

South Hams Development Management Committee



Title:	Agenda										
Date:	Wednesday, 15th November, 2023										
Time:	10.30 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="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Abbott</td> <td>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 - 10**

To approve as a correct record the minutes of the meeting of the Committee held on 18 October 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) 2748/23/FUL** **11 - 20**

"Land At SX 524 495", Ford Road, Wembury
Detached garage with storage above
 - (b) 2268/23/VAR** **21 - 40**

"The Cove Guest House", Torcross
Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR (resubmission of 2110/22/VAR)
- 7. Planning Appeals Update** **41 - 46**
- 8. Update on Undetermined Major Applications** **47 - 56**

MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 18 October 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
*	Cllr J M Hodgson (Vice-Chair)	*	Cllr S Rake
*	Cllr M Long (Chairman)	∅	Cllr B Taylor

Other Members also in attendance: Cllr Brazil and Cllr Hopwood on (MS Teams)

Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Monitoring Officer (MS Teams); Senior Planning Officers IT Specialists, DCC Highways Officer and Senior Democratic Services Officer

- DM.25/23 MINUTES**
The minutes of the meeting of the Committee held on 13 September 2023 were confirmed as a correct record by the Committee.
- DM.26/23 DECLARATIONS OF INTEREST**
Members and officers were invited to declare any interests in the items of business to be considered and none were declared.
- DM.27/23 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.28/23 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) 2412/22/OPA Land South of Dartmouth Road at SX 771 485, East Allington Parish: East Allington**

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

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

- Principle of residential development
- Highways access.

The Case Officer explained the Joint Local Plan policy framework and that East Allington was a sustainable village for the purposes of Policy TTV25 and the Plan provided for 30 dwellings as the indicative housing figure. New residential development within East Allington was therefore anticipated by the Joint Local Plan. She concluded that the site was well-related to the existing settlement and an acceptable development could be secured through the Reserved Matters consent process; the proposed access was acceptable to the Highway Authority; and planning obligations would be secured through a section 106 agreement.

A member raised a concern about how housing numbers were calculated and a concern that if a dwelling were not to be counted until completion, that could result in multiple planning permissions being granted, which if progressed to completion would result in the indicative number being exceeded.

Having heard from speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member highlighted the District's housing emergency and more houses needing to be provided including affordable houses. In terms of the site, it was he said, an appropriate site, it was on the edge of the village, within walking distance of the village shop and school. He therefore agreed with the Officer's Recommendation. Another Member felt that planning obligations would be good for the village.

Committee decision: The Head of Development be authorised to grant approval subject to agreeing the wording of the conditions with the Chair and Vice-Chair: Condition 1 to include all reserved matters to be determined except access. Additional condition to address solar orientation for maximum solar gain and to support sustainable development.

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)

6b) 1639/23/FUL

"Land At Sx 772 519, Three Corners Workshop", Halwell Parish: Halwell and Moreleigh

Development: 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.

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

- Granting of the Outline Planning Permission(4219/20/OPA) established the principle of a rural workers dwelling at this location, with a maximum floor area of 140sqm. Later confirmed that the condition stated 140sqm was a guideline and not a maximum.
- whether there was an essential need for a dwelling of the size proposed.

As to the size of any dwelling, the Case Officer explained that whilst there were no floorspace thresholds in the NPPF and JLP regarding the scale that would be appropriate for a rural workers dwelling, it is clear that dwellings should only be permitted in the countryside in exceptional circumstances, such as where there was an essential need for a rural worker to live permanently at or near their place of work in the countryside, and where the development responds to a proven agricultural, forestry, or other occupational need. A rural workers dwelling should be of a size commensurate with the established functional requirements of the enterprise rather than those of the owner or occupier. The Council's Agricultural Consultant considered there to be no special circumstances or specific requirements of the enterprise that would mean the dwelling should be as large as that proposed in this application. Their comments referred to two appeal decisions for agricultural workers dwellings on sites in North Dorset District Council Area. In both appeals it was considered 140sqm floor space was sufficient for 3-bedroom agricultural workers dwelling.

The Case Officer said that officers accepted that a modest sized, 3-bedroom dwelling would meet an essential need for the rural business. However, the size of the plot and dwelling proposed in this application was not considered to be commensurate with the functional requirements of the enterprise and therefore the principle of development was not considered to comply with Policy SPT1, SPT1 and TTV26 of the JLP.

In terms of the impact on the landscape, the Case Officer said that the submitted LVIA concluded that, whilst the receiving landscape was of Medium Value, the magnitude of development was low with a smaller number of localised receptor viewpoints. It is stated that with a sensitively designed residential property and the landscape mitigation measures proposed that there would be Neutral or Minor Beneficial landscape and visual effect. It was explained that Officers accepted that once the landscaping became established it may screen the development to an extent. However, even with the landscaping in place, due to the prominence of the site, the design and size of the dwelling, the changes to residential curtilage, it is considered that this proposal

would erode the open and rural characteristics of the site, failing to conserve or enhance the site and its surroundings and would result in an incongruous design more appropriate in a suburban context rather than this countryside location. The proposal was therefore considered to be contrary to TTV26(2v), DEV20, and DEV23 of the JLP and Paragraph 174(b) of the NPPF.

Finally, the Case Officer said that whilst a number of sustainability measures had been incorporated into the design of the proposed dwelling, including the provision of solar panels, 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 Authorities Climate Emergency Planning Statement. As such, the Council 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.

Having heard from speakers on behalf of supporters and the Parish Council together with the Ward Member, Members debated the application. During the debate, one Member after hearing all the arguments felt that the scale of the ground floor was considerable and could be reduced whilst still providing a reasonable sized property. Another Member could see a justification in the rooms associated with the business and another Member felt that the business should be supported and not be penalised.

The Head of Development Management drew Members attention to Policy TTV26 which supports and protects the countryside from inappropriate developments.

Members however disagreed with the Officer recommendation because the application was supported by the Parish Council and acceptable to the local community, was of a design comparable to similar properties, increase in the size appropriate and supported an agricultural enterprise. They considered that SPT1 and SPT2 supported rural workers and the proposal was not contrary to the policies DEV20 and DEV23. DEV15 supporting local business and could be approved subject to conditions including an agricultural tie and ecology and landscape plan prior to approval with appropriate conditions and removal of permitted development rights.

Recommendation: Refuse

Committee decision: Delegated approval to the Head of Development Management with conditions to be determined in consultation with the Chair, Vice-Chair, Proposer (Cllr Hodgson) and Seconder (Cllr Allen).

**6c) 2463/23/HHO 14 Butts Park, Newton Ferrers
Parish: Newton and Noss**

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)

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

- Scale, elevation, position, materiality and design.
- Protected landscape context: South Devon Area of Outstanding Natural Beauty.

The Case Officer explained that the property was within the AONB and the front elevations did not follow the high-quality design standards.

Having heard from the speakers on behalf of supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, one Member felt that the gain from upgrading properties to better meet the needs of the residents should be encouraged. Another Member felt that front porches should be resisted because they changed the main structure of the original house and therefore the officer recommendation was correct. On the officer recommendation being proposed and put to the vote, it was declared lost.

It was then proposed that that the application should be approved because overall Members said that they had a difference of planning judgment to that of the Officer and felt that the proposal was not contrary to DEV25, SPT1 and TTV2. Also, the proposal would result in a more sustainable building.

When put to the vote, the proposal was lost.

The vote was then taken to approve the application.

Recommendation: Refusal

Committee decision: Delegated approval to the Head of Development Management with conditions to be determined in consultation with the Chair, Vice-Chair, Proposer (Cllr Abbott) and Secunder (Cllr Rake).

**6d) 2304/23/VAR "Barn Adjacent Robins Nest", Diptford
Parish: Diptford**

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

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

- Existing planning approval in place which current application seeks to vary.
- Impact of proposed changes.

The Case Officer explained that the distance between the side window to the neighbouring property was 27 metres. The bathroom window would have obscure glazing.

Having heard from the speakers on behalf of objectors, supporters and the Parish Council together with the Ward Councillor, Members debated the application. During the debate, Members felt the site had the potential for a new build and the increased footprint was no larger than what was previously there.

Recommendation: Conditional Approval

Committee Decision: Conditional Approval with the inclusion an Ecology Report.

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

DM.29/23 **PLANNING APPEALS UPDATE**
Refer deferred to the next meeting.

DM.30/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**
Report deferred to the next meeting.

DM.31/23 **ENFORCEMENT – LEGAL PROCEEDINGS**
Members noted the contents and agreed the recommendations as outlined in the report.

