

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Thursday, 20th June, 2024</b>										
<b>Time:</b>	<b>11.00 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Long <b>Vice Chairman</b> Cllr Taylor</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Abbott</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr Oram</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Dommett</td> <td>Cllr Rake</td> </tr> </table>	Cllr Abbott	Cllr Hodgson	Cllr Allen	Cllr Nix	Cllr Bonham	Cllr Oram	Cllr Carson	Cllr Pannell	Cllr Dommett	Cllr Rake
Cllr Abbott	Cllr Hodgson										
Cllr Allen	Cllr Nix										
Cllr Bonham	Cllr Oram										
Cllr Carson	Cllr Pannell										
Cllr Dommett	Cllr Rake										
<b>Interests – Declaration and Restriction on Participation:</b>	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.										
<b>Committee administrator:</b>	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 15 May 2024;
  - 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) 0932/24/VAR** **11 - 20**

**Development Site, Tumbly Hill, Kingsbridge**  
Application for variation of condition 2 (approved plans) & condition 4 (surface water drainage) of planning consent 2876/21/FUL
  - (b) 1368/24/PHH** **21 - 26**

**Longcombe Well, Longcombe, TQ9 6PN**  
Application to determine if prior approval is required for proposed enlargement of existing rear extension

**Not to be heard before 1.45 pm**

- |   |                       |
|---|-----------------------|
| <p><b>(c) 0278/24/ARM</b></p> <p><b>Land at SX 855 508</b></p> <p>READVERTISEMENT (Amended red line, elevational changes to building, revised boundary treatment details, additional landscaping details, updated tree protection plan, additional plans of bin store, cycle store and access ramp, directional highway signage within the site, revised lighting details with replacement of some lighting columns with bollards, and further transport note to address comments on highway access arrangements) Application for approval of reserved matters (layout, appearance, scale and landscaping) following outline approval 0479/21/VAR for Erection of a 3-storey, 105-bedroom hotel with ancillary restaurant and all associated works.</p> | <p><b>27 - 46</b></p> |
| <p><b>(d) 3732/23/FUL / 3733/23/FUL / 3734/23/FUL / 3735/23/FUL</b></p> <p><b>Land at SX 805 583, Ashprington</b></p> <p>Provision of an agricultural livestock building &amp; engineering works to create a level yard area (application 1 of 4)</p> <p>Provision of an agricultural livestock building &amp; engineering works to create a level yard area (application 2 of 4)</p> <p>Provision of a storage building &amp; engineering works to create a level yard area (application 3 of 4)</p> <p>Provision of a storage building &amp; engineering works to create a level yard area (application 4 of 4)</p>   | <p><b>47 - 58</b></p> |
| <p><b>7. Planning Appeals Update</b></p>  | <p><b>59 - 62</b></p> |
| <p><b>8. Update on Undetermined Major Applications</b></p>  | <p><b>63 - 70</b></p> |

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 15 MAY 2024**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr A Nix
*	Cllr G Allen	∅	Cllr D O’Callaghan
∅	Cllr L Bonham	∅	Cllr G Pannell
*	Cllr J Carson	*	Cllr S Rake
*	Cllr J Hodgson	*	Cllr B Taylor
*	Cllr M Long (Chairman)	*	Cllr M Steele (substituting for Cllr Bonham)

**Other Members also in attendance:**

Cllrs Thomas and Birch and Cllr Presswell (on MS Teams)

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Head of Development Management, Monitoring Officer; Senior Planning Officers, Principal Housing Officer; Agricultural Consultant, Landscape Officer; Senior Historic Environment Officer; IT Specialists and Senior Democratic Services Officer.

DM.69/23

**MINUTES**

The minutes of the meeting of the Committee held on 10 April 2024 were confirmed as a correct record by the Committee.

DM.70/23

**DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered and none were made.

Cllrs J Hodgson and G Allen both declared an Other Registerable Interest in application 4021/21/VAR (Minutes DM.72/23 (a) below refer), they are a personal friend of Neil MacTaggart speaking as an objector.

By virtue of being a local Ward Member, Cllr M Long advised that he would be relinquishing the Chair for application 6(d) (minute DM.72/23(d) below refers). As a result, the Vice-Chairman chaired the meeting during consideration of this application.

DM.71/23

**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.

**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) 4021/21/VAR                      Development site at SX 809597, Steamer Quay Road, Totnes  
Town: Totnes**

**Development: Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL [erection of a 68 bed Care Home (use class C2) with associated car parking, refuse and external landscaping]**

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

- Whether a s73 application can be made.
- Housing mix/quality of accommodation.
- Design, landscape/townscape character and appearance, trees.
- Highways.
- Residential amenity.
- Flood risk and drainage.
- Ecology and biodiversity.
- Energy efficiency and climate change.

In response to questions raised:

- With regard to the retaining wall proposed planning condition 12 and 3 would require no further development to take place until plans had been submitted.
- The Totnes Neighbourhood Plan does have relevant material consideration but have to be careful to suggest that there was an element in the NP that the principle of development was unacceptable.
- This plan was not looked at by the Design Review Panel and Officer's felt this scheme was very similar to the consented scheme.
- Condition proposed that no addition could go above the 20-metre line and the solar panels should not be visible because of the parapet.
- No additional transport assessment had taken place and the impacts between the two applications were very similar.
- The applicant and Ecology Officer at Devon County Council have had numerous discussions regarding bats and lighting and subject to condition felt that there would be no adverse impact.
- No in principle objection to this application from the statutory consultees regarding the drainage.
- The uncompleted planting of screening on the approved drawings

would be a separate matter to this application.

- There was a condition relevant to EV charging.
- Highways were happy with the parking spaces proposed due to the nature of the occupants staying at the care home and this was a sustainable location and expect people to travel by sustainable means.
- The Construction Management Plan would include the methodology of the piling, and this was already proposed as part of the consented scheme, however this would be looked at again because of the additional excavation.
- Obscure glazing was not relevant to every balcony and subject to a planning condition.
- The applicant has agreed to a condition regarding the retaining wall to the east of the development.
- The construction management plan would be reimposed and an opportunity to review the timings and movements of construction vehicles.
- It was further reiterated that the drainage had been looked at by the Environment Agency and lead statutory authority and they were happy with the proposals.
- Was unsure how feasible the removal of construction waste via the Dart.

Having heard from speakers on behalf of the objector, supporter, Parish Council and Ward Members. Members debated the application. During the debate, one Member raised concerns with the additional excavation, blocking of view and impact on residents in Sparkhay Drive, over development of the site, visual impact on the town, stability of the hill and access and parking. Another Member felt that the building now being a metre lower was a positive benefit and the 7-metre retaining wall would not be seen by the neighbouring properties.

Another Member said the original plan to integrate the building into the surrounding area and raised concerns on the piling, the safeguarding of the neighbouring homes and the River Dart recently awarded a safe bathing area and the impact of leakage on the River Dart. Another Member having heard the discussions felt their concerns regarding the retaining wall and impact on neighbouring homes were addressed and felt that neighbouring houses would be protected from any slippage with the retaining wall.

Another Member felt the residents view were really pertinent and the Town Council had worked hard on their NP. There had been a decline in care homes in this area and potentially these apartments could be changed to holiday lets in the future. This development would be dominant and whether the impact of extreme weather had been properly assessed and therefore proposed refusal.

Cllr Hodgson proposed and Cllr Allen seconded that the application should be refused with the reasons for refusal being delegated to the

Head of Development Management, in consultation with the Chair and Vice-Chair, Cllr Hodgson (Prosper) and Cllr Allen (Secunder) with the suggested reasons being that the proposed increase of the scale and mass of the building does not integrate into the area to the same extent as the approved scheme and would result in a dominant building to the detriment of the character of the area which is adjacent to an important recreational/amenity area for the wider town. The proposal to discharge ground water from the development into the River Dart was likely to cause unacceptable harm to the water quality and flood risk. The Council has insufficient information to determine whether or not the proposed development had an adverse impact on the neighbouring properties due to lack of information. Sufficient information has not been provided to demonstrate the construction of the building would not have a harmful impact or destabilise on adjacent land due to the additional excavations and piled foundations. The Head of Development Management made it clear to Members that if this application went to appeal, Members would need to provide evidence to back this particular reason. To include the relevant policies.

The proposal to refuse was then put to the vote, and was declared lost.

It was then proposed that that the application should be approved in accordance with the Officer's report subject to revision to the condition requiring construction management plan to ensure that investigations were carried out to ascertain whether or not the excavated materials/bringing in of new materials could be undertaken by river transport to minimise impact on the road.

The vote was then taken to approve the application.

**Recommendation:** Grant Conditional Planning Permission

**Committee decision:** Grant Conditional Planning Permission

**Conditions:**

- i. Approved/varied Plans
- ii. All 68no. residential units to be single occupancy
- iii. No part of the building including any related or attached structures or plant shall exceed 20.00m AOD
- iv. No external plant to be installed without agreement (subject to demonstration of no adverse impact on amenity)
- v. Compliance with updated lighting strategy
- vi. Compliance with DEV32 energy statement/agreement of final measures
- vii. Updated drainage scheme condition
- viii. Tree protection
- ix. Updated hard and soft landscape scheme (inc. increased sedum provision)



- x. Green wall details
- xi. Secured by Design compliance/scheme to be agreed
- xii. Land Stability Strategy
- xiii. Revised Construction Management Plan (accounting for additional excavation)
- xiv. Balcony glazing to be obscured; details to be agreed before occupation
- xv. Conditions that remain relevant from the host permission/compliance with previously approved details. [including contamination, noise and emissions/as required by EHO]

**6b) 0156/24/HHO 28 Redwalls Meadow Dartmouth TQ6 9PR  
Town: Dartmouth**

**Development: Householder application for erection of single storey ancillary residential annexe and associated works.**

This application was deferred at the 10 April 2024 meeting for DMC Members to undertake a site visit.

The Case Officer clarified the shared access and confirmed this had consent.

In response to questions raised:

- The size of the ancillary building was deemed acceptable by officers.
- Access was always intended to be a shared access onto Mount Boone.

During the debate, Members felt that following the site visit and listening to the views of the local residents which related to the current use of the property as a Airbnb if this was normal unlet residential dwelling would accept this without too many concerns and felt there was no justification to go against the officer's recommendation.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval to include that the ancillary building would not be let separately.

**Conditions:**

1. Standard Time Limit
2. Adherence to Plans
3. Pre-Commencement – Drainage Scheme (agreed in writing 29/02/2024)
4. Natural Slate of UK/EU origin
5. Natural stone
6. Natural timber cladding
7. Ancillary use only
8. Removal of PD Rights

**6c) 3570/23/FUL Stokeley Barton Farm, Stokenham  
Parish: Stokenham**

**Development:** READVERTISEMENT (amended plans & documents)  
change of use from derelict poly-tunnel to new dwelling house

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

- Sustainable development.
- Justification for a countryside location.
- Justification for a coastal location within the Undeveloped Coast.
- Pattern of development.
- Size of the proposed dwelling.
- Insufficient information for upgrading of access.
- Loss of trees.
- Demonstrating compliance with DEV32.

In response to questions raised, there was a requirement for the development to have access to services by sustainable means and the walking route would need to be accessible to everyone. The home would need to continue in a sustainable manner.

Having heard from speakers on behalf of the supporter, Parish Council and Ward Member. Members debated the application. During the debate, one Member raised issues with the design and access and the need to take a broader view on what an occupational tie might look like in the future. Another Member understood the need for family to be close to their workplace, however, there were many missing parts to this application.

**Recommendation:** Refusal

**Committee decision:** Refusal in accordance with reasons for refusal 5, 6 and 7 as set out in the Officer's report.

**6d) 2786/20/FUL West Buckland Barn, Bantham, TQ7 3AJ  
Parish: Thurlestone**

**Development: READVERTISEMENT (Revised plans & documents)  
Erection of new agricultural store**

This application was Chaired by Councillor Taylor (Vice-Chair).

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

- Agricultural need within this location.
- Landscape.
- Heritage/Archaeology.

In response to questions:

- The roof would be a flat roof covered with an earth grassed mound.
- The steel roller shutter doors would have an appropriate colour and finish and when the planting established would diminish the view.
- Proposed fencing around the conservation site was temporary fencing to prevent accidental damage during construction.
- Leakage from machinery into the ground would be covered by other legislation and not planning legislation.

The Agricultural Consultant stated that he was happy with the size and location of the agricultural building.

The Case Officer highlighted condition 13 which related to the fencing around the conservation site and would look to amend this condition.

The Senior Historic Environment Officer reported that there was an archaeological condition in place so that any areas outside the protected area exposed by the removal of topsoil would be recorded before it was destroyed and would be preservation by record rather than preservation in situ with regard to the roundhouse site there would be no machinery over the top and therefore had no concerns. A method statement for the archaeology and that would be implemented during construction.

The South Devon National Landscape Unit initially provided a detailed objection. Revised plans were received and while the South Devon National Landscape Unit were consulted, they did not provide further written comments. However, there were numerous discussions between the Landscape Officer and the South Devon National Landscape Unit. They advised that the revised plans broadly addressed the concerns raised and they verbally confirmed that they were content with the changes.

The Agricultural Consultant was satisfied with the equipment to be stored was adequate and commensurate for the needs of 600 acres of land under the applicant's custodian. He also felt that the siting of the building with the bulk of the machinery being used for the vineyards was appropriate.

The Landscape Officer said that they were proposing a variety of plants and majority would be quite small but with management the smaller stock would establish quickly. Realistically, the landscape would take 10 years to fully develop adequate screening.

The Agriculture Consultant raised concerns back in 2021 over the several barns on site and was provided with a breakdown on machinery and took own measurements and space requirements and was happy that the barns were fully utilised at the time. He further confirmed that the building would be used to stored machinery and equipment that related to the management of the estate. Access would be a highways issue.

Having heard from speakers on behalf of the supporter, Parish Council and Ward Member. Members debated the application. During the debate, one Member raised the impact on the National Landscape, undeveloped coast and heritage site but did admire this application for minimising the effect on the landscape and the proximity of resources to provide support to workers in urgent times. Another Member supported the professional's view on the location of the proposed agricultural building. Another Member felt the Lower Aunemouth would be a better location and would mitigate against the archaeological site. Another Member in terms of balance felt the Parish Council made a strong case and inclined to follow that.

Another Member raised that this was a rural business and seen agricultural buildings go up elsewhere to support local businesses however cannot support this particular application as it was felt there was no particular need to have a building in this location. There was a need to protect the National Landscape, Undeveloped Coast and Heritage Site from development because this development could take place elsewhere with no harm or impact.

**Recommendation:** Conditional Approval

**Committee decision:** Delegated refusal to the Head of Development Management in consultation with the Chair, Vice-Chair, Cllr Steele (Proposer) and Cllr Hodgson (Seconder). The expansion of a greenfield site causing adverse impact on the landscape character and scenic quality of the South Devon National Landscape and undermining the special quality of the area.

DM.73/23 **PLANNING APPEAL UPDATES**

Members noted the update on planning appeals as outlined in the presented agenda report.

DM.74/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

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

(Meeting commenced at 10.00 am, break at 12.30 pm and lunch at 1.15 pm. Meeting adjourned at 14.47 pm. Meeting concluded at 18.00 pm)

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Chairman

**Voting Analysis for Planning Applications – DM Committee 15 May 2024**

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
4021/21/VAR	Development site at SX 809597, Steamer Quay Road, Totnes	Grant Conditional Planning	Cllrs Abbott, Long, Nix, Rake, Steele and Taylor (6)	Cllrs Allen, Carson and Hodgson (3)		Cllrs Bonham, O'Callaghan and Pannell (3)
0156/24/HHO	28 Redwalls Meadow, Dartmouth, TQ6 9PR	Conditional Approval	Cllrs Abbott, Carson, Hodgson, Long, Nix, Rake and Taylor (7)	Cllr Allen (1)	Cllr Steele (1)	Cllrs Bonham, O'Callaghan and Pannell (3)
3570/23/FUL	Stokeley Barton Farm, Stokenham	Refusal	Cllrs Abbott, Allen, Carson, Hodgson, Long, Nix, Rake and Taylor (8)		Cllr Steele (1)	Cllrs Bonham, O'Callaghan and Pannell (3)
2786/20/FUL	West Buckland Barn, Bantham, TQ7 3AJ	Refusal	Cllrs Allen, Carson, Hodgson, Long, Nix and Steele (6)	Cllrs Abbott, Rake and Taylor (3)		Cllrs Bonham, O'Callaghan and Pannell (3)

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## COMMITTEE REPORT

<b>Case Officer:</b>	Liz Payne		
<b>Parish:</b>	Kingsbridge	<b>Ward:</b>	Kingsbridge
<b>Application No:</b>	0932/24/VAR		
<b>Applicant:</b>	G.I. Devon 11 Longdown Road Epsom KT17 3PT	<b>Agent:</b>	Dan Lethbridge 102 Fore Street Kingsbridge TQ7 1AW
<b>Site Address:</b>	Development Site Tumbly Hill Kingsbridge		
<b>Development:</b>	Application for variation of condition 2 (approved plans) & condition 4 (surface water drainage) of planning consent 2876/21/FUL		



### Reason item is before Committee:

Cllr O'Callaghan has called the item to committee due to concerns on drainage.

**Recommendation:** Conditional Approval

## **Recommendation: Conditional Approval**

### **Conditions:**

1. Approved Plans – *amended*
2. Implementation of Sustainability Measures
3. Surface water drainage scheme – *amended to secure compliance with submitted details including monitoring schedule*
4. CMP
5. External materials – *amended to reflect approval 4006/23/ARC*
6. Stone walls – *amended to reflect approval 4006/23/ARC*
7. Unsuspected land contamination
8. Parking
9. Landscaping – *amended to reflect details approved by 0717/23/ARC*
10. Trees – *amended to reflect details approved by 1426/23/ARC*

The standard three-year time commencement condition implemented on the previous consent has been removed as the works have already commenced.

