

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Kingsbridge **Ward:** Kingsbridge

Application No: 4257/17/OPA

Agent:

Mr Andrew Lethbridge
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

Mr & Mrs Balkwill
Selworthy House
Warren Road
Kingsbridge
TQ7 1LB

Site Address: Selworthy House, Warren Road, Kingsbridge, TQ7 1LB

Development: Outline application with some matters reserved for the demolition of existing buildings and the erection of 18 dwelling units (8 affordable) with associated highway access, parking and landscaping

Reason item is being put before Committee: This is a finely balanced decision where the recommendation is contrary to the view of the Town Council. In this case it is appropriate for the decision to be made by the DM Committee.

Recommendation: Refusal

Reasons for refusal

1. The proposed development, having regard to its siting and scale fails to conserve the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty contrary to paragraph 115 of the National Planning Policy Framework, Policies CS9 and DP2 of the South Hams Local Development Framework and Policies SPT11, DEV24 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan.
2. Having regard to the adverse landscape impact arising from this proposed development, the development is not sustainable and as such is contrary to paragraphs 6, 7, 8 and 9 of the National Planning Policy Framework and Policy SPT1 of the emerging Plymouth and South West Devon Joint Local Plan.
3. The quantum of development proposed for the site is unlikely to provide an appropriate mix of house types, tenures and sizes, contrary to Policy DP11 of the South Hams Local Development Framework and DEV8 of the emerging Plymouth and South West Devon Joint Local Plan and will not make the best use of land.
4. The proposal would generate a requirement for a signed Section 106 Obligation to deliver identified necessary planning mitigation. The absence of such a signed agreement is contrary to policies CS6, CS8 and CS10 of the adopted Core Strategy 2006, policies DEV9, DEV28, DEV29, DEV32 of the emerging Plymouth and South West Devon Joint Local Plan and paragraph 203 of the National Planning Policy Framework.

Key issues for consideration:

The site is within the South Devon AONB and Undeveloped Coast. The site is not allocated for development.

Given the location of this unallocated site outside the development boundary it is considered that, taking into account paragraph 49 of the NPPF, the initial issue to be considered is whether South Hams District Council can demonstrate a five year housing land supply. If a five year housing land supply cannot be demonstrated, relevant planning policies for the supply of housing should not be considered up-to-date.

In such a situation it is necessary to consider if any adverse impacts of granting permission for this development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or if specific policies in the NPPF indicate development should be restricted.

As such the key issues to be addressed will be landscape/AONB impact, biodiversity, neighbour impact, highway impact, and economic and social benefits

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

It is estimated that this development has the potential to attract New Homes Bonus of £21,824 per annum, payable for a period of 4 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The site of approx. 1.35 ha includes a 0.7 ha paddock and buildings and land associated with Selworthy Court Veterinary practice including a veterinary surgery, stables, driveway and parking area, staff accommodation in the form of a two bedroom self-contained unit and an owners dwelling with garden.

Historically the site was a racing stables with living quarters. The paddock is still used for horses both for private use and associated with the vets.

The site is located at the very southern extremity of Kingsbridge outside of but adjacent to the development boundary and is close to Bowcombe Creek and the historic Grade II listed bridge. It is also opposite Kingsbridge Cemetery.

The site slopes quite significantly upwards from south to north. The site adjoins the A379, Embankment Road to the south where the boundary is defined by a stone wall with post and rail fence above and a field gate, agricultural land lies to the north and east with boundaries defined by post and rail fencing, existing housing adjoins the south west corner of the main part of the site and adjoins the southern boundary of the proposed access road separated by a formal hedgerow. A plot with planning permission for 2 dwellings adjoins part of the western site boundary. The northern part of the site benefits from wide views across Bowcombe Creek and to the countryside beyond.

The site is approx. 1.4km walking distance from Kingsbridge Town Centre where a variety of services are available, it is approx. 2km walk from the secondary school and approx. 2.2km to the primary school in Kingsbridge, West Charleton primary school is slightly closer but has no safe pedestrian access from the site.

