

**South Hams District Council**

Response to the

**Bigbury Neighbourhood Plan Regulation 16 consultation**

September 2019

The Bigbury Neighbourhood Plan was submitted to South Hams District Council on 22nd July 2019. The Council was satisfied that the submission draft and accompanying documents complied with all the relevant statutory requirements

The plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 29thJuly 2019 – 9th September 2019.

South Hams District Council made a full response to the Regulation 14 consultation carried out by the Qualifying Body in respect of the Bigbury Neighbourhood Plan. This document sets out South Hams District Council’s response to the Regulation 16 version of the plan, focussing on the extent to which it is considered that the current version of the draft plan has responded to comments made at Regulation 14 and whether any significant concerns remain.

Overall, the Council is satisfied that the Regulation 15 draft neighbourhood plan has taken adequate account of comments made at Regulation 14, and that the consequent rewording of the document has resulted in a stronger plan.

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| **Policy/Text** | **Comments** |
| **Policy BP1 – Housing Allocation**  Provision will be made for the development of a  maximum of 13 dwellings on the site to the rear of  Holywell Stores. At least 60% of the dwellings will be  affordable and include a range of two and three bedroom  properties including some bungalows. The highways  access should be from the B3392 to the north of St Ann’s  Chapel and a pedestrian/cycle link should be provided to  link into Holwell Lane to provide safe and easy access to  the Holywell Stores and the school bus stop in front of  the store. A pedestrian link to the Hilltop development  should also be provided to enable safe access to the  Memorial Hall, children’s playground and playing fields  and the other school bus stop. An area of public open  space should be provided on site to serve the needs of the  residents. | No comment on the Policy.  It would be useful if the Proposals Map at Appendix 15 were moved into the body of the Plan and clearly showed this allocation. |
| **Policy BP2 – Other housing development**  a) Replacement housing  Replacement of existing dwellings, providing these are not  shown in the Plan as statutory or local heritage assets, will  generally be supported providing the proposed  development accords with the Policy BP7 – General design  principles for new development and other relevant Policies  of the Plan.  b) Extensions to existing dwellings  Extensions to existing dwellings will be supported  providing these are sympathetic to the design of the host  dwelling and meet the relevant criteria set out in Policy BP7  – General design principles for new development and other  relevant Policies of the Plan.  c) Additional dwellings  Any additional dwellings should be contained within the  existing settlement boundaries of St Ann’s Chapel, Bigbury  Village or Bigbury on Sea and should meet the criteria set  out in Policy BP7 – General design principles for new  development and other relevant Policies of the Plan. | No comments. |
| **Policy BP3 – Subdivision of existing plots**  The subdivision of existing plots will be permitted only  where the following apply:  a) There is no loss to the character or environmental  quality of the surroundings;  b) The site is serviced by a suitable existing highway on  one or more boundaries;  c) The proposed plot sizes and dwelling sizes are in  keeping with other building plots and dwelling sizes in  the surrounding area;  d) Proper respect is given to the amenity of adjoining  properties including outlook and views;  e) Provision is made for useable private garden space for  both the existing and proposed dwellings;  f) The existing front building line, where appropriate, is  maintained;  g) There is adequate space for off street parking together  with areas of soft landscaping;  h) Verges in front of properties are maintained and the  front boundary treatment is consistent with that of  neighbouring properties;  i) New and replacement front boundary walls, hedges  and/or fences are kept low, generally not exceeding one  metre in height | No comments. |
| **Policy BP4 – Principal residence**  Due to the impact on the local housing market and  uncontrolled growth of dwellings used for holiday  accommodation (second homes or holiday lets) new open  market housing, other than one for one replacement  dwellings, will only be supported where there is a Section  106 Agreement in place to ensure its occupancy as a  principal residence. A principal residence is defined as a  dwelling where the resident(s) spend the majority of their  time when not working away from home. Proof of  principal residence includes, but is not limited to being  registered on the local electoral roll, at a local school or at  the local healthcare centre.  Where proposals for the replacement of existing  dwellings by more than the number of dwellings to be  demolished is approved the additional dwellings will be  subject to a Section 106 Agreement to ensure occupancy  as a principal residence.  Proposals for open market housing (excluding one for one  replacement dwellings) without a Section 106 Agreement  to ensure occupancy as a principal residence will not be  supported. | No comment. |
