

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 1704/21/HHO

Agent:

Richard Bailey
Avalon Planning & Heritage Ltd.
The Generator
Kings Wharf
Exeter
EX2 4AN

Applicant:

Lucinda Davies
Summerleaze
Drake Road
Salcombe
TQ8 8EG

Site Address: Summerleaze, Drake Road, Salcombe, TQ8 8EG



Development: Householder application for roof extension and alterations to front, side and rear.

Members are advised that the applicant has submitted an appeal for non-determination of the application. As such, the LPA no longer has authority to determine the application. Members are asked to consider the application and confirm what the LPA's view would have been had the appeal not been submitted. This view will be forwarded to the Planning Inspectorate as part of the appeals process.

Reason for call-in: Both Cllr Pearce and Cllr Long are mindful that the Committee has previously considered the proposal and that there are continuing concerns raised by the local community.

Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Construction Management Plan
4. Surface water drainage
5. Geotechnical report
6. Stone wall sample panel
7. Privacy screens
8. Windows to be obscured glazed and fixed shut
9. Solar PV panels
10. Landscaping scheme
11. Adhere to ecology report

Key issues for consideration:

Design, scale and massing, impacts on neighbour amenity, impacts on low carbon energy generation (solar photo voltaic (PV) panels), impacts on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The application site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. The site comprises a south facing, single storey 1960s residential bungalow set above a steeply sloping driveway and single garage. The plot is rectangular and the land rises steeply from east to west, with the existing bungalow cut into the hillside and set back from the road. The site enjoys elevated views over Salcombe and the estuary to the south east, with extensive views of the surrounding countryside beyond. There is a small balcony to the front of the property and the rear garden has been terraced in part, in order to facilitate enjoyment of these views.

The site is accessed via Drake Road; a single-track road connecting Onslow Road to the south with Bonfire Hill to the north. The applicant has advised that the road is the property of the Crown Estates. The road is identified on Devon County Council's Open Data System as "Class Q." For clarity; "the class identifier Q is used to represent those roads which are not maintainable at public expense but have been digitised in order to give a true reflection of the highway network as it will appear on site". At the entrance with Bonfire Hill there is a street sign that identifies Drake Road as a private road with vehicle access for residents only.

To the south of Summerleaze is its neighbour, Pengwern and to the north, Myrana. It should be noted that Myrana is a reverse level property. Both Pengwern and Myrana are angled with the primary windows to their main living space facing in an easterly direction.

The Proposal:

The applicant seeks to remove the roof of the existing bungalow and construct additional space over four levels. This includes; construction of an enlarged garage and improved access via the driveway, creation of a new front door, additional bedrooms and bathrooms, external balconies to the front of the building and enlargement of the internal living spaces. The existing pitched roof will be replaced with a butterfly roof and permeable sedum covering. The proposal is accompanied by landscaping plans that include a planting scheme for the front of the property and the replacement of hedges on the northern and southern boundaries. The applicant has also included solar PV panels on the roof.

Consultations:

- County Highways Authority No highways implication

- Town Council Objection

This was overdevelopment of the site and would be over dominant and the application did not address the size of construction and large removal of earth, nor whether the site was geologically sound for such construction (there had been problems lower down Drake Road which had left a scar on the landscape) and the lack of a geological survey was disturbing. The design was not in keeping with other Drake Road properties and the street scene. A major concern was the loss of light to Myrana (the revised daylight assessment appeared to have the same data but drew a different conclusion) and the proposal was felt to be unneighbourly to neighbouring properties as both would visually have a distinct large expanse of wall with windows in them. Construction works in that locality, were questioned due to the rocky, instability of the area and access to site was difficult with large vehicles unable to turn around within the road and town council was not sure how the road would cope with such activity.

The design was not felt to blend in, nor even use the local vernacular of slate and with its pitches was grossly out of keeping. Housing within that type of area and street scene should evolve and not be a revolution with its completely overbearing mass when viewed from Coronation Road and Drake Road. It would also be contrary to SALC B1 3(b) relating to design as it did not respect the scale and design of surrounding buildings and on the other side the south elevation was unneighbourly, and contrary to SALC B1 3(a) as it did not maintain the building setback. Should approval be given then there would need to be a geological survey prior to commencement and also a Construction Management Plan due to the difficult access to the site and the busy roads at either end of Drake Road.