The site is within the South Devon Area of Outstanding Natural Beauty and Undeveloped Coast. It is within close proximity of the Salcombe to Kingsbridge Site of Special Scientific Interest (SSSI) and within the South West Coast Strategic Nature Area. The site also lies within 50m of Bowcombe Creek County Wildlife Site

The Proposal:

Outline planning permission is sought for the erection of 18 units of mixed tenure dwellings, all matters are reserved except for the principal vehicular and pedestrian access which will be from Warren Road.

It is proposed to demolish all the existing buildings within the site and to construct 18 new dwellings, 2 of these are replacement dwellings; the net increase in residential units is 16. Of this net increase 50%, 8 units, will be on site affordable dwellings.

The existing access from Warren Road will be used, currently a single track lane. Entering the site from Warren Road the first 45m, approx., will remain as a single lane road with a 2m footway, then the road will widen to a 4.8m double lane road with 2m footway. The access road includes a spur to the north with turning head and turning head at the eastern end.

An optional footpath link to the A379 to facilitate pedestrian access to the cemetery is illustrated but does not form part of the formal access proposals. The applicant has indicated willingness to provide this link if further detailed examination of the issues at reserved matters stage indicate it to be beneficial overall.

An illustrative layout shows how the site might be developed for 18 houses; the plan shows 4 modest sized pairs of semi-detached houses (8 dwellings in total) to the south of the site fronting Embankment Road, following a similar building line to the existing housing on this road. These dwellings would be served by courtyard style parking to the north. These would be the affordable homes. The remainder of the site indicates 10 generous sized detached houses in spacious plots set around the new road. The application indicates the dwellings would be split level in design to lower the roofscape.

Strategic tree planting is illustrated along the southern site boundary and new hedgerows indicated on the east, south and northern boundary as well as within the site.

The illustrative plan indicates that a length of hedge to the rear of 2 or 3 properties on Embankment Road would be removed

Consultations:

- County Highways Authority: No objection in principal subject to conditions.
- Environmental Health Section: No objection subject to conditions
- SHDC Landscape: Objection: failure of Development Plan policy tests and objectives CS9 (1, 2 and 3), DP2 (1a, b, d and e), and conflict with the AONB Management Plan. The emerging Joint Local Plan policies DEV 24 and DEV 27 carry similar requirements, with greater clarity added to the conservation of the undeveloped and unspoilt character and appearance of the Undeveloped Coast by emerging policy DEV 25 to reflect the position of the NPPF. The emerging policies carry varied weight at this stage, but would similarly not support the proposed development of this site.
- AONB Unit – Interim comments provided indicating they consider this to be major development in AONB. Further views are requested to inform the LVIA to include views from Salcombe-Kingsbridge Estuary: It is stated that the planning balance for determining this application is not an ordinary or standard balancing exercise which would involve merely balancing the exceptional circumstances and public interest against the harm to the AONB. Instead the balancing exercise must be a weighted one in which there is a strong statutory

presumption against development and that the conservation of the AONBs landscape and scenic beauty are given great weight.

The requested additional LVIA information has been submitted, the AONB have not provided further comments

- SHDC Affordable Housing: Support –will provide 8 affordable homes
- Natural England: No objection subject to conditions
- SHDC Ecology: No objection subject to conditions and Section 106 to secure implementation of a LEMP.
- DCC Flood Risk: No objection in principle subject to conditions
- SWW: No objection, will only support surface water discharge to public combined sewer if all other options are ruled out including discharge to the estuary
- SHDC OSSR: A financial contribution is required in accordance with the SHDC OSSR SPD (2006) to improve local facilities. Applying Tables 3 and 6 of the SHDC OSSR SPD (2006) the following should thus be secured within the s106 agreement:

Play provision = number of occupants (to be calculated based on Table 3 of the SPD) x £380 towards *'improvements to play provision at the Recreation Ground and/or Duncombe Park'*

Pitches and other outdoor sports provision = (to be calculated based on Table 3 of the SPD) x £595 towards *'improvements to sports and recreation facilities at the Recreation Ground and/or improvements to facilities at The Butts Cricket Ground'*

The provision of a pedestrian link through the development site to the cemetery opposite, as requested by colleagues at Devon County Council Highways, is welcomed. The cemetery provides open space with local amenity value for visitors and is currently very inaccessible due to the lack of pavement along the stretch of Embankment Road from Britton's Field.

- Police AOL: Guidance for detailed design provided
- DCC Education: No objection subject to the following contributions:
£52,610 towards education facilities in the area
- Town/Parish Council: Recommend approval

Representations: Approximately 14 letters of objection have been submitted including one from the South Hams Society raising issues which include the following:

- Very intensive development
- Very close to adjoining properties – loss of privacy
- Due to topography will have overbearing impact on neighbours
- Does not accord with development plan
- Adverse impact on AONB
- Adverse impact on wildlife in particular Greater Horseshoe Bats
- Light pollution – impact on neighbour amenity and wildlife
- Most of the site is not brownfield
- Major development within the AONB

- Cumulative impact taken with 2 house already consented at Selworthy
- NPPF – great weight to be given to conserving landscape and scenic beauty of NPPF
- Does not meet tests of para 166 of NPPF
- Precedent for development at Bowcombe Creek
- Object to loss of hedgerow behind 37 Embankment Road – privacy, ecology, exposure, light disturbance, highway safety – hedge should be retained
- Impact on path at rear of Embankment – only safe route to walk into town
- Within Undeveloped Coast
- Not in SHDC Brownfield Register
- Trees already removed to facilitate development
- Application form incorrectly completed and misleading
- Access road will become dangerous with added traffic
- Highway congestion on Warren Road
- Adverse impact on amenity from increased traffic movements
- Trees and hedgerows on site are not acknowledge and hedgerow is to be removed
- Access passes through RPA of trees
- Insufficient capacity to deal with sewage
- Wrong to say site is not tranquil
- Transport Statement does not provide information on split of commercial/domestic traffic existing at site

Relevant Planning History

2899/17/FUL: Change of use of building/land for relocation of veterinary practice, Agricultural building and land at SX 741 473 Sladelands, Kingsbridge. Conditional Approval

28/2767/14/O: Outline application (all matters reserved for erection of two detached houses and garages at Warren Road, Kingsbridge TQ7 1LB. Conditional Approval

02207/18/FUL: Erection of two detached houses and garages, Warren Road, Kingsbridge. Conditional Approval

0674/17/FUL – 5 detached dwelling at Culver Park Close, Kingsbridge. Conditional Approval

1381/17/FUL: erection of bungalow to rear of Top Acre, 12 Higher Warren Road, Kingsbridge. Conditional Approval.

ANALYSIS

Principle of Development/Sustainability:

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, for decision taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

— specific policies in this Framework indicate development should be restricted.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In such cases a tilted balance in favour of sustainable development is to be applied except where specific policies in the NPPF, such as those relating to the protection of the AONB, indicate that development should be restricted.

At present the Council's adopted development plan policies for the supply of housing make provision only up to 2016, so are out of date. The emerging JLP identifies a robust five year supply of housing however the evidence behind this has been challenged at the recent plan examination; until such time as an Inspector indicates otherwise the Council cannot yet rely on this 5 year housing land supply.

Paragraph 115 of the NPPF states the following:

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

This paragraph 115 of the NPPF indicates that development that fails to conserve the landscape and scenic beauty within AONB's should be restricted and as discussed above this would outweigh the presumption in favour of development as set out in paragraphs 49 and 14 of the NPPF.