**Key issues for consideration:** Design, Drainage.

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### **Site Description:**

The application site is on the western edge of, and abutting the Quay public car park, on a parcel of land situated between that car park, Tumbly Hill, and Kingsbridge Leisure Centre.

The main site frontage is east facing, with views of the head of the Kingsbridge Estuary and the town to the east and north beyond.

The site is within the South Devon National Landscape, a SSSI Impact Zone and Critical Drainage Area. A public right of way lies adjacent to the east of the site.

### **The Proposal:**

Planning permission was granted in 2022 for the construction of 3 town houses (ref 2876/21/FUL). Works have commenced and the permission is extant.

This is an application made under Section 73 of the Town and Country Planning Act 1990 to vary conditions associated with the planning permission, as set out above. Where an application under Section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

In deciding an application under Section 73, the Local Planning Authority must only consider the condition/s that are the subject of the application - it is not a complete re-consideration of the application.

The application seeks to amend the configuration of the proposed flats to reduce the amount of excavation work needed. The internal alterations would omit the internal stairwell between the flats and the car park and reconfigure the parking layout in the car park. External alterations would include the reduction of stone on the external walls and minor alterations to fenestration.

The footprint of the building would remain the same however the retaining wall around the northern side of the site is shown differently on the plans and shows a larger gap between the proposed building and the adjacent highway.

The proposal would also amend the drainage layout for the scheme.

### **Consultations:**



- Kingsbridge Town Clerk: objection  
*Recommend Refusal due to ongoing concerns regarding the methodology for surface water drainage, historic objections raised by the Local Planning Authority for the same and in the absence (at the time of the Planning Committee's consideration of this application on 7 May 2024) of a revised drainage consultation response from the LPA*
- Devon County Council Public Rights of Way Team: no comments received.
- Drainage (Internal): no objection.  
Subject to conditions securing installation and on-going maintenance and that drainage details are made approved plans.
- DCC Highways: no highways implications.

### **Representations:**

Comments have been received and cover the following points:

- The covering letter is not available to view online.
- Condition 4 cannot be amended as it has not been discharged yet.
- The attenuation tanks are below the tidal level and will not be covered by a suitable fill of soil to avoid the risk of floatation.
- The proposed drawings show a decrease in the width of the adjacent road.

### **Relevant Planning History**

- 28/0403/06/F Withdrawn 08/04/2006  
Re-development to provide 6 no. apartments
- 28/1571/06/F Conditional Approval 10/03/2008  
Resubmission of 28/0403/06/F for a redevelopment to provide 6 no.dwellings
- 28/0171/11/F Withdrawn 16/03/2011  
Renewal of planning approval 28/1571/06/F for development to provide 6(No) dwellings
- 28/0660/11/DIS Discharge of Condition Approved 16/12/2011  
Discharge of conditions 1 - 11 for planning approval reference 28/1571/06/F (for a redevelopment to provide 6 no.dwellings)
- 0764/16/NMM Conditional Approval 15/04/2016  
Non-material amendment for fenestration materials, windows, wall cladding and facias, soffits etc of approval 28/1571/06/F
- 0256/17/FUL Conditional Approval 04/05/2018  
Construction of 5no.apartments
- 1652/21/ARC Discharge of Condition Refused 15/10/2021  
Application for approval of details reserved by condition 9 of Planning Permission 0256/17/FUL
- 0490/21/ARC Discharge of Condition Approved 15/10/2021  
Application for approval of details reserved by conditions 4 and 7 of Planning Permission 0256/17/FUL
- 2876/21/FUL Conditional Approval 01/04/2022  
Construction of 3 townhouses
- 2719/22/ARC Discharge of Condition Refused 28/09/2022

Application for approval of details reserved by condition 4 (Surface Water Drainage) of planning consent 2876/21/FUL

- 0717/23/ARC Discharge of Condition Approved 06/04/2023  
Application for approval of details reserved by conditions 10 (Landscaping) and 11 (Tree Protection) of planning consent 2876/21/FUL
- 1426/23/ARC Discharge of Condition Approved 23/05/2023  
Application for approval of details reserved by condition 11 (Trees) of planning consent 2876/21/FUL
- 3263/23/ARC Discharge of Condition Refused 14/11/2023  
Application for approval of details reserved by condition 4 (Surface Water Drainage Scheme) of planning consent 2876/21/FUL
- 4006/23/ARC Discharge of Condition Approved 24/01/2024  
Application for approval of details reserved by conditions 6 (Materials) and 7 (Natural Stone) of planning consent 2876/21/FUL
- 3893/23/ARC Discharge of Condition Refused 01/02/2024  
Application for approval of details reserved by condition 4 ((Surface Water Drainage Scheme) of planning consent 2876/21/FUL
- 0656/24/ARC Withdrawn 08/03/2024  
Application for approval of details reserved by condition 4 (Surface Water Drainage Scheme) of planning consent 2876/21/FUL
- 3318/23/VAR Withdrawn 11/03/2024  
Application for variation of condition 2 (approved drawings) of planning consent 2876/21/FUL

## ANALYSIS

### 1. Design/Landscape:

- 1.1. The proposal would result in internal alterations to the layout of the houses, but these would not change the number of bedrooms or impact upon whether the properties meet the Nationally Described Space Standards. In addition, there would be no loss in parking provision.
- 1.2. The external alterations are minimal and do not change the character or the overall appearance of the final scheme.
- 1.3. The design of the proposal is acceptable and accords with DEV20 and DEV25 of the JLP and BE3 of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan.

### 2. Neighbour Amenity:

- 2.1. Due to the degree of separation involved between the proposed development and nearby occupiers the proposal would not result in impacts on neighbour amenity.

### 3. Drainage:

- 3.1. The proposal seeks to alter the approved plans under 2876/21/FUL, including the approved drainage plan. Drainage Officers have confirmed that the proposed scheme, which proposes three separate attenuation tanks for each property is acceptable. An objection from the Parish Council is raised as (at the time the comment was made) there was no public comment from Drainage Officers confirming support for the proposal. Confirmation from Drainage Officers that they are satisfied with the submitted surface water drainage scheme overcomes this objection.

3.2. A letter of representation has stated that the proposed drainage scheme needs to accord with the details approved under the previous application (2876/21/FUL). However as the proposal is for the variation of the approved plans and the variation of condition 4 which specified the drainage details there is no requirement for the proposed drainage strategy to comply with the previous design.

3.3. In addition, the letter of representation states that the attenuation tanks have been sited within the tidal level and will not have a suitable depth of soil over the top to ensure the tanks do not float and are not subject to uplift during high spring tides. They have also raised that the tanks would not be available for maintenance if they are positioned under the building. Drainage have submitted comments confirming that they are satisfied with the details as submitted, including potential uplift and maintenance schedule. The designer of the drainage strategy has responsibility for the design and calculations to ensure the proposal is not at risk of uplift and Officers do not have contrary evidence to suggest the calculations of the designer are inaccurate or wrong. Siting the attenuation tanks under the building has been accepted by previous planning permissions and the principle of this is not part of the current assessment. The applicant has proposed a monitoring schedule which will be conditioned as part of this permission.

3.4. The proposed drainage strategy accords with DEV35 of the JLP and Env6 of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan.

4. Climate Emergency:

4.1. The proposal retains the Air Source Heat Pumps and increases the number of solar panels to the roof. The implementation of these features was secured by condition on the original application and this condition will be placed on the new permission.

5. Other Matters:

5.1. The proposal extends beyond the development limit as shown on the approved site plan. The applicant has submitted a topographical plan of the site which shows the previous building and kerb line which defined the boundary of the site prior to works starting on site. This plan was also submitted in 2006 for application 28/1571/06/FUL and Officers are content it is an accurate record of the site at that time. The applicant proposes that the approved plan inaccurately showed the extent of the site and that the proposed amended site plan corrects this. A drawing showing an overlay of the approved development limit, the topographical survey and the proposed site plan has been submitted and clearly identifies the areas where the approved plan diverges from the extent of the original site. Officers have compared the width of Tumbly Hill road at key points of the kerb, annotated as point B and point C on the overlaid drawing, on both the topographical survey plan and the proposed site plan and are satisfied that where the proposal diverges from the approved plan it does not extend beyond the site as shown on the 2006 topographical survey.

5.2. A letter of representation has raised concerns that the width of Tumbly Hill would be reduced and have undertaken a similar measuring task, however in this instance they have taken a measurement from the previous building on the site, not the kerbside and compared that distance with widths of the road at various points on the proposed site plan. Officers do not agree that comparing the edge of the previous building is an accurate reflection of the site. In addition, it is not clear if the same location has been accurately identified and compared on both plans. As such, the measurements do not demonstrate that the width of the road, or by proxy, the extent of the development site has changed and Officers are satisfied that the proposed site plan is acceptable.

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

## Planning Policy

### Relevant policy framework

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

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

On 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are "None".

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

[\*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  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
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

### **Kingsbridge, West Alvington and Churchstow Neighbourhood Plan**

Following a successful referendum, the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan was adopted at South Hams District Council Committee on 15th December 2022. It now

forms part of the Development Plan for South Hams and should be used in deciding planning applications within the Kingsbridge, West Alvington & Churchstow Neighbourhood Area.

The relevant policies are:

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence  
Policy KWAC Env3 Impact on the Natural Environment, South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.  
Policy KWAC Env4 Locally Important Views  
Policy KWAC Env6 Prevention of Flooding and the impact on water quality  
Policy KWAC Env7 Carbon Reduction  
Policy KWAC Env8 Encouraging renewable energy  
Policy KWAC BE2 Kingsbridge Quayside and town square  
Policy KWAC BE3 Design Quality  
Policy KWAC T3 Car Parking

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

**South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)**  
**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

### **Conditions**

1. The development hereby approved shall in all respects accord strictly with drawing numbers and documents

- Site Location Plan ACL.1260.001 Rev.A received 02/08/2021
- Existing Site Survey ACL.1260.219 received 27/07/2021
- Proposed Site/ Lower GF Plan ACL.1260.211 Rev. E received 20/03/2024
- Proposed Site/GF Plan ACL.1260.212 Rev. E received 20/03/2024
- Proposed Floor Plans ACL.1260.209 Rev. G received 20/03/2024
- Car Parking Plan ACL.1260.220 Rev. D received 20/03/2024
- Proposed Elevations 1260.210 Rev. F received 20/03/2024
- Proposed Hard & Soft Landscaping Plan ACL.1260.214 Rev. B received 11/03/22
- Site Layout ACL.1260.301 Rev. B received 27/02/2023
- Landscape Plan CD/ ALA/ 671.01 received 27/02/2023
- Policy DEV32 Checklist / Sustainability Measures received 05/08/2021
- Proposed Drainage Layout 13581-510 Rev R received 20/03/2024
- Drainage Standard Details 13581-501 Rev. C received 20/03/2024
- Drainage Statement 13581 Rev. C received 20/03/2024.
- Tree Protection Plan DTS22.443.1.TPP received 24/04/2023.

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

2. No dwelling shall be occupied until the sustainability measures identified within the policy 'DEV32 Checklist/Sustainability Measures' document including solar/thermal PV

panels and air source heat pump to serve that dwelling have been fully implemented and installed.

Reason: To ensure that the proposed development is carried out in accordance with the details and DEV32 checklist forming part of the application to which this approval relates. This condition is required to meet the requirements of policy DEV32.

3. Prior to occupation of any dwelling hereby approved, the drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

4. The development shall be carried out at all times in accordance with the submitted Construction Management Plan (Rev B – April 2022). There shall be no deviation from the measures/controls within the Construction Management Plan unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure an orderly development in the interests of safeguarding amenity, highway safety and access to meet the requirements of policies DEV1, DEV2, and DEV29.

5. The external finish of the dwellings hereby approved shall be implemented and maintained in accordance with 'External Finishes, ACL.1260.354' received by the Local Planning Authority on 5 December 2023.

Reason: In the interests of visual amenity and the character and appearance of the area to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.

6. All stonework shall be implemented in accordance with 'External Finishes, ACL.1260.354 and Covering letter received by the Local Planning Authority on 5 December 2023. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish to meet the requirements of policies DEV10, DEV20, DEV23, and DEV25.

7. 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 Joint Local Plan.

8. No dwelling shall be occupied until the vehicle parking provision for that dwelling as shown on the approved drawings has been laid out and made available for use, thereafter not being used or precluded from being used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and in order to provide sufficient parking to meet the needs of the development to avoid on-street parking, or prejudice to the wider public operation of the car park adjacent to meet the requirements of policy DEV29.

9. Landscaping shall be implemented in accordance with ACL.1260.301 Rev. B and CD/ ALA/ 671.01 and the Ecological comment received by the Local Planning Authority on 27/02/2023. The landscaping shall be carried out in the first planting season after occupation of the development unless agreed otherwise in writing by the Local Planning Authority, and shall be maintained for a period of 5 years. Such maintenance shall include the replacement of any trees and shrubs that die.

Reason: To ensure the provision and maintenance of trees, hedges, other plants and grassed areas in the interests of visual amenity, to ensure that the proposed development will deliver measurable biodiversity enhancements in addition to mitigation, to ensure compliance with Joint Local Plan policy DEV26 criteria 5 and 6 and paragraph 180 of the NPPF.

10. The development shall be implemented in strict accordance with DTS22.443.1.AA Arboricultural Appraisal, DTS22.443.2.AMS, DTS22.443.1.TAP Tree Appraisal Plan 1 of 1 and DTS22.443.1.TPP received by the Local Planning Authority on 24 April 2023. The approved method statements shall be adhered to in full unless otherwise agreed in writing by the Local Planning Authority.

Prior to occupation of the development an arboricultural compliance statement by the pre-appointed tree specialist shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the retention of trees on the site in the interests of visual amenity and biodiversity, in accordance with Joint Local Plan policies SPT2, DEV20, DEV26 and DEV28 and the NPPF.

**Informatives:**

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

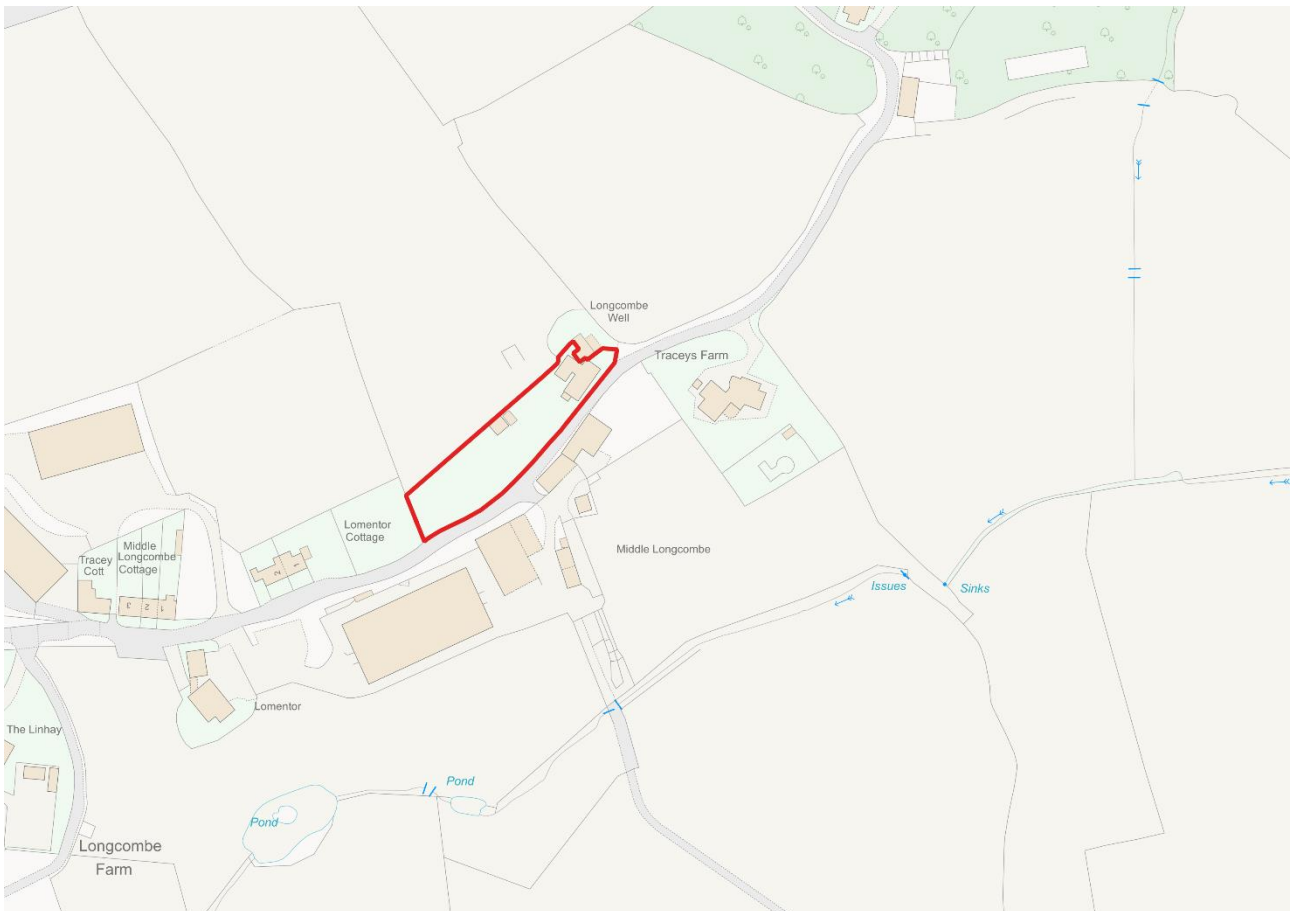
2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.

3. If your decision requires the discharge of conditions then you must submit an application for each request to discharge these conditions. Please see the Council website for the current fee payable (fee payable per application, not per condition) and application forms.



