

Working together



South Hams District Council

Response to the

Kingston Neighbourhood Plan Regulation 16 consultation

September 2020

The Kingston Neighbourhood Plan was submitted to South Hams District Council on 16th July 2020. 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 3rd August 2020 and 14th September 2020. South Hams District Council made a full response to the Regulation 14 consultation carried out by the Qualifying Body in respect of the Kingston Neighbourhood Plan.

This document sets out South Hams District Council's response to the Regulation 15 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.

Overall, the Council is satisfied that the Regulation 15 draft neighbourhood plan has largely taken adequate account of comments made at Regulation 14, and that the consequent rewording of the document has resulted in a stronger plan. There remain, however, areas of concern that are detailed below.

Comments on the General Text

| Policy/Text | Comments |
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| <p>POLICY KNP1: DEVELOPMENT AND THE DEVELOPMENT BOUNDARY</p> <p>1. Development will be permitted inside the development boundary shown in the plan, provided it is in scale and character with the site and surroundings, is of an appropriate density, and will cause no significant adverse impacts on the AONB, natural or historic assets, local amenity, traffic, parking or safety.</p> <p>2. Elsewhere in the parish development will be strictly controlled and permitted only where it can be delivered sustainably and requires a countryside location or will meet a proven local need which cannot be met inside the development boundary. Given our aims with regard to housing (see 2.10 above), the latter may include development of a suitable small exception site or sites outside the development boundary (but adjacent or very near to it) such as is described in 4.12.4 below and in KNP 5 subparagraph 5.</p> | <p>Suggest in 2. that the Plan is clearer in regard of the term “suitable small exception sites”. This issue is further addressed in the comments relating to Policy KNP5.</p> |
| <p>POLICY KNP2: DESIGN AND CONSTRUCTION</p> <p>All new development should be informed by the relevant site and its context and:</p> <ol style="list-style-type: none"> 1. respect local character to safeguard local distinctiveness, 2. buildings and their boundaries should be in scale and keeping with its setting and protect locally important views and skylines, 3. retain and enhance local landscape character, including significant field patterns, hedgerows, trees and woodlands, and incorporate suitable features to | <p>Suggest opening sentence should read “All new development”where appropriate....”should....”</p> |

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| <p>integrate development with the landscape, and use only mixed native species for hedges and traditional laid Devon hedgebanks wherever boundaries abut open countryside,</p> <p>4. protect biodiversity and improve habitats and micro-climate,</p> <p>5. exclude street lighting and minimise security and external lighting,</p> <p>6. incorporate meters, bin storage and other features appropriately, conveniently and so as not to clutter the street scene,</p> <p>7. wherever possible incorporate modern technologies and building materials to maximise sustainability and energy efficiency and meet the challenges of climate change, and minimise use of non-renewable resources, contribute to reducing carbon emissions and maximise solar gain,</p> <p>8. be safe, attractive, inclusive and accessible, reducing opportunities for crime and the fear of crime,</p> <p>9. provide for its own car parking requirements. For residential development there should be at least two dedicated car parking spaces per 2-bedroom dwelling and three spaces for 3-bedroom or more,</p> <p>10. not cause unnecessary noise, light or other pollution and safeguard against risks of contamination and erosion.</p> | |
| <p>POLICY KNP3: FLOODING AND SEWERAGE</p> <p>1. Surface water drainage from new developments shall not be connected to the village sewerage system. Any new development shall incorporate a</p> | <p>It is noted South West Water have raised no objection to this Policy and the wording follows advice from the Environment Agency. In the light of this no comments.</p> |