Paragraph 116 of the NPPF states that planning permission should be refused for major development in these designated areas (AONB's) except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

A key consideration therefore is whether or not this application constitutes major development. As set out in National Planning Policy Guidance:

whether a proposed development in these designated areas should be treated as a major development, to which the policy in [paragraph 116](#) of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context.

The Council's landscape specialist and the AONB Unit both state that they consider the proposed development to constitute major development in the AONB. The applicant considers this matter in their supporting information and conclude that it is not major development.

Planning Officers have given consideration to both arguments and have taken into account matters including the following:

- Part of the site is previously developed land; 2 of the 18 proposed dwellings are replacement dwellings and 230 sq. m of non-residential floor space is to be demolished.
- In the context of Kingsbridge town 18 units is a very small addition.
- The site is located at a point where the extent of built development is gradually receding into the open countryside and is within a very scenic part of the AONB.

On balance Officer's do not consider the scheme is major development in the AONB and as such assessment under paragraph 116 is not required.

The key issue to now consider are:

- whether the application represents sustainable development; and
- whether the proposed development would conserve the landscape and scenic beauty of this part of the AONB and if not whether the benefits of the development outweigh the harm having regard to the great weight that is to be afforded to the conservation of the AONB

Sustainable Development

Location

Policy CS1 - Location of Development, of the LDF sets out where development is acceptable in principle subject to detailed material planning considerations. Kingsbridge is included as one of the district's Area Centres where the principal of residential development is acceptable. This site however lies just outside the settlement boundary at the southern extremity of the town. Policy CS1 states that outside of settlement boundaries development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need.

Policy TTV1 of the emerging Plymouth and South West Devon Joint Local Plan (JLP) looks to prioritise growth through a hierarchy of sustainable settlements and identifies that main towns such as Kingsbridge will be prioritised for growth. This policy states that development outside of settlement boundaries will be considered with particular regard to Policy TTV31.

Policy TTV31 states that housing development adjoining an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

It is relevant therefore to consider the local need for this development and whether it provides a sustainable solution.

The adopted LDF (Kingsbridge Site Allocations DPD, 2011) has identified a number of sites around Kingsbridge for development, this included 6 main sites identified to deliver 300 dwellings, the majority of these sites have been carried forward as allocations in the JLP with some additional sites identified. A number of the sites have obtained planning permission but to date none have yet delivered any new housing.

This non-delivery of sites means there remains a local need for both market, but in particular, affordable housing in Kingsbridge; it is considered the proposed development would meet the exception test identified in Policies CS1 and TTV31 provided the development is otherwise sustainable

Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decisions. These two paragraphs set the context in which to consider sustainability. The three dimensions stated in Paragraph 7 are considered below:

The Economic Role

Housing development is recognised as an important driver of economic growth and there would be economic benefits to the construction industry from the proposed development. Once the dwellings were occupied there would be an increase in the level of disposable income from the occupants some

which would be likely to be spent in the local area an increase in the demand for local goods and services.

The site is currently used for employment use as a veterinary surgery. The veterinary practice has recently received planning permission to relocate to a site some 3km outside of Kingsbridge in a more rural area. It is stated that the current road network, gradient, width and alignment is not practical to allow the business to expand within the existing site. The applicant states that relocation to the new site set on the main road network will allow the business to grow.

Policy DP14 of the LDF seeks to prevent the loss of employment land and sets out limited criteria whereby loss of employment land would be acceptable which includes where the use is no longer appropriate in its context and there is a suitable replacement site available in the same locality. Where a change of use is considered acceptable, mixed use development will be sought.

In this case the applicant has stated that the application site is no longer appropriate as they cannot expand the business here and a suitable replacement site has been secured. Having regard to the constrained site access, residential surroundings and landscape constraints a mixed use development is unlikely to be viable on the site.

On balance it is considered that the proposed development will facilitate the expansion of a successful local business in addition to the usual benefits that arise from housing development; the economic benefits of the scheme weigh in favour of the development.