Representations:

Representations from Residents

One letter of support has been received and includes the following points:

- I have looked at this planning application, which has been prepared by a specialist professional practice and has endeavoured to address the matters raised by the local planning department and, at appeal, the planning inspectorate.
- I regard this as an innovative design, on a difficult site, for which Salcombe is renowned. The (amended) proposed design represents a significant improvement on the existing building and the use of quality materials proposed will improve the street scene in Drake Road.
- I feel previous concerns regarding the adjoining properties have now been addressed and I look forward to permission being granted in due course. Application supported.

Thirteen letters of objection have been received and include the following points:

Principle of Development

- Application 41/0190/10F has expired and should not be afforded any weight in the decision making process.
- The proposal does not represent any meaningful change in light of the schemes previously refused at appeal.
- The information submitted by the applicant is not sufficiently accurate for Officers to make an informed judgement on the impact of the proposal on the neighbouring property, Pengwern.
- The validity of the current planning application must be questioned, as if work is to be carried out on land that is not within the ownership of the applicant, a Notice No. 1 should have been served on the owner of other land to which the application relates, and work to the existing party hedge will surely fall into this category.

Design, Scale and Massing

- Overdevelopment
- Not in keeping with the street scene

- Does not fall within the scope of a Householder application as it is essentially a replacement dwelling; it raises the question of the “permanent residential use” for the new-build policy in the Salcombe Neighbourhood Plan.

Neighbour Amenity

- Overbearing
- Unneighbourly
- Will create sound and light pollution due to the increased glazing and the balconies.
- Loss of privacy and overlooking.
- The walkways and terraces previously proposed to the rear have been removed; strict planning controls should be imposed to prevent their reinstatement.
- The windows on the north elevation should be glazed in obscure glass for perpetuity.
- The corner window on the kitchen/living area is also an invasion of privacy to Myrana’s front patio as it extends beyond the existing building line.
- The harm to Myrana was considered so unacceptable that the Inspector(s) did not feel the need to consider the impact on the surrounding dwellings, including Pengwern.
- Some of the boundary hedges are “party hedges” and the applicant should not assume that these can be removed to facilitate development. Insufficient space has been left for any replacement planting.

Daylight/Sunlight

- Having studied the daylight assessment for Myrana in this application (1704/21/HHO) and the previous application (1676/19/HHO), we can see no difference to the data supplied but the conclusion drawn from this same data has changed. The data has been interpreted to favour the application but the loss of daylight to Myrana remains the same.
- The daylight impact assessment admits to the loss of daylight the proposal will cause to the south facing window of the living room of the neighbouring property (W8).
- The loss of light to ground floor windows of Myrana has been excluded from the applicant’s assessment (W1 and W7).
- Loss of light to neighbouring solar panels.

Geotechnical

- I hope that a full geological survey is carried out prior to permission being considered - reference the land collapse in the next door but one property, and that full consideration is given to the narrow unmade road on which the property is situated.
- Will the applicants be liable for land slippage, subsidence or damage to third party land as a result of the development?

Highways/Access

- Any development will cause severe access problems for residents of Drake Road; the road is too narrow to turn around in and many residents cannot turn around within their own driveways, effectively rendering Drake Road a one-way road.
- Any damage to Drake Road should be rectified by the applicant.
- No construction management plan has been submitted.

Other Matters

- The boundary dispute between the owners of Summerleaze and Myrana is subject to a Court Order between the respective parties.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/2250/03/F: FUL	Alterations and extension to dwelling	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Conditional approval: 12 Nov 04	Upheld (Conditional Approval): 12 Nov 04
41/0190/10/F: FUL	Householder application for extension and alteration of existing property	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Conditional approval: 17 Jun 10	
1234/18/PRH	Pre application enquiry to add car parking spaces, create 2 bedrooms on lower floor level and create an additional floor space within the roof area of bungalow and improvement to garden	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Pre-application: (Partial support)	
2098/18/HHO	Householder application for proposed removal of roof and construction of additional accommodation	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Refusal: 10 Sep 18	Dismissed (Refusal): 22 Mar 19
1676/19/HHO	Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO)	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Refusal: 14 Nov 19	Dismissed (Refusal): 06 Jul 20
0808/21/PR1	Scoping Only - Pre Application Enquiry for- Removal of roof and the construction of additional accommodation to the original bungalow.	Summerleaze Drake Road Salcombe Devon TQ8 8EG	Pre-application: (Partial support)	

ANALYSIS

Principle of Development/Sustainability:

The site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. A residential dwelling currently occupies the site and the principle of development is therefore established.

