

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 18th October, 2023										
Time:	10.00 am										
Venue:	Council Chamber - Follaton House										
Full Members:	<p style="text-align: center;">Chairman Cllr Long</p> <p style="text-align: center;">Vice Chairman Cllr Taylor</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 McKay</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Rake</td> </tr> </table>	Cllr Abbott	Cllr McKay	Cllr Allen	Cllr Nix	Cllr Bonham	Cllr O'Callaghan	Cllr Carson	Cllr Pannell	Cllr Hodgson	Cllr Rake
Cllr Abbott	Cllr McKay										
Cllr Allen	Cllr Nix										
Cllr Bonham	Cllr O'Callaghan										
Cllr Carson	Cllr Pannell										
Cllr Hodgson	Cllr Rake										
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 Specialist 01822 813651										

- 1. Minutes** **1 - 12**

To approve as a correct record the minutes of the meeting of the Committee held on 13 September 2023
- 2. Urgent Business**

Brought forward at the discretion of the Chairman;
- 3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 4. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;
- 6. Planning Applications**

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:
<http://apps.southhams.gov.uk/PlanningSearchMVC/>

 - (a) 2412/22/OPA** **13 - 42**

Land South of Dartmouth Road at SX 771 485, East Allington
READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access
 - (b) 1639/236/FUL** **43 - 52**

"Land At Sx 772 519, Three Corners Workshop", Halwell
Provision of occupational/rural workers' dwelling (resubmission of 3527/22/FUL)
 - (c) 2463/23/HHO** **53 - 62**

14 Butts Park, Newton Ferrers
Householder application for new 2 storey front extension, attic conversion, single storey rear extension & garage to existing 3- bedroom mid-terraced house (resubmission of 0824/23/HHO)

(d) 2304/23/VAR

63 - 72

"Barn Adjacent Robins Nest", Diptford

Application for variation of condition 2 (approved plans) of planning consent
4240/18/FUL

**PLEASE NOTE: THE FOLLOWING AGENDA ITEMS WILL NOT BEGIN
BEFORE 2:00pm**

7. Planning Appeals Update

73 - 76

8. Update on Undetermined Major Applications

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9. Exclusion of Public and Press

“That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”;

10. Enforcement - Legal proceedings

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MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 13 September 2023

Members in attendance * Denotes attendance ∅ Denotes apologies			
*	Cllr V Abbott	∅	Cllr McKay
*	Cllr G Allen	*	Cllr A Nix
∅	Cllr L Bonham	∅	Cllr D O'Callaghan
∅	Cllr J Carson	*	Cllr G Pannell (for 6(b),(c),(d),(e) and (f) only (Minute DM.22/23 refers)
*	Cllr J M Hodgson	*	Cllr S Rake
*	Cllr M Long (Chairman)	*	Cllr B Taylor (Vice Chairman)

Other Members also in attendance:

Cllr D Thomas, Cllr L Bonham (on MS Teams), Cllr Tom Edie (on MS Teams), Cllr Brazil, Cllr Lawford and Cllr Dennis

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Principal Planning Officers; relevant Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer; landscape specialist, DCC Highways Officers

DM.19/23 MINUTES
The minutes of the meeting of the Committee held on 26 July 2023 were confirmed as a correct record by the Committee.

DM.20/23 DECLARATIONS OF INTEREST
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(a) and (b) (minute DM.22/23(a) and (b) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of these applications.

DM.21/23 PUBLIC PARTICIPATION
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

DM.22/23 PLANNING APPLICATIONS
The Committee considered the details of the planning applications prepared by the relevant Case Officers as presented in the agenda papers, and considered the comments of Town and Parish Councils,

together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

6a) 0915/22/FUL "Land off Bantham Beach Road", Bantham Parish: Thurlestone

Development: READVERTISEMENT (revised plans & documents) Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residents/mooring holders car park and new parking, and ANPR system on the beach road and car park.

Case Officer Update: The Case Officer summarised the key issues, namely that:

Principle/justification for the development in the AONB, Undeveloped and Heritage Coast and outside the settlement boundary identified in the Neighbourhood Plan (NP):

- TTV26, DEV24, DEV25 of the JLP. TP2 of the NP.
- Section 1.0 of the Officers Report considers the principle of development and concludes that Officers consider such to be acceptable.

Landscape character and appearance within the Undeveloped Coast and South Devon AONB:

- DEV20, DEV23, DEV24, DEV25 of the JLP and TP1 and TP22 of the NP.
- Following revisions to the proposals to ensure that the development provides both landscape mitigation and enhancement measures, no objections were raised from the Landscape Officer, subject to conditions to secure full landscape details and levels. It was considered that the proposed development would conserve and enhance the character and appearance of the area.
- AONB Unit agree with comments from the Landscape Officer.

Heritage Impacts – including impacts on the setting of heritage assets, including Listed Buildings and areas of archaeological interest, including Bantham Ham Scheduled Ancient Monument:

- DEV 21 of the JLP and TP21 of the NP.
- Historic England raised no objections.
- DCC Historic Environment Officer and SHDC Heritage Officer raised no objections, subject to conditions being imposed.

Following matters were also considered as set out in the officer's reports. It was considered that the impacts of the proposed development were acceptable in relation to such matters subject to conditions being imposed:

- Neighbour amenity
- Highways impacts
- Drainage
- Ecology/Trees
- Low Carbon Development

In response to questions, the Officer reported that:

- The sewage treatment plant would serve the village, the estate office and the Sloop Inn;
- The car park includes 42 spaces and privately owned;
- The Committee could consider a light reduction condition on the toilet block;
- The landscaping scheme included trees and hedges that would be retained;
- The car park was currently used by local residents, mooring holders and estate office;
- It was difficult to calculate the number of informal parking spaces along the verge.

Speakers were: Objector – None, Supporter – Mr Philip Frithz, Parish Council – Cllr Lewis, Ward Members – Cllrs M Long and S Dennis.

In response to questions raised, the supporter reported that:

- Cycle racks could be considered;
- The car park was for use by the residents, mooring holders and the estate office but was unsure on how many permits had been issued;
- The toilet block would be locked on closure and lighting turned off;
- The pay stations would be well distributed across the entirety of the car park;
- They would ensure all previous conditions would be addressed;
- They were unable to respond to whether a management strategy would cover the loss of verge parking that was currently used by members of the public;
- The car park would be for residents only and not for use by members of the public;
- The removal of the verge side parking mitigated the increase in car parking spaces.

Highways reported that there were parking restrictions in place on the road leading to the private land.

In response to questions, the Parish Council reported that:

- The verge side has been used for parking for 50 years;
- They support the need for a refurbished toilet block but questioned whether internal showers were required and the increase in size of 66%.

The Ward Member asked Members to give serious consideration to the policies in place, Neighbourhood Plan and comments received and the potential impact to the area and the village.

During the debate, Member raised concerns on parking in particular the loss of verge parking for members of the public and the impact this would have on village and local businesses. Another Member felt that because

this was a private estate would go with the officer's recommendation. Another Member saw the need for improvements to the toilet block, however the Parish Council raised concerns on size and the need for internal showers, they also felt dissatisfied with the 4 applications bundled together and car parking a major issue and went against policies such as Better Lives for All.

Recommendation: Conditional Approval

Committee decision: Delegated to the Head of Development Management to agree the reasons for refusal with the Chair, Vice-Chairman, Cllr Long (Proposer) and Cllr Hodgson (Seconder), contrary to DEV25, does not protect the landscape and DEV15, potential impact to local businesses, surfers and visitors.

**6b) 2227/23/HHO 16 Meadcombe Road, Thurlestone
Parish: Thurlestone**

Development: Householder application for removal of part first floor balcony & replace with proposed first floor master bedroom extension & reinstate existing integral garage (resubmission of 1608/23/HHO)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Potential overbearing,
- Neighbour amenity,
- Loss of visual gap within the streetscene.

A further letter of representation was received but did not raise any new material considerations.

In response to questions raised, the Officer reported that:

- the objections from neighbours related to overbearing and dominance;
- the report included comparisons with the previous schemes.

Speakers were: Objector – Mr M Hodges, Supporter – Mr P Thomas, Parish Council – Cllr G Stone, Ward Member – Cllr M Long.

The Ward Member brought this to Committee following objections from the neighbours and Parish Council. They did not have anything further to add and asked the Committee to ascertain whether this was acceptable.

During the debate, Members were mindful of the comments from the Parish Council and neighbours, however the officer made valid points regarding the extension and balcony. Another Member felt this would be overbearing.

Recommendation: Conditional Approval

Committee decision: Conditional Approval

Conditions:

1. Standard time limit
2. Adherence to plans
3. Materials to match existing
4. Adherence to ecological mitigation
5. EV charger to be installed prior to usage of garage
6. Obscure glazing to balcony
7. No additional windows to west elevation
8. Landscaping condition (prior agreement with applicant obtained)
9. Flat roof not to be used as a terrace
10. Removal of PD rights for garage conversions

**6c) 1933/23/HHO "Sea Haven", Ringmore Drive, Bigbury On Sea
Parish: Bigbury**

Development: Householder application for proposed renovations & extensions to dwelling, construction of a replacement garage & a new games room (resubmission of 0104/23/HHO)

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Scale of garage;
- Front planting scheme;
- Inadequate parking/turning;
- Scale/overlooking of/from games room;
- Overlooking from dormers/balcony;
- Raising ridge height (views/over dominance);
- Increase in footprint.

The Officer reported that:

- The image of the garage was not to scale however, the measurements met the requirements for a double garage;
- The Games Room would have an on-suite shower room to be used for incidental use and no overnight accommodation;
- Removal of any asbestos would be covered by building regulations;
- The replacement of lost planting in the front garden could be dealt with by a landscape condition;
- The distance between road and boundary road was 2 meters.

Speakers were: Objector – None, Supporter – Mr R Baird, Parish Council – Cllr V Scott, Ward Councillor – Cllr B Taylor.

The Ward Member brought this to Committee following concerns from neighbours on the utility and scale of the garage.

During the debate, some Members were happy to support this application as this was modernisation of an old property. Other Members had concerns on the impact and size of the garage and closeness to the road. Another Member felt that the garage did appear large but having viewed from the northern property could view from a low level the Pilchard Inn.

Recommendation: Conditional Approval

Committee decision: Delegated to the Head of Development Management to include a revised plan showing EV charging points.

Conditions:

1. Standard time limit
2. Adherence to plans
3. Prior to Commencement: Construction Management Plan
4. Materials to match
5. Adherence to ecological mitigation
6. Games room be used incidental to main house
7. Garage to be retained for parking of motor vehicles
8. Landscaping strategy to be agreed with LPA prior to construction of garage
9. Boundary Planting to be retained
10. Adherence to surface water drainage plan
11. No additional openings to games room
12. No additional openings to garage
13. No external lighting
14. Natural Slate

**6d) 3993/22/FUL "Briar Hill Farm", Court Road, Newton Ferrers
Parish: Newton and Noss**

Development: Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks

Case Officer Update: The Case Officer summarised the key issues, namely that:

- Principle/justification for the development;
- Landscape character and appearance with the Undeveloped Coast and South Devon AONB;
- Demand vs need;
- Policies require proposal to meet an “essential local need” in “exceptional circumstances”;
- Viability of existing business;
- No landscape objection on the basis the proposal meets the above policy tests.

The officer read out a statement from the agent, however this did not change the overall view.

In response to questions, the officer reported that:

- It was quite common for the landowner to sell the lodges and the council could not prevent this;
- The water drainage scheme would be delegated to the officer to seek to resolve matters;

Speakers were: Objector – Mr R Forrester, Supporter – Mr M Evans, Parish Council – Cllr P Hinchliffe, Ward Councillor – Cllr D Thomas.

In response to questions, the supporter reported that:

- The lodges would not necessarily be sold off and letting was more financially viable;
- The waste on the site if permission granted would be used in a sustainable way for the new lodges;
- They were not aware of a construction management plan being in place;
- The lodges would be located behind the dark green hedges.

In response to questions, the Parish Council reported that:

- They would be reviewing the neighbourhood plan and review the settlement boundary;
- They were aware of the need to support local businesses but were mindful of the boundary position;
- The Parish Council undecided on this application.

The Ward Member reported this was unique and looking at 2 things: supporting local businesses versus the settlement boundary. Already exists outside the settlement boundary and needs further support to make more viable. The Parish Council were reviewing their Neighbourhood Plan and asked the Committee to make a determination.

During the debate, Members referred to what was seen as exceptional and refers to whether they have seen a good demonstration of building meeting sustainable needs and could not see that this was adding anything beneficial.

Recommendation: Refusal

Committee Decision: Refusal

**6e) 2215/23/FUL "Western Barn", Manorick Farm, Hooe Lane, Staddiscombe
Town: Wembury**

Development: Conversion of barn to dwelling including rebuild of stone wall (part retrospective)

The Case Officer: The Case Officer summarised the key issues, namely that:

- Previous application 3490/18/FUL was no longer extant;
- Historical value has been lost and no historical justification for new building on site;
- Location was contrary to strategic policies of JLP – has poor accessibility and occupiers would be reliant on a car;
- Contrary to policies SPT1, SPT2, TTV1, TTV2, DEV24 and TTV26;
- Drainage Officers have objected to the scheme due to insufficient information, contrary to DEV 35.

In response to questions, the officer reported that:

- A structural survey were submitted as part of previous work undertaken, however there were complications on site during the conversion;
- The service water and drainage information not discharged and new strategy would be submitted as part of this scheme.

Speakers were: Objector – None, Supporter – Miss W Veale, Parish Council – statement read by the Clerk, Ward Member – Cllr A Nix.

The Ward Member reported on the inconsistencies between the previous approval and this report which now states this building being isolated. Wembury Parish Council do not have a local plan but do support whole heartedly the bringing back of this building for local people to live in the local area. The building was well known landmark and a heritage asset. This was a historical asset to the area and ecology concerns would be addressed and was a sustainable development that met local housing need.

During the debate, one Member had concerns for people wanting to preserve historical building and risks involved. Other Members felt that it was important to support builds like this.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management on the basis principle of development in this location, the

development does not cause material harm and unilateral undertaking, Tamar Estuaries contribution and subject of receipt drainage scheme and conditions agreed with Chairman and Vice-chairman.

**6f) 1522/23/FUL Land At Sx 776 496 Higher Poole Farm",
East Allington
Parish Council: Allington and Strete**

Development: Erection of agricultural barn to house livestock and farming equipment and other associated equipment (part retrospective) (resubmission of 4021/22/FUL)

The Case Officer: The Case Officer summarised the key issues, namely that:

Agricultural Need:

- 3.65 acres of pastureland – 40 pigs, 42 sheep, 270 chickens;
- Original application reviewed by Council's Agricultural Consultant;
- Accepted building was needed for 'husbandry requirements and welfare management of livestock on site';
- Noted expressed location and potential for extreme weather;
- Supportive of need for the building, noted siting would be better closer to the access.

Visual Impact:

- Building has modern agricultural character;
- Fairly typical structure in agricultural setting;
- Sited alongside boundary hedging to reduce impact;
- Not significantly more elevated than approved location.

Summary:

- Principle of building and agricultural need had been established;
- New location more in keeping with advice from agricultural consultant;
- Design acceptable given use of building;
- Conditions can restrict use and landscape impact;
- S106 ensures only one building would be on site.

In response to a question raised at the site visit, it was reported that public footpaths were quite some distance from the application site.

Speakers were: Objector – None, Supporter – Mrs K Parsons, Parish Council – None, Ward Member – Cllr L Lawford.

In response to questions raised the Supporter reported that the increased rooflights in the barn provided more natural light for the chickens.

The Ward Member reported that the Parish Council had concerns with the application and had opposed the previous application. They raised concerns on the size and the visual impact of the barn on the higher

ground. Sympathetic planting may mitigate this and if Members were to support this application to include conditions to remove the other buildings on site and a Landscape Management Plan.

During the debate, one Member raised that the Agricultural Consultant felt the position of the barn was in a better location and to include conditions on landscaping and the removal of outbuildings. Another Member felt that it was important to make the process easier for future applications.

Recommendation: Conditional approval subject to S106 to prevent current permission being implemented as well as new permission.

Committee decision: Conditional approval subject to S106 to prevent current permission being implemented as well as new permission and to include the submission of a Landscape Plan and confirmation of existing buildings on site.

Conditions:

1. Accord with plans
2. Agricultural use only
3. Remove when no longer required
4. No external lighting
5. Drainage

DM.23/23 **PLANNING APPEALS UPDATE**
Members noted the list of appeals as outlined in the presented agenda report.

