy DEV16 in the JLP indicates that a Retail Impact Assessment (RIA) is required. This has also been provided in the supporting information for the planning application. The methodology used for the RIA is based on the Retail and Leisure Study (2017) (RLS) prepared by JBA (which formed part of the evidence base for the INP and the JLP).

Paragraph 2b 017-018 of the NPPG prescribes a step-by-step approach to assessing and measuring impacts arising from a proposed retail development. Paragraph 90 advises that permission should be denied only where there is a 'significant adverse impact' on one or more of the considerations set out in paragraph 89 i.e.

*“a) The impact of a proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of a proposal; and
b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment.”*

In order to assess whether a proposal will have a significant adverse effect, it must be based on evidence. The assessment was based on a number of assumptions, which can be found at Para 4.10 and Appendix 2 of the RIA.

The NPPG, para. 2b outlines a step by step approach to assessing and measuring impacts arising from a proposed development. The Study adopts that approach. The Steps are:

1. Establish the scope of the assessment.
2. Establish the Base/Design Year
3. Assess the baseline shopping patterns
4. Predict design year expenditure patterns
5. Predict Trade draw and assess impact.

In terms of quantitative impacts it is measured against:

- Existing, committed and planned public and private sector investment in the centre;
- Impact on the town centres vitality and viability.

The study indicates that the proposal will deliver a private and public sector investment in Ivybridge on an edge of centre site, and still provide town centre parking. It also creates a new major convenience goods retailer to add to the range of shops, enhancing choice and quality of shopping. The study also concludes in terms of vitality and viability of the town centre that *“Overall, it will enhance the vitality and viability of the town centre, through a logical extension of the PSA and centre boundary, reinforcing the conclusions of the RLS, that the town’s health is fundamentally sound, providing an attractive environment for visitors, enhanced by its riverside location.”*

In addition it concludes that the centre already benefits from a good range of comparison goods units (in Glanville’s Mill and Erme Court in particular) and that the comparison goods provided by a discount store such as Aldi would not adversely affect these units.

The qualitative impacts of the proposal are summarised and concluded as follows: Aldi sells limited lines, with only one type of baked bean, or washing up liquid etc. so selective shoppers wanting branded products will still need to shop at competing stores as well. This the study argues keeps competition strong and reduces the impact on the town centre convenience shops. The addition of a discount store would add to the range of convenience stores.

In addition a discount store will fill a qualitative gap in convenience goods shopping in the town by offering low prices because of the 95% own brand goods they sell. They will also be providing 40 full and part time jobs; and sustainable development because of its location on an allocated site (for which retail is part).

The conclusions of the study suggest:

- The application site lies on the edge of the PSA and centre boundary for Ivybridge as defined in the PSWDJLP.
- Policy INP2 of the INP includes the application site within a wider allocation which supports retail development as part of the delivery of a mix of uses.
- The Plymouth and South West Devon Joint Local Plan 2014-2024 (2019) (PSWDJLP) also provides strong retail planning policy support for the proposal (Strategic Objectives: S06 and S07; Policy SPT6; Policy DEV16 and Policy DEV17).
- Its edge of centre location has required a sequential test which concludes that there are no empty units that could meet the minimum requirement of a discount store of this nature. The two allocated sites are occupied and have other uses associated with them such as residential which would prevent redevelopment within a reasonable timescale; and the allocations do not foresee wholesale or partial demolition.
- In relation to its retail impact, the proposal is predicted to generate the majority of its turnover from the Tesco at Lee Mill which is currently overtrading substantially.
- There will be a degree of trade diversion from the Co-op at Glanville’s Mill. The RLS study indicated that it was overtrading in 2017 and the Study analysis does not indicate any risk of closure for that store. Neither would it significantly impact Lee Mill Tesco. It will *“deliver a substantial uplift in the convenience goods turnover of an expanded town centre, increasing footfall and delivering major public and private sector investment in the centre as a whole.”*

Officers have received advice on the Retail Impact Assessment from the Economic Development Specialist in the Council, who indicates that *“this proposal will be beneficial to the local economy and is an opportunity to improve the longer term viability of the town. The proposal will bring an Aldi superstore to the town, creating approximately 30 FTE jobs for local people, and a strong anchor tenant for the town. Aldi have a reputation for being one of the best UK supermarket employers. Their staff generally earn more than those working at*

other supermarkets, and Aldi has a good reputation for providing support to help employees to progress their careers.”

In relation to the impact on other stores the ED specialist suggests that the smaller stores currently present in the town have more limited product selection and are generally more expensive and with shorter shelf life than those in the larger supermarkets. Reference is also made to the CACI Ivybridge Market Summary which identifies that the demographic using the Co-op would be different to those that would use Aldi. The ED specialist agrees with the retail impact study that the biggest competitor for Aldi would be the Tesco Extra at Lee Mill. But that threat would be relatively meaningless and would be *“more than outweighed by the improvement in product choice available to local shoppers.”*

Once the Aldi Store is complete it will become an anchor store for the town and is likely to bring in additional footfall into the town and unlikely to do the reverse. The ED specialist continues...*“With good access to the rest of the town from the proposed site for this development, consideration should be given to allow a parking schedule (e.g. 3 hours) that is conducive to enabling shoppers to explore the rest of the town centre during their visit.”* Significant concern has been raised by the Town Council and also by many of the objections about the impact of the construction period on the town centre. The applicant has proposed a mitigation plan, which will be secured via a Section 106 agreement. For a shuttle bus service from the car park at the train station into the town centre on a daily basis, from 8 a.m. until 6Pm, Monday- Friday and 8 am- 3pm on Saturdays as a minimum. The ED Specialist is content that this is robust and will help to protect the town centre and its businesses from the risk of decreased footfall during the construction period. Reference is also made to the recent IBR parking report, which indicates that the two car parks are significantly under-utilised (peaking at approximately 50% capacity), *“the proposal to use the train station car park should be adequate for meeting demand during the proposed period. There are also other car parks in the town, and while the Town Hall car park is usually full (in part due to it offering 2 hours free parking) the Harford Road car park could also absorb some of the overspill demand from those not wishing to use the park and ride service.”*

Also in relation to the construction period, there has been concern expressed that by focussing the construction on the January and February time of year, this could make those months even quieter than they ordinarily would be. In response to this the ED Specialist suggests that there will need to be advanced marketing activities within the town to protect the business community as far as possible. The Economic Development Team could be engaged to aid in this process.

It is also acknowledged people who work in the town centre and surrounding areas often use the Leonards Road car park. The ED Specialist recommends that these people be given priority parking spaces to support the town’s employees. The ERD specialist also recommends that the town’s businesses have access to specialist support services both during the construction period but also for a period of 12 months after completion to help ensure that they survive and thrive.

Conclusion on Retail Impact and construction

Taking into account the sequential test undertaken by the applicant, officers are of the view that there are no alternative suitable or available sites within the Primary Shopping area, or indeed other sites on the edge of the existing PRS around it. The proposal therefore meets the sequential test.

With regard to the Retail Impact Assessment, and the comments of the Economic Development Specialist, the proposal is over the 250 sq.m. threshold and so as such is a requirement. The Assessment concludes (as above) that in terms of vitality and viability of the town centre *“Overall, it will enhance the vitality and viability of the town centre, through a logical extension of the PSA and centre boundary, reinforcing the conclusions of the RLS, that the town’s health is fundamentally sound, providing an attractive environment for visitors, enhanced by its riverside location.”* It also concludes that the loss of turnover would be likely to be from the larger Tesco Extra at Lee Mill rather than the existing shops in the town centre. It does acknowledge that there will be an impact on the Co-op,, but the larger impact will be on the out of town Tesco Extra. That view is supported by the Economic Development Specialist who concludes that the Co-op and Aldi stores appeal to a different demographic in the town. It is also the case that the reason Aldi stores can offer cheaper goods is because they operate a model where they sell more own brands and much less wider branded goods, so it is often the case that when shopping in the discount stores there is still a need to continue shopping in other food stores where a range of branded goods is provided.

Officers conclude that the development of an Aldi store will have an impact on the town centre, in that there will be slight changes in shopping habits, which could impact the other convenience food stores in the town centre, but are advised that these shifts and changes will not impact on the vitality and viability of the existing town centre, nor result in the other stores in the town centre being forced to close, as the Tesco Extra at Lee Mill is more likely to be impacted by the Aldi store.

Therefore because of the very close proximity of the site to the Primary Shopping Area, the lack of any other available sites, the conclusion that there will not be an adverse impact on the vitality and viability of the existing town centre the proposed use for a discount convenience store is acceptable and meets the NPPF and Policy DEV16 in the JLP.

Policy DEV17 in the JLP supports town centres and seeks measures to enhance the economy. The proposal includes the creation of larger floor spaces for comparison shopping; increasing the variety and choice in shopping provision; improving the public realm around and through the space: improving the walking and cycling routes through the space and to meet other routes and it including EV charging points, additional bike racks; mother and baby spaces.

The proposal does not include business, social and residential uses above the ground floor; it does not promote a BID of Heritage based initiative and it is not in the identified primary shopping area although would still be identified, officers would suggest as a town centre site.

Officers conclude that most schemes would not necessarily be able to meet every criterion in this policy, but that in the round the proposal is providing benefits to the town which will help to secure its future resilience and prosperity and meets the policy.

Car Parking

Another key issue with the proposal is the fact that the application site is currently used as two car parks which support the town centre with both long and short stay provision. The IBR parking report provides an analysis of the existing parking provision in the town, the occupancy of those car parks and the proposed replacement parking. The report provides figures for all of the SHDC car parks in Ivybridge.

CAR PARK	NO. OF SPACES
Glanvilles Mill	48
Leonards Road	187
Harford Road	26
Keaton Road	24
Rail Station Park & Ride	209
Erme Court	65
TOTAL NUMBER OF SPACES	559

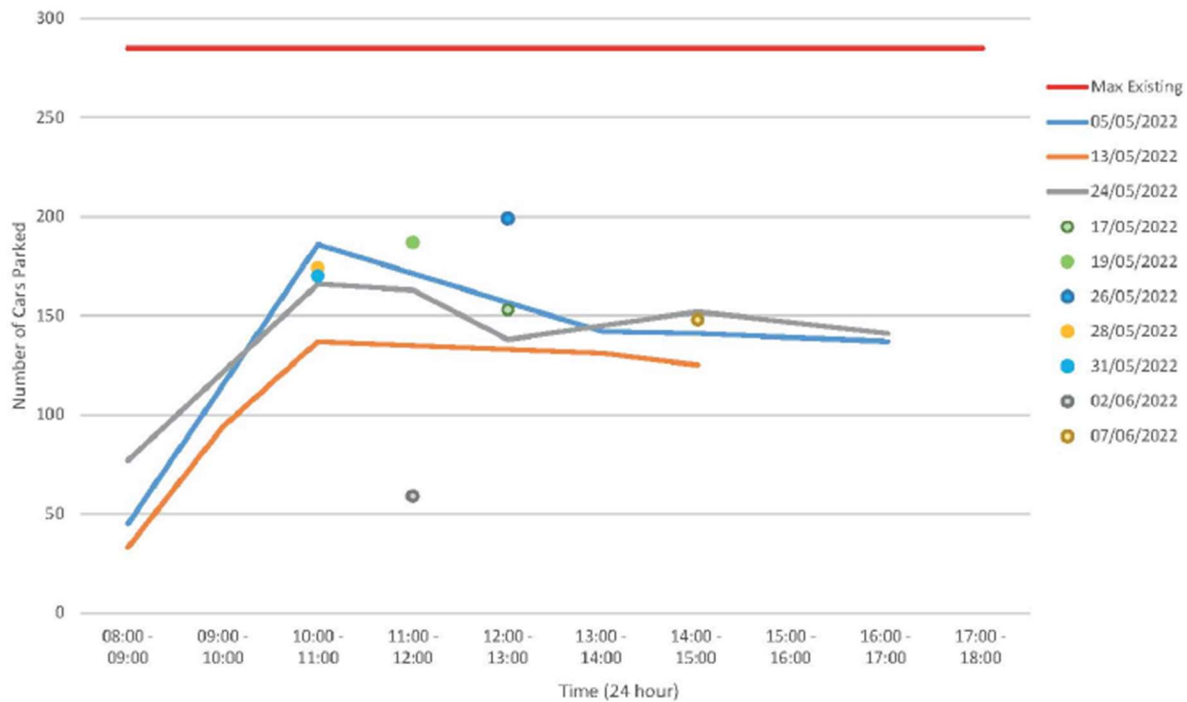
As can be seen from the table, Glanville’s Mill and Leonards Road currently provide 135 parking spaces between them, this includes accessible spaces (5); EV charging spaces (2) and Taxi bays (5).

The IBR report provides data on the use of the various car parks including Glanville’s Mill and Leonards Road. [The study is based on survey’s which took place on Thursday 5th May 2022; Friday 13th May 2022 and Tuesday 24th May 2022. They took place periodically throughout the day (the weekly market was taking place on the 5/5/2022)].

Further counts took place subsequently at fixed points of the day on Tue 17th May; Thur 19th May; Thur 26th May; Sat 28th May; Tue 31st May; Thur 2nd June and Tue 7th June.

Erme Court and the Station car parks were not included in the counts, but observations revealed that Erme Court (which has 2 hours free parking) was nearly always full and the Station car park had good levels of parking availability. The below graph indicates the recent survey results.

Current Parking - May / June 2022



The results show that usage of most of the car parks including Glanville’s Mill, Leonards Road, Harford Road and Keaton Road were used significantly less than their full capacity. Across all the surveys at least 99 spaces were available.

The Study confirms the construction programme in relation to the number of car parking spaces being available.

- Phase 1 – Both car parks closed for 6-8 months
- Phase 2 completion of the lower deck after 6-8 months return of approximately 100 spaces on the lower deck.

The study also indicates that during the phase 1 works when both car parks will be out of operation (227 spaces), there will still be capacity in the other public car parks.

The Study therefore proposes the following parking mitigation:

1. Free shuttle bus service run by SHDC from the Ivybridge Train station car park to Fore Street operating a circular route coming along Marjorie Kelly Way (B3213), operation Mon- Fri 8 a.m. until 6p.m. and Sat 8a.m. until 3p.m.

The capacity of that car park is 209 spaces, with at least 50% capacity, therefore approximately 100 – 120 spaces available as mitigation.

2. Additional spaces for leisure centre staff parking provided at the rear of the leisure centre – to reduce demand from this service during and post construction.
3. Additional parking spaces at the front of Fusion Leisure, including one accessible space. These spaces will be shown in the Construction Management Plan.
4. Both of the above provisions will be retained post construction to improved capacity and reducing the requirements for staff parking in the Pay and Display car park.

The study also proposes a number of other mitigation measures which include but are not limited to

- 2 additional accessible spaces at Harford Road car park;
- encouragement for people to use sustainable transport – car share;
- cycle / walk to work, public transport;
- Ring and Ride volunteer service. SHDC to work actively with the service;
- Harford Road tariff to be amended to include an all-day provision;
- two temporary taxi bays in Harford Road car park; delay start date until after the Christmas period to avoid Phase 1 impacting on Christmas trading;
- refunds to those who will lose their parking permits during construction period;
- Marketing and support for existing businesses during construction.

Once complete the parking provision will be different to the current provision in this area. There will be a total loss of 5 spaces made up as shown in the attached table.

SPACE TYPE	EXISTING	PROPOSED
Standard Parking Spaces	220	200
Accessible Parking Spaces	5	9
EV Charging Spaces	2	7
Parent and Child	0	6
Taxi Bays	5	5
Trolley Bays	2	1
Recycling	3	2
Mini Bus (one minibus currently takes up 2 spaces)	8	4
Total Spaces	245	234
TOTAL CAR PARKING AVAILABLE	227	222

The INP2 allocation in the NP indicates that there should be no loss of public parking as a result of the development. In reviewing the figures there is a loss of public parking in terms of the share of parking will now be split – 99 to the Aldi store and 113 for the public car park. This is in conflict with the allocation criteria. Whilst not strictly a material planning consideration the tariff and time limits on the two car parks will have an impact on the users and indeed availability of spaces. The Aldi timescale is proposed as 90 minutes, based on an assumption by Aldi and other discount shops that 30 minutes will be spent in the shop and the other hour allows for cross flow into the rest of the town centre. The Economic Development Specialist has indicated that 2 or 3 hours could be considered.

There is no specific planning policy which requires parking to accord with a minimum number of spaces, the SPD does contain guidance on indicative parking numbers from different types of users. For large retail such as this the requirement is 1 car parking space for every 14 sq.m. of gross floor space. This results in a need for the store of approximately 135 spaces.

The proposal, which allocates the top deck for the food store provides 99 spaces for the store. This is a shortfall of 36 spaces. Were this to be an application on a restricted site, with no other car parking in the vicinity, it would be essential that the additional 36 spaces were provided. However in this case the public car park on the ground floor will be providing 114 spaces, where if the store does overflow contains space for additional car parking (particularly if the 50% capacity continues). The additional provision could therefore more than likely be catered for in the lower deck. Aldi, have evidence of a similar sized store and the car spaces of 99 never having been full.

The benefits of the proposal is that there will be more EV charging points; more accessible spaces; and new parent and child spaces on the upper deck of the car park. In addition there will be dedicated larger spaces for the mini buses which currently take up more than one car parking space.