| **Policy BP5 – Housing for the elderly**  Proposals for sheltered housing or assisted living  accommodation will be encouraged providing these are  on a previously developed site or sites within the village  settlement boundaries. They would also need to meet the  other Policies of the Plan, including those relating to  layout and design, and any new development would need  to ensure that the appearance and character of the villages  or surrounding countryside was not harmed. | No comment. |
| **Policy BP6 – Residential care and nursing homes**  **for the elderly**  a) Loss of existing residential care and nursing homes for  the elderly  Loss of existing care homes or nursing homes will only be  acceptable in exceptional circumstances where:  i) New facilities of a similar type are provided in the local  area to replace the facilities being lost; or  ii) There is a proven absence of demand for the  continuation of the use and the site has been marketed  effectively for such use over a period of at least 12 months  at an appropriate level.  In circumstances where the loss of an existing care home or  nursing home is considered to be acceptable, the site should  be used for some alternative provision for the elderly, such  as the provision of dwellings, specifically designed for the  elderly, and subject to an occupancy restriction to ensure  that the dwellings are used for this purpose in perpetuity.  Any new development should also comply with Policy BP7  – General design principles for new development and other  relevant policies of the Plan.  b) Proposals for new care or nursing homes for the elderly  Proposals for new care or nursing homes will be  encouraged providing these are on previously developed  sites or sites within the village settlement boundaries and  would meet the other Policies of the Plan, including those  relating to layout and design. Any new development  would need to ensure that the appearance and character of  the villages or surrounding countryside was not harmed. | No comment. |
| **Policy BP7 – General design principles for new**  **Development**  When considering new and replacement housing  development, in locations which are considered to be  acceptable in principle and which meet the other relevant  policies of this plan, the following criteria should be  taken fully into account:  i) Proposals should be locally distinctive, reflecting the  appearance and character of the area in which the  development is to be located. In this respect regard should  be had to the design guidance set out in the village studies  set out in Appendices 7-10. Innovative contemporary  design solutions may be acceptable in some locations  providing these do not have a harmful effect on the  overall appearance and character of the area and do not  by reason of an excessive amount of glazing result in  unreasonable levels of light pollution;  ii) The height, scale and density of development should  reflect the existing grain, height, density and pattern of  development in the surrounding area. The materials used  for the external elevations should preferably be natural  materials and be consistent with those used for other  buildings in the locality, providing these do not detract  from the appearance and character of the surroundings;  iii) The front building line should be maintained where  appropriate;  iv) Verges in front of properties should be maintained;  v) Front boundary walls, hedges, and/or fences should  be kept low, generally not exceeding one metre in height;  vi) Proposals should protect residential amenity and  should not have an unacceptable impact on the living  conditions of occupiers of neighbouring properties by  reason of loss of outlook, loss of important views,  including views of the sea, estuary, river valleys and  moorland, loss of privacy or overlooking, overbearing and  dominant impact, noise or other disturbance;  vii) Proposals should be designed to limit the impact of  light pollution from artificial light resulting in harm to  local amenity or areas of intrinsically dark landscape;  viii) There should be a safe means of access to the site,  which does not result in the unacceptable loss of natural  features, or the need to provide excessive widening of  local roads. Adequate off street car parking in accordance  with Policy BP28 should also be provided on part of the  site which would not cause nuisance to the occupiers of  neighbouring properties;  ix) Proposals should ensure that the infrastructure needs  of the development can be provided and put in place prior  to the commencement of the development where  appropriate or provided prior to the occupation of the  development;  x) Proposals should retain important natural features  including the retention of existing trees, hedgerows and  grass verges and should include proposals to enhance the  landscaping of the site and improve its biodiversity;  xi) Proposals should seek to ensure protection of  statutory and non-statutory heritage assets both above  and below ground;  xii)High levels of sustainability aiming for zero levels of  carbon emissions should be used in the design and  construction.Including the retention of existing trees, hedgerows and  grass verges and should include proposals to enhance the  landscaping of the site and improve its biodiversity;  xiii) Proposals should seek to ensure protection of  statutory and non-statutory heritage assets both above  and below ground. | No comment. |