(Meeting commenced at 10.00 am with a break at 11.40 am. Meeting concluded at 14.51 pm)

Chairman

Voting Analysis for Planning Applications – DM Committee 18 October 2023

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
2412/22/OPA	Land South of Dartmouth Road at SX 771 485, East Allington	Conditional Approval	Cllrs Abbott, Hodgson, Long, O'Callaghan, Nix and Rake (6)	Cllr Allen (1)		Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
1639/23/FUL	"Land At Sx 772 519, Three Corners Workshop", Halwell	Approved	Cllrs Abbott, Allen, Hodgson and Nix (4)	Cllrs Long and O'Callaghan (2)	Cllr Rake (1)	Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
2463/23/HHO	14 Butts Park, Newton Ferrers	Approved	Cllrs Abbott, Allen, Hodgson, Nix and Rake (5)	Cllrs Long and O'Callaghan (2)		Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)
26904/23/VAR	"Barn Adjacent Robins Nest", Diptford	Conditional Approval	Cllrs Abbott, Allen, Hodgson, Long, Nix and Rake (6)		Cllr O'Callaghan (1)	Cllrs Bonham, Carson, McKay, Pannell and Taylor (5)

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

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PLANNING APPLICATION REPORT

Case Officer: Graham Smith

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2748/23/FUL

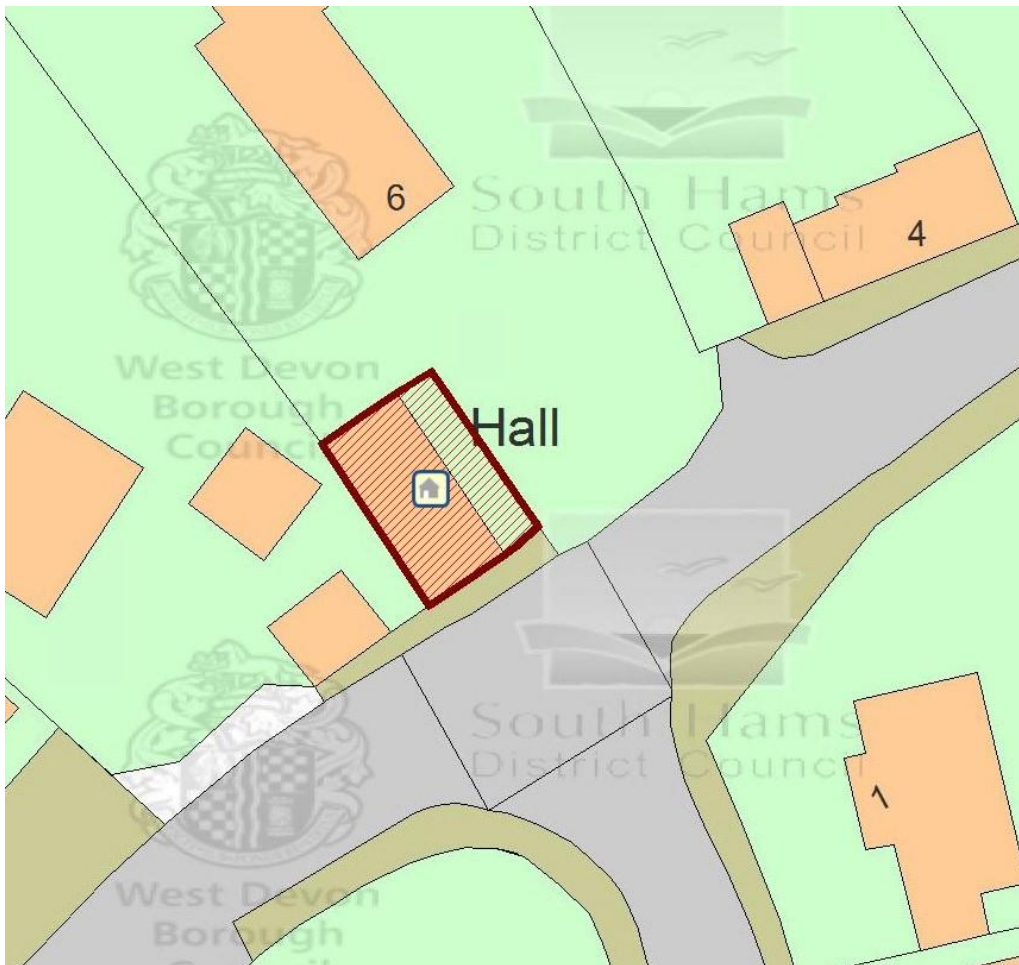
Agent/Applicant:

Mr James Wells - James Wells Planning
Limited
Pendeen
Plymouth
PL9 9BQ

Applicant:

Mr Mark Barnett
15 Brownhill Lane
Wembury
PL4 0JQ

Site Address: Land At SX 524 495, Ford Road, Wembury





Development: Detached garage with storage above

Reason item is being put before Committee: at the request of Cllr Alison Nix - *I wish to bring this to committee due to concerns regarding scale and neighbour amenity. The Parish Council also objected to the application.*

Recommendation: **CONDITIONAL APPROVAL**

Conditions:

1. Time
2. Accord w/plans
3. Use restriction domestic only
4. Construction Management Plan
5. Bird bricks
6. Velux to incorporate obscure glazing

Key issues for consideration:

Principle of Development, Design, Highways, Residential Amenity, Biodiversity, Carbon Reduction

Site Description:

The site comprises a rectangular shaped area of land which historically contained a chapel but currently contains a mound of building rubble facing onto the junction where Highfield Drive and Ford Road meet. The site is built up level with the road and relatively flat, but levels fall away to the north-west of the road. The nearest dwellings, nos. 6, 8 and 10 Ford Road, have frontage parking but are set back from the road and, as a result of the fall in levels, sit relatively low in the streetscene. In contrast, levels rise on the opposite (south-east) side of the road, with the dwellings on Highfield Drive set on progressively rising land. The area is predominantly residential however there is a hair salon and dog groomers in the vicinity to the north east and on street parking on this side of the road is common.

It should be noted that the site is in separate ownership from the housing in the immediate vicinity with the applicant living some 280 metres south east further into Wembury. The site is within the South Hams Area of Outstanding Natural Beauty (AONB).

The Proposal:

Permission is sought for a detached garage with upper floor storage. The garage is shown as being 9.7m x 5.5m with a shallow pitched roof design. The garage would measure 4.7m in height to the ridge and 3.2m to the eaves. An internal staircase would lead from the ground level to an upper floor storage area. The development would take up most of the site leaving a small gap along the sides and rear but providing direct access onto the road at the front. Externally, the building would be finished with rendered walls and a roof clad with fibre cement slates. A uPVC window is proposed to the front elevation above the garage door and 4no. velux roof lights are proposed within the roof.

Consultations:

- County Highways Authority – No Highways Implications
- Town/Parish Council – **OBJECTION** – due to the amount of concern from residents, inconsistencies in planning application, scale of development, rear staircase, access to highway, lack of mains lights, no EV charging point as expected for a garage and overlooking neighbours. Also the council recommend solar panels be a condition of any permission.

Representations:

9 letters of representation were received from 8 residents objecting to the development. The points made can be summarised as follows:

1. Changes made to a previously refused scheme are considered minor tweaks and nowhere near enough to change this to an approval.
2. The previous building on this site was demolished many years ago and the fact that it was at this site shouldn't have any bearing on the decision. It is said that the previous building wasn't as big as that proposed and did not have vehicular access.
3. The footprint is unchanged from the previous refusal and hipped roof incongruous.
4. The building would seriously undermine the AONB and is not of a high enough quality.
5. The plans are not accurate as, once the floor level is provided, it will need to be higher than as shown.
6. The building would dominate the nearest neighbours and have an adverse impact on their amenity resulting in overshadowing and a loss of privacy.

7. Why are skylights required for a storage room? There is electricity available and unclear why it wouldn't be used to provide light.
8. The floor plans and elevations do not correspond and levels and site area don't accurately correlate with what the situation is on site. The opening method for the proposed doors would be contrary to previous Highways advice.
9. The proposal will be detrimental to road safety. This part of the highway is busy with speeding vehicles and it will add congestion and increase hazards.
10. This development is to be used for commercial storage not domestic purposes with the applicant a builder living some distance away.

Relevant Planning History

1454/23/FUL – Construction of detached building to form new double garage with storage area over (Resubmission of 0778/23/FUL) **REFUSED** 20 July 2023

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1 A number of overarching policies in the Plymouth and South West Devon Joint Local Plan (JLP) set the context for what the LPA considers sustainable development in the plan area (Policies SPT1 and SPT2). Policy TTV1 sets out a hierarchy of named settlements which are to receive proportionate amounts of growth over the plan period and which can be used to inform whether a proposal is sustainable or not.
- 1.2 Wembury is not a settlement named in the hierarchy of Policy TTV1 and falls into the fourth tier where it is significantly more challenging to meet the requirements of sustainable development. A development of this nature and scale however, on a brownfield site within the built up area does not trigger any higher level considerations and is acceptable in principle subject to assessment against the relevant Policies.

