

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 7th June, 2023</b>										
<b>Time:</b>	<b>9.30 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Long</p> <p style="text-align: center;"><b>Vice Chairman</b> Cllr Taylor</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Abbott</td> <td style="width: 33%;">Cllr McKay</td> </tr> <tr> <td>Cllr Allen</td> <td>Cllr Nix</td> </tr> <tr> <td>Cllr Bonham</td> <td>Cllr O'Callaghan</td> </tr> <tr> <td>Cllr Carson</td> <td>Cllr Pannell</td> </tr> <tr> <td>Cllr Hodgson</td> <td>Cllr Rake</td> </tr> </table>	Cllr Abbott	Cllr McKay	Cllr Allen	Cllr Nix	Cllr Bonham	Cllr O'Callaghan	Cllr Carson	Cllr Pannell	Cllr Hodgson	Cllr Rake
Cllr Abbott	Cllr McKay										
Cllr Allen	Cllr Nix										
Cllr Bonham	Cllr O'Callaghan										
Cllr Carson	Cllr Pannell										
Cllr Hodgson	Cllr Rake										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Amelia Boulter - Democratic Services Specialist 01822 813651										

- 1. Minutes** **1 - 10**

To approve as a correct record the minutes of the meeting of the Committee held on 5 April 2023;
- 2. Urgent Business**

Brought forward at the discretion of the Chairman;
- 3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;
- 4. Declarations of Interest**

In accordance with the Code of Conduct, Members are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests including the nature and extent of such interests they may have in any items to be considered at this meeting;
- 5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;
- 6. Planning Applications**

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:  
<http://apps.southhams.gov.uk/PlanningSearchMVC/>

  - (a) 3273/22/FUL** **11 - 26**

**"Sheerwater", Devon Road, Salcombe**

Demolition of existing dwelling and construction of new replacement dwelling including existing garage renovation and associated landscaping
  - (b) 2202/22/FUL** **27 - 40**

**"Churchstow Lodge", Churchstow**

READVERTISEMENT (Revised plans) Erection of new dwelling & associated new vehicular access
  - (c) 0596/23/HHO** **41 - 48**

**15 Heybrook Drive, Heybrook Bay, PL9 0BN**

Householder application for side porch and bedroom extension

<b>(d)</b>	<b>0049/23/HHO</b>	<b>49 - 56</b>
	<b>8 Derby Road, Kingsbridge</b>	
	Householder application for two storey side extension plus first-floor extension over part of existing ground floor, to include pitched roof to match existing	
<b>7.</b>	<b>Planning Appeals Update</b>	<b>57 - 62</b>
<b>8.</b>	<b>Update on Undetermined Major Applications</b>	<b>63 - 68</b>

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**MINUTES of the MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE held in the COUNCIL CHAMBER, FOLLATON HOUSE, TOTNES, on WEDNESDAY, 5 April 2023**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apologies			
*	Cllr V Abbott	*	Cllr M Long
*	Cllr J Brazil	∅	Cllr K Pringle
*	Cllr D Brown	*	Cllr H Reeve
*	Cllr R J Foss (Chairman)	*	Cllr R Rowe (Vice Chair)
*	Cllr J M Hodgson	*	Cllr B Taylor
∅	Cllr K Kemp	*	Cllr K Baldry (substituting for Cllr K Kemp)
*	Cllr G Pannell	*	Cllr B Spencer (substituting for Cllr K Pringle) (for 6 (d), (e) and (f) only (Minute DM.72/23 refers)

**Other Members also in attendance and participating:**  
Cllr J Pearce

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		Head of Development Management; Senior Planning Officers; Monitoring Officer; IT Specialists and Senior Democratic Services Officer

**DM.69/23 MINUTES**  
The minutes of the meeting of the Committee held on 15 March 2023 were confirmed as a correct record by the Committee.

**DM.70/23 DECLARATIONS OF INTEREST**  
Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr B Taylor declared an Other Registerable Interest in application 6(a) and (e) (minutes DM.72/23 (a), (b), (c) and (d) below refer because he is a member of South Devon AONB Partnership Committee. The Member remained in the meeting and took part in the debate and vote thereon.

Councillor J Brazil declared a Personal Interest in application 6(d) (minutes DM.72.23 (d) below refer because he is known to the applicant.

**DM.71/23 PUBLIC PARTICIPATION**  
The Chairman noted the list of members of the public, Town and Parish Council representatives, and Ward Members who had registered their wish to speak at the meeting.

## **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils, together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**6a) 2914/22/FUL "Rendoc", Herbert Road, Salcombe, Devon  
Town: Salcombe**

**Development: (Original application) Demolition of existing lower ground floor basement flat (separate) to 1No. dwelling to be replaced with 2No. new proposed dwellings.**

Case Officer Update: The Case Officer provided an update on the internal window and reported it would be a full height glazed panel. They summarised the following:

- The existing building hosts a dwelling with a one bed roomed basement flat;
- The demolition of the existing building and its replacement with the two detached dwellings was therefore acceptable with regards to the provisions of DEV8 and the principle residence requirements were not applicable;
- It was acknowledged that the contemporary design has received mixed feedback but Officers were satisfied that the street scene was sufficiently varied that the new dwellings would not appear incongruous;
- The dwellings were fitted with low carbon measures and were compliant with policy requirements with respect to highways, drainage, biodiversity and neighbour amenity.

In response to questions raised, it was reported that:

- The basement bedroom would get the light through the front door;
- Despite the objections from the Town Council on the distance to the boundary, it was felt acceptable and would need to be considered on own merit.

Speakers were: Objector – None, Supporter – statement read out by the clerk, Parish Council – Cllr N Turton, Ward Members – Cllrs Pearce and Long.

In response to questions, the Town Council reported that the three storey dwelling would affect the street scene, very little gap between properties and too big for the space.

One Ward Member raised that the principle of the development was accepted, however need to consider the size, scale, bulk and the massing and how these dwellings would sit on the site. The appropriateness of the design and impact on the street scene, with the dwellings being built up to

the boundaries. Consideration to be given whether this proposal was acceptable and appropriate development for that site.

The second Ward Member raised concerns on the massing on the street scene and whether the frontages acceptable. The steeping down of the ridges, the design of lower ground floor with rooms without direct light and whether Members felt this was acceptable. The swimming pool touches the back wall and was this practical arrangement and this to be considered carefully.

During the debate, one Member highlighted the swimming pool and the close proximity to the dwelling and concerns over health and safety and whether the Committee could be held culpable if there was an accident on the pool. Other Members felt that the street scene would be negatively impacted and it was felt that a property could be built with a more positive contribution to the street scene. It was also felt that building to the boundaries would rob the neighbouring properties of their privacy and the lack of natural daylight into the basement bedrooms was a concern.

**Recommendation:** Conditional Approval

**Committee decision:** Delegated to the Head of Development Management to refuse planning in consultation with the Chair, Vice-Chair, Proposer and Seconder. The outline reasons for refusal being 1: The scale, materials and siting of the dwellings have a negative impact on the street scene. Poor design and lack of daylight into lower ground floor area. The relationship of the dwelling to the existing swimming pool. The massing of the dwellings disproportionate and not in keeping the local vernacular and characteristics of the setting in Herbert Road.

**6b) 0161/23/HHO "Vermilion", Herbert Road, Salcombe Town: Salcombe**

**Development: Householder application for extension & alterations to include replacement garage, single storey rear extension & habitable accommodation at second floor level with new roof structure (Resubmission of 2475/22/HHO)**

Case Officer Update: The Case Officer reported that following the site visit the total floor space was 182sqm with an increase of 85sqm. There is an existing currently 1 metre difference between the application site and the neighbour, Breton. The ridge height would be raised by 0.6m, remaining 0.4m lower. They summarised the following:

- Design – the proposed alterations would not result in harm to the street scene;

- Neighbour Amenity – given the presence of existing side windows and the current relationships between the existing garage and the neighbouring property the proposed alterations would not be materially harmful to residential amenities in regards to overlooking, overbearing or loss of light;
- Parking – the proposal would have a neutral impact on parking provision;
- Climate emergency – the proposal incorporates an EV charge point and solar panels in line with CE guidance and a ASHP.

Speakers were: Objector – Iain McGregor, Supporter – Carmen Redondo, Town Council – Cllr N Turton, Ward Members – Cllrs Pearce and Long.

The first Ward Member reported that this was a distinctive house and frames the end of Loring Road. The big side window would look onto the neighbouring property and this was a concern. This dwellings needs a refresh rather than rebuild. The bulk of the building would be increased, the massing and change the street scene to a more bland appearance to a house not typical of Herbert Road.

The second Ward Member raised concerns on the scale, bulk, massing, design and the impact on the street scene. There was an opportunity to improve the building to make changes and for the Committee to consider whether this was appropriate and acceptable.

During the debate, some Members felt that this was a dramatic change to a unique building and the stepping down in the roofline that was a characteristic of the existing street scene would start to disappear. It was felt that that the overlooking was a serious issue and the impact on neighbours unreasonable. Another Member felt that there was no reason to go against the officer decision. Other Members felt that this was a unique building and the new proposal would be overpowering and have a negative impact on the street scene and would like to see the property retained.

**Recommendation:** Conditional Approval

**Committee decision:** Conditional Approval as set out in the Officer report

**Conditions:** Standard time limit  
Adherence to plans  
Adherence to ecological mitigation  
Development to be outside of nesting season  
Air Source Heat Pump details  
Drainage Extension not be used as a terrace  
No external lighting



**6c) 0271/23/FUL "Land at Spirewell Farm", Traine Road,  
Wembury  
Parish: Wembury**

**Development: New single storey three bed dwelling with agricultural occupancy condition (re-submission of 4421/21/FUL)**

Case Officer Update: The Case Officer summarised the key issues:

- Was there a clearly established functional need for an additional agricultural workers unit at this countryside location?
- Was there a robust business justification?
- Would the development conserve and enhance the AONB?
- Does the development secure the requisite financial contribution that was required to mitigate the recreational impact on the Tamar European Marine Site?
- Amenity issue;
- Carbon benefits?

In response to questions raised, it was reported that:

- This application was not within the underdeveloped coast;
- They were looking to have 100 cows on site;
- One of the holiday lets on site and could be used for the agricultural dwelling.

Speakers were: Objector – Brian Hall, Supporter – Andy Coughlan, Parish Council – Cllr J Stansell, Ward Councillor – Cllr D Brown

In response to questions raised, the supporter reported:

- This dwelling would be the interface between the farm and the road and there was a need for two agricultural workers to have the flexibility to look after the cattle;
- There was no intention to move the dogs and they would remain in their current location;
- The agricultural dwelling was ideally located for the worker to come and go with any additional traffic;
- This was a discrete site and the existing farm building would be used by a full-time employee.

The Officer reported that the Agricultural Consultation was unable to support this proposal and the farm dwelling did have an agricultural tie.

The Ward Member raised that the Parish Council had no objection to this application, and as the Chair of the Parish Council did not vote on this. There were no objections made by the Parish Council, no local objections and some people were in favour. The applicant and objector made ardent representations and sympathetic to the agricultural need, however still undecided.

During the debate, Members raised concerns that this application was

within the AONB and no justification for the building in this particular location was being proposed. Members noted that a number of holiday cottages existed within the farm and felt that if the need for an agricultural worker to be on site could have been met by using one of the holiday lets for the agricultural worker. Members while wanting to support the local community, agreed with the Officer recommendation.

**Recommendation:** Refusal

**Committee decision:** Refusal for the reasons set out in the Officer report.

**6d) 4234/22/ARM "West Prawle Farm", East Portlemouth Parish: East Portlemouth**

**Development: Application for approval of reserved matters following outline approval 1067/20/OPA for provision of an agricultural workers dwelling.**

The Case Officer: The Case Officer summarised the key issues:

- A functional need for an agricultural worker's dwelling had been established under 106/20/OPA;
- However, Officers considered that the footprint of the dwelling was excessively large; the footprint has not been linked to a functional need related to the holding and was unlikely to be affordable in perpetuity for future agricultural workers;
- The scale and design of the dwelling would render it incongruous within the setting to the detriment of the landscape character and tranquillity;
- The proposal was contrary to the adopted policy.

The Officer reported that they were happy with the distance between the barn and the proposed dwelling. The acceptable size of an agricultural dwelling was 175sqm and the proposed dwelling would be 277sqm.

Speakers were: Objector – None, Supporter – Stephen Tucker, Parish Council – None, Ward Member, Cllr Brazil

The Ward Member reported that they would not want to allow a large house to be built, however this dwelling would be for a working family and would enable a mix of generations within our community. This was about the extended family and a hub for the community which justifies the need for an agricultural dwelling at this site. They did understand that it should be affordable for an agricultural worker and an agricultural tie should take precedent.

During the debate, one Member raised the need to look at Planning Policies and dwellings for farming families and proposed approval for this

application. This was seconded by another Member who disagreed that this dwelling was incongruous. Others Members also supported approval of this application because it was felt that this was a sustainable and discreet dwelling within the landscape. It was further highlighted that there were no policies on agricultural worker's dwelling and a need to be more realistic on what was required. Some Members felt concerned because the Committee had refused a similar application and the need for consistency.

**Recommendation:** Refusal

**Committee decision:** Delegated approval to the Head Development Management in consultation with the Chair, Vice-Chair, Proposer and Seconder, Members felt that the scale of the building was commensurate with the needs of holding.

**Conditions:**

1. Standard in completion in accordance with the approved plans.
2. Garage to be used incidental purposes only.
3. Samples of the slate and stone to be submitted to the relevant planning authority.

**6e) 0090/23/FUL "Land At Sx 512 631", New Road To Roborough Down, Roborough Down, Plymouth, Devon Parish: Bickleigh**

**Development: Use of land for dog walking and exercise, provision of hard standing, fencing and shelter (resubmission 2503/22/FUL)**

Case Officer Update: The Case Officer summarised the key issues:

- Does the proposal respond to an identified need?
- Were there exceptional circumstances to allow this development at an isolated part of the countryside?
- Would the operational development associated with the proposal conserve and enhance the unspoiled rural character?
- Was the development sustainable?

