

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall **Parish:** Newton and Noss **Ward:** Newton and Yealmpton

Application No: 3953/21/FUL

Agent:

Mr Adam Nicholls - Grainge Architects
The Boat Shed
Haven Road
Exeter
EX2 8DD

Applicant:

Mr James Brent
The James Brent Pension Fund
101 Yealm Road
Newton Ferrers
South Hams
Plymouth
PL8 1BL

Site Address: 101 Yealm Road, Newton Ferrers, PL8 1BL

Development: Demolition of 2 two-storey detached buildings & associated garage. Erection of 2 no. three bed family homes

Recommendation: Refusal

1. The proposed development by reason of its scale, mass, height, architectural composition and materials palette fails to have regard to the local pattern of development and results in an incongruous addition which fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty. The proposal is contrary to the adopted Plymouth and South West Devon Joint Local Plan policies SPT12, DEV20, DEV23, DEV24 and DEV25; policies N3P-1, N3P-2, N3P-3, N3P-4 and N3P-9 of the made Newton and Noss Neighbourhood Plan; South Devon AONB Management Plan, Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and the National Planning Policy Framework.
2. The Local Planning Authority considers that the proposed dwellings by virtue of their size can reasonably accommodate more than 3 bedrooms and therefore fails to respond to an identified local housing need, perpetuating an existing imbalance within the housing stock. The proposal is therefore contrary to adopted Plymouth and South West Devon Joint Local Plan policies SPT2 and DEV8; N3P-11 of the made Newton and Noss Neighbourhood Plan, and the advice contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.
3. The Phase 1 contamination report identifies the potential for contamination originating from the former commercial laboratory use and potential contamination of the estuary and land instability of the water's edge. Further information is required to understand the extent of contamination on the site and in the absence of this information the proposal conflicts with policy DEV2 of the adopted Plymouth and South West Devon Joint Local Plan; policy N3P-4 of the made Newton and Noss Neighbourhood Plan and the advice contained within the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.
4. In the absence of a completed and signed Unilateral Undertaking to secure a scheme of mitigation to manage the additional recreational pressures upon the Plymouth South and Estuaries European Marine Site (comprising the Plymouth South and Estuaries SAC and the Tamar Estuaries Complex SPA), the proposal is contrary to policies SPT12, SPT14, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan, policies N3P-2 and N3P-7 of the made Newton and Noss Neighbourhood Plan, the Plymouth and South West Devon

5. The proposal would result in a net loss of biodiversity at the site. In the absence of any mechanism to secure off site mitigation the proposal is contrary to policies SPT12, DEV26 and DEL1 of the Plymouth and South West Devon Joint Local Plan and policies N3P-2 and N3P-7 of the made Newton and Noss Neighbourhood Plan, adopted Plymouth and South West Devon Joint Local Plan Supplementary Planning Document and National Planning Policy Framework.

Key issues for consideration:

Principle of Development, loss of employment, housing provision, impact on AONB & Undeveloped Coast, ecology, contamination, carbon emissions, flooding and drainage.

Site Description:

The site is located in Newton Ferrers on the south side of Yealm Road and within the village settlement boundary as defined by the made Newton and Noss Neighbourhood Plan. The site comprises the existing quayside slipway and wall together with buildings on the quayside which are two storeys and had traditional slated, pitched roofs now removed from the main buildings. Steps leading down the cliff face give access from surfaced car park area on Yealm Road. The site was formerly owned by Akzo Nobel and was used as a research station for testing marine paint. The site has been vacant since 2011.

The Proposal:

The proposal involves the demolition of the existing buildings and the erection of 2 three bed dwellings. The development as originally submitted was for the development of 2 four bed dwellings together with an extension to the existing quay.

Two sets of revisions have been made to the development. These revisions remove any extensions or additions to the quay and make alterations to the bulk and design of the houses. The properties are now shown to have 3 beds together with a study and other habitable accommodation spread over 4 levels.