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| <p>Sustainable Drainage System (SuDS) that at least meets current standards.</p> <p>2. In the light of issues regarding the capacity of the local sewage treatment works and the pipework system in the Village leading to it, new developments must ensure that they do not cause a deterioration in the status of local water bodies nor exacerbate sewer flooding.</p> <p>3. New development shall be designed so as to ensure satisfactory water drainage, not give rise to flooding and wherever possible and reasonable also assist in the alleviation of existing and historic flood problems.</p> | |
| <p>POLICY KNP4: RENEWABLE ENERGY</p> <p>1. Proposals for small scale renewable energy developments will be welcomed where the purpose is to generate power for use within the parish and if they can be shown to have no unacceptable impacts, particularly on landscape, views and skylines, biodiversity or local amenities. Proposals for large scale renewable energy developments would have unacceptable impacts and will not be permitted.</p> <p>2. Proposals for individual or community scale renewable energy schemes, such as solar voltaic panels, biomass facilities, anaerobic digestions and wood fuel products, will be welcomed providing they will:</p> <ul style="list-style-type: none"> • be appropriate in siting and scale to the local setting and the wider landscape, • create no unacceptable impact on the amenities of local residents, and • have no unacceptable impact on any important natural or biodiversity feature. | <p>No comment.</p> |

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| <p>3. The installation of solar panels on a listed building or building within a Conservation Area will be supported only if it can be shown that there will be no negative effect on the appearance, character or historic value of the building.</p> <p>4. Proposals for solar arrays or wind turbines on open farmland would have unacceptable impacts and will not be permitted.</p> <p>5. Proposals for solar arrays or any wind turbines will not be permitted within the Erme Estuary SSSI, a Conservation Area, the curtilage of a listed building or scheduled ancient monument. In order to protect views and sightlines from the Coast Path, solar panels and wind turbines will also not be permitted in any location where they may affect views from the Coast Path, or from the navigable waters of the Erme estuary.</p> | |
| <p>POLICY KNP5: HOUSING DEVELOPMENT</p> <p>1. Housing development sites in Kingston shall be limited to single buildings or small sites in order to ensure that growth is at a scale in keeping with the special qualities of the village and the AONB.</p> <p>2. To help balance housing stock, new developments should be of smaller units, primarily 2-3 bedroom, as terraces and semi-detached dwellings</p> <p>3. Extensions to existing dwellings should be in keeping with and consistent in scale and form to the existing dwelling.</p> <p>4. Affordable homes for local people will be particularly welcomed.</p> <p>5. The provision of affordable homes on a suitable small exception site or sites outside the Development Boundary (but adjacent or very near to it) will be welcomed where the site</p> | <p>Criteria 1 refers to limiting housing development to “small sites”. This description is not clearly defined or justified in the policy or the justification thereto. Similarly Criteria 5 refers to “small exception sites”. As indicated in the regulation 14 comments “small sites” may not provide the economies of scale necessary to address housing need. The Plan identifies an affordable housing need of 6-8 dwellings (Para 4.9). A site of between 10/13 dwellings will be required to meet this need under the requirements of JLP Policy TTV27 if that is considered “small” then the Policy should be clear. If not the Plan needs to be clear on the strategy for meeting the identified need.</p> |

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| <p>meets proven housing need, is to be occupied by people with a local connection and has the clear support of the local community.</p> <p>6. New homes shall be designed to meet at least the latest standards, preferably to exceed these, and to incorporate innovative low carbon construction techniques, sustainable use of resources and high energy efficiency.</p> | |
| <p>POLICY KNP6: PRINCIPAL RESIDENCE REQUIREMENT</p> <p>1. New housing, excluding replacement dwellings or those managed by a registered social landlord, will be supported only where there is a restriction to ensure its occupancy as a principal residence.</p> <p>2. This must be guaranteed through a planning condition or legal agreement.</p> <p>3. New unrestricted second or holiday homes will not be supported at any time.</p> <p>4. Where proposals for the replacement of existing dwellings, by more than the number of dwellings to be demolished, are approved, the additional properties will be subject to a planning condition or legal agreement to ensure occupancy as a principal residence.</p> <p>5. A principal residence is defined as one occupied as the residents' sole or main residence, where the resident(s) spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.</p> | <p>No comment</p> |

POLICY KNP7: PROTECTING THE LANDSCAPE AND BIODIVERSITY

Development, either individually or cumulatively, shall not harm but should conserve and enhance the landscape and biodiversity by:

1. having regard to national and local strategic polices for the AONB, the coast and protected landscapes, and to the South Devon AONB Planning Guidance Version 1;
2. having regard to national and local strategic policies for Sites of Special Scientific Interest (SSSIs), wildlife, species and habitats;
3. conserving the skyline and important views, including those identified in Appendix IV;
4. safeguarding and conserving local features that make a positive contribution to the landscape, particularly Devon lanes, footpaths and hedgebanks, green lanes, green spaces and important trees;
5. retaining and not harming any ancient Devon lane, footpath, hedge, hedgebank or green lane, which is shown in the 1839 Kingston Tithe Map, apart from essential minor works:

<https://new.devon.gov.uk/historicenvironment/tithe-map/kingston/>; and

6. retaining and preserving important trees, including all those subject to Tree Preservation Orders and those identified in the plan at Appendix II.

Criterion 3: The plan on page 30 illustrating “Distinct skylines and views” is part of the Proposals Map and should be labelled as such and numbered. This plan should be cross referenced in Criterion 3 rather than Appendix IV with reference to Appendix IV appearing in the justification to this Policy.

Criterion 6: Trees subject of TPOs have their own protection which need not be repeated in Policy.

POLICY KNP8: PROTECTING THE ERME ESTUARY SSSI AND THE COAST

1. In addition to the protection afforded by national and local strategic policies, proposals

Criterion 1: As indicated in the Council’s Regulation 14 comments the requirements here are extremely restrictive and unreasonably go beyond Strategic Policy.

Criterion 3: The requirements for submissions necessary with planning applications is determined by the local list. As such the requirement for an

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| <p>for the development of any new building, track or road, vehicle park, communications mast/dish, wind or solar panel array will not be permitted within the boundary of the Erme Estuary Site of Special Scientific Interest (SSSI).</p> <p>2. Development should not affect the existing tranquillity of the estuary or result in an increase in traffic along the Blackpost Cross to Wonwell beach lane.</p> <p>3. Development close to the coast will not be permitted unless it can be shown, using accepted landscape analysis technique, that the proposal will not affect views from the coast path or from the navigable waters of the Erme estuary.</p> | <p>“accepted landscape analysis technique” in this policy potentially exceeds those requirements and should be removed from this policy.</p> |
| <p>POLICY KNP9: PROTECTING AGRICULTURAL LAND</p> <p>Development should, wherever possible, avoid building on good quality agricultural land (grades 1, 2 and 3a) and, unless there is no practicable alternative and the benefits of the development to the community outweigh the need to protect it, also on grade 3b agricultural land.</p> | <p>No comment.</p> |
| <p>POLICY KNP10: HERITAGE AND CONSERVATION</p> <p>1. Development shall not harm but conserve and enhance designated and nondesignated historic and heritage assets and their settings, including archaeological features and historic field boundaries and structures, particularly, but not exclusively in the Conservation Areas. Non – designated heritage assets are described at Appendix 1.</p> | <p>No comment.</p> |

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| <p>2. Development at, or adjacent to, a Listed building or feature should have no adverse impact upon it and will be supported only where the design respects the Listed building or feature and its setting with regard to scale, height, massing, alignment and use of appropriate materials. Development shall retain the spaces between buildings, the grouping of buildings and the elements of the landscape and/or street-scene which form the setting of Listed buildings and features.</p> <p>3. Development in the Conservation Areas must preserve or enhance the special character of the area and be designed to respond to existing scale, height, form and massing, respecting the traditional street-scene and pattern of frontages, vertical or horizontal emphasis, detailing and materials. There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Areas.</p> | |
| <p>POLICY KNP11: DARK SKIES AND TRANQUILLITY</p> <p>Development shall not cause any undue disturbance, noise or light pollution.</p> <p>1. There shall be no street lights in the parish.</p> <p>2. Proposals for any necessary external lighting should comply with the current guidelines established for the South Devon AONB and for other Areas of Outstanding Natural Beauty by the Institution of Lighting Professionals.</p> <p>3. Security and external lighting installed as part of any development shall not be permanently switched on, (be normally switched off at 23.00hrs), or unnecessarily</p> | <p>No comment.</p> |

bright, (i.e. above 800 lumens.)