Speakers were: Objector – None, Supporter – Johnny Haines, Town Council - None, Ward Member – Cllr B Spencer

In response to questions raised, the supporter reported that customers would arrive by car and would consider a system on site to deal with foul waste.

The Ward Member raised that he was not a dog owner, however the JLP outlines the need to support the economy with opportunities for growth,

promote neighbourhoods and communities that meet the needs of local people. There was a demand for this type of service and people use this service. This was an ideal location for dogs of a nervous disposition to be walked without any interference. This was a light touch development providing an important green space for the public.

The Monitoring Officer asked whether the Ward Member had predetermined this application and it was highlighted they could have a pre-deposition but not a predetermination. The Ward Member decided to abstain in the vote on this application.

During the debate, one Member had used a similar facility and was happy to go against the officer recommendation and approved this application. Another Member felt that this was a great asset and would help to protect wildlife on the moors. It was also felt the applicant had experience of this and the need to diversify the use of the landscape and supported this application.

**Recommendation:** Refusal

**Committee decision:** Approved subject to conditions: Members felt that there was a need for this type of opportunity, does not cause harm and additional traffic would not cause issues.

**Conditions:**

1. Time limit
2. Completion of quality of approved plans
3. Timber posts fence to secure the area prior to use

**6f) 4477/22/FUL "Alston Well", Alston Farm, Slapton, Kingsbridge  
Town Council: Kingsbridge**

**Development: Use of existing self-contained annexe accommodation as casual self-contained holiday let accommodation (retrospective)**

Case Officer Update: The Case Officer summarised the key issues:

- The proposal would not be suitably located to services and facilities;
- As a result future users would be likely to be reliant on private motor vehicles for most trips;
- This would conflict with the environmental dimension of sustainable development;
- The harm would outweigh any perceived benefits;
- Sufficient carbon reduction could not be secured by condition.

Speakers were: Objector – None, Supporter – Katie Panton, Parish Council - None, Ward Member – Cllr R Foss.

The Ward Member highlighted that the Committee had received similar applications to this and a real big push to enjoy the open countryside.

During the debate, one Member was very persuaded by this application because this was a top quality facility that we want to provide in South Hams, however, if it changed hands would this continue in the same vein and could an ancillary condition be included? The Head of Development Management Officer PW reported if approved could condition for holiday use only. The Monitoring Officer added that Members could under the Section 106 agreement that this property shall not be sold off separately from the parent house and this was supported by Members. Another Member felt this was discrete and acceptable accommodation which supports the tourist industry and to ensure there was accommodation for all people as well as supporting the wider hospitality venues in the area.

**Recommendation:** Refusal

**Committee decision:** Delegated approval to the Head Development Management in consultation with the Chair, Vice-Chair, Proposer and Secunder subject to Section 106 prohibiting the proposal from being disposed separately to the main dwelling.

**Conditions:**

1. Holiday occupancy.
2. Removal of permitted development rights.

DM.73/23 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report.

DM.74/23 **UPDATE ON UNDETERMINED MAJOR APPLICATIONS**

Members noted the update on undetermined major applications as outlined in the presented agenda report.

(Meeting commenced at 10:00 am with a break at 11.40 am. Lunch at 1.00 pm. Meeting concluded at 15:47pm.)

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Chairman

**Voting Analysis for Planning Applications – DM Committee 5 April 2023**

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
2914/22/FUL	"Rendoc", Herbert Road, Salcombe, Devon	Refused	Cllrs Brazil, Brown, Hodgson, Long, Pannell, Reeve and Taylor (7)	Cllrs Abbott and Foss (2)	Cllr Baldry and Rowe (2)	Cllr Spencer (1)
0161/23/HHO	"Vermilion", Herbert Road, Salcombe	Conditional Approval	Cllrs Baldry, Brown, Foss, Reeve, Rowe and Taylor (6)	Cllrs Brazil, Hodgson, Long, and Pannell (4)	Cllr Abbott (1)	Cllr Spencer (1)
0271/23/FUL	"Land at Spirewell Farm", Traine Road, Wembury	Refused	Cllrs Abbott, Baldry, Brazil, Foss, Hodgson, Long, Pannell, Reeve, Rowe and Taylor (10)	Cllr Brown (1)		Cllr Spencer (1)
4234/22/ARM	"West Prawle Farm", East Portlemouth	Approved	Cllrs Abbott, Baldry, Brazil, Foss, Hodgson, Long, Reeve, Rowe and Spencer (9)	Cllr Pannell and Taylor (2)	Cllr Foss (1)	
090/23/FUL	"Land At Sx 512 631", New Road To Roborough Down, Roborough Down, Plymouth, Devon	Approved	Cllrs Abbott, Baldry, Brazil, Foss, Hodgson, Long, Pannell, Reeve, Rowe, Spencer and Taylor (11)		Cllr Spencer (1)	
4477/22/FUL	"Alston Well", Alston Farm, Slapton,	Approved	Cllrs Abbott, Baldry, Brazil, Hodgson, Long, Reeve, Rowe, Spencer and Taylor (10)		Cllrs Foss and Pannell (2)	

## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

**Parish:** Salcombe **Ward:** Salcombe and Thurlestone

**Application No:** 3273/22/FUL

**Agent:**

Mr Adam Benns  
BBH Chartered Architects Ltd  
9 Duke Street  
Dartmouth  
TQ6 9PY

**Applicant:**

Mr & Mrs R. Guess  
Sheerwater  
Devon Road  
Devon, Salcombe  
TQ8 8HJ

**Site Address:** Sheerwater, Devon Road, Salcombe, TQ8 8HJ



**Development:** Demolition of existing dwelling and construction of new replacement dwelling including existing garage renovation and associated landscaping.

**Recommendation:** Conditional approval

**Conditions:**

1. Time limit
2. Accord with plans
3. Construction Management Plan
4. EPSL
5. Landscaping
6. Surface water drainage

7. Natural slate
8. Natural stone
9. External lighting
10. Low carbon
11. Solar panels
12. Accord with ecological mitigation
13. Annexe - Ancillary use only

**Key issues for consideration:**

Design, scale and massing, neighbour amenity, drainage, highways, biodiversity, low carbon, impact on the South Devon Area of Outstanding Natural Beauty.

**Reason for call-in:** Cllr Long wishes this application to be considered by the DM Committee, due to concerns over the scale, massing, design, glazing and the cumulative impact of development on the setting of the area, landscape and natural environment. Also, to review any challenges that this proposed developmental makes to policy including Neighbourhood Plan policies.

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**Site Description:**

The site is located within the built form of Salcombe, c. 0.4km south west of the town centre. The site hosts a detached dwelling, with separate garage and ancillary accommodation above. The site is accessed via Devon Road, with off-road parking and turning to the north of the dwelling. The site is set within the hillside and the dwelling is set below street level with the garden area further below. The site is located within South Devon Area of Outstanding Natural Beauty.

**The Proposal:**

The applicant wishes to demolish the existing dwelling and garage and construct a replacement; the dwelling and garage outbuilding retain their relative positions within the site boundary. The new dwelling is designed with a contemporary materials palette and is supported by a scheme of retaining walls that are faced with natural stone walls interspersed with planting.





the upper floor entry lobby and carport levels will have an adverse effect on the views of the estuary (water and Small's Cove) from both the Four Winds Development Site and Devon Road including the associated footpaths.

- Whilst we do not object to the re-development of the site, we are concerned that in its current form it will have a detrimental effect for the surrounding area and therefore request the scheme is suitably amended with further consultation invited from all relevant parties.

One letter of support was received and includes the following points:

- The Statement of Need has many points to recommend this redevelopment, not least the tiered landscaping, the fact that the 'scale and massing' is virtually the same as the existing property and a desire to "disguise" and "conceal", through landscaping etc is to be applauded. There has been consideration on the impact to the locality and on the onlooker - especially from the water and from 'the other side' of the estuary where locals and visitors alike appreciate the view.
- The artist's impression of the property, the South East Elevation, in b/w and colour, is particularly attractive, IMO, and as a neighbour to the right of the picture, the surrounding greenery and trees is much appreciated. Whilst the existing property is a traditional Salcombe house, the proposed one seems to have been very sensitively considered and looks to enhance this area of low density.

### Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/1118/81/3: FUL	Extension	Shearwater Devon Road Salcombe	Conditional approval: 08 Sep 81
41/0443/82/3: FUL	Ancillary unit of accommodation	Rear of Shearwater Devon Road Salcombe	Conditional approval: 27 May 82
41/2021/89/3: FUL	Erection of holiday flat over garage and car port	Sheerwater Devon Road Salcombe.	Refusal: 06 Dec 89
41/0655/96/3: FUL	Alterations and extension to dining room kitchen utility room and conservatory	Sheerwater Devon Road Salcombe.	Conditional approval: 22 May 96
41/1020/97/3: FUL	Extension to terraces to south east of dwelling	Sheerwater Devon Road Salcombe.	Conditional approval: 29 Jul 97
41/1791/97/3: FUL	Demolition of existing and construction of new garage/ storage building	Sheerwater Devon Road Salcombe.	Conditional approval: 11 Dec 97
41/1192/99/F: FUL	Erection of fence	Sheerwater Devon Road Salcombe TQ8 8HJ	Conditional approval: 27 Oct 99
41/0506/01/F: FUL	Non-compliance with condition B of permission 9/41/1791/97/3 (prior agreement of the use of natural slate) for using roof tiles rendering the gable ends and change in size of window	Sheerwater Devon Road Salcombe TQ8 8HJ	Withdrawn: 30 Apr 01
41/0707/01/F: FUL	Non-compliance with condition B of permission 9/41/1791/97/3 (prior agreement of the use of natural slate) for using roof tiles rendering gable ends change in size of window and ancillary office use	Garage at Sheerwater Devon Road Salcombe TQ8 8HJ	Conditional approval: 10 Jul 01

41/1702/03/F: FUL	Alterations to south elevation and erection of flagpole on south facing terrace	Sheerwater Devon Road Salcombe Devon TQ8 8HJ	Conditional approval: 04 Nov 03
41/1197/04/F: FUL	Retrospective application for replacement of second storey windows with bay window	Sheerwater Devon Road Salcombe Devon TQ8 8HJ	Conditional approval: 05 Aug 04
41/0087/05/F: FUL	Removal of condition 2 of planning permission 41/0707/01/F (use restriction) and erection of balcony	Sheerwater Devon Road Salcombe Devon TQ8 8HJ	Conditional approval: 11 Mar 05
41/2541/14/TW: TPO	Fell 5 Monterey Cypress	Monkston Point Devon Road Salcombe TQ8 8LP	Refusal: 03 Dec 14
1487/22/PR4	Full Pre App - Pre Application Enquiry for - Demolition of existing dwelling, creation of a new replacement dwelling, landscaping and renovation of existing garage.	Sheerwater Devon Road Salcombe Devon TQ8 8HJ	Pre-application (No Officer support): 06 Jun 22

## ANALYSIS

### Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts one dwelling and an outbuilding (annexe); the principle of development within this context is therefore established, subject to compliance with the other protective designations relevant to this highly sensitive location.

The proposal does not seek to increase the number of bedrooms within the dwelling and as such, the provisions of DEV8 are considered satisfied.

### Scale, Design and Massing

Officers note that the contemporary design of the scheme has attracted both criticism and praise. The scheme cascades down the hillside in a similar fashion to the existing dwelling but includes additional accommodation above and below the existing two levels of the main building. However, this accommodation comprises a minimal increase in ridge height in comparison to the existing garage building on the site; given that much of the development is set below street level, it is unlikely that the proposal would be unduly visually prominent within the street scene. Concerns have been raised that the development would block views; the planning system does not recognise the right to a view and while the view across the site may be altered, it is not considered that these changes would result in demonstrable harm so as to warrant refusal solely on this basis.

The proposed development represents a significant intervention on the site; the use of local stone for retaining walls is welcomed and helps to soften the visual impact of the scheme when viewed from within the Salcombe Estuary. However, Officers do acknowledge that the proposal introduces a starkly cotemporary horizontal emphasis within the site, accented by the use of full height glazing and sections of painted render. The areas of glazing on the south east elevation are recessed under overhanging elements in order to limit upward light spill. The Town Council have raised concerns regarding the combined visual impact of the glazing and painted render, requesting that the horizontal emphasis and overall massing of the scheme be broken up. The impact of the areas of glazing in terms of its contribution to light spill is recognised; this is most notable on the south east elevation. Officers have included details of paint finishes within the overall landscaping condition; Officers consider that there is scope to further reduce the visual impact of the scheme with the use of muted paint colours, particularly on the lower levels of the development facing the Estuary.

Officers are also mindful of the impact of ancillary lighting in terms of its contribution to light pollution within the landscape; a condition has been included to ensure that no external lighting is installed without express permission, in the interests of nocturnal biodiversity.

It is acknowledged that the proposal represents an increase in massing and would result in a strong horizontal emphasis across the side when viewed from the public realm within the Salcombe Estuary associated with the contemporary design. Officers are aware that the sequential redevelopment of individual dwellings does result in a marked change to the townscape. However, in this instance, Officers do not consider that the resultant visual impact would be so significantly harmful to the local townscape so as to warrant a refusal on this basis, as the development would not disrupt the time-depth evident within the surrounding development that aids understanding of the historic growth of Salcombe.

It is considered necessary to secure the details of the natural slate in the interests of visual amenity. It is considered necessary to secure the details of the natural stone in order to enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, to ensure that all stonework is retained in its natural stone finish. While the decision is finely balanced, Officers are unable to evidence significant demonstrable harm arising from the proposal and it is therefore considered to accord with the provisions of DEV20, DEV23, SALC ENV7 and SALC B1.

#### Landscape

The applicant has confirmed their intention to support the development with a landscaping scheme and a high-level concept sketch of the final development has been provided to indicate how this might appear against the replacement dwelling. Officers consider that the landscaping scheme is integral to the final development and that full details were required through condition, in the interest of public amenity and the conservation and enhancement of the local landscape character.