As a matter of clarity, the applicant has confirmed that they own all of the land within the red line site application boundary; on this basis, the LPA have determined the application based on the plans as submitted. The LPA and the Planning Inspectorate have previously accepted the application as a Householder application, although it is noted that the works are substantial.

Planning History:

Planning Appeal: Planning Reference: 41/2250/03/F: Appeal Reference: APP/K1128/A/04/1146526 In 2003, the then owner submitted an application for “alterations and extension to dwelling” that included the addition of a further storey to the bungalow. This application was refused on the basis that; “the proposed development, by virtue of its scale, detailed design, siting and prominence would unacceptably affect the appearance of the locality and would harmfully affect the amenities of adjacent residential occupiers. Such development, if approved, would conflict with the objectives of Development Plan Policies C2, C4, SHDC1, SHDC15 and the supporting Planning Principles”. The

decision was subsequently overturned by the Planning Inspectorate at an appeal in 2004 and planning permission was granted.

Planning Application: Planning Reference: 41/0190/10/F:

In 2010, the then owner submitted a further application for the “extension and alteration of existing property.” This was identical in scale and appearance to the proposal granted under the 2004 planning appeal outlined above. The appeal decision was viewed as a material consideration to the determination process and permission was granted.

Pre-Application Advice:

In 2018, the applicant sought advice on the proposal through the Local Planning Authority’s Pre-Application Service. Officers were broadly supportive of the scheme including;

- The proposed increase in height as it was similar to that approved under the 2010 planning appeal.
- The contemporary design, given the variety in size and style of surrounding dwellings, providing the materials were in keeping with the local vernacular.
- The butterfly roof design, as it would reduce the overall height of the building and contribute to the contemporary design.

However, Officers did raise concerns regarding;

- The scale and massing of the proposal, particularly when viewed from Drake Road. Officers advised the applicant to reduce the bulk of the building (particularly the lower floors) and further soften the appearance through planting and landscaping.
- Potential overlooking from the rear access to the external deck area (although the deck itself was not considered unacceptable in principle or design).
- Potential overlooking from the external balcony areas at the front of the property; the installation of privacy screens were suggested as one option to address this issue.

Following the pre-application advice, the applicant did remove some of the bulk on the two lower storeys surrounding the entrance on the south west corner. These changes were reflected in the 2018 application.

Planning Application: 2098/18/HHO

The application was subsequently refused as Officers considered that; “The proposed extensions and alterations to the dwelling, by reason of their height, mass and bulk and the introduction of fenestration and useable living and sitting areas at high level, would result in an overbearing impact and an unacceptable loss of privacy and amenity, to the neighbouring properties, in particular Myrana. As such, it is considered to be contrary to adopted policies; DP3: Residential Amenity 1, 2 (a), (b), (c) and (d) of the South Hams Local Development Framework, emerging policies; DEV1: Protecting Health and Amenity (1), DEV2: Air, water, soil, noise, land and light pollution (1) and (4) of the Plymouth and South West Devon Joint Local Plan, and the guidance of the National Planning Policy Framework (NPPF) especially paragraphs; 180 (a) and (c)”.

The applicant appealed the decision and in 2019, the Inspector found “no harm to the living conditions of the occupants of Pengwern, Mallards or the houses in Frobisher Lane” and that; “the proposals also would not result in a significant loss of outlook for the occupants of Myrana”. However, the Inspector did make it clear that that proposal would result in “harmful loss of sunlight, arising from the increased height of the proposal, and the unacceptable increase in overlooking of Myrana, resulting from the elevated terrace and deck/bridge access” and the appeal was dismissed.

Planning Application: 1676/19/HHO

This application was effectively a resubmission of 2098/18/HHO, with some alterations aimed to address the Inspector’s reasons for dismissing the appeal, along with additional supporting information, including a Daylight Impact Assessment. The key changes comprised; removal of the external deck to the rear of the building, alterations to the balustrading on the first floor balcony and

the addition of an obscured glazed full height balustrade on the north elevation to serve as screening. The applicant also included solar PV panels on the roof.