There have been many letters of objection which express grave concerns with regard to the loss of the parking both during the construction period and afterwards. It cannot be argued that there will not be a loss of parking for a period of time during in particular the Phase 1 stage of the development. However as the capacity study has demonstrated there is capacity elsewhere and mitigation measures proposed to help to ensure the existing town centre shops do not suffer loss of trade because of the temporary loss of the spaces, demonstrate that the impact on the parking will be minimal provided the mitigation measures are implemented. It is proposed to place the measures into the Section 106 agreement.

Design

The pre application enquiry in October 2021, expressed concern about the design of the proposal and that it should not be the standard ‘ALDI “box” format. The pre application response went on to state: *“The proposal does not respond to local character nor nearby buildings and does not enhance the wider site, which is disappointing as it was put forward at the pre-app meeting (no plans had been submitted at this stage) that the store would have a high quality bespoke design.”*

The proposal now before us is still a rectangular shape (as are most such stores), however the materials proposed are different and the landscaping around the site has been enhanced to attempt to soften the views and make the route between the Town Hall and the side of the Aldi store more aesthetically pleasing (which was another concern expressed at pre app).

The current proposed entrance elevations indicate a glazed curtain walling scheme in black. Above the entrance is a black steel structure which is proposed to have timber ‘blades’ hung off it. The rest of the façade is a textured fibre cement product as shown in the drawing below. The other elevations are a combination of Siberian larch, the textured fibre cement, a blue brick for the plinth and glazing at certain intervals.



Textured fibre cement



Siberian larch



Siberian larch blades.

The architect has described the material palette as *“a narrative which looks to interpret the established local character delivered in a contemporary, respectful manner”*. In essence a palette of materials which are not typical for Aldi.

The use of the larch will soften the elevations of the building, and a sample will be needed of all of the materials to ensure they are of the quality which should be expected of the site. It does however remain an Aldi box.

The proposed car park is over two levels taking into account the change in levels between the Leonards Road site and the Glanville's Mill car park. The upper floor of the car park links directly to the proposed Store. The lower level will provide the 114 public parking spaces. In elevation terms. The entrance to the lower car park is located in the same place as the current entrance to the Glanville's Mill car park. The upper level car park will be via a new entrance in the south east of the application site.

At the two storey section of the proposed car park, the upper part of the elevations has the same steel framework as proposed on the front elevation of the Aldi Store with the timber blades hung off it. This provides a screen to the upper level of the car park and the steelwork associated with the structure. The lower level of the car park remains open along the west and part of the south elevation, so as to allow for as much natural light and good sight lines into and out of the car park at the ground level.

Car parks are never the most attractive structures. They are a functional building and often do not complement or reflect any sort of local vernacular. More recent car park development has seen more innovative designs with cladding systems which hide them, but some of the systems are evolving to be a design element in their own right. The applicant has made an attempt to carry this out through the use of the timber blades around the building. The detailing of this and the extent of it will however need to be conditioned in the same way as the materials are for the retail store. To ensure the quality of the finish and detailing is appropriate to the site.

Landscape:

The landscaping proposed for the site has evolved both since the pre application enquiry and during the life of the planning application

The width of the shared cycle pedestrian path along the northern edge of the proposed building has been widened to at least 3 metres, with additional planting. Initially the Council's Landscape Specialist and Tree Specialist placed holding objections on the proposal. There were a number of areas of concern: the use or not of tree crates; the species being used in certain parts of the scheme; climbers to the car park; tree species in the swale; the need to replace trees on site as well as off site. Whether there were any trees worthy of being described as Veteran trees.

Subsequent discussions have resulted in the withdrawal of the objections and there are now proposals to be included in the Section 106 agreement which will ensure that appropriate tree and vegetation mitigation is put in place both on and off the site. A revised landscaping plan has been submitted, just as the report is being produced, so a condition will be added to any consent, unless comments are received prior to the Planning Committee.

Trees:

The application proposal results in the loss of a hedgerow with a number of trees along it, which currently splits the two car parks. There are a number of trees, some of which are oaks. A tree survey has been submitted in support of the application which indicates the health and value of the trees. The survey indicates the need for several trees to be removed to enable the development to go ahead. The loss of the central row of trees has caused much consternation amongst the local community who would rather see the trees retained for their visual and wildlife values.

The most prominent trees are located in a former hedgerow running north – south across the site. The Arboriculture Impact Assessment Statement submitted by the applicants indicates that “This contains a mix of younger ash and sycamore with mature former hedgerow oaks being the dominant trees. The feature has been poorly managed in the past, but the linear feature is prominent in the immediate locality.”

The Woodland Trust have submitted a Letter of representation objecting to the development on the basis that one of the trees in the hedgerow – the largest Oak is a Veteran tree and that there are also other notable trees. The applicant’s arboriculture expert and the Council’s Tree Specialist have indicated that they do not agree with this and that whilst they are large trees of some age they do not meet the criteria to be designated a Veteran tree.

The applicant’s expert provided detailed evidence as to why the tree could not be described as a veteran tree and states:

“There is a lack of evidence to support this classification, as defined by relevant publications. The evidence does indicate that the tree is locally notable, and it does have some potential habitat features. However, these are clearly linked to poor management and especially excessive pruning (topping), rather than naturally occurring late life stage features that are associated with the veteran classification.”

The Tree Specialist also indicates that the trees are not of veteran status. Para 180c) of the NPPF states that

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists

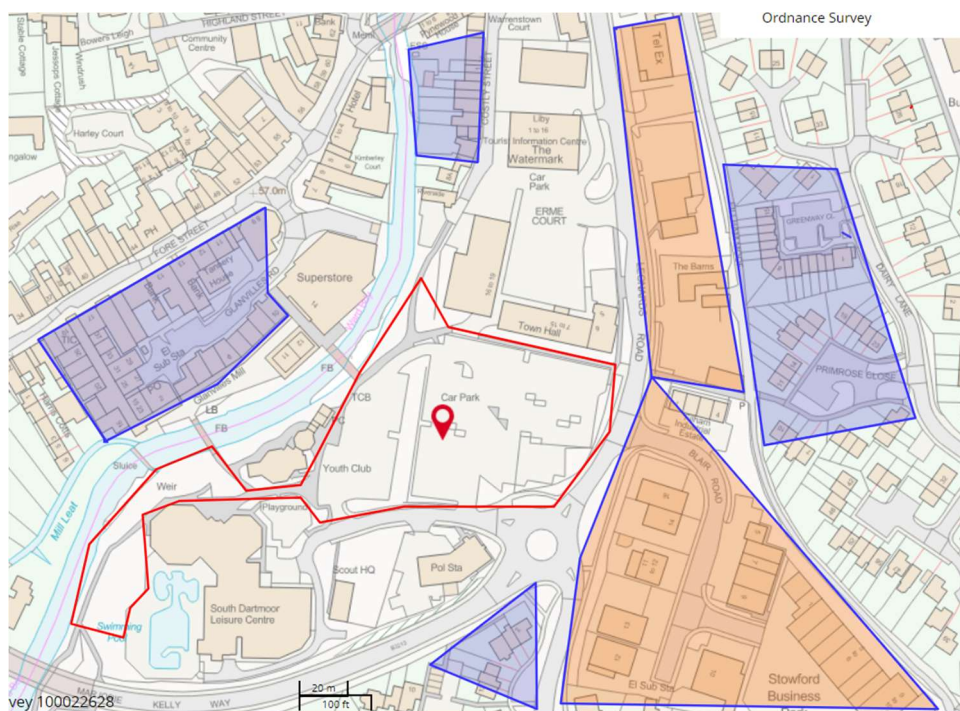
⁶³ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

The Council is obliged to consider all representations for applications and planning officers seek advice from experts in order to determine whether the representations are valid and therefore should be considered in the planning balance. In this case both the Specialist and the applicant’s arboriculturist have indicated that the trees are not of veteran status and therefore the NPPF paragraph does not apply. They also agree however the visual and wildlife value of the trees and the regard that many of the community have for their visual and wildlife value. In such circumstances reference is made to Policy DEV28 and the guidance in the SPD (para7.160) require a mitigation hierarchy: Avoid; Mitigate, Compensate. The applicant is therefore expected to provide compensatory landscape measures, green space, trees, other planting. In this case discussions between the applicant and the Tree Specialist have resulted in a proposed mitigation of £174, 142 towards additional planting offsite within Ivybridge (or adjacent Parish). This is in addition to the landscaping proposed in and around the development proposed. This will be secured through the Section 106 agreement.

Officers also always seek to protect trees wherever possible when new development comes forward. In this case the provision of the store and the need for the replacement car parking is such that they cannot be accommodated on the site without this tree loss. The loss of the trees will have some weight in the overall planning balance.

Neighbour Amenity:

The residential dwellings within the vicinity of the application site are relatively minimal, but nonetheless are relevant to this consideration of the application. The main areas of residential development are the flats above Glanville's Mill, the cottages adjacent to the Watermark. The plan below shows the uses. The orange being commercial and industrial, the blue residential and the site outlined in red.



As the above diagram indicates, there are no residential properties immediately adjacent to the site. The nearest residential properties are those living in the flats above Glanville's Mill. Policy DEV1 in the JLP requires that development should safeguard the health and amenity of local communities. For those close by, the development should *“provide for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.”*(DEV1)

It can be seen from the above drawing that the development proposal would not impact the local residential community in terms of daylight, sunlight, or privacy. However the outlook for these properties will be different as a result of the development. Whereas from the Mill at ground floor looking across the bridge, there is a view of the car park and trees behind. The new view would be of the multi storey car park.

So the outlook will change in one direction, the other views from the flats would remain as they are currently. Living in a town centre location the views will be more urban in character. However, whilst the loss of that outlook is detrimental to a small number of occupants of the flats, the weight to be applied to this in the planning balance will be limited because it is a town centre location, where change is most likely to happen. The landscaped plan does indicate that 3 trees will be provided in the areas in front of the car park and whilst they will take some time to mature, they will break up the hard edge of the car park from this direction.

The other potential issue in DEV1.1 is the impact of noise. This may apply to the households over the wider area. One of the main concerns raised originally by the Environmental Health Specialist with regards to this proposal was in relation to the construction period and the piling and power floating tasks, which can be very noisy activities, and also the noise

associated with deliveries to the store. Aldi's preference is for no delivery hours to be imposed via a planning condition, although it has been stated in the Design and Access statement that deliveries will only be during the opening hours of the store. Clarification is being sought on this issue.

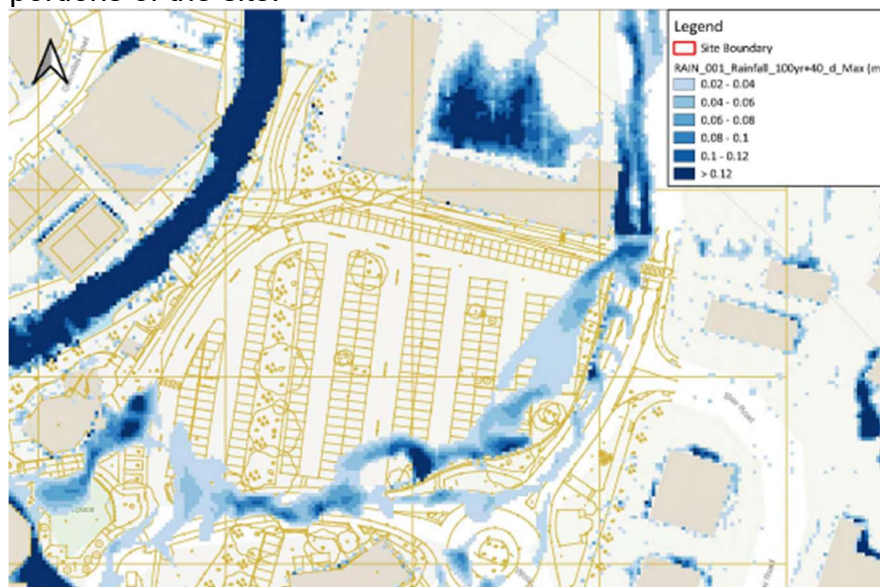
Subsequent discussions with the applicants architect about the construction tasks has resulted in a commitment from the applicant to inform Environmental Health when the piling and power floating activities will be taking place. Officers consider that this is a matter which should be included in a Construction Management Plan and that there should also be a process whereby the local community are also informed about the particularly noisy activities. A condition is proposed to be added to the consent to ensure that this occurs.

Policy DEV1.2 seeks to ensure that new places and developments. Access to the proposed retail store will be on level ground when approaching from the south and east and north. The eastern elevation provides steps up to the retail store via a series of steps, which may not be accessible to all. The buildings will however need to comply with BS 8300-2. Policy DEV1.3 requires a Health Impact Assessment to be included in an Environmental Statement. As this development proposal is not of sufficient scale or environmental impact to warrant an ES, the Health Statement is not required in this instance. The proposal complies with the main components of the policy and as such is considered acceptable.

Highways/Access:

The highway authority have no objection to the development, but have asked for a contribution or £60,000 from the development to the improvement of a cycle way and also the provision of a parallel crossing (on the B3213). In addition conditions are requested to provide a construction management plan; parking and access and commercial loading /unloading areas have been complete; the store cannot be opened until off site highway and cycle works have been completed. The financial contribution and the works to the Parallel crossing will be included in the Section 106 agreement.

Drainage: (including sequential test): The application submission included a Flood Risk Assessment which indicates that the majority of the site lies within Flood Zone 1, however there are a few areas where it is within Flood Zone 2 and 3 along the eastern and southern portions of the site.



Flood risk map as provided in the Design and Access Statement submitted in support of the application.

The closest watercourse to the site is the River Erme which bounds the site to the west and flows in a general southerly direction. After conversations with the EA, it was confirmed that detailed fluvial modelling of the River Erme was not required in this instance.

Approximately 300m north east of the site is a secondary smaller watercourse, known as Ivy Brook. The areas of increased risk are considered as being associated with the Ivy Brook. They are identified as being low and medium risk (Low is: A chance of flooding between 1 in 1000 and 1 in 100 annually. Medium is a chance of flooding between 1 in 33 and 1 in 100 annually). The FRA states that *“the majority of the peak flows within the Ivy Brook will be as a result of surface water flows. Based on the EA Surface Water Flood Risk Map, the majority of the site is shown to be at low risk however there is an increased risk in the east and south of the site as a result of flows from the B3213 entering the site in the north east corner.”*

The FRA considered ground water flooding; infrastructure failure flooding; surface water flooding. It did not consider tidal flooding because of the elevated position of the site and the distance from the coast. It concluded that the site was at low risk of groundwater flooding. It also concluded that the risk of infrastructure flooding was also low.

In support of the FRA, Rainfall Runoff Modelling was carried out, reviewing both the River Erme catchment and the Ivy Brook catchment. As a result of this modelling it was proposed to provide an onsite strategy to manage the onsite flows. A swale 2 - 3m wide bank to bank is therefore proposed to the east of the proposed retail store. This has been reviewed by the Environment Agency who have indicated that they have no objection to the proposal on the basis that conditions are included which secure the implementation of the FRA; a scheme for environmental improvements on the bankside and a CEMP is provided.

Finished floor levels of the development have also been proposed at a height of 58.125 AOD, which provides sufficient mitigation against any surface water flooding adopting a design exceedance approach.

The Lead Local Flood Authority have reviewed the application and have no in principle objections to the development, and having initially raised some areas where further information was required have subsequently indicated that the plans must be made subject to conditions. The proposals therefore accord with Policy DEV35 of the JLP.

Sequential Test

The NPPF 2021 indicates that the sequential test should be applied to steer development towards sites with the lowest risk of flooding. In this case most of the proposed site is within flood zone 1, however there is a section of the existing car park which is within flood zone 2 and 3. The test to be applied is whether there are any *“reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”* The area for which this test should normally apply is the Plan area and with this in mind there would be likely to be other sites available and appropriate within the whole plan area.

In the flood risk assessment carried out by the applicant, it is confirmed that the majority of site is located within Flood Zone 1 with the eastern and southern portions of the site indicated to lie within Flood Zone 2 and 3. It was confirmed that the Flood Zone 2 and 3 extents predicted on site are as a result of overland flows from the Ivy Brook, approximately 300m north east of the site. Discussions were had with the Environment Agency during the compilation of the FRA and the flows are as a result of overland flow and with the

construction of the swale to direct flows along the eastern boundary, the FRA suggests that the sequential test is met.

In this case, the sustainability objectives of the JLP and the allocation of the site in the NP, the likely available alternative sites have been considered in the Ivybridge NP, which is provided in the retail impact assessment above. These sites, as has already been identified are not currently available or suitable because of the constraints on each of the sites. As a result it is considered that within the Ivybridge town centre area there are no alternative sites available or suitable.

If there are no sites available then the exception test should be applied. The exception test also depends upon the vulnerability of the use. The proposed commercial development is classified as 'less vulnerable' in accordance with Table 2 (Paragraph 066) of NPPG. Table 2 of the NPPG Flood Risk Vulnerability and Flood Zone Compatibility matrix (Table 4) shows that 'less vulnerable' development is appropriate in all Flood Zones, other than the Flood Zone 3b, and does not require an Exception Test.

The Swale proposed has been assessed by the Environment Agency and they are satisfied that it will help to divert the overland flow effectively. The modelling contained in the FRA also indicates only a 5cm difference between the pre and post development scenario for the 1:100 yr plus 40% climate change event. The current maximum depths of the flood area are less than 150mm in the 1 in 1000 yr scenario. Officers conclude that with such small depths that it will be possible for people to access and egress with such depths.

