



Harberton Village



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The Development Site



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PLANNING REF: 0828/25/OPA

DESCRIPTION: Application for Outline Planning Permission for residential development of up to 17 dwellings with access, landscape, drainage and associated infrastructure. All matters to be reserved with the exception of access

ADDRESS: Land at SX780 585, Meadow Close, Harberton, TQ9 7TW

24th April 2025

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

Introduction

The Society fully accepts the need for more genuinely affordable housing in the South Hams. And it is entirely possible that this site could successfully be developed for that purpose.

Unfortunately there is no guarantee that this proposal will help satisfy that requirement and, before officers consider recommending approval, there are a number of critical issues that need to be addressed.

Consequently although the applicants' Design & Access statement emphasises the fact that:

'Since the publication of the revised NPPF, South Hams District Council is unable to demonstrate a five-year housing land supply with the supply being 2.53 years. As a result, the presumption in favour of sustainable development (the 'tilted balance') under Paragraph 11(d) of the NPPF 2024 is engaged.

The tilted balance shifts the presumption in favour of sustainable development. In practical terms, this means planning permission should be granted unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole'.

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And although this indeed might be the case it is important to note that the draft Neighbourhood Plan for the parish is at pains to stress:

'Sewage discharges from the Harberton sewage works are a particular concern in the community'.

There is also a history of flooding. So it is clearly important officers are confident that should they give approval, any development will do nothing to further exacerbate either pollution or flood risks.

To quote Joint Local Plan Policy DEV35.8:

'Development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate or will be improved to accommodate the new development, in advance of the development taking place'.

Sewage

On the 27th March, nine days after this application was submitted, the Environment Agency published their 2024 Storm Overflow Annual Return.

It revealed the Waste Water Treatment Works and the Work's Storm Overflow between them dumped sewage in the Harberton Stream on a combined 233 occasions. Those spills in total lasted for around 3,603 hours – or the equivalent of approximately 25 minutes of every hour daily throughout the year!

Even so, those numbers represented a marked improvement on recent years. For example in 2023 Harberton experienced a combined total of 327 spills collectively lasting a total of 4,660 hours; in 2022 260 spills lasting 4,020 hours; and in 2021 324 spills lasting 4,860 hours.

And last year's improvements may well have been due to the operational improvements that South West Water say they have now completed. However the cause of the 'high spill frequency' at the Treatment Works has been identified as its hydraulic capacity.

In other words the problem is likely to have little if anything to do with inadequate maintenance or the overflow lacking capacity, but more with the Treatment Works itself being incapable of coping with existing demands, so causing the overflow to operate prematurely.

According to the Annual Return a Storm Overflow Assessment Framework investigation is currently being undertaken, almost certainly by the Environment Agency. Consequently the outcome of that investigation should be awaited, and South West Water should be asked to confirm the sewage system in Harberton has sufficient capacity to cope with the increase in flow from the development without there being any increase in the probability of storm spills, before the District Council approves the application.

Given the relatively small number of dwellings in the village, it is hard to believe the addition of a further 17 will not have a noticeable impact.

And although the applicants make the point that 'South West Water have confirmed that the public network can accommodate a connection for the proposed development', in practice that only means a connection is feasible, not that the network has the capacity to cope with any increase in flow.

Before recommending approval officers need to be certain that South West Water will be able to fulfil its legal duties under S94 of the Water Industry Act 1991, namely:

'It shall be the duty of every sewerage undertaker—

(a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers [and any lateral drains which belong to or vest in the undertaker] as to ensure that that area is and continues to be effectually drained; and

(b) to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers'.

As it stands, successive Storm Overflow Annual Returns demonstrate this not to be the case.

Drainage

The applicants are proposing a Sustainable Urban Drainage System (SuDS) for surface water management. But as yet no infiltration testing has been undertaken to establish if this can be implemented.

If it is not then the applicants accept any surface water run-off from the development will either have to discharge in to a surface waterbody, in all probability the Harberton Stream, or in to a surface water sewer, highway drain or another drainage system or, failing that, in to a combined sewer.

Yet as far as the applicants are concerned the necessary infiltration testing need again only take place at Reserved Matters stage, after the application has been approved, and by which time it might be too late to prevent waters from having to be discharged in to the Harberton Stream or a sewer.