The condition must be discharged prior to commencement as the landscaping scheme is a key factor in mitigating the visual impact of the scheme. The applicant queried the wording of the condition; the applicant has advised that they need to demolish the existing building and carry out extensive ground testing before a detailed landscaping scheme can be prepared. Officers do acknowledge that a level of ground testing is required but are keen to ensure that the landscaping scheme is integral to the scheme, rather than an afterthought. Officers have revised the wording of the condition to allow for demolition and ground testing only, with the landscaping scheme to be submitted prior to commencement of any foundations. The applicant accepted the revised condition in writing on 16 March 2023.

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. Concerns have been raised that the proposal does not accord with the guidance contained within the South Devon AONB Management Plan with respect to new development, however, Officers would note that this development seeks to replace a dwelling within an established residential area of Salcombe rather than create new development in an area of open countryside. While the changes will be discernible when viewed from the Salcombe Estuary, the proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself. While it does not offer enhancement, given the scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and SALC ENV1.

### Neighbour Amenity

Policy DEV1 (1) sets out the safeguards for the health and amenity of local communities and requires that “impacts [of new development] will be judged against the level of amenity generally in the locality”. Officers would note that due to the prevalence of balconies, topography, density and relative siting of dwellings in this part of Salcombe, that there is a degree of mutual overlooking between neighbours at present. On this basis, Officers do not consider that the proposal would result in a significantly harmful increase in overlooking or noise and disturbance at height so as to warrant a refusal solely on this basis. As such, the proposal is considered to accord with the provisions of DEV1 (1).

### Highways, Access and Parking

The scheme utilises the existing access, parking and turning area at the top of the site adjacent to and slightly below street level. The garage space within the annexe is also retained and an additional car port area is provided at the same level within the main dwelling. This area also includes space for a bin store and the applicant has noted within the DEV32 checklist that EV charging points will be provided. Officers note that the DCC Highways Engineer has not raised any objection to the scheme and consider that the proposal complies with the provisions of DEV29 and the guidance contained within the SPD.

### Construction Management Plan

Officers are mindful of the potential impact of construction on the surrounding residential area, given the proximity of neighbours, the lack of on-street parking and potential build out time. A Construction Management Plan has been requested by pre-commencement condition to outline how the construction phase will be managed in order to address these constraints, with the document to be secured by condition in order to safeguard the interests of residential amenity and the natural environment. The condition must be discharged prior to commencement of development, as any works on site could result in detrimental impacts on neighbour amenity and the natural environment and safeguards must be in place to prevent significant adverse impacts from occurring. The applicant agreed this in writing on 13 March 2023. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25 and SALC ENV1.

### Biodiversity

The applicant's Ecologist has advised that an EPS Licence will be required for the proposed development. Officers note that if a proposed development is likely to trigger a Habitats Regulations offence, the LPA is required to consider whether the proposal meets the three derogation tests, and accordingly whether Natural England is likely to subsequently grant an EPS Licence.

These tests are considered below;

Can an imperative reason, overriding public interest, which overrides the requirement to maintain the roosts as they are at present be argued?

1. The applicant wishes to reorder the accommodation and upgrade the thermal and energy efficiency of the current dwelling through a contemporary replacement.

2. Is there no satisfactory alternative?

Given the siting, design, orientation and sensitive setting of the existing dwelling it is considered that potential options for replacement are limited.

3. Is there evidence of the maintenance of favourable conservation status?

Officers note that the ecology report includes proposals to mitigate (i.e. reduce) the impact on bats through working methods (pre-commencement inspection and ecological watching brief, and hand removal of features with bat-roost potential), temporary roost provision during works, and compensatory roosting provision within the proposed development (and this has been reflected on submitted plans) such that would meet the needs of the species concerned and would ensure Favourable Conservation Status. It is considered that this third test is met.

As Officers consider the first two tests are met, it would be reasonable for the LPA to conclude that Natural England will subsequently grant an EPS Licence enabling the proposal to proceed lawfully.

On this basis, Officers consider it necessary to impose a number of conditions; firstly that no works shall proceed until the LPA is provided with a copy of an EPSL for bats, in order to safeguard the interests of protected species. The condition must be discharged prior to commencement of works to ensure that the works proceed lawfully and that protected species are not harmed. After discussion with the applicant, the wording of the condition prevents demolition of the main house before the EPSL is in place; this is the location where bats were discovered during the survey. The applicant accepted the amended condition in writing on 13 March 2023. A further condition is also considered appropriate, to ensure that the mitigation and compensation measures outlined in the survey reports provided by the applicant are implemented, to safeguard the interests of protected species. Officers also consider it necessary to secure the details of external lighting through condition, in order to safeguard the interests of nocturnal biodiversity.

Although, the reasoning for the development and any alternatives (answer to questions 1 and 2 above) are not considered a strong argument in planning terms to justify the development, Officers are satisfied that the impact is considered low by the applicant's Ecologist. On this basis, the proposal is considered to accord with the provisions of DEV26.

#### Surface Water Drainage

The applicant has confirmed that due to the site gradient, that the use of soakaways is not feasible. As such, the applicant has confirmed with South West Water that they will accept attenuated flows to the public sewer. Officers confirm that this approach is acceptable, with the details to be secured by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

#### Trees

The SHDC Tree Officer initially reviewed the scheme and requested the submission of further information in order to "allow a balanced response and informed commentary on the arboricultural constraints posed by trees and significant vegetation masses etc. upon the application". The applicant provided this information and confirmed with the Tree Officer during a separate meeting that there will be no impact to these as a result of the proposed site works and tree protection for the extent of the overhanging canopy can be provided if necessary. On this basis, the proposal is considered to accord with the provisions of DEV28.

#### Low Carbon

The applicant has retained the solar panels that currently serve the dwelling; this is considered acceptable, with the details to be secured through condition in the interests of visual amenity and to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

The applicant has also provided a copy of the DEV32 checklist which details the measures included within the design and build of the dwellings in order to reduce the carbon footprint associated with the project and comply with the provisions of DEV32. It is considered necessary to secure these details through condition in order to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

For clarity, Officers would note that as the application was submitted prior to 01 December 2022 the provisions of the Climate Emergency Planning Statement with respect to the carbon impact of the demolition phase do not apply.

### Ancillary Use

The Town Council have confirmed that the annexe should be limited to ancillary use through condition to prevent it being used as a separate dwelling or holiday let. Officers agree that in this instance it is appropriate to impose a condition to ensure that the garage and annexe are used only for purposes ancillary to the main dwellinghouse and not as a separate unit of accommodation, as the establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling. On this basis, the proposal is considered to accord with the provisions of DEV10.

### Other Matters

An objector has raised concerns that neighbours were not individually notified by letter during the consultation process. Officers would note that South Hams District Council do not routinely notify neighbours of planning applications and that the application has therefore been correctly advertised as per the adopted Scheme of Community Involvement.

Objectors have also called for the application to be withdrawn and the scheme renegotiated in collaboration with neighbours. Officers would confirm that it is not possible for neighbours to recall applications in this way and that Officers are required to determine applications as they are submitted.

### Conclusion

Officers acknowledge that the proposal challenges the limits of the existing policy framework and that the final recommendation is finely balanced. However, the existing dwelling is of no particular architectural merit and in this instance, Officers do not consider that the proposal would result in significant demonstrable harm so as to warrant a refusal solely on this basis. In this context, the proposal is recommended for conditional approval.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13 January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12 November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

### **Neighbourhood Plan**

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. The relevant policies are noted below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.  
SALC ENV2 Green infrastructure throughout the Parish  
SALC ENV7 Maintaining the character and density of development in key areas of Salcombe  
SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon AONB Management Plan (2019-2024).

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.



**Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers;

Site Location Plan and Block Plan 4300 01

Proposed Elevations 4300 30

Proposed Roof Plan 4300 24

Proposed Fourth Floor Plan 4300 23

Proposed Third Floor Plan 4300 22

Proposed Second Floor Plan 4300 21

Proposed First and Ground Floor Plan 4300 20

Proposed Section AA Plan 4300 40

Proposed North East Elevation Plan – Massing Comparison 4300 35

Proposed Elevations Plan 4300 33

Proposed North Eastern Elevation 4300 32

Proposed Elevations 4300 31

Drainage Plans 4300 26

Received by the Local Planning Authority on 26 October 2022

Proposed Area of Works Plan 4300 27

Received by the Local Planning Authority on 21 October 2022

Proposed Landscape Summary Plan 4300 28

Received by the Local Planning Authority 08 December 2022

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Notwithstanding the details submitted, no development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The CMP shall include the details below, although this list is not exhaustive.

(a) the timetable of the works, split into phases clearly setting out demolition and construction periods etc., to include school holiday dates and specific arrangements made to accommodate these holiday periods where relevant;

- (b) daily hours of construction;
- (c) any road closure (which must also be agreed with Devon County Council separately);
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development phases and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during all phases of the project;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic and arrangements necessary to manage traffic.
- (m) Details of the amount and location of construction worker parking, to include details of shuttle vehicles if appropriate.
- (n) Details of neighbour notification arrangements, to include triggers for notification, notice period, addresses and method of notification.

Reason: To safeguard the interests of residential amenity and the natural environment. The condition must be discharged prior to commencement of development, as any works on site could result in detrimental impacts on neighbour amenity and the natural environment and safeguards must be in place to prevent significant adverse impacts from occurring.

4. Prior to commencement of demolition works to the main house, the LPA shall be provided with a copy of an EPS Licence for Bats issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to proceed.

Reason: In order to safeguard the interests of protected species. The condition must be discharged prior to commencement in order to

ensure that the works are undertaken lawfully and that protected species are not harmed.

5. Prior to commencement of any foundations, details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- a concept statement explaining how the proposed landscape treatment, both hard and soft, responds to the landscape character of the area;

- details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;
- arrangements for stripping, storage and re-use of top soil;
- arrangements for importation of top soil, including volume, source, quality, depth and areas to be treated;
- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- details, including design and materials, of ancillary structures such as bin stores and signage;
- details of lighting including function, location, design and intensity;
- details of new ground profiles including retaining bunds and banks;
- details of land drainage to avoid waterlogging of garden areas enclosed by hedgebanks;
- materials, heights and details of fencing and other boundary treatments;
- materials, heights, levels and extent of hard landscape treatment, including access points, steps, railings, walls and any hardstanding areas;
- details of any paint to be applied to areas of render on the building in order to reduce the visual impact of the built form and integrate the building with the landscaping scheme;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and shrub planting;
- maintenance schedules for the establishment of new planting and its ongoing management;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed in writing.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character. The condition must be discharged prior to commencement as the landscaping scheme is a key factor in mitigating the visual impact of the scheme.

6. Attenuated surface water drainage from the proposed development shall be connected to the mains sewer, and the drainage system shall be maintained and retained for the life of the development, as set out in the Attenuation Calculations J-2698 and SWW Liason Document.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

7. Prior to their installation details (such as a product brochure, technical specification sheet and colour photographs) of the natural roofing slate to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The natural slate used on all new buildings with pitched roofs must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European slates where available with proof of origin from supplier
- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

The development shall then be carried out in accordance with those samples as approved. The slates shall be fixed in the traditional manner using nails not hooks and retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

8. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.

The natural stone used in all of the new walls must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European stone where available with proof of origin from supplier
- New UK derived stone with proof of origin from supplier
- New European derived stone with proof of origin from supplier
- No other natural stone products will be considered acceptable

All new natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

9. There shall be no floodlighting or other external lighting at the site (including security lighting) unless otherwise previously approved in writing by the Local Planning Authority. Details of positions, heights, type, luminance/light intensity, direction and cowling (if any) of any floodlighting or other external lighting (including security lighting), to be erected, placed or operated on any part of the application site shall be submitted to and approved in writing by the Local Planning Authority prior to its erection or installation. Such lighting shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of nocturnal biodiversity.

10. The low carbon measures identified in the DEV32 Checklist shall be implemented in order to achieve regulated carbon emissions levels of at least 20 per cent less than that required to comply with Building Regulations Part L. 2013. Development shall take place in accordance with the approved details prior to the first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

11. Prior to their installation, details of the solar panels to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be of a visually recessive design. Prior to occupation of the building hereby approved, the panels shall be installed in accordance with those details as approved and retained and maintained for the lifetime of the development. The panels shall be removed as soon as reasonably practicable when no longer required.

Reason: (1) In the interests of visual amenity.

(2) To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

12. The recommendations, mitigation and enhancement measures of the Ecological Reports, Report #084a22/GLE, Report #08422/GLE by Green Lane Ecology dated July 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

Reason: To safeguard the interests of protected species.

13. The garage, store and annexe building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling "Sheerwater, Salcombe" and shall not be used, let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling.

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## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

**Parish:** Churchstow **Ward:** Loddiswell and Aveton Gifford

**Application No:** 2202/22/FUL

**Agent:**

Mr Nigel Dalton  
Nigel Dalton Architectural Design  
Unit 4H  
South Hams Business Park  
Churchstow  
Kingsbridge  
TQ7 1NY

**Applicant:**

Mr & Mrs T Puncher  
Churchstow Lodge  
Churchstow  
TQ7 3QU

**Site Address:** Churchstow Lodge, Churchstow, TQ7 3QU



**Development:** Erection of new dwelling & associated new vehicular access

**Reason for call in:** Cllr Bonham wishes the Committee to consider the visual impact of the proposal, with particular regard for heritage assets, in addition to the highways safety impacts.

## Recommendation: Conditional approval

### Conditions:

1. Standard time limit
2. Accord with plans
3. Construction Management Plan
4. Visibility splays
5. Unexpected contamination
6. Surface water drainage
7. Natural slate
8. Solar panels
9. Air source heat pump
10. DEV32 measures
11. Accord with arboricultural report
12. Accord with ecological mitigation
13. Details of external lighting
14. First floor window in east elevation – obscure glazed and fixed shut
15. Permitted Development rights removed

### Key issues for consideration:

Principle of development, design, scale and massing, residential amenity, highways, heritage, biodiversity, drainage, low carbon, impact on the South Devon Area of Outstanding Natural Beauty.