Consultations:

- **Highways Authority (DCC):** Original Response: Objection (insufficient information), revised response: no objections subject to conditions requiring the parking to be provided prior to occupation and the provision of a CMP
- **South Devon AONB Unit** – Original Submission: Objection, revised response no objections subject to conditions.
- **Tree Specialist (SHDC)** – No objection subject to condition
- **Ecologist (DCC)** – Original Submission: Objection (insufficient information), Revised Scheme: No objection subject to conditions. Details provided by the applicant to provide 10% improvement in biodiversity through off site contributions is welcomed. DCC have a Wild about Devon scheme that funds improvements through the Devon Communities Together programme which can secure such improvements.
- **Marine Management Organisation** – Works and activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.
- **Environmental Health Section** – Original Submission: Objection (insufficient information). Revised response – requested a phase 2 report prior to determination.

- **Drainage Specialist (SHDC)** – No objection subject to condition. Please ensure EA have been consulted to assess the flood risk.
- **Environment Agency** – consulted but no response received at the time of writing the report.
- **Yealm Harbour Authority** – No comments received
- **Newton and Noss Parish Council** – Objection

Response on latest scheme:

NNPC object in the strongest possible terms to this large overbearing proposal in a relatively confined site, dominating the view of the harbour and causing marked degradation of the foreshore vista and important local views of the harbour. There appears to be no recognition by the Applicant of the Newton and Noss Neighbourhood Plan and great weight should be given to the Policies voted for by parishioners. As it stands this application is contrary to N3P-1 c), N3P-2, N3P-3 a), N3P-4 a) and c), N3P-9 a), b), c) and d), N3P-11, N3P-12

NNPC concur with the objection by the Landscape Officer 7.1.2022. There is no justification, in this protected location, for squeezing in 2 very large, expensive homes, when as evidenced very clearly by the NP, there is no local need for such properties and the move to include a home office instead of a 4th bedroom is meaningless when the proposals include such large bedrooms, bathrooms and walk-in wardrobes.

A smaller footprint would allow space for sympathetic planting for screening and conservation of the ecology. The addition of 2 extra levels, removal of existing natural waterfront and substantial increase in the footprint of the built form in this location is completely unacceptable. There has been no attempt to harmonise with the adjacent waterfront, to utilize the vernacular or traditional local materials or blend with adjacent buildings on the waterfront; the Harbour Office, Ferry Cottages or Old Coastguard Cottages on the opposite banks.

The top floor blocks existing views from street level of the estuary and woodland beyond and the view from the river and South West Coast path would be completely compromised.

The large areas of glazing, especially on the top two floors, would cause significant light pollution despite some attempted mitigation. The use of non-reflective glass should be used in any approved building on this site.

The Landscape and Visual Assessment document dated September 21, whilst using planning statements and reference to the AONB, does not mention the Neighbourhood Plan. In consultation with the Parish prior to the NP, protecting the Waterfront was one of the most important statements put forward. The major impact of this development is for waterborne traffic and views from the South West Coast Path, not just for Yealm Road. Contrary to N3P-2, there would be loss of foreshore with no measures for protection or improvement of waterfront ecology and biodiversity.

We have an opportunity here to build 2, 3 bedroom, more modest, energy efficient properties, on 3 floors not 4, which would provide family homes that accord with their setting in the AONB and not have a detrimental effect on the village and views as seen from the road, river and south west coast path. Furthermore it is essential that Any property built on this site must comply with N3P-12 and have a Primary Residence restriction; secured in a legal agreement.

N3P-1 c) states that the scale, density and character of any development permitted under paragraphs

a) and b) shall be in keeping with its site and surroundings and cause no significant adverse harm on natural or historic assets, important views

N3P-2 states that

a) Development shall conserve the character, ecology or biodiversity of the banks, cliffs, shore and intertidal zone of the river or harbour.

b) Development of the waterfront shall conserve its natural appearance as viewed from the river, harbour or land and not detract from the quiet enjoyment by everyone of those parts of the waterfront that are accessible to the public "Waterfront" means the banks, cliffs, shore, intertidal zone and any location or property having a strong visual or physical connection with the river or harbour. c) Development that threatens the estuarine coastal margins or would adversely affect the natural banks of the estuary will not be allowed.

N3P-3 states that a) Development shall respect the low density of buildings, the landscape and character of Policy Areas 1 and 2.

N3P-4 states that a) All new development including extensions and redevelopment, shall: • be of high design quality which is clearly derived from the site context and respects the architectural context of adjacent buildings. • be in keeping with its site and surroundings, in terms of scale, density and massing and not constitute over-development. • respect building height in the street, preserve views from public spaces, roads and paths, and protect and provide for trees, hedges and space between properties;

c) Any approval must comply with N3P-4 and be conditional on the CMP being approved by both NNPC and SHDC before any work starts on the site - including clearance and demolition.