DM.24/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10.03 am with a break at 13.45 pm and 15.47pm. Meeting concluded at 17.24pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 13 September 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
0915/22/FUL	"Land off Bantham Beach Road", Bantham	Refused	Cllrs Allen, Hodgson, Nix, Pannell, and Taylor (5)	Cllrs Abbott and Rake (2)		Cllrs Bonham, Carson, McKay, O'Callaghan and Pannell (5)
2227/23/HHO	16 Meadcombe Road, Thurlestone	Conditional Approval	Cllrs Abbott, Hodgson, Nix, Pannell, Rake and Taylor (6)	Cllrs Allen and Long (2)		Cllrs Bonham, Carson, McKay and O'Callaghan (4)
1933/23/HHO	"Sea Haven", Ringmore Drive, Bigbury On Sea	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix, Pannell and Rake (7)	Cllr Taylor (1)		Cllrs Bonham, Carson, McKay and O'Callaghan (4)
3993/22/FUL	"Briar Hill Farm", Court Road, Newton Ferrers	Refused	Cllrs Hodgson, Long, Pannell and Taylor (4) Chair used casting vote	Cllr Abbott, Allen, Rake and Nix (4)		Cllrs Bonham, Carson, McKay and O'Callaghan (4)
2215/23/FUL	"Western Barn", Manorick Farm, Hooe Lane, Staddiscombe	Approved	Cllrs Abbott, Allen, Hodgson, Long, Nix, Pannell, Rake and Taylor (8)			Cllrs Bonham, Carson, McKay and O'Callaghan (4)
1522/23/FUL	Land At Sx 776 496 Higher Poole Farm", East Allington	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix, Pannell, Rake and Taylor (8)			Cllrs Bonham, Carson, McKay and O'Callaghan (4)

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PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: East Allington **Ward:** Allington and Strete

Application No: 2412/22/OPA

Agent/Applicant:

Mrs Lucy White - Lucy White Planning Limited
49 West Town Road
Backwell
Bristol
BS48 3HG

Applicant:

Mr N Jillings - Place Land Limited
Hitchcocks Headquarters
Hitchcocks Business Park
Willand
EX15 3FA

Site Address: Land South of Dartmouth Road at SX 771 485, East Allington



Development: READVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associated access

Reason item is being put before Committee

Referred by the Ward Member, Councillor Lawford, for the following reason: *“The lack of genuinely affordable housing that will benefit the parish and the fact that there isn’t even a proper shop in the Village. Finally the vast majority of the parish don’t want them and my main concern is the lack of genuinely affordable houses.”*

Recommendation: Conditional approval subject to completion of Section 106 Agreement

S106 Heads of Terms

- Minimum 30% Affordable Housing
- OSSR
 - 19.1m² per person on-site public open space
 - Public access and on-going management and maintenance of the public open space in perpetuity
 - Either an off-site contribution towards allotments amounting to £15.71 per person capital and £12.90 per person maintenance, or on-site provision.
 - £258 per person capital and £480.42 per person maintenance towards improvements to, and maintenance of, off site play facilities in East Allington.
 - £379 per person capital and £442.47 per person maintenance towards improvements to, and maintenance of, off site sports and recreation facilities in East Allington.
- Landscape and Ecology Management Plan
- Open Space and SUDS
- School Transport Contribution
- £3,000 Highway contribution towards adjustment of the 20mph speed limit order to accommodate the site access roads into the 20mph zone that exists already for the village.

Conditions

1. Submission of Reserved Matters
2. Time Limit
3. Accord with plans
4. Highway details
5. Highways works required prior to construction of dwellings
6. Construction Management Plan (CMP) (pre-commencement, date agreed 05/10/23)
7. Details of pedestrian link to Lister Way (pre-commencement, date agreed 05/10/23)
8. Surface water drainage (pre-commencement, date agreed 05/10/23)
9. Construction Environmental Management Plan (CEMP) (pre-commencement, date agreed TBC)
10. Unsuspected contamination
11. Trees details (Reserved Matters stage)
12. Landscape and Ecological Management Plan (Reserved Matters stage)
13. Development in accordance with submitted Ecological Appraisal, Bat Activity Report, Dormouse Presence/Absence Report, Breeding Bird Survey and Biodiversity impact assessment: losses and gains
14. Lighting Strategy (Reserved Matters stage)
15. Repeat Hazel Dormouse with Reserved Matters (unless otherwise agreed with the LPA)
16. No vegetation clearance during bird nesting season
17. Boundary Plan with biodiversity enhancements (Reserved Matters stage)

18. Repeat badger survey (pre-commencement, date agreed 05/10/23)
19. Repeat Cirl Bunting surveys with Reserved Matters (unless otherwise agreed with the LPA)
20. Biodiversity Net Gain of no less than 10%
21. Housing mix (Reserved Matters stage)
22. Low carbon development (Reserved Matters stage)
23. Electric vehicle charging (Reserved Matters stage)
24. Waste Management (pre-commencement, date agreed 05/10/23)
25. Employment and Skills Plan (pre-commencement, date agreed 05/10/23)

Informatives:

S106 Agreement

Advice re Designing Out Crime

Key issues for consideration:

Principle of development, access.

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

The Government has previously stated that the New Homes Bonus scheme will be ending and that they will be inviting views on how they can reform the New Homes Bonus scheme for 2023-24, to ensure it is focused where homes are needed most.

A Policy paper is due to be issued by the Government in December 2022, which will state whether the New Homes Bonus scheme will continue for one more year into 2023-24. If it does continue, the Council's allocation of New Homes Bonus for 2023-24 will be based on dwellings built out by October 2022.

Site Description:

The application site is approximately 2.91ha and is greenfield agricultural land. The site immediately adjoins the built up area of East Allington.

The north of the application site benefits from gated vehicular access, which is also leased to the Parish Council by the landowner for recreational purposes and the west of the site adjoins an established residential area (Lister Way), alongside some allotments. It is understood that the landowner has further agricultural land to the south west, although this has not been included for consideration within this application.

To the south and east, the application site is defined by tall hedgerows, with a public right of way running parallel with the boundary which provides access from the village facilities to the open countryside to the east.

There are established footpaths which provide access to the majority of the village facilities, including a church, primary school, public house and convenience shop. The 20mph zone extends throughout the village and the roads through the centre of the village benefit from street lighting.

The Proposal:

This application is for outline planning consent for residential development with detailed approval for access. All matters of detail except access are reserved for later determination.

The original application submission included a parameters plan and indicative layout plan for up to 35 dwellings. In response in particular to the comments from the Landscape and Heritage Specialists a Landscape and Visual Appraisal and Heritage Statement were submitted along with a parameters and indicative layout plans. The application was subsequently re-advertised for public comment. Following further concerns again in particular regarding landscape and heritage impacts, the application description was amended to remove reference to a number of dwellings and the indicate layout was withdrawn from consideration. The application was then re-advertised again.

Consultations:

All responses are available to view in full on the Council's website. Following the final round of consultation the position is as follows.

- County Highways Authority – Initial objection withdrawn subject to conditions
- DCC Archaeology – No comments to make
- DCC Education – Financial contribution towards school transport required
- DCC LLFA – No in principle objection, pre-commencement conditions required
- DCC Waste – Further details requires at Reserved Matters stage
- DCC PROW – No comments received
- Environment Agency – No comments received
- Historic England – Not offering advice. Seek views of your specialist conservation and archaeological advisors
- Natural England – No objection
- South West Water – No objection subject to the foul and surface water being managed in accordance with the submitted drainage strategy
- Torbay and South Devon NHS Foundation Trust – No contributions towards primary care sought at this time
- Designing Out Crime Officer – Advice only
- SHDC Affordable Housing – Support
- SHDC Environmental Health Section – Conditions recommended
- SHDC Landscape – No objection to some form of residential development

- SHDC Heritage – No objection to some form of residential development
- SHDC OSSR – OSSR contributions to be secured through S106
- SHDC Tree Specialist – No objection on arboricultural merit (further details required at RM stage)
- SHDC Waste – Further details required (which would come forward at RM stage)
- LPA Ecology – No objection subject to conditions
- East Allington Parish Council – Object

Initial comments:

“PARISHIONERS MEETING 6TH SEPTEMBER 2022 RE PLACELANDS OAP

[It was] noted that other consultees such as Highways had not yet given their views but set out two changes that had been made following their meeting with Parishioners. Several views were expressed on the plans but it was explained that they were only illustrative and any future developer would put forward their own ideas, this was really an application for the principle of development on that site. There were concerns about the number of ‘low cost dwellings on the application (35) and concerns that they could become holiday homes. The wish was expressed by the Parishioners that they should be Housing Association homes and thus available for reasonable rent. It was pointed out that the number of ‘low cost’ was not 30% of the total proposed.

The problem that concerned people most was the access which was considered unanimously to be unsafe and problems with the lane access to the village also not able to carry increased traffic.

THE PARISH COUNCIL MEETING ON THE 7 TH SEPTEMBER 2022

“...The views of Parishioners were considered. Particularly the number of homes proposed, 35 and it was agreed that should be held to 30 and that 40% should be requested for local housing. A Housing survey would be asked for. It was also important that it was a mixed development with 2, 3 and 4 bedroom homes and gardens of a reasonable size. Also sufficient parking.

Matters raised were the drainage issues, the required tests and responses from the Environment Agency and DCC had been that further information was required, and landscaping trees etc., use of further land (part of the site) and reserved matters such as 106 agreements etc.

Overall the matter of highway access through the lanes and the access to the site were of great concern and in particular the proposed road access to the site was not acceptable. Danger to children accessing the recreation area who would then have to cross a busy road was totally unacceptable.

The Council therefore recommend refusal of this application.”

Comments following re-consultation March 2023:

“Primary Objection is the access road. The council have appointed their own Highway Consultant, report attached. The Council accept all his findings and ask for the recommendations to be implemented.

The proposed access would mean children accessing the recreation area would have to cross a busy road and the council as leaseholders of the recreation ground feel that there may be other options leaving access to the recreation area and footpath without crossing a road.

There is concern that drainage plans are not clear and they must show alleviation of any run off to adjoining properties in Lister Way.

The council wish that when and if detailed plans of the dwellings are submitted that sustainability is the first priority. The footpath at the rear of the dwellings on the east of the site means that security for those dwellings would be compromised.

Over everything the narrow lane onto which the proposed road will access is totally unacceptable and the traffic movement at this point is high and unsafe, and the main roads to the village are also too narrow and cause traffic problems.

Finally questions were raised over the granted permission for 5 dwellings to the north of the proposed site and to the number of dwellings built in the Parish or granted permissions in the years since the Plymouth and South West Devon Joint Local Plan in pre submission March 2017. The plan was adopted in 2019. The Vice Chairman gave the figures as 29 New dwellings - 9 are in use 20 have approval or PIP but yet to be started 11 new builds 5 on the site directly opposite the Placelands site.”

Comments following re-consultation September 2023:

“The Council have considered this application and find that there is no material change to the original and their previous objections remain, particularly the access to the proposed estate. One amendment in the application is also of concern, that of the number of dwellings being omitted. The original application was for 35 dwellings and the Council consider that a number of 35 or less should be clearly stated. The site plan is missing from this revised version so there is no indication of how much of the site may be used in any future application. The drainage issue should be clearly addressed with a detailed design. It is considered to be most important to be sure that there is no detrimental impact on the bordering properties. Details of any 106 agreement should be given.”

Representations:

Following three rounds of public consultation 18 objections have been received, with issues raised summarised as follows (representations are available to view in full on the Council’s website):

- No benefits and serious disadvantages to the community of East Allington
- Over development
- Greenfield site
- East Allington is not a sustainable location
- JLP contains indicative figure of 30 dwellings for East Allington. 18 dwellings either approved or awaiting a decision in the past 12 months
- SHDC should bring developments forward through a Neighbourhood Planning process
- Proposal does not comply with TTV26
- Landscape Character Guidelines do not support development in this location

- Major impacts on landscape, road network, culture and character of the village
- Traffic generation – 70-100 extra cars travelling on single track lanes with no significant public transport
- Combined with 5 dwellings already given approval on Dartmouth Road opposite this site, traffic would converge at a very narrow section of Dartmouth Road
- Access to site dangerous for pedestrians, visibility at junction is poor
- Single track lane is already dangerous, accidents involving pedestrians and a motorcycle have occurred
- Not evidenced that 160 two way vehicle movements per day on average would not have a detrimental impact
- Footpath proposed across access for children to get to the play park – completely inappropriate
- TRICS data based on villages outside south west – trip generation will be much higher
- No employment within village
- Allotments in Lister Way have been/will be sold to a developer – more traffic on already congested estate/village
- Housing not needed here
- Proposal does not achieve minimum 30% affordable housing requirement
- No housing need survey completed to find out what the community actually needs
- Houses do not sell quickly in East Allington when marketed, suggesting there is little or no demand
- Parking proposals not sufficient – many people living in East Allington have large/multiple vehicles due to rural location and trade vans
- Loss of green space
- Flood Risk/Drainage – all properties adjacent to proposal site suffer from surface water run off issues to rear gardens. Development at higher ground would cause more issues.
- Sewage system in village cannot cope with existing dwellings in the village
- Loss of natural light to existing properties on Lister Way, ground floor rooms would be in direct line of sight of bedrooms of neighbouring estate
- Will the local school be able to cope
- East Allington Primary School currently oversubscribed
- Existing problems in the village not being addressed – need more parking, trees for shading, provision for dog-walking, anti-social behaviour
- Impacts on noise and air quality – insufficient information, should be a risk assessment at planning application stage
- Purely financial benefit to the developers at the expense of the local community
- Can anything be done to prevent the sales as Holiday Homes/Air B&Bs otherwise new dwellings will not provide local housing
- If Outline consent granted, site could move on house builder with could result in lower quality housing and a reduction in the affordable housing element
- Need contribution towards facilities for young people (play park, skate park, all weather pitch) and new land for allotments
- Impacts on noise and air quality
- Following amendments to proposal the application is now invalid, description of proposal is incorrect, nature of proposal is unclear.
- With illustrative layout plan removed from proposal, application no longer contains a site layout or block plan in accordance with validation requirements.
- Sites of less than 5 dwellings are not excluded from the housing figure in TTV25. TTV housing targets have now been achieved.

One letter has been received which expresses some support for the proposal, but that this is subject to a number of matters being addressed including highways safety, flood risk, affordable housing, parking provision and size of units (need to reduce the number of units and enlarge the gardens).

On letter in support of the application has been received, which in summary considers bringing more people into the village would have positive benefits for the parish.

One further letter supports the principle of new housing in the village but objects to the application submitted with concerns regarding the proposed access arrangement, the number of dwellings proposed and the percentage of affordable housing. One letter stated as an objection was seeking a progress update on the application.

Relevant Planning History

- 1207/21/PR6 Scoping Only – Pre Application Enquiry for – Outline residential application for up to 30 dwellings. Partial Officer Support.

ANALYSIS

1. Principle of Development/Sustainability

Policy Framework

1.1 JLP Policy SPT1 seeks to support growth and change that delivers a more sustainable future for Plymouth and South West Devon, including a sustainable economy, environment and society. JLP Policy SPT2 applies principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the area, including by requiring development to support the overall spatial strategy through the creation of neighbourhoods and communities which, amongst other things: have reasonable access to a vibrant mixed used centre; provide higher density living appropriate to the area, in sustainable locations; have a good balance of housing types and tenures; are well served by public transport, walking and cycling opportunities; have safe, accessible health and wildlife rich local environment; have services/facilities that promote equality and inclusion; and provide a positive sense of place and identity.

1.2 The application site is located to the east of the village of East Allington which is defined as a sustainable village within JLP Policy TTV1. TTV1.3 states that in sustainable villages, *“development to meet locally identified needs and to sustain limited services and amenities will be supported”*. JLP Policy TTV25 includes the following: *“Within sustainable villages without neighbourhood plans the LPAs will still support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Figure 5.8. All development proposals, whether in villages which have neighbourhood plans or not, will be considered against the other policies of this plan.”* Figure 5.8 of the JLP states that East Allington is able to accommodate around 30 new dwellings.

1.3 Paragraph 11.29 of the JLP SPD states: *“Policy TTV25 makes provision for 550 homes to be brought forward in Sustainable Villages and looks to Neighbourhood Plans (NPs) to allocate suitable sites. Where a NP is not prepared the LPAs will support development that meets local need, responds positively to the indicative figures and satisfies NPPF and JLP policies.”*

1.4 Paragraph 11.31 of the JLP SPD states: *“Policy compliant development proposals of 5 or more dwellings within or adjoining a sustainable village that are not allocated for residential development within a made neighbourhood plan, may be considered to be making a positive contribution to the housing supply figure in Policy TTV25. In this scenario the contribution towards meeting the identified housing needs for a settlement in figure 5.8 of the JLP will override the Policy TTV26 requirement to demonstrate that the proposal requires a countryside location and an occupation need.”*

1.5 With regards to other relevant requirements of TTV26 requirements (disregarding TTV26.1 as the site is not considered to be “isolated”) – in relation to TTV26.2(i) the impact of the proposal on the nearby PROW is considered later in this report. In relation to TTV26.2(v) - the supporting Planning Statement indicates the application site is on lower grade agricultural land, but no site specific technical report has provided in support of this assertion. Natural England data shows the site and surrounding area around East Allington to be Grade 3, but does not make a distinction between 3a and 3b (with 3a falling within the definition of “Best and Most Versatile”). However the data also indicates that all of the land immediately around East Allington is Grade 3, along with much of the land in the wider area. Paragraph 11.59 of the JLP SPD includes the following: *“Development proposals on land that is classified as 3b may be resisted if 3b is considered to represent the best quality agricultural land within the surrounding landscape character area or areas”* In the context of the extent of Grade 3 land in the surrounding area, Officers do not consider an in principle objection on this basis should be pursued in this instance.