## COMMITTEE REPORT

<b>Case Officer:</b>	Alexis Wilson		
<b>Parish:</b>	Berry Pomeroy	<b>Ward:</b>	Marldon & Littlehempston
<b>Application No:</b>	1368/24/PHH		
<b>Applicant:</b>	Mr & Mrs Graham Swiss Longcombe Well Longcombe Devon TQ9 6PN	<b>Agent:</b>	Mr Mike Inness Flat 2 Park Lodge Oldenburg Park Paignton, Devon. England TQ3 2UA
<b>Site Address:</b>	Longcombe Well Longcombe TQ9 6PN		
<b>Development:</b>	Application to determine if prior approval is required for proposed enlargement of existing rear extension		



**Reason item is before Committee:** Applicant is employed by South Hams District Council and as per paragraph 1.1.3 of the Council's Scheme of Delegation the application must therefore be put before Committee prior to a decision being made.

**Recommendation:** Prior Approval Required and Given

**Conditions:**

1. Accord to Plans
2. Materials to Match Existing

**Key issues for consideration:**

Whether or not the proposal accords with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and whether or not any potential impacts on neighbour amenity are considered acceptable.

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**Site Description:**

'Longcombe Well' is a detached period property set within a countryside location on the outskirts of the hamlet of Longcombe, some 2.5km east of Totnes. The landscape has no formal designations. The L-shaped dwelling is two-storeys in height, finished in painted render and has undergone a number of extensions and alterations over its lifetime, including the addition of a rear single-storey conservatory/garden room under approval 03/1505/04/F.

**The Proposal:**

The application is to determine if prior approval is required to enlarge the existing single storey garden room / conservatory. The resulting extension will come 7.25m from the original rear elevation wall of the dwelling and be 3.1m in height with a flat roof which will sit below the ridge height of the existing conservatory. The development will be to the rear of the dwelling in its entirety.

**Consultations:**

- Parish Council: No comments received
- DCC Highways: No Highways Implications

**Representations:**

None received.

**Relevant Planning History:**

- 03/0525/80/3: Addition of storm porch (conditional approval)
- 03/0623/90/3: Alterations to roof and extension to form porch/utility/W.C. (conditional approval)
- 03/1505/04/F: Extension to form conservatory (conditional approval)
- 0024/24/CL: Certificate of lawfulness for proposed extension to existing sunroom (withdrawn)

## ANALYSIS

The application is a Prior Notification for the enlargement of the existing single-storey garden room / conservatory to the rear of the dwelling and is a product of the 2015 amendments to the Town and Country Planning (General Permitted Development) Order.

In determining this application the Local Planning Authority is required to ensure that the proposal satisfies the relevant criteria set out within Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and consider the neighbour relationship if the owners or occupiers of neighbouring premises make comments.

The development proposal is considered against the relevant criteria set out in Schedule 2, Part 1 of the above Order as follows:

A.1 (a)	Was the dwelling house consented by virtue of Class M, N, P or Q of Schedule 2, Part 3 of GPDO?	NO
A.1 (b)	Does the cumulative total of all development, other than original dwelling house, exceed 50% of total area of curtilage (excluding ground area of original dwelling)?	NO
A.1 (c)	Does the height of the proposed enlargement exceed the highest part of the roof of existing dwelling house?	NO
A.1 (d)	Does the height of eaves of the proposed enlargement exceed the height of eaves of existing dwelling house?	NO
A.1 (e)	Does the enlargement extend beyond wall which forms either the principal elevation of original dwelling house, or fronts the highway and forms side elevation of original dwelling house	NO
A.1 (f)	<u>Single storey extensions</u> . Does the development extend beyond a rear wall of the original dwelling house by more than 4 metres if dwelling house is detached, or 3 metres in any other case & exceed 4 metres in height?  <b>7.25m extension to the rear of a detached dwelling</b>	YES
A.1 (g)	<u>Single storey extensions</u> . Is the dwelling house on article 2(3) land or SSSI?  Does the proposed development extend beyond rear wall of the original dwelling house by more than 8 metres if dwelling house is detached, or 6 metres in any other case & exceed 4 metres in height?	NO  NO
A.1 (h)	<u>Two storey extensions+</u> . Does the proposed enlargement extend beyond the rear wall of the original dwelling house by more than 3 metres or is situated within 7 metres of any boundary of the curtilage of the dwelling house, opposite the rear wall of the dwelling house.	N/A
A.1 (i)	If the proposed enlargement is within 2 metres of the boundary of the curtilage of the dwelling house, does the height of the eaves exceed 3 metres?  <b>More than two metres to boundary (2.2m at closest point); height of eaves 3.1m</b>	NO
A.1 (j)	If the proposed enlargement extends beyond a wall forming the side elevation of the original dwelling house, does it exceed 4	N/A

	metres in height or, have more than a single storey or, have a width greater than half of the width of the original dwelling house?	
A.1 (ja)	Would any total enlargement (being the enlarged part together with any existing enlargement of the original dwelling house to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)?	NO
A.1 (k)	Does the proposed development include veranda, balcony or raised platform, microwave antenna, chimney, flue or soil and vent pipe, or any alterations to the roof of the dwelling house?	NO
A.1 (l)	Was the dwelling house built under Part 20 of this Schedule?	NO

Dwelling houses on article 2(3) land only (AONB, Conservation Area, World Heritage Site):

A.2 (a)	Does the proposal include the cladding of any part of the exterior of the dwelling with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	N/A
A.2 (b)	Does the enlargement extend beyond a side wall of the original dwelling house?	N/A
A.2 (c)	Does the proposed enlargement have more than a single storey and extend beyond the rear wall of the original dwelling house?	N/A
A.2 (d)	Would any enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in sub-paragraphs (b) and (c)?	N/A

Conditions:

A.3 (a)	<u>N/A to conservatories.</u> Are the external materials proposed of a similar appearance to those used on the exterior of the existing dwelling house?	YES
A.3 (b)	Is any upper floor window, situated within a wall or roof slope forming a side elevation of the dwelling house, obscure glazed and non opening (unless part of the window which can be opened is more than 1.7m above the floor level of the room)?	N/A
A.3 (c)	Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, is the roof pitch of the enlarged part must, so far as practicable, the same as the roof pitch of the original dwellinghouse?	N/A
A.3 (d)	Would any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)?	NO

The Local Planning Authority are satisfied that the proposal complies with the criteria set out within Part 1, Class A of the Order insofar as that it would not exceed 50% of the total ground area of curtilage, would not exceed 4 metres in height or 8 metres in depth and would be constructed from materials similar to those already used on the existing dwelling house.

This application has been considered in accordance with Town and Country Planning

(General Permitted Development) Order 2015 (as amended). This application is not determined against local or national planning policy, but against the property's permitted development rights as set out above.

Under Part 1, Class A.4 the applicants are required to submit an application to determine whether prior approval is required before commencing works. In accordance with the requirements set out in the legislation, the nearest neighbours have been consulted. No comments have been received as a result of that consultation. Furthermore, Officers have visited the site and are satisfied that the scheme is acceptable in terms of neighbour amenity. On this basis it is determined that prior approval is not required.

*This application has been considered in accordance with the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

**Planning Policy:**

The proposal requires an assessment, as set out in paragraph W of Part 3, to have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval.

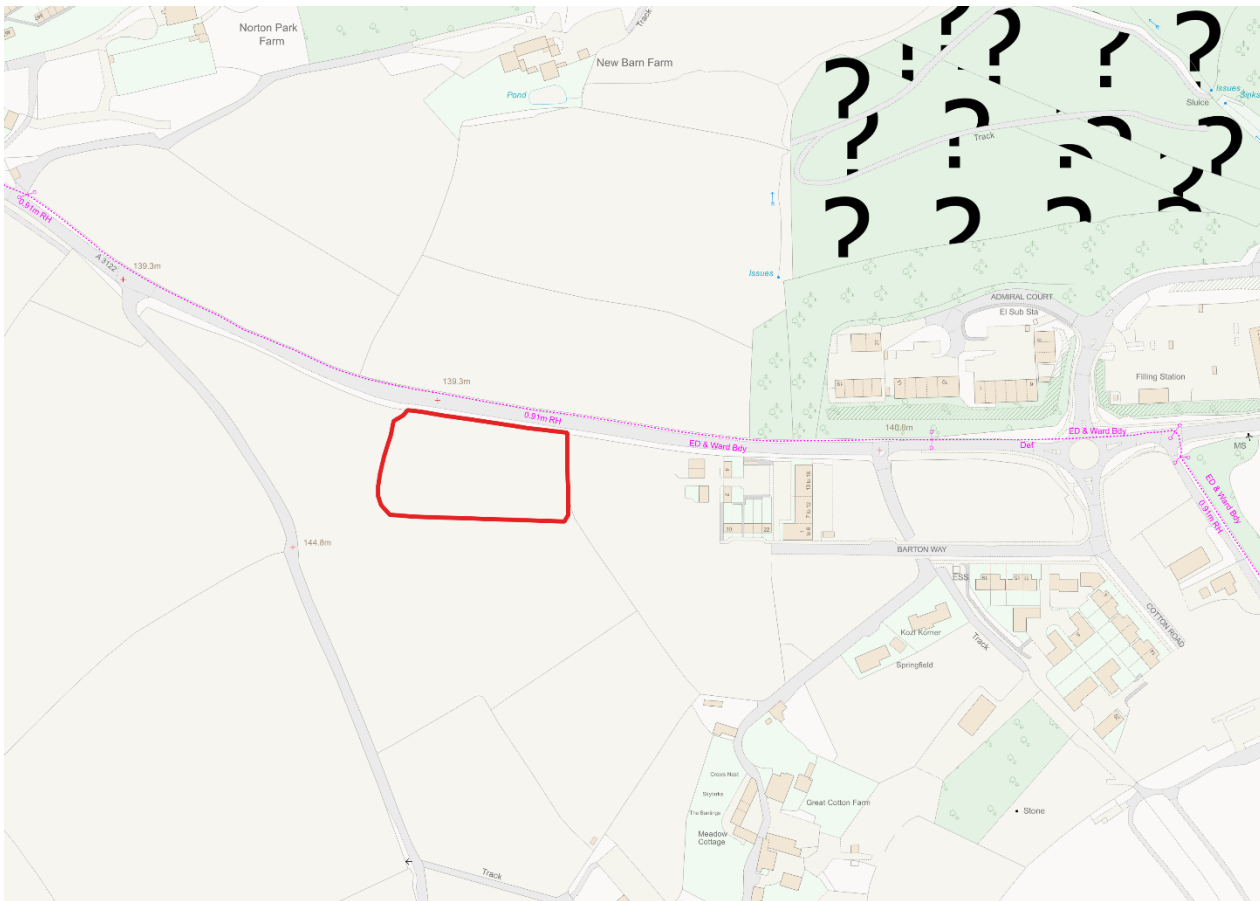
**Considerations under Human Rights Act 1998 and Equalities Act 2010:**

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

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## COMMITTEE REPORT

<b>Case Officer:</b>	Bryn Kitching		
<b>Parish:</b>	Stoke Fleming	<b>Ward:</b>	Blackawton & Stoke Fleming
<b>Application No:</b>	0278/24/ARM		
<b>Applicant:</b>	Premier Inn Hotels Ltd Whitbread Court Houghton Hall Business Park Porz Avenue Dunstable Bedfordshire LU5 5XE	<b>Agent:</b>	Mr Simon Millett - Walsingham Planning Bourne House Cores End Road Bourne End SL8 5AR
<b>Site Address:</b>	Land at SX 855 508 Violet Drive Dartmouth		
<b>Development:</b>	READVERTISEMENT (Amended red line, elevational changes to building, revised boundary treatment details, additional landscaping details, updated tree protection plan, additional plans of bin store, cycle store and access ramp, directional highway signage within the site, revised lighting details with replacement of some lighting columns with bollards, and further transport note to address comments on highway access arrangements) Application for approval of reserved matters (layout, appearance, scale and landscaping) following outline approval 0479/21/VAR for Erection of a 3-storey, 105-bedroom hotel with ancillary restaurant and all associated works.		



**Reason item is before Committee:** The Head of Planning considers that the views of Members are essential due to the nature of the development proposed and the number of representations received

**Recommendation:** Grant reserved matters

**Conditions:** (list not full)

1. Approved plans and details
2. Sample panel for walls and roof
3. Landscaping implementation
4. Noise levels from any plant restricted at boundary of nearest noise sensitive dwelling
5. Compliance with DEV32 requirements

**Key issues for consideration:** Compliance with outline consent, layout, scale, appearance and landscaping.

**Site Description:**

The application site comprises part of a larger site of approx. 11.57 ha of former agricultural land west of Dartmouth and Townstal. It has outline planning consent for a mixed use of residential and employment.

The larger development site (known as Little Cotton Farm) is bounded by Townstal Road (A3122) to the north and Venn Lane to the west. A line of mature trees and hedge banks



form the eastern boundary of the site adjacent to Dartmouth Park and Ride facility and playing fields to the south east. The southern boundary is defined by Devon hedge banks with open countryside beyond. This site is currently being developed for a mixed use of residential and employment in accordance with the phase 1 outline consent (2016) and a subsequent reserved matters consents granted from 2020 onwards. Residential occupations have begun in the earlier phases of development.

The application site (known as employment parcel C) faces Townstal Road and the recently constructed right turn lane that forms the secondary entrance to the larger development. To the east and south are recently built apartments and houses (mix of 2 and 3 stories). To the west is a further employment site that has yet to come forward for development. The northern boundary is Townstal Road (A3122) which is partially separated by a retaining hedgebank. Other parts of the original hedgebank have been removed as part of the construction works for the right turn lane and visibility splay.

Some of the current ground levels of the application site are not original and have been raised as part of the highway works and other surrounding residential development. Permanent changes in these ground levels on the site have not been authorised by any specific consent and are currently considered to be temporary storage of spoil while other construction works take place. Details of original ground levels are contained in site surveys from the outline application and show that the original hedgebank retained land about 1m - 1.5m above the carriageway level. The ground continued to rise a further 3m – 4m in height to the south and new internal access road. All surrounding ground levels are authorised by the originally approved site access plans and adjoining reserved matters consents.

The site is outside of (but within the setting of) the South Devon National Landscape which is approx. 950m to the east and approx. 1300m to the south of the application site. Woodbury Camp Scheduled Ancient Monument lies approx. 1km to the north west of the site.

The application site is within easy walking distance of facilities including major supermarkets, the leisure centre, the secondary and primary school, an employment site, new health hub, park and ride, and other bus stops.

The application site includes land that is part of an allocation under Policy TTV4, Land at Cotton, of the JLP for the development of for residential led mixed-use development. Provision is made for in the order of 450 new homes and 10,800 m of employment floorspace (Use Classes B1).

Development should provide for the following:

1. A local community hub.
2. Retention of the existing sports pitches with any re-ordering only acceptable if it would result in enhancement of the facility.
3. Provision of both formal and informal open space.
4. Strategic landscaping, open space, and tree planting to address the scale and prominence of the site, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside.

Outline planning permission has been granted in 2 phased planning applications for the development of 450 dwellings, employment and community uses on the allocated area. The

land subject to this application for reserved matters application is part of the Phase 1 outline planning permission granted on appeal in 2016 (prior to the adoption of the local plan).

The authorised employment uses set out in the outline planning permission for Phase 1 employment land include use classes E (a, b, g), B8, C1, C2, F2(a) of the Town and Country Planning (Use Classes) Order 2020 or as a builders merchants, drinking establishment or hot food takeaway (sui generis uses). The list of approved uses is set out below:

- E (a) - Commercial, Business and Service (for the display or retail sale of goods, other than hot food, principally to visiting members of the public)
- E (b) - Commercial, Business and Service (for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,)
- E (g) - Commercial, Business and Service (for (i) an office to carry out any operational or administrative functions, (ii) the research and development of products or processes, or (iii) any industrial process,)
- B8 - Storage or distribution (use for storage or as a distribution centre)
- C1 - Hotels
- C2 - Residential institutions (e.g. care home, hospital, residential school or training centre)
- F2 (a) - Local Community (a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where (i) the shop's premises cover an area not more than 280 square metres, and (ii) there is no other such facility within 1000 metre radius of the shop's location.
- Sui generis - Builders Merchants
- Sui generis - Drinking Establishment
- Sui generis - Hot food takeaway

Hotel accommodation falls under a C1 use and is within the list of approved uses set out in the outline consent. Therefore an application for reserved matters consent is required in accordance with the requirements of condition 1 of the outline consent (requiring details of the appearance, landscaping, layout and scale).

### **The Proposal:**

The reserved matters application is for layout, scale, appearance and landscaping for the construction of a 105 bed hotel (use class C1) with ancillary restaurant. The proposals include a car park with 96 spaces, and a delivery bay for hotel servicing. A timber fence surrounds a plant and bin store to the side of the building which leads on to a delivery route to the north of the building.

The hotel and ancillary restaurant comprise a single building situated on the north west part of the site. It is proposed to be 3 stories in height with a mix of natural stone, dark and natural finish timber effect cladding, render and slate hanging. This will sit under a natural slate roof with solar panels fitted on the south facing roof slope. Access to the carpark would be from the new estate road (Violet Drive) which provides the main vehicle access to the western parts of the larger development. The car park will be landscaped around the edges and be lit by a mix of bollard and lamp standard lighting.

The Design and Access statement sets out that the building will achieve BREEAM Excellent in terms of energy, water consumption and drainage. It is designed to be fully electric with the use of Air Source Heat pumps and heat recovery system.

The following documents were submitted with the application:

- Plans, elevations and sections,
- Design and Access Statement,
- Planning Statement,
- Climate Emergency Compliance Form,
- Energy Statement,
- Landscape Masterplan,
- Lighting details,
- Tree/Hedge protection plan,
- Transport Technical Note,
- Economic Impact Statement
- Drainage Statement, strategy and details,
- Kitchen Ventilation Strategy,
- Wildlife and Geology Trigger Table.