So it's perhaps not surprising, given the history of flooding in Harberton, that the draft Harberton Neighbourhood Plan insists:

'Development proposals should demonstrate that their impact on the existing foulds and surface water system has been assessed and that they will not cause adverse downstream impacts from water discharge on local streams, leats, flood channels and neighbouring properties'.

And, as yet, no such assessment has been undertaken, while the applicants themselves acknowledge in their Flood Risk Assessment and Drainage Strategy (5.9):

'If infiltration is not considered to be suitable following a site investigation, then the next option is discharge into a watercourse. The nearest feature is located approximately 15m to the north of the planning application boundary but within the site ownership'.

That 'nearest feature' is the Harberton Stream.

The current preferred option illustrated is an attenuated basin with a controlled flow into the nearby stream.

This method of surface water drainage does not remove highway pollutant products from the discharge into the stream.

Flood Risk

That Flood Risk Assessment and Drainage Strategy goes on to note that as many as 12 historic flood events have been recorded within and around the site between December 1972 and September 2023, and a report written by Peter Cogley reviewing the effects and causes of the most recent of those events concluded *'the northern half of the site is at risk of flooding'*.

Similarly the cover of *The Groundsure Location Intelligence Review*, included as part of the applicants' *Contaminated Land Assessment*, also confirms as its professional opinion that the risk of flooding is *'high'*.

Strangely, although the applicants have also included two of the pages from that Review along with the cover, the page on which any further explanation of the flood risk has been provided is omitted.

It is therefore highly probable that the site is at risk of flooding and, should this development proceed, that risk could greatly increase as consequence of an open entrance in to the site being created from the road running along the northern boundary.

As the photograph below shows, Vicarage Ball can be subjected to floodwater flowing from the A381 Langridge Cross junction.



The proposed entrance to the site will be on the right hand side of the photograph a few yards back from where this photograph was taken.

Each of the roads to both the north and east of the site slope down towards the site and, crucially, the site itself slopes down from north to south to the Harberton Stream below. The site is also located within an area where there is a medium to high groundwater vulnerability, meaning that non-adsorbed diffuse source pollutants and liquid discharge have the potential to penetrate the soil layer or, where there is a high level of vulnerability, move rapidly to underlying strata or groundwater.

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It is also worth noting that further to the west of the proposed vehicle entrance to the site the Masterplan suggests a pedestrian access is to be created, immediately adjacent to some of the properties in Meadow Close. Any water run-off from Vicarage Ball on to this access could also pose a threat to one or more of those properties.

In offering its conditional support for the scheme the Parish Council was at pains to stress:

'All the flood risk assessments carried out by the developer are thoroughly scrutinised by Devon County Council's flood engineer'.

and that:

'The site is big enough to allow for a significant flood mitigation zone to capture all run off from the site and potentially improve existing flooding issues in the east of the village'.

And here it is also worth quoting from the *Harberton Parish Neighbourhood Plan Housing consultation: Summary of responses and issues arising:*

'Surface water flooding (30) and sewage infrastructure capacity (15) stood out as the most cited and most serious area of concern (and this was also reflected at the live consultation events). It was stated that existing infrastructure was already overstretched, including:

- limited capacity, and vulnerability to blockage, of the drains and culverts on the Harberton stream between Meadow Close and the sewage works, creating flood risk to surrounding properties*
- limited capacity of the sewage works already creating regular overflows into the stream*
- limited capacity of the sewage infrastructure, eg for Meadow Close*
- surface water flows down Vicarage Ball from Luscombe Cross.*

Doubts were expressed about the efficacy of envisaged measures to attenuate surface water flows at the sites (eg attenuation ponds, porous surfacing), especially about long term maintenance of the relevant on-site infrastructure'.

One of the sites referred to in the immediate paragraph above is the subject of this application. So before recommending approval officers should take all necessary steps to address these concerns and reassure themselves that the proposed development will pose no additional threat to water quality in the Harberton Stream or to flood risk elsewhere in the village, either now or in the future.

Density of Development

The Plymouth Joint Local Plan submission documents to the Planning Inspectorate listed the site SH_23_17_16, Land East of Harberton recorded a site area of 0.69 Hectares. It was also recorded for *'Flood risk, water quality and drainage'*, that *'No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.'*

Harberton Village has a history of flooding receiving culvert improvement works completed in 2006.