| **Policy BP8 – Existing and proposed employment**  a) Loss of existing employment facilities  Loss of existing employment facilities will only be  acceptable in exceptional circumstances where:  i) Alternative employment facilities have been provided  elsewhere in the Parish to replace the facilities being lost;  and/or  ii) There is no demand for the continuation of an  employment use on the site and the property or site has  been marketed effectively for a period of at least 12 months  at an appropriate level.  b) New employment facilities  New business and industrial development will be  supported providing the size and scale of any new  buildings proposed for the use are sensitive to their  surroundings, particularly if in close proximity to  residential properties. Any new development should also  be located on previously developed land or within the  settlement boundaries of St Ann’s Chapel, Bigbury Village  or Bigbury on Sea and should not cause harm to the AONB.  In addition, the proposed use should not give rise to use of  a large number of heavy goods vehicles, undue noise,  disturbance or other type of nuisance. | No comment |
| **Policy BP9 – Agricultural development**  Proposals for agricultural development requiring  planning permission (ie outside permitted development  rights) or farm diversification projects will be supported  provided that:  i) It is well related to an existing farmstead or  agricultural complex or very special reasons are provided  to demonstrate why these need to be located elsewhere.  ii) No harm should be caused to the landscape and scenic  beauty of the AONB;  iii) It will not give rise to a significant increase in traffic  or use of heavy goods vehicles;  iv) It will make a continuing contribution to the economic  viability of an existing farm unit;  v) Any associated infrastructure respects the character  and appearance of the area. | No comment. |
| **Policy BP10 – Conversion of Farm and Rural Buildings for**  **Residential Purposes**  Proposals for the conversion of farm or rural buildings for  residential use will be supported. In cases where it can be  demonstrated that the premises are no longer required for  agricultural or any other economic use, that the building  is structurally sound and is capable of conversion without  significant rebuilding or extensions and that any  conversion respects the original character of the building.  Any new dwelling or dwellings created by the conversion  will be subject to the principal residence policy as set out  in Policy BP4. | No comment. |
| **Policy BP11 – Tourism related development**  Proposals which will support the existing tourism  facilities such as new or extended beach shops, cafés,  restaurants, leisure facilities, or enhanced facilities for the  RNLI or Coastguards will be supported. These facilities  should not however result in undue noise or disturbance  or result in a significant increase in traffic, and they  should not be located in locations outside of the existing  villages, on the beach or any undeveloped part of the  coastline or the Avon Estuary. Development on Burgh  Island will be supported where it is related to the  preservation, renovation or enhancement of the existing  hotel, inn or other buildings and assists in the  preservation and enhancement of the function of the  island as a tourist attraction and important area of open  green space. | No comment. |
| **Policy BP12 – Catered holiday accommodation**  a) Loss of existing catered holiday accommodation  Existing hotels, hostels, and bed and breakfast  establishments should be retained unless:  i) The facilities are replaced with other catered holiday  accommodation within the local area.  ii) There is no demand for the continuation of the use and  the property or site has been marketed effectively for a  period of at least 12 months at an appropriate level.  b) New catered holiday accommodation  New proposals for hotels, hostels, bed and breakfast  establishments and extensions will be supported on existing  developed sites or within existing village settlement  boundaries, subject to compliance with Policy BP7 –  General design principles for new development and other  relevant Policies of the Plan. | No comment. |
| **Policy BP13 – Camping and caravan sites**  Having regard to the size and prominence of existing  caravan and camping sites and the harm which has  already been caused to the otherwise rural and open  character of the parish within an area of outstanding  natural beauty any proposals for new, or the extension or  intensification of existing, camping and caravan sites, will  not be supported unless it can be demonstrated that the  proposal will not cause any harm to the character or  appearance of the countryside and will be well screened  by landform, trees or hedgerows. | No comment. |