As a result of consultation responses received the following amendments and additional information was submitted:

- Revised plans, elevations and sections,
- Additional details of bin store, external cycle storage and access ramp.
- Revised and further landscape details
- Revised Lighting details,
- Updated Tree/Hedge protection plan,
- Additional Transport Technical Note,
- Updated drainage details,

A further round of consultation took place regarding these amendments.

#### **Consultations:**

- County Highways Authority – No objection.

*Following submission of amended plans/additional information* – I have looked at the Transport Technical Note and would not disagree that a single access point is adequate. My comments therefore remain unchanged.

- Stoke Fleming Parish Council – Comment:

The application has caused a substantial degree of comment, both from residents in the immediate area and within the wider community. We have noted that the pre-application advice is dated 15th December and the application was submitted on 24th January which means that the applicant had little time in which to consider and respond to the comments made by the Case Officer. That is unfortunate as it suggests that the submitted application had not been amended to take account of that advice, the majority of which the Parish Council considers to be valid and if accepted could overcome many of the grounds on which objections have been based.

We are also aware that although outline permission had already been granted, though not specifically for a 105-bedroomed hotel, and this application is concerned with

reserved matters many of the objections had not taken that fact into account. Our comments are restricted to the reserved matters only.

### **Scale and appearance**

The proposed building in fact faces away from Townstal Road, with access and entrance on its south side. The side facing the road has attracted criticism as being monolithic, dark and overbearing. The fact that the ground level at its base is some 3-4 metres above the height of the A3122 at its eastern end means that in terms of mass it potentially could have more of the appearance of a four-storey building than a three-storey one, and the unrelenting dark cladding adds to that impression. We agree with the Case Officer that some of the features that have been incorporated assist in breaking up the building so that it appears more of a combination of forms, and we support his view that this could be taken further.

Changes of materials for the 3-window part of the dormer could indeed assist in this, and having noted what he says about the Premier Inn at Helston we would suggest that not only could the choice of materials be increased as is the case in that example, but variations in ridge height and the introduction of lighter cladding tones could do much to break up the monolithic appearance and present a building that appears more as a series of sections with a more residential feel.

It is said that the use of a darker palette has been encouraged on the boundaries of the larger site and is required. We note however that the Officer approves of the design of the Extra Care/Assisted Living site to the east which he notes breaks the overall mass up into a series of smaller units, which are a mix of three and four storeys. That building also uses lighter coloured cladding with a reduction in the proportion of dark cladding and a change of materials at first floor level. That is also the case with the care home on the east side of the entrance to the Little Cotton estate where different cladding is used both horizontally and vertically to break up the overall structure into smaller units, also alternating light and dark cladding. These examples at Cotton also mirror what the Officer says he finds satisfactory in the case of the Premier Inn at Helston and we would support amendments along those lines.

### **Traffic**

Concern has been expressed by residents at Little Cotton over the prospect of the main internal artery, Barton Way, as a “rat-run” through the estate, and the pre-application advice advocates directional signage to encourage drivers not to enter via the roundabout and pass through the residential estate. We fully support that view and would go further. We suggest the creation of a second access to the Premier Inn site at the western end of the car parking area, to be used as the sole entry point, with the access currently shown on the south side to be an exit only, with signage indicating “right turn only”. This would avoid having Premier Inn guests use the internal roads to leave the estate in order to head in the direction of Dartmouth. That would remove one of the main concerns of residents in Little Cotton.

We would expect that the splay at the western entrance would have to be sufficient to accommodate vehicles turning into the site.

We understand the concerns of the residents in the three properties in Violet Drive that form the “cul de sac” down the eastern side of the Premier Inn site. The

suggestion we have made about directing traffic would reduce those concerns but it should be possible to do more. The pre-application advice calls for a detailed landscape plan – “not just indicative trees” – and we support that suggestion. Not only could that assist at the boundary with the cul-de-sac, additional planting could be introduced by the delivery bay to provide a secondary screen, and a fence along the eastern boundary could completely overcome the concern about residents in the cul-de-sac being overlooked from the car park and suffering from headlights shining directly at their homes.

On the matter of external lighting we would suggest that the proposed use of 8-metre tall lamp units be dropped in favour of lights on bollards.

### **Noise pollution**

It has been suggested that the layout of the building should be reversed in order to reduce the possibility of disturbance due to the noise of late-night revelry from the bar and restaurant area. We take the view that any late night noise there might be would be concentrated at the entrance which is two-thirds of the distance from the eastern boundary of the site to the western one. In any case, as the entrance is more or less at the midpoint of the building reversing it would not increase the distance from the homes in question.

*Following submission of amended plans – Concern has been expressed by residents at Little Cotton over the prospect of the main internal artery, Barton Way, as a "rat-run" through the estate, and the pre-application advice advocates directional signage to encourage drivers not to enter via the roundabout and pass through the residential estate. We fully support that view and would go further. We suggest the creation of a second access to the Premier Inn site at the western end of the car parking area, to be used as the sole entry point, with the access currently shown on the south side to be an exit only, with signage indicating "right turn only". This would avoid having Premier Inn guests use the internal roads to leave the estate in order to head in the direction of Dartmouth. That would remove one of the main concerns of residents in Little Cotton. We note the applicant estimates 227 car movements per day and when the second employment site is taken into consideration this could potentially double.*

- Dartmouth Town Council – Comment:

Recommend approval, but only on the grounds the Western Entrance is used for access as Cllrs were against the Violet Drive access for vehicles on the grounds it was dangerous and unsafe to have commercial and hotel traffic passing thorough a residential street where children will be playing outside.

- Ecology – Recommend approval: pleased to see new design has meant light spill has been reduced on the northern boundary and is now contained within the redline boundary. Welcome use of bollard lights in car park to replace a number of lighting columns. No ecological concerns regarding the landscaping plan. Given urban nature of the site and surrounding land the landscaping is suitable for the location.
- Police Designing Out Crime Officer – Comment: Pleasing to see inclusion of Security Strategy in the Design and Access Statement and I support the measures within this section. Recommend that easily accessible windows are a minimal national security standard and are fitted with restrictors. CCTV cover access control

areas, all external entry/exit points, fire exits and any till areas. Delivery entrances should have self-closing mechanism fitted to doors. Bicycle stands should be minimum of 3mm galvanised steel bar with 300mm foundation and anchor bar.

*Following submission of amended plans* – recommend that plant and bin store has lockable gates. Concern that adjoining fence could be used as a climbing aid into the plant section of the enclosure. It would be beneficial to have signage to inform that the enclosure is a private area.

- Landscape Specialist – Initial Holding Objection. Layout and orientation suitably addresses gateway location. Substantial building but variations in pitched roofs, projecting gables, dormer windows and materials provides articulation to break up the form. Support predominant use of darker materials which will be more recessive in wider views of the development such as South Devon National Landscape. Despite broad support of materials, concerned that north and west elevations are too dominated by the darkest colours. Would support the introduction of limited blocks of render. Site levels are being lowered which will help reduce overall height of building. Retaining features are supported but details are challenged (gabion walls should be replaced with stone faced devon bank to reflect the character of the area. Require details of hard landscaping features and detailed planting plans and management are required for reserved matters application. Lighting should be minimised and challenge need for 8m high lighting columns in car park.

*Following submission of amended plans* – Support the changes to the appearance in terms of removal of some of the dominating darkest materials and greater use of render/slate hanging. Support amended proposals of using Enviromesh retaining bank system instead of gabion baskets, although actual detail of how vegetation will be established on the slope is yet to be confirmed. Revised hard and soft landscaping details are acceptable, as is the implementation/maintenance details. There is an outline condition requiring submission of a LEMP and it is anticipated that soft landscaping maintenance will be specified in this. Revised external lighting and use of bollards in part of car park is welcomed. Holding objection is now withdrawn.

- Local Lead Flood Authority – No in-principle objections to this planning application, however additional information required (trial pit failed, could incorporate rain gardens and tree pits, potential re-use rainfall for flushing toilets, green roofs/walls, drainage system modelled to 1 in 100 (+50% for climate change), appropriate sized soakaway required, levels would restrict exceedance flows going eastwards, maintenance details required.

*Following submission of further information:* Objection withdrawn (further information and detailed design will be required as part of requirement to discharge existing planning condition on outline consent).

- Tree Specialist – No objection on arboricultural merit noting the absence of trees and the hedgerows are retained, ensuring the supporting TPP is made an approved plan. *No further comments on amendments.*
- Historic Environment Team (Archaeology) – No objections: A programme of archaeological work has previously been undertaken on this site and the results are currently being synthesised for the production of a report. As such, so no further archaeological fieldwork is required with regard to this reserved matters application

and the Historic Environment Team has no comments to make. *No further comments on amendments.*

- Environmental Health – No objections: kitchen extract and heating/ventilation systems will be housed on roof and at a height above nearby dwellings which means that residents are not likely to be adversely affected by noise. Recommend noise condition. A high standard of odour treatment is proposed and the systems will ensure potential for unacceptable odours to be reduced to a minimum. Several residents have expressed concerns about late night noise but Premier Inn hotels are primary for people needing short stays so there is no late night bar or entertainment. Total quiet is encouraged inside during the evenings and there tends to be few arrivals in the late evenings. Environmental health teams do not tend to receive complaints about noise from these types of hotel. No concerns about site lighting proposed. *No further comments on amendments.*

### **Representations:**

13 letters of support which raise the following issues:

- Dartmouth needs to thrive and a hotel will attract more visitors to the town.
- More affordable for families to holiday in a town that before could potentially not afford.
- Businesses need to thrive and I'm sure with the visitors to the hotel will draw these into the town to frequent the fab hospitalities and shops.
- Jobs are welcome especially as more houses are being built in the same area.
- South Hams has a major shortage of hotels.
- Many holiday homes want 7 nights and are unaffordable to many, staying for a few nights or long weekend will cater for people on a different budget.
- Three stories will not be detrimental to the areas skyline and beauty.
- Having moved back to Dartmouth into a small flat it will be nice for family and friends to stay in the locality.
- Nice to have a restaurant at the top of town for locals to use.

22 letters of objection which raise the following issues:

- The development fails to create a positive image from the road as required under TTV4(6).
- It will be sited next to the main road with a roofline 16m above road level.
- Roadside appearance is dark, menacing and dominating, that is incongruous and out of scale of every building in Dartmouth.
- Building should be reduced by one storey and located to the south of the application site.
- Insufficient landscaping for a building on the crest of a hill and building can not be hidden by landscaping.
- Not enough jobs (30) for the amount of floorspace proposed (5762 sq m).
- Provision of bar/restaurant open to non-guests may stop applications by others, create a monopoly and destroy the creation of a real community hub.
- Noise and disturbance from restaurant facilities and loading bays to nearby residential dwellings.
- Nuisance caused by noise and disturbance from people arriving late at night
- Restriction of light, particularly in winter, to nearby residential dwellings.
- When the proposed trees grow up they will create dark areas around the edge of the hotel and drop foliage that cause inconvenience.

- Dark areas act as a catalyst for anti-social behaviour.
- Greater detail of planting/landscaping is required.
- Increase in traffic in the little Cotton Farm Estate.
- Increase in traffic on estate road junctions could possibly cause hazard and result in serious accident.
- Premier Inn's attract all manners of professionals and tradespersons that leave early in the morning causing noise and disruption.
- Loss of property values.
- It would be more beneficial to offer a more individual boutique spa experience which would have less impact on independent guest houses in the area.
- Loss of jobs elsewhere if small hoteliers decide to sell up due to short term fear factor of a premier inn arriving.
- Design not in keeping with the areas and looks like a prison. The design needs to change so that it is in sleeping with the houses.
- Hotel will only be a benefit during the holiday season a few months a year.
- The land is designed for housing [case officer note – this is incorrect, the land is not allocated for housing and is allocated for employment uses including a hotel].
- There should be no loss of affordable houses due to this development [case officer note - there is no change to affordable housing provision].
- More holiday makers will result in overcrowding and make car parking in Dartmouth worse.
- Hotel may draw people away from spending money in the town centre.
- The building is too big and will be the first thing you see when entering the historic town of Dartmouth. The surrounding development is already very visible from two/three miles and the hotel will make it worse.
- There is no pavement on the main road making it dangerous/impossible to walk to the bus stop.
- The bus service is infrequent and the park and ride only operates in the summer.
- There are more rooms than parking spaces.
- Loss of biodiversity and lighting will confuse wildlife.
- Shortage of local people to work in the hotel means that they will travel from further afield, increasing their carbon footprint.
- More housing is required, not hotels.
- Vehicle access is too close to neighbouring residents and dispute claims that vehicle traffic would not be a significant uplift on traffic passing through Little Cotton Farm.
- Additional traffic will be dangerous for children.
- Detailed traffic management plan with traffic calming is required.
- The more active parts of the building (reception, dining and lounge areas) are closest to neighbouring properties while the quieter bedroom areas are further away. These should be swapped over
- Will the landscaping cut off views and daylight to neighbouring properties.
- Lighting should be bollards, not poles.
- Due to site levels, headlights from vehicles in the car park will shine into properties to the east.
- Fencing and landscaping is required between the site and the properties to the east.
- Why are the estate developers selling off commercial sites to others before providing public spaces for the permanent residents.
- Overlooking and loss of winter sun to New Barn Farm buildings to the north.
- Times of building works and hotel deliveries need to be controlled.
- Noise and disturbance from revellers looking for a late night drink.



*Following reconsultation on the amended plans, 2 further letters of objection received which raise the following additional points:*

- A roundabout should be constructed on the bend on Violet Drive to provide access to both this application site and the other employment site.
- The hotel should have the appearance of smaller building forms with changes to roof levels.
- Landscaping unlikely to survive with the site being exposed to severe winds.
- The boundary between the car park and Violet Drive (Close) should comprise a stone wall/hedgebank with planting on top.
- The car park exit signage will not provide sufficient deterrent to stop people driving through the residential estate. A one-way system with barriers or retractable bollards should be installed to stop hotel residents from driving through the estate.

5 letters of comment which raise the following issues:

- Full time jobs are welcomed but disappointed that it couldn't be located on the old hospital property in Dartmouth.
- It is worrying when hotels in town are having to sell due to the economic climate
- Think that two storey would be more sympathetic to the surroundings
- Will people in nearby houses lose their privacy?
- Increase in traffic through the residential estate.
- Potential for rubbish which you see with hotels of this type.
- Supportive of the application provided that any Section 106 funding is wholly used to widen the narrow road bend pinch point at Norton Park Chalets.
- Building is too large and a smaller one would have less impact.
- Depending on type of trees, could have an impact on neighbours while they take time to grow.

### **Relevant Planning History**

15\_51/1710/14/O: Outline application for mixed-use development comprising up to 240 dwellings, employment land (up to 2.7ha), a local centre (0.4ha), formal and informal open space, strategic landscaping, cycle path and footpath provision and associated infrastructure, served off new primary and secondary accesses off Townstal Road (A3122).

Conditional Approval 24 March 2016.

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2469/19/NMM: Non material amendment to outline consent 15\_51/1710/14/O

Conditional Approval 26/07/2019

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2609/19/VAR: Variation of conditions 4, 18 and 19 of planning approval 15\_51/1710/14/O (Changes to Parameters Plan and to allow a wider range of uses on the employment land)

Conditional Approval 15/08/2019

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0479/21/VAR: Application for variation of conditions 18, 19 and 20 of planning consent 2609/19/VAR and 15\_51/1710/14/O (to allow additional uses of building merchants, retail or hot food takeaway to be constructed on the employment land)

Conditional Approval 24/02/2021

### **Other Relevant Associated Planning History**

3475/17/OPA: Outline application with some matters reserved (only access to be considered) for residential development of up to 210 dwellings, public open space, green infrastructure, strategic landscaping and associated infrastructure. (Phase 2 land)

Conditional Approval 12 October 2017

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3627/19/ARM: Application for approval of reserved matters following outline approval 15\_51/1710/14/O (Appeal APP/K1128/W/15/3039104) for layout, scale, appearance and landscaping for 116 dwellings, public open space, highways, landscaping and associated works and discharge of conditions 6 (LEMP), 7 (surface water drainage), 8 (ecological mitigation strategy, 9 (tree protection measures) and 12 (details of internal roads etc)of outline approval 15\_51/1710/14/O.

Conditional Approval 07/02/2020

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0936/19/ARM: Application for approval of reserved matter following outline approval 15\_51/1710/14/O (Appeal APP/K1128/W/15/3039104) for layout, scale, appearance and landscaping for 123 dwellings, public open space, highways, landscaping and associated works and approval of details reserved by conditions 6, 7, 8, 9 & 12 of planning consent 15\_51/1710/14/O (Appeal APP/K1128/W/15/3039104)

Conditional Approval 12/01/2022

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## **ANALYSIS**

### **1 Compliance with outline consent.**

1.1 The site is subject to an extant outline planning permission for a mixed-use development comprising up to 240 dwellings, employment land (up to 2.7ha), a local centre (0.4ha), formal and informal open space, strategic landscaping, cycle path and footpath provision and associated infrastructure, served off new primary and secondary accesses off Townstal Road (A3122).

1.2 The application site is on land identified on the approved parameters plan as being as an Employment Area. The conditions attached to the outline planning consent specify the approved uses for the Employment Land and Use Class C1 (hotel) is an authorised use. The reasoning for the condition is to ensure that there is an appropriate form of mixed use development that provides employment and improves the sustainability of the site. The legal agreement for the outline consent includes a number of clauses that seek to ensure the delivery of the employment alongside the residential. The reserved matters

application is accompanied by an Economic Impact Statement that sets out investment in the construction of the project is valued at £9.3 million with generation of 70 FTE jobs during the construction. The operation of the hotel is set to create 28 FTE net additional jobs with 25 of these within the hotel and restaurant. The hotel has the potential to accommodate an additional 30,660 overnight stays in Dartmouth each year. This will generate uplift in visitor expenditure worth an estimated £2.4 million to the local economy per annum and support around 41 additional local FTE tourist jobs.