1.6 The JLP SPD also includes the following at paragraph 11.39: *“The LPAs, in preparing the JLP housing supply figures, included an allowance for “windfall developments”. These are, generally, small scale proposals of less than 5 dwellings that gain approval but have not been predicted or formally allocated. The figure included in the JLP calculations for “windfall developments” is largely based upon past development activity of this type. This is projected forward to provide a predicted estimate of the amount of residential development that will arise from “windfall provision” and be delivered from April 2017 to March 2034. Such provision falls outside the 550 units allocated to fulfil the Sustainable Village allowance identified in Policy TTV25 and cannot be counted in the Indicative Figures. As such, not all approvals and completions since March 2017 can be counted towards the Indicative Figures.”* (*emphasis added*)

1.7 The SPD also makes it clear that the Indicative Figures for the Sustainable Villages are “indicative” and *“should not be seen as minimum/maximum numbers”* (paragraph 11.35). Reference has been made in third party objections (including that submitted by East Allington Parish Council) to previous consents within East Allington which mean the Indicative Figure of 30 dwellings for East Allington has already been reached/would be exceeded by the development subject of this application. With reference to a specific case cited - 1899/22/PIP (to the north of this application site) approved 5 dwellings and cannot therefore be counted towards the Indicative Figure for East Allington. Officers do not consider the proposal for residential development on the site subject of this report can be resisted in principle on the basis it would exceed the housing requirement for East Allington.

1.8 Concerns have been raised by objectors regarding lack of employment opportunities within the village and questioning whether East Allington is a sustainable village. The application must be determined in accordance with the Development Plan, and this specifically identifies East Allington as a settlement where new housing development is anticipated.

Housing Need/Mix/Affordable Housing

1.9 In terms of whether the proposal responds positively to the identified local housing need, it has been established through Case Law that housing mix needs to be considered at Outline planning stage. Policy DEV8 of the JLP seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership and create sustainable, inclusive and mixed communities. DEV8 advises that needs across the plan area include homes that redress an imbalance in the housing stock and homes suitable for households with specific needs. There is also a need for dwellings suited to younger people, working families and older people who wish to remain self-sufficient. An imbalance is defined as being different by a variance of more than 10 per cent from the LPA average for any housing type or size, as established by the Office for National Statistics (ONS) data (Paragraph 4.22 of the JLP SPD). 2011 ONS Data for East Allington indicates that the village is roughly in accordance with the South Hams average in terms of housing size/bedroom numbers, but that there is an undersupply of detached properties. However, the key message in the SHMNA is that more smaller homes are required to meet the needs of newly forming households to 2034. DEV8 (and SPT2.4 and SPT2.5, which should be read alongside DEV8), aims to improve the accessibility of housing to a wider range of household sizes, types and incomes, aligning with the SHMNA.

1.10 Whilst further details would need to be agreed at Reserved Matters stage (and would be conditioned as part of any Outline consent), there is no in principle reason why an acceptable mix of open market dwellings (which would need to include smaller units) could not be achieved. With respect to the Affordable Housing offer, the Council's Affordable Housing Officer has provided the following comments in relation to the current proposal:

“Response: Support

I refer to Policy Dev 8 of the Plymouth and South West Devon Joint local Plan, which states: “Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings.”

The most recent amendment to this application states that they are committed to delivering the 30% inline with the Joint Local Plan.

Percentage of affordable housing – 30%.

Tenure – Information not available

Size of the affordable units

Information not available

Space Standards

Information not available

Layout

Information not available

Housing Need

There is a total of 13 applicants registered on Devon Home Choice with a Local Connection to East Allington, 6 of these households in high housing need. It is worthy of note that should a development be confirmed we often see a spike in applicant with housing need because they see an increased possibility of positive outcome.

S106 requirements – *We would expect the properties delivered to be subject to S106 that reflects the Joint Local Plan and the council's Local Allocations Policy.*

Parking – *Information not available*

Housing Crisis – September 2021

In September 2021, South Hams District Council declared a Housing Crisis.

This is in response to the almost complete lack of any rented accommodation available for six months or longer that local people and those working in the area can access and the excessive rise in house prices locally due to second home-owners and those moving in from other areas since the pandemic, which has made house prices completely inaccessible for the great majority of local people.

Delivery of 30% affordable housing would contribute to meeting this need.

In Summary

The Affordable Housing Team supports this application which has committed to deliver 30% affordable home in compliance with the Joint Local Plan.”

1.11 The above would need to be secured via a Section 106 Agreement in advance of any Outline approval being granted. On this basis the proposal would accord with the JLP with respect to affordable housing provision. Concern has been raised by objectors that as this is an Outline application the site could be sold on and the affordable housing element reduced. Were the site to be sold on the completed Section 106 agreement would still apply. Any future proposals to reduce the affordable housing element would be subject to viability assessment.

1.12 Notwithstanding the above, TTV25 also requires assessment of all development proposals against other policies within the JLP. Further consideration these matters as they relate to this Outline application is therefore set out below.

Landscape and Heritage

1.13 Concerns were initially expressed by both the Landscape and Heritage Officers regarding the indicative layout. Further details and a revised indicative layout plan were then submitted (and were subject to public consultation) seeking to address the concerns raised but the objections were withheld.

1.14 In response to the second consultation the following consultation response was received with respect to landscape:

“Since my last consultation response, dated 18/11/2022, there have been revisions to some of the documents that I commented on. Of relevance to Landscape:

- *Settlement pattern is now included in the baseline Landscape evaluation in the LVIA report, and the need to reflect village character is referenced in the Landscape Design objectives.*
- *Views of St Andrew's Church are specifically mentioned in the Visual baseline summary, and the Landscape Design and GI objectives given in the LVIA report now include the following statement:*

“ensure the layout responds to the landscape and visual opportunities and constraints, preserving views and responding to the landscape context. Key views of St Andrew's Church should be maintained where possible, framing views of the church through the built areas. The importance of these views is highlighted in the character assessment description; characteristic square stone church towers that act as local landmarks (e.g Woodleigh, Loddiswell, East Allington and Halwell).”

- *The revised parameters plan (Rev D) is broadly the same as the previous version (Rev A), with minimal change to the proposed development area, although with some additional POS and other areas of soft landscape / habitat creation.*
- *The revised illustrative site plan (Rev E) shows an amended layout, showing a reduction in vehicle routes within the development, and an increase in pedestrian-only circulation. Along the eastern PROW, there appear to be more 'gaps' between built form, although the benefit of these in allowing views of the church is questioned, when the PROW itself is contained behind a new hedgeline.*

*Although the LVIA now emphasises the importance of retaining the existing PROWs and the views that are obtained from them, routes should not be fully contained behind new hedges and tree planting, and the important viewpoint corridors should ideally be identified on the parameters plan and maintained within any illustrative layout. Earlier consultation responses from both the SHDC Heritage Specialist and myself (SHDC Landscape Specialist) emphasised the importance of careful consideration of the proposed layout and architectural treatment, and the importance of viewpoint corridors of the Church. There is still an absence of sufficient information on the proposed scale, mass and appearance of the proposed built form, and the indicative arrangement is still that of a modern cul-de-sac arrangement, so whilst the stated intentions to **reflect village character** and **maintain key views** are both welcomed, the level of detail provided does not convincingly demonstrate that this will be achieved.*

Having considered the revised information, my opinion remain unchanged:

The application site is capable of accommodating some form of residential development. I do not object to the principle of some form of residential development on this site, but considerable work is needed to secure an appropriate site layout and detailed design of buildings and landscape.

If Officers are minded to recommend approval of this outline application, the indicative site layout should not be accepted as a basis to move forward to a Reserved Matters application, as it fails to adequately demonstrate that the development will conserve and enhance landscape and townscape character and scenic and visual qualities, as required to accord with adopted policy DEV23.”

1.15 In addition to the above the Heritage Officer also provided the following comments:

“There still appears to be a lack demonstrable evidence of how the preservation of significant public viewpoints of the Church has informed the amended site layout.

Para 7.5 of the LVIA discusses the potential visual effects of the development on the church but doesn't to any degree explain or demonstrate how public views have steered the development proposals in terms of site layout.

Although the production of a 'Heritage Statement' is welcomed the Statement itself fails to acknowledge that the way that the Church is experienced (particularly from the public footpaths) is very much part of its 'setting' and that appreciation and experience contributes to the heritage asset's overall significance.

The following statement: “The tower will be visible from the application site, but the development will neither compete with the tower's prominence nor obstruct any views in which its heritage values can be experienced” (Para 5.2) is highly challengeable given the evidence before us, especially as the PROW appears to be 'hidden' behind a new hedge line.

Para 4.9 (HS) states: “The illustrative layout incorporates sight lines that allow view of the church tower through and from within the proposed development. These are considered to be landscape rather than heritage enhancements. No heritage mitigation is proposed”. I would have to disagree with this statement. As there is a potential to impact on the Church's setting and thus its overall significance it is vitally important that appropriate mitigation to address potential harm is considered and demonstrated.

The level of detail provided within this amended application does not convincingly demonstrate that this will be achieved.

To end I would echo my colleagues (LS) final paragraph: Having considered the revised information, my previous comments remain unchanged:

The application site is capable of accommodating some form of residential development. I do not object to the principle of some form of residential development on this site, but considerable work is needed to secure an appropriate site layout and detailed design of buildings and landscape.

If Officers are minded to recommend approval of this outline application, the indicative site layout should not be accepted as a basis to move forward to a Reserved Matters application, as it fails to adequately demonstrate that the development will preserve the special interest of the identified heritage asset (the Church).”

1.16 The original description of development for this application was for “up to 35 dwellings” – notwithstanding the word “up to” an approval of an Outline consent on this basis would have established the principle of 35 dwellings on the site. Any subsequent Reserved Matters application could not then reasonably be refused on the basis there were too many dwellings proposed. Whilst the Applicant/Agent sought to address the above landscape and heritage concerns to seek to establish the principle of 35 dwellings on the site as acceptable, Officers were not satisfied that this had been achieved having regard to the above consultee comments.

1.17 After further discussion the application was re-advertised for a third time with an amended description of development removing the number of residential units proposed and the illustrative layout. This generated the following consultee response with respect to landscape:

“Since my last consultation response, dated 25/05/2023, there have been revisions to the description of the application. Vehicular and pedestrian access will be the only matters for

detailed consideration, with all other issues (number of dwellings, detailed layout, appearance, scale and landscape) being matters for determination at reserved matters stage.

I note that the following plans, which were considered in my previous landscape comments, have been **withdrawn**:

- Parameters Plan, 745/004 Rev D
- Illustrative Site Plan, 745/010 Rev E

Therefore this application now seeks only to establish the principle of residential development on the site.

My opinion remain unchanged:

The application site is capable of accommodating some form of residential development. I do not object to the principle of some form of residential development on this site.

1.18 In addition to the above the consultation response with respect to heritage included the following:

*“The initial Heritage Officer view (as aired in both previous consultation responses) that the application site can accommodate some form of residential development still remains as does the sentiment that there is **no objection to the principle of some form of residential development on this site.**”*

1.19 On the basis that the application is now seeking to establish the principle of residential development on the site, with access still considered in detail, the previous landscape and heritage concerns have in the view of Officers been addressed and the principle of the development can now be supported with reference to this issues. Any future Reserved Matters application(s) would need to provide for a detailed scheme that appropriately responded to the site context and its setting (and could be reasonably refused by the Council if not considered acceptable).

2. Highways/Access

2.1 Access is to be considered in detail as part of this application. A number of third party objectors have raised concerns regarding the proposed access and impact of the development on the highway network surrounding the site. East Allington Parish Council have objected on highways grounds and included a report from a Highways Consultant.

2.2 Devon County Council as the Highway Authority objected to the application requiring further technical information. Following discussions between Officers and the Applicant/Agent and submission of further information, the Highway Authority removed their objection with detailed comments including:

“Observations:

The application is an Outline application with some matters reserved. It is notable access is a detailed matter that will not be revisited at reserved matters stage if the application is approved. Therefore this application should demonstrate in detail how all types of access point into the site should be formed for a distance of 20m.

In general, according to traffic data trip rate evidence (TRICS), the proposals can be seen to generate around 160 two way vehicle movements per day on average. In the busiest periods of the day, which are likely to be between 7am and 9am and 4pm - 6pm, the proposals are likely to generate around 18 two way vehicle movements per hour on average. In time-scale terms that equates to roughly a vehicle coming or going every 3 - 4 minutes. There are two main village approach routes leading to and from the A381 into East Allington, with observations confirming the most frequented route is via Firs Cross to the west. The roads are a mix of single track country lanes, with regular inter-visible passing opportunities. There are also long sections of the routes that provide two way domestic traffic flow conditions for a reasonable distance. The proposals will be likely to create additional inconvenience for drivers having to wait in certain places where the road is single track for passing traffic. In terms of whether that is acceptable, the National Planning Policy Framework stipulates that proposals should not be refused unless the residual cumulative impact on the existing road network in terms of capacity is severe. Therefore in terms of principle, it is not considered the impact is severe enough to warrant a highway reason for refusal, noting the existing base traffic flow levels in the area are already moderately low.

Proposed Vehicle Access

Following initial concerns relating to the vehicle access design a revised design has been submitted and is now shown on Drawing 16089-HYD-XX-XX-DR-TP-0001 REV P02 Titled Proposed Access Arrangements. It is confirmed these adjustment now satisfy the previous concerns raised by the Highway Authority.

It is noted East Allington Footpath 15 runs parallel to the main road just inside the hedge line abutting the C147 road. The new junction bellmouth will bisect this public footpath. The footpath will require re-aligning so that it crosses the side road where the junction radii straightens out at the tangent. In order to legally undertake this realignment, the developer will need to first divert the footpath using the Town and Country Planning Act 1990 Section 257.”

2.3 The DCC Highways response goes on to state:

“If a scheme design drawing can be agreed it is recommended the widening works requested above incorporate full main road width carriageway resurfacing for the entire length of the widened road. This will need to be conditioned.

20mph repeater signs will be required in the development if the roads are offered for adoption.

It is recommended the preference is that the site is illuminated if the roads are to be offered for adoption.

In terms of the site entrance on the main C147 road, street lighting should be provided with the entrance design package to extend the existing lighting from the junction of Lister Way/C147 just beyond the new site entrance. This proposed lighting should be included on the drawing so that details can be secured at Section 38 stage.

A combined Section 278/38 legal agreement will be necessary, with DCC party to the agreement prior to commencement of any works.

Proposed Link to the Primary School and Church

Further to lengthy discussions relating to the need for an internal link through the fields the

applicants highway engineer has pointed out that the per house 'child yield' that the Education Authority plan for is 0.25 children / dwelling (8-9 for this development). For the 2022/23 year, there are 108 pupils at the school, with 74 of these living within the village. The remaining 34 live outside the village and are therefore highly likely to be driving to the school.

The proposed housing essentially allows the equivalent of 8 of these children to move to the village, and therefore to be able to walk to the school – hence reducing traffic into the village and also directly up to the school itself. This reduction of vehicles would bring a wider safety benefit for all children walking to school and therefore it is reasonable not impose an objection to the application should an alternative pedestrian link through the fields not come forward. In conclusion whilst it is still a preference to have the link through the fields, an objection cannot be raised by the Highway Authority to require it to be provided.

Pedestrian Link to Lister Way

Details of the proposed link for the section between the proposed estate road and the existing pedestrian path. Details should include lighting, gradients, materials and proposed construction methods.

Drainage

It can be seen an option B drainage strategy is now presented demonstrating a secondary method of draining the site should soakaway testing reveal the ground conditions are unsuitable for this method of surface water disposal. This is accepted and the Flood Risk Team should be encouraged to suggest suitably worded conditions.

S106 Requirements

£3,000 towards adjustment of the 20mph speed limit order to accommodate the site access roads into the 20mph zone that exists already for the village.”

2.4 DCC Highways did not offer any further detailed comments in response to the third round of consultation. For clarity drawing 16089-HYD-XX-XX-DR-TP-0001 REV P02 still forms part of the application submission, and the Flood Risk Team at DCC (as the LLFA) have recommended conditions to be imposed on any Outline consent.

2.5 In light of the above the proposal is considered acceptable with respect to highways matters subject to conditions and signing of a Section 106 Agreement. Whilst concerns have been raised by third parties including East Allington Parish Council with respect to highways matters, in the absence of an objection from the Highway Authority Officers do not consider these concerns can reasonably be sustained. When specifically asked for comment on the highway report submitted by East Allington Parish Council, the Highway Authority confirmed they had no further comments to make.

2.6 East Allington Footpath 15 currently enters the application site from road at the north-western corner, running parallel to the road inside the northern boundary hedge. The proposed access junction for this development would bisect the footpath in the north-western corner of the site. The footpath would therefore need diverting to enable the development to proceed. Footpath diversions are considered under Section 257 of the Town and Country Planning Act 1990. The footpath diversion process is dealt with by the District Council but separately from the development management process.

2.7 The applicant would be required to apply to the District Council to divert the footpath, and would need to have confirmation that it can divert the path under s257 before the development

commences. Granting of planning permission does not automatically mean that a footpath diversion application will be successful.

3. Drainage

3.1 Paragraph 167 of the NPPF requires amongst other things that LPAs ensure that development does not increase flood risk elsewhere. JLP Policy DEV35 requires all developments to incorporate sustainable water management measures, with further detailed guidance in the adopted SPD.

3.2 As the proposal is for major development, Devon County Council as the Lead Local Flood Authority (LLFA) have been consulted and initially raised a technical objection. Further information has since been submitted. Their latest response includes the following: *“Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage. The pre-commencement planning conditions previously imposed on our consultation response FRM/SH/2412/2022, dated 11th October 2022 shall be adhered to.”*

3.3 South West Water have not objected to the application, noting in particular: *“South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site.”*

3.4 On the basis of the above it is considered there is no in principle objection to the development of the site on drainage grounds. The detailed drainage scheme could be appropriately secured at Reserved Matters stage (and any subsequent application could still be refused on drainage grounds in the event acceptable details were not forthcoming).