Plymouth JLP Evidence **HO4B** South Hams District Council **March 2017** Considering Sites for Development in Harberton Parish - Site Information Pack

Site Reference	Site Address	Site area (ha)	Site Information	Site Potential	Conclusion
SH_23_17_16	Land east of Harberton	0.69	<p><u>Access</u> Vehicle access would remove extensive hedge banks if a suitable splay is to be achieved and junction may interfere with existing arrangements. Pedestrian access would need to be secured.</p> <p><u>Landscape and Ecology</u> Visible location at village edge and would extend development to east well beyond current built form. Visible in locality but if well designed could be viewed as character of growth respecting form of the village. Habitat and species assessment would be required.</p> <p><u>Heritage and Archaeology</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Flood risk, water quality and drainage</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Contamination and Environmental Health</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p><u>Other</u> No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p>	Limited constraints to development with likely limitation on extent of the site suitable for development due to landscape impact and topography. As such it is considered there could be potential for limited residential uses subject to landscape impact and access arrangements.	Limited constraints and/or constraints that can be overcome

Harberton Parish, Neighbourhood Plan Site Options and Assessment 2023, Prepared for: Harberton Parish Council, November 2023

Harberton Neighbourhood Plan **Page 19**, site suitable for nine dwellings.

Site Source(s) & Associated Site Reference(s) ¹⁸	Site Reference Used in This Assessment	Site Name	Site Size (ha)	Planning History
SHLAA 2017: SH_23_11_08/13	SH_23_11_08/13	Land at Tristford Road, Harberton, Totnes	0.23	The site has no relevant planning history.
SHLAA 2017: SH_23_17_16 Call for Sites 2022: Ford Farm CfS4 NP4	SH_23_17_16	Land East of Harberton	0.69	There is a pre application enquiry (3755/22/PR5) for up to nine new dwellings on the edge of the settlement, and associated infrastructure works.

5. Site Assessment Results

Harberton Neighbourhood Plan **Page 26, site now suitable for 9-17 dwellings.**

This

SH_23_17_16	Land East of Harberton	0.69	9-17 dwellings (source: pre-application discussions and AECOM estimate)	Green	Limited constraints to development with likely limitation on extent of the site suitable for development due to landscape impact and topography. As such it is considered there could be potential for limited residential uses subject to landscape impact and access arrangements. Brownfield/greenfield:	The site is suitable and available for development and therefore appropriate for allocation in the Neighbourhood Plan. The site falls outside relevant heritage and environmental designations. Despite this, there is an ecological corridor along the stream close to the northern boundary of the site which includes semi mature trees and a hedgerow. The development of the site would form a natural eastward extension of Harberton along Vicarage Ball. The site is approximately 200m from Harberton village centre, however, Vicarage Ball does not provide a separate footpath, therefore pedestrian safety would need to be considered through the design process. Vicarage Ball is also partially sunken, therefore significant levelling and clearing would need to be undertaken to ensure that adequate vehicular access can be achieved.
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Harberton Neighbourhood Plan **Page 45, 46 and 47. Site potential now recorded as 24.**