POLICY KNP12: COMMUNITY FACILITIES AND INFRASTRUCTURE

1. Development that will support the vibrancy and vitality of the village and wider community will be supported provided it complies with national and local strategic policies and the other policies of this plan.

2. Proposals for additional community facilities and infrastructure will be supported, providing they include appropriate design, adequate access and parking arrangements and will not lead to traffic danger or congestion or generate unacceptable noise, smell, loss of privacy or nuisance to neighbours.

3. The following priorities for the provision or enhancement of local facilities have been identified: improved sewage treatment capacity, additional public car parking, improved facilities for young people, children and families; and provision for older and/or vulnerable people. New development where appropriate will be required during the life of the plan and where the requirement arises directly from any proposed development, should contribute to these priorities through a S106 obligation or Community Infrastructure Levy, (CIL), in accordance with adopted standards.

4. In order to help safeguard the sustainability of the local community, development that would result in the loss of or significant harm to a local community facility or asset, particularly St James the Less Parish Church, the Dolphin Inn, the Reading Room, the Recreation Ground and the Allotments will not be permitted unless there is adequate

No comment.

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| <p>alternative provision in the parish or it can be shown that the facility is no longer viable and no change of use should be permitted unless the asset has been marketed for sale for at least 12 months.</p> | |
| <p>POLICY KNP13: LOCAL GREEN SPACES</p> <p>1. The following areas are designated as green spaces in the plan:</p> <ul style="list-style-type: none"> • the Recreation Ground, • the churchyard of St James the Less, • the allotments, • the entrance to Westentown <p>2. These local green spaces, (described in Appendix III), will be safeguarded from development. Any development that would result in the loss of any part of these green spaces or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value will not be permitted. Only minor non-residential development directly associated with and necessary for the public enjoyment of the green space will be permitted.</p> | <p>The plan illustrating the Local Green Spaces (page 57, Appendix III) should be brought into the body of the Plan as part of the Proposals Map. The plan should be numbered and cross referenced in the policy. The reference to Appendix III should be removed from the Policy (Appendix III is mentioned in the justification of this policy at para 6.9).</p> |
| <p>POLICY KNP14: NEW BUSINESS AND EMPLOYMENT DEVELOPMENT</p> <p>1. New business development will be welcomed providing it will:</p> <ul style="list-style-type: none"> a. be in keeping with the locality, causing no harm to local character and amenity; b. not increase traffic through the village centre; c. provide safe access from the existing highway and incorporate sufficient parking for employees and delivery vehicles; and d. cause no nuisance to neighbours, particularly in cases of home working or homebased business. | <p>No comment.</p> |

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| <p>2. Change of use of farm buildings will be supported where these will provide additional ongoing businesses and employment opportunities and will:</p> <ul style="list-style-type: none"> a. involve no more than minimal alteration to the existing external structure or building footprint; b. not compromise the rural setting of the building; and c. meet the requirements of clause 1 above. <p>3. Proposals for the redevelopment or change of use of farm buildings that are currently being used, wholly or in part, as commercial premises for local businesses will not be permitted unless:</p> <ul style="list-style-type: none"> a. the proposed development continues to provide accommodation to any existing business at an economically viable price; or b. alternative local accommodation is offered to existing business at an economically viable price. | |
| <p>POLICY KNP15: BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE</p> <p>1. Proposals to expand electronic communications and broadband are encouraged and will be supported providing:</p> <ul style="list-style-type: none"> a. apparatus is erected on existing buildings or structures wherever possible; b. apparatus is kept to the minimum necessary for efficient operation; and c. apparatus is sited to minimise impacts on the AONB. <p>2. Proposals for housing must include a Connectivity Statement and provide for suitable ducting to enable service providers to install appropriate connections.</p> | <p>No comment.</p> |

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