

# Bigbury Neighbourhood Plan 2019 – 2034

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## **Bigbury Parish Council's Response to Initial Comments of the Independent Examiner**

Prepared by Bigbury Neighbourhood Plan Steering  
Group on behalf of the Bigbury Parish Council

18<sup>th</sup> October, 2019

## Introduction

John Slater, who has been appointed as the Independent Examiner for the Bigbury Neighbourhood Plan has now visited the area and provided an Initial List of Comments regarding the Neighbourhood Plan which have been placed on the community website. Mr Slater has asked Bigbury Parish Council and South Hams District Council to respond to these comments and questions he has raised and we set out below the responses which have been prepared by the Neighbourhood Plan Steering Group on behalf of the Bigbury Parish Council.

The Chairman of the Parish Council, Cllr Beth Huntley is a member of the Steering Group and Cllr Valerie Scott, the Chairman of the Steering Group is also a Parish Councillor. All the other Parish Councillors have been sent a copy of these responses and have raised no objection to the responses which have been given.

## Regulation 16 Comments

Question 4 – The Inspector has provided an opportunity for the Parish Council to respond to any comments made in representations submitted at Regulation 16 stage. The Parish Council welcome this opportunity and set out their comments below.

### **South Hams District Council**

#### **Policy BP1 – Housing Allocation**

There is a plan in Appendix 7 which shows this housing allocation but the Parish Council agree that this should be shown on the Proposals Map and that a plan showing this allocation should be included in the body of the Plan. It could also be included on Figure 6 which shows the settlement boundary for St Ann's Chapel.

SHDC response to above – No comment.

Policy BP14 – Community facilities

The Parish Council agree that a marketing test should be included in respect of a) which relates to the loss of existing community facilities.

SHDC response to above – No comment.

Policy BP15 – Local Green Spaces

The Parish Council would be happy to include the list of Local Green Spaces within the policy itself. The Proposals Map at Appendix 15 does need to be at A3 size and we are not sure how we could include this in the body of the plan. Further advice on where the Proposals Maps should be shown would be welcomed.

Separate plans showing the Local Green Spaces could be included in the body of the plan if required.

SHDC response to above – See comment on BP23 below.

Policy BP23 – Views and Vistas – Consideration was given to including the viewpoints on the Proposals Maps but this did result in the Proposals Maps being too cluttered. A new map of larger size to show the viewpoints could be included in the body of the plan or a separate Policy Map could be provided.

SHDC response to above – The Council consider all land use proposals should be included on the Proposals Map(s) within the body of the NP text. It is suggested that, given the nature of the proposals, it will be necessary to use a series of Plans at differing scales to obtain clarity and avoid clutter.

## **John Davies**

Points 1 and 2 - We are already in the process of arranging for high speed Broadband connections throughout the parish. Gigaclear have already provided a significant amount of infrastructure in the northern part of the parish and at Bigbury on Sea. This work has not as yet been completed but we have been advised that it is the intention of Gigaclear to complete this work so that connections to the new underground fibre system for most households and businesses in the parish will be in place within the next year or two. The Neighbourhood Plan does include a policy, Policy BP29 to support the improvement of mobile services and Broadband speeds.

Point 3 – The proposed community led housing scheme at St Ann’s Chapel has been designed to meet the current affordable housing needs of the parish and we do not anticipate a need for more affordable housing within the time period of the Neighbourhood Plan but this matter will be reviewed every five years. The policies relating to the provision of affordable housing for any new housing development will need to be in accordance with the policies of the Joint Local Plan.

## **Historic England**

Mr Stuart refers to the comments made by Historic England at Regulation 14 stage which related to the need to consider proposals to sustain or enhance the nationally designated monument of the Holy Well at St Ann’s Chapel as part of the proposals for the community led housing scheme.

These matters are being addressed. The site of the Holy Well which had been overgrown has now been cleared by the

landowner and photographs of this have been sent to Historic England. As part of the Section 106 Agreement relating to the housing development a schedule of works relating to the maintenance of the Holy Well will be put in place. In addition signage will be provided to direct people interested in this heritage asset to be able to find the site more easily.