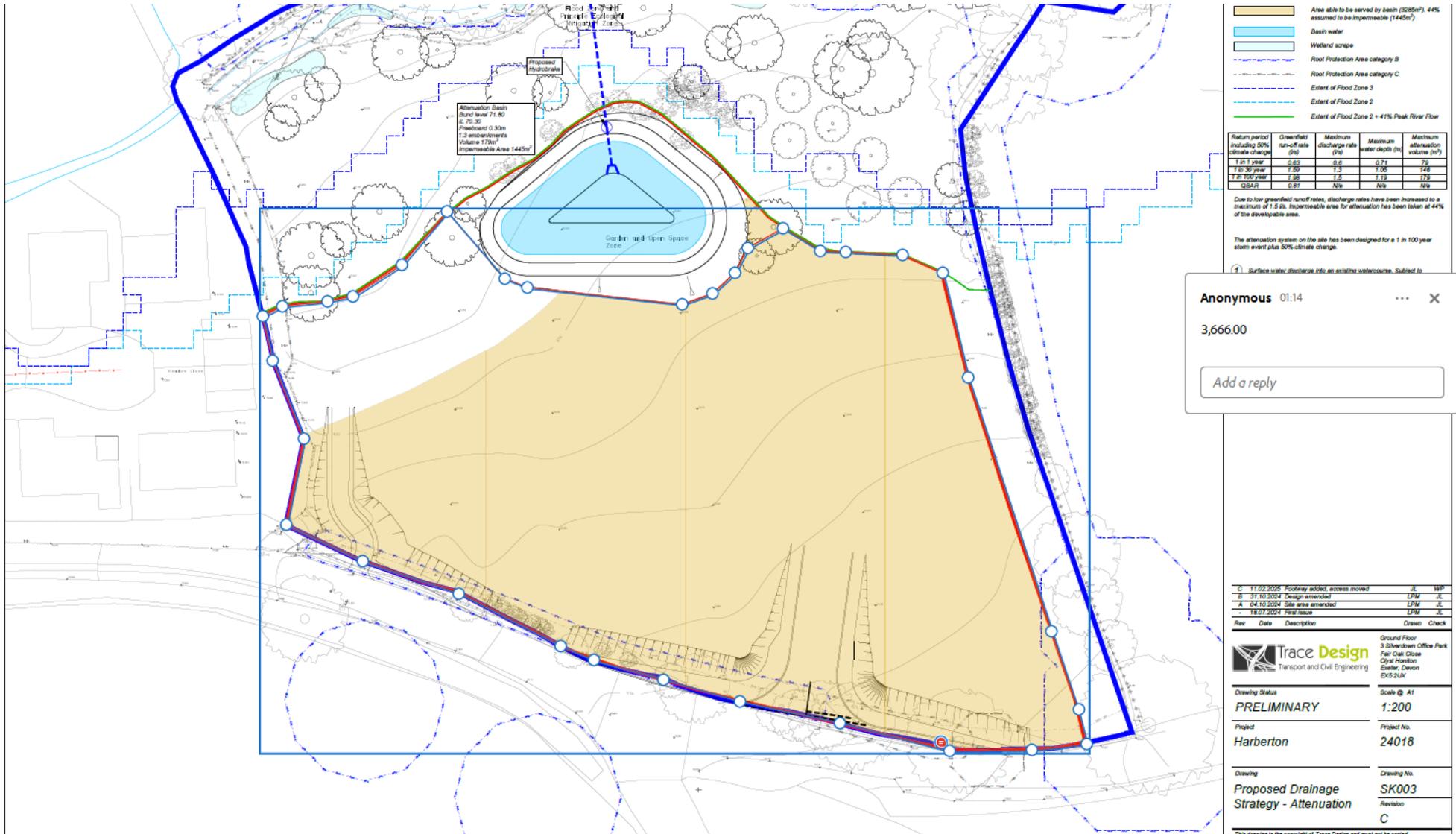
SH_23_17_16 Land East of Harberton	0.69	Access Vehicle access would remove extensive hedge banks if a suitable splay is to be achieved and junction may interfere with	Limited constraints to development with likely limitation on extent of the site suitable for development due to landscape impact and topography. As such it is considered there could be potential for limited residential uses subject to landscape	Limited constraints and/or constraints that can be overcome	Yes, the SHLAA conclusions remain relevant and appropriate. There is a pre application enquiry (3755/22/PR5) for up to nine new dwellings on the edge of the settlement, and	The site is suitable, available and achievable. The site falls outside relevant heritage and environmental designations. Despite this, there is an ecological corridor along the stream close to the northern boundary of the site
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Site Ref.	Site size (ha)	SHLAA Site Information	SHLAA Site Potential	SHLAA Conclusion	Are the SHLAA conclusions reasonable to be carried forward to the Neighbourhood Plan Site Assessment? ²¹	Harberton Parish Neighbourhood Plan Site Assessment conclusion
		<p>existing arrangements. Pedestrian access would need to be secured.</p> <p>Landscape and Ecology Visible location at village edge and would extend development to east well beyond current built form. Visible in locality but if well designed could be viewed as character of growth respecting form of the village. Habitat and species assessment would be required.</p> <p>Heritage and Archaeology No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p>Flood risk, water quality and drainage No constraints have been identified at</p>	<p>impact and access arrangements.</p> <p>Brownfield/greenfield: GF</p> <p>Status for Housing: Suitable (*denotes significant landscape constraints) Y*</p> <p>Available (*denotes there may be changes in the availability) Y</p> <p>Achievable (N* denotes marginal viability) Y</p> <p>Yields: 2016-2021 0 2021-2026 0 2026-2034 24 Remainder 0 Total 24</p>		associated infrastructure works.	<p>which includes semi mature trees and a hedgerow.</p> <p>The development of the site would form a natural eastward extension of Harberton along Vicarage Ball. The site is approximately 200m from Harberton village centre, however, Vicarage Ball does not provide a separate footpath, therefore pedestrian safety would need to be considered through the design process.</p> <p>Vicarage Ball is also partially sunken, therefore significant levelling and clearing would need to be undertaken to ensure that adequate vehicular access can be achieved.</p> <p>Landscaping and natural screening would also need to be proposed to ensure that views across the site from the elevated land to the south are protected.</p> <p>There have been pre-application discussions with proposals for nine new homes on the site.</p>