4. Ecology/BNG

4.1 In addition to addressing any site-specific ecological impacts arising from survey work, all major development are required to deliver a 10% increase in biodiversity (Biodiversity Net Gain, BNG). The application submission includes an Ecological Appraisal and additional bird and bat surveys, as well as BNG calculations.

4.2 The LPA Ecologist has reviewed the submitted details and raised no objection to the application subject to a number of conditions including to secure the required 10% BNG at Reserved Matters stage. The comments include the following: *“The development site lies within the South Hams SAC Landscape Connectivity Zone for greater horseshoe bats. The majority of habitat on site is modified grassland, unsuitable for GHBs. Hedgerows can be used as commuting routes, but, during bat activity surveys, GHB activity was very low, with no pattern of commuting behaviour.”*

4.3 The LPA Ecologist has recommended that some re-survey work is dealt with by condition (the potential need for which is acknowledged within the submitted Ecological Appraisal). Whilst ecology surveys are not normally required by condition, the LPA Ecologist notes: *“British Standard 42020 2013 (Biodiversity — Code of practice for planning and development) paragraph 9.2.4 states that conditioning additional ecological surveys is applicable in exceptional circumstances. One of the circumstances includes ‘To confirm the continued absence of a protected species within the site’* In this case the original surveys were carried out in 2020, and there is potential for circumstances to change by the time any Reserved Matters application is submitted.

4.4 Subject to appropriate conditions the proposal would accord with the provisions of JLP Policies SPT12 and DEV26.

5. Low Carbon Development

5.1 JLP Policy DEV32 includes a Plan Area target to halve 2005 levels of carbon emissions by 2034. It also states: *“All major development proposals should incorporate 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.”*

5.2 This application was submitted prior to the adoption of the Plymouth and South West Devon Climate Emergency Planning Statement, which is therefore not a material consideration in this case.

5.3 The original application submission was accompanied by an Energy and Sustainability Statement. Air Source Heat Pumps are expressly referenced as a viable option for the site. Whilst this statement was based on the indicative layout (which no longer forms part of the application), it gives sufficient comfort that a residential development on the site could be achieved in accordance with the requirements of DEV32. Further details to fully address the requirements of the JLP Policy DEV32 could reasonably be conditioned to come forward at Reserved Matters stage. A separate condition is also recommended with respect to electric vehicle charging points.

6. Design

6.1 Detailed design matters (including compliance with space standards as required by JLP Policy DEV10 and the adopted SPD) would be considered at Reserved Matters stage. Appropriate conditions would need to be included on any Outline approval. Car parking space provision would also be considered further at Reserved Matters stage.

7. Neighbour Amenity

7.1 The amenities of the dwellings within the site would be considered in more detail at Reserved Matters stage with particular reference to JLP Policy DEV1 and the adopted SPD. Due regard has been given to the amenities of already existing dwellings within the vicinity of the site including those on Lister Way. Officers are satisfied there are no in principle amenity concerns such that Outline consent should be refused on this basis. Further consideration would be given at Reserved Matters stage.

8. Planning Obligations

8.1 DCC Education have been consulted and initially provided the following comments:

“Regarding the above planning application Devon County Council has identified that the proposed increase of 33 family type dwellings will generate an additional 8.25 primary pupil and 4.95 secondary pupils which would have a direct impact on East Allington Primary School and Kingsbridge Community College.

In order to make the development acceptable in planning terms, an education contribution to mitigate its impact will be requested. This is set out below.

We have currently forecast that there is enough spare capacity at the local primary and secondary school for the pupils expected to be generated by this development and therefore contributions towards primary or secondary education would not be sought.

We will however require a contribution towards school transport costs due the development being 2.25 miles from Kingsbridge Community College. The costs required are as follows:

4.95 Secondary pupils

£3.55 per day x 4.95 pupils x 190 academic days x 5 years = £16,693

All contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to contributions requested should be applied from this date.

The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation). It is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably related in scale to the development proposed which complies with CIL Regulation 122.

In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.”

8.2 As the reference to the number of residential units proposed has since been removed from the application, DCC Education have confirmed “*The situation remains the same for East Allington primary and Kingsbridge secondary schools. As they have removed reference to dwelling numbers it might be easier to have a per dwelling rate listed for school transport contributions.*” This will need to be secured through the completion of a Section 106 Agreement. Concerns have been raised by objectors regarding East Allington being oversubscribed – having regard to the above comments of the Education Authority this concern has not been evidenced.

8.3 Open Space Sport and Recreation (OSSR) – latest consultee response has confirmed the following would need to be secured through the Section 106 Agreement:

- 19.1m² per person on-site public open space
- Public access and on-going management and maintenance of the public open space in perpetuity
- Either an off-site contribution towards allotments amounting to £15.71 per person capital and £12.90 per person maintenance, or on-site provision.
- £258 per person capital and £480.42 per person maintenance towards improvements to, and maintenance of, off site play facilities in East Allington.
- £379 per person capital and £442.47 per person maintenance towards improvements to, and maintenance of, off site sports and recreation facilities in East Allington.

8.4 In the case of the contributions above, the number of people per dwelling should be calculated in accordance with the average household size set out in the JLP Developer Contributions Evidence Base:

Dwelling size	1 bed	2 bed flat	2 bed	3 bed	4 bed	5 bed
Average household size	1.33	1.86	2.45	2.63	2.85	3.13

8.5 Affordable housing – as detailed above a 30% policy compliant contribution is to be secured through the Section 106.

8.6 The Agent has submitted a draft legal agreement and confirmed in principle willingness to commit all of the above contributions. In the event the overall Officer recommendation is supported this case, Officers would progress the completion of the Section 106 Agreement with the Applicant/Agent prior to the issuing of any formal planning decision. On this basis the proposal would accord with the provisions of JLP Policy DEL1 in particular.

9. Other Matters

9.1 JLP Policy DEV19 requires all major development proposals to provide a site related employment and skills plans in order to support local employment and skills in the construction industry. No such details have been provided with the application as submitted, and would need to be conditioned in the event of any approval.

9.2 SHDC Waste team would provide further comments on any Reserved Matters proposal. DCC Waste have requested a condition to secure further details as part of any Reserved Matters submission.

9.3 Noise and air quality matters would be addressed through the Construction and Environment Management Plan (as requested by the Environmental Health Officer).

9.4 It has been suggested in third party representation that SHDC should bring sites like this forward through Neighbourhood Plan process. Neighbourhood Plans are community-led documents and whilst LPAs provide support to the process they are not responsible for preparing them. In the absence of a Neighbourhood Plan applications must still be determined in accordance with adopted planning policies and guidance.

9.5 Following the revisions to the proposal concern has been raised regarding whether application is still valid – Whilst it is appreciated that the evolution of this application since its original submission may have caused confusion, Officers are satisfied that the current application when read as a whole (including the latest supporting letter from the Agent in addition to amendments to the Application Form) is sufficiently clear for the Council to make a decision.

10. The Planning Balance

10.1 East Allington is a named “Sustainable Village” within the JLP where some new residential development is anticipated. There is currently no Neighbourhood Plan being prepared in this Parish, and the application therefore falls to be considered in accordance with the JLP and relevant national policies and guidance. Officers consider the principle of some form of residential development on this site would accord with the overall spatial strategy contained within the JLP, with specific reference to Policies SPT1, SPT2, TTV1, TTV2 and TTV25. Whilst the “need” for residential development on this site has been questioned by third party objectors,

Officers do not consider the principle of residential development on this site could be resisted on this basis at this time.

10.2 The application has been amended since its original submission, principally to address concerns from technical consultees regarding landscape and heritage impacts. The scope of the application has been reduced to seeking to establish the principle of residential development on the site along with the means of access. All other matters would be reserved for future consideration. It would be for a future Reserved Matters application to demonstrate that the quantum of development and detailed design it was proposing was acceptable. Officers are now satisfied that in principle some form of residential development could be accommodated within the site, and the application is recommended for approval on this basis subject to conditions (which will ensure further details come forward at the appropriate stage) and completion of a Section 106 Agreement. Officers would emphasise that the granting of this Outline consent would not compel the Council to approve any future Reserved Matters applications if the detail within such an application was not considered to be acceptable. Any developer of the site would need to undertake significant further work to develop a detailed scheme which appropriately the landscape and heritage constraints of the site in addition to all other detailed policy requirements.

10.3 Concerns expressed by Devon County Highways have been resolved subject to conditions and signing of an appropriately worded Section 106 Agreement. On this basis Officers do not consider refusal of the application on highways safety grounds could be sustained. Other technical matters would be dealt with as part of Reserved Matters/conditions discharge.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 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).

On 26 March 2019 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 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2020 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*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
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV4 Playing pitches
DEV5 Community food growing and allotments
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
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
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

There is currently no Neighbourhood Plan area designation for East Allington.

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

- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (SPD) (adopted)

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.

Draft conditions in full:

1. Details of the appearance, layout, scale and landscaping (hereinafter called “the Reserved Matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

2. In the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(i) the expiration of three years from the date of the grant of outline planning permission; or if later

(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall in all respects accord strictly with the following drawing numbers:

- 001 Rev B Location Plan
- 16089-HYD-XX-XX-DR-TP-0001 Rev P02 Proposed Access Arrangements

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.

4. 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.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034.

5. No dwelling hereby approved shall be commenced until:

- A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
- B) The ironwork has been set to base course level and the visibility splays required by this permission laid out.
- C) The footway on the public highway frontage required by this permission has been constructed up to base course level.
- D) A site compound and car park have been constructed in accordance with the approved Construction Management Plan (see condition 6 below).
- E) The main road at the vehicle access shall be re-surfaced for its entire width for the full length that the main road has been widened.

Reason: To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents, and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034.

6. PRE-COMMENCEMENT: Prior to commencement of any part of the development 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; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Local Planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Development shall take place in accordance with the agreed CMP, unless amendments have been agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and public amenity and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034. This is needed prior to commencement to ensure it is adequately planned for at an appropriate stage.

7. PRE-COMMENCEMENT: Prior to commencement of the development details of the pedestrian link to Lister Way shall be provided and approved by the Local Planning Authority and Highway Authority. Details shall include - any lighting, gradients, materials and proposed construction methods. The link shall be constructed in accordance with these details prior to occupation of the first dwelling.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034. This is needed prior to commencement to ensure the link is delivered in a timely manner,

8. PRE-COMMENCEMENT: Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) Soakaway test results in accordance with BRE 365, groundwater monitoring results in line with our DCC groundwater monitoring policy and evidence that there is a low risk of groundwater re-emergence downslope of the site from any proposed soakaways or infiltration basins.

(b) A detailed drainage design based upon the approved Land at East Allington, Devon Drainage Strategy (Report Ref. 16089-HYO-XX-XX-RP-5002-P04, Rev. P04 dated 27th May 2022 and Response to Lead Local Flood Authority Comments (Document Ref. 16089-HYD-XX-XX-TN-D-5100, Rev. P01 dated 26th September 2022) and the results of the information submitted in relation to (a) above.

(c) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.

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

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

(f) Evidence there is agreement in principle from the landowner/DCC highways/SWW

(g) A detailed assessment of the condition and capacity of any existing surface water drainage system/watercourse/culvert that will be affected by the proposals. The assessment should identify and commit to, any repair and/or improvement works necessary to accommodate the surface water flows from the development.

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

9. PRE-COMMENCEMENT: Notwithstanding the submitted details, a Construction and Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority before works commence. Construction of the development shall not be carried out other than in accordance with the approved CEMP.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c. The location and timing of sensitive works to avoid harm to biodiversity features.
- d. The times during construction when specialist ecologists need to be present on site to oversee works.
- h. Responsible persons and lines of communication.
- i. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j. Use of protective fences, exclusion barriers and warning signs.
- k. Details of noise and dust suppression measures.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species and local amenity, and in accordance with Policies DEV26 and DEV2 of the Plymouth and South West Devon Local Plan 2014 – 2034. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before being implemented.

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 in accordance with JLP Policy DEV2.

11. The Reserved Matters application/s for layout shall be accompanied by a Tree Survey, Arboricultural Method Statement and Tree/ Hedge Protection Plan and details of how this has been used to inform the design process in accordance with BS5837:2012.

Reason: To protect trees of public amenity value in accordance with Policy DEV28 of the Plymouth and South West Devon Local Plan 2014 – 2034.

12. The Reserved Matters application/s for layout, appearance and landscape will include the submission of a Landscape and Ecological Management Plan (LEMP). The LEMP should detail management and maintenance of existing and new landscape, wildlife and open space features reflecting recommendations contained in the submitted Ecological Appraisal (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Bat Activity Report (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Dormouse Presence/Absence Survey Report (Ref. DPASR_East Allington_Placeland LLP_October 2021), Breeding Bird Survey (Cirl Bunting) Report (Ref. CirlBunting_EastAllington_Luscombe_August_2020) submitted in support of the Outline application. The LEMP should be prepared in conjunction with the detailed landscape design. The LEMP will incorporate a Green Infrastructure Plan and will include clear enhancement, avoidance and compensation measures showing how impacts on wildlife will be avoided / minimised and how a net gain for biodiversity at the site will be achieved. The development shall thereafter be carried out in accordance with the approved LEMP.

Reason: In order to protect and enhance biodiversity, including protected species and to ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with DEV23, DEV26 and DEV28 of the Plymouth and South West Devon Local Plan 2014 – 2034.

13. The development shall be carried out in accordance with the recommendations, mitigation, and enhancement measures contained within the submitted Ecological Appraisal (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Bat Activity Report (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022), Dormouse Presence/Absence Survey Report (Ref. DPASR_East Allington_Placeland LLP_October 2021), and Breeding Bird Survey (Cirl Bunting) Report (Ref. CirlBunting_EastAllington_Luscombe_August_2020) unless otherwise agreed in writing by the Local Planning Authority. This condition shall be discharged when the consultant ecologist confirms in writing to the Local Planning Authority that the recommendations have been implemented.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

14. The Reserved Matters application/s for layout, appearance and landscape will include the submission of a detailed Lighting Strategy for agreement with the Local Planning Authority. The strategy will minimise indirect impacts from lighting associated with the pre-construction, during construction and operational phases, and demonstrate how the best practice (BCT/ILP, 2018) guidance has been implemented. This strategy will also follow the requirements set out in the submitted Ecological Appraisal (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-May 2022) and Bat Activity Report (Ref. ECA_East Allington_Placeland LLP_V2_Oct 2020-

May 2022). The development shall thereafter be carried out in accordance with the approved Lighting Strategy.

Reason: In the interests of safeguarding ecology and protected/priority species and landscape character and appearance in accordance with Policies DEV26 and DEV23 of the Plymouth and South West Devon Local Plan 2014 – 2034.

15. Unless otherwise agreed with the Local Planning Authority the Reserved Matters application/s for layout will include the submission of a repeat hazel dormouse survey, along with associated mitigation/compensation measures. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

16. 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: In the interests of safeguarding ecology and protected/priority species in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

17. The Reserved Matters application/s for layout, appearance and landscape will include the submission of a Boundary Plan which includes biodiversity enhancements, for approval in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

18. PRE-COMMENCEMENT: Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034. This condition must be dealt with prior to commencement to ensure that any mitigation/compensation measures are in place prior to any works being undertaken on site which could result in unacceptable ecological impacts.

19. Unless otherwise agreed with the Local Planning Authority the Reserved Matters application/s for layout will include the submission of repeat Cirl Bunting surveys, along with associated mitigation/compensation measures, and this shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

20. The approved Reserved Matters must result in a Biodiversity Net Gain of no less than 10% as calculated using an updated Defra BNG Metric. The updated Metric spreadsheet must be supplied to, and approved by, the Local Planning Authority as part of the Reserved Matters application/s for layout, appearance and landscape. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of and providing for net gains to biodiversity in accordance with Policy DEV26 of the Plymouth and South West Devon Local Plan 2014 – 2034.

21. The Reserved Matters application/s for layout and/or scale shall be accompanied by details of housing mix, type and size of units and how this responds to local housing need. Development shall take place in accordance with the approved details.

Reason: To ensure the housing delivered on this site meets evidenced local need and accords with Policies DEV8 and DEV10 of the Plymouth and South West Devon Local Plan 2014 – 2034.

22. The Reserved Matters application/s for layout and appearance shall include a scheme to demonstrate how the requirements of JLP policy DEV32: Delivering Low Carbon Development will be delivered, the details of which shall be approved in writing by the Local Planning Authority. These details shall include (but not limited to) a solar master plan to show how access to natural light has been optimised, and incorporation of 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. Development shall take place in accordance with the approved details prior to the first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

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 in accordance with Policy DEV32 of the Plymouth and South West Devon Local Plan 2014 – 2034.

23. The Reserved Matters application/s for layout shall be accompanied by full details of proposed electric vehicle charging points. These details shall include the location, number and power rating of the charging points. The electric car charging provision shall accord with the guidance contained within the Plymouth and South West Devon Local Plan 2014 – 2034 Supplementary Planning Document (JLP SPD). The development shall be carried out in accordance with the agreed details and each charging point shall be made available for use prior to the occupation of the dwelling it would serve and retained thereafter as such.

Reason: To avoid air pollution and enable appropriate opportunities to promote sustainable transport modes in accordance with Policy DEV29 of the Plymouth and South West Devon Local Plan 2014 – 2034.