1.3 The above information regarding the economic impacts of the proposed development is given for context and it should be noted that a hotel use is an approved employment use for the site. This application for reserved matters seeks approval of the layout, scale, appearance and landscaping. The following sections of the report considers each of these in turn.

## **2 Layout**

2.1 Layout “means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development”. (Development Management Procedure Order 2015).

2.2 The proposed building is to be located in the north west corner of the site in a position where it will provide a positive frontage to both the main road and new access/estate road to the larger development. The position of the building is around 50m away from the properties to the east and 32m from those to the south which means that both operationally and visually it is compatible with the surrounding residential parts of the larger development. As part of the approved employment land for the larger mixed use development, it is considered that the proposals adequately balance commercial needs with residential amenity. Plant, such as kitchen extract and heating/ventilation systems is to be located on the roof in a central valley which will be hidden from view. The Environmental Health Specialist advises is unlikely to adversely affect residential amenity.

2.3 Although the main access points to the larger development were approved at outline stage and ‘access’ not reserved for subsequent approval, it is considered that routes within the large site form part of the layout part of reserved matters. This would include the access point into the site and the associated car parking/ delivery areas. Violet Drive will be a well trafficked estate road within the larger development and there would be an expectation that any vehicles approaching from the west will use this road to gain access the western parts of the larger development site. Given the location of the building fronting directly onto the main access it would be the logical for those arriving at the hotel to use this access point/road rather than the more convoluted route through the residential development. That said, there is nothing to stop motorists legally driving on any road, but given the design on the internal estate roads, it is considered unlikely that this would be the route of choice. It would also be safe to assume that when motorists depart the hotel, they are likely to take the same route that they used to arrive. A sign would be placed on the exit of the car park advising a right turn for ‘all routes’ but suggestions that the left turn be banned are not deemed to be necessary by officers or the County Highway Authority.

2.4 As part of the consultation responses, there have been requests to move the access to the car park to another location and further away from some of the residential dwellings. This has been considered by officers and the County Highway Authority and are not deemed to be necessary given the nature of the estate road (Violet Drive) and

likely number of vehicle movements using this road to access the hotel and wider development. The applicants have investigated the suggested creation of separate entry and exit points to see if this can be safely provided. This resulted in the submission of an additional Transport Technical Note by RPG which sets out the likely implications of such an amendment. Issues such as potential queuing out on to the main road, poor visibility and delivery vehicles having to cross to the opposing lane of traffic, loss of parking spaces, and HGV's manoeuvring on the pedestrian routes within the site have all been identified. The NPPF sets out the development proposals should ensure that safe and suitable access to the site can be achieved by all users. The application as submitted meets this test and there are no reasons to object to the proposals in their current form.

2.5 A total of 96 car parking spaces would be provided for the use of the hotel, including 5 designated disabled parking bays adjacent to the hotel entrance. This proportion of parking represents approximately 1 space for every 0.9 bedrooms. 9 of the parking bays would be fitted with active electric vehicle charging infrastructure. The indicative parking standard for hotel use is 1 space per bedroom. This is set out in the SPD which includes a specific note that any deviations are considered on a case by case basis. The Transport Technical Note looks at other similarly located Premier Inn sites and associated parking surveys. Trip generation and parking demand show a typical weekday overnight peak of 86 parked vehicles, rising to 95 during a 'worst case' during exceptionally busy periods. The evidence provided is acceptable and parking provision of 96 spaces is considered to be appropriate in this case.

### **3 Scale**

3.1 Scale "means the height, width and length of each building proposed within the development in relation to its surroundings". (Development Management Procedure Order 2015).

3.2 The proposed building would be 3 storey with an eaves height of 8.9m and a ridge of 12.2m. This is approximately 1m higher than the nearby apartment buildings which are built on slightly higher ground and has eave and ridge heights of 7.7m and 11.6m respectively. Due to the proposal to cut into the slope, the eaves and ridge of the hotel will be approximately 0.4m lower than the apartments on Violet Drive.

3.3 Other approved buildings on the employment parts of the larger application site are to be a mix of 3 and 4 storey. These are at the other entrance to the site off the recently constructed roundabout and are currently under construction. Those buildings would be larger than the proposed hotel.

3.4 Due to the topography of the site it is inevitable that any development will be raised up above the adjoining road to a certain extent. This will emphasise the height of any building when viewed from the road and requires an appropriate landscaped transition to soften the impacts. This forms part of the layout and landscape consideration of the application and are discussed in those sections. The proposals are to be cut into the sloping site and have the lowest possible finished floor levels for gravity fed foul drainage to be installed. The base of the building is lower than the road level of Violet Drive and the application demonstrates the amount of cut required as part of the submitted sections. The amount of cut is substantial and is appropriate for the site. The mass and bulk of the building is reduced by creating the L-shape that addresses the corner while the double pitched roof reduces the overall height so that is more domestic in scale. Due to the layout

of the site and position of the building, it is sufficient distance away from other 2 storey properties so as not to visually dominate them.

3.5 The building is long but the changes in roof heights, projecting gables and different elevational treatments break up the building by dividing it into smaller sections. This technique has successfully been used on other parts of the site on both the employment and taller residential buildings.

3.6 In terms of scale, the proposals constitute an efficient use of the land, providing good quality hotel facilities without unacceptably dominating the local landscape. Policy TTV4 requires positive frontages onto the adjoining road network, especially the main road and it is considered that the proposals meet this criteria.

## **4 Appearance**

4.1 Appearance “means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”. (Development Management Procedure Order 2015).

4.2 The design of the building has been broken down into sections with the introduction of projecting gables along the front elevation. A lowered eaves height on the western part of the front elevation provides greater visual interest and avoids too much repetition in window design. The dormer style windows on this part of the building provide articulation without being fussy or introducing too many architectural styles/features. Double gables give a domestic appearance and help to reduce the mass. The design style follows cues taken from the wider development and would blend with the surrounding mix of 2 and 3 storey residential development.

4.3 The materials for the hotel building reflect the palette of materials that have been approved on the larger development. While much of the constructed part of the larger site is predominantly render, the edges of the site have been treated slightly differently with a greater use of darker materials including cladding and stone. This is to help the development sit in the landscape, particularly when viewed from the open countryside and National Landscape to the west and south. While lighter coloured materials such as render are predominant in the South Hams, they can also emphasise built development by making it stand out. Darker colours, particularly on the fringes of development are more recessive and help with the transition from urban to rural. This has been followed as a design principle across the larger site and during the pre-application discussions for the hotel, darker colours were encouraged. The original submission contained a mix of natural stone, dark timber effect cladding and a small area of slate hanging. Many of the consultation responses from the public, parish council and Landscape Specialist referred to the materials on the north, east and west elevations as being too dark and dominating in appearance. That resulted in the submission of amended plans which introduced a greater amount of render to help reduce the visual impact and breaking up the building into smaller sections. The slate hanging has been extended down across the first floor, which also helps to divide the building.

4.4 The specification and use of materials is considered to be acceptable in terms of the appearance of the development. The use a natural local stone and natural slate are important features that have been encouraged. It would be necessary to impose a

suitable condition to secure exact details of each of the proposed materials which has been a common approach across the entire development.

4.5 The external lighting of the site has been amended since the original submission which included bulkhead lighting on the building and 8m lighting columns in the car park. Following further discussion, the lighting proposals have been amended to swap some of the lighting columns to bollard lighting in the parts of the car park that face the residential dwellings. This will reduce the impact on these properties as well as avoiding light spill to the hedgerows on the other side of the main road. The south western part of the car park will retain the lighting columns but it should be noted that there will be nearby lighting columns outside the site and along Violet Drive as part of the adopted road network. The lighting of the site is now considered to be an appropriate balance between providing a welcoming and safe car park environment, while avoiding unnecessary light spill to other properties and the open countryside. The revised lighting proposals are in accordance with the provisions of policy TTV4 of the Joint Local Plan.

## **5 Landscaping**

5.1 The Development Management Procedure Order 2015 defines landscaping as the “means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes –

- a) screening by fences, walls or other means;
- b) the planting of trees, hedges, shrubs or grass;
- c) the formation of banks, terraces or other earthworks;
- d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- e) the provision of other amenity features”

5.2 The original application contained broad landscape proposals as part of a masterplan but the amended documents included more detailed landscape proposals and planting specifications. Strategic landscaping is proposed around the edges of the site including both heavy standard and extra heavy standard trees which will ensure that required softening of the building and car park will have early impact. Native hedgerow is proposed around the outer edge of the site with more ornamental planting within the site. Car parking spaces are sufficient distance away from the proposed hedgerow so as to avoid the potential for accidental damage.

5.3 There is a requirement for a structural retaining feature along the northern boundary fronting on to the main road. This would also need to extend around the new access estate road to the larger development site. The original submission included gabions filled with natural stone to replicate a stone faced Devon bank, however officers had concerns that the gabion construction would lead to a visual regularity of blocks that would look slightly contrived in a prominent location. Although stone filled gabions (with stone hand laid on its bed) can have their place on developments, they do not tend to be quite as successful when sited in prominent positions or in more rural landscapes. Amended plans have been submitted that now include a Enviromesh retaining bank with native grass, wildflowers and native herbaceous planting. This will comprise a reinforce soil structure with a geogrid on the outer face that allows for turf to be pinned to the slope. Wildflower plug planting and hydroseeding would take place and native hedgerow planted on top. This should result in a structural retaining structure that has the appearance of a turf faced Devon Bank with native hedgerow on top. Officers support the amendments which are

now considered to be an appropriate response to this important edge and gateway into Dartmouth.

5.4 Other areas of concern for officers were the eastern boundary between the car park and residential dwellings to the east. The current boundary comprises a temporary 2m fence/hoarding however a more appropriate and softer boundary is required. The boundary also contains an existing High Voltage cable and easement which does not allow for trees to be planted within the easement but there is scope for native hedgerow and thicket planting. Details sections have now been provided for 3 points along the boundary which show proposed ground levels of the car park, existing levels of the private drive to the dwellings, planting within the landscaped strip and a 1.2m timber fence in the middle to prevent car headlights from shining into the facing residential dwellings. The timber fence will provide a level of protection to allow for the native hedge to grow and the planting on either side will provide a soft boundary when viewed from either the dwellings or the hotel car park. These revised details are now acceptable to officers.

5.5 The amended landscaping details are considered to be appropriate to the development and would provide a suitable edge to the site. The detailed planting specifications are supported by the Landscape specialist who has withdrawn their initial holding objection. It remains a requirement on the outline permission for a site specific Landscape and Ecological Management Plan (LEMP) to be submitted and it would be expected that this would contain longer term management plans of the landscaped area in order to be approved.

## **6 Conclusion**

6.1 The reserved matters details (as amended) are considered to be acceptable and the provision of a 105 bed hotel with ancillary restaurant is an appropriate use of the employment land on the larger mixed use development. Suitable conditions relating to the reserved matters can secure precise details of materials and ensure compliance with the submitted plans and details. Existing conditions on the outline consent which do not relate to the reserved matters remain in place and will also require future discharge. These relate to a site specific ecological mitigation strategy (LEMP and CECoMP) and a Construction Management Plan.

***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 19th December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are "None".

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published 26th February 2024).

[\*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  
SPT4 Provision for employment floorspace  
SPT6 Spatial provision of retail and main town centre uses  
SPT7 Working with neighbouring areas  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV3 Strategic infrastructure measures for the Main Towns  
TTV4 Land at Cotton  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV14 Maintaining a flexible mix of employment sites  
DEV15 Supporting the rural economy  
DEV16 Providing retail and town centre uses in appropriate locations  
DEV17 Promoting competitive town centres  
DEV18 Protecting local shops and services  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes



DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF)

**Neighbourhood Plan** – Stoke Fleming Neighbourhood Plan – November 2018  
South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)  
South West Devon Joint Local Plan Supplementary Planning Document (2020)

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

### **Conditions**

1 The development hereby approved shall be carried out in accordance with the following plans and documents:

- 5951-P1 001 Rev B - Site Location Plan
- 5951-P1 003 Rev G - Proposed Site Plan
- 5951-P1 004 Rev C - Masterplan
- 5951-P1 100 Rev C - Proposed Ground Floor GA Plan
- 5951-P1 101 Rev A - Proposed First Floor GA Plan
- 5951-P1 102 Rev A - Proposed Second Floor GA Plan
- 5951-P1 103 Rev B - Proposed GA Roof Plan
- 5951-P1 200 Rev D - GA Elevations - Proposed (South and West)
- 5951-P1 201 Rev D - GA Elevations - Proposed (North and East)
- 5951-P1 250 - Typical Bay Study
- 5951-P1 251 - Typical Bay Study - Dormer
- 5951-P1 252 - Typical Bay Study - Gable
- 5951-P1 300 Rev B - Site Section A-A
- 5951-P1 301 Rev B - Site Section B-B
- 5951-P1 302 Rev B - Site Section C-C
- 5951-P1 303 Rev B - Site Section D-D
- 5951-P1 600 - Retaining Wall / Tree Planting Details
- 5951-P1 601 Rev C - Retaining Wall / Tree Planting Details
- 5951-P1 610 - Bin Store Details
- 5951-P1 611 - External Cycle Storage Details
- 5951-P1 612 - Access Ramp Details
  
- Landscape Masterplan - 1099-MP-01 Rev A
- Landscape Proposals Information - 1099-ST-03 Rev A
- Vegetation Protection Plan - 1099-TP-01 Rev A
- Detailed Planting - 1099-SW-01
- Detailed Planting - 1099-SW-02

- Landscape Boundary Proposals - 1099-SK-10
- External Lighting Services Layout - C8534-TLP-00-ZZ-DR-E-801 Rev P3
- External Lighting Calc Rev D - C8534 26.04.2024
- Kitchen Ventilation Strategy (05.01.23) - C8534 V1.0
- Drainage Statement - P20-310
- Drainage Strategy - P20-310 SK 104 Rev P1
- Drainage Details - P20-310 SK 105 Rev P1

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

- 2 Prior to their installation a sample panel of each of the materials/finishes to be used for the external walls and roof shall be prepared on site for inspection and approval by the Local Planning Authority. This shall include the natural stone, render, cladding and natural slate roof tiles. All external work shall be constructed to match the approved panel.

Reason: In the interests of visual amenity.

- 3 The landscaping scheme hereby approved shall be fully implemented in the planting season following the substantial completion of the development and the plants shall be protected, maintained and replaced as set out in the approved details for a minimum period of five years following the date of the completion of the planting. 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

Reason: In the interests of visual amenity.

- 4 The specific noise level of any plant installed and operated on the site must not exceed 25dBa (5dB below nighttime background which can be taken as 30dBa) at the boundary of the nearest noise sensitive dwellings between the hours of 11pm to 7am, and must not exceed the background level at any other time. Background noise level to be measured as La90dBa (1 hour).