In light of the Inspector's decision on the previous application, Officers recommended the application for approval; the application was called to DM Committee and Members voted to refuse the application on the grounds that;

1. The proposal will result in overlooking and loss of sunlight and daylight to Myrana, resulting in a detrimental impact on amenity, contrary to the provisions of policy DEV1 (1) Protecting health and amenity of the Plymouth and South West Devon Joint Local Plan.
2. The proposal by reason of its design will result in the introduction of an incongruent feature within the townscape in the form of the butterfly roof and by reason of its scale, bulk, massing and forward projection will result in an overbearing impact on the surrounding townscape, contrary to the provisions of DEV10 (1) Delivering high quality housing and DEV20 (2 & 4) Place shaping and the quality of the built environment, DEV25 (2 and (8 i, ii, iii) Nationally protected landscapes of the Plymouth and South West Devon Joint Local Plan, policies SALCENV1 (a) and SALCB1 (1, 3a & b) of the Salcombe Neighbourhood Plan and the guidance of the National Planning Policy Framework (NPPF) contained within, but not limited to, paragraphs 124-132, 170 and 172.
3. The proposal by reason of its design, scale, bulk, massing and forward projection will overshadow the neighbouring property, Myrana, resulting in a loss of solar gain to the building and shading of solar PV panels, without it having been demonstrated that such losses have been offset within the proposal contrary to the provisions of policy DEV32 (3 & 4) Delivering low carbon development of the Plymouth and South West Devon Joint Local Plan.

The applicant appealed the decision and whilst the Inspector did not agree that the proposal would have an unacceptable impact for reasons 2 and 3, he did not consider that the applicant had provided robust evidence to demonstrate that the proposal would not "cause harm to the living conditions of the occupants of Myrana due to loss of light". The Inspector therefore dismissed the appeal on the basis that the proposal was considered "contrary to Policy DEV1 of the Plymouth & South West Devon Joint Local Plan 2014 – 2034 adopted 2019 (LP), which seeks to ensure that development proposals safeguard the health and amenity of local communities by ensuring that new development provides for satisfactory daylight and sunlight to existing residents". The applicant also submitted an application for an award of costs, on the basis that the previous appeal decision had confirmed that the proposal would not result in harmful impacts for reasons 1 and 2 and that they considered reference to policy DEV32 was not applicable to reason 3. The applicant contended that they were put to unnecessary expense in defending these matters. The Inspector upheld only part of the claim, on the basis that while the Council was not unreasonable in its actions regarding reasons 1 and 3, as the 2018 refusal had not cited reason 2, the Council had acted unreasonably in introducing this as a reason for refusal on the current scheme, given that the applications were nearly identical.

Pre-Application Advice and Current Application

In 2021, the applicant sought advice on the proposal through the Local Planning Authority's Pre-Application Service. Officers advised that in light of the planning history, the emphasis was on the applicant to demonstrate that the proposal would not result in a harmful impact on the occupants of Myrana through loss of light. The applicant responded that the Daylight and Sunlight Impact Assessment had been updated to reflect the butterfly roof design and that, in their view, the issues identified in the appeal decision had been addressed. On this basis, the applicant submitted the current application. It should be noted that in light of the planning history outlined above and that the form of the development has remained largely unchanged throughout the process, Officers consider that the determination of the current application is once again limited solely to the matters raised in the Inspector's appeal decision.

Planning Policy:

Since the 2019 appeal decision was issued, it should be noted that there have been a number of changes to planning policy;

- National Planning Policy Framework – revised 19 June 2019 and 20 July 2021
- Plymouth and South West Devon Joint Local Plan – adopted by all three JLP authorities on 26 March 2019
- Plymouth and South West Devon Joint Local Plan Supplementary Planning document adopted by South Hams District Council on 16 July 2020.
- Salcombe Neighbourhood Plan – approved at a public referendum on Thursday 25 July 2019 and with further modifications currently being considered during 2021.

Design/Landscape:

Notwithstanding the objections and letter of support received, Officers maintain that the contemporary design and materials are acceptable and this has been supported in the recent appeal decision and partial award of costs to the applicant on this basis. As such, while the objections to the revised proposal regarding impact on the street scene, bulk and overbearing impact are noted, it is not considered that this matter can be revisited as part of the current scheme and the scheme is considered acceptable on this basis. It is considered appropriate to secure the details of the stone walling at the front of the house, to enable the Local Planning Authority to ensure that the development displays good design, is of a locally distinctive style, and is retained in its natural stone finish. It is also considered appropriate to secure the landscaping scheme by condition, in the interests of the visual amenities of the locality and to assimilate the development into its surroundings. On this basis, the proposal is considered to accord with the provisions of DEV20, DEV23 and SALC B1.