24. PRE-COMMENCEMENT: Prior to or as part of the Reserved Matters a Waste Audit Statement has been submitted to and approved in writing by the local planning authority. The Waste Audit Statement shall demonstrate how the construction and operational phases of the development will minimise the generation of waste and provide for the management of waste in accordance with the waste hierarchy.

Reason: To minimize and manage waste in accordance with the provisions of Policies DEV31 of the Plymouth and South West Devon Local Plan 2014 – 2034 and W4 of the Devon Waste Plan 2015. This condition must be agreed prior to commencement in order to ensure construction and remediation waste is adequately dealt with.

25. PRE-COMMENCEMENT: Prior to or as part of the Reserved Matters an Employment and Skills Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the construction phase. The approved Plan shall be implemented and adhered to during the construction of the development and in accordance with those details approved.

Reason: In accordance with policy DEV19 this condition is required on the basis that to properly provide for the required plan-led growth it is necessary to ensure a commensurate growth in the area's employment base, where it is recognised to require investment both in job growth and skills. This condition must be agreed prior to commencement in order to ensure that local construction employment and skills opportunities are maximised from the site and construction preparation stage before development commences.

PLANNING APPLICATION REPORT

Case Officer: Chloe Allen

Parish: Halwell & Moreleigh

Ward: Blackawton and Stoke Fleming

Application No: 1639/23/FUL

Agent:

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

Applicant:

Mr And Mrs Martin Pears
Three Corners Workshop
Halwell
TQ9 7JE

Site Address: Land At Sx 772 519, Three Corners Workshop, Halwell



Development: Provision of occupational/rural workers' dwelling (resubmission of 3527/22/FUL)

Reason item is being put before Committee: Called to committee by Councillor Rake to allow members of the DMC to have the opportunity to consider the size of the proposed dwelling and whether this is acceptable.

Recommendation: REFUSE

Reasons for refusal:

1. It is not considered that the size of the dwelling proposed in this application would be commensurate with the functional requirements of the business as rural worker's accommodation and that realistically the dwelling could remain as rural worker's

accommodation in perpetuity contrary to Policy SPT1, SPT2, TTV1, DEV15 and TTV26(1)(i) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP)

2. The groundworks associated with the development would create an excessively large residential curtilage and this combined with the design, scale, massing and choice of materials is considered to both remove an unnecessary part of agricultural land and erode the natural and tranquil rural characteristics of the site creating an incongruous design more appropriate in a suburban context than at this undeveloped countryside location contrary to Policy TTV26(2v), DEV20 and DEV23 of the JLP and 174(b) of National Planning Policy Framework.
3. Insufficient information has been provided to demonstrate that the proposed development will secure an equivalent 20% carbon saving through onsite renewable energy generation, as required by M1 (onsite renewable energy generation) of the Local Planning Authorities Climate Emergency Planning Statement (adopted November 2022). As such, the Local Planning Authority cannot be satisfied that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and the Climate Emergency Planning Statement.

Key issues for consideration:

Principle of Development, Design/landscape, Residential Amenity, Highways, Ecology/Biodiversity, Drainage, Carbon Reduction

Site Description:

Martin Pears Engineering is a long established business south of Moreleigh at 'Three Corners' and specialising in machine sales, repairs and agricultural contracting.

The site is an irregular shaped area of land of some 0.2 hectares with gently undulating topography comprising of open grass with a mature hedgerow running along the eastern boundary. The land is part of a wider field with buildings associated with the business to the north and east and open fields in all other directions.

This site is accessed through a break in the hedge to the east onto the Moreleigh Cross to Stanborough C– class road which runs along the eastern boundary and leads to the main A381 Totnes Cross to Stanborough Gate cross road.

Three scheduled monuments that make up part of the Stanborough Camp Iron Age Hill Fort lie within 200m of the site to the east and south on the opposite side of the A381.

Natural England has designated the land as Grade 3 which is good to moderate quality agricultural land while the South Hams Landscape Character Type is 5A: Inland elevated undulating land.

The site falls within the Sustainance Zone of the South Hams SAC for Greater Horsehoe Bats.

The Proposal:

Permission is sought for the erection of a rural worker's dwelling that would house the applicant and their wife on site both of whom are employed full time with the business and are offering a 24hr service for local farmers who need machinery to be repaired.

This proposal follows on from a previously approved outline planning permission for rural worker's unit but seeks to effectively double the size of the site which had previously been 0.1ha. An element of cut

and fill would create a more level platform for the dwelling with some land built up as high as 1.8 metres the gradients would be engineered receding downwards into the landscape beyond with a small retaining wall to the east of the building.

The proposed dwelling would be two storey with an L-shaped layout comprising of a mixture of commercial space on the ground floor including office, boot room and utility and domestic area comprising of Living Room, Dining Room, Snug, Kitchen and Double Width Car Port. The upper floor would contain 3 en-suite bedrooms and plant room.

External facing materials comprise of painted render on the walls with low stone plinth and chimney and natural slate on the roof. A scheme of strategic planting has been included in the proposal which will extend beyond the residential garden ground.

Consultations:

- County Highways Authority – No Highways Implications
- Natural England – No objection
- Historic England – No objection
- DCC Ecology – OK subject to conditions restricting external lighting and for development to follow mitigation of ecology report submitted in support of the application.
- Agricultural Consultant – Cannot support a proposal for an agricultural workers dwelling of the size proposed. There are no special circumstances or requirements of the enterprise that would necessitate a dwelling of the size proposed.
- Town/Parish Council – Support
- DCC HEO – No objection subject to condition for WSI to be complied with and for post investigation assessment etc to be carried out.

Representations:

Letters of support were received from 3 nearby farms to the application. The comments made can be summarised as follows:

1. The family are a long standing and important part of the local community and have grown their business over time providing valuable support to farmers.
2. The volume of equipment they have amassed needs 24 hours supervision to prevent theft.
3. The siting is sympathetic, screened well and fits in well with surrounding dwellings and the wider landscape.
4. The size is described as sensible for the family's purposes.

Relevant Planning History

- 3527/22/FUL - Provision of occupational/rural worker's dwelling. **WITHDRAWN**

The application was withdrawn following concerns raised relating to size of dwelling not commensurate with functional needs of the business (unfavourable recommendation).

- 4219/20/OPA - Outline application with all matters reserved for a permanent occupational/rural workers dwelling – **CONDITIONAL APPROVAL**

This application had been recommended for refusal by officers but was granted by the Planning Committee subject to a condition regarding size as follows:

The size of the dwelling hereby permitted shall be commensurate with the established functional need for it and shall not exceed a guideline floorspace of 140 sq. m.

Reason: To protect the appearance of the area and to ensure that the size of the dwelling accords with the established need for it but for which planning permission would have been refused

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 The Plymouth and South West Devon Joint Local Plan 2014-2034, through its higher level Policies (SPT1 and SPT2), sets the context for what the LPA considers to be sustainable development promoting a sustainable economy, society and environment. From the higher level ambitions the concept of rural sustainability is established as is a spatial vision for where growth will be prioritised in Policy TTV1. The main towns and villages are in the top tier of a development hierarchy where it is envisaged the most growth will occur whereas sites such as the one subject to this application in the open countryside are heavily restricted on what is acceptable.
- 1.2 In line with Policy TTV1 all development in the countryside must demonstrate that it supports the principles of sustainable development and also that it accords with Policies TTV26 and TTV27. The proposal does not seek permission for rural exception housing therefore TTV27 is not activated in this instance.
- 1.3 Policy TTV26 is split into 2 parts with the first relating to isolated development in the countryside. When considering if a development is isolated or not the LPA use the recent Bramshill ruling, which describes isolation as.... *"...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is or is not "isolated" in this sense is a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand."*
- 1.4 As a matter of planning judgement, the site is considered to be physically separate and remote from a settlement and on this basis officers would conclude that it constitutes isolated development.

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

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

2. Development proposals should, where appropriate:

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

- ii. *Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. *Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.*
- iv. *Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.*
- v. *Avoid the use of Best and Most Versatile Agricultural Land.*
- vi. *Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.*

1.5 With regards to TTV26(1)(i) it is important to consider if there is an essential need for the development proposed, and, if the development would maintain the role of a rural workers dwelling in perpetuity. Policy DEV15(6) is also of relevance, supporting development which meets the essential needs of agriculture or forestry interests.

1.6 In considering this development against TTV26(1) the site history must be taken into account. In particular application 4219/20/OPA, where a rural worker's unit has already been found to be acceptable in principle at this location. It is therefore considered that an essential need for a rural worker's dwellinghouse at this location has already been demonstrated to the satisfaction of the LPA. The concern that arises with this particular application, based on the advice of the agricultural consultant, is that there does not appear to be an essential need for a dwelling of the size proposed. There is no floorspace threshold in the JLP or NPPF regarding the scale that would be appropriate for a rural worker's dwelling and the LPA is therefore reliant on the expertise of the agricultural consultant to analyse what the functional requirements of the rural business is and what would be commensurate in terms of workers accommodation.

1.7 The condition imposed on the outline permission restricted the floorspace to 140 m² therefore whilst officers would accept the essential need for a workers unit has been met, clearly what was envisaged would be a more modest dwelling than the 267m² proposed. The agricultural consultant considers that there are no special circumstances or specific requirements of the enterprise that would mean the dwelling should be as large as that proposed in this application. In fact the three bedroom dwelling containing 184m² domestic floor area, 41m² non-domestic and a car port of some 42m² is significantly larger than the type of unit that would normally be permissible for a business of this type. Furthermore, whilst it is noted that they set out minimum standards only, the Nationally Designed Space Standards require a floor space of 102sqm for a 3 bedroom (6 person) property, and the minimum floor space required for a 2 storey, 6 bedroom (8 person) property is 132sqm. Providing some additional space above minimum standards is understandable, however, it is considered that 184sqm of domestic floor space, plus 41sqm of non-domestic space, for a three bedroom property, is excessive. The likelihood of a dwelling of the size proposed remaining a rural workers unit in perpetuity, is considered to be low in the circumstances. Such a large dwelling in the countryside is unlikely to be affordable to the average agricultural worker.

1.8 It is not considered that the dwelling proposed is of a size commensurate with the established functional requirement of the business. If approved, a dwelling of the size proposed, at this countryside location in the future is highly unlikely to be financially accessible as a rural worker's dwelling over the long term. The applicant, who acknowledges that the dwelling is larger than other rural worker's dwellings, has advised that they wish a larger house type for personal reasons to accommodate their family and argue that larger properties exist in the vicinity. During the course of the application they offered to reduce some areas of the dwelling which would suggest that not all are essential. On this basis a dwelling of the size proposed is not considered to meet an essential need (linked to the requirements of the business), and also that it is unlikely to maintain the role of rural workers accommodation in perpetuity, the proposal is considered to fail to meet TTV26(1).

1.9 In terms of the criteria of TTV26(2) not all of them are engaged. Again officers would accept that residential accommodation for a worker at this location would be complimentary to an existing rural

business and the locational justification has already been accepted through the outline planning permission. The extended red line boundary and subsequent land changing away from valuable grade 3 agricultural land to an enlarged residential curtilage would be considered contrary to Policy TTV26(2)(v) and the parts of the NPPF, particularly paragraph 174(b) that requires decision to recognise the benefits of quality agricultural land.

- 1.10 Officers also considered the requirements of Policy DEV8 of the JLP, which considers housing need and seeks to deliver a good range of housing and broadening choice, specifically for those most in need. Homes that redress a balance within the existing housing stock are encouraged including housing for households with a specific need and dwellings more suited to younger people, working families and older people who wish to retain a sense of self sufficiency.
- 1.11 Taking account of the latest census data the housing mix in Halwell and Moreleigh contains a high percentage of 3 and above bedroom dwellings (80.6%) and a large proportion of the housing stock is under occupied (86.7%). This imbalance in the housing stock is more pronounced than the South Hams average, where there is a declared housing crisis and affordability is a key issue facing the most vulnerable groups who are generally younger people seeking to enter the housing market, disabled and older people who wish to downsize or retain an element of independence.
- 1.12 Whilst Officers would consider that the provision of a three bedroom property would exacerbate existing imbalances in local housing stock rather than redressing them, it is recognised that the proposal is specifically for a rural workers dwelling, the principle of which is assessed against Policies TTV29 and DEV15 of the JLP, and that occupation of such would be restricted to persons associated with the rural business, and any resident dependants. In this case, whilst there are concerns regarding the floor space/size of the three bedroom dwelling, it is recognised that the number of bedrooms is required to accommodate the applicant and their family. As such, it is not considered to be appropriate to refuse the application based on conflict with Policy DEV8 of the JLP.
- 1.13 In considering the principle of development, officers would accept that a modest sized dwelling would meet a specific locational need to compliment an existing rural business. However the size of the plot and dwelling proposed in this application is not however considered to and therefore the proposal is not considered to represent a sustainable development and is contrary to Policy SPT1, SPT2, DEV15, TTV26 and DEV8 of the JLP and NPPF paragraph 174(b).

2.0 Design/landscape

- 2.1 The JLP, through Policy DEV20, requires all development to meet good standards of design. This is achieved by taking cognisance of, and contributing to, the local context. A mixture of typical design related issues are to be assessed such as the pattern of local development, layout, visual impact, views, scale, massing, height, density, materials and detailing. In the countryside Policy DEV23 is also relevant which seeks to enhance and conserve an area's distinct sense of place and reinforce local distinctiveness. Proposals are to be of a high quality in terms of their design and the surrounding landscape context and adverse landscape or visual impacts generally are to be avoided. This is in line with the NPPF which, through paragraph 174 (b) requires decisions to recognise the intrinsic character and beauty of the countryside.
- 2.2 The existing character of the field is relatively open, tranquil and rural. There is a backdrop of the cluster of some of the industrial buildings associated with the applicant's business but on the whole, being an open field enclosed by Devon hedgebank, the site has a typical countryside character with naturally undulating levels. A landscape survey has been submitted in support of the application finding that the site is visible but concluding the landscape is of medium value, the development will be read within the context of the neighbouring buildings and that a sensitively designed residential property would have a neutral or minor beneficial landscape and visual effects.

It acknowledges a cumulative impact as a result of the proposal and places an importance on design, materials and landscaping at mitigating this.

- 2.3 This application seeks to establish an extended residential curtilage over what was approved in the outline permission. The extended area could conceivably accommodate multiple more modestly sized dwellings. The separate access that now forms part of this proposal located further down the Highway away from the business (rather than shared with the existing business unit to the north as it was originally envisaged) seems to create an unnecessary separation and in order to create a more level surface over the extended residential curtilage the land will be built up with an engineered gradient and large areas designated as driveway, residential parking and patio in addition to the sprawling footprint of the dwelling. The dwelling itself is relatively suburban in character with a predominantly coloured render facing material and it is natural to assume that such a dwelling would be accompanied by the normal paraphernalia that comes along with such a use. It is proposed to add landscaping with the aim of screening it.
- 2.4 Officers would accept that once the landscaping becomes established it may do so to an extent however, even with the landscaping in place and the backdrop of the more industrial style buildings in the immediate vicinity the suburban style of the dwelling and large areas of land that will be changed to residential curtilage it is considered that this proposal will erode the open and rural characteristics of the site and fail to conserve or enhance the site and its surroundings. Landscaping and biodiversity enhancements are seen as positive aspects generally however these could still be achieved in the circumstances with a more modest residential curtilage and sized dwelling. The use of natural slate in the roof is welcomed but the majority of the walls are rendered rather than using naturally recessive materials as recommended in the landscaping survey. The two storey mass with full height gables will present a stark suburban style in what has traditionally been an area of rural character.
- 2.5 Overall officers would consider that a sympathetically designed and modestly sized dwelling with reduced residential footprint could integrate at this site in a successful way. By virtue of its design, size, scale, massing and materials it is considered that the development will have an unacceptably adverse impact on the site itself and its surroundings, permanently eroding the character and thereby failing to conserve and enhance the landscape. Accordingly the proposal is viewed as being contrary to Policy DEV20 and DEV23 of the JLP and the NPPF paragraph 174(b).

3.0 **Heritage**

- 3.1 DEV21 of the JLP seeks to protect the historic environment. The application site is in close proximity to three scheduled monuments that make up part of the Stanborough Camp Iron Age Hill Fort; lying within 200m of the site to the east and south on the opposite side of the A381. A Heritage Assessment and WSI was submitted and, given the findings of such, along with comments from Historic England and DCC Historic Environment Officer, it is not considered that the development will harm the historic environment, subject to conditions being imposed. As such, the development is considered to accord with DEV21.

4.0 **Residential Amenity**

- 4.1 Policies DEV1 and DEV2 of the JLP safeguard residential amenity by taking into account any potential adverse issues for residents and neighbours. Damaging impact can include a loss of privacy, overshadowing, overbearing or noise pollution. The site is in an open field and there are no dwellings in the immediate vicinity of the site. The nearest are some distance away to the south with intervening fields, road, and undergrowth. As such it is not considered that the development will result in an unacceptable loss of amenity for the nearest residents as they are a considerable distance from the site and the proposal does not therefore conflict with Policy DEV1 and DEV2 of the JLP.

5.0 **Highways**

5.1 Policy DEV29 of the JLP requires consideration of any issues that may impact pedestrian and vehicular safety such as access, parking and traffic generation. The proposal makes use of an existing access and colleagues in Highways have confirmed it raises no implications. A single dwelling would not generate significant vehicular movements at this location and there is a large area designated within the confines of the site for parking. As such officers would consider that a proposal such as this would not conflict with Policy DEV29 of the JLP.