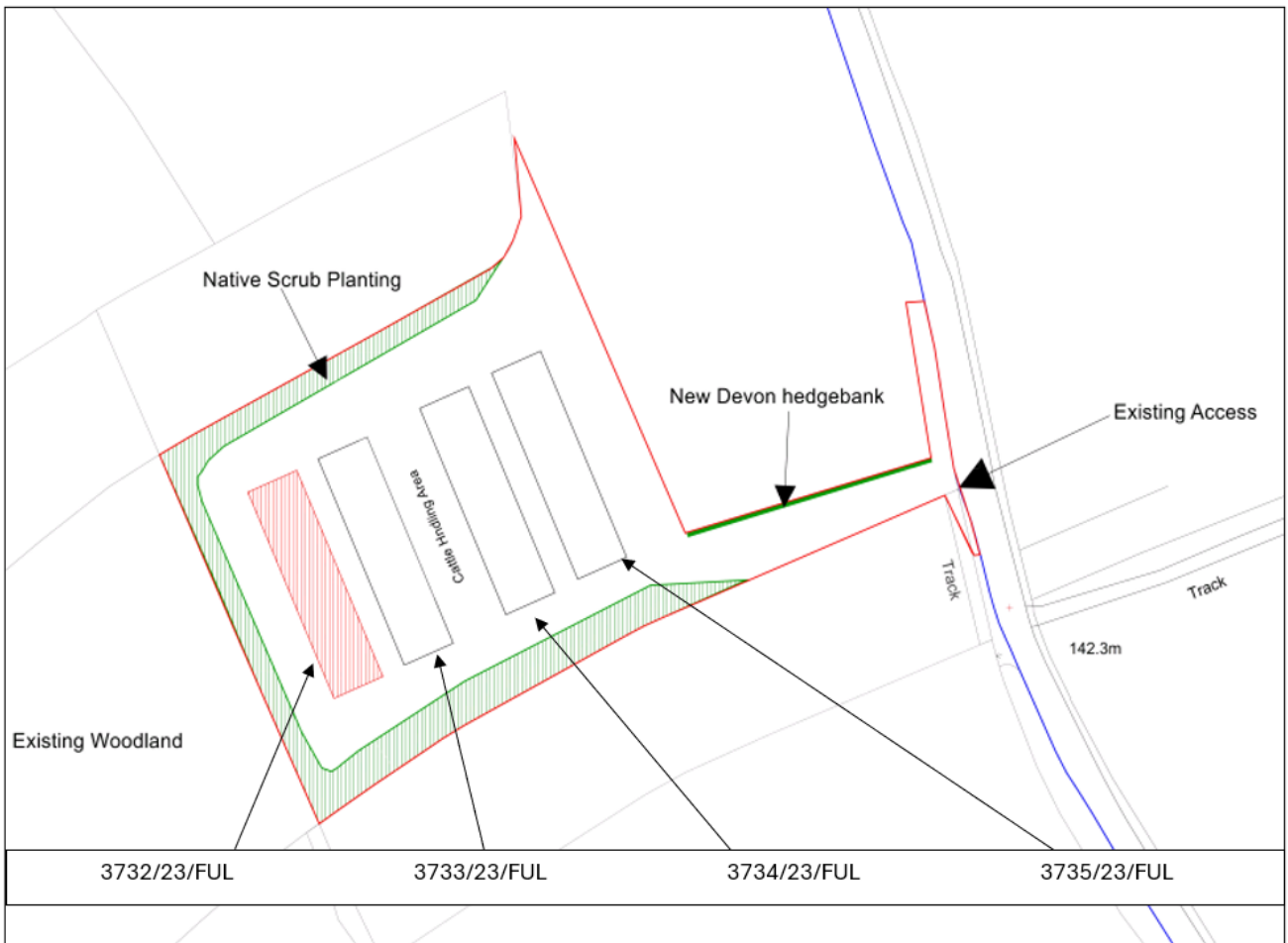
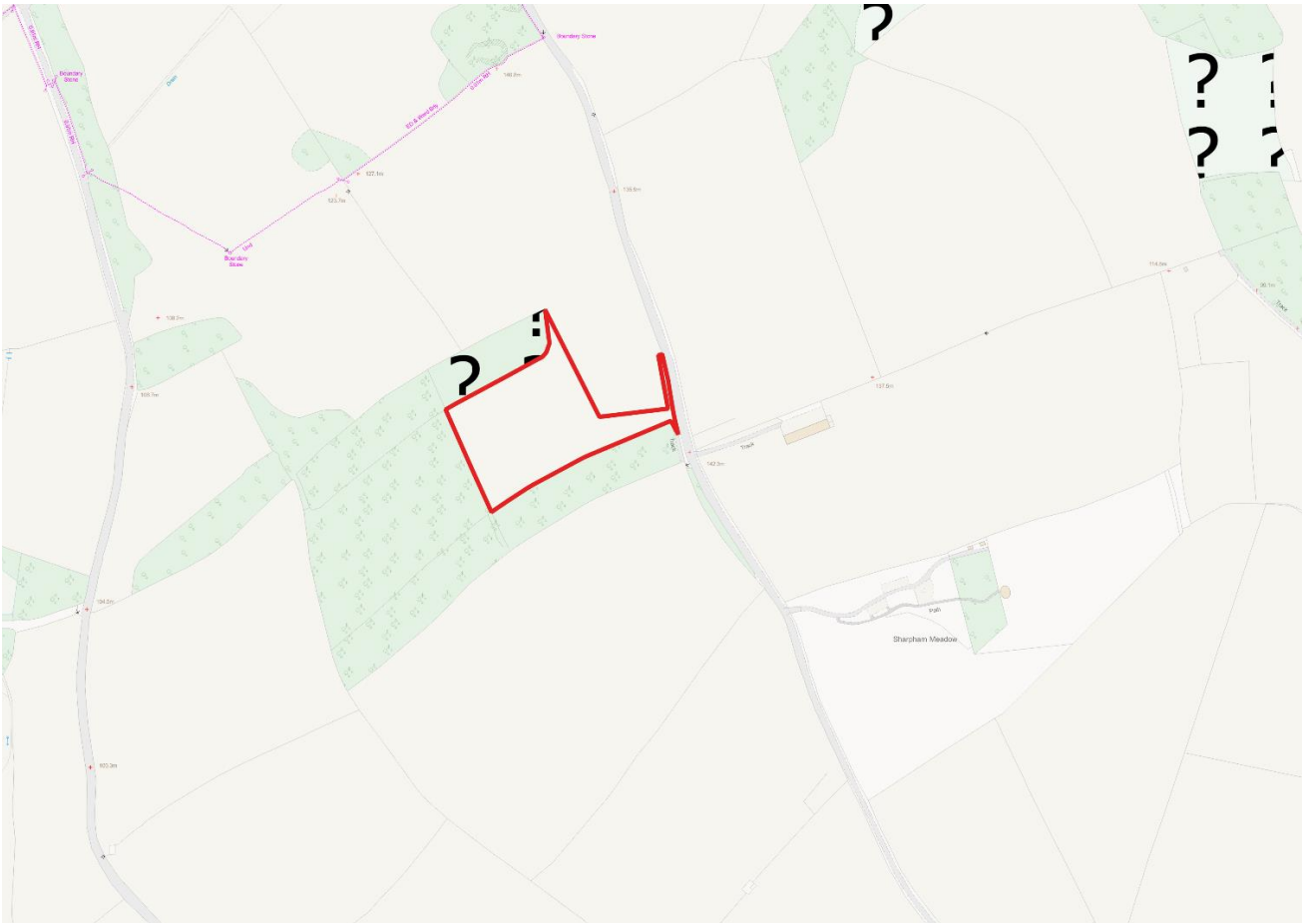
Reason: To protect the amenity of local residents.

- 5 Development shall take place in accordance with the methods and recommendations set out in the Energy Statement Ref C8534 Rev B by Thornley & Lumb Partnership Ltd dated 10<sup>th</sup> January 2024

Reason: In the interests of the environment and climate change.

## COMMITTEE REPORT

<b>Case Officer:</b>	Liz Payne		
<b>Parish:</b>	Ashprington	<b>Ward:</b>	West Dart
<b>Application No:</b>	3732/23/FUL / 3733/23/FUL / 3734/23/FUL / 3735/23/FUL		
<b>Applicant:</b>	Messrs RC & CL Rogers C/O Agent	<b>Agent:</b>	Mrs Amanda Burden - Luscombe Maye 59 Fore Street Totnes
<b>Site Address:</b>	Land At Sx 805 583, Ashprington		TQ9 5NJ
<b>Development:</b>	Provision of an agricultural livestock building & engineering works to create a level yard area (application 1 of 4)		
	Provision of an agricultural livestock building & engineering works to create a level yard area (application 2 of 4)		
	Provision of a storage building & engineering works to create a level yard area (application 3 of 4)		
	Provision of a storage building & engineering works to create a level yard area (application 4 of 4)		



**Reason item is before Committee:**

At the request of Cllr McKay *'The reason for calling it in is that I think the proposed development is essential for the applicant's farming business and there is unlikely to be any increase in farming traffic as they are vacating a location that is subject to a class Q application. I also feel that Devon Highways is being inconsistent in its objection, given it raised no objection to the large wall at the junction to be built, which has made the junction more dangerous than it need be.'*

**Recommendation for 3732/23/FUL: Refusal****Reasons for refusal:**

By reason of the inadequate junction at Ashprington Cross, the road giving access to the site is unsuitable to accommodate the likely increase in traffic generated by the proposal contrary to DEV15 and DEV29 of the Joint Local Plan and paragraph 114 of the National Planning Policy Framework.

**Recommendation for 3733/23/FUL: Refusal****Reasons for refusal:**

By reason of the inadequate junction at Ashprington Cross, the road giving access to the site is unsuitable to accommodate the likely increase in traffic generated by the proposal contrary to DEV15 and DEV29 of the Joint Local Plan and paragraph 114 of the National Planning Policy Framework.

**Recommendation for 3734/23/FUL: Refusal****Reasons for refusal:**

By reason of the inadequate junction at Ashsprington Cross, the road giving access to the site is unsuitable to accommodate the likely increase in traffic generated by the proposal contrary to DEV15 and DEV29 of the Joint Local Plan and paragraph 114 of the National Planning Policy Framework.

**Recommendation for 3735/23/FUL: Refusal****Reasons for refusal:**

By reason of the inadequate junction at Ashprington Cross, the road giving access to the site is unsuitable to accommodate the likely increase in traffic generated by the proposal contrary to DEV15 and DEV29 of the Joint Local Plan and paragraph 114 of the National Planning Policy Framework.

**The key issues for consideration apply equally to all 4 applications:** Principle, Landscape, Heritage, Highways.

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**Site Description:**

The application site consists of an agricultural field situated on a shallow ridge, about a 1.8km south of Totnes, and 1.8km north-west of Ashprington village. A lane runs to the east of the site and an existing gate provides vehicle access onto the field. A boundary hedge runs along the east boundary and there is a strip of woodland around the west, south and part of the north boundaries. The site slopes down northwards and joins an adjacent field.

To the north-west of the site is a Grade I listed property Bowden House, to the east is the parkland belonging to Sharpham House which is a Grade II\* registered Park and Garden and to the west is a Grade II property known as Stancombe Linhays.

On the opposite side of the lane, to the southwest is a natural burial ground known as Sharpham Meadow.

The application site lies approximately 1km north and west of the boundary of the South Devon National Landscape.

**The Proposal:**

This report assesses 4 applications which together seek consent for the provision of 3 livestock buildings, a storage building, engineering works to create a level yard and alterations to the existing vehicle access. A soakaway would serve all 4 buildings and a landscaping scheme has been submitted to provide additional screening for the scheme as a whole.

The 4 applications comprise:

Application 1 case ref: 3732/23/FUL: provision of a building to house cattle, engineering works to create a level yard and alterations to the existing access. This building is the most westerly of the 4 proposed and would face eastwards.

Application 2 case ref: 3733/23/FUL: provision of a building to house cattle and engineering works to create a level yard. This building would be immediately east to building 1.

Application 3 case ref: 3734/23/FUL: provision of a building to house sheep and engineering works to create level yard. The building would face eastwards.

Application 4: case ref: 3735/23/FUL provision of a storage building for straw and hay as well as agricultural machinery and equipment. This building would be the most easterly building and would face westwards.

All buildings would have one open side, with Yorkshire Board Cladding on other 3 sides and cement fibre roof.

**Consultations:**

- **Agricultural Consultant: support**  
The consultant stated they are satisfied there is a need for the buildings, that the siting meets the farm business and that the design of the buildings is suitable for the proposed use.
- **DCC Archaeology: no objection, subject to condition**  
Proposed development sites may contain archaeological features or artefactual material associated with prehistoric settlement, agricultural or funerary activity. As such, pre-commencement conditions requiring a Written Scheme of Investigation and post-investigation assessment are required.
- **DCC Ecology: no objection**  
Requested a LEMP condition to secure the habitat creation.
- **DCC Highways: objection**  
The Highway Authority has raised significant concerns that the proposals would create an intensification of all types of vehicles at Ashprington Cross, which is the main route to and from the site in a south easterly direction.
- **DCC Waste: no comments received**
- **DCC Flood: no comments received**
- **Devon Garden Trust: no comments received**
- **Environment Agency: no comments received**
- **Gardens Trust: no comments received**
- **Historic England: no comments received.**

- Natural England: no comments received
- Police + Architectural Liaison Officer: no objection  
Provided further recommendations on securing livestock and machinery.
- South Devon AONB Unit : no comments received
- Drainage (Internal): no objection
- Environmental Health: no objection  
Requested a condition to agree a Construction Management Plan.
- Landscape Officer: no objection  
The proposed planting layout on the Landscape Strategy Plan could deliver the mitigation and enhancements required for this sensitive landscape, however, requested that the planting plan is not an approved document, and a condition is used to secure a more suitable planting scheme.
- Tree Officer: no objection, subject to condition.  
Tree Officer requested a condition securing the Tree Protection Plan as an approved document. Tree Officer did note that further details would be needed in terms of tree pit design, staking and mulching and inconsistencies between the landscape strategy and the planting plan. Tree Officer also confirmed he was satisfied with the details provided within the Woodland Management Plan subject to a minor alteration.
- Waste (SH/WD): support
- South West Water: no objection
- SHWD Heritage Officer: no objection  
Heritage Officers initially raised concerns with the lack of information regarding the proposed finish, yard activity and external lighting. Following the submission of further details Heritage Officers have confirmed the scheme is acceptable subject to conditions.
- Totnes Town Council: objection  
*The Committee has the following comments:  
Asked for a condition to ensure that year round indoor husbandry of livestock does not occur.  
Concerns about water run off from 4 large buildings is not adequately planned for.  
Concerns on how animal waste/slurry is cleared/stored.  
Increased traffic volume on small road.  
No lighting constraints included.  
No solar use included.  
Request agricultural advisor assessment to ensure the large scale is necessary.*
- Ashsprington Parish Council: support

### **Representations:**

One letter of objection has been received:

- *These Applications are accessed from narrow lanes which are currently used by walkers, cyclists and horse riders, and occasional cars, delivery and agricultural vehicles.*
- *These narrow lanes connect the well-established Franklin Way footpath network, as well as routes to Ashprington, the Sharpham Estate and, of great sensitivity, the burial ground.*
- *The proposals pose a potential and significant risk to this equilibrium, in the event of:*
  - *significant additional movements by Heavy Goods Vehicles; and*

- *the risk of quantities of slurry and/or mud transferring to the lanes - either by direct flows, by indirect transfer from farm vehicles.*
- *I therefore urge that the Application is not approved without stringent and enforceable Conditions to eliminate these risks.*

### **Relevant Planning History**

- 0222/23/PR6 – Partial Support – 28/03/2023  
Pre-application enquiry or new access to farmland and provision of agricultural buildings

### **ANALYSIS**

#### **1. Principle of Development/Sustainability:**

- 1.1. The site is in the open countryside. Policy TTV1 permits development in the countryside only where it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) included as provided for in Policy TTV26.
- 1.2. Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy, as articulated in the first line, is to protect the role and character of the countryside. The policy is divided into two different sets of policy requirement; the first applies to development proposals considered to be in isolated countryside locations. The second aspect of the policy is applied to all development proposals that are considered to be in a countryside location. Therefore, in order to determine whether to assess the proposals under TTV26 (1), Officers must conclude whether or not the site is considered to be isolated.
- 1.3. Guidance set out in the JLP Supplementary Planning Guidance, at paragraph 11.50, states that the Council applies the test of isolation in a manner consistent with the Braintree case and any superseding judgment. The recent Bramshill judgment affirmed that the essential conclusion in Braintree (at para. 42 of that judgment) was that in determining whether a particular proposal would be "isolated", the decision-maker must consider '*whether [the development] would be physically isolated, in the sense of being isolated from a settlement*'. What is a "settlement" and whether the development would be "isolated" from it are both matters of planning judgment for the decision-maker on the facts of the particular case.
- 1.4. In this case, there are a number of individual buildings within the area, but these are approximately 500m from the application site and are too dispersed from each other to be considered a group or settlement. The nearest settlement, Totnes, lies approximately 1.8km to the north of the site. On this basis, the site is physically separate or remote from a settlement and it is only reasonable to conclude that the site should be considered 'isolated' and the proposal to constitute 'isolated development in the countryside'. Therefore, both parts of the TTV26 apply.
- 1.5. The provisions of part 1 state that isolated development will only be permitted in exceptional circumstances and provides a number of scenarios. While officers are mindful that the proposal does not fall directly into one of the listed criteria, these are given as common examples of developments that are likely to be acceptable due to their spatial requirement for a countryside location. In this context, the principle of an agricultural building in an isolated countryside location is acceptable in principle, provided that the other relevant criteria in part 2 are met.
- 1.6. Each of the criteria of TTV26(2) is taken in turn:  
*Protect and improve public rights of way and bridleways.*



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

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

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

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

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

- 1.7. There is no existing buildings and the site does not impact upon a public right of way so point i and ii are not relevant.
- 1.8. The applicant has submitted a statement providing a justification for the proposal to provide over wintering shelter for the existing herd of cattle and sheep and to accommodate lambing. The Applicants have a herd of 120 suckler cows producing calves on an annual basis which are reared on the holding and then sold at 18 months old. The applicants also have a flock of 700 breeding ewes, producing lambs that are fattened and sold from the holding. The applicants currently rent farm buildings for these purposes but state that these buildings are not large enough to accommodate all the animals and there is no space to expand the farm at this site. During the life of the application a plan showing all the land the applicants own and rent has been provided with details of the tenure for each parcel of land.
- 1.9. In addition, the Agricultural Consultant has provided comments on the proposal and has confirmed that in their opinion the proposed buildings are needed for the farm business to function properly and continue to operate in a sustainable and viable way. The land related to the farm is sporadic with parcels of land located at 12 different sites and Officers concur with the applicant that the land at Bowden Woods is fairly central to the farming operations. It is also the largest parcel of land which they own. After considering the additional information submitted by the applicant, Officers are satisfied that there is a proven agricultural need for the building and that the proposal would complement the existing farming enterprise in accordance with criteria iii and iv.
- 1.10. The surrounding land is grade 2 and grade 3 agricultural land with some poorer quality agricultural land along the valley bottom. Officers acknowledge that the proposed buildings would impact upon grade 3 agricultural land but also note that all the land within the agricultural unit is grade 2 or 3.
- 1.11. In regard to point vi the proposal incorporates some levelling and cutting of the land to create a level area for the buildings. As discussed later in the report, the proposed landscaping scheme incorporates new hedgerow, new areas of woodland, a smaller cluster of trees and areas of scrub planting on the edge of the existing woodland. As part of the proposal a Woodland Management Plan has been submitted to secure appropriate management and maintenance of the existing woodland which screens the majority of the development. Although an exit strategy has not been submitted the proposed landscaping would mitigate the impacts of the ground levelling works and provide additional screening of the proposed development. The landscaping would also result in an uplift in the biodiversity value of the site.
- 1.12. On balance the development is considered to accord with TTV26.
- 1.13. Policy DEV15 seeks to support the rural economy and provides support for development which meets the essential needs of agriculture. Not all the criteria of DEV15 is applicable to this application, however criterion 8 requires development to avoid incongruous or isolated new buildings and to provide safe access to the existing highway

network. The application has demonstrated that there is an agricultural need for the buildings and that there are no other unused existing buildings within the site which could be utilised. As discussed later in the report, there is a Highway objection to the application which raises concerns that the location of the development would result in an increase of traffic through Ashprington Cross which is a junction with poor visibility. Alternative routes would have to go north to the edge of Totnes where the roads are narrow and enclosed by domestic walls and residential properties. The most likely route to the main road network, particularly for agricultural traffic would be to travel south through Ashprington Cross junction.