Climate changes and carbon reduction measures:

Policy DEV32 in the JLP requires development to reduce its carbon footprint, in order to meet the target carbon reduction to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy. The Council have also declared a Climate Emergency. The proposal must demonstrate that it incorporates "*low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.*" (DEV32.5, JLP).

The application proposes roof mounted photovoltaics (53 in number). It also proposes passive and energy efficiency measures and indicates that the % saving overall is 58.1% above Building Regulations part L. The calculations initially provided utilised out of date SAP calculations. However subsequent discussions have resulted in a scheme which will require additional PV panels. An amended plan will be supplied in time for the Planning Committee.

Biodiversity:

The NPPF places weight on the need for development to replace any biodiversity lost as a result of development. The JLP policies SPT12 and DEV26 seeks to protect, conserve and enhance biodiversity. And further the Council have declared a Climate Change and Biodiversity crisis.

Policy SPT12 provides the strategic approach to the natural environment and lists a series of principles, to protect the hierarchy of international, national and locally designated sites. SPT12.1 states "*Avoiding harmful impacts on existing features as a first principle, and where harmful impacts are unavoidable, to ensure that such impacts are adequately and proportionately mitigated or as a last resort fully compensated.*"

In this case the bank and trees which run across the site cannot be protected because of the extent of the development on the site (as discussed earlier in relation to landscape). As a

result of this there will be biodiversity loss. Policy DEV26 states at DEV26.5 that *Net gains in biodiversity will be sought from all major development proposals through the promotion, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of legally protected and priority species populations. Delivery of net gains in biodiversity should be designed to support the delivery of the identified biodiversity network that crosses the Plan Area and links the city of Plymouth to the countryside and coast, as well as the network within the city itself. The level of biodiversity net gain required will be proportionate to the type, scale and impact of development. Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.*

The JLP SPD provides an approach to the mitigation for net gain. It states “*the LPAs’ approach is to implement a mitigation hierarchy as set out in Policy SPT12.1 when considering ecology:*

1. *AVOID by altering the design or restricting timing of proposed works;*
2. *MITIGATE to reduce the impacts as much as possible by, for example, precautionary or sensitive vegetation or roof removal methods; etc.*
3. *COMPENSATE for any loss of habitat/features such that there is no net loss of biodiversity, for example through new hedgerows, bat roosts or bird boxes etc.”*

Although there is a “*preference for compensatory habitats/features is on-site, however where this is not practicable, or most beneficial for biodiversity, then off-site compensation may be considered on a case-by-case basis*” (JLP SPD). In this case it is not possible to provide net gain on the site. Discussions on this issue have been taking place through the application process, such that an agreement has been reached which will be secured through the Section 106 agreement, “*To be provided and agreed before the store opening a Biodiversity Net Gain Plan detailing compensation and net gain of no less than 0.3 units of native mixed scrub (12.68% Biodiversity Net Gain). Any habitat creation must take place within 6 months of commencement of development*”

The proposal will therefore provide appropriate Biodiversity mitigation off site, to meet the requirements of policy DEV26 and SPT12 in the JLP.

This site falls within the Zone of Influence for new residents have a recreational impact on the Tamar 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 Tamar European Marine Site can be appropriately secured by a Unilateral Undertaking and this approach has been agreed by Natural England.

In this case the proposal will not need to provide a sum of money because the mitigation formula is based on additional residential development which in turn impacts on the recreation of the Tamar Sac and Tamar Estuaries Complex SPA. As this proposal does not provide residential development, there is no requirement to provide the financial mitigation.

Conclusion and Planning Balance.

This proposal has generated a lot of local interest and a large volume of public comments have been submitted primarily against the development. This is a material consideration in the planning balance. However the starting point for all proposals is the Development Plan, which comprises the Joint Local Plan; the Neighbourhood Plan and in terms of guidance the Supplementary Planning Document (to the JLP) and the NPPF 2021.

Policies SPT1 and SPT2 and the relevant strategic objectives and aims of the Plan is to promote development in the main towns to promote sustainable development. A “centres First” approach, which is also supported by the NPPF 2021. These main towns are where all of the services and facilities are located and development in these areas will be far more sustainable than out of the town remote from where people live.

The location of the proposal in the town adjacent to the Primary Shopping Area and in the town centre is a key principle which the proposal demonstrates. The retail impact assessment and sequential test prove that the site, is the most appropriate for additional retail development in the town. It has been demonstrated that the site meets the sequential test and that the proposal will not have an adverse impact on the vitality and viability of the town centre.

The proposal does conflict with the allocated policy in the NP policy INP1 in that there is not an overall masterplan for the site and the proposal does involve the loss of some public parking.

Whilst a masterplan would have provided an overall development strategy for the whole of the defined allocation, there are clearly some parts of the allocation which will not be able to be delivered because of there being no prospect of some of the land within the allocation being available in the near or indeed medium term. On this basis it is very difficult to provide a whole masterplan solution. The proposal itself does attempt to ensure that the retail store and the car park are not considered in isolation and includes landscaping and public realm improvements in and around the area. As far as possible within the constraints of landownership, the proposal has attempted to integrate with the surrounding area as it currently exists.

The loss of parking has been thoroughly examined through a capacity study, which revealed that there is existing capacity in the town’s car parks. The proposed 90 min stay at Aldi, will promote a cross flow into the town centre.

The loss of the hedgerow and trees in the middle of the site is a shame, but officers have to consider what is put before them in an application and the pre app did not identify that the loss of these trees would be an issue. The experts have negotiated an appropriate mitigation with both additional new planting on site but also a sum of money to provide additional tree planting which will benefit the residents of Ivybridge as a whole.

The biodiversity impact of the development is also an important issue, but similarly a requirement in the Section 106 for a biodiversity mitigation plan will provide a 12% net gain in biodiversity.

The design of the proposal is a difficult consideration when it is a format which is reproduced throughout the country on a functional basis. The application site is surrounded by an eclectic mix with buildings and uses of varying ages and styles and certainly in this part of Ivybridge there is not one essential style or vernacular. The proposal is utilising a different palette of materials which will ensure that it has a unique and softer finish than the classic metal box often associated with such retail stores. Public realm improvements to the whole area are proposed, which will add to the cohesiveness of the whole area and link it effectively to the town centre. The proposal is therefore considered to meet policy DEV20 in the JLP.

The loss of the skate park which was initially a concern, is now being replaced (subject to the necessary planning permission) on a site behind the leisure centre which has been agreed with Skate South Devon.

The carbon reduction measures include PV panels on the roof of the shop, which will help the development meet the carbon reduction figures in Policy DEV32, which is a key priority given the current Climate change crisis identified by the Council. Comments are awaited on the revised calculations.

The Highway Authority and the Drainage authorities (LLFA and EA) have indicated that they have no objection to the development provided the proposal is carried out in accordance with the plans and subject to the submission of additional detail as conditions.

In terms of compliance with planning policies, a food store in the town centre (albeit not in the primary shopping area) complies with Policies SPT1 and SPT1 and the growth hierarchy identified in Policy TTV1. The development is also supported by Policy STP 5 in the JLP for retail provision to go towards the main towns and the edge of centre location has been addressed through the application of the sequential test and the retail impact assessment. There are no other sites as close to the centre of Ivybridge which could accommodate the development.

The proposal does not wholly meet the NP policy. A master Plan would have been a more rounded way to deal with the whole allocation. However as expressed in the report, lots of the land is in different ownerships and the ability to influence those ownerships in order to produce a masterplan is a difficult process and given that there are still significant elements of the proposal area remaining, it does not mean that other uses and development could not be provided around the proposed development.

The design meets policy DEV20, the landscape and tree and biodiversity mitigation meet policies DEV28; DEV26 and DEV23.

No objections from consultees in relation to drainage and highways mean that the proposal meets policy DEV35 and DEV32.

Which leaves the parking issue. Whilst the development will result in a change to the type and nature of the parking, there is only a small loss once the scheme is completed and the measures provided to mitigate the impacts during the construction and given the results in the Capacity study for parking already, it is considered on balance that the proposal is acceptable.

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
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV8 Land at Stibb Lane
TTV9 Other sites allocations at Ivybridge
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the
Community Infrastructure Levy

Neighbourhood Plan: The Ivybridge Neighbourhood Plan is a Made Plan which was adopted by the Council in December 2017. Relevant policies are:

INP1 Town Centre Regeneration.

INP2 Town Centre and land east of the River Erme

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 8, 11, 39, 56, 57, 81, 86, 92, 93 104, 107, 110, 120, 126, 130, 154, 157, 161, 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.

Proposed conditions:

Find below the conditions proposed for the development.

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 number(s)

220218 21115IBR-LHC-00-XX-LO-A-0100 D0 01 Site Location Plan;

220218 21115IBR-LHC-00-XX-DR-A-0101 D0 01 Site Plan – coloured.

220218 21115IBR-LHC-00-GF-DR-A-0210 D0 01 Store Plan – ground floor

220218 21115IBR-LHC-00-B1-DR-A-0200 D0 01 Lower ground floor car park

220218 21115IBR-LHC-00-GF-DR-A-0201 D0 01 Upper ground floor car park

220218 21115IBR-LHC-00-GF-DR-A-0401 D0 01 Store elevations 1 of 2

220218 21115IBR-LHC-00-GF-DR-A-0402 D0 01 Store elevations 2 of 2

220218 21115IBR-LHC-00-XX- DR-L-9203 D0 01 Swale and north entrance footway.

220218 21115IBR-LHC-00-XX- DR-L-9203 D0 01 External steps sections

220218 21115IBR-LHC-00-ZZ-DR-A-3010 D0 01 Sections, A-A, B-B, C-C proposed

220218 21115IBR-LHC-00-ZZ-DR-A-0411 DO 01 Elevations car park proposed

220218 21115IBR-LHC -00-ZZ-DR-A-0604 D0 01 Public Realm Improvement Strategy

08B Tree Protection Plan Rev A

0400 –P01 03 F Drainage layout (plan numbers subject to possible changes as awaiting some revision plans.), received by the Local Planning Authority on 14/4/2022.

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. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Hydrock, 17 March 2022) in particular the Mitigation Requirements set out in section 6.1. The mitigation measures shall be fully implemented prior to occupation and retained and maintained thereafter throughout the lifetime of development.

Reason: To reduce the risk of flooding to the development and future users.

4. The development hereby permitted must not be commenced until such time as a scheme for the bankside area within 8m of the watercourse has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- A plan showing the extent and layout of the bankside area;
- Details of how existing vegetation and trees will be protected during development and managed over the longer term;
- Details of the proposed planting scheme (for example, native species); and
- Details of any proposed footpaths, fencing and lighting.

The scheme shall be fully implemented and subsequently maintained in accordance with the agreed details.

Reason: To protect and enhance the ecological value of the watercourse corridor, because land adjacent to watercourses is particularly valuable for wildlife.

5. No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

6. Prior to any commencement on site including earthworks or demolition a detailed method statement in accordance with BS5837 2012 Trees in Relation to Design, Demolition and Construction should be submitted for review where upgrading of services is proposed within the Root Protection Area of T31 and T32.

Reason: In the interests of protecting those trees of significant varied amenity benefit to the locality through the course of the development.

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

Reason: In the interests of visual amenity.

8. The store shall not be open to the public outside the hours of 08.00 to 22.00 Monday to Saturday and 10.00 a.m. to 16.00pm on Sundays and Bank Holidays.

Reason: In the interest of the residential amenities of the adjoining neighbours.

9. Prior to commencing construction works on the site, an application for consent shall be submitted to the local authority in accordance with section 61 of the Control of Pollution Act 1974. The application shall include details of: a) The works proposed and the methods to be

used to carry them out; and b) A programme of work indicating periods when any particularly noisy operations are to be carried out; and c) The steps proposed to minimise noise.

Reason: In the interest of the residential amenities of the adjoining neighbour.

10. Prior to the commencement of development on site, a Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved Audit.

Reason: To ensure waste is utilised on site where possible and disposed of in the appropriate manner.

11. Deliveries to the store shall be limited to times when the Store is open, those being between 8 am and 10 pm Mondays to Saturdays and 10.am to 16pm on Sundays only, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect residential amenities of the properties nearby.

12. Delivery lorries shall not use their reversing horns after the hours of 8pm.

Reason: To protect the residential amenities of the properties nearby.

13. There shall be no concessions permitted to operate from within the unit, including, but not limited to a post office, dry cleaners or shoe repairs.

Reason: To ensure compliance with policies SP12 and DEV16, in the interests of the local economy.

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

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

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

15. Notwithstanding the provisions of the General Permitted Development Order, there shall be no external alterations or extension to this approved building without prior formal written approval by the Local Planning Authority.

Reason: In the interests of visual amenity.

16. Prior to any works taking place near the river corridor and in any case prior to the opening of the retail store, a lighting survey for the whole site, including a strategy to reduce

the amount of light pollution along the river corridor, shall be submitted to and approved by the Local Planning Authority in writing. Works will be carried out in accordance with the measures identified in the lighting survey.

Reason: To reduce the impact of lighting on wildlife along the river corridor and on the wider site to prevent light pollution.

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

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such.

Reason: In the interests of the environment, health and air quality management.

18. The retail store shall not be opened until space has been laid out within the site in accordance with the carpark floor plans 220318 211151IBR-LHC-00-GF-DR-A-0201 d0 01 and 220318 211151IBR-LHC-00-B1-DR-A-0200 D0 01, the service yard for deliveries shown on the plan and that space shall thereafter be kept available at all times for the parking of vehicles/delivery purposes.

Reason: In order to ensure there are sufficient car parking spaces available before the store opens.

19. Prior to the opening of the retail store the cycle stands identified on the proposed site plan No. 220318 211151IBR-LHC-00-zz-DR-A-0604 D0 01 – Public realm improvement plan, shall be completed.

Reason: To promote opportunities to access the store by non-car means.

20. Prior to the opening of the Store the public realm works as identified on drawing number 220318 211151IBR-LHC-00-zz-DR-A-0604 D0 01 shall be completed.

Reason: To ensure the works are carried out in a timely manner and to enhance the area.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To protect the residential amenities of surrounding residential properties and in the interests of highway safety.

22. Prior to the opening of the retail store and the car park, a lighting scheme for all areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the agreed scheme.

Reason: To ensure light pollution is kept to a minimum whilst also ensuring that the area feels safe, in the interests of users and there are no impacts on the residential occupiers near to the site.

23. Prior to the piling and power floating works taking place, nearby residential and commercial properties and the Environmental Health Officer shall be notified of the dates and times when these operations will take place. These works shall only take place between the hours of 8.a.m until 6p.m. and only on the dates as agreed, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of surrounding properties.

24. Development shall be carried out in accordance with the actions set out in the Ecological Impact Assessment. The consultant ecologist to inform the Local Planning Authority in writing that the recommendations have been carried out.

Reason: In the interests of wildlife.

25. Information from the surveys of potential bat roosts and the related mitigation is required prior to any works taking place on the central bank of trees and vegetation. Surveys must meet national standards for bat roost surveys and information on the survey methodology, associated impacts of the scheme and mitigation required must be provided in the report. The report shall be submitted to the Local Planning Authority for approval in writing. The works shall be carried out in accordance with the agreed mitigation measures.

Reason: In the interests of wildlife and protected species.

26. 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 protect nesting birds during the construction period.

27. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Plan to include details of environmental protection throughout the construction phase, measures of construction controls on dust and reducing contaminated run-off, details of pollution control details of habitat creation, species specification and management.

Reason: To ensure the provision of new habitat within the scheme, in accordance with Policy DEV26 of the JLP.

28. Construction lighting shall not remain on during the night.

Reason: To protect wildlife

29. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities and commercial vehicle loading/unloading area have been provided.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

30. Prior to opening of the food store building the off-site highway works and National Cycle Network works shown on drawings 17991-HYD-XX-XX-DR-C-0315 Rev P01 (Highway Works Specification), 17991-HYD-XX-XX-DR-C-0317 Rev P01 (Lining and Signing), 17991-HYD-XX-XX-DR-C-0316 Rev P02 (Highway Drainage and Levels), 17991-HYD-XX-XX-DR-C-0309 Rev P02 (Construction Details), 17991-HYD-XX-XX-DR-C-0303 Rev P03 (Surfacing), 17991-HYD-XX-XX-DR-C-0318 Rev P01 (Lighting) shall be complete. (N.B. plan numbers may change after completion of the safety audit.)

Reason - In the interests of highway safety.

31. The carbon reduction measures proposed on the development shall be provided and in operation prior to the opening of the retail store.

Reason: To ensure the proposal meets the requirements of policy DEV32 in the JLP.

32. Prior to commencement, full details of a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority.

The landscape design details and specifications shall include the following:

- Details of any earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- Planting plans (which shall use botanic names to avoid misinterpretation) and written specifications, including cultivations; tree pit details; details of the mix, size, distribution and planting density of all trees/hedges/shrubs to be planted; proposals for maintenance and management associated with plant and grass establishment. The plans should include a full schedule of plants.

- Details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension.
- Details, including design and materials, of ancillary structures such as bin stores and signage, gates, sculptural features, etc.
- Details including materials, heights and appearance of fencing and other boundary treatments.
- Details including materials, heights, levels and extent of hard landscape features, including samples if requested by the local planning authority.
- A timetable for the implementation of all hard and soft landscape treatment.

All hard surfacing, planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in accordance with the approved timetable for implementation. Any trees or plants which, within a period of [10 years] from the completion of any phase of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity.

33. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy.