### **South West Coast Path Association**

The Neighbourhood Plan provides full support for the protection and enhancement of the South West Coast Path, soon to become the England Coast Path.

- (a) BP15 and BP16 - The Parish Council do not consider it appropriate to identify the Coast Path as a Local Green Space (Policy BP15) or to be part of the policy for providing new areas of open space (Policy BP16).
- (b) BP17 - Two of our Parish Councillors, including the Chairman are already in discussion with the Bantham Estate to discuss possible improvements to the footpath along the Avon Estuary and to provide a more convenient and regular ferry crossing between Bigbury and Bantham, avoiding the long, inland diversion via Aveton Gifford.
- (c) BP18 - We do not consider it necessary to refer specifically to the National Trail but would have no objection to adding reference to this if required.
- (d) BP19 – A further criterion could be added to Policy BP19 to protect and enhance the integrity and character of the South West Coast Path and connecting paths, including views from such routes.

- (e) BP22 – The Parish Council would have no objection to changing ‘coastal pathways’ to ‘Coast Path and links to it’.
- (f) BP23 – Agree. Reference to the Coast Path could be added.
- (g) BP24 – The Parish Council would be happy to agree to adding in reference to the history of the Coast Path in the Neighbourhood Plan but we would need to carry out more research to know which parts of the coast path should or could be regarded as non-designated heritage assets for the purposes of Policy BP24.
- (h) BP25 – The Parish Council would have no objection to adding in reference to the South West Coast Path and England Coast Path to this policy.
- (i) BP11 – It is agreed that improving the ferry service would be very beneficial to the tourist offer and the Parish Council are already actively engaged in trying to improve this service.

### **Devon Countryside Access Forum**

Para 4.77 - The Parish Council acknowledge the comments made by the Devon Countryside Access Forum with regard to the legal responsibilities of Devon County Council’s public rights of way team and are happy to include reference to this and to the England Coast Path process in the text of the Neighbourhood Plan.

Para 4.90 – The Parish Council consider that the designation requirements for Local Green Spaces have been met.

Para 4.98 – The Parish Council acknowledge that cyclists are not permitted on the footpaths in Bigbury Parish. Reference to this could be included in para 4.98 if considered necessary.

Policy BP17 - The Neighbourhood Plan Steering Group did consider whether it might be possible to improve the access for people with pushchairs or mobility difficulties. Some improvements have been made to public footpaths on The Warren owned by SHDC and the footpath from the overflow car park down to the beach at Clematon Hill, owned by the National Trust. Reference to improving access for people with mobility difficulties could be included in Policy BP17 if considered appropriate.

Policy BP25 – The Parish Council acknowledge the responsibilities of Devon CC for making adjustments/improvements to highways and paths and do work closely with the County Council in respect of these matters.

It is agreed that Policy BP25 should be amended to include reference to horse riders.

SHDC response - No comment on the other Reg consultees.

## The Plan Period

Question 5 – We can confirm that the Bigbury Parish Council would like the Inspector to recommend that the end of the plan period should be amended to 2034 from 2038.

SHDC response to above – No comment.

## Policy BP 1 – Housing Allocations

Question 6 - A site plan of the allocation site is attached and we confirm that the Proposals Map will be amended to include this site allocation.

SHDC response to above – No comment.

Question 7 - Whilst South Hams have been asked to respond to Question 7 the Parish Council would also like to make some comments.

At their meeting on 22<sup>nd</sup> May 2019 the Development Management Committee of South Hams District Council did agree the recommendation of the Head of Development Management Practice (HoP), to delegate to HoP in conjunction with the Chairman of the Committee to conditionally grant planning permission for Application 4214/18/FUL, subject to a Section 106 legal obligation.

The Section 106 legal obligation is currently being finalised and is expected to be signed by all parties within the next few weeks.