2. Design/Landscape:

- 2.1 Policy DEV20 of the JLP places an emphasis on locally distinctive design as a means of achieving successful places. Materials and design should be resilient to their context and have proper regard to the context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, detailing, landscaping and character. Policy DEV23 requires consideration of scenic quality, a sense of place and promotes design quality as a means of conserving and enhancing townscapes.
- 2.2 Policy DEV25 gives great weight to protecting the AONB by resisting incongruous features in the interests of conserving and enhancing the visual qualities of the protected landscape and townscape and reinforcing local distinctiveness.
- 2.3 On this part of Ford Road many of the dwellings access onto the street and feature parking and domestic garages on the roadside. Given that Nos. 6, 8 and 10 Ford Road are set back from the road and situated at a lower level, any development on the application site will be relatively prominent. However, the siting of the building is not considered out of character, dwellings further along Ford Road to either side fronting onto the road.

2.4 The design of this proposal has been amended from the previous refusal and what is proposed in this application is lower with a hipped roof at the rear. Alternative materials have been selected from the previous refusal including render and roof tile. The materials selected are considered to be more durable and a variety that is more in keeping with the surroundings at this part of the street. Officers would still consider that what is proposed will be prominent however, the small changes made are considered to have provided a design solution that fits more comfortably in with its surroundings. As such officers do not consider that such a proposal conflicts with Policy DEV20, DEV23 and DEV25 of the JLP.

3. Neighbour Amenity:

3.1 Policy DEV1 of the JLP safeguards the residential amenity of existing residents and potential impacts will be considered carefully to ensure that no significant loss occurs. The design of this proposal has been modified from the previously refused scheme with this proposal containing a hipped roof at the rear which, by its nature will be less imposing and minimise any overshadowing. The orientation and position of the garage will inevitably result in some overshadowing to the front of No.6 Ford Road to the north-west but officers would not consider this to be sufficient enough to necessitate refusal of the application. The properties will still receive an adequate amount of sunlight and daylight. The proposal is for storage and, whilst some neighbours have suggested that if this were to be approved the upper floor could be used as a habitable room, conditions can suitably restrict both the usage and require the rooflights to be obscure glazed. As such it is not agreed that the development would lead to an unacceptable loss of privacy. As many of the neighbours have noted the site has been vacant for many years since the previous building was demolished. Given the levels it is inevitable that a building on this site will have an impact however the impact of the revised proposal is not considered to result in an unacceptable loss of amenity for the closest residents. As such the proposal is considered to accord with Policy DEV1 of the JLP.

4. Drainage:

4.1 Policy DEV35 of the JLP requires cognisance to be given to drainage and flooding matters and seeks to achieve sustainable solutions. The flood maps show that the site is not within an area prone to flooding and the application was accompanied by some correspondence from SWW confirming that due to the scale of the development and lack of alternatives surface water could be discharged into the combined system in this instance. No foul drainage is proposed. As such it is considered that the proposal does not conflict with Policy DEV35 of the JLP.

5. Ecology:

5.1 Policy DEV26 of the JLP requires cognisance to be given to habitats and species and for developments to provide proportionate biodiversity enhancements. In terms of protected species the requisite checklist has been submitted demonstrating that the development is unlikely to have any adverse impact on any species or habitat and officers would agree with that. The site does not currently contain any habitat of worth and there is limited scope within the confines of the site to provide any. This proposal does however contain two bird bricks which will provide additional nesting opportunities. In the circumstances officers would consider that these can provide a proportionate enhancement for the development and it is not therefore considered to conflict with Policy DEV26 of the JLP.

6. Carbon Reduction:

6.1 Policy DEV32 of the JLP requires developments to contribute to a low carbon future both in terms of construction and through their lifetime. A development of this nature will not require any heating and the applicant has confirmed that it also requires no electricity. Durable materials are proposed and the roof pitch could accommodate solar panels PV should electricity be required at a later date. The velux will provide natural light to the storage area. It is considered that such a development will not generate significant energy and that its nature and scale will have a significant carbon footprint and it is not therefore considered to be contrary to Policy DEV32 of the JLP.

7. Conclusion:

7.1 Officers note the concerns raised by neighbours and the Parish Council in respect of this development. However, officers consider that the changes made to the previously refused scheme have reduced the impact, both in terms of the development's compatibility with the streetscene and in terms of impact on the nearest residents. On balance, whilst development at this location will inevitably have an impact on the streetscene and neighbouring residents, it is no longer considered that the impacts of this will be so significant to warrant refusal of the planning application. In light of this officers recommend conditional approval.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan – No adopted Neighbourhood Plan

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Recommended Conditions

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

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

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

Location Plan
Block plan
Existing and proposed Site Plan Layouts, Floor Plans and Elevations (revision A July 2023)

Received by the Local Planning Authority on the 10 August 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.

3. The development hereby permitted shall be used for domestic parking and domestic storage only and shall not be used for any other purpose including any form of residential use or any business or commercial activity.

Reason: To define the permission as a domestic a garage/store and in the interests of the amenities of nearby neighbours in accordance with Policy DEV1 of the Joint Local Plan.

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

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (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 construction phase;
- (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 obligations
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (l) Details of the amount and location of construction worker parking.
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);

Reason: In the interests of public amenity and highway safety and in accordance with Policy DEV1 of the Joint Local Plan.

5. The bird bricks as detailed on the plans hereby approved shall be installed prior to the completion of the development hereby permitted and retained thereafter for the lifetime of the development.

Reason: In order to provide a proportionate biodiversity enhancement in accordance with Policy DEV26 of the Joint Local Plan.

6. The velux windows as shown on the plans hereby approved shall be obscure glazed when first installed and thereafter be permanently retained as such.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy DEV1 of the Joint Local Plan.

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PLANNING APPLICATION REPORT

Case Officer: David Stewart

Parish: Stokenham **Ward:** Stokenham

Application No: 2268/23/VAR

Agent/Applicant:

Mr Mikael Armstrong
Hockham House
Hockham Road
Compton
Newbury
RG20 6QN

Applicant:

Mr Mikael Armstrong
Hockham House
Hockham Road
Compton
Newbury
RG20 6QN

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



Development: Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR (resubmission of 2110/22/VAR)

Reason for referral to Committee

Councillor Brazil has requested this application be placed before committee in order to examine the issues related to the balance between the fall-back position and the new application.

Recommendation:

Conditional Grant

Conditions

1. Accord with Plans
2. Update to structural report
3. Materials
4. Non reflective glazing
5. Restriction of PD
6. Soft and hard landscaping
7. Reptile mitigation
8. Parking
9. Contamination
10. Privacy screen
11. CMP
12. Restriction of PD (means of enclosure)
13. Renewable Energy

Key issues for consideration:

The effect of the amended scheme on the character and appearance of the area, with particular regard to the South Devon Area of Outstanding Natural Beauty (AONB), the Heritage Coast and the Undeveloped Coast designations.

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

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

Site Description:

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

The site is located outside of the discernible built up area. It is within the South Devon Area of Outstanding Natural Beauty (AONB) and part of the designated Undeveloped Coast. The eastern edge of the site lies within Flood Zones 2 and 3 and the Slapton Ley SSSI. A Public Right of Way runs to the west of the site.

The site has an extensive previous planning history. In 2009 permission was granted for a replacement dwelling on the site. This was renewed in 2011 and further permissions were granted in 2014 and 2015 for a replacement dwelling. The 2015 permission was varied in 2017. At some stage between 2009 and 2011 the original building was demolished and in 2020 a

certificate of lawfulness application was made that sought to confirm that the 2011 permission was lawfully implemented and was capable of lawful continuation subject to adherence to the requirements of the relevant planning conditions. On that basis the certificate was issued.

Further applications to vary the scheme were submitted with the most recent approved variation being 1411/21/VAR. Two further variations were submitted but refused and later dismissed at appeal under 0043/22/VAR and 2110/22/VAR

The Proposal:

This application seeks to vary the approved 2021 variation on the design of proposed dwelling with the current amendments showing a two level timber framed, Huf Haus structure. The proposed building has a timber framed structure set on a concrete frame which is based on standard modular dimensions. The result is a 6 bay module on the east and west elevation extending into the site by 2 modules.

The building is also divided vertically into two layers. A projecting balcony is shown on the east elevation which is about 1.2m wide with the roof projecting out the same distance. A projecting roof is also shown on the west side of the building. The southern 'extension', comprising the raised pool and terrace, remains unchanged in dimensions from the approved scheme. This variation does not include the reduced height wall on the west side of the pool terrace which was shown in the previous dismissed proposal.