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) A detailed assessment of the condition and capacity of any existing surface water drainage system that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works to secure the proper function of the surface water drainage receptor.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

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PLANNING APPLICATION REPORT

Case Officer: David Jeffery **Parish:** Frogmore & Sherford **Ward:** Allington and Strete

Application No: 1430/21/ARM

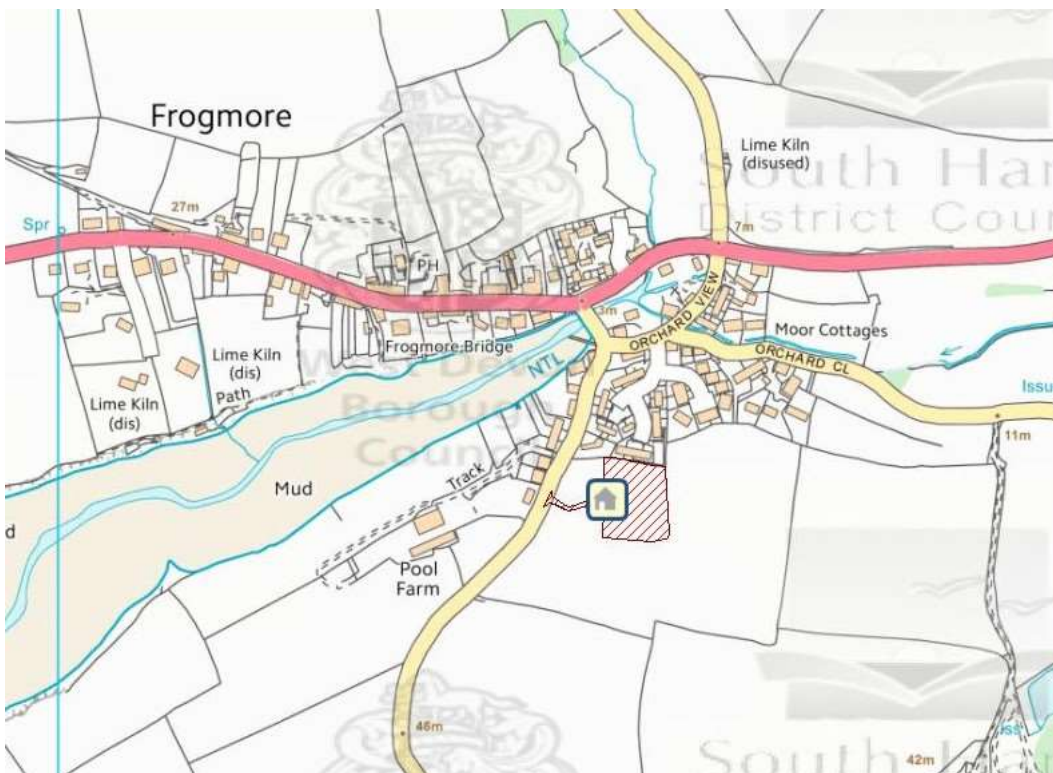
Agent/Applicant:

BBH Chartered Architects Ltd
Creek House
Island Street
Salcombe
TQ8 8DP

Applicant:

Mrs E Perraton
C/C Agent

Site Address: Site at SX 775 424, East of Creek Close, Frogmore



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

Reason item is being put before Committee:

Cllr Foss: *“As much as I would like to sign this of I think for democracy this should come to the committee the Parish council have asked many times what is happening on this site they are very unhappy at the new development was given the go ahead so let’s give them a chance to comment on the detail, I will say that one big concern is the work programme in respect of the safety of the children and residents of creeks close”.*

Recommendation: 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. Cirl Bunting mitigation
6. Compliance with Ecology report/LEMP
7. Biodiversity net gain
8. External lighting
9. Compliance with DEV32
10. Materials details - stonework, render and slate prior to commencement
11. Remove PD rights

Key issues for consideration

The principle of development for 8 homes on this site has already been established through the outline planning permission and only those matters reserved by the outline consent need to be considered through this application. Those matters are scale, layout, appearance, access, and landscaping. As part of this assessment, other related matters to be reviewed include impacts on residential amenity, carbon reduction, drainage and ecology.

Conditions attached to the Outline planning permission require details of foul and surface water drainage including a surface water drainage management plan for the construction phase and that the timing of works takes place outside of nesting birds season. Other requirements associated with the Outline permission include the submission of a Construction Management Plan.

The Unilateral undertaking agreed as part of the Outline Permission requires the agreed affordable housing, the submission and agreement of a Landscape and Ecology Management Plan, the delivery of an equipped play/sports area and that off-site Cirl Bunting Mitigation Measures are agreed with the Council and maintained thereafter in perpetuity.

Financial Implications (Potential New Homes Bonus for major applications)

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

Site Description

The site lies on the southern edge of the village of Frogmore, immediately to the east and accessed from a recently developed housing site now known as Creek Close. The northern boundary of the site adjoins residential properties in Winslade Close. Agricultural fields adjoin the site to the east and south. The land rises to the south across the site away from the existing built form of Frogmore.

All land south of the A379 in this area, including the application site, lies within the South Devon Area of Outstanding Natural Beauty. Environment Agency mapping shows the site lies within Flood Zone 1.

The Proposal

The reserved matters application seeks consent for access, appearance, landscaping, layout and scale for the construction of 8 homes. These include 4 x 2 bedroom homes (including 2 affordable homes) and 4 x 3 bedroom homes. The application also proposes a play area/communal green space in the south east of the site and a buffer of planting along the northern edge of the site between the proposed and existing development on Winslade Close.

Consultations

- **County Highways Authority**

Recommends conditions requiring full highway engineering details and a construction management plan. Advice provided on the highways layout has been incorporated into the plans including that turning provision is incorporated at the point the two new roads connect using flush kerb demarcations with the remaining roads to serve the dwellings remaining private.

- **Tree specialist**

Upon review of the submitted information I would recommend the application is suitable for approval on arboricultural merit.

- **Drainage specialist**

Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site therefore if permission is granted please include a condition requiring the scheme to be installed in strict accordance with the approved plans.

- **Affordable housing**

The submitted details are acceptable.

- **Ecology**

I can confirm that the the submitted plans address my previous comments and are therefore sufficient. No objections.

- **Landscape Specialist**

Comments dated 9/08/2021 (Holding Objection). The following concerns were noted:

1. The proximity, scale and positioning of new dwellings in relation to existing properties on Winslade Close, and the potential effects on their residential amenity.
2. The size of private garden areas on a number of plots, and the amount of useable garden space for future residents.
3. No proposed site levels plans have been provided to confirm the extent of ground engineering and levels changes.
4. The retention of the farm vehicle field access, which has influenced the internal road layout, and positioning of dwellings.
5. No hard landscape details have been provided.
6. The proposed Native Hedge Mix should be amended to reflect the species and proportions of other common hedge plants identified locally.
7. The 4 no. *Tilia x europaea* (common lime) should be changed to *Tilia cordata* (small-leaved lime).
8. The amenity grass within the communal green space should be changed to a flowering meadow or lawn mix.

9. The longer term retention of orchard planting and wildflower meadow located within private plots will be difficult to secure.

Comments dated 29/11/2021 (Holding Objection sustained)

1. The relationship to properties on Winslade Close is improved by moving plots further south and including a planted buffer along the site's northern boundary.
2. Maintenance access should be accommodated on the planting layout and site plan.
3. Where bin storage is in rear gardens, they should be provided on hard surfaces.
4. Plots 5-8 all have sufficient external space to accommodate external bin storage without compromising the useable amenity space.
5. The external garden areas are much improved by the amended site layout.
6. The re-positioning and re-orientation of Plot 6 is much improved. A potential issue with the revised layout is the location of Visitor parking spaces in front of the dwelling.
7. The amended plot boundaries and rear garden terracing for Plots 7 and 8 is noted. The terracing will provide more useable garden space, which is welcomed.
8. No retaining features or underbuild are shown, and external steps are not detailed (and are only indicated for plots 7 & 8).
9. The 4 no. *Tilia x europaea* (common lime) have been changed to *Tilia cordata* (small-leaved lime), as requested, which is welcomed.
10. Officers previously observed that the proposed Native Hedge Mix should be amended
11. Details of 3 different species rich meadow mixes for grassed areas, in line with previous SHDC Officer feedback, which is welcomed.
12. In all other respects, the proposed planting proposals are considered acceptable.
13. The use of reinforced grids for the agricultural access, that will allow the area to be grassed over but that will withstand trafficking by agricultural vehicles and equipment, is welcomed.
14. The landscape hardworks plan is noted. Whilst it includes hard surfacing materials which are acceptable, there is no detail provided to confirm the proposals for fencing, gates or ancillary structures (sheds and bin stores), which should form part of the submission.
15. It is noted and welcomed that the DAS confirms that no street lighting is proposed in response to the intrinsically dark night skies of the protected landscape.

Comments dated 10/01/2022

The principle of the development has been established by the outline consent. Further to my consultation response dated 9th August 2021, there is no objection on landscape character, or visual amenity grounds. Overall, the changes made to the landscape proposals are broadly acceptable, and will form an appropriate landscape treatment to the site. If Officers are minded to recommend approval of the application details of external lighting provision could be secured by condition.

- **Frogmore and Sherford Parish Council – Objection.** Omission of the field access spur road would provide adequate opportunity for a scheme redesign to alleviate the oppressive effect imposed by this application on Winslade Close residents. It is noted that layout drawing ref: 3139.304, revision D, was the one presented at outline planning stage. Public green space formed a buffer between new house plots and Winslade Close. Despite the layout being subject to 'reserved issues', on granting the appeal, the Planning Inspector would have been influenced in his decision by this layout. The Frogmore and Sherford Parish Council objects to this application. The readvertised revisions do not adequately address any of the grounds for objection previously raised. As set out above, we advocate site and road layout revisions to take account of neighbouring dwellings and the impact on

the AONB, the removal of an agricultural gateway access facilitating the passage of agricultural vehicles and equipment through the residential estate, and as a pre-requisite, the submission of a Construction Management Plan.

Representations from Residents

Two letters of objection have been received objecting on the following grounds:

- Agreement with Parish Council objections
- The site is already prone to flooding issues, which are likely to be exacerbated if development goes ahead.
- The houses planned shall have a greater impact on views to all residents living in Winslade Close.
- Noise, dust and disturbance from the building works.
- Light pollution from street lighting.
- Adverse impact on highways and parking.

Relevant Planning History

3880/17/OPA - Outline application (with all matters reserved) for the erection of 8 dwellings (including affordable housing), access and associated landscaping. Allowed at appeal (Ref: APP/K1128/W/18/3205992) 27 December 2018.

ANALYSIS

Principle of Development/Sustainability

The principle of development on this site has been established under application 3880/17/OPA. The purpose of this application is to consider the scale, layout, appearance, access, and landscaping proposals and make sure that the detailed proposals are acceptable in all other regards.

As part of the outline planning permission, the applicant submitted a signed unilateral undertaking. This included provision for: school infrastructure and school transport contributions, agreement and provision of highway works, provision of 2 of the dwellings to be affordable homes, a landscape and ecology management plan, the provision and maintenance of an equipped play area, Cirl Bunting mitigation measures, the management and maintenance of SUDS, the provision of a management company, and agreement of the boundary treatment between the site and 6 Creek Close.

Layout

In considering the design and potential impacts on the AONB the Inspector for the outline application noted that: *“Mitigation measures would be important to ensure the development successfully integrates into the landscape and the form of the village. This would include the location of the open space, the siting and orientation of the buildings and landscaping. These are detailed considerations for any reserved matters submissions. However, I am satisfied that a suitable scheme could be achieved. In view of the modest scale of the proposal and its particular location I consider that the development would not result in harm to the character and appearance of the area and that it would not fail to preserve and enhance the natural beauty of the AONB”.*

The approved Outline application for this site (3880/17/OPA) provided an indicative site layout. This indicative layout allowed for an undeveloped buffer of land, marked as a ‘communal/sports green’ along the northern edge of the site. This was reported to allow for

potential drainage features on lower parts of the site as well as amenity space. This also served as a buffer of land to be provided between the proposed, and existing homes at Winslade Close.

The layout submitted as part of this reserved matters application, diverges from the indicative outline layout in that the buffer along the northern edge of the site between the proposed and homes on Winslade Close was removed and development was focused more on the lower northern parts of the site. Following Officer feedback, a revised layout has been provided that reinstates a buffer along this northern edge of the site. This has the benefit of allowing the proposed to more sensitively respond to homes on Winslade Close. The acceptability of this buffer in terms of the relationship of the proposed to existing homes is covered in more detail below as part of the assessment of impacts on residential amenity.

The site's main area of amenity space is focused in the south east of the site. As this represents the most elevated part of the application site this is likely to have the benefit of reducing the visual prominence of the development when viewed from the surrounding area. Although natural surveillance of this amenity space is only provided by means of a flank elevation it is not on balance considered preferential to rotate the adjacent property due to constraints on its amenity space and parking arrangements.

Each plot has front and rear gardens and an on-plot area of parking. Each garden contains an area of soft landscaping and a hard surfaced patio area, as well as bins/recycling storage, garden/bicycle storage and an external Air Source Heat Pump.

Overall the proposed external appearance is considered to be acceptable and in accordance with policy DEV20 in the JLP.

Neighbour Amenity

An important issue to be considered as part of this application is the relationship between proposed new homes and existing single storey dwellings located on Winslade Close, which are set at a lower level. The illustrative layout submitted as part of the Outline Planning permission allowed for a generous buffer to the north of the site between new development and these existing homes. Plans initially submitted as part of this application removed this buffer and moved the proposed built form within 12m, of these bungalows. As identified in the adopted SPD, whilst 12m is usually a guide of an adequate minimum distance between a habitable room window and a flank wall, it also advises that this needs to be increased by an extra 3 metres for every 2 metres increase in height, where there is a difference in levels.

Following the receipt of Officer feedback, the applicant has reinstated a buffer along this northern edge of the site and increased the distance between the proposed flank walls to around 14m from the rear wall of No. 16 Winslade Close to plot number 1. Plot 5 is distanced around 17.9m from the rear wall of No. 14 Winslade Close (with the single storey garage setback by a distance of 14m). Although still in relatively close proximity to 16 Winslade Close, the slightly oblique angle and positioning of plot 1 is also considered to minimise any potential for adverse impacts in terms of outlook and daylight. Clarification of this relationship has been provided by way additional drawings (ref 3139.322 and 3139.321) which detail sections through the existing buildings on Winslade Close and plots 5 and 1. The details demonstrate that relationship safeguards the amenities of these existing neighbours and meets the guidance set out in the Council's SPD.

The existing boundary hedgebank to the north would remain as existing. Although the landscape planting to the north of the site may potentially impact upon the existing homes on

Winslade Close in terms of shading, the proposed trees are deciduous and whilst they would potentially provide shade in summer, their impact during winter months is considered to be minimal. The number of trees along this boundary has also been reduced in favour of a screening mix, which will also reduce the likelihood of these gardens being excessively shaded.

Regarding concerns from the Parish Council over the need for the submission of a Construction Management Plan, a condition is proposed requiring the submission of and approval of a full construction management plan prior to commencement of development.

A requirement of the Unilateral Undertaking secured as part of the Outline Planning Permission was that details of the boundary treatment adjacent to 6 Creek Close are submitted to and approved by the LPA as part of the reserved matters approval. Officers confirm that the existing 1.8m close boarded fence will be retained and that these details are acceptable.

Highways/Access

The proposed estate road allows for a 4.8m wide road to be provided along with a 1.8m wide pavement to one side. Following Officer feedback, turning provision has now been allowed for in the middle of the site rather than adjacent to homes on Winslade Close. This is considered to avoid increased noise and light pollution for these properties. The main access road and this turning area in the middle of the site would be offered for adoption with the remainder of road serving the north and adjacent to the field access, remaining unadopted.

It is noted that the Parish Council objects to the retained agricultural field access. Whilst not ideal that agricultural vehicles may use the estate road to access agricultural land beyond, the retention of this access is not considered to warrant refusal of the application. The application has also been amended to detail the highway access leading up to the field access as reinforced grass. This will help provide demarcation between the estate and the field access. Parking has been provided at a level of two side by side off-road spaces per unit plus an additional garage space for the three bed homes. This accords with guidance contained in the Council's SPD.

No objections have been received from the County Highways Authority subject to the inclusion of a condition requiring the approval of engineering details of the roads and a Construction Management Plan prior to commencement of development.

Scale

The proposed homes are all two storeys in height and of a scale that is reflective of the recently constructed homes on Creek Close to the west of the site. The application rises towards the south and the proposed homes will mainly be visible against this slope.

The application proposes 4 x 2 bedroom homes and 4 x 3 bedroom homes. As required by the s106 agreement for the outline planning permission, 2 affordable social rented units are proposed. The house types are summarised below:

- Plots 1 and 2 are proposed to be open market 2 bed units (Approx. 90m² GIA).
- Plots 3 and 4 are 2 bed units proposed to be social rented affordable homes (Approx. 90m² GIA).
- Plot 5 is a 3 bed detached home with integral garage, a separate kitchen, lounge and a 6.5m² study to ground floor. (Approx. 120m² GIA).
- Plot 6 is a large detached 3 bed home with integral garage, separate kitchen/diner, lounge and study at ground floor. (Approx. 180m² GIA).