It was also resolved by the Development Management Committee that in the event the Section 106 legal Agreement being unsigned six months after the resolution was made (ie 22<sup>nd</sup> October 2019), the application would be reviewed by the HoP and the Chairman of the Committee, and if no progress had been made delegated authority was given to HoP to refuse the application in the absence of an agreed S106 Agreement.

The Parish Council are aware that considerable progress has been made in respect of the legal Agreement and that it is anticipated that the Agreement will be signed within the next few weeks. We trust therefore that the HoP and the Chairman will agree to an extension of time to enable this Legal Agreement to be signed and the decision notice to be issued.

SHDC response to above – The Council confirm the factual information and comments of the Parish Council. It is expected the permission will be issued in 4-8 week's time.



## Policy BP 2 – Other Housing Development

Question 8 – Although planning permission was granted on appeal for a residential development on land to the south west of St Ann’s Chapel the land has been up for sale since this time and there is no guarantee that this development will be implemented. The Parish Council were strongly opposed to the development of this site and there is currently doubt as to its viability having regard to the need for the developer to also have to pay for the cost of diverting the C252 (road from Ringmore to St Ann’s Chapel). The Parish Council also strongly objected to this road diversion and still hope that this diversion will not take place.

The Parish Council do not therefore wish to amend the settlement boundary to include this site but would be prepared to review the settlement boundary in the future should this development be fully implemented.

In terms of the allocated site the Parish Council would wish this site to be included in the settlement boundary but only if the development is implemented. This is an exception site in terms of being developed for primarily affordable housing and the Parish Council would not wish this site to be developed by a developer for the purposes of providing mainly private housing.

The Parish Council would therefore like the settlement boundary for St Ann’s Chapel to remain as currently shown with the possibility of review of this settlement boundary if one or both of these developments are implemented.

SHDC response to above – No objection to the approach proposed by the Parish Council.

Question 9 – The Parish Council consider that there should be cross referencing between Policies BP2 and BP3 and that the criteria relating to the subdivision of existing plots should also apply to replacement housing, extensions to existing dwellings and additional dwellings.

SHDC response to above – No comment.

Question 10 – The Parish Council consider that the policy relating to the subdivision of existing plots should only apply to residential plots which are located within the settlement boundaries of St Ann’s Chapel, Bigbury Village and Bigbury on Sea in accordance with Policy BP2(c). It is accepted that Policy BP3 should be amended to make this clear.

SHDC response to above – No comment.

## Policy BP 3 – Subdivision of existing plots

Question 11 – Policy BP3(d) does require proper **respect** to be given to the amenity of adjoining properties including outlook and **views** for the reason that development in this area, particularly at Bigbury on Sea, has been carefully designed to ensure that most of the properties do benefit from splendid views of either the sea, the estuary or the surrounding countryside.

Whilst we accept that planning is intended to protect public rather than private interests, in this parish it is a strong desire of the local community that regard be paid to the important views from residential properties. We consider that development which results in significant or complete loss of important views would be regarded as an unneighbourly type of development and should be avoided.

There have been a few recent cases, particularly at Bigbury on Sea, where views have been severely harmed or completely lost as a result of unreasonably large extensions or significant increases in the height of new development. This can often occur when former bungalows are replaced with two storey houses. We do consider that the need to have regard to the amenity of adjoining residential properties, including their views to be in the public interest as many people come to live in this area in order to enjoy the wonderful views which are a feature of most properties throughout the parish.

Policy DEV20 of the Plymouth and South Devon Joint Local Plan entitled '*Place shaping and quality of the built environment*' requires that development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment through inter alia '***having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands of movement to and from nearby locations.***'

We hope that the Inspector will recognise the importance to the local community of protecting important views, which would be consistent with the above policy.

SHDC response to above –The Council provided input towards the formulation of Policy BP3 and accept the Parish Council's view that the original design and layout principles that underpinned the development of a large part of Bigbury should be maintained. The original development used slope and design to ensure each property

enjoyed views. The Council support the Parish Council's desire to respect and maintain those design principles.