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### Site Description:

The site is located within the built form of Churchstow, directly adjacent to the A379, within South Devon Area of Outstanding Natural Beauty. The site comprises the eastern part of a large garden associated with Churchstow Lodge and is bounded by a large hedge which separates the garden from the A379. The site falls within the setting of the Grade II Listed Fleur Cottage and Furneaux Hatch to the east, with the Grade II\* Listed St Mary's Church with the Grade II Listed boundary walls, along with the Grade II Listed Church House Inn to the south east, on the southern side of the A379. The site falls within Flood Zone 1.

### The Proposal:

The applicant wishes to subdivide the garden to accommodate a new, detached dwelling in the eastern part of the site, with a new access directly onto the A379 to the south. The new access is supported by the creation of new visibility splays and the realignment of the existing hedge on the southern boundary of the site. The dwelling is designed in a contemporary style, with a simple pitched roofed form, with two dormers on the north elevation enclosing two Juliette balconies and a wraparound ground floor flat roofed extension on the southern and western boundaries. The dwelling provides three bedrooms, along with associated living space, off-road turning and parking for at least two vehicles, patio and garden area to the east. The proposal includes a heat pump, solar PV panels and EV charging point.

During the life of the application, the dwelling was re-sited further to the south west within the site boundary, renewable technologies were included and the application was re-advertised.

### Consultations:

- |   |                                    |
|---|------------------------------------|
| • County Highways Authority (original comments) | Objection                          |
| • County Highways Authority (revised comments)  | No objection subject to conditions |
| • Churchstow Parish Council (original proposal) | Object on the grounds of access    |
| • Churchstow Parish Council (revised proposal)  | Object on the grounds of access    |
- The Parish Council again unanimously object to this development on the grounds of dangerous access.



They have reviewed the revised comment from Highways and would like to enquire as to when (dates and times) of when Highways did their on site assessments as the combined local knowledge of this road and the positioning of the access lead them to believe that perhaps the timing of Highways visit did not give a true representation of the dangers it would provide.

- Loddiswell Parish Council (revised proposal) No comments to make
- Loddiswell Parish Council (original proposal) No comments to make
- SHDC Tree Officer (original proposal) Objection – insufficient information
- SHDC Tree Officer (revised proposal) No objection subject to condition

**Representations:**

**Representations from Residents**

On letter of objection was received in response to the original proposal and includes the following points:

- I am objecting to the proposed development on the grounds that the access onto the busy A379 I do not feel would be safe. It would come out onto the road opposite the vicinity of the Village shop and the cottages of Butt Park Terrace where there are already parking problems.
- I feel it could have therefore a detrimental effect on a rural business notably the Village Shop and Post Office which are already struggling.
- As a daily user of the shop from Venn, I am acutely aware of the potential issues that this development might cause.

**Relevant Planning History**

Planning Application Reference	Proposal	Site Address	Decision	Appeal
11/0923/92/3: FUL	Extension to dwelling	Churchstow Lodge Churchstow.	Conditional approval: 17 Jul 92	
11/1354/92/1: OPA	Outline application for erection of two dwellings with garages and private drive access	Churchstow Lodge Churchstow.	Withdrawn: 03 Nov 92	
11/0794/93/1: OPA	Outline application for erection of dwelling and garage	Churchstow Lodge Churchstow.	Refusal: 13 Jul 93	Dismissed (Refusal): 03 Mar 94
11/0409/02/F: FUL	Extension to form sun-lounge	Churchstow Lodge Churchstow Kingsbridge Devon TQ7 3QU	Conditional approval: 11 Apr 02	
11_32/0607/04/O: OPA	Outline application for erection of dwelling	Churchstow Lodge Churchstow Kingsbridge Devon TQ7 3QU	Withdrawn: 10 May 04	
11_32/0379/05/F: FUL	Conversion of garage to kitchen erection of utility room garage and shed	Churchstow Lodge Churchstow Kingsbridge Devon TQ7 3QU	Conditional approval: 13 Apr 05	

11/2812/12/F: FUL	Householder application for extension to west and east elevations.	Churchstow Lodge Churchstow Kingsbridge Devon TQ7 3QU.	Conditional approval: 24 Jan 13	
3731/21/FUL	Construction of new dwelling and formation of access	Churchstow Lodge Churchstow Kingsbridge Devon TQ7 3QU	Withdrawn	

## ANALYSIS

### Principle of Development/Sustainability

The Plymouth and South West Devon Joint Local Plan sets out the framework for consideration of all new development proposals within the Plymouth, West Devon and South Hams Local Planning Authority Areas. Policy SPT1 Delivering Sustainable development requires that proposals uphold the principles of sustainability with respect to their economic, social and environmental components. This is considered in tandem with policy SPT2 Sustainable linked neighbourhoods and sustainable rural communities, which directs growth according to the spatial strategy. These policies are supported by policy TTV1 Prioritising growth through a hierarchy of sustainable settlements, which organises the settlements of the TTV policy area (which covers much of South Hams) into a hierarchy. Growth is directed to the main towns in the first instance, to promote self-containment in order to support new growth and to support existing services, the out to smaller settlements.

The JLP does not define settlement boundaries, nor does it seek to allocate development within settlements in the AONB. Instead, the JLP directs Neighbourhood Plans to “bring forward positive allocations to meet local housing need where justified by an appropriate evidence base”, with the criteria for development proposals set out in policy DEV25. The site has not been allocated for development within the Neighbourhood Plan. However, the site falls within the built form of Churchstow and hosts a detached dwelling set in a large garden; the principle of development within this context is therefore established, subject to compliance with the other protective designations relevant to this highly sensitive location.

Policy SPT1 identifies a range of principles of sustainable development and SPT2 details a number of principles of sustainable linked neighbourhoods and sustainable rural communities. In support of policy SPT2, figure 3.2 provides a number of ‘aspirational’ measures of sustainable neighbourhoods and communities, such as walking distances to a bus stop, a local convenience store and a primary school. The site is within the built form of Churchstow and is opposite the village shop and pub; it lies within walking distance of the village shop and post office, pub, church and bus stop. Officers do acknowledge that there is no dedicated footway for the whole route but that the DCC Highways Engineer has confirmed that the access would be sufficient to cross the road to the south of the site to access the shop. Similarly, there is a small industrial estate to the south east of Churchstow village c. 0.5km but there is no safe pedestrian route to connect to this area. On balance the siting of the development is considered sustainable and therefore accords with the provisions of SPT1, SPT2, TTV1, TTV2 and KWAC ENV1.

### Housing Need

The proposal has been considered against the provisions of DEV8, which require that developments provide a mix of housing sizes, types and tenure appropriate to the area. The policy also recognises particular needs associated with redressing an imbalance within the housing stock, households with specific need and for dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.

The Strategic Housing Market Needs Assessment that underpins the housing mix policies within the JLP places suggests that household change to 2034 will present a need for smaller homes that meet the needs of a broader cross-section of our communities, particularly couples with no children and single person households.

Housing data from the 2011 Census indicate that the Parish of Churchstow indicate that the Parish is over provided with detached dwellings, which comprise 46% of the total housing stock. The housing stock provides a fairly even spread of different bedroom numbers, with 28% of dwellings with four or more bedrooms, 33% with three bedrooms, 32% with two bedrooms and 7% with one bedroom. In this context, the provision of one three bedroomed detached dwelling would have a neutral impact in terms of the provisions of DEV8; the dwelling would not address any of the identified need but Officers do not consider that the provision of one detached dwelling that has three bedrooms would result in significantly harmful impacts in terms of the availability or affordability of housing within the parish so as to warrant a refusal solely on this basis. In this context, the proposal is considered to accord with the provisions of DEV8 and KWAC H2.

### Design and Heritage

The site falls within the setting of the Grade II Listed Fleur Cottage and Furneaux Hatch to the east, with the Grade II\* Listed St Mary's Church with the Grade II Listed boundary walls, along with the Grade II Listed Church House Inn to the south east, on the southern side of the A379. These buildings are listed for their historical and architectural value; Officers are mindful that their intervisibility preserves the time-depth of the development of the village and that the Church tower is a dominant feature within the view along the A379. Officers are mindful of the duty noted at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in exercising planning functions.

The new dwelling is designed in a contemporary style, with clean lines and a simple form. The scheme incorporates the use of natural slate on the roof which is a positive feature; it is considered necessary to secure the details of the natural slate by condition in the interests of visual amenity. The scheme includes a flat roofed extension at ground floor level to provide living space whilst reducing the visual impact of the scheme when viewed from the A379, as this design allows for the two storey element of the scheme to be set further back into the site thus reducing its visual impact within the street scene.

Officers consider that the proposal is clearly discernible as a contemporary addition to the site and it is unlikely to be unduly visually prominent within the street scene. Officers have reviewed the scheme with the Council's Heritage Officer and in light of the fact that the existing boundary hedge could be removed at any time, the Heritage officer did not raise an in-principle objection to the scheme. On this basis, the setting of the Listed Building is preserved and the proposal is considered to accord with the provisions of DEV20, DEV21, DEV23, KWAC ENV4, KWAC BE3, and KWAC BE4.

In light of the sensitive setting of the development and the design intent behind the scheme, Officers consider it necessary to restrict Permitted Development rights for the dwelling to enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

### Landscape and Trees

The site is currently well screened from public view from the A379 and to the south by a well-established boundary hedge. However, this hedge is not covered by any protected designations and may be removed by the applicant at any time. The SHDC Tree Officer initially objected to the scheme on the grounds that insufficient information was provided with respect to the impact of the development on the trees on the site; in response the application provided additional information to address this. This report confirms that the boundary hedge will be realigned and retained at a height of at least 1m when measured from the top of the bank (itself 1m high when measured from the public highway) to provide sufficient space to accommodate the visibility splays whilst maintaining the verdant character of the site and softening the appearance of the development within the street scene.

The SHDC Tree Officer has confirmed that the proposal is policy compliant with respect to arboriculture, with the details within the tree report to be secured by condition to protect the trees during and post construction such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area. In this context, the proposal is considered to accord with the provisions of DEV28 and KWAC ENV10.

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located within the built form of Churchstow and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and KWAC ENV3 as the overriding character and appearance of the AONB would be conserved.

#### Neighbour Amenity

There are a number of residential dwellings in the area surrounding the application site, however, Officers are satisfied that the dwelling is sufficiently separated from the neighbouring dwellings in order to maintain residential privacy and amenity. The applicant has also included obscure glazing within the first floor window on the east elevation of the dwelling to ensure that there can be no overlooking of the garden to Fleur Cottage; it is considered necessary to secure the details of the obscure glazing and that the window is fixed shut, in order to safeguard the residential privacy and amenity of adjoining occupiers. No such measures are included or deemed necessary on the west elevation given the separation distance between the dwelling and the most private part of the garden closest to Churchstow Lodge, which is approximately 40m. On this basis, the proposal is considered to accord with the provisions of DEV1.

#### Highways/Access

The proposal includes provision for off-road parking and turning within the site boundary, along with EV charging provision; Officers are satisfied that this will provide sufficient parking for the occupants of the development in accordance with the guidance set out in the SPD.

There have been strong objections to both versions of the development, citing concerns regarding the safety of pedestrians and for drivers in terms of access and parking in the area surrounding the new access. The Parish Council have also queried the details of the DCC Highways Engineer's site visit as there are concerns that the comments may not reflect true nature of the traffic movements in the local area. Officers would confirm that the DCC Highways Engineer has considered the application in detail and that the development will provide policy compliant pedestrian and vehicular access, subject to the imposition of conditions. One condition requires that the visibility splays are laid out as per the approved drawings, to provide adequate visibility from and of emerging vehicles. Officers consider that the details of the visibility splays, to include details of retaining walls, surfacing, means of preventing surface water from draining onto the highway and means of enclosure must be provided prior to commencement of condition to ensure that surface water does not drain onto the highway and that the scheme delivers a high quality finish appropriate within the setting of nearby heritage assets. A further condition requires that a Construction Management Plan be prepared and approved in writing by the Local Planning Authority to safeguard the interests of highways safety, residential amenity and the natural environment. The condition must be discharged prior to commencement of development, as any works on site could result in detrimental impacts and safeguards must be in place to prevent significant adverse impacts from occurring. The applicant agreed the conditions in writing on 10 May 2023. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25, DEV29 and KWAC T3.

### Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme; it is considered appropriate to secure these details by condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the proposal is considered to accord with the provisions of DEV35 and KWAC ENV6 and is acceptable.

### Low Carbon

The applicant has included the provision of an air source heat pump within the proposal. While the principle of this element is acceptable, full details of the ASHP must be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV26, DEV28, DEV32, KWAC ENV7 and KWAC ENV8.

The applicant has also included solar panels on the southern roof plane of the dwelling; this is considered acceptable, with the details to be secured through condition in the interests of visual amenity and to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

The applicant has also provided a copy of the DEV32 checklist which details the measures included within the design and build of the dwellings in order to reduce the carbon footprint associated with the project and comply with the provisions of DEV32. It is considered necessary to secure these details through condition in order to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

For clarity, Officers would note that as the application was submitted prior to 01 December 2022 the provisions of the Climate Emergency Planning Statement do not apply.

### Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations and measures to deliver biodiversity net gain, in order to safeguard the interests of protected species, which are necessary to secure through condition. The report also recommends strict controls on external lighting; it is considered necessary to secure the details of any external lighting through condition in the interests of nocturnal biodiversity. On this basis, the proposal is considered to accord with the provisions of DEV26 and KWAC ENV5.

### Conclusion

Officers note that there are strong local concerns with respect to highways safety but on the advice of the County Highways Engineer, it is not considered that the proposal would result in significant increased risk to highways safety given the site constraints and context. On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

## Planning Policy

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13 January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12 November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

Following a successful referendum, the Kingsbridge, West Alvington & Churchstow Neighbourhood Plan was made at South Hams District Council Committee on 15 December 2022. It now forms part of the Development Plan for South Hams and is used when determining planning applications within the Kingsbridge, West Alvington & Churchstow Neighbourhood Area.