As it was original submitted, the outer face of the timber frame was shown to be exposed and the eastern elevation predominantly glazed. At the lower ground floor level there were solid panels shown on the east facing elevation to the utility room and a narrow solid panel adjacent to the stair module. At the upper level the elevation was almost wholly glazed with the exception of a panel adjacent to the stair module to match the lower floor. Changes made to the scheme now introduce more extensive stonework panelling to the lower floor.

On the north elevation there is a line of solid panels to the lower level with the exception of a door to the lower lobby. At the first floor, the elevation is glazed towards the east side but solid on the west side.

The south elevation is glazed at the upper levels but solid at the lower level. The west elevation, facing the hillside is predominantly solid render panels at the first floor level with two small opening at the lower level and two larger glazed panels at the upper floor level, one inset.

Consultations:

- County Highways Authority No highway implications
- Stokenham Parish Council Object

The Parish Council maintains its objections to the scheme but raises two particular points on this variation. The first is the difficulty of delivering pre-fabricated panels of this size to the site and the second questioning what works may be necessary to the sea wall at this location. The submitted objections from the PC to earlier proposals for the site related to the scale, massing and excessive glazing to the proposal.

Further submissions from the Parish Council have been received following a meeting between the case officer and representatives from the Parish Council which raise additional matters or further expand on earlier comments. These are set out below:

- The site is not only within the SSSI, but also within its Impact Risk Zone. Permission for planning proposals is required from Natural England.
- The site is within the Coastal Change Management Area (DEV36) of the Plymouth and South West Devon Joint Local Plan. This states that “inappropriate development, or any development that could add to the impacts of physical change to the coast, will not be permitted in the Coastal Change Management Area”. It further states that “any development that includes any form of sea defence will require the submission of a vulnerability assessment, showing how the sea defence will not be to the detriment of adjacent or any other sections of coastline”.
- The site is within the AONB, where great weight should be given to a buildings impact on its surrounding area. It is the overall impact on the surrounding area and particularly the beach that is a concern and in an AONB, this should be given priority. This is a sensitive site location. Although the principal of redeveloping the site for a single dwelling has been accepted, there have been material changes in policy over the last decade; for example, the AONB have reversed their view from no objections in 2015 to objecting in 2021, which reflect these policy changes. In an AONB, the conservation and enhancement of landscape and scenic beauty are matters which carry great weight. It could be argued that being in an AONB should be one of the primary deciding factors on what is material. This is a large, brightly lit house in an area of protected natural darkness and it will have quite an adverse impact, on wildlife and on the local character, particularly looking from the sea, and especially at night.
- The area of glazing is increased in the proposed scheme over the approved development affecting not only the dark skies policy but also the heat necessary to sustain the development which would require additional carbon emissions contrary to climate change policy
- The site is within the Shoreline Management Plan (SMP), which is managed by the Environment Agency – the SMP2 projects it will be under water in 20-100 years, and it also strongly intimates the current height of the seawall will be insufficient. Even if environmental concerns are ignored, the danger should be considered too great for the safety of the occupants. Other applications in nearby Beesands have been refused due to similar concerns. The coastal defence ‘line’ goes behind the site of the house, not including it.

Representations:

Comments have been received from 2 third party objectors and cover the following points:

- The High Court Case of *Armstrong v Secretary of State for Levelling Up, Housing and Communities & Anor* [2023] EWHC 176 (Admin) (27 January 2023, Case No: CO/1288/2022) is significant in that it frees up the LPA to consider the building on up to date planning policies and associated legislation, and with refreshed consultation from other interested bodies such as Natural England and the Environment Agency, who oversee the SSSI and the Shoreline Management Plan. It is fair to say the building has very few planning merits. The building is not substantially different in flavour from the two previous rejected designs, and in this respect the reasons for rejection by the previous officer and Inspector are valid on this design too. Based on current policies it is a gross overdevelopment of a small site in a sensitive area. Our own specific objections have been detailed in previous correspondence so we will not repeat them again here. We believe this situation may be an opportunity for planners to stipulate what is acceptable for this site going forward, in terms of size, bulk, materials, etc. Although the applicant has a recognised fallback position of two extant permissions, both of which are unsuitable for this site, he seems to have little appetite

to build them. His reluctance to build them is his own affair. This is an opportunity for guidance on what would be appropriate for this site in the future.

- Gross overdevelopment of a confined site
- The building does not meet climate emergency policies
- The site is vulnerable from coastal erosion
- A smaller traditionally built dwelling would be more energy efficient and suited to the location

The South Hams Society have also raised an objection.

- SHDC has declared a climate emergency with the recent Joint Local Plan adopted in 2019 and the Joint Local Plan Supplementary Plan adopted in 2020 (JLPSPD). The JLPSPD has been updated and continues to evolve to address current issues. Consequently it has to be questioned why the applicant continues to pursue a development that fits into a planning approval size box but fails to address climate change? No attempt has been made to address the requirements of JLPSPD DEV32.1, namely: Minimising natural resources in development states that the policy 'aims to minimise the use of natural resources in the development over its lifetime. The structure, layout and design of places can help reduce their resource requirements in terms of both construction and in use, including energy demands, water and land take, and help to sustain natural ecosystems'.
- The adverse effect of the amended scheme on the character and appearance of the area, with particular regard to the South Devon Area of Outstanding Natural Beauty (AONB) and the Undeveloped Coast. It is far from clear how the removal of an internal floor addresses the Planning Inspectors main issue. And with regards to climate change it is now necessary to produce a 'Sustainability Statement' for minor developments. The Society are of the opinion that the Case Officer needs to be satisfied as to the implication of excessive room volumes, both with regards to unnecessary heat energy use and loss, and the increased use of glass which has high energy requirements in manufacture, as a consequence of the noticeably increased ceiling heights. The applicant must be able to demonstrate that the move away from standard ceiling heights to a higher building comes with a carbon neutral outcome between the two ceiling levels. This statement from the applicant contained within their DEV32 assessment is unacceptable. 'We have not formally conducted a carbon calculation. However we have used the principle that minimising steel and concrete which do have high carbon costs have been minimised through the choice of a timber framed house'.

Relevant Planning History

Planning Application Ref: 53/3160/11/F

Description: Renewal of extant planning application 53/0136/09/F (demolition of guest house and replacement with single dwelling)

Address: The Cove Guest House Torcross Tq7 2th Torcross Devon TQ7 2TH

Decision Date: 03 February 2012

Conditional Approval

Planning Application Ref: 53/2609/14/F

Description: Erection of single dwelling on site of demolished guest house

Address: The Cove Guest House Torcross Kingsbridge Devon TQ7 2TH

Decision Date: 12 December 2014

Conditional Approval

Planning Application Ref: 53/3009/14/DIS

Description: Application for approval of details reserved by conditions 4, 5, 6, 7 and 9 of planning approval 53/2609/14/F

Address: The Cove Guest House Torcross Tq7 2th Torcross Devon TQ7 2TH

Decision Date: 27 February 2015

Discharge of condition Approved

Planning Application Ref: 53/2267/15/F

Description: Erection of replacement single dwelling

Address: The Cove Guest House Torcross Kingsbridge Devon TQ7 2TH

Decision Date: 23 December 2015

Conditional Approval

Planning Application Ref: 1164/17/VAR

Description: Variation of condition 2 (approved plans) following grant of planning permission 53/2267/15/F

Address: The Cove Guest House Torcross TQ7 2TH

Decision Date: 09 August 2017

Conditional Approval

Planning Application Ref: 3446/20/CLE

Description: Lawful development certificate for existing commencement of development of works to comply with consent 53/3160/11/F

Decision Date: 18 February 2021

Cert of Lawfulness (Existing) Certified

Planning Application Ref: 0693/21/ARC

Description: Application for approval of details reserved by conditions 4, 5, 6, 7 and 9 for planning application 53/3160/11/F

Address: The Cove Guest House Torcross TQ7 2TH

Decision Date: 20 April 2021

Discharge of condition Approved

Planning Application Ref: 1411/21/VAR

Description: Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F

Address: The Cove Guest House Torcross TQ7 2TH

Decision Date: 23 December 2021

Conditional Approval

Planning Application Ref: 0043/22/VAR

Description: Application for variation of condition 2 (approved plans) of planning consent 53/3160/11/F (resubmission of 1411/21/VAR)

Decision Date: 26 April 2022

Refusal Appeal Dismissed

Planning Application Ref: 2110/22/VAR

Description: Application for variation of condition 1 (approved plans) of planning consent 1411/21/VAR