N3P-9 states that Development shall not harm but conserve the landscape by:

a) complying with national and local strategic policies for the AONB and the Undeveloped Coast, including the South Devon AONB Planning Guidance, relevant strategic policies in the development plan.

b) safe-guarding and conserving local features that make a positive contribution to the landscape, particularly; iii) long views across the estuary and creeks, valleys, fields, hedges, lanes and Important Local Views as identified on pages 37, 38 and 39 in this plan.

c) ensuring that new development blends into the natural landscape, without detriment to habitats on land or water, and does not adversely impact upon the irreplaceable characteristics of Special Areas of Conservation, Sites of Special Scientific Interest or Ancient Woodland.

d) incorporating high quality landscaping which retains existing features, reinforces local landscape character, restores degraded landscapes, and provides mitigation from harm.

N3P-11 states that: Where residential development is permitted by this plan:

a) In order to balance housing stock across the parish the development of smaller homes will be encouraged.

b) Applications for new dwellings reasonably capable of accommodating more than 3 bedrooms will be required to provide evidence of local need.

N3P-12. Any property built on this site must comply with N3P-12 and have a Primary Residence restriction; secured in a legal agreement.

• **River Yealm and District Association:** Object:

• **Landscape (SHDC)** – objection

Representations

Objections to the original Scheme: 21 objections received and 3 of support with the principle matters itemised below:

- Overdevelopment of sensitive site
- Out of proportion
- Unsympathetic to local surroundings
- Another glass box which does not belong anywhere near the River Yealm
- Blight for river users

- Highly visible from the Pool and SW Coast Path, degradation of foreshore vista and important local views of the harbour
- View of river would be blocked from Yealm Road
- Volume and height need to be reduced
- Needs more traditional materials and reduction in extent of glazing
- Detrimental to character and view of the foreshore
- Light pollution
- Contrary to spirit of the Neighbourhood Plan
- Harms beauty of the AONB
- NP says dwellings with 4 bedrooms should have 4 parking spaces not including garages
- No "need" for more 4 bedroom houses in this community
- No space left for planting or wildlife
- Contamination from historic uses at the site, needs comprehensive sampling and remediation strategy prior to planning decision
- Single dwelling would allow for suitable planting/screening and conservation of local ecology
- Better if site remained in commercial use or one/two bed flats for young local people
- Ground works may disturb neighbouring land, assume this would be remedied.
- Any development on this site likely to have significant impact on users of Yealm Road during construction phase, essential that CMP ensures that such disruption is minimised
- Proposal is well thought through and good solution for site
- Scale of properties would not compromise water views by neighbouring properties

8 Objections were received to the revised scheme,

- Nowhere in this amended application is the issue of serious contamination of the riverbed by TBT been considered. This application should not even be considered until the contamination has been cleared up
- not a lot of difference to the previous proposal so my objection still stands.

2 letters of support were received to the revised scheme,

- appropriate development of sympathetic design which will enhance the location
- existing site is derelict and polluted and needs removing as soon as possible

Relevant Planning History

- 37/0198/91/3, provision of quay and slipway, conditional approval
- 37/0057/95/3, first floor extension to form laboratory/office for anti-corrosive testing, conditional approval
- 37/0053/96/3, renewal of permission 327/0198/91/3 for quay and slipway and amendment to front elevation of the quay, conditional approval
- 37/1663/01/F, enclosure of existing testing tanks, conditional approval

ANALYSIS

Principle of Development/Sustainability

JLP policy TT1 provides a hierarchy of settlements for the distribution of growth and development to deliver homes and jobs, to enable each town and village to play its role within the rural area. The aim of the policy, which is reinforced within Strategic Objective SO6 is to steer new development towards the most sustainable locations with sites at the bottom of the hierarchy being the least preferred location for new development. On the basis it lies within the AONB, Newton Ferrers is not identified as a named settlement and therefore sits at the bottom of the settlement hierarchy. TTV1.4 relates to 'Smaller villages, Hamlets and the Countryside and the policy is clear that development will be only permitted in such locations if it can be demonstrated to support the principles of sustainable development and sustainable communities in accordance with policies SPT1 and SPT2 of the JLP and where relevant policies TTV26 and TTV27. Newton Ferrers benefits from a good range of facilities and services all of which are in walking distance and assessable from the site and in this

respect the proposal aligns with the objectives of SPT1 and SPT2. Officers do not consider policies TTV26 and TTV27 to be relevant.