The Social Role

The principle social benefit of the proposed development would be the provision of additional housing, including 50% (up to 8 units) of the net increase in the number of homes being affordable (44% when taken as a percentage of the whole development). The Section 106 heads of terms indicate the affordable homes would be affordable rent.

The illustrative layout indicates 8 small semi-detached (affordable) units and 10 large detached dwellings in very spacious plots. Having regard to the plot sizes the houses delivered would be very likely to be reasonably capable of providing 4+ bedrooms. Policy DP11 of the South Hams LDF states that developments will be permitted where they provide an appropriate mix of dwelling types, tenures and sizes; the Council has identified that this mix should comprise approx. 35% 1 & 2 bed dwellings, 35% 3 bed dwellings and 30% 4+ bed dwellings. The illustrative layout would indicate a likely provision of approx. 56% 4+ bed dwellings. Having regard to the density of development it is very unlikely smaller market homes would be delivered or would be viable if only 10 are to be provided.

The likely housing mix if 18 dwellings only are approved would therefore not comply with Policy DP11 and would not make best use of land.

Looking at the illustrated footprints and plot sizes it would be possible to, for example, subdivide some of the units into semi-detached dwellings to reduce the size of the market homes without increasing landscape impact. This could deliver a greater number of new homes capable of complying with Policy DP11, making the best use of land and potentially increasing the number of affordable homes as well.

Given the NPPF priority to significantly boost the supply of housing the additional dwellings to be provided must carry significant weight in this balance, however the benefit to be derived is not as great as it could be for the reasons set out above.

In respect of the social aspect of sustainability objections have been raised including the added congestion on highways, highway safety and adverse impacts on existing residents who live adjacent to the site.

Impact upon Neighbours

This is an outline application with access only to be agreed at this stage. Two illustrative layouts have been provided that show how 18 dwellings could be accommodated on the site.

Concern has been raised about the sloping nature of the site and the elevation of the new dwellings in relation to existing dwellings on Embankment Road. The illustrative drawings show a spacious layout and a separation distance from the rear of the Embankment Road dwellings of some 40 – 45m. This would not result in an overbearing impact notwithstanding the topography.

Concern is also raised about the indicated loss of hedgerow behind properties on Embankment Road and potential loss of privacy and disturbance as a result. This matter can be addressed at reserved matters stage, it seems there is adequate space to achieve a scheme that should be able to retain this hedgerow or provide a suitable replacement boundary treatment.

Objections have been raised with regard to the possible loss of rear access to Warren Road from the dwellings on Embankment Road, this route being the only safe pedestrian route. The Design and Access Statement indicates that this pedestrian route will be retained.

Highway matters will be addressed later in this report.

On balance the social impacts of the development, in particular the provision of 8 affordable dwellings, weigh in favour of the development

The Environmental role

With respect to the environmental role of sustainable development, the elements that are considered to be especially relevant to the proposed development are impacts on the landscape in particular the AONB; ecology and bio-diversity; heritage assets and surface and foul water drainage.

Landscape/AONB:

The site is in a very sensitive landscape location within the AONB and Undeveloped Coast. This applicant has been considered by the Council's Landscape Specialist who has provided detailed comments as follows:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Section 11 of the NPPF in particular paragraphs; 109 and 114-116;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

In respect of the principle policy tests in the NPPF, this application is considered to constitute "major development" in the context of paragraph 116, due to the likely significant adverse landscape and visual effects resulting from the extension of the settlement at Kingsbridge. Development of this sloping site would necessitate significant engineering, under-build and retaining walls (as shown in the indicative sections provided), resulting in a hard and highly engineered built form. Viewed from the south and east with reducing context of the town, this form and scale of development extending into the countryside would be considered to constitute major development in the South Devon AONB.

In line with paragraph 116, you will therefore need to consider whether there are any exceptional circumstances that weigh against the presumption of refusal contained within this paragraph, and whether the proposal is in the public interest. Adjacent to one of the district's larger towns, the 'scale' element of the 'major' judgement is more marginal, however as set out below, there are considered to be detrimental effects on the landscape and environment of the AONB that should be given great weight in this planning balance in line with NPPF para 115.

