

**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 amaximum of 13 dwellings on the site to the rear ofHolywell Stores. At least 60% of the dwellings will beaffordable and include a range of two and three bedroomproperties including some bungalows. The highwaysaccess should be from the B3392 to the north of St Ann’sChapel and a pedestrian/cycle link should be provided tolink into Holwell Lane to provide safe and easy access tothe Holywell Stores and the school bus stop in front ofthe store. A pedestrian link to the Hilltop developmentshould also be provided to enable safe access to theMemorial Hall, children’s playground and playing fieldsand the other school bus stop. An area of public openspace should be provided on site to serve the needs of theresidents. | 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 housingReplacement of existing dwellings, providing these are notshown in the Plan as statutory or local heritage assets, willgenerally be supported providing the proposeddevelopment accords with the Policy BP7 – General designprinciples for new development and other relevant Policiesof the Plan.b) Extensions to existing dwellingsExtensions to existing dwellings will be supportedproviding these are sympathetic to the design of the hostdwelling and meet the relevant criteria set out in Policy BP7– General design principles for new development and otherrelevant Policies of the Plan.c) Additional dwellingsAny additional dwellings should be contained within theexisting settlement boundaries of St Ann’s Chapel, BigburyVillage or Bigbury on Sea and should meet the criteria setout in Policy BP7 – General design principles for newdevelopment and other relevant Policies of the Plan. | No comments. |
| **Policy BP3 – Subdivision of existing plots**The subdivision of existing plots will be permitted onlywhere the following apply:a) There is no loss to the character or environmentalquality of the surroundings;b) The site is serviced by a suitable existing highway onone or more boundaries;c) The proposed plot sizes and dwelling sizes are inkeeping with other building plots and dwelling sizes inthe surrounding area;d) Proper respect is given to the amenity of adjoiningproperties including outlook and views;e) Provision is made for useable private garden space forboth the existing and proposed dwellings;f) The existing front building line, where appropriate, ismaintained;g) There is adequate space for off street parking togetherwith areas of soft landscaping;h) Verges in front of properties are maintained and thefront boundary treatment is consistent with that ofneighbouring properties;i) New and replacement front boundary walls, hedgesand/or fences are kept low, generally not exceeding onemetre in height | No comments. |
| **Policy BP4 – Principal residence**Due to the impact on the local housing market anduncontrolled growth of dwellings used for holidayaccommodation (second homes or holiday lets) new openmarket housing, other than one for one replacementdwellings, will only be supported where there is a Section106 Agreement in place to ensure its occupancy as aprincipal residence. A principal residence is defined as adwelling where the resident(s) spend the majority of theirtime when not working away from home. Proof ofprincipal residence includes, but is not limited to beingregistered on the local electoral roll, at a local school or atthe local healthcare centre.Where proposals for the replacement of existingdwellings by more than the number of dwellings to bedemolished is approved the additional dwellings will besubject to a Section 106 Agreement to ensure occupancyas a principal residence.Proposals for open market housing (excluding one for onereplacement dwellings) without a Section 106 Agreementto ensure occupancy as a principal residence will not besupported. | No comment. |
| **Policy BP5 – Housing for the elderly**Proposals for sheltered housing or assisted livingaccommodation will be encouraged providing these areon a previously developed site or sites within the villagesettlement boundaries. They would also need to meet theother Policies of the Plan, including those relating tolayout and design, and any new development would needto ensure that the appearance and character of the villagesor 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 forthe elderlyLoss of existing care homes or nursing homes will only beacceptable in exceptional circumstances where:i) New facilities of a similar type are provided in the localarea to replace the facilities being lost; orii) There is a proven absence of demand for thecontinuation of the use and the site has been marketedeffectively for such use over a period of at least 12 monthsat an appropriate level.In circumstances where the loss of an existing care home ornursing home is considered to be acceptable, the site shouldbe used for some alternative provision for the elderly, suchas the provision of dwellings, specifically designed for theelderly, and subject to an occupancy restriction to ensurethat 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 otherrelevant policies of the Plan.b) Proposals for new care or nursing homes for the elderlyProposals for new care or nursing homes will beencouraged providing these are on previously developedsites or sites within the village settlement boundaries andwould meet the other Policies of the Plan, including thoserelating to layout and design. Any new developmentwould need to ensure that the appearance and character ofthe villages or surrounding countryside was not harmed. | No comment. |