The relevant policies are listed below:

Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence  
Policy KWAC Env3 Impact on the South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.  
Policy KWAC Env 5 Prevention of light pollution  
Policy KWAC Env 6 Prevention of Flooding  
Policy KWAC Env 7 Carbon Reduction  
Policy KWAC Env 8, Encouraging renewable energy  
Policy KWAC Env 10 Promotion of tree planting  
Policy KWAC H2 Market Housing  
Policy KWAC BE3 Design Quality  
Policy KWAC BE4 Safeguarding Designated and Non-Designated heritage assets and the conservation areas of Kingsbridge and West Alvington  
Policy KWAC T1 Sustainable Transport routes  
Policy KWAC T2 Non-fossil fuel vehicle hub  
Policy KWAC T3 Car Parking  
Policy KWAC Inf 1 Broadband Infrastructure

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024), Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

## **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

## **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers;

Site Location Plan 1127.21.00

Indicative Site Plan for Surface Water Drainage 1177.22.07

Received by the Local Planning Authority on 19 August 2022

Proposed Elevations 1177.22.04 rev A

Proposed Floor Plans 1177.22.05 rev A

Proposed Sections 1177.22.06 rev A

Proposed Site Plan 1177.22.03 rev A

Received by the Local Planning Authority on 12 March 2023

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
- (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
  - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
  - (h) hours during which no construction traffic will be present at the site;
  - (i) the means of enclosure of the site during construction works; and (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
  - (k) details of wheel washing facilities and obligations
  - (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
  - (m) Details of the amount and location of construction worker parking.
  - (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work; (To cover 20m either side of the proposed access)
  - (o) Details of the proposed traffic management to enable the formation of the access and visibility splays.

Reason: To safeguard the interests of highways safety, residential amenity and the natural environment.

The condition must be discharged prior to commencement of development, as any works on site could result in detrimental impacts and safeguards must be in place to prevent significant adverse impacts from occurring.

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved full details of the visibility splays, to include details of retaining walls, surfacing, means of preventing surface water from draining onto the highway and means of enclosure. Visibility splays shall be provided, laid out and maintained in accordance with those details as approved for that purpose at the site access and in accordance with the Proposed Site Layout drawing 1177.22.03 Rev A where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 0.6 metres above the adjacent carriageway/drive level.

Reason: To provide adequate visibility from and of emerging vehicles.

The condition must be discharged prior to commencement of development in order to ensure that surface water does not drain onto the highway and that the scheme delivers a high quality finish appropriate within the setting of nearby heritage assets.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating



completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

6. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above ground level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
5. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
6. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

7. Prior to their installation details (such as a product brochure, technical specification sheet and colour photographs) of the natural roofing slate to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The natural slate used on all new buildings with pitched roofs must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European slates where available with proof of origin from supplier
- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

The development shall then be carried out in accordance with those samples as approved. The slates shall be fixed in the traditional manner using nails not hooks and retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

8. Prior to their installation, details of the solar panels to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be of a visually recessive design. Prior to occupation of the building hereby approved, the panels shall be

installed in accordance with those details as approved and retained and maintained for the lifetime of the development. The panels shall be removed as soon as reasonably practicable when no longer required.

Reason: (1) In the interests of visual amenity.

(2) To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

9. Notwithstanding the information submitted, prior to installation full details of the Air Source Heat Pump hereby approved shall be submitted to and approved in writing by the LPA. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development, unless otherwise agreed in writing by the LPA. The Air Source Heat Pump must be removed as soon as reasonably practicable when no longer required.

Reason: In order to safeguard the interests of residential amenity and the natural environment.

10. The low carbon measures identified in the DEV32 Checklist shall be implemented in order to achieve regulated carbon emissions levels of at least 20 per cent less than that required to comply with Building Regulations Part L. 2013. Development shall take place in accordance with the approved details prior to the first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

11. The recommendations, mitigation and enhancement measures as set out in; Tree Survey Report PT\_7/2022\_TQ73QU dated 15 September 2022 shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority. The boundary hedges shall be retained and maintained in accordance with the details set out in the report for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the trees during and post construction such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area.

12. The recommendations, mitigation and enhancement measures of the Ecological Report, by Western Ecology dated November 2021, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

Reason: To safeguard the interests of protected species.

13. There shall be no floodlighting or other external lighting at the site (including security lighting) unless otherwise previously approved in writing by the Local Planning Authority. Details of positions, heights, type, luminance/light intensity, direction and cowling (if any) of any floodlighting or other external lighting (including security lighting), to be erected, placed or operated on any part of the application site shall be submitted to and approved in writing by the Local Planning Authority prior to its erection or installation. Such lighting shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of nocturnal biodiversity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting this Order) the first floor window hereby approved on the east elevation of the dwelling (as shown on drawing number Proposed Elevations 1177.22.04 Rev A) shall be glazed in obscure glass, fixed shut, and thereafter so maintained.

Reason: To protect the residential amenity and privacy of adjoining occupiers.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015, as amended (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 and 14 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

- (a) Part 1, Class A (extensions and alterations)
  - (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
  - (c) Part 1, Classes B and C (roof addition or alteration)
  - (d) Part 1, Class D (porch)
  - (e) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
  - (f) Part 1, Class F (hardsurfaces)
  - (g) Part 1, Class G (chimney, flue or soil and vent pipe)
  - (h) Part 1, Class H (microwave antenna)
- Schedule 2
- (i) Part 2, Class A (means of enclosure)
- Part 14 Renewable energy
- (j) Class A (solar equipment)
  - (k) Class B (stand alone solar equipment)
  - (l) Class C (ground source heat pumps)
  - (m) Class D (water source heat pumps)
  - (n) Class E (installation or alteration of flue for biomass heating) (o) Class F (installation or alteration of flue for combined heat and power)
  - (p) Class G (installation or alteration of air source heat pumps)
  - (q) Class H (installation or alteration of wind turbine)
  - (r) Class I (installation or alteration of stand alone wind turbine)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

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## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Curtis Badley

**Parish:** Wembury

**Ward:** Wembury and Brixton

**Application No:** 0596/23/HHO

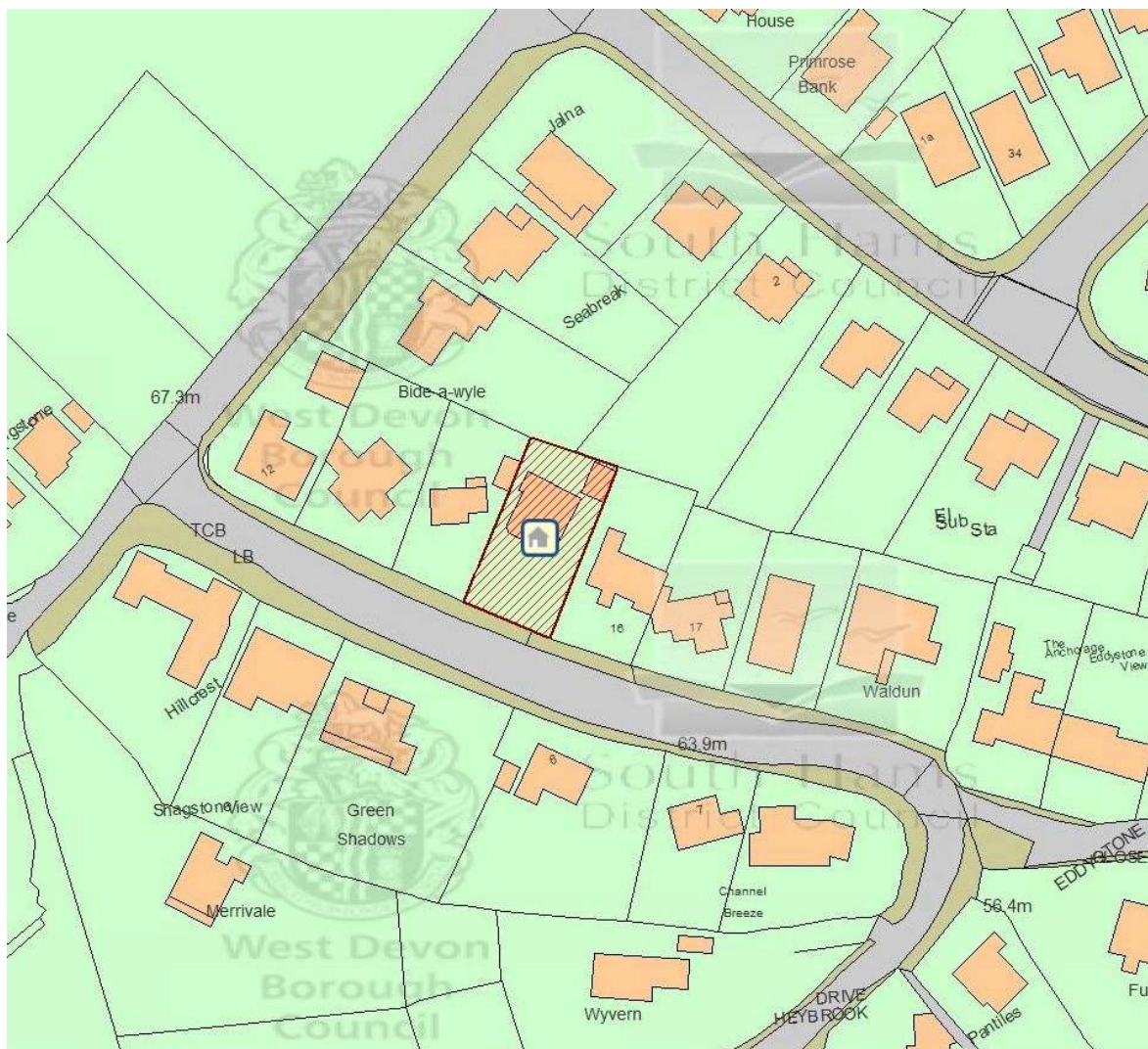
**Agent:**

Mr Derek Butler - Derek Butler Designs Ltd  
Hexhill Cottage  
Brixton Torr  
Plymouth  
PL8 2BD

**Applicant:**

Mr & Mrs D Sims  
15 Heybrook Drive  
Heybrook Bay  
PL9 0BN

**Site Address:** 15 Heybrook Drive, Heybrook Bay, PL9 0BN



**Development:** Householder application for side porch and bedroom extension

Reason item is being heard by Committee: The former Local Ward Member, namely Cllr Daniel Brown, has asked that it be heard by Committee for the following reason: *“I would like this application to be considered by the Development Management Committee as a result of the comments from the PC regarding concerning around scaling and massing.”*

## **Recommendation:** Conditional Approval

### **Conditions:**

1. Standard time limit
2. Adherence to plans
3. Adherence to construction management plan

### **Key issues for consideration:**

Principle of development, design, impact on AONB, neighbour amenity

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### **Site Description:**

15 Heybrook Drive ('Shearwater') is a detached residential property located within the built-up area of Heybrook Bay. The site comprises of a chalet bungalow, providing living accommodation over two storeys, built of painted render external walls with painted timber windows and doors below an interlocking concrete tiled roof.

The property is located to the North of Heybrook Drive and the front boundary treatment consists of a low stone wall with hedgerow behind. The ground floor accommodation comprises kitchen, sitting room and hallway, together with two bedrooms with en-suites. The first floor accommodation comprises a third bedroom with en-suite, together with a living room. The first floor accommodation, set within the roofspace, is served by two front and two rear facing dormer windows.

The topography of the land has a shallow slope down from the West side of the property to the East. A front deck provides level access to the front patio doors and a short, paved ramp allows vehicular access from the gravel driveway to the garage which lies to the Eastern side of the plot.

The property is located within the South Devon Area of Natural Beauty (AONB).

### **The Proposal:**

The proposed development seeks to construct a single storey side extension to the existing chalet bungalow providing an extended bedroom and new entrance porch. The extension would be accessed by new access steps and handrails to the front of the property.

The extension would be externally finished with painted rendered walls and would have a flat roof clad with single ply roofing membrane in grey. Doors and windows would be timber to match existing.

The proposal also seeks to install a new rear facing window to the existing ground floor en-suite bathroom.

### **Consultations:**

- Devon County Council Highways Authority: No Highway Implication

- Wembury Parish Council: “Objection due to overdevelopment of the site and impact on the neighbour's amenity.”

## **Representations:**

### **Representations from Residents:**

Ms T Seymour – Resident at 14 Heybrook Drive:

Comments received in objection as the proposed development “appears to sit exceedingly close to the boundary & seems like overdevelopment.” Comments raise concern to the space required to undertake the works and maintenance of the property without entering number 14 and that a one metre gap would enable space to undertake future maintenance and not feel like overdevelopment.

### **Relevant Planning History:**

58/1494/78/3 - Erection of a porch  
Conditional Approval - 22 November 1978

58/0699/84/3 - Extension to dwelling  
Conditional Approval – 3 July 1984

58/1423/86/3 - Alterations to approved scheme to extend bungalow  
Conditional Approval – 11 November 1986

58/0253/98/3 - Loft conversion  
Conditional Approval – 25 March 1998

2567/15/HHO- Householder application for demolition of existing detached garage and erection of new attached garage, side-extension and alterations  
Conditional Approval – 10 February 2016

### **ANALYSIS**

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

#### 1. Principle of Development/ Background:

- 1.1. 15 Heybrook Drive is located within the built area of Heybrook Bay and comprises of an existing dwelling and residential curtilage. The principle of the proposed development is therefore acceptable, subject to all other material planning considerations and protective designations relevant to this sensitive location.

#### 2. Design and Landscape:

- 2.1. The proposed development seeks to construct a single storey side extension to the existing chalet bungalow. The proposal projects 10.3 metres parallel alongside the Western site boundary, retaining the existing boundary treatment on site. The width of the proposed extension varies from 1.78m to 2.42m to infill the gap between the existing side elevation of the property and boundary treatment which are not parallel.

- 2.2. The proposed extension is considered to be a modest, single storey addition to the existing dwellinghouse. The proposed single storey addition utilises a flat roof and is set back from the principal elevation, allowing the extension to remain subservient to the host dwelling. The proposals are considered to retain suitable amenity space, and visual qualities of the property ensuring that the proposal does not represent an overdevelopment of the site. The proposed materials largely match the existing property. On this basis, the proposal is considered to accord with the provisions of policies DEV20 and DEV23 of the Joint Local Plan ('JLP').
- 2.3. The site falls within the South Devon AONB. Policy DEV25 of the JLP requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials reflect those of the existing dwelling and have a neutral impact on the AONB itself. As the proposal is located within the built form of Heybrook Bay and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the limited scale of the proposal within a residential context, the proposal is considered acceptable with regard to the provisions of policy DEV25.