Landscape Character and Visual Impact

The site lies within LCT 3G: River Valley Slopes and Combes. The key characteristics of the area include:

- Branching narrow valley systems flowing into and overlooking their associated rivers and estuaries*
- An intricate patterned mosaic of predominantly small irregular fields of varied origin, from fields with medieval origins, to larger Barton Fields laid out in the 15-18th century and more regular modern enclosures.*
- The deeply incised valleys enclosed by woodland, tall Devon hedges and mature hedgerows provide a sense of enclosure and seclusion.*
- A strong visual and topographical link with the rivers and estuaries. Outstanding views from higher ground along valleys and across the estuaries contrasts with constrained views along the valley bottoms.*

Although a part of the site is previously developed, moving along Embankment Road the site clearly feels outwith the settlement at Kingsbridge. It forms a consistent part of the relevant character type, but also displays some of the detrimental features; the character assessment notes the declining field boundaries in some places, particularly closer to larger settlements, and also the urbanising influence (particularly of lighting and lowering of tranquillity) of adjacent larger settlements which lie outside the character type. The Landscape Strategy for this landscape type is: To protect and enhance the peaceful character of the valley slopes, fringed by well-managed woodlands and fields enclosed by an intact network of species-rich Devon hedges.

The landscape guidelines in relation to new development state:

- Protect the sparsely settled character of the LCT ensuring that new development on the edges of nearby settlements does not encroach into the area.*
- 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 proposed development would clearly conflict with a number of these characteristics and guidelines – notably encroaching a large area of residential development into the countryside beyond Kingsbridge, which currently forms an attractive green edge to the settlement and a sensitive approach to the town. It would also spread the existing urbanising influence of Kingsbridge further east and along Embankment Road.

The low-density development visible in this area is principally single storey. Although only indicative at this stage, the layout and section provided indicate the need to provide split-level 2-2.5 storey dwellings, some with a significant under-build, and some substantial retaining wall features due to the sloping landform. Viewed from the south and east, these features would read together as large areas of tall built features. The sloping topography also limits the ability for new vegetation to mitigate development set on higher ground.

The visual impacts of the development would be principally split into two. From the west, the site would be infrequently visible, set behind the very clear urban context of Kingsbridge. The impacts from this direction would be minimal. From the south and east, the site is progressively viewed as countryside adjacent to the settlement with a reducing context of the town, until viewpoints towards West Charleton perceive very little of the presence of Kingsbridge, nor of development not of the scale, character or appearance that would come forward from the modern development of this site. It is these latter views from which the proposals would be considered to adversely affect the visual quality of the area, to the extent that they would fail to conserve the character, appearance and natural beauty of the area.

I note the submission on an LVIA with the application, with the Principal Representative Viewpoints providing a useful overview of the different types of view available, and the area of visual impact. For the reasons set out above, I would disagree with the conclusion that the development of the site would have a neutral impact.

Protected Landscape

The site and its visual receptors fall within the South Devon AONB, making them highly susceptible to change, and carrying great weight in the planning balance. The site and surrounding area also lies within the Undeveloped Coast (previously Coastal Preservation Area) in recognition of the importance of these estuarine landscapes in the coast of South Hams; again the protection of the character and distinctive landscapes of these areas is given significant weight in the NPPF.