6.0 Ecology/Biodiversity

6.1 Policy DEV26 of the JLP promotes increased biodiversity across the plan area and does so by protecting existing habitats and creating new ones. The site is an agricultural field and the preliminary ecological survey finds it to be of little habitat value, albeit the location within the sustenance zone is noted and fairly standard mitigation proposed in terms of precautions during construction and post development restricting external illumination and providing enhanced habitat. A biodiversity enhancement would be delivered through the scheme of landscaping and could be secured via condition if permission were to be issued. DCC Ecology were consulted and raised no objections subject to conditions being imposed. As such the proposal is not considered to conflict with Policy DEV26 of the JLP.

7.0 Drainage

7.1 Policy DEV35 considers flood risk and promotes sustainable drainage solutions both in terms of surface water and foul drainage. The site is undulating and not within an area at high risk of flooding. In terms of foul drainage the requisite FDA form confirms that a sewer connection is not feasible at this location and that a package treatment plant will be installed (in accordance with British Standards) and discharged, along with surface water, to an attenuation basin to the west of the proposed dwelling with flow control leading to a nearby watercourse. Officers are content that this solution is a sustainable one in the circumstances and if permission were to be approved conditions could secure an acceptable outcome that would not conflict with Policy DEV35 of the JLP.

8.0 Carbon Reduction

8.1 Policy DEV32 of the JLP and the recently adopted Climate Emergency Planning Statement accelerates the transition to a low carbon future. Developments are required to integrate renewable energy and energy efficiency should be an integral part of the design and construction. This development contains solar PV panels, space allocated for battery storage, ground source heat pump and EV charging. In addition the landscaping, drainage and subsequent biodiversity enhancement are also seen as delivering greater sustainability along with construction materials. Whilst a number of measures have been incorporated into the design, insufficient information has been provided to demonstrate that the proposed development will secure an equivalent 20% carbon saving through onsite renewable energy generation, as required by M1 of the Local Planning Authorities Climate Emergency Planning Statement. As such, the LPA cannot be satisfied that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the JLP.

9.0 Conclusion

9.1 Officers would acknowledge that the site history has established a physical requirement for a rural worker to be present at this site on a 24 hour basis. However a dwelling of the size proposed in this application would significantly exceed what has previously been established as the functional requirements of the business and what would normally be necessary for a rural workers accommodation. It is not considered that there is an essential need or any special circumstances (linked to the business) for a dwelling, and plot of the size proposed. Furthermore the dwelling

would exacerbate an existing imbalance of larger house types in the local area having a detrimental impact on housing mix. Furthermore the large design is not considered to be suitably sympathetic to the surrounding context and will instead conserve or enhance the established character of the site and its surroundings. Additionally, insufficient information has been provided to demonstrate that the development will adequately support the plan area target to halve 2005 levels of carbon emissions by 2034 and to increase the use and production of decentralised energy, contrary to DEV32 of the JLP. As such officers recommend refusal of the planning application.

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 14th January 2022 the Department for Levelling Up, Housing and Communities 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*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
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
TTV27 Meeting local housing needs in rural areas
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
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

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraph 174(b) and guidance in Planning Practice Guidance (PPG), and the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document, and the Climate Emergency Planning Statement.

Neighbourhood Plan - There is currently no NP in place for this area.

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

PLANNING APPLICATION REPORT

Case Officer: Curtis Badley **Parish:** Newton and Noss **Ward:** Newton and Yealmpton

Application No: 2463/23/HHO

Agent:

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

Applicant:

Mr Robin Pratten
14 Butts Park
Newton Ferrers
PL8 1HY

Site Address: 14 Butts Park, Newton Ferrers, PL8 1HY



Development: Householder application for new 2 storey front extension, attic conversion, single storey rear extension & garage to existing 3- bedroom mid-terraced house (resubmission of 0824/23/HHO)

Local Ward Members, namely Cllr Dan Thomas and Cllr Tom Edie have asked that the application be heard by Committee for the following reason(s):

Cllr Dan Thomas:

“I regret that I cannot give my support to your decision and as such would like it sent to DMC, please. I also note the Parish Council support for the application.

My reasons as follows:

DEV20 of the Joint Local Plan requires developments to have proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character.'

I would argue that in the wider development context of Newton Ferrers and Noss Mayo, the application does have regard to DEV20.

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes".

In the context of the existing dwellings, I am unconvinced that DEV25 is relevant.

The proposed two storey front extension by virtue of its scale, elevation, position, materiality and design would be significantly detrimental to the character and appearance of the existing property and surrounding area.

I disagree. While I respect that as an officer, you have to follow strict policy, I will argue that character and appearance need to be seen and considered in context.

Cllr Long – on this occasion, I would also like to request a site visit please, to view the application in its local context."

Cllr Tom Edie:

"Given Dan's view as outlined below I support his assertions and that this should be sent to DMC."

Recommendation: Refusal

Reasons for refusal:

1. The proposed two storey front extension by virtue of its scale, elevation, position, materiality and design would be significantly detrimental to the character and appearance of the existing property and surrounding area. The proposal is contrary to policies DEV 20, DEV23 and DEV 25 of the Plymouth & South West Devon Joint Local Plan (2019- 2034), paragraph 13.36 of the associated Supplementary Planning Document, policies N3P-4 (i and iii) and N3P-9 of the Newton and Noss Neighbourhood Plan and Paragraph 134 of the National Planning Policy Framework.

Key issues for consideration: Design, Scale, Overbearing, South Devon Area of Outstanding Natural Beauty, Neighbour amenity

Site Description:

14 Butts Park is a two storey terraced dwelling on the outskirts of Newton Ferrers, beyond the settlement boundary, defined within the Neighbourhood Plan. The application site is located within the South Devon Area of Outstanding Natural Beauty (AONB).

Proposal:

Householder application for 2 storey front extension, attic conversion, single storey rear extension & garage. The proposal is a resubmission of previously refused application: 0824/23/HHO which was of the same description and is further detailed below.

Consultations:

- Devon County Highways Authority: No Highways Implications
- Newton Ferrers and Noss Mayo Parish Council: Support

“NNPC support the plans for the house and garage, but the CMP currently on the portal does not conform to the N&N Parish Council template. We understand there is a new CMP dated 14.09.2023 (created by Newbury Design) which would be acceptable.”

Representations:

Representations from Residents

Six letters of representation in support of the scheme have been received and cover the following points:

- Enhancement of property appearance
- Suitable addition to support existing family dwelling

An additional letter of representation in support of the scheme has been received following the request from Ward Councillors for this item to be considered at committee and covers the following point:

- Design, layout and appearance promote positive growth for the area

Whilst considered as part of the application, it is not considered that this additional representation materially changes the Officers recommendation and assessment laid out below.

Relevant Planning History:

0420/21/HHO - Householder application for proposed front and rear dormer extensions and single storey rear extension. Erection of garage to rear
Conditional Approval – 22 February 2021

1411/22/VAR – Application for variation of condition 2 (approved plans) of planning consent 0420/21/HHO
Conditional Approval - 11 May 2022

0824/23/HHO - Householder application for 2 storey front extension, attic conversion, single storey rear extension & garage
Refusal - 28 June 2023

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1. 14 Butts Park is an existing dwelling located within the residential setting where the principle of extending and altering a residential dwelling is established and is demonstrated through the previous planning permission granted.

2. Design and Landscape:

- 2.1. The previous application (1411/22/VAR) considered the proposed attic conversion, single storey rear extension and garage which remains extant. The Officer assessment considered that the alterations would not fundamentally affect the subservient nature of the alterations, or the residential character of the street scene. Further, the Officer considered the location of the site within the AONB and in consideration of its residential character and small-scale of the alterations were satisfied the setting of the AONB landscape was conserved.
- 2.2. In contrast to the previously approved proposals, the current application also seeks to extend at first floor level, to the front of the property, above the previously permitted ground floor entrance hall. The application is the resubmission of previously refused application: 0824/23/HHO which sought the provision of a 'two storey front extension, attic conversion, single storey rear extension & garage' alike the current proposal. Unlike the previously refused application, the current application seeks to use tile hanging to the first-floor element of the proposed front extensions external front and side walls, to introduce two small front facing windows within the South (front) elevation of the first-floor element of the proposed front extension and to use a three central windows within the roof of the proposed front extension. Within the previous scheme, the external facing material was to be brick to match the existing, there were no additional windows within the first floor of the front extension and only a single small window was to be inserted into the roof.
- 2.3. The proposed extension extends centrally above the previously approved ground floor extension projecting 2.15 metres forward of the principal elevation. The proposal uses a mono-pitch roof with three large roof lights and meets the eaves of the existing dwelling at 5 metres. The first-floor element of the extension is proposed to be built of tile hanging with a concrete interlocking tiled roof and white uPVC windows – to match the existing dwelling.
- 2.4. The application submission outlines that the details and dimensions of the new bathroom closely match the details submitted as part of the application for 6 Butts Park, approved on 22nd January 2019 (0200/19/HHO). It is considered that the policy background between the neighbouring scheme and current proposal is materially different and requires additional assessment of the proposal following the adoption of the Plymouth & South West Devon Joint Local Plan and associated Supplementary Planning Document.
- 2.5. DEV20 of the Joint Local Plan requires developments to have proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character.'

- 2.6. Paragraphs 13.35 and 13.36 of the Joint Local Plan Supplementary Planning Document sets out that the front of a dwelling is usually the most visible part of the building. It often follows a clear/defined building line, helping to define the character of the street. Extensions that project forward of the existing house will generally be resisted. Where a street has a clear established building line, the only development that might be acceptable at the front is likely to be a small, sympathetically designed porch.
- 2.7. In certain circumstances, an exception may be permitted where there is no obvious building line, where the property is set back from other houses, or where front extensions are a feature of houses in the street or dwellings in more rural locations where there is no 'street scene'.
- 2.8. Policy N3P-4 of the Newton and Noss Neighbourhood Plan sets out that residential extensions shall be of high design quality which is clearly derived from the site context and respects the architectural context of adjacent buildings and be in keeping with its site and surroundings, in terms of scale, density and massing and not constitute over-development. It also states that extensions must also be in proportion with the existing building.
- 2.9. In this case, the proposed extension is sited forward of the existing property, at first floor level where it would be widely visible from the surrounding protected area. Whilst the appearance of the existing property is, to an extent, altered by the front boundary fencing which has been erected to the front of the property and previously approved ground floor entrance hall and dormer window extensions – it largely retains its architectural qualities which are synonymous with the adjacent terrace. The terrace exhibits a clearly established building line and the majority of properties within this area have not developed their roofscapes and have limited development to the front at ground floor level through modest porch extensions.
- 2.10. The proposal is not considered to be sympathetically designed and fails to maintain the good standards of design sought to protect and improve the quality of the built environment. The proposed extension by virtue of its scale, elevated position and design would be significantly detrimental to the character and appearance of the existing property and surrounding area. The scheme would be contrary to policy N3P-4 (i and iii) of the Newton and Noss Neighbourhood Plan, policy DEV20 of the Joint Local Plan and associated paragraph 13.36 of the Joint Local Plan Supplementary Planning Document.
- 2.11. It is considered that this planning harm is emphasised by the use of hanging tiles for the top half of the new façade and the introduction of additional windows which appear visually contrasting to the rest of the terrace which does not display such materiality or visual interruptions at this level.
- 2.12. The proposal also is contrary to the National Planning Policy Framework which sets out that significant weight should be given development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents. Paragraph 134 states that "development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents"

- 2.13. It is recognised that a similar proposal has been undertaken with the benefit of planning permission (0200/19/HHO) to a nearby property within the terrace, 6 Butts Park. However, it is not considered that this extension, alike the proposal would represent good design and the current proposal represents poor design which would create further harm if replicated across the terrace. Further, it is not considered that the qualities of the character and appearance of the area have been altered to an extent which would justify the approval of this application where significant planning harm has been identified.
- 2.14. The site lies within the AONB where development plan policies DEV23 and DEV25 afford significant weight to the conservation and enhancement of landscape character, visual amenity, natural beauty and the special qualities of the AONB. In addition, policy N3P-9 of the Newton and Noss Neighbourhood Plan seeks to conserve the landscape by ensuring development complies with national and local strategic policies for the AONB (including DEV23, DEV25 of the JLP and the South Devon AONB Planning Guidance).
- 2.15. Whilst located within the context of existing built form, the proposed development does not promote high quality development and fails to conserve or enhance the visual amenity of the protected landscape. The proposed two storey front extension proposal fails to maintain the good standards of design and is of a scale and position which negatively impacts upon the qualities and character of the AONB. The extension would therefore be contrary to policies DEV23 and DEV25 and policy N3P-9 of the Newton and Noss Neighbourhood Plan.

3. Neighbour Amenity:

- 3.1. The proposed development is not considered to present any additional significant impact upon neighbouring amenity in consideration of the proposals scale and siting to the centre of the dwelling house and acceptability of the previous scheme which was considered to be acceptable in terms of policy DEV1 and neighbour impact.

4. Ecology:

- 4.1. The Preliminary Ecological Appraisal by Green Lane Ecology with reference: #01723/GLE found no evidence of use by bats or bird nesting and sets out precautionary measures to avoid any harm during building works. The appraisal also sets out the examples of provision of biodiversity enhancement in accordance with the NPPF. On this basis, the proposal accords with Joint Local Plan policy DEV26 which seeks to protect and enhance biodiversity.

5. Highways/Access:

- 5.1. Officers do not consider the proposed scheme to introduce any highways or access issues. As such, the proposal is considered to accord with the provisions of policy DEV29 of the Joint Local Plan.

6. Climate Emergency:

- 6.1. Alike the previously approved scheme, solar panels which provide a minimum of 1KW of electricity generation are shown on the Southern side of the garage roof and electric charging points are noted for use by the two vehicles parked inside. In addition, the current proposal also seeks to install an Air Source Heat Pump adjacent to the proposed rear extension. These proposed measures are considered to accord with the JLP policy DEV32 and the Plymouth and South West Devon Climate Emergency Planning Statement which was adopted November 2022.

7. Drainage:

- 7.1. The proposal is sited within Flood Zone 1 (which has a low probably of flooding from rivers and the sea) and is outside of any Critical Drainage Area. The application demonstrated the capacity for foul water drainage. The proposal indicates that there will be a soakaway in the front garden to deal with surface water drainage and this appears to be in accordance with Policy DEV35 of the Joint Local Plan.

8. Other Matters:

- 8.1. Whilst the proposed development would allow the increase in size of bedroom three through the relocation of the existing bathroom and would represent increased living accommodation available to the existing family, this would not be considered to hold sufficient weight to overcome the planning harm outlined above.
- 8.2. The application at 6 Butts Park, approved on 22nd January 2019 (0200/19/HHO) was considered within a policy background which is materially different to the current scheme.
- 8.3. At such time, the previous case officer relied upon the now revoked South Hams LDF Core Strategy and Development Policies DPD with limited weight given to the emerging Plymouth & South West Devon Joint Local Plan. In considering the merits of this previous proposal, case officer recommendations were informed by the weight that can be attributed to emerging JLP policies, which were considered to be at an advanced stage, and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

9. Conclusion:

- 9.1. The proposed development, whilst largely representative of a previous extant grant of planning permission, introduces a first floor front extension which fails to maintain or improve the character and qualities of the existing property and surrounding area which has designated protection as an Area of Outstanding Natural Beauty.
- 9.2. The proposed two storey front extension by virtue of its scale, elevation, position, materiality and design would be significantly detrimental to the character and appearance of the existing property and surrounding area. The proposal is contrary to policies DEV 20, DEV23 and DEV 25 of the Plymouth & South West Devon Joint Local Plan (2019- 2034), paragraph 13.36 of the associated Supplementary

Planning Document, policies N3P-4 (i and iii) and N3P-9 of the Newton and Noss Neighbourhood Plan and Paragraph 134 of the National Planning Policy Framework.

