

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane

**Parish:** Bigbury **Ward:** Charterlands

**Application No:** 1477/23/FUL

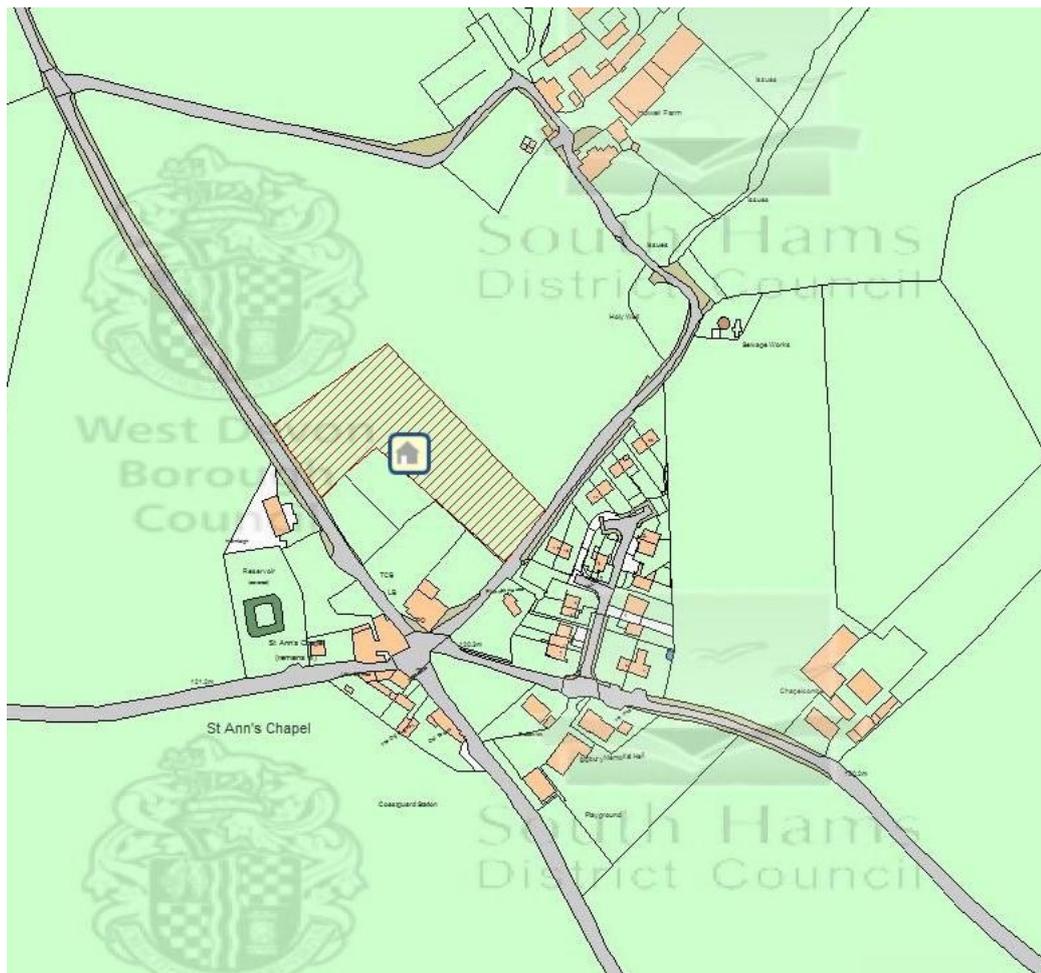
**Agent:**

Mr Andrew Kirby - Andrew Kirby Architects  
1 New Walk  
Totnes  
TQ9 5AL

**Applicant:**

Mr Tom Morris - South Hams District Council  
Follaton House  
Plymouth Road  
Totnes

**Site Address:** Land at SX 663 473, St Anns Chapel



**Development:** Foul water pumping station, 1.8m high security surround & manholes to support the new Holywell Meadow development at St Anns Chapel

**Reason item is being put before Committee:** SHDC is the applicant

**Recommendation:** Conditional approval

**Conditions:**

Standard time limit  
Accord with plans  
No external lighting

**Key issues for consideration:**

Principle of development, design, landscape impact

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**Site Description:**

The site is at St Ann's Chapel, to the north of the crossroads at the centre of the hamlet. It is currently a construction site, with a residential development of 13 houses being built. The site is within the South Devon Area of Outstanding Natural Beauty.