The site falls within a made neighbourhood plan area covering Newton Ferrers. This is a made plan and the policies carry full weight. The NP includes a settlement boundary, drawn tightly around the built form and the application site falls within it. NP policy N3P-1 supports the principle of development within the settlement boundaries.

Loss of employment

If approved the scheme will result in the loss of employment floor space. JLP policy DEV14 seeks to maintain a flexible supply of such sites and will only consider their use for other purposes if there are overriding and demonstrable economic, regeneration and sustainable neighbourhood / communities benefits from doing so, or there is no reasonable prospect of a site being used for employment use in the future.

In this case the site's employment function was specifically related to marine testing and therefore had a specialised function not necessary or desirable for many employment uses. The site has limited parking and is not in a suitable location for uses that would attract large volumes of traffic. The site has been marketed for many years between 2013 and 2021 with no interest for employment uses. It is therefore considered that its use for other purposes meets the requirements of DEV14.

Housing Mix

JLP policies SPT2 and DEV8 seek to ensure a mix of housing sizes, types and tenure to meet local housing needs and redress existing imbalances within an area.

The evidence base for the NP identified that there is a significant imbalance in housing stock. Paragraph 4.28 of the NP states *'There is significant imbalance in housing stock with more 'top-end' properties than modest ones. Most properties in the Parish are expensive and there is a shortage of smaller one, two and three bedroom homes for young families and 'downsizers', an issue clearly identified in consultation. This imbalance in housing stock contributes to an imbalance in the residents' age and income levels which directly affects the sustainability of the community.'*

NP policy N3P-11 encourages smaller properties and states *'applications for new dwellings reasonably capable of accommodating more than 3 bedrooms will be required to provide evidence of local need.'*

Paragraph 4.17 of the SPD states provides advice on how to assess proposals in relation to their size. It is specifically written in reference to JLP policy DEV8. *'Home working is supported and as such the provision of one room identified as an office or study will be accepted, but other rooms that have the potential to be used as bedrooms (other than living rooms, kitchens, dining rooms, rooms with mains plumbing/toilets or rooms with no windows and/or main entrances) will be considered as such, and considered against the requirements of DEV8 on that basis.'*

The habitable accommodation is arranged over three floors plus a basement, which provides boat storage. Excluding the basement the internal footprint of the dwellings is almost 300 square metres. Although the proposed internal layout only shows three bedrooms in each of the dwellings, Officers would argue they are reasonably capable of accommodating more. For example the master bedroom is almost 50 square metres, with a very generously sized bedroom and ensuite and walk in wardrobe on the other side of a corridor. The layout also includes two living areas, one within the ground floor and another within the second floor. These could be adapted to provide additional bedrooms. The layout also includes multiple home workings spaces.

The LPA considers the dwelling is reasonably capable of accommodating more than 3 bedrooms and with the absence of any evidence of local need, officers consider that the overall scale of the proposed dwelling conflicts with the aim of NP policy N3P-11.

Design/landscape

The site lies within the South Devon Area of Outstanding Natural Beauty, a nationally protected landscape which the National Planning Policy Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty. The need to conserve and enhance the protected landscape is reinforced within the adopted policies including SPT12, DEV23, DEV25, N3P-1, N3P-2 and N3P-9 as well as the South Devon AONB Management Plan. Although the site is outside of the Undeveloped Coast, it is located very close to its boundary. JLP policy DEV24 is clear that development which would have a detrimental impact on the *'unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances.'*

The adopted policies also require development to display high quality design. JLP policy DEV20 requires proposals to meet good standards of design and provides a list setting out how this should be achieved. DEV20.2 states *'Having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.'* Similarly the NP sets clear design parameters. N3P-4 a) i-v requires developments to...

- i. be of high design quality which is clearly derived from the site context and respects the architectural context of adjacent buildings.*
- ii. wherever possible use natural materials including stone, slate and timber in keeping with the locality;*
- iii. be in keeping with its site and surroundings, in terms of scale, density and massing and not constitute over-development. Extensions must also be in proportion with the existing building;*
- iv. respect building height in the street, preserve views from public spaces, roads and paths, and protect and provide for trees, hedges and space between properties;*
- v. respond sympathetically to topography and orientation. On steep plots, consideration should be given to providing access that does not require the use of steps to access the property;*

The Council's landscape specialist has provided a robust response which sets out why the proposal is considered to result in harm.