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).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
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
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Following a successful referendum, the Newton & Noss Neighbourhood Plan was adopted at Executive Committee on 19 July 2018. It now forms part of the Development Plan for South Hams District and should be used in deciding planning applications within the Newton & Noss Neighbourhood Area. The relevant policies of the neighbourhood plan to the consideration of this application are:

N3P3-3 Development Policy areas
N3P-4 Development and construction
N3P-5 Movement & Parking
N3P-6 Drainage & Flooding
N3P-9 Protecting the Landscape

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:

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

South Devon Area of Outstanding National Beauty Management Plan (2019)

Plymouth and South West Devon Climate Emergency Planning Statement (2022)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

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PLANNING APPLICATION REPORT

Case Officer: James Gellini

Parish: Diptford

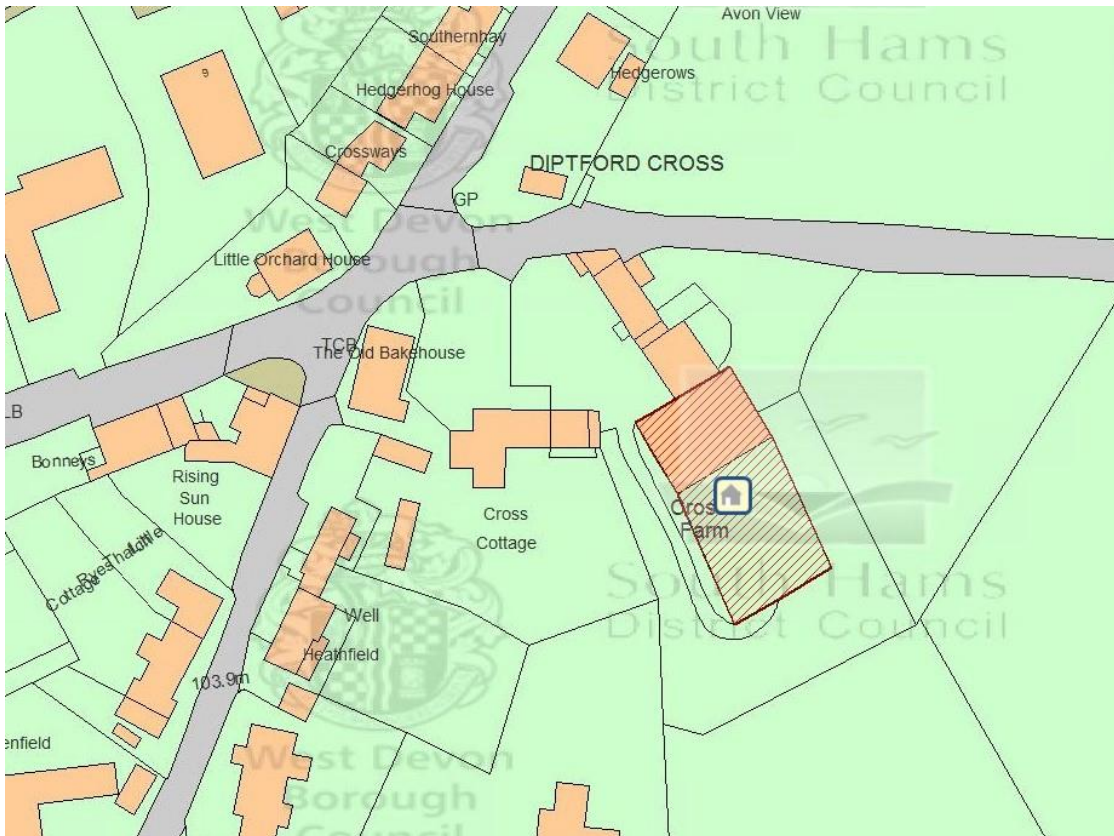
Ward: South Brent

Application No: 2304/23/VAR

Applicant:

Mr James Bell
Oakya
Diptford
Totnes
TQ9 7NU

Site Address: Barn Adjacent Robins Nest, Diptford



Development: Application for variation of condition 2 (approved plans) of planning consent 4240/18/FUL

Reason item is being put before Members:

At the request of Cllr Pannell, *'In view of the strong opposition of Diptford Parish Council and the number of objections on a variety of grounds including scale, prominence, impact on AONB and loss of amenity, I would like to call this to Committee for a decision, with a request for a site visit.'*

Recommendation: Conditional approval.

Conditions:

1. Accord with Plans
2. Drainage
3. Unexpected Contamination
4. Access & Parking

5. Highway Debris
6. Landscaping Scheme
7. Glazing
8. Ecology
9. Roof Materials
10. Elevation Materials
11. No External Lighting

Key issues for consideration:

- Principle of Development
 - Design, Scale, Character & Landscape
 - Neighbour Amenity
 - Highways
 - Ecology & Trees
 - Flood Risk & Drainage
 - Sustainability
-

Site Description:

The site relates to a large modern agricultural barn and associated concrete yard, located to the south west of Diptford Cross within the village of Diptford. The barn lies within a courtyard of existing buildings which historically were associated with 'Cross Farm' but have been converted into residential properties. Part of the barns north elevation is attached to the southern elevation of Robin's Nest. The dwelling of Cross Farm lies immediately to the west.

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

The Proposal:

This Section 73 Application proposes to amend Condition 2 (approved plans) of planning consent 4240/18/FUL; to amend the design of the previously approved dwelling. The main changes to the extant scheme proposed are:

- Change in shape of building from rectangular to T-shape (adding elements to the eastern sides of the north and south of the main body)
- Moving of main body of house approximately 5m further southwards and tilting a few degrees clockwise
- Increase of footprint from 120 sq m to 200 sq m (increase of 80 sq m / 66%)
- Raising of max ridge height by 400-700mm
- Inclusion of integral garage
- Slight change to configuration of windows; predominantly due to amended design/shape of the building
- Relocation of car parking area

Consultations:

County Highways Authority: Refer to standing advice, no highways implication.

Parish Council: Object

'The Parish Council strongly object to this planning variation, as it does not look like a variation but a completely new plan. It is not on the footprint of the existing barn. The variation would lead to excessive overlooking of the neighbouring properties to the west of the property. There are issues regarding the

drainage on the property which would only increase with the development. The plans bring the line of the building forward of the current line which therefore breaches the current line. The Parish Council have concerns over moving the building line which would not be a variation but require a new planning application. The original plan had no west facing windows but now there are windows. The design variation also does not fit in with the character of the area. The Parish Council cannot therefore support this building variation.'

Representations:

Nine third party representations have been received; all of which object to the application. The following material planning considerations are raised within these comments:

- Excessive scale/footprint/ridge height
- Prominence
- Design not in-keeping with area
- Building extends beyond building line
- Impact on AONB
- Impact on street scene
- Loss of amenity (privacy/overlooking)
- Light spill/pollution
- Issues with drainage
- Considers the scheme to be a new application rather than variation to existing
- Suggests limit on construction hours, if approved

Relevant Planning History

- 4240/18/FUL: Demolition of existing agricultural barn & erection of new dwelling – Conditional Approval 21st March 2019
- 1988/22/ARC: Application for approval of details reserved by conditions 3 (surface water drainage), 7 (landscaping), 10 (slates) and 11 (render) of planning consent 4240/18/FUL - Discharge of Conditions - SPLIT DECISION
- 2815/22/ARC: Application for approval of details reserved by condition 3 (Surface Water) and 7 (Landscaping) of planning application 4240/18/FUL - Discharge of condition Approved

ANALYSIS

1.0. Principle of Development

- 1.1. The principle of development for a new/replacement dwelling has already been established within the approved and implemented consent of 4240/18/FUL. The main assessment criteria in this S73 Application to amend the approved plans condition and alter the scale and design of the building is therefore to determine whether or not the revised scheme is acceptable with regards to its scale, design, landscape impact, amenity impact, and any other new and relevant planning considerations which need to be assessed as a result of the proposed changes.

2.0. Design, Scale, Character & Landscape

- 2.1. The original approved scheme, under 4240/18/FUL, proposed to replace an existing barn – of which the framework for said barn remains in place. The assessment concluded that the replacement dwelling would be an improvement on the existing barn, would “*not be seen in its entirety with most of it hidden behind Robins Nest*”, and would “*conserve the AONB, and with appropriate landscaping enhance it*”. It was also noted that the

plot/garden size was bigger than typically preferred and that the design and materials chosen were appropriate.

- 2.2. The footprint and design of the main body of the proposed dwelling is essentially the same as the approved dwelling, albeit the main body has been moved 5m to the south and a modest 6m-7m deep wing has been added to both the north-east and south-east sides; which are obscured from public view by the main body of the house and by Robins Nest. These additional wings, which result in more of a T-shape than a linear rectangle, adding architectural interest and matching the style of adjacent less regular dwellings such as Cross Farm House, Sunflower House, and Greenfield, provide a lower garage and a slightly lower two-storey lounge and bedroom. Further, the original Pre-App response from the Council identified concern over the design being a “*long uninterrupted and rather bland elevation which needed breaking up*”, which has been achieved in the current design.
- 2.3. With regards to height, the garage element would be lower and match the ridge height of Robins Nest, providing an appropriate transition, and the ridge height of the main body of the dwelling is broadly the same height as both the existing agricultural shed and the ridge height of Mow Cottage (attached to Robins Nest), only increasing slightly from the existing.
- 2.4. Whilst there is a notable increase in footprint in comparison to the previously approved dwelling, of approximately 80 sqm – representing a 66% increase, this is still significantly less than the existing agricultural shed in which it is replacing (50 sq m or 20% less). Therefore, overall there would still be a notable decrease in footprint and built form at the site; which is deemed to be the more important criterion when assessing the appropriateness of scale. Further, the building is broken up more and with the northern element being lower than both the barn and the previously approved dwelling. For this reason, it is considered that the scale is acceptable; albeit it is at or close to the limit of what could be considered acceptable within the AONB and at the edge of the village, and in relation to the scale of neighbouring dwellings; of which the proposal is more in-keeping to many with regards to scale and footprint. The plot size is large for the area, and similar to that of the largest residential plots nearby and in the village; with the size of proposed dwelling to plot size ratio being directly comparable and thus acceptable.
- 2.5. Materials are unchanged, and there is not a material change with regards to the amount of glazed opening; thus, there is not considered to be excess light spill / pollution. The proposed revised dwelling would not move any further in front of the building line in relation to Robins Nest and Mow Cottage, there is no issue with moving further southwards by 5m, and the built form would not be more prominent within the street scene of AONB as a result of this slight re-siting.
- 2.6. The proposal is therefore considered to be of an appropriate scale, design and character, particularly when assessed against the existing agricultural shed and taking into account the plot size and similar dwellings within the area, and would not be detrimental to street scene, character of the area or the surrounding landscape. Thus, the proposal accords with JLP Policies TTV26, TTV29, DEV20, DEV23 and DEV25.

3.0. Neighbour Amenity

- 3.1. The broad siting of the dwelling has not changed significantly, albeit it has moved further away from Robins Nest to the north by roughly 5m; which is a slightly better relationship in terms of amenity.

- 3.2. The main amenity consideration and concern raised by some third parties relates to the provision of glazing at first floor level; particularly on the western elevation looking towards Cross Farm.
- 3.3. A single small window is located on the western elevation of the main body of the proposed house, facing Cross Farm and roughly 9m from the boundary. However, this serves only an en-suite and can be obscured glazed – which can be conditioned. Thus, there would no overlooking to the neighbour opposite. Two windows are proposed on the western elevation of the newly proposed southern wing element, serving a bedroom and landing. However, these are approximately 23m from the neighbouring boundary of Cross Farm, which is a substantial and acceptable separation distance, and would also be mostly obscured from looking towards the neighbouring property by virtue of the main body of the house. 2x rooflights are proposed on the roof of the new garage attached to the north of the main body of the house. These are higher level, 18m from the boundary with Cross Farm, and have a similar relationship as the first floor windows of Robins Nest do with Cross Farm.
- 3.4. Additionally, there is good screening between the two properties in the form of a 1.8m high fence with further hedge planting above this height.
- 3.5. Thus, there is not considered to be a loss of privacy to neighbours as a result of overlooking from windows and the proposal accords with JLP Policies DEV1 and DEV2.

4.0. Highways

- 4.1. In terms of the access, utilisation of the existing and acceptable access arrangements raises no issues. As there would not be a change to access or a material change in vehicle movements to and from the site, there are no implications for highway safety. The altered location of parking also raised no issues. The DCC Highways Officer's raises no highways implications. Thus, the proposal is acceptable from a highways perspective, and complies with JLP Policy DEV29.

5.0. Ecology & Trees

- 5.1. Precautionary ecological measures and enhancements were proposed and secured as part of the previous consent, in-line with an ecological report and recommendations, predominantly in relation to demolition. As works have already started, with the main body of the structure being removed, and there is no evidence of bats or other protected species at the site, it is not considered necessary to require a further updated ecological report. However, the existing condition requiring adherence to the Ecological Report is still nevertheless needed. Subject to this, the proposal is considered acceptable in this regard and would accord with DEV26 of the JLP.
- 5.2. In terms of trees, there are none nearby or that would be affected by the changes to the approved scheme. Landscaping details and enhancement were previously secured via condition, which will be re-attached.
- 5.3. The proposal is therefore considered acceptable with regard to trees and ecology, and accords with JLP Policies DEV26 and DEV28.

6.0. Flood Risk & Drainage

- 6.1. Concerns have been raised by third parties regarding drainage, as was the case with the original application. However, there is no material change to the drainage or level of hardstanding across the site. The site is currently and has previously been occupied by notable levels of hardstanding in addition to a 250 sq m barn. The proposal would result in a reduction in built form by 20% in relation to this, in addition to the removal of impermeable surfaces and enhancement with regards to soft landscaping and a drainage scheme. The same drainage and landscaping conditions would be re-attached to require a detailed drainage scheme.
- 6.2. The site is within Flood Zone 1, previously comprised built form and hardstanding, and the proposed would not increase flood risk on site or elsewhere.
- 6.3. The proposal is therefore acceptable, and would provide a betterment in terms of drainage, and complies with JLP Policy DEV35.

7.0. Sustainability

- 7.1. With regards to the Council's recently adopted Council Climate Emergency Planning Statement 2022, JLP Policy DEV32, and requirement to improve sustainability and low carbon energy in all new developments, the applicant has submitted the Climate Emergency Compliance Form, in addition to some other relevant information. Proposed relevant measures and enhancements include: provision of air source heat pump, EV charging, rainwater harvesting, removal of asbestos, solar gain, and accommodating solar panels at a later date.
- 7.2. Given the nature of the development, these measures are considered to be satisfactory from a sustainability and carbon reduction standpoint and would notably enhance the scheme in this regards in comparison to the extant approval which could be built.

8.0. Other Matters

- 8.1. As this is a S73 variation to Condition 2 only, the previously attached conditions will be re-attached to any new consent. However, the time to implement condition is no longer relevant as development has already commenced and since passed the original three year period. It is also proposed to alter the glazing condition, to specifically require the window on the west elevation serving the en-suite is obscure glazed and fixed opening, in addition to restricting any further glazing.
- 8.2. The majority of comments received by the Parish and third parties have been addressed in the above sections. It is noted that concerns were also raised suggesting that the scope of the changes are too much for this application type, and that construction hours should be controlled. The scope of changes proposed still fall within the same red line area and description of development; replacing an agricultural shed with a single dwelling in broadly the same location within the site. It is therefore acceptable to propose a S73 Application to vary the plans condition to accommodate such changes. Construction hours are already controlled under separate legislation, and such stipulations were not included on the original permission and therefore it would not be proportionate to do so now.
- 8.3. There are not considered to be any other matters or material considerations relevant to the assessment of this application or recommendation.

9.0. Conclusion

- 9.1. In consideration of the above assessment, the proposal is recommended for approval subject to the recommended 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).

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
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
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
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

There is no made Neighbourhood Plan or designated Neighbourhood Plan Area.

National Policy & Guidance

National material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to Paragraphs 11, 130, 158, 174 & 176 and guidance in Planning Practice Guidance (PPG).

Local Guidance

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

- Plymouth and South West Devon JLP Supplementary Planning Document 2020
- Plymouth and South West Devon Climate Emergency Planning Statement 2022

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.

Suggested conditions:

1. The development hereby approved shall in all respects accord strictly with drawing numbers 23-1-A3-1-PSLP Rev 1, 23-1-A3-2-PWSE Rev 1, 23-1-A3-3-PNEE Rev 1, 23-1-A3-4-PGFP Rev 1, and 31-1-A3-5-PFFP Rev 1, received by the Local Planning Authority on 4th July 2023.

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

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

- a. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- c. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 50%). (Please note if a discharge to an existing system is proposed then full details will be required to confirm the condition and capacity of the existing system to accommodate 1:100 year storm event plus 40%cc).
- d. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
- e. If discharging surface water to the main sewer, then written permission from SWW will be required.
- f. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership.
- g. 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 in accordance with policy DEV35 of the Joint Local Plan.

3. 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.

4. No part of the development hereby approved shall be brought into its intended use until the improvements to the access have been provided in accordance with drawing numbers 3040/18/13 and 3040/18/11 (submitted with the original application 4240/18/FUL). The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones. The works shown on this drawing shall be retained for that purpose at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site in accordance with policy DEV29 of the Joint Local Plan.

5. No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: In the interests of highway safety and in accordance with policy DEV29 of the Joint Local Plan.

6. Within 3 months of the date of this decision full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- 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;
- details, including design and materials, of any ancillary structures such as bin stores and signage;
- details of any lighting including function, location, design and intensity;
- materials, heights and details of fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting and its ongoing management;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed in accordance with the timetable agreed in writing.

Any trees or plants which within a period of five years from the completion 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 unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character in accordance with policy DEV23 of the Joint Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order, 2015 (or any Order revoking and re enacting this Order) no windows, openings or other glazing other than those authorised by this permission shall at any time be inserted in the dwelling hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity and privacy of the adjoining occupants in accordance with policy DEV1 of the Joint Local Plan.

8. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology (December 2018) 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 and in accordance with policy DEV26 of the Joint Local Plan..

9. The roof and first floor of the dwelling hereby permitted shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Any hips shall be finished with a close mitre or narrow cement fillet rather than hip tiles. Prior to installation details including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development and to allow the Local Planning Authority to assess the details of the scheme to ensure that their character is maintained in accordance with policy DEV20 of the Joint Local Plan.

10. Prior to installation, details of the proposed render type and colour (s) shall be agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.

Reason: To ensure that the finishes and colours are appropriate to the locality in accordance with policy DEV20 of the Joint Local Plan.

11. Unless agreed as part of the landscaping condition there shall be no floodlighting or other external lighting at the site.

Reason: To safeguard the appearance and character of the area in accordance with policy DEV23 of the Joint Local Plan.