| **Policy BP7 – General design principles for new****Development**When considering new and replacement housingdevelopment, in locations which are considered to beacceptable in principle and which meet the other relevantpolicies of this plan, the following criteria should betaken fully into account:i) Proposals should be locally distinctive, reflecting theappearance and character of the area in which thedevelopment is to be located. In this respect regard shouldbe had to the design guidance set out in the village studiesset out in Appendices 7-10. Innovative contemporarydesign solutions may be acceptable in some locationsproviding these do not have a harmful effect on theoverall appearance and character of the area and do notby reason of an excessive amount of glazing result inunreasonable levels of light pollution;ii) The height, scale and density of development shouldreflect the existing grain, height, density and pattern ofdevelopment in the surrounding area. The materials usedfor the external elevations should preferably be naturalmaterials and be consistent with those used for otherbuildings in the locality, providing these do not detractfrom the appearance and character of the surroundings;iii) The front building line should be maintained whereappropriate;iv) Verges in front of properties should be maintained;v) Front boundary walls, hedges, and/or fences shouldbe kept low, generally not exceeding one metre in height;vi) Proposals should protect residential amenity andshould not have an unacceptable impact on the livingconditions of occupiers of neighbouring properties byreason of loss of outlook, loss of important views,including views of the sea, estuary, river valleys andmoorland, loss of privacy or overlooking, overbearing anddominant impact, noise or other disturbance;vii) Proposals should be designed to limit the impact oflight pollution from artificial light resulting in harm tolocal 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 naturalfeatures, or the need to provide excessive widening oflocal roads. Adequate off street car parking in accordancewith Policy BP28 should also be provided on part of thesite which would not cause nuisance to the occupiers ofneighbouring properties; ix) Proposals should ensure that the infrastructure needsof the development can be provided and put in place priorto the commencement of the development whereappropriate or provided prior to the occupation of thedevelopment;x) Proposals should retain important natural featuresincluding the retention of existing trees, hedgerows andgrass verges and should include proposals to enhance thelandscaping of the site and improve its biodiversity;xi) Proposals should seek to ensure protection ofstatutory and non-statutory heritage assets both aboveand below ground;xii)High levels of sustainability aiming for zero levels ofcarbon emissions should be used in the design andconstruction.Including the retention of existing trees, hedgerows andgrass verges and should include proposals to enhance thelandscaping of the site and improve its biodiversity;xiii) Proposals should seek to ensure protection ofstatutory and non-statutory heritage assets both aboveand below ground. | No comment. |
| **Policy BP8 – Existing and proposed employment**a) Loss of existing employment facilitiesLoss of existing employment facilities will only beacceptable in exceptional circumstances where:i) Alternative employment facilities have been providedelsewhere in the Parish to replace the facilities being lost;and/orii) There is no demand for the continuation of anemployment use on the site and the property or site hasbeen marketed effectively for a period of at least 12 monthsat an appropriate level.b) New employment facilitiesNew business and industrial development will besupported providing the size and scale of any newbuildings proposed for the use are sensitive to theirsurroundings, particularly if in close proximity toresidential properties. Any new development should alsobe located on previously developed land or within thesettlement boundaries of St Ann’s Chapel, Bigbury Villageor Bigbury on Sea and should not cause harm to the AONB.In addition, the proposed use should not give rise to use ofa large number of heavy goods vehicles, undue noise,disturbance or other type of nuisance. | No comment |
| **Policy BP9 – Agricultural development**Proposals for agricultural development requiringplanning permission (ie outside permitted developmentrights) or farm diversification projects will be supportedprovided that:i) It is well related to an existing farmstead oragricultural complex or very special reasons are providedto demonstrate why these need to be located elsewhere. ii) No harm should be caused to the landscape and scenicbeauty of the AONB;iii) It will not give rise to a significant increase in trafficor use of heavy goods vehicles;iv) It will make a continuing contribution to the economicviability of an existing farm unit;v) Any associated infrastructure respects the characterand 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 forresidential use will be supported. In cases where it can bedemonstrated that the premises are no longer required foragricultural or any other economic use, that the buildingis structurally sound and is capable of conversion withoutsignificant rebuilding or extensions and that anyconversion respects the original character of the building.Any new dwelling or dwellings created by the conversionwill be subject to the principal residence policy as set outin Policy BP4. | No comment. |