- 1.14. DEV15 seeks to support rural businesses in suitable locations. The proposal can justify a countryside location and on balance accords with the criteria of TTV26, however the location of the proposed buildings does not provide satisfactory access to the wider road network and overall would be contrary to the aims of DEV15.

## 2. Design/Landscape:

- 2.1. The application site is located approximately 0.7km of the South Devon National Landscape within an area characterised as Inland Elevated Undulating Land within the South Hams Landscape Character Assessment. It is a sparsely settled landscape, with an empty and remote character, and the pattern of field boundaries and plantations in the locality remain intact since the Ashprington Parish Tithe map of 1843. The application site and the surrounding landscape is sensitive to change and in particular to large new built development.
- 2.2. The application is supported by a Site Options Report which provides a narrative for how the siting of the buildings have considered the impact on the wider landscape. The proposed option being mostly screened by existing woodland. A Landscape and Visual Statement has also been submitted which identifies the key characteristic of the landscape and provides recommendations for development proposals. The Landscape Officer initially raised concerns that the proposal did not adhere to the recommendations of this report and objected to the quantity of cut and fill required by the design and the landscaping mitigation which did not respond to the character and form of the surrounding landscape.
- 2.3. A subsequent Landscaping Strategy has been proposed which reduces the amount of yard area which is required to be levelled. Further planting is proposed on the area of engineered slopes to mitigate the impact of the change in landform. A hedgerow would be reinstated to subdivide the large field and an area of woodland is proposed at this boundary which would reflect the existing woodland on the site. A Woodland Management Plan has also been submitted to maintain the existing woodland.
- 2.4. The Landscape Officer has raised concerns that the proposed planting plan does not include species of trees which would reach a suitable height to provide satisfactory levels of screening. In addition, the size of the proposed trees to be planted would take considerable time to reach maturity.
- 2.5. The Tree Officer has raised no objection to the proposal and is satisfied with the contents of the Woodland Management Plan.
- 2.6. Notwithstanding the planting plan, The Landscape Strategy would provide screening mitigation and enhancement as required by Local Plan policies DEV23 and DEV25. If the application were otherwise acceptable a condition could be used to require a further planting plan be agreed with Officers to ensure suitable tree species are provided.

## 3. Heritage

- 3.1. The site is located in the vicinity and setting of 'Bowden House', a Grade I Listed Building which means the House is of exceptional interest and within the top 2.5% of listed buildings nationally. The site is also located in the vicinity and setting of Grade II\* Registered Park and Garden 'Sharpham House', of more than special interest. As such, Officers must be mindful of the duty to pay 'special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses' set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the recent Levelling Up and Regeneration Act (2023) which provides Registered Park and Garden with the same statutory protection in the planning system as listed buildings.
- 3.2. JLP Policy DEV21 'Development affecting the historic environment' sets out the requirements for development affecting all types of heritage assets and seeks for proposals to '*sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance*'.
- 3.3. The applications are supported by a Heritage Impact Assessment which identifies Bowden House, Sharpham Registered Park and Garden and the collection of buildings at Stancombe Farm as nearby heritage assets. The HIA concludes that given the distances to the site, the topography of the land and (in the case of Sharpham) the area of woodland around the registered Park and Garden, the proposals would not result in any visual, noise or smell impacts on the listed assets. The undeveloped setting of Stancombe is important to the character of the asset, however the impact of the proposal upon the setting of Stancombe would not be significant. The north-eastern corner of the application site is visible at a distance through the trees from the north-eastern corner of the gardens at Bowden House and although the buildings themselves would not be visible, machinery entering the site would be visible travelling from the access point from the road to the yard. The view from the house itself and its immediate surroundings would not be affected. The impact of noise and smells from the farming activities would have little or no noticeable impact.
- 3.4. Officers do not disagree with the conclusion of the Heritage Impact Assessment and note that additional amendments to the landscape strategy would further obscure visual impacts of machinery entering the yard. The agent has also confirmed that the muck from the animal sheds would be temporarily stored on the yard before being moved to the field before spreading. As the yard is enclosed by the existing woodland it is not considered that this would be visible from the gardens of Bowden House either.
- 3.5. In terms of paragraphs 205-208 of the NPPF, the harm on the setting of the nearby heritage assets is considered to constitute less than substantial harm. The provision of agricultural buildings and the continued use of the land for agricultural purposes, albeit for modern farming practices, is part of the evolution of the countryside and therefore retains some connection with the setting of the heritage assets. The proposal is required by an existing farm business and would provide benefit to the rural economy of this area. To further mitigate against impacts, a condition could be used to require further details of any lighting to be installed.
- 3.6. Flint artefacts have been discovered in fields to the north-west of the application site which indicate prehistoric activity in the vicinity. DCC Archaeology Officer has requested that should the application be approved conditions are used to secure a programme of archaeological work that should investigate, record and analyse archaeological evidence that may otherwise be destroyed during construction. Subject to these conditions no archaeological objections are raised.

3.7. On balance, subject to conditions, the proposal is considered acceptable in regard to DEV21 of the Joint Local Plan.

4. Neighbour Amenity:

4.1. The application site is approximately 500m from the nearest residential properties and would be mostly screened by the existing woodland and additional planting. The distance from the residences and the woodland screening would mitigate impacts of noise and smells to an acceptable level. Sharpham Meadow Natural Burial Ground is sited south-east of the application site and although the entrance to the meadow is closer, the burial area is approximately 400m from application site and also separated by the existing woodland. Although some activity and sounds would result from the proposal, these would be to an acceptable level and would be in keeping with a countryside location where signs of farming activity are expected. As such the proposal accords with DEV1 and DEV2 of the JLP.

5. Highways/Access:

5.1. DEV29 of the Joint Local Plan requires developments to contribute positively to the achievement of effective and safe transport system, including consideration of the impact of development on the wider transport network and providing safe traffic movement to and within the application site.

5.2. DCC Highways Officers have raised concerns in relation to the potential increase in use of the Ashsprington Cross junction, which is deemed as substandard in visibility terms for both domestic and agricultural type vehicles due to a high wall and hedge. Travelling through this junction is the only route to the main road network in the area. A letter of representation has raised a similar concern with the general increase in heavy vehicles in the area.

5.3. The applicant has submitted a Transport Statement which explains that they currently rent buildings at Sharpham Barton, (just north of Ashsprington Cross junction) to house their machinery but not the land and therefore traffic movements are undertaken daily when machinery is required at the various parcels of land through the agricultural unit. The statement also identified that although the applicant now owns the application site it has in the past been farmed by previous tenants and as such historically there have been vehicle movements to the application site that are not in connection with the current agricultural holding. The Transport Statement concludes that the proposal would not result in an increase in vehicle movements and would overall decrease the amount of traffic as livestock or machinery would not need to be transported to the fields adjacent to the application site. The proposal also includes improvements to the site access.

5.4. However, there remains a concern that once the barns are no longer in use by the applicant, they will be leased to another user which would generate additional traffic and result in an overall increase in vehicle movements. Given the poor visibility for all traffic users at this junction the proposal is considered to be contrary to DEV29 of the JLP and paragraph 114 of the NPPF.

6. Drainage:

6.1. The proposal incorporates a soakaway that is large enough to accommodate surface water from all four of the proposed buildings. Notwithstanding concerns raised by the Town Council, no issues have been raised from SHWD Drainage Officers in this regard and the proposal accords with the drainage hierarchy as set out in DEV35 of the JLP.

7. Ecology

7.1. The application was submitted prior to the national mandatory requirement for biodiversity net gain, however a biodiversity metric has been submitted in support of the application and shows that the development with the landscape strategy would result in a net gain of biodiversity value at the site. This strategy could be secured by a condition requiring the approval and implementation of a LEMP.

7.2. The Ecological survey did not find any protected species present on the site, however the surrounding landscape may provide suitable habitat for such species. As such the report recommends the restriction of lighting to avoid harm to bats. In addition, to the landscape enhancements the ecological survey recommends the provision of 6 House Sparrow terrace nest boxes on northern or eastern elevations and three externally mounted woodcrete bat boxes on southern or western elevations.

7.3. The proposal would conserve and enhance biodiversity in accord with DEV26.

## 8. Climate Emergency:

8.1. Officers acknowledge concerns raised by Totnes Town Council on the omission of solar panels. However, the proposals are for unlit and unheated buildings that are open fronted and therefore the omission of solar panels or other renewable energy sources is acceptable in this instance. Officers have considered the submitted climate emergency compliance form and note that the applicant intends to source materials locally and meets requirements in regard to protecting tree cover and providing biodiversity net gain. By virtue of the character of the development the details as submitted are acceptable in this instance.

## 9. Other matters:

9.1. Totnes Town Council have raised concerns that insufficient details have been provided of how slurry or other waste would be managed. The agent has confirmed the applicants run a straw based dung system and have no slurry. The cattle are housed on straw bedding and the buildings would be cleared out twice a year and the manure stored on the concrete yard before being taken to the field pre-spreading. Officers consider this acceptable and does not raise any further concerns.

9.2. The Town Council also requested a condition that the animals were not kept indoors all year round. The impacts of having cattle and sheep indoors has been assessed and found to be acceptable. It is not clear why the Town Council are requesting this condition and Officers do not consider that such a condition is necessary and therefore would not meet the six tests as set out in the Planning Practice Guidance.

## 10. Conclusion

10.1. The Joint Local Plan supports proposals that are necessary for agriculture and meet other criteria, including the provision of safe access to the road network. The proposal is justified in regard to meeting an agricultural need and the provision of the landscape strategy would mitigate the majority of harm to the wider landscape and heritage assets nearby. However, the location of the proposal north of the Ashsprington Cross junction would not result in safe access to the wider road network contrary to DEV15 and DEV29 and all four of the applications are recommended for refusal on this basis.

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

## Planning Policy

### Relevant policy framework

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV26 Development in the Countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

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

**South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)**  
**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

# South Hams District Council **Agenda Item 7**

## Development Management Committee 20 Jun 2024

Appeals update for 26 Apr 2024 to 31 May 2024

**Ward:** Allington & Strete

**2974/23/FUL**

**PINS Ref: APP/K1128/W/24/3340293**

<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Start Letter Received
<b>Appellant Name:</b>	Mr L Maclachlan	<b>Appeal Start Date:</b> 7 May 2024
<b>Site Address:</b>	The Stables, Ledstone	<b>Appeal Decision:</b>
<b>Proposal:</b>	Change of use from the existing stable building (agriculture) to commercial	<b>Appeal Decision Date:</b>

**Ward:** Bickleigh & Cornwood

**3518/23/HHO**

**PINS Ref: APP/K1128/D/24/3342022**

<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Start Letter Received
<b>Appellant Name:</b>	Mr Bradley Nicholls	<b>Appeal Start Date:</b> 16 May 2024
<b>Site Address:</b>	1 Havelock Terrace, Lutton, PL21 9SP	<b>Appeal Decision:</b>
<b>Proposal:</b>	Householder application for erection of a single storey front porch, external cladding & insertion of patio doors (retrospective)	<b>Appeal Decision Date:</b>

**Ward:** Dartmouth & East Dart

**2380/23/FUL**

**PINS Ref: APP/K1128/W/24/3341426**

<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Start Letter Received
<b>Appellant Name:</b>	Dr & Mrs Michael Petri	<b>Appeal Start Date:</b> 20 May 2024
<b>Site Address:</b>	Slipway, Warfleet Creek Road, Warfleet, Dartmouth, TQ6 9GH	<b>Appeal Decision:</b>
<b>Proposal:</b>	Erection of a dwelling on part of garden (resubmission of 2438/22/FUL)	<b>Appeal Decision Date:</b>

**Ward:** Kingsbridge

**1198/23/TPO**

**PINS Ref: APP/TPO/K1128/9688**

<b>Original Decision:</b>	Lesser Tree Works Allowed	<b>Appeal Status:</b> Start Letter Received
<b>Appellant Name:</b>	Mrs Georgina Burns	<b>Appeal Start Date:</b> 9 May 2024
<b>Site Address:</b>	Wits End, The Promenade, Kingsbridge, TQ7 1JF	<b>Appeal Decision:</b>
<b>Proposal:</b>	T2: Beech - crown height reduction of 1-1.5m, crown lift to 4m from g/l, lateral crown reduction on N, E and S aspect of 1.5m, lateral crown reduction on W aspect of 2m, crown thin of 20% on outer crown, due to tree being too being and too dense	<b>Appeal Decision Date:</b>

<b>Ward:</b>	<b>Loddiswell &amp; Aveton Gifford</b>
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<b>2202/23/PDM</b>	<b>PINS Ref: APP/K/1128/W/24/3335557</b>	
<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Appeal Refused
<b>Appellant Name:</b>	Mr Adam Hesse	<b>Appeal Start Date:</b> 12 Apr 2024
<b>Site Address:</b>	Higher Wizaller Farm, Modbury, PL21 0SE	<b>Appeal Decision:</b> Dismissed (Refusal)
<b>Proposal:</b>	Application to determine if prior approval is required for a proposed change of use of agricultural buildings/barns to 2No dwellinghouses (class C3) & for associated development (Class Q (a+b))	<b>Appeal Decision Date:</b> 17 May 2024

<b>Ward:</b>	<b>Marldon &amp; Littlehempston</b>
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<b>2759/22/OPA</b>	<b>PINS Ref: APP/K1128/W/23/3329129</b>	
<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Appeal Refused
<b>Appellant Name:</b>	Nirvana Homes (UK) Limited	<b>Appeal Start Date:</b> 4 Dec 2023
<b>Site Address:</b>	Highfield House, Ipplepen Road, Marldon, TQ3 1SE	<b>Appeal Decision:</b> Dismissed (Refusal)
<b>Proposal:</b>	Outline planning application (with some matters reserved) for demolition & replacement of 1 dwelling & for the construction of 5 custom-build dwellings with associated access & landscaping	<b>Appeal Decision Date:</b> 9 May 2024

<b>Ward:</b>	<b>Newton &amp; Yealmpton</b>
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<b>3993/22/FUL</b>	<b>PINS Ref: APP/K1128/W/24/3341153</b>	
<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Start Letter Received
<b>Appellant Name:</b>	Mr & Mrs S McCreedy	<b>Appeal Start Date:</b> 28 May 2024
<b>Site Address:</b>	Briar Hill Farm, Court Road, Newton Ferrers, PL8 1AR	<b>Appeal Decision:</b>
<b>Proposal:</b>	Extension to existing holiday park comprising construction of ten holiday lodges and associated drive access, parking and landscaping (including new native tree and shrub planting, creation of new extensive wildflower meadow and related biodiversity enhancements) together with provision of two new publicly accessible electric vehicle fast charging points, addition of solar panels to existing outbuilding and re-siting of gas tanks	<b>Appeal Decision Date:</b>

<b>Ward:</b>	<b>Stokenham</b>
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<b>2167/19/FUL</b>	<b>PINS Ref: APP/K1128/W/24/3336818</b>	
<b>Original Decision:</b>	Refusal	<b>Appeal Status:</b> Appeal Refused
<b>Appellant Name:</b>	AG Gara Rock	<b>Appeal Start Date:</b> 14 Feb 2024
<b>Site Address:</b>	Gara Rock Hotel, East Portlemouth, TQ8 8FA	<b>Appeal Decision:</b> Dismissed (Refusal)
<b>Proposal:</b>	READVERTISEMENT (Revised plans received) Erection of 3 additional holiday units within the grounds of Gara Rock Resort (comprised of a pair of semi-detached cottages & 1 secret suite & additional landscaping from that previously advertised) together with the reconfiguration of parking & associated works	<b>Appeal Decision Date:</b> 23 May 2024



<b>2603/23/PAT</b>		<b>PINS Ref: APP/K1128/W/24/3338009</b>
<b>Original Decision:</b>	Prior Approval Required and Refused	<b>Appeal Status:</b> Start Letter Received
<b>Appellant Name:</b>	Atlas Tower Group	<b>Appeal Start Date:</b> 1 May 2024
<b>Site Address:</b>	Head Ruddy, Babbage Road, Totnes, TQ9 5JA	<b>Appeal Decision:</b>
<b>Proposal:</b>	Application for prior notification of proposed development for proposed 24/7 telecommunications cell site (Installation of a 22.5m lattice tower, 3 no. antenna apertures, 4 no. 600mm microwave transmission dishes and 8 no. equipment cabinets inside an 11.6m x6.5m compound enclosed by a 1.8m high chain link fence with gate and development ancillary thereto) by telecommunications code systems operators	<b>Appeal Decision Date:</b>

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## South Hams District Council