'Newton Ferrers is a historic riverside settlement on the lower reaches of the Yealm estuary, with a strong, architectural vernacular of exposed stone and whitewashed cottages with thatch or slate roofs. This is a waterside landscape where open water of the estuary is juxtaposed with steep wooded valley sides, where the tidal character is constantly changing, from open expanses of water to exposed mudflats. View across the estuary and up the tidal creeks are a defining feature.'

The site is within Landscape Character Type 3G: River valley slopes and combes. This LCT has strong visual and topographical links with the rivers and estuaries, and the waterfront offers highly valued, scenic views. The coastline, estuary and river are key factors in the area being designated as an AONB.

Landscape Guidelines include to protect traditional building styles and materials, particularly cream or whitewashed thatched cottages, as well as exposed stone and slate. Any new development or extensions should utilise the same materials and building styles, and be sited to avoid the need for excessive ground engineering.

The site is immediately adjacent to Landscape Character Type 4A: Estuaries. The estuaries act as a focus for adjoining areas of cliff and combes to create highly valued and visually attractive landscapes, popular with tourists for water-based recreation, and providing for quiet enjoyment and ready access to the natural environment.

Landscape Guidelines for LCT 4A include to consider the visual impact of any new development within and adjoining the adjacent urban areas and ensure development is incorporated into the

landscape setting through the use of sensitive design and materials, and avoiding the use of overly engineered solutions.

The application site and its immediate vicinity are within the settlement area of Newton Ferrers. The hillside rising above the northern and eastern banks of the River Yealm contains some large houses set on generous plots. Many of these houses have large south-facing front gardens which, when seen from a distance, give Newton Ferrers an open appearance compared with the more densely built up space of Noss Mayo on the south side of Newton Creek.

The three existing buildings on the site are located to the south of Yealm Road, with the southern boundary of the site defined by the waterfront. Yealm Road forms the northern boundary of the application site with a single storey, single garage at road level on the western side of the site; to the east of the garage is a separate pedestrian stepped and ramped access from Yealm Road leading down to the two, main, two storey buildings close to the waterfront. Nearby development includes the River Yealm Harbour Authority Office on the waterfront, located approximately 60m to the west, and number 99 Yealm Road at road level, approximately 60m to the east. Open, green space between built form is a recognised characteristic of the settlement pattern in this part of Newton Ferrers. There are numerous, small stone quays and slipways along the waterside, and the coastal slope between the buildings along this part of the estuary is well-covered with vegetation down to the water's edge, including numerous trees. There are a few buildings in the vicinity of the site, including boathouses, located to the south of Yealm Road and below road level. These sit against the steeply sloping bank and face the River Yealm to the south, and are mainly modest in scale and relatively unobtrusive.

Pre-application advice for previous redevelopment proposals for this site has consistently highlighted the importance of maintaining views out over the estuary from the public highway, which is currently fairly open between trees, with views obstructed only by the small garage building. For 37/2854/14/PREMIN (2014) officers noted that the height of any proposed dwellings should remain close to the height of the existing buildings due to public views available from Yealm Road. It has also been noted that the site falls within the policy area where development would not be supported which adversely affected the low density settlement character.

The two main existing buildings on the application site are low-lying on the river bank, but quite visually prominent in views of the site from the water and opposite banks. The buildings are in a poor state of repair, but are traditional in style and use locally common external finishes, with painted render elevations under pitched, slate roofs. Their scale, mass and form is broadly consistent with other waterside development in view and nearby, but it is acknowledged that the buildings have no particular architectural merit.

The principal views of the site are from the River Yealm, from the footpath on the west bank of the Yealm and with glimpses from Passage Road on the south side of Newton Creek, and close views down onto the site from Yealm Road.'

With regards to the LVIA, the Council's landscape specialist is generally supportive of the methodology but does not agree with all of the findings. '... the LVIA has underplayed the level of effects that the development will have on landscape character and visual amenity. This is largely due to the LVIA's opinion that the development proposals are sympathetic in design and scale, with external materials and design features that reflect the architectural vernacular of the local area, which I disagree with.'