Site Ref.	Site size (ha)	SHLAA Site Information	SHLAA Site Potential	SHLAA Conclusion	Are the SHLAA conclusions reasonable to be carried forward to the Neighbourhood Plan Site Assessment? ²¹	Harberton Parish Neighbourhood Plan Site Assessment conclusion
		<p>this stage but further assessment may be required as part of any pre-application process.</p> <p>Contamination and Environmental Health No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p> <p>Other No constraints have been identified at this stage but further assessment may be required as part of any pre-application process.</p>				

Two months prior to the date of the AECOM report, on the 17th September 2023, Harberton Village residents were hit by a significant flooding event.

The measured land area available for the dwellings is 0.3666 hectares (excluding the attenuation pond). **Only 53% of the original 0.69 hectares is available for the dwellings due to the high risk flood zones 2 and 3 recorded by the Environment Agency.**



Anonymous 01:14

3,666.00

Add a reply

© 11/02/2005 Footway added, access moved	JL	WIP
01/10/2004 Design amended	LPM	JL
04/10/2004 Site area amended	LPM	JL
18/07/2004 Final issue	LPM	JL

Rev	Date	Description	Drawn	Check

Ground Floor
3 Silverdown Office Park
Fair Oak Close
Clyst Honiton
Exeter, Devon
EX5 2JX

Trace Design
Transport and Civil Engineering

Drawing Status: **PRELIMINARY** Scale @ A1: **1:200**

Project No: **Harberton 24018**

Drawing No: **Proposed Drainage Strategy - Attenuation SK003**

Revision: **C**

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Perhaps unsurprisingly there is no illustrative dwelling layout plan to confirm that it will be possible to fit 17 dwellings into a development area of 0.3666 hectares. That equates to a development rate of 46 dwellings per hectare, an unusually high number for any site at the edge of a village.

By comparison the Applegate Park development on the edge of Kingsbridge shown below boasts a density of only 37.6 dwellings per hectare.



The applicants suggest houses on the site will be built in two rows running parallel to the road. And, notwithstanding the size constraints, by the time access has been taken in to consideration, that might make two rows of terraced cottages a realistic possibility. And notably there is an identified need for one- and two-bedroom properties in the village. But whether the open-market prices those would command will be sufficient to make any scheme financially viable, and so ensure that five affordable will actually be delivered, must be questionable.

It is also important to note the applicants warn that even though:

‘the Local Planning Authority would expect the site to deliver up to 17 dwellings, as identified in the Site Options Assessment. The final capacity will be subject to detailed design considerations at the Reserved Matters stage’.

However the Site Options Assessment assumed the area of the site to be 0.69 hectares. That has since been reduced to the present 0.3666 hectares because the northern area lies in Flood Zone 3. As a result the applicants are therefore making no commitment to deliver either 17 dwellings or, more crucially, five that are affordable. And as the draft Neighbourhood plan explains:

‘just building new homes could be of limited effectiveness in meeting housing need in the parish’.

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Separately the Parish Council insist:

'Any development on the site needs to address the 2023 Harberton Parish Housing Needs Assessment and 2023 Harberton Parish Design Code'.

The Design Code was prepared by AECOM Limited, and stressed that:

'The following fundamental questions should be used to evaluate the quality and appropriateness of development proposals within the Harberton Neighbourhood Area'.