### 3. Neighbouring Amenity:

- 3.1. Representations have been received from the neighbouring property to the west (No.14) objecting to the proposal on the grounds that "the extension appears to sit exceedingly close to the boundary & seems like overdevelopment."
- 3.2. No.14 comprises a two-storey dwelling of contemporary form and design, with attached garage. The boundary between No.14 and the application property is marked by a horizontal timber fence (2m high approx.) The garage serving No. 14 is also partially built up to the shared boundary.
- 3.3. The proposed extension would be some 10.3 metres deep, and situated alongside the existing side elevation of the dwelling. It would not extend out beyond the existing front or rear walls of the dwelling. The use of a flat roof in this instance reduces the overall scale of the development and restricts the height to 3.1 metres – below the height of the eaves of the existing property. No windows are introduced facing this neighbouring property.
- 3.4. In terms of neighbour impact, although the extension would be situated closer to No.14 than the existing dwelling, the extension would not extend the dwelling to the front or rear, and must be considered in relation to the existing extent of built form. The extension would also be partly screened by the existing boundary fence, or its replacement, and by the existing garage serving No.14 which, as noted, is partially built up to the shared boundary.
- 3.5. Overall, having regard to proposal's modest, subservient form and siting to the side of the dwelling, adjacent to existing built form, it is not considered that the proposal would constitute an overdevelopment or otherwise materially harm the amenities of the occupiers of No.14 by reason of overlooking, overshadowing or overbearing impact. A condition has been attached to ensure the construction management plan is adhered to in order to safeguard the environment, residential amenities and access to the



highway. The proposal is therefore considered to accord with the provisions of DEV1 and DEV2 of the JLP.

- 3.6. The representations of No.14 also raise concern regarding the space required to undertake the works and thereafter maintain the property without needing to enter No.14 and note that a one metre gap would enable space to undertake future maintenance and not feel like overdevelopment. Whilst these points are noted, in this regard the extension cannot be distinguished from any other extension or work proposed close to a party boundary, and no policy of the JLP or guidance within the associated SPD seeks to avoid single storey side extensions in such circumstances. Beyond this, the representations may be considered to cover civil matters beyond the control of the Local Planning Authority.

#### 4. Highways/Access:

- 4.1. Due to the scale, nature and siting of the proposal to the side of the existing dwelling and retention of existing parking and access arrangements, a suitable level of parking and amenity space is retained. The proposal is not expected to result in any significant change with respect to highways. As such, the proposal is considered to accord with the provisions of DEV29.

#### 5. Drainage:

- 5.1. The site does not fall within Flood Zone 2 or 3 nor within a Critical Drainage Area. document. The proposed extension represents an increase in impermeable area of 19.6m<sup>2</sup>, although some of the area covered is already impermeable finishes. The proposed surface water from the extension will soakaway into the front garden as illustrated within the 'Block Site Plan with Drainage'. Due to the minor nature of the development this drainage strategy is considered acceptable in this instance and accords with the provisions of policy DEV35 of the JLP.

#### 6. Climate Emergency:

- 6.1. The Council has declared a climate emergency and the JLP seeks to help in delivering a more sustainable future for the area, whilst at the same time supporting national and international efforts to respond to the challenge of climate change and build more resilient communities.
- 6.2. The application includes the installation of an electric vehicle charging point within the existing garage as detailed on the proposed plans. This introduction is considered to contribute positively to the provisions within the renewable energy policies. A condition is recommended to secure the provision of this feature.

#### 7. Conclusion:

- 7.1. On balance the proposal is considered acceptable in terms of principle of development, design, impact on the AONB and neighbouring amenity. It is recommended that the application is approved subject to the suggested conditions which secure the implementation of the plans and construction management plan as submitted.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV32 Delivering low carbon development

## **Neighbourhood Plan**

A Neighbourhood Plan is currently under preparation for the Parish of Wembury but it has not yet reached a stage where it can be considered material to the decision making process

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**South Devon AONB Management Plan (2019-2024)**

**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020**

## **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

## Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers:
  - DBD1041/SLP 'Site Location Plan' received by the Local Planning Authority on 17 February 2023.
  - DBD1041/BSP 'Block Site Plan' received by the Local Planning Authority on 17 February 2023.
  - DBD1041/201 'Block Site Plan with Drainage' received by the Local Planning Authority on 17 February 2023.
  - DBD1041/05 Rev A 'Proposed Floor and Roof Plans, Elevations and Sections' received by the Local Planning Authority on 17 February 2023.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The development hereby approved shall in all respects accord strictly with the Construction Management Plan written by Derek Butler Designs Ltd (dated: 14<sup>th</sup> February 2023) and received by the Local Planning Authority on 17 February 2023.

Reason: In the interests of neighbouring amenity and highway safety.

4. No window shall be installed in the north-west elevation of the extension hereby approved unless granted planning permission by the Local Planning Authority.

Reason: In the interest of neighbouring amenity.

5. The EV charging point as shown on the approved plans shall be installed prior to the occupation/use of the extension hereby approved, and hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.

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## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Curtis Badley

**Parish:** Kingsbridge

**Ward:** Kingsbridge

**Application No:** 0049/23/HHO

**Applicant:**

Mr Lee Bonham  
Derby Lodge  
8 Derby Road  
Kingsbridge  
TQ7 1JJ

**Site Address:** 8 Derby Road, Kingsbridge, TQ7 1JJ



**Development:** Householder application for two storey side extension plus first-floor extension over part of existing ground floor, to include pitched roof to match existing

Reason item is being heard by Committee: The applicant is an elected Local Ward Member.

**Recommendation:** Delegated approval to the Head of Development Management subject to no further representations being received within the reconsultation period (date TBC) that raise any new issues not considered in the Officer Report.

**Conditions:**

Standard time limit  
Adherence to plans  
Adherence to drainage details  
Materials to match

Adherence to ecological mitigation and enhancement

**Key issues for consideration:**

Principle of development, design, impact on AONB, neighbour amenity

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**Site Description:**

8 Derby Road is a link detached residential property located within the built-up area of Kingsbridge. The site comprises of a two-storey dwelling, externally finished in painted render beneath a slate tiled roof. The property benefits from an existing two storey flat roof side extension to the East.

The property is located to the South of Derby Road, facing onto the crossroads of Erbington Street and Rack Park Road. The dwelling is sited towards the front of the site and has an off-road parking space to the front and a sloping garden to the rear. The site narrows from the front to the rear (North to South) of the property which backs onto the Kingsbridge Recreation Ground.

The property is located within the South Devon Area of Natural Beauty (AONB).

**The Proposal:**

The proposed development seeks to construct a two-storey side extension to the existing dwelling providing an additional bedroom at first floor and a cloakroom at ground floor, together with a first-floor rear extension to provide an extension to an existing bedroom. The first-floor extension will partly replace an existing balcony enclosure, the remaining balcony being modestly extended. Both extensions will be pitch roofed, the pitch roof to the two-storey side extension replacing the bulk of the flat roof to the existing side addition.

The materials proposed would comprise of painted rendered walls, a slate roof covering and windows and doors to match the existing dwelling.

**Other Matters:**

Amended plans have been received since the original consultation took place which correct the extent of the applicant's land ownership (specifically the boundary between Nos. 8 & 9 Derby Road) and thus amend the red line denoting the application site. These plans do not amend the development for which planning permission is sought. Reconsultation has taken place given the receipt of these amended plans, and this is reflected in the recommendation, above.

**Consultations:**

- Devon County Council Highways Authority: No Highways Implication
- Kingsbridge Town Council: "KTC: Recommend Approval" Overall View: Support

## **Representations:**

### **Representations from Residents:**

R and C East – Resident at 9 Derby Road:

Comments received in objection as “the proposed extension would be built very close to the boundary limits, making this an over-development of the plot. It would overshadow our productive little vegetable garden depriving it even further of the current limited amount of light and sunshine that it attracts”.

### **Representations from Internal Consultees:**

## **Relevant Planning History:**

28/1665/00/F - Erection of garage  
Conditional Approval - 21 November 2000

28/0224/08/F - Alterations to dwelling  
Refusal - 26 March 2008

28/0663/08/F - Resubmission of application 28/0224/08/F for alterations to dwelling  
Conditional Approval - 19 May 2008

## **ANALYSIS**

### 1. Principle of Development/ Background:

1.1. 8 Derby Road is located within the built area of Kingsbridge and comprises of an existing dwelling and residential curtilage. The principle of the proposed development is therefore acceptable, subject to all other material planning considerations and protective designations relevant to this sensitive location.

### 2. Design and Landscape:

2.1. The proposed development seeks to construct a two-storey side extension adjoining the existing two storey flat roofed extension. As part of the proposal, the pitched roof of the proposed extension will be carried over onto the existing extension, thus removing the bulk of the flat roof and replacing this with a pitched roof. The proposal extends the existing gable roof form, ensuring a cohesive design solution which does not dominate the existing dwellinghouse. To the rear, the first-floor extension projects from the existing gable roof form also.

2.2. As a result of the rear extension, access to the Western side of the rear extension was restricted. A small balcony extension is proposed to ensure this access is retained and this expansion is considered to be modest in size.

2.3. The proposed extensions are considered to create a well-proportioned increase to the existing dwellinghouse. The side extension is set back from the principal elevation, allowing the extension to remain subservient to the host dwelling. The proposals do not significantly impact upon the amenity space available and are

considered to retain the visual qualities of surrounding area, ensuring a visual gap between the dwelling and its neighbour to the West, number 9 Derby Road is retained.

- 2.4. The proposed materials largely match the existing property. On this basis, the proposal is considered to accord with the provisions of policies DEV20 and DEV23 of the Joint Local Plan ('JLP').
- 2.5. The site falls within the South Devon AONB. Policy DEV25 of the JLP requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself. As the proposal is located within the built form of Kingsbridge, changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the limited scale of the proposal within a residential context, the proposal is considered acceptable with regard to the provisions of policy DEV25 of the JLP and policy KWAC Env3 of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan ('NP').

### 3. Neighbouring Amenity:

- 3.1. Number 8 Derby Road is a link detached property located on a constrained site which narrows to the rear. This, combined with the close-knit nature of surrounding development, sloping topography, siting of existing windows and, in relation to the applicant property, a rear balcony, means that there is already a degree of mutual overlooking between neighbouring properties. This point will be considered further below.
- 3.2. In terms of representations, it is noted that objections have been received from the neighbouring property, 9 Derby Road, which is positioned to the East/South-East of the application site. No.9 is set at a slightly lower level than No.8 and has both a terraced rear garden and a small side/front garden currently in use as a vegetable plot. This side/front garden is situated to the north-east of the applicant property.
- 3.3. As part of their assessment of the application, Officers have sought and received a revised location plan and block plan which clarifies site ownership and the location of the site boundary between the application site and the neighbouring property, 9 Derby Road. With regard to proximity to No.9, it is noted that the proposed side extension does not extend out further to the side than the existing side extension and would be viewed in the context of and against the backdrop of the existing built form. A minimum gap of 1.7 metres would be retained between the side wall of the applicant property and the side boundary with No.9.
- 3.4. The representations made by No.9 object on the basis that the extensions will "overshadow our productive little vegetable garden". Officers are mindful that No.9 has two identified garden areas; one to the rear and another to the side/front. The garden area that No.9 consider would be affected by the development is the part of its garden that lies to the side/front of the property. DEV1 seeks to ensure development provides for satisfactory daylight, sunlight, outlook and privacy. However, in consideration of overshadowing/sunlight and daylight, officers would place more weight upon any perceived impact upon the neighbour's property itself



than part of its garden area - para 13.30 of the JLP SPD stating “13.30 Extensions should not result in a significant loss of daylight or sunlight to habitable rooms of neighbouring properties, such as kitchens, living rooms or bedrooms.” In this case, the development is not identified as impacting on the dwellinghouse itself but, as noted, part of its garden. No.9’s terraced garden area to the rear of the dwelling is not regarded to be adversely impacted by the proposed works. Officers consider any impact upon this front/side garden to be minor, having regard to the size and projection of extension, aspect and juxtaposition of the two properties. In conclusion, mindful of the above and para 13.30 of the SPD, officers are content that the proposal would not harmfully affect the amenities of the neighbouring dwelling by reason of overshadowing, loss of light/sunshine or overbearing impact such that a conflict with DEV1 could be evidenced.

3.5. In terms of privacy and overlooking, as a result of the degree of overlooking already permitted by the existing dwelling and rear balcony area, the proposed reconfiguration of the balcony area and placement of rear facing doors/windows in the first floor rear extension, is not considered to create a materially more harmful impact upon neighbouring properties than currently exists. Moreover, the overall extent of the balcony will be reduced as a result of the proposed development.

3.6. It is noted that a side facing window proposed to serve the additional bedroom (which replaces an en-suite bathroom window to the side) will have a view over the side garden of the adjacent property, the side/front garden serving No.9 (discussed in 3.4 above) and its side elevation. The side/front garden of No.9 is already overlooked from the existing balcony to an extent and, being to the front/side, can also reasonably be considered to be secondary to the principal garden area to the rear wherein privacy criteria are not so rigorously applied. It is also noted that the proposed first floor rear extension removes the existing overlooking of this side/front garden area permitted by the existing balcony. Moreover, as noted, No.9 has a larger, terraced garden area to the rear.

3.7. Taking these points into consideration, it is not considered that the proposals will result in harmful overlooking or a loss of privacy.

3.8. In conclusion, it is not considered the proposal will harmfully impact upon residential amenity and the proposal is considered to comply with policies DEV1 and DEV2 of the JLP.

#### 4. Ecology:

4.1 The Preliminary Ecological Appraisal ‘13322/GLE’ by Green Lane Ecology (dated December 2022) found no evidence of use by bats or bird nesting and sets out precautionary measures to avoid any harm during building works. The appraisal also sets out the provision of biodiversity enhancement recommended to swift bricks. A condition has been attached to ensure the adherence to the recommendations of the ecological appraisal. On this basis, the proposal accords with JLP policy DEV26 which seeks to protect and enhance biodiversity.