| **Policy BP14 – Community facilities**  a) Loss of existing community facilities  Existing retail, leisure and other types of community  facilities should be retained unless the facilities are replaced  with community facilities of similar or better quality or  value to the local community;  b) New community facilities  New community facilities will be supported providing that  they would not cause harm to the amenities of nearby  properties, there are adequate off street car parking facilities  available and subject to compliance with Policy BP7 –  General design principles for new development and other  relevant Policies of the Plan. | Suggest addition of a marketing test in respect of a). |
| **Policy BP15 – Local Green Spaces**  The designated ‘Local Green Spaces’ as listed above  should remain permanently open and will be protected  from inappropriate development in accordance with local  and national policy for Green Belts. | Suggest including the list in the Policy itself for clarity.  It would be useful if the Proposals Map at Appendix 15 were moved into the body of the Plan and clearly showed these allocations. |
| **Policy BP16 – Open spaces and recreation**  Public and private open spaces, used for recreation,  leisure or sport should remain open and in use for those  purposes including the recreational ground and playing  fields adjacent to The Memorial Hall at St Ann’s Chapel,  the open space to the north of Bigbury Court and the  Bigbury Golf Club. A new area of public open space will  be provided as part of any new housing development of  8 or more units. There will also be support for existing  and any new or improved recreational facilities including  the swimming pools, fitness centres and beach based  water sports activities at Bigbury on Sea and Challaborough | No comment. |
| **Policy BP17 – Footpaths and cycle tracks**  Existing footpaths within the parish will be protected and  enhanced where possible and opportunities will be  sought and supported to provide new footpaths (whether  public rights of way or permissive paths), bridleways and  cycle tracks to link villages and to provide more access to  the Avon Estuary and the countryside. | No comment. |
| **Policy BP18 – Area of Outstanding Natural Beauty**  Major development within the AONB will not be  supported except in exceptional circumstances where it is  specifically designed to meet the identified local needs of  the parish and is designed to ensure that development  will not cause undue harm to the landscape and scenic  beauty of the AONB.  In considering any development within the AONB great  weight will be given to:  •Conserving and enhancing the natural landscape and  scenic beauty of the area;  •Conserving and enhancing facilities for wildlife, the  cultural heritage and the built heritage of the area;  •Avoiding light pollution due to excessive glazing or  external lighting;  •Avoiding development that would cause undue noise  and disturbance, resulting in loss of existing tranquillity;  •Avoiding loss of wide, unspoilt and iconic views of the  coast and countryside;  •Retaining natural heritage features, including Devon  hedgebanks;  •Retaining the ancient and intricate network of winding  lanes, paths and recreational routes. | No comment. |
| **Policy BP19 – Heritage Coast and Undeveloped Coast**  Development which would have a detrimental effect on  the undeveloped and unspoilt character, appearance and  tranquillity of the Heritage Coast, Undeveloped Coast, its  beaches and the Avon Estuary will not be permitted.  Development will only be permitted in the Undeveloped  Coast where the development:  i) Can demonstrate that it requires a coastal location;  ii) It cannot be located in an area which is not designated  as Undeveloped Coast, such as within existing village  settlement boundaries of Bigbury on Sea, St Ann’s Chapel  or Bigbury Village;.  iii) Protects, maintains and enhances the unique  landscape and seascape character and special qualities of  the area;  iv) Is consistent with policy statements for the local policy  unit as set out in the Shoreline Management Plan (SMP2)  Durlston Head to Rame Head;  v) Is consistent with the policies of the South Devon  AONB Unit Management Plan.  Development for the purposes of agriculture, forestry,  public access and enjoyment of the coast and estuaries or  for community or recreational facilities that meet the  objectively assessed needs of the parish will be supported  if it meets the above tests. | No comment. |
| **Policy BP20 – Woodlands, trees, hedgerows and**  **Devon banks**  Woodlands, trees, hedgerows and Devon banks which  make a significant contribution to the landscape, local  amenity, environmental character of the area or are of  important nature conservation value should be retained.  In particular, development resulting in the loss or  deterioration of irreplaceable habitats, such as ancient  woodland or veteran trees, will be refused, unless there  are wholly exceptional reasons and provision of a suitable  mitigation strategy. If it is essential to remove any  hedgerows or Devon banks as part of new development  this should be kept to a minimum and mitigation  measures such as the planting of new trees and  hedgerows and provision of Devon banks should be  provided where possible. | No comment. |