Amongst these were:

- *What are the essential spatial characteristics of the existing development area and street pattern;*
- *are these reflected in the new proposed development?*
- *Are building densities appropriate for the development area?*
- *Is the plot to development ratio in keeping/appropriate for the location?*
- *Does the proposal react to, respect and incorporate site and landscape features including topographic features, green infrastructure and hydrology?*
- *How does the proposal relate to its setting? Have important physical and visual assets been identified and does the design respect/incorporate these assets?*
- *Is the proposed new development building height appropriate for the location? Does it reflect the proximate scale of development and respect local area assets, existing development and views?*
- *Does the proposed development height compromise the amenity/privacy of adjoining properties? Does the proposal overlook any adjacent properties or gardens?*
- *Does the height, form and massing of new buildings respond to contextual visual sensitivities?*
- *Does the development negatively impact visual character, including settlement gateways?*
- *Do the proposed materials harmonise with the local vernacular and geology? Are the construction details and materials of sufficient high quality?*

It is therefore concerning that the application, as it stands, addresses none of these issues, all of which will again only be clarified at Reserved Matters stage, by which time the principal of development on the site, should this application be approved, will have been agreed.

Affordable Housing

The draft Neighbourhood Plan is unequivocal:

'Proposals for affordable housing adjoining, or very near to, the existing edges of the settlements of Harberton and Harbertonford are encouraged and will be supported, including on sites that would not be released for housing in other circumstances, as long as they comply with other development plan policies'.

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And to quote the Council's Affordable Housing Team:

'There is notable need for affordable housing in and around the parish of Harberton, within which it is important to provide the policy levels of affordable homes to alleviate the pressure on temporary accommodation use and on the Devon Home Choice waiting list'.

However the Team make it clear that:

'For the Affordable Housing Team to fully support this application, Policy Dev 8 of the Plymouth and South West Devon Joint local Plan of 30% affordable housing provision will have to be met'.

and that although:

'There is no indicative tenure mix identified in the application... this should be policy compliant 35% intermediate home ownership and 65% Social rent to be fully supported by the Affordable Housing team'.

Unfortunately the applicants are far from confident that five, let alone any, genuinely affordable dwellings can be delivered. As they say in their Affordable Housing Statement:

'In accordance with policy DEV8 of the Plymouth and South West Devon Joint Local Plan, the application proposes that 30% of the up to 17 dwellings would be affordable homes, with the final number to be confirmed at Reserved Matters stage when a detailed site layout is defined'.

That detailed site layout might reduce the total number of dwellings to 13, or feasibly even less, and the applicants warn:

'Taking the 30% figure and applying it to 13-17 new units generates a range of 4 to 5nr affordable homes. As is common with smaller developments, this small number presents a challenge in terms of deliverability due the relatively small number of homes and their rural location'.

They then go on to add:

'if it is not viable to complete an agreement with an AH provider, we propose that those dwellings would be delivered as discount open market units'.

A discount of 20% of the open market price will make it impossible to deliver a policy compliant mix of 35% intermediate home ownership and 65% social rent, and that once outline consent has been obtained, there is every possibility a viability assessment will be produced at Reserved Matters stage to demonstrate that it will be financially impossible to deliver any affordable housing at all.

Conclusion

It is important to note that the applicant is Origin Land Limited, a local company who work with landowners to secure planning for new homes and who only receive payment once residential planning consent has been obtained and the site has been sold to a developer.

In other words, Origin do not develop the site themselves.

And, by leaving issues such as both how and whether sewage, drainage and flooding can be addressed, or knowing what will actually be built on the site and whether any genuinely affordable housing will actually be delivered, officers run the risk of stepping in to the unknown and having to accept an outcome that will do little if anything to help satisfy housing needs in Harberton.

To avoid this possibility, before approving this application as it stands, the Local Planning Authority should require the applicants to either address those issues they wish to leave to others to address at Reserved Matters, or otherwise require by Condition that each and all of those concerns are fully and satisfactorily addressed before any work on the site is permitted to proceed.

Until then, the Society cannot support this application.

Quite simply there should be no presumption in favour of pollution.

The South Hams Society respectfully requests that this application is refused.

For and on behalf of the South Hams Society.

Richard Howell,
Chairman