| **Policy BP11 – Tourism related development**Proposals which will support the existing tourismfacilities such as new or extended beach shops, cafés,restaurants, leisure facilities, or enhanced facilities for theRNLI or Coastguards will be supported. These facilitiesshould not however result in undue noise or disturbanceor result in a significant increase in traffic, and theyshould not be located in locations outside of the existingvillages, on the beach or any undeveloped part of thecoastline or the Avon Estuary. Development on BurghIsland will be supported where it is related to thepreservation, renovation or enhancement of the existinghotel, inn or other buildings and assists in thepreservation and enhancement of the function of theisland as a tourist attraction and important area of opengreen space. | No comment. |
| **Policy BP12 – Catered holiday accommodation**a) Loss of existing catered holiday accommodationExisting hotels, hostels, and bed and breakfastestablishments should be retained unless:i) The facilities are replaced with other catered holidayaccommodation within the local area.ii) There is no demand for the continuation of the use andthe property or site has been marketed effectively for aperiod of at least 12 months at an appropriate level.b) New catered holiday accommodationNew proposals for hotels, hostels, bed and breakfastestablishments and extensions will be supported on existingdeveloped sites or within existing village settlementboundaries, subject to compliance with Policy BP7 –General design principles for new development and otherrelevant Policies of the Plan. | No comment. |
| **Policy BP13 – Camping and caravan sites**Having regard to the size and prominence of existingcaravan and camping sites and the harm which hasalready been caused to the otherwise rural and opencharacter of the parish within an area of outstandingnatural beauty any proposals for new, or the extension orintensification of existing, camping and caravan sites, willnot be supported unless it can be demonstrated that theproposal will not cause any harm to the character orappearance of the countryside and will be well screenedby landform, trees or hedgerows. | No comment. |
| **Policy BP14 – Community facilities**a) Loss of existing community facilitiesExisting retail, leisure and other types of communityfacilities should be retained unless the facilities are replacedwith community facilities of similar or better quality orvalue to the local community;b) New community facilitiesNew community facilities will be supported providing thatthey would not cause harm to the amenities of nearbyproperties, there are adequate off street car parking facilitiesavailable and subject to compliance with Policy BP7 –General design principles for new development and otherrelevant 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 aboveshould remain permanently open and will be protectedfrom inappropriate development in accordance with localand 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 thosepurposes including the recreational ground and playingfields adjacent to The Memorial Hall at St Ann’s Chapel,the open space to the north of Bigbury Court and theBigbury Golf Club. A new area of public open space willbe provided as part of any new housing development of8 or more units. There will also be support for existingand any new or improved recreational facilities includingthe swimming pools, fitness centres and beach basedwater sports activities at Bigbury on Sea and Challaborough | No comment. |
| **Policy BP17 – Footpaths and cycle tracks**Existing footpaths within the parish will be protected andenhanced where possible and opportunities will besought and supported to provide new footpaths (whetherpublic rights of way or permissive paths), bridleways andcycle tracks to link villages and to provide more access tothe Avon Estuary and the countryside. | No comment. |
| **Policy BP18 – Area of Outstanding Natural Beauty**Major development within the AONB will not besupported except in exceptional circumstances where it isspecifically designed to meet the identified local needs ofthe parish and is designed to ensure that developmentwill not cause undue harm to the landscape and scenicbeauty of the AONB.In considering any development within the AONB greatweight will be given to:•Conserving and enhancing the natural landscape andscenic beauty of the area;•Conserving and enhancing facilities for wildlife, thecultural heritage and the built heritage of the area;•Avoiding light pollution due to excessive glazing orexternal lighting;•Avoiding development that would cause undue noiseand disturbance, resulting in loss of existing tranquillity;•Avoiding loss of wide, unspoilt and iconic views of thecoast and countryside;•Retaining natural heritage features, including Devonhedgebanks;•Retaining the ancient and intricate network of windinglanes, paths and recreational routes. | No comment. |
| **Policy BP19 – Heritage Coast and Undeveloped Coast**Development which would have a detrimental effect onthe undeveloped and unspoilt character, appearance andtranquillity of the Heritage Coast, Undeveloped Coast, itsbeaches and the Avon Estuary will not be permitted.Development will only be permitted in the UndevelopedCoast where the development:i) Can demonstrate that it requires a coastal location;ii) It cannot be located in an area which is not designatedas Undeveloped Coast, such as within existing villagesettlement boundaries of Bigbury on Sea, St Ann’s Chapelor Bigbury Village;.iii) Protects, maintains and enhances the uniquelandscape and seascape character and special qualities ofthe area;iv) Is consistent with policy statements for the local policyunit as set out in the Shoreline Management Plan (SMP2)Durlston Head to Rame Head;v) Is consistent with the policies of the South DevonAONB Unit Management Plan.Development for the purposes of agriculture, forestry,public access and enjoyment of the coast and estuaries orfor community or recreational facilities that meet theobjectively assessed needs of the parish will be supportedif it meets the above tests. | No comment. |