#### 5. Highways/Access:

5.1 Due to the scale, nature and siting of the proposal it is not considered that the proposal would result in any significant change with respect to highways safety.

Further the County Council Highways Officer has raised no objection to the proposed development. As such, the proposal is considered to accord with the provisions of policy DEV29 of the JLP.

## 6. Drainage:

- 6.1 The site falls within Flood Zone 2, an area with a medium probability of flooding. The site also lies within the Kingsbridge Critical Drainage Area. The increase in impermeable area resulting from the proposed development is 3.2m<sup>2</sup> and the associated drainage consultation response supports the current proposal based on the information provided.
- 6.2 A condition is recommended to ensure the drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. On this basis, the development this is considered acceptable and accords with the provisions of policy DEV35 of the JLP.

## 7 Climate Emergency:

- 7.1 The Council has declared a climate emergency and the JLP seeks to help in delivering a more sustainable future for the area, whilst at the same time supporting national and international efforts to respond to the challenge of climate change and build more resilient communities. The development of small-scale renewable energy generation is also detailed in policy KWAC Env7 of the NP.
- 7.2 The application includes the installation of three photo-voltaic panels as detailed on the South Elevation of the proposed roof. This introduction is considered to contribute positively to the provisions within the renewable energy policies.

## 8 Conclusion:

- 8.1 On balance the proposal is considered acceptable in terms of principle of development, design, impact on the AONB and neighbouring amenity. It is recommended that the application is approved subject to the conditions as listed.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV32 Delivering low carbon development

**Kingsbridge, West Alvington and Churchstow Neighbourhood Plan (2021 – 2034)**

KWAC Env3 Impact on the Natural Environment, South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.

KWAC Env7 Carbon Reduction

KWAC Env8 Encouraging renewable energy

KWAC BE3 Design Quality

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

**South Devon AONB Management Plan (2019-2024)**

**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020**

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

**Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers:

- 2701.SLP 'Site Location Plan' received by the Local Planning Authority on 28 March 2023.

- 2701.SBP 'Site Block Plan' received by the Local Planning Authority on 28 March 2023.
- 2701.02 Rev P4 'Plans and Elevations as Proposed' received by the Local Planning Authority on 28 March 2023.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building unless amendments have been agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

5. The recommendations, mitigation and enhancement measures of the Preliminary Ecological Appraisal, '13322/GLE' by Green Lane Ecology on December 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the Local Planning Authority.

Reason: To safeguard the interests of protected species

# South Hams District Council Agenda Item 7

## DEVELOPMENT MANAGEMENT COMMITTEE 7-Jun-23

Appeals Update from 21-Mar-23 to 25-May-23

### Ward Allington and Strete

APPLICATION NUMBER: **4018/22/HHO** APP/K1128/D/23/3320080  
APPELLANT NAME: Mr T McNulty  
PROPOSAL: Householder application for two storey side extension & single storey rear extension  
LOCATION: 4 Greenhill Terrace Greenhill East Allington Devon TQ9 7RB **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 12-May-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

### Ward Blackawton and Stoke Fleming

APPLICATION NUMBER: **3691/21/OPA** APP/K1128/W/22/3305440  
APPELLANT NAME: Brian, Nichola and Greig Wills  
PROPOSAL: Outline application with some matters reserved for construction of a single custom built dwelling  
LOCATION: Land Adjacent Two Gates Blackawton TQ9 7BL **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 03-January-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 19-April-2023

### Ward Dartington and Staverton

APPLICATION NUMBER: **3022/22/PDM** APP/K1128/W/22/3312658  
APPELLANT NAME: Diane Hamyln-White  
PROPOSAL: Application to determine if prior approval is required for a proposed change of use of agricultural building to 3No. dwellinghouse (Class C3) and for associated operational development (Class Q (a+b))  
LOCATION: Barn at SX 7502 6766 Ashburton **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 10-February-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 23-May-2023

### Ward Dartmouth and East Dart

APPLICATION NUMBER: **2260/22/HHO** APP/K1128/D/23/3318072  
APPELLANT NAME: Mr & Mrs C & J Jeff  
PROPOSAL: Householder application for construction of two storey garden building with no internal link between floors, ground floor for use as a garden and water equipment store with changing facilities including shower & WC and first floor for use as home office with WC (Resubmission of 3983/21/HHO)  
LOCATION: Paradise Point Ravensbury Drive Warfleet Dartmouth TQ6 9BZ **Committee**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 06-April-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **4336/21/FUL** APP/K1128/W/22/3303552  
APPELLANT NAME: Dr & Mrs Jonathan Shribman  
PROPOSAL: Development of a modest two storey dwelling with associated car parking and amenity space within the curtilage of Summer Hill.  
LOCATION: Summer Hill Kingston Lane Dartmouth TQ6 9HB **Officer member delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 03-February-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 24-April-2023

### Ward Dartmouth and Kingswear

APPLICATION NUMBER: **1304/22/FUL**

APPELLANT NAME: Loca Shading Designs  
PROPOSAL: Retractable canopy structure on the existing flat roof area with glazing to the front elevation. Fixed roof behind to create storage space.  
Replacement of first floor front windows with full width glazing  
LOCATION: Steam Packet Inn 3 Fore Street Kingswear Devon **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 30-March-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Ermington and Ugborough**

APPLICATION NUMBER: **0945/22/FUL** APP/K1128/W/22/3307997  
APPELLANT NAME: Mr E Kelly  
PROPOSAL: Change of use from residential with ancillary offices and holiday annex use to a mixed use of residential with ancillary offices and holiday plus occasional event venue (max 10 events per calendar annum) **Officer member delegated**  
LOCATION: Ludbrook Manor Ivybridge PL21 0LJ  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 02-March-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 19-May-2023  
APPLICATION NUMBER: **3018/22/HHO** APP/K1128/D/23/3314215  
APPELLANT NAME: Mr A Hopwood  
PROPOSAL: Householder application for rear extension (Resubmission of 2435/22/HHO) **Officer member delegated**  
LOCATION: 2 Erme Bridge Cottages Ermington PL21 9NN  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 09-February-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 18-April-2023

**Ward Kingsbridge**

APPLICATION NUMBER: **1386/22/FUL** APP/K1128/W/23/3315666  
APPELLANT NAME: Mr David Whittington  
PROPOSAL: Erection of six new residential dwellings (resubmission of 3830/20/FUL) **Committee**  
LOCATION: Dennings Wallingford Road Kingsbridge TQ7 1NF  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 30-March-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:  
APPLICATION NUMBER: **3622/22/HHO** APP/K1128/D/23/3314744  
APPELLANT NAME: Mr Stephen Coetzee  
PROPOSAL: Householder application for proposed side extension **Officer delegated**  
LOCATION: 4 Leigham Terrace Kingsbridge TQ7 1BP  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 17-February-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 18-April-2023  
APPLICATION NUMBER: **0182/23/HHO** APP/K1128/D/23/3321997  
APPELLANT NAME: Miss Sarah Tyers  
PROPOSAL: Householder application for alterations & extension to existing dwelling, to include single storey ground floor extension & off streetparking area **Officer member delegated**  
LOCATION: 6 Henacre Road Kingsbridge TQ7 1DN  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-May-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:  
APPLICATION NUMBER: **1901/22/HHO** APP/K1128/D/22/3311289  
APPELLANT NAME: Mr & Mrs P Robinson  
PROPOSAL: Householder application for demolition of outbuilding & extension to existing dwelling **Officer member**  
LOCATION: Thyme Cottage 30a Fore Street Kingsbridge TQ7

**delegated**

1NY

APPEAL STATUS: Appeal decided

APPEAL START DATE: 05-January-2023

APPEAL DECISION: Dismissed (Refusal)

APPEAL DECISION DATE: 04-April-2023

**Ward Loddiswell and Aveton Gifford**APPLICATION NUMBER: **1283/21/FUL** APP/K1128/W/22/3301763

APPELLANT NAME: AM, KM &amp; EN Harvey

PROPOSAL: Change of use of land from agricultural to allow the siting of two geodesic glamping domes and accompanying toilet/shower unit

LOCATION: Morecombe Down The Mounts East Allington TQ9 7QJ

**Officer delegated**

APPEAL STATUS: Appeal decided

APPEAL START DATE: 18-October-2022

APPEAL DECISION: Dismissed (Refusal)

APPEAL DECISION DATE: 09-May-2023

APPLICATION NUMBER: **2386/22/CLP** APP/K1128/X/23/3319601

APPELLANT NAME: Mrs F Eriksson

PROPOSAL: Certificate of Lawful Development for Proposed use of the land for the stationing of four additional caravans

LOCATION: Land at Coldharbour Cross Loddiswell Kingsbridge

**Officer delegated**

APPEAL STATUS: Appeal Lodged

APPEAL START DATE: 24-April-2023

APPEAL DECISION:

APPEAL DECISION DATE:

APPLICATION NUMBER: **4151/21/FUL** APP/K1128/W/22/3312269

APPELLANT NAME: Stone River Investments

PROPOSAL: Proposed demolition of existing C2 care home and replacement of 6 C3 Residential Dwellings

LOCATION: South Efford House Aveton Gifford TQ7 4NX

**Officer delegated**

APPEAL STATUS: Appeal Lodged

APPEAL START DATE: 20-April-2023

APPEAL DECISION:

APPEAL DECISION DATE:

**Ward Marldon and Littlehempston**APPLICATION NUMBER: **1304/21/ARM** APP/K1128/W/22/3311450

APPELLANT NAME: Just Vanz Ltd

PROPOSAL: READVERTISEMENT (Revised plans received) Application for approval of reserved matters following outline approval 34/1890/15/O

LOCATION: RMC Quarry, The Old Kiln Kiln Road Marldon TQ3 1SH

**Officer member delegated**

APPEAL STATUS: Appeal Lodged

APPEAL START DATE: 17-May-2023

APPEAL DECISION:

APPEAL DECISION DATE:

**Ward Newton and Yealmpton**APPLICATION NUMBER: **3401/22/HHO** APP/K1128/D/23/3316278

APPELLANT NAME: Nurhatch (SNS) Investments Ltd

PROPOSAL: Householder application for removal of part stone boundary wall &amp; installation of vehicle

gate &amp; parking area with onsite turning space

LOCATION: Linden Lea Church Park Newton Ferrers PL8 1AJ

**Officer delegated**

APPEAL STATUS: Appeal decided

APPEAL START DATE: 27-February-2023

APPEAL DECISION: Upheld

APPEAL DECISION DATE: 17-May-2023

APPLICATION NUMBER: **4158/21/FUL** APP/K1128/W/22/3302391

APPELLANT NAME: Mr Peter Bastin

PROPOSAL: Extend the floor plans to further enhance the approved dwelling (1039/18/FUL)

LOCATION: Hen House New Park Road Smithaleigh Plymouth PL7 5AX

**Officer delegated**

APPEAL STATUS: Appeal decided

APPEAL START DATE: 14-December-2022  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 23-March-2023

**Ward Salcombe and Thurlestone**

APPLICATION NUMBER: **0865/21/VAR** APP/K1128/W/22/3304731  
APPELLANT NAME: Mr & Mrs S Coleman  
PROPOSAL: READVERTISEMENT (revised plans received) Application for variation of condition 2 (drawings) of planning consent 1079/20/FUL  
LOCATION: Little Shear Hope Cove TQ7 3HH **Committee**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 16-January-2023  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 09-May-2023

APPLICATION NUMBER: **1764/22/FUL** APP/K1128/W/22/3307787  
APPELLANT NAME: Mr Graeme Lennox  
PROPOSAL: Change existing summerhouse/office/gym to holiday let with parking  
LOCATION: St Nicholas Coronation Road Salcombe TQ8 8EA **Officer delegated**  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 10-February-2023  
APPEAL DECISION: Upheld  
APPEAL DECISION DATE: 05-May-2023

APPLICATION NUMBER: **2380/22/FUL** APP/K1128/W/23/3315428  
APPELLANT NAME: Mrs Jane Greaves  
PROPOSAL: Application for construction of detached annexe  
LOCATION: The Cedar House Moulton Hill Salcombe TQ8 8LF **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 13-April-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **2972/22/HHO** APP/K1128/D/22/3312729  
APPELLANT NAME: Keith Winter  
PROPOSAL: Householder application for proposed rear bay windows with French balconies doors & Juliet  
LOCATION: 39 Fore Street Salcombe TQ8 8JE **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-May-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **2973/22/LBC** APP/K1128/D/22/3312734  
APPELLANT NAME: Mr Keith Winter  
PROPOSAL: Listed Building consent for proposed rear bay windows with French balconies doors & Juliet  
LOCATION: 39 Fore Street Salcombe TQ8 8JE **Officer delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-May-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **0285/22/HHO** APP/K1128/D/22/3308874  
APPELLANT NAME: Mrs Susanne Harley  
PROPOSAL: Householder application for proposed single storey rear extension & alteration to an existing dwelling. To include new replacement windows and addition of glass balustrade to existing garage flat roof.  
LOCATION: 39 Weymouth Park Hope Cove TQ7 3HD **Officer member delegated**  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 23-May-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **0387/22/VAR** APP/K1128/W/22/3303969  
APPELLANT NAME: MP2 Design Architects Ltd  
PROPOSAL: Application for variation of condition 2 (approved plans) of planning consent 3778/19/FUL (Resubmission of 4308/21/VAR)



LOCATION: Land adjacent to 39 Weymouth Park Hope Cove **Officer member delegated**  
Devon TQ7 3HD  
APPEAL STATUS: Appeal decided  
APPEAL START DATE: 08-February-2023  
APPEAL DECISION: Upheld

APPEAL DECISION DATE: 05-May-2023  
APPLICATION NUMBER: **2098/22/VAR** APP/K1128/W/23/3314127

APPELLANT NAME: Mrs F Gassor and Durrant  
PROPOSAL: Application for variation of condition 2 (approved plans) of planning consent 3778/19/FUL (Proposed new dwelling in the garden of The Lookout)

LOCATION: Land adjacent to 39 Weymouth Park Hope Cove TQ7 **Officer member delegated**  
3HD

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 30-March-2023

APPEAL DECISION:  
APPEAL DECISION DATE:  
APPLICATION NUMBER: **2511/22/FUL** APP/K1128/W/22/3308731

APPELLANT NAME: Mr & Mrs Simon Clutterbuck  
PROPOSAL: Demolition of existing dwelling & constructions of a replacement detached dwelling (Re-submission of 4679/21/FUL)

LOCATION: Ashcroft Herbert Road Salcombe TQ8 8HN **Officer member delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 28-March-2023

APPEAL DECISION:  
APPEAL DECISION DATE:

#### **Ward South Brent**

APPLICATION NUMBER: **4129/21/FUL** APP/K1128/W/22/3310899

APPELLANT NAME: The Outdoors Group Ltd  
PROPOSAL: Change of use of agricultural land and dwelling house to outdoor educational facility (Use Class F1(a), formation of ancillary structures and associated works)

LOCATION: Bridge House Farm Portford Lane South Brent TQ10 0PF **Officer member delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 30-March-2023

APPEAL DECISION:  
APPEAL DECISION DATE:

#### **Ward Stokenham**

APPLICATION NUMBER: **0590/22/FUL** APP/K1128/W/22/3307159

APPELLANT NAME: Jonathan Ducker  
PROPOSAL: Porch extension, erection of garage/store and sub-division of 5 flatted properties to 1 house and 2 flats for rent (re-submission of 0253/22/FUL).