**The Proposal:**

Planning permission was granted in 2020 for a residential development of 13 dwellings, and associated access, car parking, public open space, and landscaping (application reference 4214/18/FUL). Whilst this planning approval included a drainage scheme, South West Water have since updated their requirements for adoption standards, and a more detailed design and security surround is required.

This application therefore seeks approval for the erection of a fence surrounding the pumping station. The fence would be a 1.8m green palisade fence.

**Consultations:**

- County Highways Authority- no highways implications
- Police Liaison- no objection, recommendations made
- Environmental Health Section- no objections
- Parish Council- no comments received as of 14.06.23

**Representations:**

None

**Relevant Planning History**

- 4214/18/FUL- Residential development to provide 13 dwellings with associated access, car parking, public open space and landscaping- conditional approval
- 2106/22/NMM- Application for non-material minor amendment to planning consent 4214/18/FUL for minor changes to plot 7 to regularise shape of building to be 3 bedroom property, and minor changes to garages to plots 1 and 4 to change from timber frame to rendered blockwork- conditional approval
- 3746/22/NMM- Non Material Minor amendment to planning consent 4214/18/FUL (Residential development to provide 13 dwellings with associated access, car parking, public open space and landscaping) for minor amendment to Plot 7 to relocate a window & door from the south west elevation to the south east elevation- conditional approval

**ANALYSIS****Principle of Development/Sustainability:**

The proposed fence is required to enable the development to meet South West Water adoption standards. Means of enclosure such as this would often be able to be erected under permitted development, however in this instance, permitted development rights were removed for means of enclosure when the original permission was granted.

The principle of small-scale infrastructure works such as the fence proposed is acceptable.

#### Design/Landscape:

The fence is of a utilitarian design, in a green, metal vertical design. The green finish is considered to soften the appearance of the fence and better assimilate it into the surrounding green landscape.

The small-scale of the proposal, the location within an area of residential development, and the design and finish of the proposed fence leads Officers to conclude that the proposal is acceptable in term of design, and would not have an adverse impact on the local landscape or the wider AONB. It is not proposed to install any lighting onto the fence, but given the location of the site within the AONB, and the rural village character of the local landscape, a condition is recommended prohibiting any lighting to be installed on the fence unless details have previously been agreed in writing with the Local Planning Authority.

The design and landscape impact is considered acceptable, and the development therefore complies with policies DEV20, DEV23 and DEV25 of the JLP, and policies BP7 and BP18 of the Bigbury neighbourhood plan.

#### Heritage:

The application has been advertised as affecting the setting of a listed building. The application site is within the vicinity of the Pickwick Inn a grade II Listed Building. Given the scale and location of the development proposed, Officers are satisfied that the proposal would not have any adverse impact on the setting of this listed building, and therefore complies with policy DEV21 of the JLP, policy BP23 of the Bigbury neighbourhood plan, and the associated paragraphs of the NPPF.

#### Neighbour Amenity:

The scale and nature of the proposed development does not give rise to any concerns regarding residential amenity.

#### Highways/Access:

The proposal does not impact upon the existing highways arrangement.

#### Summary:

The proposed fence is a small-scale addition to the site, and is necessary to ensure that the drainage system can be adopted by South West Water. The fence has been designed in such a way as to minimise the visual impact, and conditions will ensure that this is retained for the life of the development. No third-party representations have been received, and the development is considered to accord with all relevant policies. The application is therefore recommended for conditional approval.

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

### **Planning Policy**

#### Relevant policy framework

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

now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
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  
DEV35 Managing flood risk and Water Quality Impacts

**Bigbury Neighbourhood Plan**

BP1 Housing Allocation  
BP7 General design principles for new development  
BP18 Area of Outstanding Natural Beauty  
BP23 Built heritage

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

**South Devon AONB Management Plan (2019- 2024)**

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

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

**Recommended conditions:**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers 1714.02, 1714.05.108.Q, 1714.04.113.A, 716083\_T2.01.A, 716083\_T2.02.B, 716083\_T2.03.A, 716083\_T2.04.A, and 716083\_T2.05.B, received by the Local Planning Authority on 28th April 2023.

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

3. There shall be no floodlighting or other external lighting at the site unless details have been submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason: To safeguard the appearance and character of the area.