Decision Date: 26 April 2022

Refusal Appeal Dismissed

ANALYSIS

1. The table below shows the plans to be replaced by this new submission

Plan Title	Approved Plan	Replacement Plan
Site Location Plan	Received 04.05.21	Received 03.07.23
Existing site, location and block plans	1501-PL-00	TCGT-LAY-10-C rev C
Proposed landscape strategy and block plan	1501-PL-01	None submitted and approved plan no longer valid with current scheme
Proposed ground floor plan	1501- PL-02	TCGT-LAY-11-E rev E
Proposed first floor plan	1501- PL-03	TCGT-LAY-12-F rev F
Proposed roof plan	1501- PL-04	TCGT-LAY-10-C rev C
Proposed east elevation	1501- PL-05	TCGT-LAY-15-G rev G
Proposed north elevation	1501- PL-06	TCGT-LAY-14-G rev G
Proposed west elevation	1501- PL-07	TCGT-LAY-17-G rev G
Proposed south elevation;	1501-PL-08	TCGT-LAY-16-G rev G
Proposed south elevation / site section AA	1501- PL-09	TCGT-LAY-16-G rev G

2. However before a consideration of the submitted scheme is commenced it is first appropriate to comment on the High Court case referred to by the Parish Council and assess its relevance to this application. The case was for a very similarly located plot of land overlooking the sea in Cornwall where the applicant had sought to vary the approved scheme through a S73 application to vary condition 2 of the planning permission. The Council refused the proposal to vary the design of the dwelling and at the subsequent appeal the Inspector concluded that the application would give rise to such a fundamental variation to the permission that the application fell outside s.73 because it conflicted with the description of the development in that permission and was contrary to policy.
3. This was challenged in the high court. The judge concluded that the appeal inspector was incorrect. *"In my judgment there is more than sufficient doubt about that to justify quashing the decision on the basis that he misdirected himself by reference to the planning policy guidance and its concept of 'minor material amendments'"* There is no definition of what may be acceptable or otherwise in an application to vary a condition. The Inspector's dismissal of the case was therefore quashed.
4. Paragraph 91 of the judgement states, *"Neither the Inspector nor the Defendant contend that the Claimant's application involved any conflict with the operative part of the permission that permits construction of one dwelling on the Site. As I have already noted, there is no suggestion that this operative part of the amended permission (properly construed) was materially affected by the reference to the "plan(s)" or the "application" and it is accepted that the limitations on form and style arose only from the plans governed by condition 10. I can see that a decision maker might lawfully conclude that the proposed variation of condition 10 by substituting plans with a different form and architectural style could be described as a "fundamental variation" of that form and style. But there has been no change in the basic principle of what was being permitted on the Site, namely the construction of a single dwelling."*
5. In this case the same can be applied, that there is no fundamental difference in the basic principle of what is being requested, namely the construction of a dwelling. Therefore the

Council is entirely correct in considering a change to the design of the dwelling even if there are major changes proposed.

6. Such considerations must, of course, take account of adopted policies and in this respect the original 2011 permission was granted under a different policy regime. The decision on the certificate of lawfulness granted was based on matters of fact and not policy. The 2021 variation to the design of the building was made judging the proposal against current adopted policies. There has been no change to the adopted policies since 2021, however in November 2022, the Council in conjunction with West Devon Borough Council and Plymouth City Council adopted the 'Plymouth and South West Devon Climate Emergency Planning Statement', which is a material consideration. This is a matter that is picked up in the relevant section.
7. There is no Neighbourhood Plan covering this site.

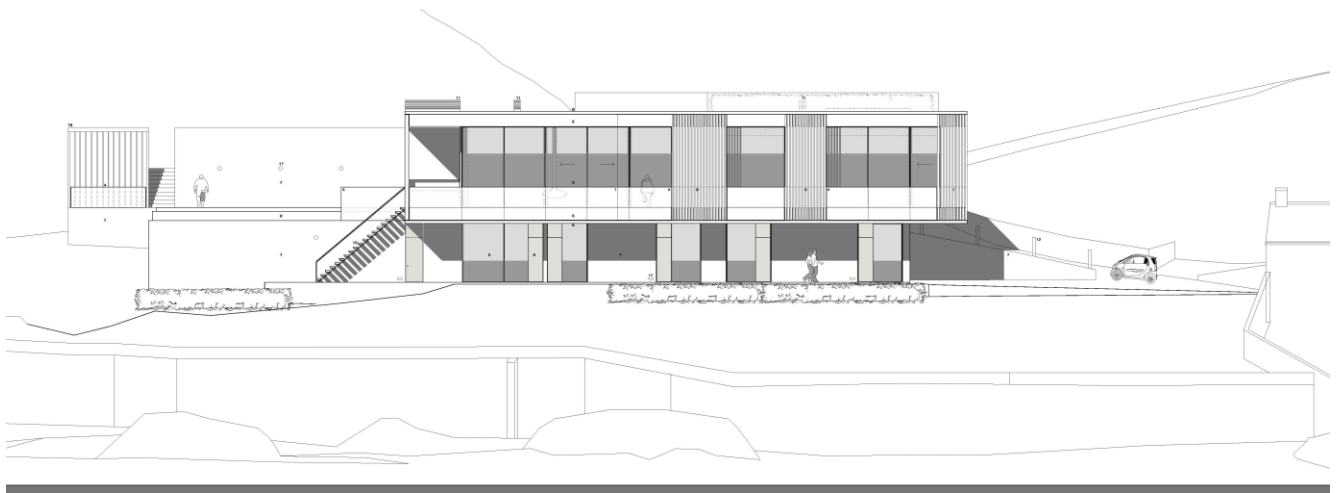
Principle of Development/Sustainability:

8. The principle of a replacement dwelling on the site has already been established. The certificate of lawfulness granted in 2020 confirmed that a material start had been made to the scheme approved in 2011. Furthermore the Council has adjudged that the works of demolition constituted a commencement of development in issuing the Certificate of Lawfulness and that the owner can complete the development permitted in 2011 as amended by the later approved variation.

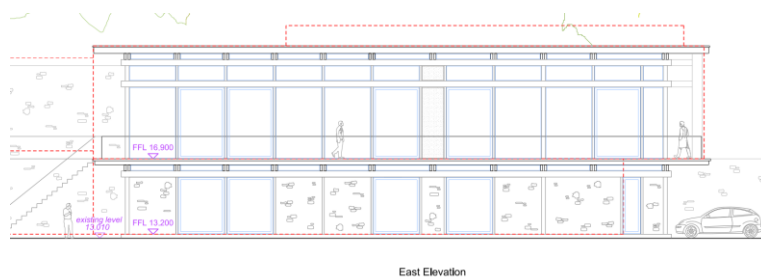
Design/Landscape:

9. A starting point for a consideration of the amended design is the approved scheme under 1411/21/VAR and with the recent appeals on the site (ref: APP/K1128/W/22/3309553 and APP/K1128/W/22/3309554). Both appeal decisions gave significant weight to the fact the site is within the AONB. The decisions for the 3 applications are material considerations in relation to the assessment of the current proposal.
10. Paragraph 176 of the National Planning Policy Framework (the Framework) requires that great weight should be given to conserving or enhancing the natural beauty of the area and that the AONB has the highest status of protection regarding these issues. This protection is carried through in local policy by DEV25 of the JLP. The adopted South Devon AONB Management Plan is also a material planning consideration.
11. The site is also located within a locally designated area of Undeveloped Coast where DEV24 applies. Paragraph 174 of the Framework requires that decisions should contribute to, or enhance, the natural and local environment by protecting or enhancing these valued landscapes.
12. JLP policy DEV25 seeks to ensure that development is designed to conserve, enhance, protect or maintain the special qualities and natural beauty of the unique landscape of the AONB. Further, policy DEV24 seeks to conserve the unspoilt character of the Undeveloped Coast and requires development proposals to be designed to prevent the addition of incongruous features, maintain an area's distinctive sense of place, or reinforce local distinctiveness. Alongside policies DEV24 and DEV25, policies SPT1, DEV10, DEV20, DEV21 and DEV23 of the Local Plan seek to deliver, amongst other things, high-quality sustainable housing that contributes positively to the townscape and landscape. This policy background provides the measures and criteria that the development must meet.

13. The approved variation provides a design that officers assessed as acceptable. The officer's report stated that the linear design provided a building of acceptable proportions which, set with the rising ground behind its scale was acceptable.
14. In design terms the approach taken to break up the massing of the development on the principal elevation was also considered acceptable. At the lower level the use of panel material in the form of natural stone and metal panels gave a solid appearance to the building. The first floor of the east elevation contains large, glazed areas with sliding vertical timber panels attached to the front of the balcony. The balcony projection and overhang above was considered to reduce the impact of the large-glazed area by creating shadow. All the glazing was to be of a low reflective specification. The officer who assessed that case considered that the mix of traditional and contemporary materials and building patterns was well conceived and if built to an appropriate standard this development could enhance this area of the AONB which currently has an untidy, abandoned appearance. The east elevation of the approved scheme is reproduced below.