LOCATION: Stokeley Coach House Kiln Lane Stokenham TQ7 2SE **Officer delegated**

APPEAL STATUS: Appeal decided  
APPEAL START DATE: 03-January-2023

APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 12-May-2023

APPLICATION NUMBER: **4050/22/CLE** APP/K1128/X/23/3319798

APPELLANT NAME: Mr Jonathan Wotton  
PROPOSAL: Certificate of Lawfulness for Existing use of land for seasonal caravanning (Resubmission of 4092/21/CLE)

LOCATION: Coolings Farm Town Road East Prawle TQ7 2DD **Officer delegated**

APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 28-April-2023

APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER: **1187/22/OPA** APP/K1128/W/23/3313997

APPELLANT NAME: Mr William Costeloe  
PROPOSAL: Outline application with some matters reserved (appearance, landscaping & layout)

to construct a selfbuild single family dwelling to provide a safe & functional home environment

LOCATION: Land to the south of Care House Cross Stokenham TQ7 **Officer member delegated**

2SL  
Appeal Lodged  
30-March-2023

APPEAL STATUS:  
APPEAL START DATE:  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Totnes**

APPLICATION NUMBER: **1353/22/HHO** APP/K1128/W/22/3305794  
APPELLANT NAME: Mr Joe Collins  
PROPOSAL: Householder application for roof extension  
LOCATION: 13 Springhill Road Totnes TQ9 5RD  
APPEAL STATUS: Appeal Lodged  
APPEAL START DATE: 19-April-2023  
APPEAL DECISION:  
APPEAL DECISION DATE:



		Valid Date	Target Date	EoT Date
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**0868/20/ARM** Jacqueline Houslander 29-Apr-20 29-Jul-20 **20-Jan-23**

Development Site at SX 612 502 North of Church Hill Holbeton

Application for approval of reserved matters following outline approval 25/1720/15/O for the construction of 14 no. dwellings, provision of community car park, allotment gardens, access and associated works including access, layout, scale, appearance and landscaping (Resubmission of 0127/19/ARM) and the discharge of outline conditions (12/1720/15/O) 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 23 and 24.

**Comment** Agreed under delegation, awaiting signature on unilateral undertaking

		Valid Date	Target Date	EoT Date
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**4254/20/FUL** Lucy Hall 23-Dec-20 24-Mar-21 **25-Aug-22**

Springfield Filham PL21 0DN

READVERTISEMENT (revised plans).The proposed development of a redundant commercial nursery to provide 33 new low carbon and energy efficient dwellings for affordable rent. Landscaping works will provide communal areas and a playground as well as ecological features. Access will be provided from the main road with a main spine route running through the site. Springfield Cottage is to remain as current use but be a separate property entity with access from within the site.

**Comment:** Delegated Approval subject to S106 Agreement

		Valid Date	Target Date	EoT Date
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**0544/21/FUL** Jacqueline Houslander 15-Feb-21 17-May-21 **10-Apr-23**

Land at Stowford Mills Station Road Ivybridge PL21 0AW

Construction of 16 dwellings with associated access and landscaping

**Comment:** Currently in discussion with applicant over a Deed of Variation to the original Section 106 agreement. Deed of Variation is awaiting applicant's signature

		Valid Date	Target Date	EoT Date
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**1490/21/ARM** Tom French 20-Apr-21 20-Jul-21 **31-Mar-23**

Sherford New Community Commercial Area North of Main Street Elburton Plymouth

Application for approval of reserved matters for commercial area containing B1, B2, B8, D2 leisure, Sui generis uses as well as 2 drive through restaurants and a hotel, including strategic drainage, highways and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was an EIA development and an Environmental Statement was submitted)

**Comment:** Under consideration by Officer, ext of time agreed

		Valid Date	Target Date	EoT Date
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**1491/21/ARM** Tom French 20-Apr-21 20-Jul-21 **31-Mar-23**

Sherford New Community Green Infrastructure Areas 6 and 18 North of Main Street Elburton Plymouth PL8 2DP

Application for approval of reserved matters for Green Infrastructure areas 6 and 18 including details of surface water drainage infrastructure, all planting and landscaping as part of the Sherford New Community pursuant to Outline approval 0825/18/VAR (which was EIA development and an Environmental Statement was submitted)

**Comment:** Under consideration by Officer, ext of time agreed

		Valid Date	Target Date	EoT Date
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**3053/21/ARM** David Stewart 5-Aug-21 4-Nov-21 **24-Mar-22**

Noss Marina Bridge Road Kingswear TQ6 0EA

Application for approval of reserved matters relating to layout, appearance, landscaping and scale, in respect to Phase 16 – Dart View (Residential Northern) of the redevelopment of Noss Marina comprising the erection of 40 new homes (Use Class C3), provision of 60 car parking spaces, cycle parking, creation of private and communal amenity areas and associated public realm and landscaping works pursuant to conditions 51, 52, 54 and 63 attached to S.73 planning permission ref. 0504/20/VAR dated 10/02/2021 (Outline Planning Permission ref. 2161/17/OPA, dated 10/08/2018) (Access matters approved and layout, scale, appearance and landscaping matters)

**Comment: Revised plans received that are under consideration**

		Valid Date	Target Date	EoT Date
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**2982/21/FUL** Graham Smith 13-Oct-21 12-Jan-22 **14-May-23**

Land Opposite Butts Park Parsonage Road Newton Ferrers PL8 1HY

READVERTISEMENT (Revised plans).The erection of 20 residential units (17 social rent and 3 open market) with associated car parking and landscaping

**Comment: Viability issue - EOT agreed to allow applicant to consider and respond to objection from housing**

		Valid Date	Target Date	EoT Date
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**3335/21/FUL** Clare Stewart 14-Oct-21 13-Jan-22 **17-Feb-22**

Proposed Development Site at Sx 566 494 Land West of Collaton Park Newton Ferrers

Construction of 125 homes, commercial business units, landscaped parkland, community boat storage/parking, allotments, improvements to existing permissive pathway and public footway, enhancement of vehicular access and associated infrastructure and landscaping.

**Comment: S106 discussions ongoing.**

		Valid Date	Target Date	EoT Date
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**4175/21/VAR** Tom French 8-Nov-21 7-Feb-22 **17-Feb-23**

Sherford Housing Development Site East Sherford Cross To Wollaton Cross Zc4 Brixton Devon

READVERTISEMENT (Additional EIA Information Received) Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floor space in respect of the Sherford New Community.

**Comments: Approved by Members, subject to S106 agreement which is progressing**

		Valid Date	Target Date	EoT Date
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**4021/21/VAR** Steven Stroud 24-Nov-21 23-Feb-22 **30-Apr-23**

Development site at SX 809597 Steamer Quay Road Totnes

READVERTISEMENT (new plans and documents) Application for variation of condition 2 (approved drawings) of planning consent 4165/17/FUL

**Comment: Out for consultation following revised submission.**

		Valid Date	Target Date	EoT Date
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**4317/21/OPA** Steven Stroud 5-Jan-22 6-Apr-22 **31-May-23**

Land at SX 5515 5220 adjacent to Venn Farm Daisy Park Brixton

Outline application with all matters reserved for residential development of up to 17 dwellings (including affordable housing)

**Comment: Revised package of plans and supporting docs awaited.**

	Valid Date	Target Date	EoT Date
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**4774/21/FUL** Jacqueline Houslander 7-Feb-22 9-May-22

Burgh Island Hotel Burgh Island Bigbury on Sea TQ7 4BG

READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements

Comment: Approved by Committee subject to S106 Agreement that is progressing

	Valid Date	Target Date	EoT Date
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**0303/22/OPA** Steven Stroud 4-Mar-22 3-Jun-22 **21-Apr-23**

Land off Moorview Westerland Marldon TQ3 1RR

READVERTISEMENT (Updated Site Address) Outline application (all matters reserved) for erection of 30 homes of two, three and four bedroom sizes with associated roads, paths, landscaping and drainage 30% of which would be affordable housing

Comment: Applicant is working to deal with LHA objection.

	Valid Date	Target Date	EoT Date
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**0934/22/FUL** Lucy Hall 14-Mar-22 13-Jun-22

Land At SX 499 632 Tamerton Road Roborough

READVERTISEMENT (revised plans) Construction of a new crematorium facility with associated access drives, car parking, ancillary accommodation & service yard

Comment: Under consideration by officer

	Valid Date	Target Date	EoT Date
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**1629/22/ARM** Steven Stroud 20-Jun-22 19-Sep-22 **20-Jan-23**

Dennings Wallingford Road Kingsbridge TQ7 1NF

READVERTISEMENT (revised plans & supporting information) Application for approval of reserved matters following outline approval 2574/16/OPA (Outline application with all matters reserved for 14 new dwellings) relating to access, appearance, landscaping, layout and scale and discharge of outline planning conditions

Comment: Under consideration – housing mix and ecology objections, updated LLFA position awaited.

	Valid Date	Target Date	EoT Date
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**1523/22/FUL** Steven Stroud 20-Jun-22 19-Sep-22 **31-Jan-23**

Proposed Development Site West Dartington Lane Dartington

READVERTISEMENT (revised plans & documents) Construction of 39 No. two storey dwellings with associated landscaping

Comment: Ongoing discussions with applicant and consultees including LHA. Revised package of plans received, now going to re-consultation.

	Valid Date	Target Date	EoT Date
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**2412/22/OPA** Clare Stewart 25-Jul-22 24-Oct-22 **8-Jun-23**

Land South of Dartmouth Road at SX 771 485 East Allington

READVERTISEMENT (revised plans & documents) Outline application with some matters reserved for the development of up to 35 dwellings & associated access, infrastructure, open space, landscaping & biodiversity net gain infrastructure

Comment: Further information subject to re-advertisement within consultation expiry 25/5/23. Key consultee comments awaited.

	Valid Date	Target Date	EoT Date
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**2804/22/FUL** Charlotte Howrihane 14-Sep-22 14-Dec-22 **26-May-23**

Homefield Farm Sherford TQ7 2AT

Change of use of commercial buildings and dwelling house to 3 no.holiday lets, demolition of existing retail unit, replacement of commercial building with 1 no. self-build dwelling house, associated works to include comprehensive landscape & ecology enhancement works (Resubmission of 4751/21/FUL)

**Comment: No significant changes to previously refused app 4751/21/FUL which is currently awaiting appeal hearing (8<sup>th</sup>/9<sup>th</sup> Nov). Agent has been informed current app is also recommended for refusal, has asked for EOT to await appeal decision on previous application**

	Valid Date	Target Date	EoT Date
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**0384/23/OPA** Bryn Kitching 9-Feb-23 11-May-23

Land at SX 652 517 Modbury

READVERTISEMENT (Amended Description) Outline Planning Application (with all matters reserved apart from access) for demolition of existing buildings and a residential redevelopment of up to 40 dwellings, including the formation of access and associated works on land at Pennpark, Modbury

**Comment: Outline application on site allocated for residential development in the JLP. Consultation period ended and now considering the responses. The application will come to the Development Management Committee when it is ready to be determined.**

	Valid Date	Target Date	EoT Date
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**0742/23/VAR** Clare Stewart 28-Feb-23 30-May-23

Field to Rear Of 15 Green Park Way Port Lane Chillington

Application for variation of condition 2 (approved drawings) following grant of planning permission Ref 0265/20/ARM (approved by Appeal APP/K1128/W/21/3272629)

**Comments: Under Consideration**

	Valid Date	Target Date	EoT Date
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**3847/22/FUL** Steven Stroud 1-Mar-23 31-May-23

Land at SX 680 402 east of Thornlea View Hope Cove

Erection of 6 semi-detached two bedroom affordable dwellings, 4 detached four bedroom houses with detached double garages, associated new highway access & service road, foul & rainwater drainage strategy, landscape & habitat creation measures & detail (resubmission of 1303/21/FUL)

**Comment: Still in consultation/publicity, follows previous submission that was refused.**

	Valid Date	Target Date	EoT Date
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**0622/23/VAR** David Stewart 31-Mar-23 30-Jun-23

Noss-On-Dart Marina Bridge Road Kingswear TQ6 0EA

Application for variation of condition 2 (approved plans) following grant of planning permission ref. 2161/17/OPA (as amended by S.73 planning permission ref. 0504/20/VAR) for amendments to Phase 12 of the Noss Marina Redevelopment & specifically relating to the Waterside Apartments Building, raised walkway and Central Square only and associated conditions 15, 20, 36, 49 & administrative changes required to conditions 1, 3, 4, 17, 22, 28, 29, 30, 31, 33, 41, 42, 43, 45, 51,52, 56, 58, 59, 60 reflecting approved discharge of conditions

**Comment: Under Consideration**

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