- Plots 7 and 8 are semi-detached 3 bed homes with integral garage, separate kitchen/diner, lounge and study at ground floor. (Approx. 145m² GIA).
- The three bed homes include single garages with clear internal dimensions of have internal clear dimension of 6.5 x 3.5m

JLP Policy DEV8 seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply: A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:

- i. Homes that redress an imbalance within the existing housing stock.
- ii. Housing suitable for households with specific needs.
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency

Forgmore and Sherford have a similar mix of house sizes to the South Hams average albeit with a shortfall for 2 bed homes (23% compared to 26% on average across South Hams). The proposed mix including 4 no. 2 bed homes is therefore considered to be appropriate for the local area and will help address the current local shortfall of 2 bed homes. The proposals are considered to be compliant with JLP Policy DEV8.

JLP Policy DEV10 requires, amongst other things, both new and converted dwellings to have an acceptable amount of internal space that meets national space standards. An assessment of the application has shown that all units, including the affordable housing, meet the minimum areas prescribed by the Nationally Described Space Standards. Amended plans have been received omitting downstairs studies for the two bed homes that could have been considered as an additional bedroom. With regards to the provision of garden space, adopted SPD requires that the minimum provision for detached homes is 100m², 75m² for semi-detached homes and 50m² for terraced homes. The proposed levels of private amenity space meet these standards. The proposals are considered to be compliant with JLP Policy DEV10 and the Council's SPD.

Appearance

The proposed homes are two storeys. The dwellings are to be of a traditional pitched roof design covered in natural slate with recessed PV panels. Walls are to comprise a mix of render, with natural stone to bay windows. Windows and doors are to be grey uPVC. A condition is considered necessary to confirm details of the stonework, render and slate prior to commencement. The enclosure of the site using new Devon hedgebanks is considered a positive means of softening the visual impact of development.

Overall the proposed external appearance is considered to be acceptable and in accordance with policy DEV20 in the JLP subject to suitable conditions requiring material samples to be submitted.

Landscape

During the assessment of the Outline application the Planning Inspector was largely satisfied that a scheme could be delivered on the site that could have an acceptable visual impact on the local landscape and the surrounding AONB. The disposition of development across the

site includes less development of more elevated areas of the site and includes positive mitigation through landscape planting.

A number of amendments have been made to the landscaping proposals during the life of the application. The comprehensive landscape comments included in the landscape specialist's feedback have been largely addressed and it is confirmed that there is no objection to the proposals on landscape character, or visual amenity grounds.

Drainage

Percolation testing on the application site has revealed soakaways are not possible, so attenuation is proposed with discharge into the adjacent SWW Surface Water sewer. Surface water drainage proposals involve the inclusion of an attenuation tank under the road serving the north of the site before discharged via a conveyance swale to existing drains to the north west of Creek Close. Foul drainage would be discharged via a connection to the mains South West Water sewer. SW Water have confirmed that there is adequate capacity. The Council's drainage Specialist has confirmed no objection subject to the inclusion of a suitable condition.

Concerns over drainage raised as part of the letters of objection are acknowledged. However, as confirmed by the Council's drainage specialist the proposed scheme is considered to be acceptable. Furthermore, a condition has been carried over from the Outline Permission requiring details of a surface water drainage management plan for the construction period to be submitted to and approved in writing by the local planning authority. Officers consider that with the above conditions, the drainage proposals comply with relevant JLP policies including DEV35 and adequately respond to any concerns raised by neighbouring properties.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal (PEA), which notes that all hedges are to be retained and it is unlikely the proposal would damage or have negative effects on protected species or habitats. The report states no further ecology surveys are considered necessary. The RSPB provided detailed comment on the outline application particularly in relation to Cirl Buntings.

Further details have been submitted during the assessment of the application in response to comments received from the County Ecologist. Amendments to the application include the introduction of fences to separate existing hedgerows from rear gardens to allow for their adequate management and protection, amendments relating to the proposed planting mix and further details on the establishment and management of proposed ecological enhancements.

The terms of the Unilateral Undertaking entered into as part of the Outline permission require that the Council approve Cirl Bunting mitigation measures and that off-site mitigation is managed and maintained in perpetuity. The current application proposes offsite provision of Cirl Bunting habitat to compensate for the loss of foraging habitat associated with the development. The submitted LEMP acknowledges that 0.45ha of compensatory habitat is required, which is agreed by the County Ecologist. As this habitat consists of winter stubble it is accepted that this would need be rotated throughout the 93ha holding, which is confirmed to be in the control of the applicant. The proposed means of securing this habitat is that the location of where the winter stubble shall be created in the first year post development shall be made available and then in proceeding years this shall be highlighted in a farm management plan or suitable register that shall be made available to the LPA as requested. This terms of this provision (originally included as part of the unilateral undertaking for the

Outline Permission) are to be secured via condition. This has been agreed with the County Ecologist.

As required by the terms of the Outline Permission swifts boxes are proposed in the external walls of proposed new dwellings.

The County Ecologist has confirmed that following the submission of further details relating to the protection and management of on and off site wildlife habitats, the proposals as detailed in the submitted plans and Landscape and Ecological Management Plan are considered to be acceptable.

A condition would be added to any planning consent requiring compliance with the submitted LEMP and the delivery of a 10% minimum biodiversity net gain.

Subject to the proposed conditions, the proposals are considered to comply with JLP Policy DEV26.

Low carbon development

Since the granting of the outline permission the JLP has been adopted and Policy DEV32 requires development to identify opportunities to minimise the use of natural resources in the development over its lifetime. The Councils commitment to this issue has been demonstrated through the declaration by the Council of a 'climate emergency'.

The DEV32 statement submitted with the application considers a number of measures related to carbon reduction for the scheme. The applicant has stated that; *'The proposal is to be designed to exceed current regulations'*. Each house is to have an electric car charging point. In addition to this PV panels and heat pumps are detailed on the submitted plans. The measures detailed within this DEV32 statement, are considered to be in accordance with Policy DEV32 of the JLP and a condition requiring that the development proceeds in accordance with these details is recommended to ensure compliance.

Conclusion

The principle of this development for 8 homes within the AONB has already been established through the Outline planning permission. The design response to the site adequately balances the amenities of surrounding neighbours and on balance will not have an unacceptable impact on the South Devon AONB. The submitted details of scale, appearance, layout, access and landscaping for the 8 dwellings are in compliance with planning policy and are therefore considered to be acceptable subject to the appropriate 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

SPT3 Provision for new homes

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

TTV25 Development in the Sustainable Villages

TTV26 Development in the Countryside

TTV27 Meeting local housing needs in rural areas

TTV29 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting health and amenity

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

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

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

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV27 Green and play spaces

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV30 Meeting the community infrastructure needs of new homes

DEV31 Waste management

DEV32 Delivering low carbon development
 DEV35 Managing flood risk and Water Quality Impacts
 DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Frogmore & Sherford Parish Neighbourhood Plan

Currently at the Regulation 15 stage, where feedback from the community has been incorporated into the draft plan and can be submitted for expert scrutiny.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 172 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.

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

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.

Chairman of Planning Committee -	
Date cleared –	
Comments made -	
Ward Member -	Ward Member –
Date cleared -	Date cleared
Comments made -	Comments made -

Conditions

1. Time limit

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

Reason: To comply with conditions attached to the outline permission (Ref: 3880/17/OPA) and section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Accordance with plans

- 3139.310 H As Proposed Site Plan (Received 16/12/2021)
- 3139.315 D As Proposed Plots 1 & 2 (Received 08/11/2021)
- 3139.316 D As Proposed Plots 3 & 4 (Received 08/11/2021)
- 3139.317 E As Proposed Plot 5 (Received 16/12/2021)
- 3139.318 E As Proposed Plot 6 (Received 16/12/2021)
- 3139.319 E As Proposed Plots 7 & 8 (Received 16/12/2021)
- 3139.320 D As Proposed Site Cross Sections (Received 16/12/2021)
- 3139.321 Additional cross sections (Received 29/4/2022)
- 3139.322 Additional cross sections (Received 29/4/2022)
- JG01 Rev 2 - Proposed Estate Road Layout (Received 7/1/2022)
- JG02 Rev 2 - Swept Path Analysis (Received 7/1/2022)
- JG03 Rev 7 - Proposed Area of Adopted Road (Received 7/1/2022)
- 723/01 Rev F - Planting/Landscaping Plan (Received 3/3/2022)
- 723/02 Rev G - Landscape details and notes (Received 3/3/2022)
- 723/03 Rev F- Landscape details and notes (Received 3/3/2022)
- Colmer Ecology LEMP Amended Dec 2021 (Received 6/1/2022)

3. Highways details

The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. Construction of these approved details must be completed before any of the homes are occupied.

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

4. Drainage

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development. If drainage scheme other than that approved as part of this permission is proposed then alternative drainage details shall be agreed with the Local Planning Authority.

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.

5. Ecology – Cirl Buntings

Appropriate habitat for Cirl Buntings in the form of 0.45ha rotational winter stubble shall be provided. The location of this habitat and management of this habitat for the first year post development shall be submitted to LPA for agreement before first occupation of the development hereby approved. In proceeding years, the location of the 0.45ha winter stubble shall be highlighted in a farm management plan or suitable register that shall be made available to the LPA when required.

Reason: To safeguard the interests of protected species.

6. Ecology – Accordance with LEMP

The recommendations, mitigation and enhancement measures of the Landscape and Ecological Management Plan (LEMP) (Draft 4) prepared by Colmer Ecology Ltd received 6/1/2022 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

7. Biodiversity net gain

Prior to commencement of development, details of landscaping and ecological enhancements must be submitted to, and approved in writing by the Local Planning Authority, details shall include details demonstrating how an onsite bio-diversity net gain of at least 10% will be achieved.

Reason: In the interest of public amenity and the conservation, enhancement of the local character and protect species.

8. External lighting

There shall be no flood lighting or other external lighting at the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance and character of the South Devon AONB and Undeveloped Coast.

9. Carbon reduction

Notwithstanding the submitted details, the development hereby permitted shall not commence until precise details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority - these details include, but are not limited to, the measures in the submitted 'DEV32 Checklist' and 'Design and Access Statement' (received 10/5/2021) and the approved plans including the installation of PV panels, Air Source Heat Pumps and Electric Vehicle Charging Points for each house.

The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy.

10. Materials

Prior to commencement of the development, samples or details of the roofing materials and natural stone and render used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The work shall proceed in accordance with the approved materials.

Reason: In the interest of visual amenity and to ensure the development will deliver betterment in relation to the existing and safeguard the character and appearance of the site and its surroundings.

11. Remove PD rights

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

Part 1, Class A (extensions and alterations)

Part 1, Classes B and C (roof addition or alterations)

Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and to ensure the scale of the dwellings are retained in the interests of the housing needs of the Parish.

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PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 0746/22/FUL

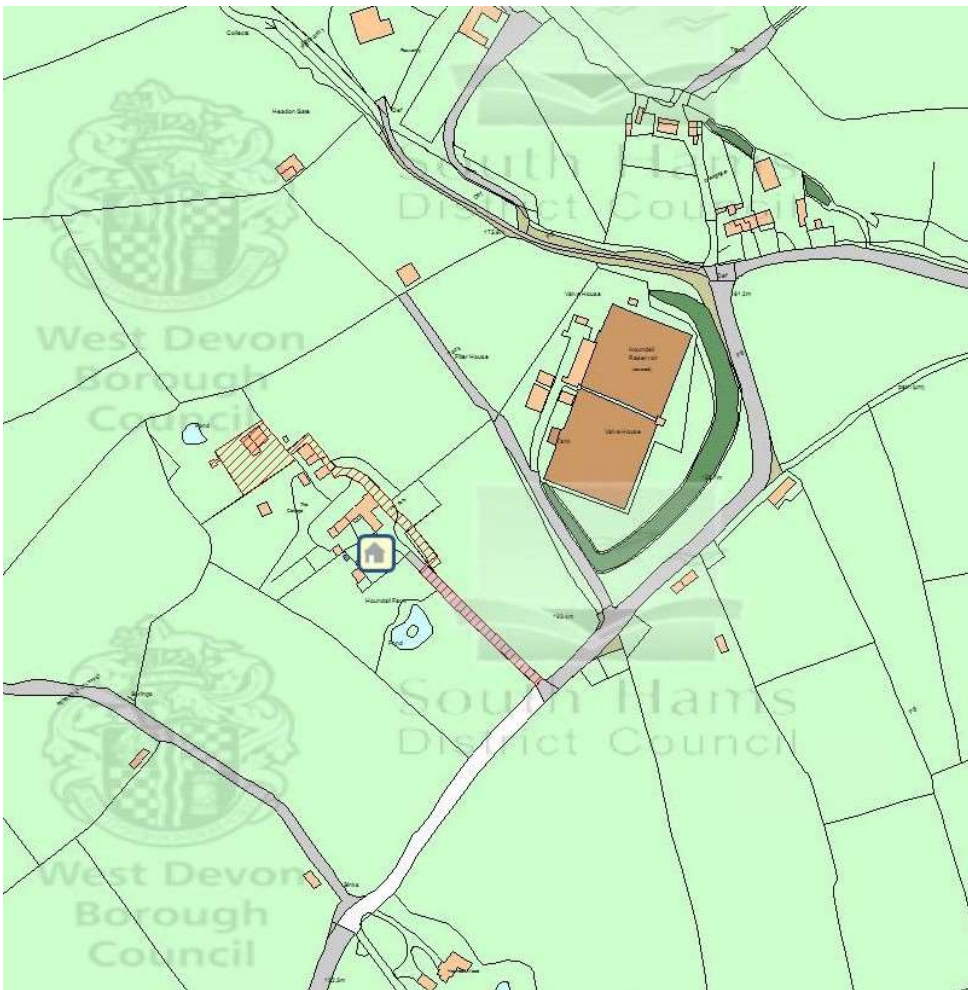
Agent:

Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
TQ9 5NJ

Applicant:

Mr And Mrs J Kendrick
Houndall Farm
Sparkwell
Plymouth
PL7 5DG

Site Address: Houndall Farm, Sparkwell, PL7 5DG



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

Reason item is before Committee: Cllr Baldry has referred the application to committee for the following reasons:

1. *The size of the building. Two storeys instead of the single level allowed for a Class Q*
2. *Size of the footprint*
3. *Overdevelopment*
4. *Not a sustainable site. 1501/18/OPA refused at DMC. 'The proposed development would result in a new dwelling which by virtue of its location and limited accessibility to essential services would be considered environmentally unsustainable'. Went to appeal and refusal upheld.*

5. 2598/20/PDM refused.

Recommendation: 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

Key issues for consideration:

Principle of development, design, landscape impact, neighbour amenity, highways, proximity to mining works

Site Description:

Houndall Farm is an existing agricultural holding, just over 1km north-east of Sparkwell. The site is within the consultation area for Hemerdon tungsten mine, and is in the open countryside, but not within any special areas of designation.

The Proposal:

Prior approval was granted in 2021 under Class Q of the GPDO, permitting the conversion of a former agricultural building to a single dwellinghouse. 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.

Consultations:

- County Highways Authority- no highways implications
- Environmental Health Section- no objection, recommend conditions regarding ASHP and noise mitigation against mining operations
- Parish Council- objection: *'The fallback position maybe applicable to this site, however the proposed design for the dwellings is dramatically different to the building under class Q. The drawings show the proposed dwelling to be significantly taller, going from a single storey to a double storey building with a tall apex roof. The appearance would be dramatically different, and the impact would be very different on this rural site. The Parish Council do acknowledge and commend the superior energy efficiency proposed'*
- DCC Minerals- no objection

Representations:

Eight letters of support have been received. These representations can be seen in full on the Council's website, but can be summarised as follows:

- Environmental benefits of the building
- Enhancement of the site
- Low carbon development should be encouraged
- The site is not visible from the road
- Applicants are very involved in the community and should be supported to stay
- Design is an improvement on what is permitted under the previous class Q application
- There would be no visual impact on the landscape
- There would be no impact on traffic as applicant already lives on site
- Drainage has been considered so unlikely to result in flood risk lower down the slope

Relevant Planning History

1567/21/PDM	Application to determine if prior approval is required for a proposed change of use of Agricultural Buildings to 1 x no. dwellinghouse under Class Q (a and b)	Prior approval given
2598/20/PDM	Application to determine if prior approval is required for proposed change of use of agricultural building to dwellinghouse (Class C3) and for associated building operations (Class Q(a+b))	refused
3871/19/PRE	Pre application enquiry for a Proposed new dwelling	no support
1501/18/OPA	Outline application with all matters reserved for the erection of one dwelling	refused
4380/17/PDM	Notification for prior approval for proposed change of use of agricultural buildings to dwellinghouse (Class C3) (Class Q(a))	refused

ANALYSIS

1. Planning History:

- 1.1. Previous planning applications have been refused on the site, including 1501/18/OPA, which was an outline application for the erection of a dwelling. This was also dismissed at appeal, due to the site being considered to be an unsustainable location for a dwelling. The applicant also applied for a prior approval for conversion under Class Q in 2020 (2598/20/PDM) which was refused due to the lack of evidence regarding the structure capability of the building to be converted. This was then resubmitted in 2021 (1567/21/PDM) which included a structural survey confirming that the building was capable of being converted. This prior approval remains extant and there is therefore an outstanding consent for a residential dwelling on the site.

2. Principle of Development/Sustainability:

- 2.1. The site is not within a named settlement, and lies within tier 4 of the settlement hierarchy outlined in the Joint Local Plan (JLP) (Tier 4 is named as Smaller villages, hamlets, and the countryside), where development is usually only supported if it meets the principles of sustainable development and sustainable communities (policy TTV1 of the JLP).
- 2.2. Although the site is not somewhere where the principle of residential development would generally be supported, a dwelling has previously been consented on the site, and the existing agricultural building benefits from prior approval to conversion to a dwelling under Part 3, Class Q of the General Permitted Development Order 2015 (as amended) (prior approval reference 1567/21/PDM).