## Policy BP 5 – Housing for the elderly

Question 12 – The reference to previously developed sites in relation to Policy BP 5 would include any land on which there is a permanent building but not land that is or was last used for agriculture and not land used primarily for the purposes of car parking.

SHDC response to above – No comment.

## Policy BP 7 – General design principles for new development

Question 13 – The Parish Council can confirm that this policy is intended to cover all new development and would be happy to omit the words 'and replacement housing' from the text in the first paragraph.

SHDC response to above – No comment.

Question 14 – The paragraph between criterion xii) and xii) is an error and criterion xii) also needs to be deleted as it is a repetition of criterion xi).

SHDC response to above – No comment.

## Policy BP 8 – Existing and proposed employment

Question 15 – The Parish Council accept that there could be confusion in relation to whether Policy BP 8 would also apply to the loss of a tourism or community facilities and would be willing to accept a change to the wording of this policy so that it relates only to Class B uses.

SHDC response to above – No comment.

Question 16 – When considering whether adequate alternative facilities have been provided this should refer to facilities of a similar nature. The test of marketing would need to demonstrate that there is no demand for a similar type of business.

SHDC response to above – No comment.

Question 17 - The preferred use of a site used for Class B purposes would be the continuation of a Class B use but an alternative use such as sheltered housing, leisure, tourism or retail use could be considered acceptable if adequate marketing at an appropriate level for the continuation of the Class B1 use has been first shown.

SHDC response to above – No comment.

Question 18 – The Parish Council agree that this policy should include the change of use/conversion of buildings as well as new buildings. The policy does not include agricultural land under the definition of previously developed land. This would be subject to Policy BP 9, as farm diversification projects.

SHDC response to above – No comment.

## Policy BP9 – Agricultural Development

Question 19 – Criterion iii) is intended to refer to a significant increase in any type of traffic (cars and heavy goods vehicles). It is accepted that many farm diversification schemes might result in the use of some heavy goods vehicles.

SHDC response to above – No comment.

## Policy BP 10 – Conversion of farm and rural buildings for residential purposes

Question 20 - The full stop at the end of the first sentence of this policy is an error. Support is only given to the conversion of farm buildings for residential use in cases which meet the criteria of being '*no longer required for agriculture use or other economic use*'. The reference to other economic use was intended to relate to a use which might relate to other activities at the farm or a use relating to a farm diversification scheme. Use for other alternative purposes of benefit to the local community such as Class B1 uses would also be supported.

SHDC response to above – No comment.

## Policy BP 11 – Tourism related development

Question 21 – The Parish Council consider that tourist related uses would be appropriate within the settlement boundaries of all of the villages, the area between the beach and settlement boundary of Bigbury on Sea and on the existing built up part of Burgh Island. The Parish Council agree that the wording of the policy does require greater clarity.

SHDC response to above – No comment.

## Policy BP 12 – Catered holiday accommodation.

Question 22 – To meet the first criterion an application involving the loss of catered holiday accommodation would need to be tied to an application for the change of use of other premises to be used for catered holiday accommodation. These alternative facilities should be within the parish.

SHDC response to above – No comment.

Question 23 – SHDC have provided the following response to this question.

The LPA would assess each B&B on a case by case basis taking into account fact and degree in determining if a material change of use from C3 has taken place. Generally we take the view that if the number of letting rooms is less than the number of non-letting bedrooms the use remains C3 – but if greater then a change of use has occurred. For example; Using 2 bedrooms for letting in a 5 bedroom house would not normally be a change of use – but using 3 bedrooms for letting in a 5 bed house would be a material change of use. It should be noted, however, that a very large house with say 12 bedrooms might be deemed to have a material change of use with the letting of only 5 bedrooms due to the increase in comings and goings and parking impacts on the overall character of the property in question.