| **Policy BP20 – Woodlands, trees, hedgerows and****Devon banks**Woodlands, trees, hedgerows and Devon banks whichmake a significant contribution to the landscape, localamenity, environmental character of the area or are ofimportant nature conservation value should be retained.In particular, development resulting in the loss ordeterioration of irreplaceable habitats, such as ancientwoodland or veteran trees, will be refused, unless thereare wholly exceptional reasons and provision of a suitablemitigation strategy. If it is essential to remove anyhedgerows or Devon banks as part of new developmentthis should be kept to a minimum and mitigationmeasures such as the planting of new trees andhedgerows and provision of Devon banks should beprovided where possible. | No comment. |
| **Policy BP21 – Wildlife sites and biodiversity**Proposals that might affect wildlife sites and habitatsshould be avoided. If these sites are affected appropriatemitigation measures should be put in place and form partof any planning application proposals.Measures to enhance the biodiversity should form part of all new development and will be encouraged on all othersites in the Parish. | No comment. |
| **Policy BP22 – Coastline, beaches and the Avon estuary**The coastline, beaches and the Avon estuary shall beprotected and conserved and no new development whichmight cause harm to the stability and/or beauty of thecoastal cliffs, coastal pathways, beaches or the Avonestuary will be allowed. Ways to reduce pollution of theAvon Estuary, litter on the beaches and harm to the marinelife will be promoted. | No comment. |
| **Policy BP23 – Views and vistas**Important views and vistas should be protected and anynew development which adversely affects these viewswill not be supported. This includes development thatmight introduce incongruous features, cause harm to theopenness of the area, be visible on the skyline, or intrudesinto or otherwise adversely affects important views of thesea, 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 bothdesignated and non-designated heritage assets asidentified within the Neighbourhood Plan and specialregard shall be given to the desirability of preserving theasset or its setting and any features of special architecturalor historic interest which it possesses. | No comment. |
| **Policy BP25 – Transport and highways**The existing network of mainly single track roads withpassing places should be retained, together with the highDevon banks which are important to the character of thearea. Any new development should have regard to theneed to retain as much Devon bank as possible whilstensuring adequate visibility. Opportunities for morepassing places should be considered providing these donot result in the removal of mature Devon hedgebanks.Existing footpaths should be maintained, and new orimproved footpaths and cycle ways provided, wherepossible, to provide better access to the countryside andgreater safety for pedestrians and cyclists. | No comment. |
| **Policy BP26 – Car parks**Proposals to develop a car park which is consideredessential to support the tourist industry at Bigbury on Seaor to serve the needs of the local community will besupported providing this does not have a harmful effecton the landscape and beauty of the natural environmentand is compliant with other Policies of the Plan. Any suchproposals should also consider the possibility ofincluding facilities for coach parking. | No comment. |
| **Policy BP27 - Air Ambulance Night Landing**Proposals to develop further air ambulance night landingsites to serve the parish will be supported providing thisdoes not result in harm to the special qualities of theAONB and Heritage Coast and is controlled so that it doesnot result in unacceptable levels of light pollution and isin compliance with other Policies of the Plan. | No comment. |
| **Policy BP28 – Parking provision**Proposals for housing development will be required toprovide a minimum of one off-street parking space forunits with 1 bedroom, a minimum of two off-streetparking spaces for units of 2 bedrooms, and three parkingspaces for units of 3 or more bedrooms.Proposals for housing developments of three or moredwelling units should also, if possible, provide additionalspaces for visitors.Grass verges should be provided in front of propertieswhere appropriate to discourage parking taking place onthe roads in front of residential properties.Off-street car parking for other types of development willbe assessed on an individual assessment basis dependingon the type of use and location of the site. | No comment. |
| **Policy BP29 - Connectivity**Proposals to improve mobile services or Broadbandspeeds will be supported subject to the following criteria:(i) transmitters, receivers (or other structures) are locatedclose to an existing road or access tracks;(ii) the equipment is sympathetically designed and/orcamouflaged where appropriate; and(iii) there is no harmful visual impact on skylines orimportant views or vistas. | No comment. |
| **Policy BP30 – Renewable energy**Proposals for small scale renewable energy schemes, closeto or attached to individual properties will generally besupported providing these have no harmful impact on theappearance or character of a designated or undesignatedheritage asset or on the South Devon AONB, includingcumulative landscape and visual impact.Proposals for solar arrays or wind turbines on openfarmland will not be supported. | No comment. |