Neighbour Amenity:

Notwithstanding the objections received, it should be noted that neither Planning Inspector found that the proposal would result in significant harm to neighbours other than Myrana and as such, it is only the harm to Myrana that is being assessed as part of the current application.

• Rear Decking

As the rear decking and terracing has been removed from the scheme; there is no concern with regards to overlooking from this element. Objectors have raised concern that this could be added at a later date but the General Permitted Development Order 2015 (as amended) specifically excludes the provision or creation of a verandah, balcony or raised platform under permitted development rights and any such development would therefore require planning permission.

• Overlooking – terrace and windows

The proposal includes an obscured glass full height balustrade in the corner of the first floor balcony on the north side facing Myrana and a retraction of the balustrade away from the eastern corner of the terrace. As such, the revised balustrading and privacy screen are considered to sufficiently address concerns regarding overlooking at Myrana and are considered acceptable. It is considered appropriate to secure the final details and retention of the privacy screen by condition, in the interests of neighbour amenity.

Obscured glazed windows are proposed within the north and south elevations to safeguard amenity of neighbours; it is also considered necessary that these windows should be fixed shut to prevent overlooking. It is appropriate to secure the details and retention of the obscured glazed and fixed shut windows through a planning condition in the interests of residential privacy and amenity.

On this basis, the proposal is unlikely to give rise to significant overlooking and is considered to accord with policy DEV1.

• Loss of Light (including Solar Panels)

The Inspector dismissed the previous appeal on the basis that the proposal would result in a harmful loss of sunlight to the first floor windows in the side (south) elevation of Myrana, as well as a harmful

loss of daylight. The Inspector considered that the Daylight and Sunlight Impact Assessment was not robust, as it did not take into account the butterfly roof design proposed; on this basis the Inspector did not give the assessment significant weight in the decision making process. The applicant has since revised the model used to reflect the design as proposed, rather than a “worst case scenario” as previously submitted and also to include an assessment of sunlight. As a result, whilst reductions to daylight and sunlight are acknowledged in the report, the impacts are stated to be compliant with BRE guidance. Notwithstanding the loss of both daylight and sunlight at Myrana, Officers do not consider that sufficient evidence is available to demonstrate that these losses are significantly harmful and as such, it is not considered that the application could be refused solely on this basis. As such, the proposal accords with the provisions of Policies DEV1 and DEV2 in the JLP

A 2019 Court ruling confirmed that loss of light to solar panels is a material planning consideration where planning policies exist to mitigate climate change and deliver low carbon development or where it impacts on a renewable energy system [McLennan, R (on the application of) v Medway Council & Anor [2019] EWHC 1738 (Admin) (10 July 2019)]. The Court made it clear that this is distinct from protecting private interests. The applicant has supplied information that confirms that the proposed development will shadow Myrana’s solar panels and that through the inclusion of solar panels within the scheme at Summerleaze, there would be no net loss of low-carbon solar energy generation and the proposal would comply with the provisions of policy DEV32.

It is acknowledged that the shading of panels at Myrana is likely to result in a loss of power output and a reduction in income associated with the sale of electricity. However, the consideration of impacts to solar panels in this instance is limited to the overall impact on carbon emissions across the District, rather than protecting the private financial interest in an existing PV installation, as this element was not expressly considered in the Medway case. It is considered appropriate to secure the details of the solar panels by condition, in the interests of sustainability and the environment. On this basis, the proposal is considered to accord with policy DEV32.

Highways/Access:

The proposal includes a new garage and driveway proposed to improve access to the garage and facilitate off-road parking. Devon County Council Highways have raised no objection to the application and having regard to DCC Highways Standing Advice and to the existing access arrangements, it is not considered that the proposal will result in an increased risk to highway safety.

Drake Road is an unadopted road which the applicant has advised is owned by the Crown Estates; maintenance and upkeep is therefore a civil matter and cannot be considered with this report.

Biodiversity:

The Ecological Report dated 12 June 2018 and updated in 2021 has concluded that the site is unlikely to support the presence of protected species, such as bats, but, in 2018, did support one herring gull nest. Biodiversity enhancement measures are also set out in the report. As such, it is considered that the proposal is acceptable with regards to the provisions of Policy DEV26, with the recommendations of the Ecological Report to be secured by condition.