- 2.3. When considering the impact of the Class Q fallback position, Officers are mindful of the relevant case law: *Mansell v Tonbridge & Malling Borough Council*, which accepts that a Class Q prior approval can establish the principle of residential development in a location otherwise considered inappropriate and contrary to policy.
- 2.4. However, the proposal still needs to accord with the Development Plan taken as a whole and to support an alternative scheme to that which would otherwise be delivered under the Class Q consent, the proposal needs to demonstrate that it would result in betterment compared to the development which could otherwise be delivered under the approved Class Q consent (the fall-back option).
- 2.5. Case law has also clarified the principle that, in considering proposals for new development, decision-makers should have regard to whether or not there is a realistic prospect of the class q fallback option taking place, should planning permission not be granted for the proposed development.
- 2.6. In this instance, works have not yet commenced to implement the conversion, however there is nothing to indicate that it would not be implemented should this application be refused.

3. Design/Landscape:

- 3.1. The design of the proposed dwelling differs from the consented scheme; the fallback permission is for a single-storey dwelling within the footprint of the existing agricultural building. The replacement dwelling proposed would be a two-storey property, constructed with timber logs and a metal-profiled roof. The applicant describes the proposed dwelling as a Scandinavian-style log cabin aesthetic.
- 3.2. Although the proposed dwelling would be higher than the consent scheme, due to the additional storey, the ground level would be lowered to minimise this impact, to the extent that the ridge height of the dwelling would be no higher than the existing building. The property is in a rural location with no immediate neighbours, and as such, there is no 'street scene' or existing residential character for the dwelling to be mindful of. The increased height is therefore not considered to be so significant as to warrant a refusal of the application.
- 3.3. The Parish Council have objected to the design, although several residents have written in support of it. Officers consider that a log-cabin façade is appropriate in a rural setting, and will require details of materials to be submitted for consideration prior to their installation to ensure that they are of a quality and finish that are appropriate to the landscape setting. Officers would also note that the site is extremely well screened by trees and vegetation, and the dwelling would scarcely be visible from outside of the site.
- 3.4. Officers are also mindful that the dwelling permitted under the Class Q prior approval was bound by the limitations of the legislation, which permitted no significant external works to be undertaken, resulting in an unattractive property which had little benefit to the local landscape. The proposed dwelling would have its permitted development rights removed, to prevent unsympathetic alterations and additions in the future that may dilute the rural, cabin aesthetic currently proposed. Due to the countryside location of the site, it is also proposed to restrict external lighting, to prevent unnecessary light pollution to the surrounding countryside.
- 3.5. Subject to the recommended conditions, the design is considered to be an improvement on the consented dwelling, and the style and materials would be appropriate for a rural

setting such as Houndall Farm. The proposal therefore complies with policies DEV20 and DEV23 of the JLP.

4. Neighbour Amenity:

- 4.1. As previously mentioned, the site is former agricultural building which is a reasonable distance from any other residential properties (other than existing barn conversions within the Houndall Farm complex). The site is surrounded by trees and not even visible from the rest of the buildings within the farm complex, and the proposed dwelling therefore does not raise any concerns in terms of residential amenity, and Officers note that eight local residents have written in support of the proposal, which is considered to comply with policy DEV1 of the JLP.

5. Highways/Access:

- 5.1. The proposal provides two parking spaces, and in this regard, does not differ from the consented scheme. Highways have raised no objection and the proposal is acceptable in this regard.

6. Low Carbon development:

- 6.1. The Council has declared a Climate & Biodiversity Emergency, along with the national government, Devon County Council, and many other local authorities. Policy DEV32 of the JLP requires development to contribute to the carbon reduction targets of the Plan Area, and identify opportunities to minimise the use of natural resources in the development over its lifetime.
- 6.2. The proposed dwelling would use Scandinavian Homes principles- air source heat pumps, heat recovery systems, and solar panels. Electric vehicle charging provision is included, along with passive-standard foundations and triple glazing to provide high levels of insulation. When compared to the consented scheme, the proposal is considered to result in significant betterment in terms of low carbon development and policy DEV32.

7. High quality housing:

- 7.1. Policy DEV10 requires new dwellings to be of a size and layout to provide good quality accommodation for the needs of its occupants. Due to the personal circumstances of the applicant, the dwelling would be designed to be lifetime accessible, including an en-suite on the ground-floor, and a lift as well as stairs, to ensure that the dwelling remains accessible for its occupants.

8. Mining:

- 8.1. The site is within the consultation zone for the Hemerdon tungsten mine, because there is potential for this group of properties to be affected by noise from the mine activities. DCC Minerals have been consulted on the application and offered the following comments:

‘The site lies within the Mineral Consultation Area for the nearby tungsten and china clay operations, with Policy M2 of the Devon Minerals Plan seeking to protect such operations from constraint by new development.

In response to application 4380/17/PDM, Devon Council raised no objection, commenting “Although the site lies within a Mineral Consultation Area, it is considered that the proposal will not result in any greater constraint of the operations at Drakelands Mine or Headdon china clay works due to the application site’s distance from those operations”.

Given that the new proposal will create a new dwelling in the same location as the approved conversion, Devon County Council has no objection in its role of mineral planning authority.'

- 8.2. The proposal has also been reviewed by the Council's Environmental Health Officers, who made the following comments:

We are considering a full application for the installation of a log and timber frame "kit" property sourced in Finland. The proposal is to site this on the footprint of the barn that was previously subject to a Class Q planning approval (1567/21/PDM) and close to a further residence which was converted under Class Q in 2018 (4380/17/PDM). There are two other residences already in this group.

The location is within the consultation area for Hemerdon tungsten mine because there is potential for this group of properties to be affected by noise from the mine activities; and theoretically complaints of unreasonable noise made by these residents could impact on the working of the mine if the noise complained about cannot be remediated. In reality, the applicant is the current landowner who would be well aware of the existence of the mine and used to the occasional inconvenience caused by noise.

The log cabin is constructed in such a way that the insulation value of the external walls is very high. Furthermore, the proposed windows will be triple glazed. Both of these elements will also benefit people inside the building when it comes to off-site noise. The elevations show the main glazed areas facing south west and south east, ie. away from the mine, and this is also beneficial. Furthermore the main bedrooms are on the ground floor facing SW and SE, and again this is beneficial in terms of reducing potential noise impacts at night.

We recommend that the existence of the mine close by is acknowledged by the applicant and that they demonstrate that noise from the various activities there will not adversely affect residents whilst inside their home. There is substantial information regarding noise from the various activities already in the public arena, but the applicant might prefer to contact the noise consultant directly.

An air source heat pump is mentioned although no details are provided. There is potential for this to impact on residents living in the other 3 properties close by. The applicant should provide sound power level information in relation to the air source heat pump together with an assessment of whether noise might unreasonably affect near neighbours. The background noise level is significantly below 40dB and therefore the permitted development option for these will not be available. The installer must provide details of noise mitigation that will be incorporated.

The applicant proposes a package treatment plant discharging cleaned water to a soakaway nearby. We have no concerns regarding this'

- 8.3. In line with the EH comments, conditions are recommended to ensure that details of the proposed air source heat pump, as well as noise mitigation measures for the dwelling are submitted prior to the installation of the ASHP, and prior to the occupation of the dwelling.

9. Summary:

- 9.1. The proposal is considered to be of an appropriate design for the countryside setting of the location. The proposed landscaping, and energy efficiency of the development would be an improvement on the consented scheme, and there would be no adverse impact on the highways network or neighbouring residents. The development is therefore recommended for approval, subject to the conditions detailed above.

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
- TTV1 Prioritising growth through a hierarchy of sustainable settlements
- 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
- DEV29 Specific provisions relating to transport
- DEV32 Delivering low carbon development
- DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The site is not within an area currently designated as part of any 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:

Plymouth & South West Devon JLP 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.

Proposed Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers XXX, received by the Local Planning Authority on XXX.

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. The walls hereby approved shall be natural timber. This timber shall not be stained, colourwashed, or otherwise treated in a manner which would obscure the natural finish.

Reason: To retain the character and appearance of the building.

4. Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

5. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the rural character of the surrounding landscape.

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

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

7. Prior to installation, details of the proposed air source heat pump shall be submitted to, and agreed in writing by the Local Planning Authority. Details shall include sound power level information of the air source heat pump together with an assessment of the impact of such noise on neighbouring properties. The development shall hereafter been carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

8. Prior to the occupation of the dwelling hereby approved, details of how the dwelling will be designed to mitigate potential noise impact from the nearby mining activities shall be submitted to and agreed in writing, by the Local Planning Authority. The development shall hereafter be carried out in accordance with the approved details.

Reason: In the interest of the amenity of future occupants of the dwelling.

9. Notwithstanding the details set out on the submitted drawings, the recommendations, mitigation and enhancement measures of the Bat & Protected Species Survey Report, by XXX, dated XXX, 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.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

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

11. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
 - (a) Part 1, Class A (extensions and alterations)
 - (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
 - (c) Part 1, Classes B and C (roof addition or alteration)
 - (d) Part 1, Class D (porch)
 - (e) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
 - (f) Part 1, Class F (hardsurfaces)
 - (g) Part 1, Class G (chimney, flue or soil and vent pipe)
 - (h) Part 1, Class H (microwave antenna) and;
 - (i) Part 2, Class A (means of enclosure)

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

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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.

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 includes 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 hedgebanks will be gapped up.

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 - 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
- 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.'

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 TTV(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.

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 Landscape Specialist has been consulted on this application and has objected 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. The Tree Officer was consulted on the application and raised no objections.

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, 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 curlew 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 and Waste:

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 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 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 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.

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

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), 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 for a minimum of five years beginning with the date of completion of the scheme and 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 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.

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen
Thurlestone

Parish: Thurlestone **Ward:** Salcombe and
Thurlestone

Application No: 3027/21/FUL

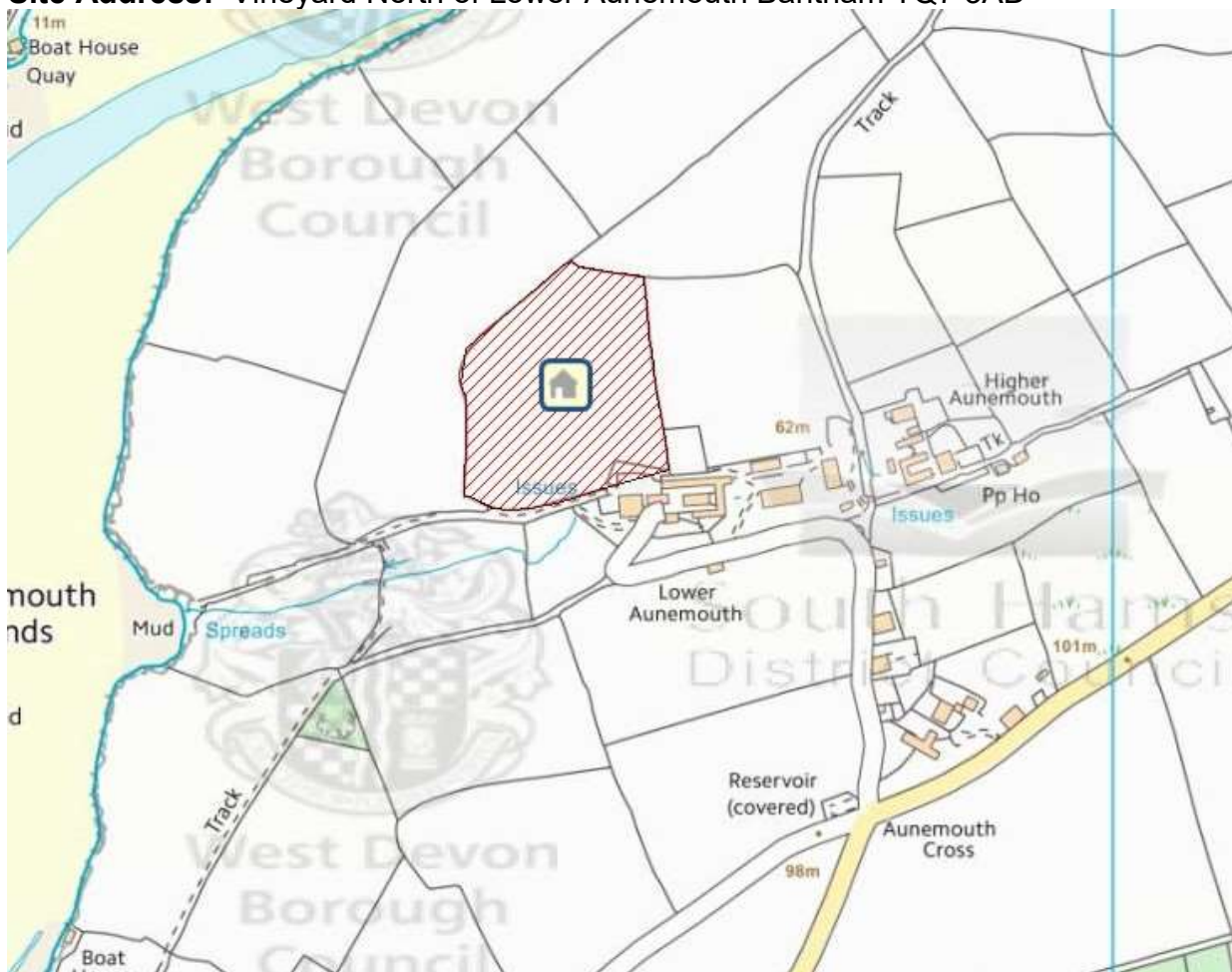
Agent/Applicant:

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.

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 includes 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 - 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
- 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.'

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 TTV(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;

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 Landscape Specialist has been consulted on this application and has objected 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. The Tree Officer was consulted on the application and raised no objections.

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, 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 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 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 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 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.

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

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) 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 for a minimum of five years beginning with the date of completion of the scheme and 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 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.

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: East Portlemouth **Ward:** Stokenham

Application No: 3186/20/VAR

Agent/Applicant:

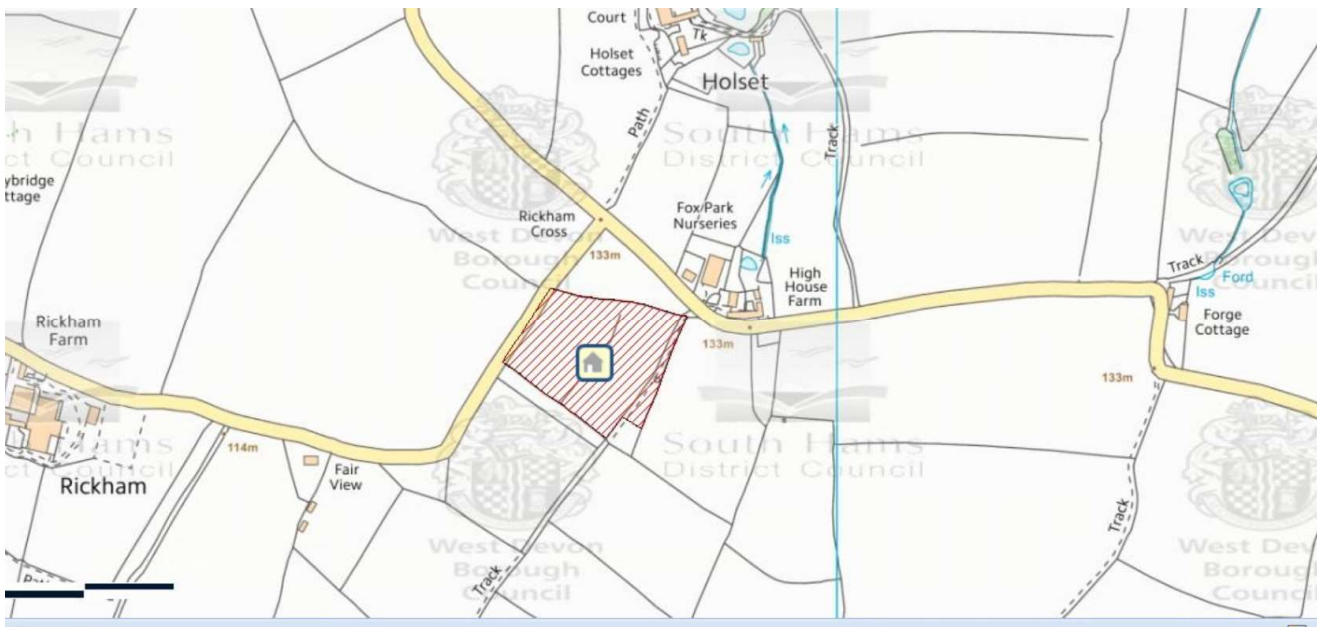
Mrs C Middleditch
The High Nature Centre
East Portlemouth
Salcombe
TQ8 8PN

Applicant:

Mrs C Middleditch
The High Nature Centre
East Portlemouth
Salcombe
TQ8 8PN

Site Address: The High Nature Centre, East Portlemouth, TQ8 8PN

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



Reason this is being put before Committee: Councillor Foss (asked by Cllr Brazil to review the delegated report because of a personal interest in the site) wishes the application to be heard at Committee.