15. The proposed revisions made to the approved scheme follows in scale, massing and design the approach adopted in the approved variation scheme. There is a commonality between the two with a framed building which, at the lower level has solidity provided by the stonework. At the upper level the framing of the upper floor is split by a purlin running the whole length of the building. The position of the sub division of this part of the elevation has been moved to provide an acceptable division of the glazing at this level. The proportions now sit comfortably with a smaller 'fanlight/clerestory' section between the purlin and the roof.



16. The removal of the sliding vertical panels, which provides relief to the upper floor glazed areas does change the appearance of the upper floor but not to the extent of harming the overall appearance of the building. The solidity to the lower ground floor, helps 'anchor'

the scheme to the site and provides a degree of sophistication to the overall appearance that was lacking in the originally submitted design.

17. The other elevations show greater parity with the approved scheme and officers have less of an issue with the south, west and north elevations although it is considered that the changes on these elevations also diminish the sophistication of the design of the approved scheme.
18. It should be noted that the proposed footprint and massing of the building is slightly reduced over the approved scheme. Most importantly the floor to ceiling heights shown match those of the approved scheme.
19. In design terms, officers consider that the current proposal represents no diminution in design quality from the approved variation and makes the proposed changes acceptable and accords with the principles set out in DEV20. In reaching this conclusion, account has been taken of the earlier appeal decisions relating to a variation of design of the proposed dwelling. In those cases the proposal involved adding an additional floor to the development. Whilst the overall mass of the building did not change much, the additional floor led to a fussy design that was not considered to be acceptable. The inspector's findings related to a consideration of that matter. It does not arise in this case.
20. One matter raised in objections relates to the increased glazing in the dwelling now proposed which would give rise to the potential for light pollution and requirement for increased heating inputs. (I deal with the latter issue later). It is estimated that the area of glazing in the current application increases the glazed areas by about 16% with the biggest change occurring on the west side, that facing the cliff. The changes to glazing areas on the north and south elevations are marginal. There is also a modest change on the east elevation, the principal elevation. Whilst I do not agree with the total calculated, there is an increase in glazed area overall. The question is whether the change is significant. Officer conclude that it is not and that the use of low emissions glass which can be controlled by a suitable condition ensures that it is no worse than the approved development where there is no control on the type of glazing to be used.
21. In landscape terms the similarity of the design between the approved design and the current scheme will not lead to a greater impact on the landscape or the character of the AONB and the changes therefore accord with DEV23, DEV24 and DEV25.

Neighbour Amenity:

22. This matter has been assessed in the previous approved schemes, and considered acceptable. The revised scheme does not raise any concerns regarding neighbour amenity.

Highways/Access:

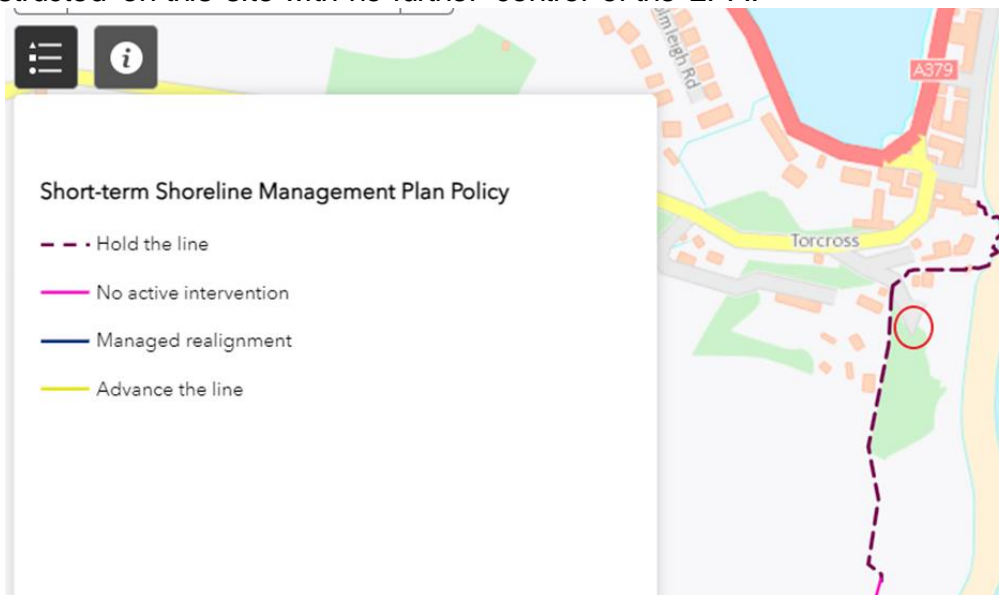
23. One of the reasons put forward by the Parish Council in objecting to the scheme is the poor access for large vehicles delivering prefabricated material to the site. This applies to all development schemes along this section of coast with narrow road widths and often single lane widths through the nearby villages. However, the road is not width or weight restricted and abnormal loads have to be licensed by the County Highway Authority with set routes to and from the site. The matter is dealt with by them and is not a planning matter.

24. As with the extant consent, a construction management plan is requested via condition and to address the requirements the onus will be on the applicants to explain how the contractors would deal with the restricted access. It will also have to address a range of other issues including measures for the protection of the SSSI which abuts the site on the seaward side and protection to the trees lining the access which overhang the drive.

Structural Issues:

25. The Parish Council had raised the issue of the instability of the cliff and the sea wall below, which was damaged by Storm Emma in 2018. No works are shown to either. The PC indicates that no remedial work had been carried out, either to the damaged wall or to the access from the site to the beach, which they indicate had been badly undermined, leading to the partial collapse of the neighbouring property's wall. The Parish Council also point to increasingly energetic storms had taken their toll on the cliff behind, which was unstable and crumbling at regular intervals. This is a material change in site-specific circumstances since the previous permission was granted and should be a point of reflection for planning officers.
26. The issue of structural stability of the cliff was the subject of a condition in 2011 that stated the, "*The development shall be constructed in accordance with the recommendations conditioned within the geo-technical consulting engineers report BC6986 dated 18 January 2007 contained within consent 53/0136/09/F*". That report was updated in 2015. However that too is now dated and in the event that the current application were to be recommended for approval it would be appropriate for a condition requiring an updated report to be submitted for approval together with details of any stabilisation now required to render the cliff safe. Such a condition would ensure the stability of the cliff during construction. It should be noted that the applicant owns the cliff face up to the line of the coastal path and so can implement works of stabilisation. Members should also note that any works to the cliff, and to flood defences, would require planning permission and in the case of the latter also an MMO license as well as approval from Natural England as consultee for works abutting or within the SSSI. Both issues have been discussed with the Council's principal Civil Engineer who has agreed that this approach is satisfactory and appropriate to deal with these matters.
27. The site falls within the Slapton Lines policy area where coastal erosion is an ongoing issue. A Slapton Line Partnership comprising a number of public and private official bodies was set up and they have produced a 'Strategy for Adaptation' (2019) which is currently in the process of being updated. The strategy document does not cover this site, concentrating on the coast between Torcross and Strete, north of the SW coastal path at Torcross. Coastal management initiative appear to concentrate on this area rather than the protection of this site which Officers understand to be the responsibility of the owner.
28. The sea wall protecting the site has suffered some storm damage. From comments received from residents living nearby this appeared to come from the backwash of waves over the sea wall flowing back to the sea. There is some rock protection below the wall. The construction of the dwelling will create a platform that is part lifted above existing ground level and part cut into the lowest part of the cliff to the rear. Obviously the platform created will to some degree protect the dwelling and the site. However if the lower existing sea wall is compromised then the site could be affected in the medium to long term. This is a planning matter when examining new development but in this case the ability to build out a dwelling here is a major consideration and by granting permission for this variation there are no greater risks arising from the development.

29. Policy DEV36 states that inappropriate development, or any development that could add to the impacts of physical change to the coast, will not be permitted in the Coastal Change Management Area as designated on the Policies Map. The site falls within this designated area and the policy seeks to direct development to a less vulnerable area. DEV36.5 states that if it is a replacement proposal, the gross volume of the replacement building or structure is no larger than the one it is to replace.
30. However, whilst there is no question that a new dwelling here would be contrary to DEV36, the extant permission and the material start made on an earlier consents is a significant material consideration. This application does not make the situation worse and therefore there is no ground of refusal based on DEV36.
31. Within the Coastal Change Management Area a shoreline management plan is operative. This identifies that in the vicinity of the site there is a hold the line policy that lies to the rear of the site. The 'Hold the Line' follows the predicted line of coastal erosion over the next 100 years estimated using a worst case scenario. The shoreline management plan does not currently propose additional coastal protection in this vicinity. However such matters do not influence consideration of the key factor in this case which is that a dwelling can be constructed on this site with no further control of the LPA.