| **Policy BP21 – Wildlife sites and biodiversity**  Proposals that might affect wildlife sites and habitats  should be avoided. If these sites are affected appropriate  mitigation measures should be put in place and form part  of any planning application proposals.  Measures to enhance the biodiversity should form part of all new development and will be encouraged on all other  sites in the Parish. | No comment. |
| **Policy BP22 – Coastline, beaches and the Avon estuary**  The coastline, beaches and the Avon estuary shall be  protected and conserved and no new development which  might cause harm to the stability and/or beauty of the  coastal cliffs, coastal pathways, beaches or the Avon  estuary will be allowed. Ways to reduce pollution of the  Avon Estuary, litter on the beaches and harm to the marine  life will be promoted. | No comment. |
| **Policy BP23 – Views and vistas**  Important views and vistas should be protected and any  new development which adversely affects these views  will not be supported. This includes development that  might introduce incongruous features, cause harm to the  openness of the area, be visible on the skyline, or intrudes  into or otherwise adversely affects important views of the  sea, the Avon Estuary or views of heritage assets. | As indicated in the Council’s Regulation 14 comments this policy is too general as it stands. Appendix 12 identifies and list the important views. These should be listed in the Policy itself and viewpoints included on the Proposals Map. A separate Proposals Map at a larger scale illustrating the viewpoints would be acceptable. As indicated in comments above the Proposals Map(s) should be included in the body of the Plan. |
| **Policy BP24 – Built heritage**  Great weight shall be given to the conservation of both  designated and non-designated heritage assets as  identified within the Neighbourhood Plan and special  regard shall be given to the desirability of preserving the  asset or its setting and any features of special architectural  or historic interest which it possesses. | No comment. |
| **Policy BP25 – Transport and highways**  The existing network of mainly single track roads with  passing places should be retained, together with the high  Devon banks which are important to the character of the  area. Any new development should have regard to the  need to retain as much Devon bank as possible whilst  ensuring adequate visibility. Opportunities for more  passing places should be considered providing these do  not result in the removal of mature Devon hedgebanks.  Existing footpaths should be maintained, and new or  improved footpaths and cycle ways provided, where  possible, to provide better access to the countryside and  greater safety for pedestrians and cyclists. | No comment. |
| **Policy BP26 – Car parks**  Proposals to develop a car park which is considered  essential to support the tourist industry at Bigbury on Sea  or to serve the needs of the local community will be  supported providing this does not have a harmful effect  on the landscape and beauty of the natural environment  and is compliant with other Policies of the Plan. Any such  proposals should also consider the possibility of  including facilities for coach parking. | No comment. |
| **Policy BP27 - Air Ambulance Night Landing**  Proposals to develop further air ambulance night landing  sites to serve the parish will be supported providing this  does not result in harm to the special qualities of the  AONB and Heritage Coast and is controlled so that it does  not result in unacceptable levels of light pollution and is  in compliance with other Policies of the Plan. | No comment. |
| **Policy BP28 – Parking provision**  Proposals for housing development will be required to  provide a minimum of one off-street parking space for  units with 1 bedroom, a minimum of two off-street  parking spaces for units of 2 bedrooms, and three parking  spaces for units of 3 or more bedrooms.  Proposals for housing developments of three or more  dwelling units should also, if possible, provide additional  spaces for visitors.  Grass verges should be provided in front of properties  where appropriate to discourage parking taking place on  the roads in front of residential properties.  Off-street car parking for other types of development will  be assessed on an individual assessment basis depending  on the type of use and location of the site. | No comment. |
| **Policy BP29 - Connectivity**  Proposals to improve mobile services or Broadband  speeds will be supported subject to the following criteria:  (i) transmitters, receivers (or other structures) are located  close to an existing road or access tracks;  (ii) the equipment is sympathetically designed and/or  camouflaged where appropriate; and  (iii) there is no harmful visual impact on skylines or  important views or vistas. | No comment. |
| **Policy BP30 – Renewable energy**  Proposals for small scale renewable energy schemes, close  to or attached to individual properties will generally be  supported providing these have no harmful impact on the  appearance or character of a designated or undesignated  heritage asset or on the South Devon AONB, including  cumulative landscape and visual impact.  Proposals for solar arrays or wind turbines on open  farmland will not be supported. | No comment. |