Recommendation: Refusal

Reasons for refusal:

1. The proposed variation of conditions would alter the nature of the development of the existing permission and derogate from its description. The application as made would need to be assessed on its own merits as a full application in accordance with adopted policy. As such the proposal would fail the requirements of Section 73 of the Town and Country Planning Act 1990.
2. The proposed permanent use of the site for camping and camper vans and yurts as well as the permanent provision of kitchen facilities in a poly tunnel on this site in the

countryside does not meet the fundamental requirements of sustainable development as required by policies SPT1, SPT2 and TTV1 in the Plymouth and South West Devon Joint Local Plan. Given its rural and isolated location neither would the proposed variations meet the criteria for development in the countryside outlined in Policy TTV26. The harm in terms of accessibility of the site to basic facilities and services as well as impact on the countryside is unacceptable.

3. The proposed development by virtue of the introduction of camper vans and tents, and additional catering facilities when viewed cumulatively with other existing activities and structures on the site, would result in harm to the South Devon AONB and would fail to conserve and enhance the unique landscape character of the AONB. Neither is it a development which needs to be located within the Undeveloped Coast and would have a continued and more intense detrimental effect on the undeveloped and unspoilt character, appearance and tranquillity of the Undeveloped Coast and the Heritage Coast. As such the development fails to accord with JLP Policies DEV23, DEV24 and DEV25.
4. The development has not demonstrated the success and merit of the employment offer over the medium term and has therefore failed to meet the requirements of Condition 03 of the planning permission granted under reference 20/0785/12/F. Neither does the economic benefit statement justify the use of the land for the purposes requested meet the requirements of policy DEV15 in the Plymouth and South West Devon Joint Local Plan, which seeks to ensure that rural employment development does not impact negatively on the roads and environment.
5. Insufficient information has been submitted in relation to the impacts of the uses proposed on the ecology of the site; the drainage impacts and no information has been provided to reduce the developments carbon footprint contrary to policies DEV26; DEV25 and DEV32 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

Location of development; uses in the countryside; impact on the AONB; impact on the Undeveloped Coast and Heritage Coast; Acceptability of employment uses of this nature in the protected landscape and against rural development policies.

Site Description:

The application site is two Devon banked fields a kilometre east of East Portlemouth on the corner of the main road to the village and the turning south to Rickham. The land was previously used for a mixture of grazing and occasional horticulture resulting in 6 polytunnels and a shared access with residential neighbours opposite at High House Farm.

To the south and towards the coastal area there is a small caravan site with roads bounding the west and northern edge of the land. The land area amounts to just over 2 hectares (5 acres) and is moderately flat. Access to the land is via a track from the main East Portlemouth road shared with farmers and Seacombe Bungalow.

There are a number of structures and activities currently taking place on the site, which are not in full accordance with the previous planning permission. These aspects are currently being explored by the enforcement team.

The entire area is an exposed coastal part of the South Devon Area of Outstanding Natural

Beauty (AONB), Heritage Coast and Undeveloped coast.

The Proposal:

This application seeks variation of conditions numbered 3, 5 and 23 of Planning Consent 20/0785/12/F. Those conditions were:

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.

Reason: Permission is granted on the basis of the employment offer to local economic and social sustainability. The temporary period given will allow the Local Planning Authority to reassess the success and merit of the employment offer over the medium term when considering a permanent permission.

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.

Reason: To protect the rural appearance of the area.

The changes required are:

- Condition 3: Permanent' permission for 'temporary' yurt camp structures.
- Condition 5: Field kitchen catering service - Class A3 – food and drink to be added.
- Condition 23: Provision for occasional tents and campervans.

The applicant has explained the reasons for seeking to vary those conditions as follows:

“Variation of Condition 3: We are requesting for a variation of condition 3 to provide security of revenue. The banks require security of income before any business development capital can be released.

Variation of Condition 5: We are requesting for a variation of condition 5 to enable the business to develop its field kitchen catering service. The polytunnels provide essential shelter for our alfresco dining enterprise during periods of bad weather. The field kitchen will increase revenue and local employment. We are aware that class A3 may become permitted development soon.

Variation of Condition 23: We are requesting for a variation of this condition to enable us to reach a wider market thereby increasing revenue and local employment. A variation of this condition will enable us to accommodate people wishing to bring their own tents for example: teachers bringing school groups, SW coastal path walkers, and cyclists using the Sustrans National Cycle Network Route 2.”

Consultations:

- East Portlemouth Parish Council: The Parish Council voted to object to the application for the following reasons:
 - Variation of condition 3 (temporary granting of permission for yurts).
 - The Parish Council felt that the High Nature Centre had failed to demonstrate “the employment offer to local economic and social sustainability” on which the temporary status would be judged.
 - Accounts lodged at Companies House show that there is no payment of employees (other than the owner) or of tax and National Insurance contributions. Furthermore there is no evidence of investment in the business beyond the initial capital input and the accounts submitted to Companies House suggest that the business is, to all intents and purposes, insolvent.
 - Variation of condition 5 (use of polytunnels).
 - The Parish Council felt that the use of the polytunnels to accommodate a field kitchen dining service was in no way appropriate. The applicant has failed to provide any details concerning the practical details to develop operations in this way, in terms of equipment, hygiene and sanitary arrangements, mitigation of increased noise levels and increased traffic implications. No application has been made to allow for use of the polytunnels beyond 1900 hours.
 - Variation of condition 23 (no further chattels, caravans, tents, yurts etc).
 - The Parish Council felt that the reason for this condition – ‘to protect the rural appearance of the area’ – is as relevant today as it was when the condition was imposed. There have been frequent breaches of this condition over a long period of time and this has led to increased noise and disruption.
 - There is no provision within the application which considers the increased disturbance which would inevitably ensue from increased occupancy.
 - The Parish Council also commented that the High Nature Centre has consistently breached a large number of the conditions that were placed upon the planning approval 20/0785/12/F and that reports of these breaches to District Councillor and to Enforcement had not led to any improvement in compliance.
- County Highways Authority – No highway implications.
- Landscape Officer – Objects:

The site lies within the South Devon AONB, South Devon Heritage Coast, and JLP Undeveloped Coast designations.

South Hams Landscape Character Assessment – LCT 1B Open inland coastal plateaux – This is a sparsely settled landscape of high, open, gently undulating plateaux, with notable coastal influence on the windblown vegetation. There are iconic, unspoilt and expansive panoramic views and high levels of tranquillity. The character of the landscape immediately surrounding the site exhibits the typical characteristics of this LCT.

High levels of recreational use continue to impact on the condition of the landscape, with an increase in car parking, camping and caravan sites. The landscape guidelines aim to protect the open, undeveloped character of the coastal plateaux with expansive, uninterrupted views to and from the sea, with high levels of tranquillity.

It is recognised that there have been biodiversity enhancements within the site, but it is felt that these are of limited benefit to the wider landscape quality.

The extant temporary consent at this site afforded strict limitations on the duration and use of the site; in part because of the high sensitivity of this landscape, and the potential deterioration in character caused by the non-agricultural use of the land.

The previous SHDC Landscape Officer visited the site in relation to the earlier application for a permanent roundhouse structure, 3967/17/VAR (Conditional Consent), and reported that it was evident that the anticipated deterioration in character had occurred, and that - although well-vegetated - the loss of the field pattern, creation of engineered banks, introduction of structures, fencing, play equipment and other more-typically residential paraphernalia has had a negative impact on an otherwise high quality rural landscape.

The greatest area of landscape concern in this current application is the request to vary Condition 23, which states:

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. Reason: To protect the rural appearance of the area.

The current recreational and holiday accommodation uses of the site are a detracting influence on the quality and condition of the landscape, and do not contribute to conserving and enhancing the special qualities and unique characteristics of the SD AONB. It would therefore be contrary to adopted policy to allow an increase in this type of recreational use of the site by tents and campervans.

The application does not sufficiently meet the policy tests of DEV23 Landscape Character. (The current management of the site, to encourage biodiversity, partially addresses the expectations of DEV23.2).

The application has not demonstrated that it meets the policy tests of DEV24 Undeveloped Coast and Heritage Coast.

The application has not demonstrated that it meets the policy tests of DEV25 Nationally Protected Landscapes.

Representations:

The Council received 62 letters of support and 17 letters of objection. The comments received can be summarised as follows: -

Summary of comments from Letters of Representation stating an objection:

- Increased traffic.
- Not sufficient parking.

- Noise Impact on neighbouring properties.
- Loss of privacy to neighbouring properties.
- Loss of sense of security in area.
- Gates being left open allowing access to livestock onto private land.
- Site does not adhere to existing planning conditions.
- No apparent evidence of delivery of aspirations made in previous applications.
- No evidence of local employment.
- Not sustainable business.
- Not sufficient car parking provision
- Over dominance.
- Concern regarding building on greenfield sites
- Existing properties rebuilt to larger proportions
- Increase in noise pollution.
- Increase in light pollution.
- Commercial activities permitted detrimental to natural habitat and wildlife.
- Concern as regular holidaymakers to area.

Summary of comments from Letters of Representation stating support:

- Beneficial to local economy
- Benefits local businesses.
- Provides local employment.
- Beneficial to vitality of local community
- Unique and attractive tourist destination
- Development has enhanced site biodiversity.
- Enhances Area of Outstanding Natural Beauty.
- Site large enough to ensure no detrimental impact.
- Provides employment, social sustainability and contribution to the local as well as wider community.
- Provides a valuable low impact, sustainable space and setting for a variety of inclusive courses.
- Courses provided encourage wellbeing, sustainability and consideration to the natural world and the wider climate crisis.
- Works well with the local community.
- Area is private and cannot be seen from road.
- No major noise or traffic issues caused by development.
- Valuable site for
- Field Kitchen will use produce grown on site.
- Low impact, environmental and socially conscious business.
- Business can demonstrate financial growth.
- Permanent permission will allow sustainable business to grow further.
- Business benefits local well being.

Relevant Planning History:

20/1139/92/3

FUL - Erection of eight polytunnels. [Conditional approval: 07 Oct 92]

20/1622/94/3

FUL - Construction of Devon hedge banks and planting of trees to form shelter belts for existing polytunnels repositioning of one tunnel and erection of temporary gale break where required. [Conditional approval: 07 Dec 94]

20/2596/11/PREMIN: PRE

Pre-application enquiry for change of use of agricultural land to mixed use including tourism education recreation and rural business development construction of low impact round house and siting of 4 eco-yurts - Pre-app. [Partial Support: 10 Sep 12]

20/0785/12/FUL

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 car parking. [Conditional approval: 16 Nov 12]

20/2932/13/VAR

Variation of condition 2 (amendment to plans) of planning approval [Conditional approval: 13 May 14]

20/0098/13/DIS

Discharge of conditions 4 6 12 14 19 21 and 22 to planning approval [Discharge of condition approved: 25 Apr 13]

20/1750/15/DIS: ARC

Application for approval of details reserved by condition 11 (Schedule of Materials and Finishes) of planning consent 20/0785/12/F. [Discharge of condition approved: 06 Oct 15]

20/2412/13/MIN: NMM

Non-material minor amendment (additional information about yurt camp kitchen toilets and showers) to planning approval 20/0785/12/F (Construction of roundhouse and siting of five yurts to be used in association with nature holiday enterprise. [Refusal: 21 Jan 14]

3967/17/VAR

Variation of condition numbers 2 and 3 following grant of planning permission 20/0785/12/F to allow the roundhouse to be granted permanent permission and the vary the approved plans for the roundhouse.[Conditional approval 20/07/2018]

ANALYSIS

Principle of Development/Sustainability:

The principle of development was considered at length when the original planning permission was considered in 2012/2013. Permission was granted for "*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 car parking landscaping works.*" It is that permission which is subject to the present application.

A Section 73 application was subsequently submitted in 2013 to authorise a kitchen cabin; a stable block to be used for toilets, and showers. This was approved.

A further Section 73 to allow the round house to be granted permanent permission and to vary the approved plans for the roundhouse was approved in 2017.

Each s73 approval resulted in the grant of a new standalone planning permission to be read alongside the original which remains unamended.

The principle of the use of this land has always been questioned because of the location of the site in the SD AONB and Undeveloped and Heritage Coast and the mixed nature of the development carried out on the site. In planning terms, the current permission for the use of the land will expire in November 2022, but the roundhouse itself has permanent permission, albeit it has not yet been constructed.

In relation to this Section 73 application, the variations sought are to allow for permanent use of the yurts on site, allow for occasional camping and campervans on the site and add the use of a kitchen to the approved uses on the site.

s73(2) of the Town and Country Planning Act 1990 explains how in such circumstances an application should be determined:

“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and –

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

Following *Finney v Welsh Ministers* [2019] EWCA Civ 1868, it is clear that a Section 73 application cannot vary the description of the development/the operative part of the host permission. In this case the host permission clearly states *“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 car parking”*. (Conditional approval: 16 Nov 12)

Officers are concerned that the proposal would exceed the clearly expressed and restrictive nature of the original proposal and its approved description and would need to be assessed on its own merits as a full application considered against adopted policy. As such the proposal would fail the requirements of Section 73 of the Town and Country Planning Act 1990. By implication, an approval of the application as made could be argued as being unlawful because it is not within the power of the Council (or an Inspector/Secretary of State at appeal) to grant such a variation as proposed i.e., because it would derogate from the description of development and, notwithstanding that, would fundamentally alter the nature of the development originally permitted.

The Joint Local Plan (‘JLP’) was adopted in 2019 which post-dates any previous decisions and is the up to date and relevant Development Plan for the purposes of assessing the current proposals.

The JLP sets an overarching strategy for delivering sustainable development that complements the existing settlement pattern within the plan area. The high-level strategy for delivering sustainable development is expressed within policies SPT1 and SPT2, with other policies amplifying and giving effect to those requirements.

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

Paragraph 5.5 of the JLP explains that policy TTV26 - Development in the Countryside will be applied 'outside built up areas'. The application site is far removed from the nearest settlement or built up area and is considered to be sited in the Countryside.

Consequently, for the purposes of policy TTV1 of the JLP, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy. In such circumstances policy TTV1 explains that:

'development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.'

The applicant makes no case under policy TTV27, and the scheme is not for an affordable housing exception site.

The aim of policy TTV26, 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; the first part applies to development proposals considered to be in isolated locations. The second relates to all development proposals in the countryside.

The JLP SPD (§11.50) states that the Council applies the test of isolation in a manner consistent with the *Braintree*¹ case and any superseding judgment. The recent *Bramshill*² judgment affirmed that the essential conclusion in *Braintree* (at para. 42 of that judgment) was that in determining whether a particular proposal would be "isolated", the decision-maker must consider *'whether [the development] would be physically isolated, in the sense of being isolated from a settlement'*. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgment for the decision-maker on the facts of the particular case.

In applying this approach to High Nature, notwithstanding the limited examples of agricultural building and homes to the north and south of the site and more broadly thereabouts, the site plainly does not form part of a settlement and is of a considerable distance and degree of separation from the nearest settlements in the wider locality. Applying the principles outlined above it must be the case that the site is in an isolated location. Both parts of policy TTV26 apply.

In application of the criteria in the first and second parts of policy TTV26, officers conclude that the development is not necessary for the purposes of agriculture or forestry; does not secure the long-term use of a heritage asset; does not secure the re-use of redundant buildings and neither is the development of outstanding sustainability or design credentials.

¹ *Braintree DC v SSCLG* [2018] EWCA Civ 610.

² *Bramshill v SSHCLG* [2021] EWCA Civ 320.

The proposals to make the use of the land more permanent would therefore not be in accordance with the first part of the policy. In reviewing the second part of the policy, the development does not meet those criteria either and as such the use of the land for the purposes requested do not meet policy TTV26 or policy TTV1.

Policy DEV15 is also relevant to the consideration of the application. It relates to the rural economy and the applicant has indicated that there are benefits of this business to the rural economy.

Policy DEV15.1 states:

“Support will be given to proposals in suitable locations which seek to improve the balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:

- 1. Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.”*

Part 7 of the policy specifically refers to the provision of holiday accommodation...*“Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.”*

Part 8 of Policy DEV15 requires all developments to meet the following criteria:

- “i. Demonstrate safe access to the existing highway network.*
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.”*

The expansion of such businesses must be supported by an assessment indicating that there are no residual impacts on neighbouring uses; the environment and the rural road network and that a Travel Plan should be submitted to demonstrate how the traffic impacts of the additional uses on the site have been considered and mitigated. In this case the environmental impacts are particularly pertinent because of the site’s sensitive landscape. The landscape specialist has clearly indicated there is a negative impact on the environment of the uses if the land for the purposes requested.

The principle of the roundhouse and 5 yurts was established under previous consents including the parent decision and the supporting documentation sets out a series of identified benefits including:-

- 1) More than 2000 hedgerow trees planted
- 2) Low cost start up business facilities
- 3) Local employment through the yurt camp, activities and workshops
- 4) Biodiversity and soil fertility increased
- 5) Local families utilising land for growing food

- 6) Surplus produce distributed locally
- 7) Community events
- 8) Diversification from agriculture to education, tourism and light industry
- 9) Education

The application is not accompanied by a viability assessment, business plan or travel plan, so none of the suggested benefits are demonstrated conclusively or in accordance with the original reason for imposition of Condition 3. The accompanying statement does not identify any policy objective or how it addresses and demand for such facilities. The proposals fail to meet policy DEV15 in the JLP.

Design/Landscape:

The site is within the AONB and the Undeveloped Coast designation. Policy DEV25 (AONB) and DEV24 (Undeveloped Coast) are therefore among those most important for the determination of this application. In the undeveloped coast development will be supported where it will not detract from the unspoilt character appearance and tranquillity of the area and where development cannot be accommodated elsewhere. The highest level of protection will be given to the protected landscapes of the South Devon AONB and any development must be able to demonstrate that it conserves and enhances the AONB landscape.