Extract from Slapton Sands Beach Management Plan Jacobs 2018

Climate Change

32. Policy DEV32 of the JLP explains that the need to deliver a low carbon future for the plan area should be considered in the design and implementation of all developments. In particular, the policy requires that developments should be considered in relation to the energy hierarchy and identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure. This approach is complemented by the NPPF which indicates that local planning authorities should usually expect new development to comply with any development plan policies on local requirements for decentralised energy supply. In general, this could include for a single dwelling, as a matter of principle, to incorporate such matters as PV panels or heat pumps.

33. It was against the policies of the adopted JPL that the earlier 2021 approval to a variation of the design was approved. There is no indication whether there was any consideration of DEV32 or matters relating to climate change in the officer's report and there were no conditions requiring any details of renewable energy measures to be approved by the LPA. Thus the scheme that has been approved and could be built out could do so without adopting any climate change measures or other proposals to minimise scarce natural resources.
34. Commentary within the adopted SPD with regards to policy DEV32 requires the provision of a supporting energy statement for all major applications. This is not a major application and therefore does not require the submission of details. However the Council does require a Climate Change Compliance form to accompany all applications and one has not been submitted by the applicant.
35. In addition to the policy the Council adopted a Climate Emergency Planning Statement in November 2022. This set out a number of aims and policies that will be given additional consideration and increased emphasis which are summarised briefly below :
- CES01: To deliver development that contributes less to and mitigates the impacts of climate change and adapts to its current and future effects through a range of measures: *This scheme does seek to meet a number of the criteria set out in the policy. Most importantly it does reduce the carbon impacts over the approved scheme through measures incorporating renewable energy sources.*
 - M1 – Onsite renewable energy generation. For major and minor planning applications, adopted JLP policy DEV32.5 will apply in order to secure an equivalent 20% carbon saving through onsite renewable energy generation: No detailed evidence to confirm whether a 20% saving is achieved through the proposed measures. *The only way to calculate the saving in this case is at the detailed working drawing stage to calculate the energy consumption of the approved development and compare it with the proposed energy consumption with the renewable sources of power in place. As there are no measures required on the previous approval officers consider that the saving will be more than 20% but that a condition requiring a detailed calculation of the Target Emissions Rate based on the renewable sources of power to be installed would be appropriate.*
 - M2 – Energy storage: *Details of this can be controlled in an overall condition requiring detailed of the solar panels and ASHP or water based Heat Pump*
 - M3 – Low and zero carbon space and water heating systems: *Confirmed*
 - M4 – Resilient and low carbon building materials: *Confirmed in part although concrete foundations and retaining structures will be required. These are already present on the approved scheme*
 - M5- Not relevant
 - M6 – Electric Vehicle Charging Points: *Confirmed*
 - M7 – Active and Sustainable Travel: *This is not possible to achieve in this case However it should be remembered that the original approval was for a replacement dwelling*
36. This application is accompanied by a DEV32 compliance statement which states that the building will incorporate Solar PV and Thermal panels. In addition an air source or possibly water source (from the sea) heat pump. It is intended that the property would be installed with at least one or possibly two electric vehicle charging points immediately. It meets the requirements of DEV32 and the supplementary guidance and also meets many of the requirements of the Climate Emergency Planning Statement.

37. On one final point, it is noted that the current proposal intends the use of triple glazing which will ensure greater heat retention in the building than the approved development.
38. Given the lack of any conditions relating to this matter on the previous approvals and on the schemes that could be built out I have to conclude that the current scheme offers significant improvements over them and therefore they comply with policy requirements.

Other Matters:

39. None relevant to a consideration of this case

Planning Balance

40. The NPPF, at paragraph 12, states that the starting point for decision-making is the development plan. It goes on to state that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
41. I think that it would be universally accepted that a new dwelling on an undeveloped site in this location would, as a matter of principle, today be refused as being contrary to policies SPT1, SPT2, TTV1, TTV26, DEV1, DEV2, DEV25 and DEV36. Policy TTV29 does provide for a replacement dwelling provided that it is not substantially larger than the dwelling it replaces. The development proposed is, almost certainly, much larger than the original and again as a matter of principle is contrary to the policy.
42. However, there are significant factors that are material to take into account. The first is that the principle of a dwelling on this site has been clearly set by the previous planning permissions and the fact that the development has been implemented. I attach very great weight to this in the planning balance.
43. I also give very great weight to the ability of the applicant to construct the dwelling approved under 1411/21/VAR in the style and appearance of the dwelling now under consideration. In design terms the development has no lesser merit in architectural terms than the approved scheme. It therefore accords with DEV20 of the JLP.
44. I give significant weight to the inclusion of renewable energy features that accord with DEV32 and a number of the policies in the Council's Climate Emergency Planning Policy and also to the likely carbon emissions reduction over the approved development that is capable of implementation.
45. I conclude that although the development conflicts with a number of adopted policies its accordance with DEV20 and the weight given to material considerations is sufficient to outweigh any policy contraventions and I therefore recommend approval of the 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
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV32 Delivering low carbon development

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

- Plymouth & South West Devon Joint Local Plan SPD
- South Devon AONB Management Plan
- Plymouth and South West Devon Climate Emergency Planning Statement

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Proposed Conditions

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

TCGT-LAY-11-E rev E

TCGT-LAY-12-F rev F

TCGT-LAY-10-C rev C

TCGT-LAY-15-G rev G

TCGT-LAY-14-G rev G

TCGT-LAY-17-G rev G

TCGT-LAY-16-G rev G

TCGT-LAY-16-G rev G

Received by the Local Planning Authority on 23rd August 2023 and

TCGT-LAY-10-C rev C received on 11th August 2023 and

1501-PL-00 – Existing site, location and block plans and 1501-PL-01 - Proposed landscape strategy and block plan approved under 1411/21/VAR

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 and ensure the development accords with DEV20 of the Plymouth and South West Devon Joint Local Plan.

2. Prior to the commencement of further works on site details of an update to the Geotechnical and Geo-environmental Desk Study Report (Red Rock Geoscience Ltd, July 2015) as received in relation to planning permission reference 53/2267/15/F shall be submitted to the Local Planning Authority for approval and thereafter works carried out in accordance with recommendations in the report. Any works of stabilisation arising from the recommendations of the report will require a separate planning permission.

Reason: To ensure a satisfactory form of development and in the interests of public health, and where the document cited is now dated and requires updating to account for more recent storm events and consistency with the development now permitted in accordance with DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan

3. The stonework to be used in the development shall accord with those details previously approved under application reference 0693/21/ARC. The new stonework shall be laid on its natural bed and pointed in a 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.

Reason: To ensure that the development displays good design practice and to ensure that a high quality development is maintained and in accordance with DEV20 of the Plymouth and South West Devon Joint Local Plan

4. Details of triple glazing shall be submitted to the Local Planning Authority for approval prior to its installation. Such details shall investigate the use of a combination of low reflective glazing (in accordance with those details previously approved under application reference 0693/21/ARC) and also low e glazing to reduce heat loss. Such details as may be approved shall then be installed in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: To prevent excessive glare and heat loss from the windows, in the interests of amenity, nature conservation and carbon emissions reduction in accordance with DEV23, DEV24, DEV25 and DEV32 of the Plymouth and South West Devon Joint Local Plan

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

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

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

(c) Part 1, Class D (porch)

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

(e) Part 1, Class F (hard surfaces)

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

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

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

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality in accordance with DEV20, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan

6. No further development shall take place until a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the site; details of biodiversity enhancements on the site; details of any trees / vegetation to be retained, together with measures for their protection in the course of development has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall include a specification of works for the repair of the existing sea defences within the site and timetable for the completion of such, to be carried out prior to first occupation of the new dwelling.

All planting, seeding, turfing or hard-surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. 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: To ensure the provision of an appropriate landscaping scheme the interests of the visual amenities of the locality and to assimilate the development into its surroundings in

accordance with DEV20, DEV23, DEV24 and DEV25 of the Plymouth and South West Devon Joint Local Plan

7. No further development within the site shall take place until a revised Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy shall accord with the recommendations set out in the Statement by George Bemment Associates dated 5 September 2015 submitted in association with planning permission reference 53/2267/15/F. Development shall take place in accordance with the agreed Reptile Mitigation Strategy.

Reason: In the interests of wildlife conservation and DEV26 of the Plymouth and South West Devon Joint Local Plan

8. The parking and manoeuvring area hereby approved shall be provided in accordance with the approved plans prior to the first occupation of the dwelling and thereafter retained solely for the parking and movement of motor vehicles only and shall be retained as such.