Initial comments of the South Devon AONB Unit were received in January 2018. They consider the proposals to constitute 'major development' in NPPF paragraph 116 terms. More detailed comments on the impacts have not been received, however The AONB Management Plan includes policies which seek to conserve and enhance the special qualities, distinctive character and key features of the AONB (Lan/P1) and to protect open views into, within and out of the AONB (Lan/P5). For the reasons outlined above, the proposed development would conflict with these policies, and the relevant special qualities that would be affected by the development include:

- *Ria estuaries (drowned river valleys), steep combs and a network of associated watercourses.*
- *Deeply rural rolling patchwork agricultural landscape.*
- *Deeply incised landscape that is intimate, hidden and secretive away from the plateau tops.*
- *Iconic wide, unspoilt and expansive panoramic views.*
- *A landscape with a rich time depth and a wealth of historic features and cultural associations.*

Arboricultural Impact

The development indicated could be achieved at this site without impacting on any significant trees or hedgerows and I would therefore raise no objection on arboricultural grounds, subject to securing appropriate protection for the existing trees and hedgerows during construction.

Policy and Recommendation

Objection: failure of Development Plan policy tests and objectives CS9 (1, 2 and 3), DP2 (1a, b, d and e), and conflict with the AONB Management Plan. The emerging Joint Local Plan policies DEV 24 and DEV 27 carry similar requirements, with greater clarity added to the conservation of the undeveloped and unspoilt character and appearance of the Undeveloped Coast by emerging policy DEV 25 to reflect the position of the NPPF. The emerging policies carry varied weight at this stage, but would similarly not support the proposed development of this site.

The AONB Unit have not provided detailed comments on this application but have indicated that they consider the application to be major development within the AONB requiring the application to be assessed against Paragraph 116 of the NPPF.

It is considered that the proposed development will fail to conserve this part of the AONB and as such is contrary to Policy.

Ecology

Natural England have noted that the site is approx. 70m from the Salcombe to Kingsbridge Estuary SSSI with potential for run off to reach the SSSI. Natural England do not object to this application subject to mitigation measures which should include the following:

Suitable and reliable measures to ensure that all contaminants from all potential sources are contained within the site to prevent water quality impacts upon the SSSI.

A Sustainable Urban Drainage System (SuDS) is adopted to deal with all sources of run-off/surface water from the site.

NE advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. They also recommend planning conditions to agree a detailed SuDS scheme, to agree and Construction and Environmental Management Plan, to agree and Landscape and Ecological management Plan and to advise that surface water should not be discharge to the combined sewer

The Council's ecologist has also assessed the application providing the following comments:

The application is supported by a Preliminary Ecological Appraisal (Wills, 18/05/2017).

The PEA indicates that the site offers limited wildlife value, and that subject to appropriate mitigation (e.g. sensitive lighting design) development would not have a significant impact on protected species or remove valuable habitat. Given the desk and site survey results, no phase 2 surveys were undertaken. It is noted that the site falls within a Cirl Bunting consultation zone however given the habitat on site, it is accepted that further surveys were not necessary in this case.

The survey site comprises pony-grazed paddocks and well maintained (mown) gardens, with limited hedgebank features or trees (with the exception of the eastern boundary). The PEA considers that with appropriate landscaping, the proposed development could increase the biodiversity value of the site, including new boundary planting to the north, and improving the quality (by planting and management) of the existing eastern boundary. There is also potential for new planting of a southern and western boundary. Every effort should be made at Reserved Matters through design to retain boundary hedgerows (particularly eastern and southern) within holistic management (i.e. managed through the LEMP by a Management Company/similar mechanism) to avoid these boundary features falling into private residential curtilages/management.

Of more notable value is the habitat to the south and east of the site, including the County Wildlife Site adjacent to Bowcombe Creek, and the cemetery to the south which in adding to contain valuable habitat has records of roosting Greater and Lesser Horseshoe Bats. Accordingly, as indicated in the PEA with respect to lighting, it is important that the proposed development does not lead to impacts on protected species use of boundary and surrounding habitats. It is noted that currently there is currently no illumination of the eastern and southern boundary (including no lighting along the road) – given the known presence of horseshoe bats to the south of the road, light levels from the proposed development must not exceed 0.5 lux at the boundaries of the site, and this will need to be reflected in the Reserved Matters application.