The principle was established under the original consent and there have been wildlife and ecological benefits from extensive planting on site. The application is not accompanied by a verified visual appraisal. The kitchen is located within a polytunnel which is not subject to any approval, even though there was consent for a small kitchen building given in 2013 (20/2932/13/VAR).

The impact of the proposed tents is dependent on both size and numbers. These are not specified. Camper vans also vary in size and there is no indication of how they may be limited in terms of scale and location within the site and overall numbers, and it remains that this is additional development in a sensitive countryside location which is contrary to policy and for which no identified need has been established. The development will add to the level of activity within the site. Whilst tents and camper vans may come and go the nature of the activity associated with tourism suggests they will be present for a substantial part of the year and will further develop the site with the camper vans, in particular giving rise to a potential increase in light pollution. It is considered that the level of development proposed is likely to change the character of the site. It is therefore considered that the development will add significant harm to the character of the area.

In summary the application does not sufficiently meet the policy tests of DEV23 Landscape Character. The application has not demonstrated that it meets the policy tests of DEV24 Undeveloped Coast and Heritage Coast and the application has not demonstrated that it meets the policy tests of DEV25 Nationally Protected Landscapes. The harm that has been identified represents a breach of the plan as a whole, for this reason alone. The harm identified weighs greatly against a grant of planning permission.

Neighbour Amenity:

The site is surrounded by fields and given the considerable distance from neighbouring properties, however the additional and more intense use of the site with campervans and tents could impact in terms of additional traffic generation. As no travel plan has been submitted, officers are unable to assess the potential impacts on the use of the roads and the potential for that to impact on the neighbouring properties.

Highways/Access:

The access to the site remains as it currently exists. The Highway Authority have raised no objection. However, the current proposals will involve additional traffic, both by camper vans and tent owners attending the site and also through the use of the field kitchen. The lack of a travel plan impacts on this consideration too and as such it is not possible to assess the impacts of the additional traffic likely to be generated by the intensification of the use, or how sustainable transport options could be maximised (if at all).

Ecology:

No ecology survey provided it is therefore not possible for officers to consider the impacts of the changes requested on the ecology on the site.

Climate change:

Policy DEV32 seeks to ensure that developments help the country to reach the carbon reduction target by 2050. No information has been received to identify what measures this proposal would provide to reduce its carbon footprint. Therefore the proposal does not comply with Policy DEV32.

Conclusion:

It is considered that the variation of conditions would alter the nature of the development compared to the original approved proposal and would need to be assessed on its own merits as a full application in accordance with adopted policy. As such the proposal would fail the requirements of Section 73 of the Town and Country Planning Act 1990.

The proposal is in a location where development of this nature on a permanent basis does not meet the aims of the JLP towards sustainable development (SPT1, SPT2 and TTV1) and justification is not provided for the permanent uses in the countryside under policy TTV26.

In addition the proposal raises fundamental harms in terms of protected landscape. The proposed development by virtue of the introduction of camper vans and tents, when viewed cumulatively with other existing activities and structures on the site, would result in harm to the South Devon AONB and would fail to protect maintain and enhance the unique landscape character of the Undeveloped and Heritage Coast policy areas. As such the development fails to accord with JLP Policies DEV23, DEV24 and DEV25.

The application has failed to provide sufficient justification in economic terms to allow for the continued use of the site for the purposes identified, neither has a travel plan been provided to indicate the transport impacts of the development and any mitigation measures. Climate change has also not been addressed.

Finally the development has not demonstrated the success and merit of the employment offer over the medium term and has therefore failed to meet the requirements of Condition 03 of the planning permission granted under reference 20/0785/12/F.

The proposal is therefore recommended for refusal and where the benefits of allowing the application are poorly made out. There are no other considerations that would indicate a planning balance being struck any other way than to refuse planning permission.

This application has been considered in accordance with Section 73 of the Town and Country Planning Act 1990 and 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 were "None". On 14th January 2022 DLUHC published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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 most important 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

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

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

DEV5 Community food growing and allotments

DEV15 Supporting the rural economy

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

Neighbourhood Plan: None

Other Material Considerations:

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document
- South Devon AONB Management Plan

Other material considerations include the policies of the NPPF and guidance in the PPG. Application of national planning policy and guidance serves to reinforce the recommendation to refuse to grant permission, specifically noting paragraphs 170 and 172 of the Framework.

Considerations under Human Rights Act 1998 and Equalities Act 2010:

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

South Hams District Council Agenda Item 6
DEVELOPMENT MANAGEMENT COMMITTEE 6-Jul-22
Appeals Update from 11-May-22 to 17-Jun-22

Ward Bickleigh & Cornwood

APPLICATION NUMBER: **3624/20/FUL** APP/K1128/W/21/3281986
APPELLANT NAME: Mr & Mrs C Hattersley
PROPOSAL: Siting of a chalet/mobile home for holiday let accommodation
LOCATION: Rose Cottage Station Road Bickleigh PL6 7AL **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 25-January-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 15-June-2022

Ward Kingsbridge

APPLICATION NUMBER: **3181/21/ARC** APP/K1128/W/22/3290753
APPELLANT NAME: Blakesley Estates (Kingsbridge) Ltd
PROPOSAL: Application for approval of details reserved by conditions 9, 10, 11 and 13 of Planning Permission 28/1560/15/O (APP/K1128/W/16/3156062)
LOCATION: Land at Garden Mill Derby Road Kingsbridge TQ7 1SA **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 12-April-2022
APPEAL DECISION: Withdrawn
APPEAL DECISION DATE: 17-May-2022

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **3908/21/HHO** APP/K1128/D/22/3292226
APPELLANT NAME: Mr Peter Smith
PROPOSAL: Householder application to create on site parking at front of property to allow an electric car to be safely parked and charged off road
LOCATION: Matford Fore Street Aveton Gifford TQ7 4JH **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 24-February-2022
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 13-June-2022

Ward Newton and Yealmpton

APPLICATION NUMBER: **1302/21/FUL** APP/K1128/W/21/3287577
APPELLANT NAME: Mr & Mrs Julian Taylor
PROPOSAL: Erection of detached 4-bedroom house with detached garage and detached 3-bedroom bungalow with use of existing garage
LOCATION: Lowdamoor Hemerdon PL7 5BU **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 14-March-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 17-June-2022
APPLICATION NUMBER: **2488/21/HHO** APP/K1128/D/22/3294530
APPELLANT NAME: Mr C Luscombe
PROPOSAL: Householder application for demolition of single storey side utility and formation of porch & rear extension with utility replacement (resubmission of 1834/20/HHO)
LOCATION: 5 Whittingham Road Yealmpton PL8 2NF **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 22-March-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 13-June-2022

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **3723/21/HHO** APP/K1128/D/22/3292080
APPELLANT NAME: Mr Wayne Neale
PROPOSAL: Householder application for loft conversion, dormer window and existing detached dwelling interior alterations to
LOCATION: 11 Old Redony Gardens Thurlestone TQ7 3PD **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 23-February-2022

APPEAL DECISION: Upheld
APPEAL DECISION DATE: 13-June-2022

APPLICATION NUMBER: **3133/21/HHO** APP/K1128/D/22/3296197
APPELLANT NAME: Mr & Mrs A Fisher
PROPOSAL: Householder application for alterations and reconstruction of first floor (resubmission of 2779/20/HHO)

LOCATION: Hillsbrook Herbert Road Salcombe TQ8 8HN **Officer member delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 13-April-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 13-June-2022

APPLICATION NUMBER: **3845/21/HHO** APP/K1128/D/22/3292240
APPELLANT NAME: Mr Huw Davies
PROPOSAL: Householder application for proposed alterations including creation of first floor accommodation with full length dormer, revised fenestration, new flat roof to

existing extension and vertical weatherboard cladding
LOCATION: Charnwood Malborough TQ7 3RR **Officer member delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 17-February-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 13-June-2022

Ward Stokenham

APPLICATION NUMBER: **1978/21/VAR** APP/K1128/W/21/3287618
APPELLANT NAME: Mr & Mrs Matthew Needham
PROPOSAL: Variation of condition 2 (drawings) of planning permission 53/2876/11/F (resubmission of 0437/21/VAR)

LOCATION: Old Cotmore Farm Cotmore Kingsbridge TQ7 2LR
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 31-January-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 17-May-2022

Ward West Dart

APPLICATION NUMBER: **3377/21/OPA** APP/K1128/W/22/3297901
APPELLANT NAME:
PROPOSAL: Outline application with some matters reserved for new dwelling in garden of existing dwelling (resubmission of 2133/20/OPA)

LOCATION: Dorsley Cottages Harberton TQ9 6DL **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 26-May-2022

APPLICATION NUMBER: **4146/21/CLP** APP/K1128/X/22/3291595
APPELLANT NAME: Mrs Helen Vinnicombe
PROPOSAL: Certificate of lawfulness for proposed repair work to jetty
LOCATION: Vipers Quay Dittisham TQ6 0HE **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 08-February-2022
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 14-June-2022

Undetermined Major applications as at 17-Jun-22

	Valid Date	Target Date	EoT Date
0612/16/OPA Patrick Whymer	8-Aug-16	7-Nov-16	
Brimhay, Bungalows Road, Past Forder Lane House, Dartington, Devon, TQ9 6HQ		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	22-Nov-16	21-Feb-17	31-July-22
Creek Close, Frogmore, Kingsbridge TQ7 2FG		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	23-Nov-16	22-Feb-17	31-July-22
Development Site Of Sx 7752 4240, Creek Close Frogmore, Kingsbridge TQ7 2FG		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	9-Jan-20	9-Apr-20	18-Dec-20
Land off Towerfield Drive, Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)		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	9-Jan-20	9-Apr-20	18-Dec-20
Land at Woolwell, Part of the Land at Woolwell JLP Allocation (Policy PLY44)		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	17-Jan-20	17-Apr-20	6-Feb-21
Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kingsbridge Devon		READVERTISEMENT (Revised Plans Received) Residential development comprising of 15 modular built dwellings with associated access, car parking and landscaping and playgrounds	

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 – Draft revised proposal received. Reviewed with applicants. Expecting a new pre app and withdrawal of existing planning application imminently.

	Valid Date	Target Date	EoT Date
0761/20/OPA Steven Stroud	5-Mar-20	4-Jun-20	29-Apr-22
Vicarage Park, Land North of Westentown, Kingston, TQ7 4LU		Outline application with some matters reserved for 12 new houses. Alterations to existing access and construction of access road. Realignment and creation of new public rights of way, provision of public open space and strategic landscaping (Resubmission of 4068/17/OPA)	

Comment – Application to be sent to Ward members in the next week.

	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, Ivybridge		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 considering whether to do this, or to withdraw the application

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

Comment: Amended plans received and re-consultation underway. Report partially written.

	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 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: Amended plans received and application re-advertised. Awaiting additional information from applicant.

	Valid Date	Target Date	EoT Date
2508/20/FUL Anna Henderson-Smith	12-Aug-20	11-Nov-20	6-Jan-21
Moor View Touring Park, Modbury, PL21 0SG		Proposed expansion and development of holiday lodges and associated works to existing touring and holiday park	

Comment

	Valid Date	Target Date	EoT Date
4254/20/FUL Jacqueline Houslander	23-Dec-20	24-Mar-21	
Springfield, Filham, PL21 0DN		Proposed development of redundant nursery to provide 30 new dwellings for affordable and social rent, a new community hub building, conversion of existing barns to provide ancillary spaces and landscaping works providing communal areas and	

Comment – Amended plans received. Currently being re-advertised.

	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 Drive through 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 Cheryl Stansbury	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 – Deferred by Members at May Committee for revisions to design

	Valid Date	Target Date	EoT Date
1557/21/VAR Steven Stroud	10-Jun-21	9-Sep-21	
Alston Gate, Malborough, TQ7 3BT		Application for removal of condition 1 (development start date) and variation of conditions 2 (approved drawings), 5 (boundary treatments)and 6 (landscaping scheme) of planning permission 0106/20/VAR	

Comment – Reviewing issues with applicant

	Valid Date	Target Date	EoT Date
1558/21/VAR Steven Stroud	10-Jun-21	9-Sep-21	
Alston Gate, Malborough, TQ7 3BT		Application for removal of condition 2 (development start date) and variation of conditions 3 (approved drawings), 9 (energy supply), 10 (occupation), 11 (landscape & ecological management and 16 (surface water) of planning permission 0105/20/VAR	

Comment – reviewing issues with applicant

	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 – awaiting further information from agent re drainage and lighting

	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 – officer meeting with applicant and architect to look at 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 – awaiting further information from agent re drainage and lighting

	Valid Date	Target Date	EoT Date
3118/21/ARM Bryn Kitching	9-Aug-21	8-Nov-21	30th July 22
Proposed Development Site Sx856508, A3122 Norton Cross To Townstal Road, Dartmouth			Application for approval of reserved matters seeking approval for layout, scale, appearance and landscaping for 143 residential dwellings and associated open space and infrastructure following outline approval 3475/17/OPA and approval of details reserved by conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 17 and 21 of that consent.

Comment - Consultation period complete and waiting for completion of Deed of Variation on 3078/21/VAR (below) to be completed. Reserved matters application can not be determined until after the variation of condition 4 has been decided. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
3078/21/VAR Bryn Kitching	9-Aug-21	8-Nov-21	30th July 22
Proposed Development Site Sx856508, A3122 Norton Cross To Townstal Road, Dartmouth			Variation of condition 4 of outline planning permission 3475/17/OPA (for 210 dwellings, public open space, green

infrastructure, strategic landscaping and associated infrastructure) to revise approved parameter plan A097890drf01v4 to 180304 P 01 02 Rev C.

Comment - Consultation period complete and Deed of Variation being completed to ensure that original S106 contributions and requirements from original consent are carried over. Extension of time will be sought where necessary.

	Valid Date	Target Date	EoT Date
3119/21/FUL Bryn Kitching	10-Aug-21	9-Nov-21	30th July 22
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 Cheryl Stansbury	13-Oct-21	12-Jan-22	3-Mar-22
Land Opposite Butts Park, Parsonage Road Newton Ferrers, PL8 1HY		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 Cheryl Stansbury	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 - Under consideration by Officer, ext of time agreed

	Valid Date	Target Date	EoT Date
1303/21/FUL Steven Stroud	16-Nov-21	15-Feb-22	30-Jun-22
Land At SX 680402 east of Thornlea View, Hope Cove, TQ7 3HB		Erection of 10 dwellings (to include 6 affordable), associated new highway access, service road and landscaping	

Comment

	Valid Date	Target Date	EoT Date
3122/21/VAR Cheryl Stansbury	23-Nov-21	22-Feb-22	24-Mar-22
Land at Garden Mill, Derby Road Kingsbridge		Application for variation of condition 7 of outline application 28/1560/15/O (appeal ref: APP/K1128/W/16/3156062) to allow for revised dwelling design and layout and variation of condition 1 of reserved matters application 0826/20/ARM to allow for revised landscaping	

Comment – Non-determination appeal. Hearing fixed for 4th August 2022

	Valid Date	Target Date	EoT Date
3915/21/ARM Jacqueline Houslander	23-Nov-21	22-Feb-22	
Land At SX 651 560, Filham, Ivybridge		Application for approval of reserved matters (appearance, scale, layout and landscaping) of Phase 2 (up to 106 dwellings) of outline approval 3703/18/OPA	

Comment –EOT agreed. Amended plans received – minor changes made. Meeting organised with applicant to review outstanding issues.

	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, Totnes			
Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL			

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
4031/21/FUL Jacqueline Houslander	1-Dec-21	2-Mar-22	
Sand Pebbles Hotel, Inner Hope To Outer Hope, Hope Cove TQ7 3HY			
READVERTISEMENT (Revised plans) Redevelopment of the existing hotel with owners accommodation to 7-holiday lets and 5 residential units			

Comment: EOT agreed. Amended plans received and re-advertised. Sent to Ward members

	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
4538/21/VAR Jacqueline Houslander	20-Jan-22	21-Apr-22	
Fort Bovisand, Bovisand, PL9 0AB			
Application for removal or variation of condition 2 (Drawings) following grant of planning permission 3814/20/VAR			

Comment: Under consideration by officer. Meeting to be held with applicant to review proposed changes 23/6/2022

	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: Regular meetings being held with applicant and architect to seek revisions to the scheme. Additional information awaited from applicant.

	Valid Date	Target Date	EoT Date
0303/22/OPA Anna Henderson-Smith	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 and drainage 30% of which would be affordable housing			

Comment - Under consideration by officer

	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. Application recently validated and under consideration by officer.

	Valid Date	Target Date	EoT Date
1059/22/FUL Jacqueline Houslander	8-Apr-22	8-Jul-22	

Car Park off Leonards Road, Leonards Road,
Ivybridge, PL21 0RU

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

Comment. In consultation period. Committee anticipated 6th July

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

Comment – meeting with applicant to discuss the issues. 23/6/2022

	Valid Date	Target Date	EoT Date
1220/22/FUL Chloe Allen	4-May-22	3-Aug-22	
Land At Sx 567 545, Deep Lane, Plympton, PL8 2LF		Installation of a Battery Energy Storage Facility, substation, underground cabling, access track, landscaping, biodiversity enhancements and ancillary infrastructure, and equipment to include security fence, CCTV & gates	

Comment: In consultation period, under consideration by officer.

	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 –

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