South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 18-Oct-23

Appeals Update from 25-Aug-23 to 6-Oct-23

Ward Allington and Strete

APPLICATION NUMBER: **3659/22/FUL** APP/K1128/W/23/3318263
APPELLANT NAME: Mr & Mrs R Harvey
PROPOSAL: Replacement dwelling following grant of Class Q, demolition of barn subject to Class Q prior approval, change of use of land to domestic curtilage, detached garage, use of alternative existing access with alterations and permeable driveway, site landscaping works & installation of non mains drainage
LOCATION: Barn Park East Allington TQ9 7PY **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 21-June-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 05-October-2023

APPLICATION NUMBER: **4018/22/HHO** APP/K1128/D/23/3320080
APPELLANT NAME: Mr T McNulty
PROPOSAL: Householder application for two storey side extension & single storey rear extension
LOCATION: 4 Greenhill Terrace Greenhill East Allington Devon TQ9 7RB **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 12-May-2023
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 02-October-2023

Ward Charterlands

APPLICATION NUMBER: **4432/22/HHO** APP/K1128/D/23/3322221
APPELLANT NAME: Mr & Ms Darren & Georgina Brooker & Hill
PROPOSAL: Householder application for demolition of existing side extension & replacement with new side extension & associated works (resubmission of application 0862/22/HHO)
LOCATION: Clanturkan Cottage Aveton Gifford Kingsbridge TQ7 4NQ **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 12-September-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **1434/23/HHO** APP/K1128/W/23/3325620
APPELLANT NAME: Mr & Mrs Ian Fallon
PROPOSAL: Householder application for single storey extension
LOCATION: Walfords Barn Kingston TQ7 4HA **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 22-September-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Kingsbridge

APPLICATION NUMBER: **1170/23/ARC** APP/K1128/W/23/3325969
APPELLANT NAME: Blakesley Estates (Kingsbridge) Ltd
PROPOSAL: Application for approval of details reserved by condition 8 (Materials) of planning consent 28/1560/15/O (APP/K1128/W/16/3156062)
LOCATION: Land At Garden Mill Derby Road Kingsbridge **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 07-September-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **0182/23/HHO** APP/K1128/D/23/3321997
APPELLANT NAME: Miss Sarah Tyers
PROPOSAL: Householder application for alterations & extension to existing dwelling, to include single storey ground floor extension & off street parking area
LOCATION: 6 Henacre Road Kingsbridge TQ7 1DN **Officer member delegated**

APPEAL STATUS: Appeal decided

APPEAL START DATE: 23-May-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 06-September-2023

APPLICATION NUMBER: **1803/23/VAR** APP/K1128/W/23/3327455

APPELLANT NAME:
PROPOSAL: 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
LOCATION:

Proposed Development Site At Sx 739 438 (Land at Garden Mill) Derby Road Kingsbridge **Withdrawn**

APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 07-September-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Loddiswell and Aveton Gifford

APPLICATION NUMBER: **3195/22/CLE** APP/K1128/X/23/3326543

APPELLANT NAME: Mr Jonathan Gaskins
PROPOSAL: Certificate of Lawfulness for existing single storey timber barn being used as a single dwelling house

LOCATION: Land At Sx 687 746 Borough Cross To Waterfoot Aveton Gifford Devon **Officer delegated**

APPEAL STATUS: Appeal Withdrawn
APPEAL START DATE: 27-July-2023
APPEAL DECISION: Withdrawn
APPEAL DECISION DATE: 04-September-2023

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **4426/22/HHO** APP/K1128/D/23/3322451

APPELLANT NAME: Mr & Mrs D Shalders
PROPOSAL: Householder application for works to existing outbuilding/garage (resubmission of 1620/22/HHO)

LOCATION: 1 Devon Villas Devon Road Salcombe TQ8 8HD **Officer delegated**

APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 31-August-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **0285/22/HHO** APP/K1128/D/22/3308874

APPELLANT NAME: Mrs Susanne Harley
PROPOSAL: Householder application for proposed single storey rear extension & alteration to an existing dwelling. To include new replacement windows and addition of glass balustrade to existing garage flat roof.

LOCATION: 39 Weymouth Park Hope Cove TQ7 3HD **Officer member delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 23-May-2023
APPEAL DECISION: Upheld
APPEAL DECISION DATE: 01-September-2023

APPLICATION NUMBER: **2161/22/HHO** APP/K1128/D/23/3318729

APPELLANT NAME: Ms Clodagh Ward
PROPOSAL: Householder application for alteration and extension with associated landscape works
LOCATION: Snapes Coronation Road Salcombe TQ8 8EA **Officer member delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 07-June-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 15-September-2023

Ward South Brent

APPLICATION NUMBER: **0551/23/PDM**

APPELLANT NAME: Mr Steve Haskell
PROPOSAL: Application to determine if prior approval is required for a proposed change of use of agricultural buildings/barns to 1No (class C3) & for associated development (Class Q (a +b)) (Resubmission of 2547/22/PDM & 3429/22/PDM)

LOCATION: The Cedars South Brent TQ10 9LW **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 13-September-2023
APPEAL DECISION:
APPEAL DECISION DATE:

APPLICATION NUMBER: **4129/21/FUL** APP/K1128/W/22/3310899
APPELLANT NAME: The Outdoors Group Ltd
PROPOSAL: Change of use of agricultural land and dwelling house to outdoor educational facility (Use Class F1(a), formation of ancillary structures and associated works
LOCATION: Bridge House Farm Portford Lane South Brent TQ10 0PF **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 30-March-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 08-September-2023

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Undetermined Major applications as at 29-Sep-23

	Valid Date	Target Date	EoT Date
4181/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	31-Dec-23

Land off Towerfield Drive Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)
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 except for access
Comment: Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to September 2023. Both parties agree that while progress is being made, more time is still required to resolve outstanding matters (including ongoing discussions with National Highways on strategic highway mitigation requirements), and for a period of re-consultation and a revised extension of time has been agreed until the end of December 2023

	Valid Date	Target Date	EoT Date
4185/19/OPA Ian Lloyd	9-Jan-20	9-Apr-20	31-Dec-23

Land at Woolwell Part of the Land at Woolwell JLP Allocation (Policy PLY44)

Outline application for provision of up to 1,640 new dwellings; 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 2023. Both parties agree more time is still required to resolve outstanding matters (including ongoing discussions with National Highways on strategic highway mitigation requirements and for a period of re-consultation and a revised extension of time has been agreed until the end of December 2023

	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

Comment: Applicant is reviewing the proposal.

	Valid Date	Target Date	EoT Date
3623/19/FUL Steven Stroud	14-Apr-20	14-Jul-20	1-Jan-23

Address: Land off Godwell Lane, Ivybridge,

Description: READVERTISEMENT (Revised plans received) Full planning application for the development of 104 residential dwellings with associated access, parking, landscaping, locally equipped play area and infrastructure
Comment: Ongoing negotiations with LLFA/awaiting a further drainage report from applicant. S106 HoT broadly settled and NHS contribution agreed. JLP response has been received which requires further consideration.

	Valid Date	Target Date	EoT Date
4254/20/FUL Lucy Hall	23-Dec-20	24-Mar-21	25-Aug-22

Address: Springfield, Filham, PL21 0DN

Description: Proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent. Landscaping works will provide communal areas and a playground as well as ecological features. Access will be provided from the main road with a main spine route running through the site. Springfield Cottage is to remain as current use but be a separate property entity with access from within the site.
Comment: Delegated Approval subject to S106 Agreement

	Valid Date	Target Date	EoT Date
0544/21/FUL Chloe Allen	15-Feb-21	17-May-21	31-Oct-23

Address: Land at Stowford Mills, Station Road, Ivybridge, PL21 0AW

Description: Construction of 16 dwellings with associated access and landscaping
Comment: Extension of time agreed until 31st October 2023. Agent considering options for development of the site, application paused.

	Valid Date	Target Date	EoT Date
1491/21/ARM Tom French	20-Apr-21	20-Jul-21	31-Mar-23

Address: Sherford New Community, Green Infrastructure Areas 6 and 18, North of Main Street, Elburton, Plymouth, PL8 2DP

Description: 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 agree

	Valid Date	Target Date	EoT Date
3053/21/ARM David Stewart	5-Aug-21	4-Nov-21	24-Mar-22

Address: Noss Marina, Bridge Road, Kingswear, TQ6 0EA

Description: 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: Revised plans received that are under consideration

	Valid Date	Target Date	EoT Date
2982/21/FUL Charlotte Howrihane	13-Oct-21	12-Jan-22	30-Nov-23

Address: Land Opposite Butts Park, Parsonage Road, Newton Ferrers, PL8 1HY

Description: READVERTISEMENT (Revised plans) The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping

Comment: Report currently being written

	Valid Date	Target Date	EoT Date
4175/21/VAR Tom French	8-Nov-21	7-Feb-22	17-Feb-23

Address: Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon,

Description: READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 and 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community.

Comments: Approved by Members, subject to S106 agreement which is progressing

	Valid Date	Target Date	EoT Date
4021/21/VAR Steven Stroud	24-Nov-21	23-Feb-22	30-Apr-23

Address: Development site at SX 809597, Steamer Quay Road, Totnes,

Description: READVERTISEMENT (new plans and documents) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL

Comment: out for reconsultation following revised submission. Further drainage details received and with LLFA.

	Valid Date	Target Date	EoT Date
4317/21/OPA Steven Stroud	5-Jan-22	6-Apr-22	22-Nov-23

Address: Land at SX 5515 5220 adjacent to Venn Farm, Daisy Park, Brixton,

Description: Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)

Comment: Revised package of plans and supporting docs awaited.

	Valid Date	Target Date	EoT Date
4774/21/FUL Lucy Hall	7-Feb-22	9-May-22	

Address: Burgh Island Hotel, Burgh Island, Bigbury On Sea, TQ7 4BG

Description: 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 Caf and site wide landscape and biodiversity enhancements

Comment:

	Valid Date	Target Date	EoT Date
0303/22/OPA Steven Stroud	4-Mar-22	3-Jun-22	21-Apr-23

Address: Land off Moorview, Westerland, Marldon, TQ3 1RR

Description: READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and four bedroom sizes with associated roads, paths, landscaping and drainage 30% of which would be affordable housing

Comment: s106 under negotiation

	Valid Date	Target Date	EoT Date
0934/22/FUL Lucy Hall	14-Mar-22	13-Jun-22	22-Sep-23

Address: Land At Sx 499 632, Tamerton Road, Roborough,

Description: READVERTISEMENT (revised plans) Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation and service yard

Comment: Under consideration by officer

	Valid Date	Target Date	EoT Date
1523/22/FUL Steven Stroud	20-Jun-22	19-Sep-22	31-Jan-23

Address: Proposed Development Site West, Dartington Lane, Dartington,

Description: READVERTISEMENT (revised plans and documents) Construction of 39No. two-storey dwellings with associated Landscaping

Comment: Awaiting updated plans following external/independent design review

	Valid Date	Target Date	EoT Date
1629/22/ARM Steven Stroud	20-Jun-22	19-Sep-22	30-Jun-23

Address: Dennings, Wallingford Road, Kingsbridge, TQ7 1NF

Description: READVERTISEMENT (revised plans and supporting information) Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions

Comment: Under consideration – housing mix and ecology objections

	Valid Date	Target Date	EoT Date
2412/22/OPA Clare Stewart	25-Jul-22	24-Oct-22	30-Jun-23

Address: Land South of Dartmouth Road at SX 771 485, East Allington,

Description: READVERTISEMENT (amended description and documents) Outline application with some matters reserved for residential development and associated access

Comment: Currently being re-advertised with amended description and documents. Consultation expires 07/09/23, EoT until 31/10/23.

	Valid Date	Target Date	EoT Date
0384/23/OPA Bryn Kitching	9-Feb-23	11-May-23	

Address: Land At Sx 652 517, Modbury,

Description: READVERTISEMENT (Amended Description) Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Pennpark, Modbury

Comment: Outline application on site allocated for residential development in the JLP. Consultation period ended and now considering the responses. The application will come to the Development Management Committee when it is ready to be determined and an appropriate extension of time will be agreed.

	Valid Date	Target Date	EoT Date
0622/23/VAR David Stewart	31-Mar-23	30-Jun-23	

Address: Noss-On-Dart Marina, Bridge Road, Kingswear, TQ6 0EA

Description: Application for variation of condition 2 (approved plans) following grant of planning permission ref. 2161/17/OPA (as amended by S.73 planning permission ref. 0504/20/VAR) for amendments to Phase 12 of the Noss Marina Redevelopment and specifically relating to the WatersideApartments Building, raised walkway and Central Square only and associated conditions 15, 20, 36, 49 and administrative changes required to conditions 1, 3, 4, 17, 22, 28, 29, 30, 31, 33, 41, 42, 43, 45, 51,52, 56, 58, 59, 60 reflecting approved discharge of conditions

Comment: Under Consideration

	Valid Date	Target Date	EoT Date
1640/23/FUL James Gellini	12-May-23	11-Aug-23	

Address: Land At Sx 784 583, Harberton,

Description: Stable block, hardstanding and change of use of field for the grazing offhorses (resubmission of 2243/22/FUL)

Comment:

	Valid Date	Target Date	EoT Date
1887/23/ARM Tom French	1-Jun-23	31-Aug-23	

Address: Sherford Housing Development Site, Land South & South West of A38 Deep Lane junction & East of Haye Road, Plymouth

Description: Application for approval of reserved matters following outline approval 0825/18/VAR (Variation of conditions 3 (approved drawings), 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20, 21, 26, 28, 35, 36, 45, 46, 52, 53, 54, 57, 66, 67, 68, 69, 70, 71, 99, 100, 101, 102, 104, 106, 107 and 110 and Informatives of outline planning permission ref. 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the 'Sherford New Community') for 284 residential dwellings, on parcels L1-L12, including affordable housing and associated parking along with all necessary infrastructure including, highways, drainage, landscaping, sub stations, as part of Phase 3B of

Comment:

	Valid Date	Target Date	EoT Date
1888/23/ARM Tom French	1-Jun-23	31-Aug-23	

Address: Sherford New Community, Land south west of A38, Deep Lane and east of Haye Road, Elburton, Plymouth, PL9 8DD

Description: Application for approval of reserved matters for 269 no. dwellings on parcels B1-11, including affordable housing and associated parking along with all necessary parcel infrastructure including drainage and landscaping, as part of Phase 3B of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

Comment:

	Valid Date	Target Date	EoT Date
2058/23/ARM Tom French	9-Jun-23	8-Sep-23	

Address: Sherford New Community, Phase 3 A/B Land south of Main Street, Plymouth, PL8 2DP

Description: Application for approval of reserved matters application for strategic infrastructure including strategic drainage, highways, landscaping and open space, as part of Phase 3 A/B of the Sherford New Community pursuant to Outline approvals ref 0825/18/VAR (the principle permission that was amended by this consent was EIA development and was accompanied by an Environmental Statement)

Comment:

	Valid Date	Target Date	EoT Date
1619/23/FUL Peter Whitehead	28-Jul-23	27-Oct-23	

Address: Land At Sx 5083 6341, Roborough Down, Plymouth,

Description: Construction of a ground mounted solar PV array and ancillary infrastructure

Comment:

	Valid Date	Target Date	EoT Date
2622/23/VAR Peter Whitehead	31-Jul-23	30-Oct-23	

Land Off Townstal Road Sx 858 508 Townstal Road Dartmouth

Application for variation of conditions 1 (approved drawings) 4 (access, parking & drainage) 5 (lighting) of planning consent 4160/22/ARM

Comment:

	Valid Date	Target Date	EoT Date
2505/23/VAR Peter Whitehead	2-Aug-23	1-Nov-23	

Address: Deer Park Inn, Dartmouth Road, Stoke Fleming, TQ6 0RF

Description: Application for variation of Condition 2 (approved plans) of planning consent 0679/18/FUL

Comment:

	Valid Date	Target Date	EoT Date
2733/23/VAR Chloe Allen	9-Aug-23	8-Nov-23	

Address: Stowford Mill, Harford Road, Ivybridge, PL21 0AA

Description: Application for variation of condition 3 (approved drawings) of planning consent 27/1336/15/F (part retrospective)

Comment:

	Valid Date	Target Date	EoT Date
2169/23/FUL Lucy Hall	21-Aug-23	20-Nov-23	

Foundry and Fabrication Totnes Ltd Babbage Road Totnes TQ9 5JD
 Demolition of existing foundry buildings & construction of new two storey foundry building & welfare facilities
Comment:

	Valid Date	Target Date	EoT Date
2559/23/FUL Graham Smith	23-Aug-23	22-Nov-23	

Land At Sx 679 503 Modbury
 Widening of an existing access gate onto the A379 with a splay to allow improved visibility for forestry & agricultural vehicles, stone & track route from the new splay over the existing culvert to an existing gateway to join an existing track route & turning area/timber stacking area
Comment:

	Valid Date	Target Date	EoT Date
3159/23/VAR Tom French	19-Sep-23	19-Dec-23	

Sherford New Community Land South of Main Street Elburton, Plymouth PL8 2DP
 Application for removal or variation of condition 1 (approved plans) of planning consent 1431/21/ARM "Application for approval of Reserved Matters for 259no. dwellings on parcels 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, including affordable housing & associated parking along with all necessary parcel infrastructure including drainage & landscaping as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was EIA development & an Environmental Statement was submitted)"
Comment:

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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