Throughout the life of the application the scheme has been revised in an attempt to address Officer concerns. While some elements of the redesign are considered to be an improvement, overall they do not far enough to address the fundamental concerns.

The LVIA states that the proposed development has been designed to utilise materials that are in keeping with the current surroundings, and will create a built form that echoes the surrounding properties, particularly those of the Yealm Hotel development to the west of the site. Officers disagree

with this assessment and consider the materials palette, which includes sandstone, metal cladding and standing seam is not characteristic, vernacular building materials in this setting including metal cladding with standing seam. Officers would note that approval for the other developments referred to was granted under the previous policy regime, since which time policy has been strengthened to give greater protection to the protected landscapes of the local plan area.

Officers consider that the south elevation still proposes extensive glazing with floor to ceiling windows within the upper three stories which would exacerbate the visual prominence of the development from key visual receptors, and increase the likelihood for adverse effects from light spill on the intrinsically dark landscapes of the estuary and on nature conservation habitats. Officers note the proposal includes louvres but the LPA could not enforce their use.

The elevations clearly illustrate that the scale, mass and height of the proposed dwellings will exceed those of the existing buildings on site. The existing structures, set down from the road are two storey with a traditional dual pitch roof over. The proposed development is four storeys in height, and to achieve level access, it extends up to the road level. This additional height together with the increase in built form across the site, and no clear separation between the dwellings, creates a more obvious and prominent development which combined with the materials palette and strikingly contemporary form, results in a development which stands out as an incongruous addition within its context.

While the architect has taken steps to increase the amount of external amenity space for each of the dwellings it is still very limited and the extent of development proposed means that there are limited opportunities for landscape mitigation or enhancement.

As stated within the landscape officer's response, *the South Devon AONB Management Plan Planning Guidance, section 8.1, lists a number of factors where coastal and estuarine development has the potential to harm the AONB. Of particular relevance to the points raised above:*

- *Developments that diminish the extent of undeveloped coast or intrude into open coastal views, including views from coastal and estuary waters;*
- *The replacement of existing coastal buildings that are out of character with their settings, particularly with larger or more obtrusive structures;*
- *Of a scale, mass or design that is incompatible with local character*

The South Devon Estuaries Environmental Management Plan 2016-2024 recognises that the significant pressure for further built development along estuary shorelines has cumulative impacts on landscape, habitats, and water quality. It states that one of the greatest threat to the estuaries within the South Devon AONB is from "....the cumulative impacts of unsympathetic development and habitat loss, nutrient, litter and other pollutant runoff, unsustainable & illegal fishing, wildlife and habitat disturbance."

The Newton & Noss Neighbourhood Plan contains policies to ensure that development of the waterfront conserves its natural appearance as viewed from the river, harbour or land, and does not detract from the quiet enjoyment of those parts of the waterfront that are accessible to the public. N&NNP policies also seek to ensure that any new development and re-development pays careful attention to the local context and development density; is of a size, scale and volume that is appropriate for the site; is not intrusive, and enhances the landscape.

For these reasons the proposal is considered to conflict with JLP policies SPT12, DEV20, DEV23, DEV24, DEV25 and NP policies N3P-1, N3P-2, N3P-3, N3P-4 and N3P-9.

Neighbour Amenity

There are no near neighbours that are affected by the development

Highways/Access

The revised scheme is now acceptable to the Highway Authority subject to conditions protecting the parking provision and requiring a CMP. Both these points can be satisfactorily covered by conditions.

Ecology/Biodiversity

The application is supported by an ecological assessment and biodiversity net gain report. The ecological assessment concluded the following:

Building 1 – Main building (112 Ruined building) ‘Moderate’ bat roosting potential Potential Roost Features (PRFs) comprised an opening to the gap between storeys on the eastern elevation and a completely open roof.

Building 2 – Laboratory (96 Industrial building) ‘Moderate’ bat roosting potential. PRFs comprised open windows and gaps under ridge tiles.

Building 3 – Shed (96 Industrial building)
‘Low’ bat roosting potential. PRFs comprised gaps under edge tiles on western elevation. No roosting bats, or evidence of roosting bats was recorded during surveys.