Reason: To ensure there is adequate parking and turning within the site in the interests of amenity in accordance with DEV29 of the Plymouth and South West Devon Joint Local Plan

9. 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 DEV2 of the Plymouth and South West Devon Joint Local Plan

10. Prior to occupation of the dwelling hereby approved a privacy screen shall be erected on the northern end of the first floor east facing balcony and along the northern side of the roof terrace, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the neighbouring property in accordance with DEV1 of the Plymouth and South West Devon Joint Local Plan

11. No further development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority and shall include the following:

- (a) The timetable of the works;
- (b) Daily hours of construction which shall not exceed between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and at no time on Sundays and Bank/Public Holidays or during the Easter and Summer Devon School Holidays.
- (c) Any road closure;

- (d) Hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays or during the Easter and Summer Devon School Holidays.
- (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 which shall then be provided in accordance with the agreed details
- (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.

Reason: In the interests of highway safety, residential amenity, wildlife conservation and tree protection and in accordance with DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan

12. Prior to the commencement of development details and locations for the air source heat pump, battery storage and solar/pv panels shall be first approved by the Local Planning Authority and thereafter installed in accordance with the approved details. The solar /pv panels to be submitted for approval shall use low reflective glazing and on being life expired shall be replaced with newer products of a similar or better specification.

Reason: In order to reduce the carbon emissions arising from the development in accordance with DEV32 of the Plymouth and South West Devon Joint Local Plan and the South Hams Climate Emergency Planning Policy.

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

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and to protect the area for excessive light pollution in accordance with policy DEV2 of the Plymouth and South West Devon Joint Local Plan

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South Hams District Council Agenda Item 7

DEVELOPMENT MANAGEMENT COMMITTEE 15-Nov-23

Appeals Update from 7-Oct-23 to 30-Oct-23

Ward Charterlands

APPLICATION NUMBER: **0761/20/OPA** APP/K1128/W/22/3312925
APPELLANT NAME: Vicarage Park Ltd
PROPOSAL: Outline application with some matters reserved for 12 new houses. Alterations to existing access and construction of access road. Realignment and creation of new public rights of way, provision of public open space and strategic landscaping (Resubmission of 4068/17/OPA)
LOCATION: Vicarage Park Land North of Westentown Kingston TQ7 4LU **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 30-May-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 17-October-2023

APPLICATION NUMBER: **1471/23/FUL** APP/K1128/W/23/3325620
APPELLANT NAME: Mr Matthew Conde
PROPOSAL: New 2 bedroom detached house (resubmission of 3905/22/FUL)
LOCATION: 3 Hilltop St Anns Chapel TQ7 4HG **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 25-October-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Dartmouth and East Dart

APPLICATION NUMBER: **2824/22/FUL** APP/K1128/W/23/3318346
APPELLANT NAME: Mr & Mrs Coker
PROPOSAL: Create a double garage submerged into a high level bank on an existing parking area
LOCATION: Car parking area at Weeke Hill Dartmouth **Officer member delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 16-August-2023
APPEAL DECISION: Dismissed (Refusal)
APPEAL DECISION DATE: 25-October-2023

Ward Kingsbridge

APPLICATION NUMBER: **1555/23/HHO** APP/K1128/D/23/3328120
APPELLANT NAME: Mr Steve Coetzee
PROPOSAL: Householder application for side extension (resubmission of 3622/22/HHO)
LOCATION: 4 Leigham Terrace Kingsbridge TQ7 1BP **Officer member delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 10-October-2023
APPEAL DECISION:
APPEAL DECISION DATE:

Ward Salcombe and Thurlestone

APPLICATION NUMBER: **2345/22/HHO** APP/K1128/D/22/3310504
APPELLANT NAME: Mr Simon Chadwick
PROPOSAL: Householder application for installation of balcony & juliet balcony
LOCATION: Sundowners Herbert Road Salcombe TQ8 8HN **Officer delegated**
APPEAL STATUS: Appeal decided
APPEAL START DATE: 24-January-2023
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 25-October-2023

APPLICATION NUMBER: **3953/22/FUL** APP/K1128/D/23/3318338
APPELLANT NAME: Mr Charles Thompson
PROPOSAL: Change of use of an existing unused building to ancillary accommodation (Resubmission of 1664/22/FUL)
LOCATION: Horscombe Farm Higher Batson TQ8 8NF **Officer delegated**

APPEAL STATUS: Appeal decided
APPEAL START DATE: 16-August-2023
APPEAL DECISION: Upheld (Conditional approval)
APPEAL DECISION DATE: 25-October-2023

Ward Totnes

APPLICATION NUMBER: **1273/23/HHO** APP/K1128/D/23/3328692
APPELLANT NAME: Mr Simon Brook
PROPOSAL: Householder application for proposed single storey extension (resubmission of
3539/22/HHO)
LOCATION: 9 North Street Totnes TQ9 5NZ **Officer delegated**
APPEAL STATUS: Appeal Lodged
APPEAL START DATE: 12-October-2023
APPEAL DECISION:
APPEAL DECISION DATE:

South Hams District Council

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
LOCATION: side extension & associated works (resubmission of application 0862/22/HHO) 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 30-Oct-23

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

Address: Land off Towerfield Drive, Woolwell, Part of the Land at Woolwell, JLP Allocation (Policy PLY44),

Description: READVERTISEMENT (revised plans and description of development) Outline application for up to 360 dwellings, associated landscaping and site infrastructure. All matters reserved except for new access points from Towerfield Drive and Pick Pie Drive.

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

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

Description: READVERTISEMENT (revised plans) Outline application for provision of up to 1,640 new dwellings up to 1,200 sqm of commercial, retail and community floorspace (A1-A5, D1 and D2 uses) a new primary school areas of public open space including a community park new sport and playing facilities new access points and vehicular, cycle and pedestrian links strategic landscaping and attenuation basins a primary substation and other associated site infrastructure. All matters reserved except for access.

Comment: Along with 4181/19/OPA] a year-long PPA initially agreed until end of December 2020 was extended to September 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

Address: Development Site At Sx 734 439, Land to Northwest of junction between Ropewalk and Kingsway Park, Ropewalk, Kings

Description: 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
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 (likely to be a rolling extension of time as application paused whilst 2733/23/VAR being considered. If 2733/23/VAR approved, likely 0544/21/FUL will be withdrawn).

	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 are still awaited for this phase and are expected before the end of November 2023

		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: Erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping

Comment: Delegated authority to approve, awaiting S106 which is with Legal

		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
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
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 39 No. 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	31-Oct-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: Approved by Committee on 18/10/23 subject to S106 completion, which is in progress.

	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
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	

Address: Land Off Townstal Road Sx 858 508, Townstal Road, Dartmouth,

Description: Application for variation of conditions 1 (approved drawings) 4 (access, parking and 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: Application under consideration

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

Address: Foundry and Fabrication Totnes Ltd, Babbage Road, Totnes, TQ9 5JD

Description: READVERTISEMENT (revised plans) Demolition of existing foundry buildings and construction of new two storey foundry building and welfare facilities

Comment:

		Valid Date	Target Date	EoT Date
3167/23/VAR	Lucy Hall	19-Sep-23	19-Dec-23	

Address: Coombeshead Solar Farm, Diptford, TQ9 7NG

Description: Application variation of condition 5 (use of land) of planning consent 17/0265/14/F

Comment:

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

Address: Sherford New Community, Land South of Main Street, Elburton, Plymouth, PL8 2DP

Description: 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 and associated parking along with all necessary parcel infrastructure including drainage and landscaping as part of Phase 2D of the Sherford New Community, pursuant to approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)"

Comment;

		Valid Date	Target Date	EoT Date
3251/23/VAR	Peter Whitehead	27-Sep-23	27-Dec-23	

Address: Development Site At Sx 580 576, Seaton Orchard, Sparkwell,

Description: Application for variation of condition 20 (windows) of planning consent 3445/18/FUL

Comment:

		Valid Date	Target Date	EoT Date
3292/23/VAR	Bethan Tanton	29-Sep-23	29-Dec-23	

Address: Sherford New Community, Elburton, Plymouth,

Description: Application for variation of condition 1 (approved plans) of planning consent 0489/19/ARM

Comment: Application under consideration

		Valid Date	Target Date	EoT Date
3203/23/FUL	Charlotte Howrihane	16-Oct-23	15-Jan-24	

Address: Land at SX 808 599, Totnes,

Description: Demolition of 36 two/three bed flats to be replaced with 35 new homes, consisting of one, two and three bed accommodation for social rent, as well as landscaping, car parking and associated works

Comment: new application, currently in consultation period

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 of horses (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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