## Policy BP 15 – Local Green Spaces

Question 24 – The Main Modifications of the then emerging Joint Local Plan, published in October 2018, were reported to the Bigbury Parish Council on 14 November 2018. The Modifications included a new policy on Local Green Spaces which stated that these were to be designated in neighbourhood plans. A list of potential Local Green Spaces were considered by the Parish Council at this meeting and this list was subsequently published for consultation purposes in the Bigbury News and on the community website.

Following this consultation additional sites were added or changed in size and one site on private land was removed following a meeting with one of the landowners who had objected to this designation.

The revised list was reported to the Parish Council at their meeting on 9 January 2019. The revised list was also published in the Bigbury News and on the community website. No further objections were received.

The revised list was included in the Regulation 14 Consultation Plan. The consultation at Regulation 14 stage was published in the Bigbury News and on the community website. Individual letters being sent out to all the major landowners in the parish and to all businesses. These notices and letters included links to the Neighbourhood Plan and reference to where hard copies of the Draft Plan could be viewed.

The individual letters at Regulation 14 Consultation stage included letters to the Bantham Estate who own the land at **Cockleridge Ham** and the **Bigbury Golf Club**. Separate letters were also sent to officers of the Golf Club. Planning Consultants acting for the Bantham Estate recommended deleting the Golf Club from the List of Local Green Spaces but had no objection to the inclusion of Cockleridge Ham. There were other objections to the inclusion of the Golf Club including an objection from SHDC and one from another major agricultural land owner.

Regulation 14 consultation letters were sent to the Manager and the principal owner of the Burgh Island Hotel. The owners of the hotel also own all of the land shown as **Local Green Space on Burgh Island**. The owners of the hotel are aware of the proposed designation of the land outside the built up part of the hotel complex.

A Regulation 14 consultation letter was sent to the National Trust who own the land proposed to be designated at **Clematon Hill** and the land at **Warren Point**.

SHDC own the land at **The Warren** and have raised no objection to this designation.

Land at **Bigbury Green** is owned by Bigbury Parish Council who are in favour of this land becoming designated as Local Green Space.



The open land around **The Dovecote** is in private ownership, owned by the son of our former Chairman of the Parish Council and is also one of our Steering Group members. The owner was made aware of this proposed designation and has no objection.

Land to the **north of Bigbury Court Barns** is owned and managed by the Bigbury Court Leasehold Ltd. We have discussed the inclusion of this land with the Management Company and they have confirmed that they have no objection.

The **open space within the new community led development** at St Ann's Chapel is on land currently owned by the farmer, Mr Dudley Hext but will be shortly owned by SHDC. Neither the current land owner nor SHDC have any objection to this designation.

There has been no direct communication with the owners of land on **Site SX663 471** at St Ann's Chapel. This belongs to a consortium of owners who live locally and should be aware of the policies of the Neighbourhood Plan.

SHDC response to above – No comment.

Question 25 – These three residential properties have been included in error. A plan showing the revised area will be sent to the Inspector.

SHDC response to above – No comment.

## Policy BP 19 – Heritage Coast and Undeveloped Coast

Question 26 – Whilst this policy is similar to Policy DEV 24 of the Joint Local Plan the Parish Council consider that it would be helpful to include this in the Neighbourhood Plan to provide clarity to those reading the policies of the plan. Although the whole of the parish (apart from Burgh Island) is in the AONB the policies relating to

future development in the **southern part** of the parish are more restrictive than those in the **northern part** due to its designation as Heritage Coast and Undeveloped Coast.

This distinction is not always clear to people who are not familiar with the details of the policies of Joint Local Plan and rather than just having a policy relating to the AONB we consider that a policy which identifies the more restrictive policies relating to the Heritage Coast and Undeveloped Coast affecting the southern part of the parish, including Burgh Island, is important for the proper understanding of the restrictions to development outside of the settlement boundaries.

SHDC response to above – No comment.

## Policy BP 24 – Built heritage

Question 27 – The list of non-designated heritage assets are not included on any formal list provided by SHDC as SHDC have not so far prepared a list of locally listed buildings or structures. The Parish Council would therefore like these non-designated heritage assets to be recognised as such as part of the Neighbourhood Plan.