### Undetermined Major Applications

as of 31 May 2024



3623/19/FUL			
<b>Officer:</b>	Steven Stroud	<b>Valid Date:</b> 14 Apr 2020	<b>Expiry Date:</b> 14 Jul 2020
<b>Location:</b>	Land off Godwell Lane, Ivybridge		<b>Extension Date:</b> 28 Jun 2024
<b>Proposal:</b>	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		
<b>Officer Comments:</b>	Extension of time in place until end of June; still awaiting drainage information to overcome LLFA objection		
4181/19/OPA			
<b>Officer:</b>	Ian Lloyd	<b>Valid Date:</b> 09 Jan 2020	<b>Expiry Date:</b> 30 Apr 2020
<b>Location:</b>	Land off Towerfield Drive, Woolwell, Part of the Land at Woolwell, JLP Allocation (Policy PLY44)		<b>Extension Date:</b> 30 Jun 2024
<b>Proposal:</b>	READVERTISEMENT (revised plans & 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.		
<b>Officer Comments:</b>	Along with 4185/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of April 2024. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of June 2024		
4185/19/OPA			
<b>Officer:</b>	Ian Lloyd	<b>Valid Date:</b> 09 Jan 2020	<b>Expiry Date:</b> 30 Apr 2020
<b>Location:</b>	Land at Woolwell, Part of the Land at Woolwell JLP Allocation (Policy PLY44)		<b>Extension Date:</b> 30 Jun 2024
<b>Proposal:</b>	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.		
<b>Officer Comments:</b>	Along with 4181/19/OPA a year-long PPA initially agreed until end of December 2020 was extended to the end of April 2024. Both parties agree more time is still required to resolve matters and a revised extension of time has been agreed until the end of June 2024		
2379/21/FUL			
<b>Officer:</b>	Steven Stroud	<b>Valid Date:</b> 10 Jun 2021	<b>Expiry Date:</b> 09 Sep 2021
<b>Location:</b>	Riverford Wash Barn, Buckfastleigh, TQ11 0JU		<b>Extension Date:</b> 31 Mar 2024
<b>Proposal:</b>	Formation of car park (Retrospective)(Resubmission of 1760/20/FUL)		
<b>Officer Comments:</b>	Report is being finalised		

2982/21/FUL			
<b>Officer:</b>	Charlotte Howrihane	<b>Valid Date:</b> 13 Oct 2021	<b>Expiry Date:</b> 12 Jan 2022
<b>Location:</b>	Land Opposite Butts Park, Parsonage Road, Newton Ferrers, PL8 1HY	<b>Extension Date:</b> 30 Jun 2024	
<b>Proposal:</b>	Erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping		
<b>Officer Comments:</b>	Delegated authority to approve, awaiting completed S106		
3053/21/ARM			
<b>Officer:</b>	Tim Whipps	<b>Valid Date:</b> 05 Aug 2021	<b>Expiry Date:</b> 04 Nov 2021
<b>Location:</b>	Noss Marina, Bridge Road, Kingswear, TQ6 0EA	<b>Extension Date:</b> 24 Mar 2022	
<b>Proposal:</b>	READVERTISEMENT (amended plans & documents) 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 34 new homes (Use Class C3), provision of 51 carparking 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)		
<b>Officer Comments:</b>	Revised drawings have been received and are currently being advertised. The changes to the scheme reduce the number of units on this phase and amend the design. The changes are based on a scheme that has been the subject of discussions with the applicant and it is anticipated that the application will be determined by the end June 2024		
4175/21/VAR			
<b>Officer:</b>	Tom French	<b>Valid Date:</b> 08 Nov 2021	<b>Expiry Date:</b> 28 Feb 2022
<b>Location:</b>	Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon	<b>Extension Date:</b> 17 Feb 2023	
<b>Proposal:</b>	READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floorspace in respect of the Sherford New Community.		
<b>Officer Comments:</b>			
4317/21/OPA			
<b>Officer:</b>	Steven Stroud	<b>Valid Date:</b> 05 Jan 2022	<b>Expiry Date:</b> 06 Apr 2022
<b>Location:</b>	Land at SX 5515 5220 adjacent to Venn Farm, Daisy Park, Brixton	<b>Extension Date:</b> 30 Jun 2024	
<b>Proposal:</b>	READVERTISEMENT (amended plans) Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)		
<b>Officer Comments:</b>	Latest consultation has resulted in further LLFA queries which are currently being addressed.		
1522/22/FUL			
<b>Officer:</b>	Steven Stroud	<b>Valid Date:</b> 09 May 2022	<b>Expiry Date:</b> 04 Jul 2022
<b>Location:</b>	Proposed Development Site East, Dartington Lane, Dartington, TQ9 5LB	<b>Extension Date:</b> 31 Jan 2023	
<b>Proposal:</b>	READVERTISEMENT (revised plans & documents) Construction of 6No. two-storey residential dwellings with associated landscaping		
<b>Officer Comments:</b>	Under consideration		

1523/22/FUL			
<b>Officer:</b>	Steven Stroud	<b>Valid Date:</b> 20 Jun 2022	<b>Expiry Date:</b> 19 Sep 2022
<b>Location:</b>	Proposed Development Site West, Dartington Lane, Dartington		<b>Extension Date:</b> 31 Jan 2023
<b>Proposal:</b>	READVVERTISEMENT (revised plans & documents) Construction of 39No.two-storey dwellings with associated landscaping		
<b>Officer Comments:</b>	Under consideration.		
1629/22/ARM			
<b>Officer:</b>	Steven Stroud	<b>Valid Date:</b> 20 Jun 2022	<b>Expiry Date:</b> 19 Sep 2022
<b>Location:</b>	Dennings, Wallingford Road, Kingsbridge, TQ7 1NF		<b>Extension Date:</b> 30 Jun 2023
<b>Proposal:</b>	READVVERTISEMENT (revised plans & 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		
<b>Officer Comments:</b>	Under consideration.		
2412/22/OPA			
<b>Officer:</b>	Clare Stewart	<b>Valid Date:</b> 25 Jul 2022	<b>Expiry Date:</b> 24 Oct 2022
<b>Location:</b>	Land South of Dartmouth Road at SX 771 485, East Allington		<b>Extension Date:</b> 31 Oct 2023
<b>Proposal:</b>	READVVERTISEMENT (amended description & documents) Outline application with some matters reserved for residential development & associate access		
<b>Officer Comments:</b>	Approved by Committee on 18/10/23 subject to S106 completion, which is in progress		
1887/23/ARM			
<b>Officer:</b>	Tom French	<b>Valid Date:</b> 01 Jun 2023	<b>Expiry Date:</b> 31 Aug 2023
<b>Location:</b>	Sherford Housing Development Site, Land South & Southwest of A38 Deep Lane junction & East of Haye Road, Plymouth		<b>Extension Date:</b> 31 May 2024
<b>Proposal:</b>	READVVERTISEMENT (amended plans) 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 & 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 associated parking along with all necessary infrastructure including, highways, drainage, landscaping, sub stations, as part of Phase 3B of the Sherford New Community		
<b>Officer Comments:</b>	Still working through issues. EoT until end March.		
1888/23/ARM			
<b>Officer:</b>	Tom French	<b>Valid Date:</b> 01 Jun 2023	<b>Expiry Date:</b> 31 Aug 2023
<b>Location:</b>	Sherford New Community, Land south west of A38, Deep Lane and east of Haye Road, Elburton, Plymouth, PL9 8DD		<b>Extension Date:</b> 28 Apr 2024
<b>Proposal:</b>	READVVERTISEMENT (revised plans & amended description) Application for approval of reserved matters for 269 no. dwellings on parcels B1-11, including 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 & an Environmental Statement was submitted)		
<b>Officer Comments:</b>	Still working through issues. Further EoT to end of March sought.		

**2058/23/ARM**

<b>Officer:</b>	Tom French	<b>Valid Date:</b> 09 Jun 2023	<b>Expiry Date:</b> 08 Sep 2023
<b>Location:</b>	Sherford New Community, Phase 3 A/B Land south of Main Street, Plymouth, PL8 2DP		<b>Extension Date:</b> 03 May 2024
<b>Proposal:</b>	READVERTISEMENT (amended plans) Application for approval of reserved matters application for strategic infrastructure including strategic drainage, highways, landscaping and open space, and amendment to phasing plan 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)		
<b>Officer Comments:</b>	Still working through issues. Further EoT to end of March sought.		

**2505/23/VAR**

<b>Officer:</b>	Peter Whitehead	<b>Valid Date:</b> 02 Aug 2023	<b>Expiry Date:</b> 01 Nov 2023
<b>Location:</b>	Deer Park Inn, Dartmouth Road, Stoke Fleming, TQ6 0RF		<b>Extension Date:</b> 29 Feb 2024
<b>Proposal:</b>	Application for variation of Condition 2 (approved plans) of planning consent 0679/18/FUL		
<b>Officer Comments:</b>	Member delegated approval. Currently awaiting completion of Deed of Variation of existing s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which conditional permission will be granted		

**2929/23/FUL**

<b>Officer:</b>	Peter Whitehead	<b>Valid Date:</b> 25 Oct 2023	<b>Expiry Date:</b> 14 Feb 2024
<b>Location:</b>	Land at Littlehempston Water Treatment Works, Hampstead Farm Lane, Littlehempston		<b>Extension Date:</b> 14 Apr 2024
<b>Proposal:</b>	Installation of photovoltaic solar arrays together with transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements		
<b>Officer Comments:</b>	Application under consideration.		

**3203/23/FUL**

<b>Officer:</b>	Charlotte Howrihane	<b>Valid Date:</b> 16 Oct 2023	<b>Expiry Date:</b> 15 Jan 2024
<b>Location:</b>	Land at SX 808 599, Totnes		<b>Extension Date:</b> 30 Jun 2024
<b>Proposal:</b>	Demolition of 36 two/three bed flats to be replaced with 35 new homes, consisting of one, two & three bed accommodation for social rent, as well as landscaping, car parking & associated works		
<b>Officer Comments:</b>	Delegated authority to approve, subject to completion of S106 which is in progress		

**3251/23/VAR**

<b>Officer:</b>	Peter Whitehead	<b>Valid Date:</b> 27 Sep 2023	<b>Expiry Date:</b> 27 Dec 2023
<b>Location:</b>	Development Site At Sx 580 576, Seaton Orchard, Sparkwell		<b>Extension Date:</b> 26 Mar 2024
<b>Proposal:</b>	Application for variation of condition 20 (windows) of planning consent 3445/18/FUL		
<b>Officer Comments:</b>	Currently awaiting completion of Deed of Variation to original s106 Agreement (so current application ties back to original s106 and secures the contributions set out therein), following which planning permission will be issued.		

<b>3358/23/FUL</b>			
<b>Officer:</b>	Liz Payne	<b>Valid Date:</b> 22 Nov 2023	<b>Expiry Date:</b> 21 Feb 2024
<b>Location:</b>	Ash Tree Farm, Ash, TQ6 0LR		<b>Extension Date:</b> 02 Aug 2024
<b>Proposal:</b>	Change of use of 1.4 hectares of land to animal rescue centre		
<b>Officer Comments:</b>	<i>Application under consideration</i>		
<b>3995/23/FUL</b>			
<b>Officer:</b>	Lucy Hall	<b>Valid Date:</b> 02 Jan 2024	<b>Expiry Date:</b> 02 Apr 2024
<b>Location:</b>	Baltic Wharf Boatyard St Peters Quay Totnes TQ9 5EW		<b>Extension Date:</b> 01 Jul 2024
<b>Proposal:</b>	Full planning application for the phased delivery of a mixed-use development comprising marine workshops (Use Class B2) and boat storage, offices (Use Class E), care home (Use Class C2), houses and apartments (Use Class C3), mixed commercial uses (Use Class E) and associated infrastructure.		
<b>Officer Comments:</b>	<i>Application under consideration</i>		
<b>4263/23/VAR</b>			
<b>Officer:</b>	Clare Stewart	<b>Valid Date:</b> 21 Dec 2023	<b>Expiry Date:</b> 21 Mar 2024
<b>Location:</b>	Field To Rear Of 15 Green Park Way, Port Lane, Chillington		
<b>Proposal:</b>	Variation of conditions 1 (approved drawings), 5 (materials), 6 (boundary treatments and retaining walls/structures)), 7 (external levels) and 9 (planting proposals) following grant of planning permission ref. 0742/23/VAR		
<b>Officer Comments:</b>	<i>Application under consideration. Awaiting revised landscape details.</i>		
<b>0103/24/FUL</b>			
<b>Officer:</b>	Tom French	<b>Valid Date:</b> 11 Jan 2024	<b>Expiry Date:</b> 11 Apr 2024
<b>Location:</b>	Langage Energy Park Kingsway Plympton PL7 5AW		<b>Extension Date:</b> 31 May 2024
<b>Proposal:</b>	Proposed construction of a 9.25km hydrogen pipeline running from consented Langage Green Hydrogen Project to the Sibelco and Imerys sites		
<b>Officer Comments:</b>	<i>Currently in consultation period</i>		
<b>0278/24/ARM</b>			
<b>Officer:</b>	Bryn Kitching	<b>Valid Date:</b> 24 Jan 2024	<b>Expiry Date:</b> 24 Apr 2024
<b>Location:</b>	Land at SX 855 508 Violet Drive Dartmouth		<b>Extension Date:</b> 21 Jun 2024
<b>Proposal:</b>	READVISEMENT (Amended red line, elevational changes to building, revised boundary treatment details, additional landscaping details, updated tree protection plan, additional plans of bin store, cycle store and access ramp, directional highway signage within the site, revised lighting details with replacement of some lighting columns with bollards, and further transport note to address comments on highway access arrangements) Application for approval of reserved matters (layout, appearance, scale and landscaping) following outline approval 0479/21/VAR for Erection of a 3-storey, 105-bedroom hotel with ancillary restaurant and all associated works.		
<b>Officer Comments:</b>	<i>Development Management Committee date of 20<sup>th</sup> June 2024</i>		

<b>0814/24/FUL</b>			
<b>Officer:</b>	Ian Cousins	<b>Valid Date:</b> 02 May 2024	<b>Expiry Date:</b> 01 Aug 2024
<b>Location:</b>	Homefield Farm Sherford TQ7 2AT		
<b>Proposal:</b>	1) Change of use of commercial buildings and dwelling house to 4 no. holiday lets 2) Demolition of existing retail unit 3) Replacement of commercial building with 1 no. self-build dwelling house 4) Associated works to include comprehensive landscape and ecology enhancement works (Variation to planning approval 4751/21/FUL)		
<b>Officer Comments:</b>	<i>Currently in consultation period.</i>		
<b>0889/24/FUL</b>			
<b>Officer:</b>	Peter Whitehead	<b>Valid Date:</b> 22 Apr 2024	<b>Expiry Date:</b> 22 Jul 2024
<b>Location:</b>	Land At Sx 490 624 Broadley Park Road Roborough		
<b>Proposal:</b>	Application for the construction of a new business park comprising six units of varying sizes, associated access, parking, drainage and landscaping, together with ground reprofiling, bunds, attenuation pond & associated development		
<b>Officer Comments:</b>	<i>Currently in consultation period.</i>		
<b>1042/24/ARM</b>			
<b>Officer:</b>	Lucy Hall	<b>Valid Date:</b> 22 Apr 2024	<b>Expiry Date:</b> 22 Jul 2024
<b>Location:</b>	Beacon Park Dartington TQ9 6DX		
<b>Proposal:</b>	Application for approval of reserved matters following outline approval 3631/17/OPA for phase 3 comprising provision of 9 business units, landscaping, drainage, access roads & car parking		
<b>Officer Comments:</b>	<i>Currently in consultation period.</i>		
<b>1271/24/VAR</b>			
<b>Officer:</b>	Peter Whitehead	<b>Valid Date:</b> 18 Apr 2024	<b>Expiry Date:</b> 18 Jul 2024
<b>Location:</b>	Proposed Development Site Sx856508 Dartmouth		
<b>Proposal:</b>	Application for variation of condition 2 (approved drawings) of planning consent 3119/21/FUL to replace 3-bedroom detached house on Plot 320 with 2 bedroom semi-detached bungalow		
<b>Officer Comments:</b>	<i>Currently in consultation period.</i>		
<b>1272/24/VAR</b>			
<b>Officer:</b>	Peter Whitehead	<b>Valid Date:</b> 23 Apr 2024	<b>Expiry Date:</b> 23 Jul 2024
<b>Location:</b>	Proposed Development Site Sx856508 Dartmouth		
<b>Proposal:</b>	Application for variation of condition 1 (approved drawings) of planning consent 0936/19/ARM for the introduction of 2-bedroom semi-detached bungalows in lieu of the equivalent number of 3-bedroom semi-detached houses in order to provide smaller bungalow units not currently catered for & improve mix; & improving street scenes by removing awkward & unsightly 90-degree parking across dwelling frontages & replacing by creating additional side parking by a combination of both dwelling & garage adjustments, other less significant changes include swapping house types & parking allocation & creation of additional garaging		
<b>Officer Comments:</b>	<i>Currently in consultation period.</i>		



**1283/24/VAR**

<b>Officer:</b>	<i>Peter Whitehead</i>	<b>Valid Date:</b> 19 Apr 2024	<b>Expiry Date:</b> 19 Jul 2024
<b>Location:</b>	<i>Proposed Development Site Sx856508 Dartmouth</i>		
<b>Proposal:</b>	<i>Application for variation of condition 1 to Planning Consent for the introduction of 2-bedroom semi-detached bungalows in lieu of the equivalent number of 3-bedroom semi-detached houses in order to provide smaller bungalow units not currently catered for and improve mix; and improving the street scenes by removing the awkward and unsightly 90-degree parking across dwelling frontages and replacing by creating additional side parking by a combination of both dwelling and garage adjustments. Other proposed and less significant changes include improving courtyard and on plot parking, one house type substitution, handing of dwellings, minor adjustment to position of dwellings within plots, replacing 4 double garage pitch roofs with flat roofs etc.t 3118/21/ARM.</i>		
<b>Officer Comments:</b>	<i>Currently in consultation period.</i>		

**1610/24/ARM**

<b>Officer:</b>	<i>Tom French</i>	<b>Valid Date:</b> 20 May 2024	<b>Expiry Date:</b> 19 Aug 2024
<b>Location:</b>	<i>Sherford Housing Development Site Brixton</i>		
<b>Proposal:</b>	<i>Application for approval of reserved matters for road to the north of Bovis Parcel 2D.11, including associated parking along with all necessary parcel infrastructure including drainage, as part of Phase 2D of the Sherford new Community, pursuant to approval 0825/18/VAR (which was an EIA development &amp; an Environmental Statement was submitted). Sherford New Community, Land south west of A38, Deep Lane &amp; east of Haye Road, Elburton, Plymouth, PL9 8DD</i>		
<b>Officer Comments:</b>			