Although the small area of modified grassland and woodland edges on the site were considered to offer some suitability for reptile species, the isolation of the site from any larger areas of suitable habitat lowered suitability. It is therefore considered reasonably unlikely that reptiles are present.

A detailed biodiversity assessment has been carried out and it found that, using the biodiversity metric 4, the habitat area will be reduced by the development as a result of reducing the area of cliff face wooded area. However, biodiversity benefits accrue from the provision of: bird nesting provisions; bat roosting provisions; added landscaping.

Details provided by the applicant in their biodiversity metric 4.0 indicates that there will be a marginal loss of habitat (0.29 units). The applicant indicates that they are willing to pay a contribution to provide 10% improvement in biodiversity in accordance with advice contained in the Plymouth and South West Devon Joint Local Plan SPD even though the policy DEV26 applies only to major developments.

To meet this requirement the applicant will have to fund off-site improvements through the vehicle of a S106 Unilateral Undertaking. Devon County Council have a scheme for environmental improvements which could fund projects to meet this aim. Officers also consider that there may be an opportunity for the developer to pay the contribution to the Parish Council to fund enhancements on Parish Council land. Obviously the PC would need to agree such a scheme.

The case officer has discussed this with the County ecologist who has no objections in principle with this approach but at the time of writing the Council has not received a legal agreement. As such the absence of any mechanism to ensure biodiversity net gain will be included as a holding reason for refusal.

The proposal will also require the provision of a CEMP to protect the wider environment from construction activity and a LEMP to secure meaningful biodiversity enhancements. Both these matters can be covered by conditions attached to any planning permission.

Contamination

The application has been reviewed by the Council’s EH specialists. The phase 1 contaminated land and geotechnical report by Ruddlesden Geotechnical dated October 2021 identifies potential contamination originating from the former commercial laboratory use. The report also identifies the potential for contamination of the estuary and land instability at the water’s edge. In view of this, and the need for engineering works EH Officers have requested a phase 2 report before any decision is made. Officers have considered whether the report could be provided at condition stage but given the sensitivities of the site and the unknowns at this stage regarding the level of contamination or where it is on the site it is not clear whether the proposed development could be delivered or whether an

alternative scheme would be required. As such the absence of the phase 2 report is included as a holding reason for refusal.

The EH response also notes that it is not clear what works are now intended to be carried out in the vicinity of the boat ramp; a crane is suggested. Should any piling in this area or on the wider site be proposed then the applicant must submit an application to the Environmental Health team under S61 of the Control of Pollution Act 1974 in order that noise issues can be considered. Low noise piling techniques should always be used in preference. The recommendations could be added an informative on any notice of approval.

Climate Change

JLP policy Dev32 and NP policy N3P-4 requires all developments to reduce their reliance on carbon emissions. In terms of climate change the development proposes a range of renewable energy sources with PV panels and air source heat pumps as well as high levels of insulation. A detailed energy report will further assess other technologies to incorporate into the scheme. Details of these measures are to be controlled by condition. The Council's EH specialist has not raised any concerns regarding the proposed air source heat pumps which will be at some distance from the houses.

Other matters

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured via a legal agreement, and this approach has been agreed by Natural England. While the applicant has indicated that they will prepare a UU to cover this matter at the time of writing the Council has not received the agreement. As such this will be included as a holding reason for refusal.

The scheme is located some distance from the nearest heritage asset and from the conservation area and is not considered to adversely affect designated or non-designated heritage assets

Recommendation – refusal

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 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
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
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV14 Maintaining a flexible mix of employment sites
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
DEV31 Waste management
DEV32 Delivering low carbon development

Newton and Noss Neighbourhood Plan

N3P-1 The village settlement boundaries
N3P-2 protecting the waterfront
N3P-3 development policy areas
N3P-4 development and construction
N3P-5 movement and parking
N3P-6 drainage and flooding
N3P-8 heritage and conservation
N3P-9 protecting the landscape
N3P-11 new housing, balanced housing stock and local housing needs
N3P-12 second homes and principal residency requirement
N3P-13 business premises

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

**Plymouth & South West Devon Joint Local Plan SPD
South Devon AONB Management Plan**

The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.

**Name and signature:
L Hall**

Date: 28th July 2023

Ward Member - Cllr Thomas Date cleared - 17/07 Comments made – telephone discussion and email	Ward Member – Cllr Edie Date cleared – 17/07 Comments made – email
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