The list which has been prepared by the Parish Council has been the subject of discussions with Richard Gage, the Senior Conservation Officer of SHDC and also with Susan Watts, Historic Environment Team of Devon CC. Many of the heritage assets are also included in the Devon Historic Environmental Records.

SHDC response to above – No comment.

Question 28 – The Bay View Café is an annexe to Warren Cottage and is itself of local heritage significance in terms of its use as a tea

room/cafe since the early 20<sup>th</sup> century. Warren Cottage is of more historic value having been built circa 1820 and being the oldest surviving property in Bigbury on Sea. The Parish Council therefore considered that they should be subject to separate listings but would have no objection to these being combined.

Question 29 – The Warren does have heritage value as well as being an important open space. It is a Medieval rabbit warren and is included in the Devon Historic Environmental Records.

SHDC response to above – No comment.

## Policy BP 26 – Car Parks

Question 31 – This policy is intended to provide support for a more permanent car park at Bigbury on Sea on land to the north of the settlement boundary. This car park could also include coach parking. The likelihood is that this would be on the site of the temporary car park on the land which forms part of Folly Farm. This car park was the subject of an application for a Certificate of Existing Lawful Use as a car park which was approved but the lawful use rights do not include coach parking. Coach parking is not permitted in the main car park at Bigbury on Sea and finding a convenient place to provide coach parking is a problem.

It is not currently anticipated that there will need for additional car parks in the parish.

SHDC response to above – No comment.

## Policy BP 28 – Parking provision

Question 32 – The Parish Council do consider that there is strong evidence to support the need for a policy relating to the provision of car parking for new housing development. Neither South Hams

District Council nor Devon County Council have any published car parking standards but normally require one car parking spaces for a one bedroom property, two car parking spaces for properties with two bedrooms and three parking spaces for properties with three or more bedrooms. Additional spaces for visitors are also expected for larger schemes, which is similar to the car parking standards which are now being recommended in the Neighbourhood Plan.

There is a particular need for on-site car parking for residential properties in the Parish of Bigbury as there is virtually no public transport available. Private transport is therefore required for inter alia visiting shops, pubs or restaurants, social events, visits to the health centre or hospitals, and getting to and from work.

There is only one bus service a week (to and from Plymouth) and whilst there are school buses these are for school children only and many parents/guardians need to use cars to deliver or pick up the younger children from nursery schools or from the primary/secondary schools/further education centres if the students stay for out of normal school hour activities.

The roads are very narrow with few footpaths and not generally wide enough for on street parking. At Bigbury on Sea it is important to avoid tourists parking on residential roads, which is one of the reasons for retaining grass verges outside of the properties.

The Results of the Neighbourhood Plan Questionnaire showed that 98.7% of the respondents owned or had access to private transport.

The 2011 Census shows that of the 223 households 214 (96%) had access to one or more cars or vans. The results of the Census were as follows:

- 9 households had no cars/vans;

- 94 households had 1 car or van;
- 80 households had 2 cars or vans;
- 26 had 3 cars or vans;
- 14 households had 4 or more cars or vans.

This resulted in a total of 388 cars or vans for 223 households in Bigbury Parish, ie a ratio of **1.74 cars/vans per household**.

This level of car parking is much higher than the average for the South Hams, which had a ratio of 1.47 cars/vans per household, for Devon County, which had a ratio of 1.32 cars/vans per household and for the UK, which had a ratio of 1.16 cars/vans per household.

The car parking standards which we are proposing are based on standards used by other authorities and having regard to a reasonable estimate of how many car parking spaces would normally be required for a one bedroom house, a two bedroom house and a three plus bedroom house, including the need to provide spaces for visitors.

SHDC response to above – Devon County Council have no adopted standards but the advice they apply is reflected in the content of Policy BP28. South Hams application of car parking requirements, therefore, closely reflects those set out in Policy BP28.