Recommendation - No objection subject to:

Conditions:

- *Submission of a lighting strategy (including lux contour map) at Reserved Matters showing that the proposed development will not illuminate boundary features (particularly southern and eastern boundaries above 0.5 Lux), including any street lighting, and internal/external lighting from dwellings.*
- *Submission of an Ecological Mitigation and Enhancement Strategy at Reserved Matters (to include measures outlined in section 4.4. of the PEA, and mitigation and enhancement proposals for construction and operational phases. The EMES should be fully integrated with the Landscape Scheme and should demonstrate net gain in biodiversity).*
- *Prior to commencement submission of a Landscape and Ecology Management Plan detailing ongoing management and maintenance of retained and new habitat features (including SUDS).*

S106:

- *Securing adherence to LEMP in perpetuity*

Impacts on biodiversity are considered to be acceptable and there is the potential for biodiversity gains through the provision of additional hedgerows and trees.

Flood Risk

Devon County Flood Risk raise no in principle objection to this development subject to conditions. They have commented as follows:

The applicant has proposed infiltration as their primary method for surface water management, with an alternative option of attenuation and discharge to a SWW combined sewer. These will both be acceptable to us provided the above conditions are met and SWW approve the proposed connection to the combined sewer.

If infiltration is used, it is proposed that maintenance of property level soakaways will be by the individual property owners. The property owner must be made aware of their maintenance responsibilities at the time of purchase to ensure the soakaways continue to operate as designed throughout the development's lifetime.

South West Water raise no objection to the application

It is considered that foul and surface water can be adequately managed within the site.

Heritage

The proposed development will be far enough away from the Bowcombe Bridge such that the setting of this Grade II Listed structure will not be adversely effected.

Heritage impacts are acceptable.

Highways/Access:

The Highway Authority raise no objection to this application but encourage the provision of a pedestrian link from the site to the cemetery opposite as at present there is no safe pedestrian route to the cemetery. There is no parking at the cemetery so visitors have to arrive on foot, currently walking on the A379 main road.

The applicant has expressed a willingness to explore this at RM stage, it is possible the required visibility splays may require the loss of a significant length of the existing boundary wall, the visual impacts of this would have to be weighed against the benefit of the route to be provided.

Planning balance

This Council at present does not have a demonstrable 5 year housing land supply that can yet be relied upon and as set out in para 49 of the NPPF development plan policies relevant for the supply of housing are considered to be out-of-date. Decisions should therefore be taken in accordance with paragraph 14 of the NPPF which sets out a presumption in favour of sustainable development. This tilts the balance heavily in favour of housing development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Where there is conflict with this paragraph the tilted balance in favour of sustainable development set out above does not apply.

In this case it has been demonstrated that the proposed development fails to conserve the landscape and scenic beauty of this part of the AONB and great weight must be given to this.

Benefits of the scheme would be the provision of market and affordable housing in Kingsbridge where there has been significant under delivery of new homes. Economic benefits to the local economy though the construction phase and increased local spending and use of services once the houses are occupied would arise and the development is likely to facilitate the relocation and expansion of a local business. Biodiversity gains are likely to arise. There is the possibility that a footpath link to the cemetery could be delivered to the benefit of highway safety but this is not certain.

The site however has the potential to deliver a greater quantum of housing with no greater landscape impact.

On balance the great weight that must be afforded to conserving the landscape and scenic beauty of the AONB outweighs the benefits that will arise from this development and as such it is recommended that planning permission be refused. This is a finely balance decision and were the quantum of housing to be increased this added benefit could tilt the balance in favour of development.

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

Planning Policy

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.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP2 Landscape Character

DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP14: Employment Land
DP15 Development in the Countryside

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (As considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the natural environment
SPT13 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV12 Spatial priorities for development in Kingsbridge
TTV15 Other sites allocations at Kingsbridge
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV14 Maintaining a flexible mix of employment sites
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV25 Undeveloped coast
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV29 Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport

DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

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.