Drainage:

The SHDC Drainage Engineer has previously reviewed the proposal and has recommended a pre-commencement drainage 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. As such, the proposal is considered acceptable with respect to drainage, subject to condition. A pre-commencement condition is considered necessary, given the extent of excavation proposed within the site. The applicant confirmed acceptance of the pre-commencement condition in writing on 25 October 2021.

Geotechnical:

A number of objections have cited concerns regarding ground stability; this issue can only be considered with specific reference to the application site. The National Planning Policy Framework (NPPF) makes it clear in paragraph 184 that; “Where a site is affected by contamination or land

stability issues, responsibility for securing a safe development rests with the developer and/or landowner". The applicant has previously confirmed that; "Before starting work the client will appoint a suitably qualified consultant engineer to prepared detailed designs for the structure and substructure and if deemed required carry out a geotechnical survey of the site to confirm the ground conditions". However, the LPA also has a responsibility to ensure that it prevents "new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability" (paragraph 174 (e); see also paragraph 183; NPPF, 2021). While there is presently a dwelling on the site, the alterations are extensive and involve substantial construction works under the floor level of the existing dwelling, the construction of additional floor above, as well as removal of an earth bank at the front of the site. Due to the scale of the proposed works, the gradient of the site and the proximity of neighbouring properties it would be appropriate to impose a planning condition in order to secure the Local Planning Authority's approval of a geotechnical survey (a land instability risk assessment report) prior to the commencement of excavation works. The condition must be discharged prior to commencement as the undertaking of any works on site has the potential to impact on the geotechnical stability of the site. The applicant confirmed acceptance of the pre-commencement condition in writing on 25 October 2021. On this basis, the proposal is considered to accord with the provisions of DEV2 and the provisions of the NPPF.

Construction Management Plan:

A Construction Management Plan is not usually required on a single residential development as the scale of the development limits the potential impact, however, in this instance given the sustained concerns raised, the lack of on-street parking and the restricted nature of Drake Road, Officers consider that it would be beneficial to all parties to clearly understand how the development will be managed to protect the interests of residential amenity and the natural environment. It is considered that this condition would also specify the hours of work, as noted in previous Officer reports. 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 the condition in writing on 25 October 2021. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25 and SALC ENV1.

South Devon AONB:

The Inspector considered the impact of the proposed development on the South Devon Area of Outstanding Natural Beauty as part of the appeal against the refusal of 1676/19/HHO. The Inspector confirmed that; "owing to the small scale of the proposal in the context of the built up area of Salcombe I am satisfied that the proposal would not harm the wider landscape character of the AONB". The built form of the proposal has not changed between the two applications and there has been no material change in circumstances that would warrant a change in the assessment of the application. On this basis Officers consider that design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe 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 policies DEV25 in the JLP and SALC B1.

Other Matters:

Officers note the comments regarding party hedge issues and the ongoing boundary dispute in connection with the site, however, these are considered civil matters and are beyond the scope of this report.

Conclusion:

Officers do not dismiss the strength of feeling in the local community and to the objections raised to date, however, the assessment of the current application is limited solely to the outstanding matter raised in the Inspector's appeal decision (APP/K1128/D/20/3244334 06 July 2020). The substantive

revisions to the application relate to the modelling used in the Daylight and Sunlight Impact Assessment only and not to the physical form of the proposal (as well as the inclusion of a sunlight impact assessment). In the absence of evidence to the contrary, Officers consider that the revised assessment is sufficiently robust enough to support a revised recommendation. As such, the previous reason for dismissing the appeal has been overcome and while the final decision is finely balanced, the application 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

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 12th November 2021).

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

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
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
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
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. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.
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: 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 18-767 T.01

Proposed Block Plan 18-767 A.01

Proposed Section D-D 18-767 A.14

Proposed Section C-C 18-767 A.13 Rev A

Proposed Site Plan 18-767 A.02 Rev A

Proposed Section B-B 18-767 A.12 Rev A

Proposed Section A-A 18-767 A.11 Rev A

Proposed North Elevation 18-767 A.10 Rev A

Proposed West Elevation 18-767 A.08

Proposed East Elevation 18-767 A.07

Proposed South Elevation 18-767 A.09 Rev A

Proposed Ground Floor 18-767 A.05

Proposed First Floor 18-767 A.06

Proposed Garage Level 18-767 A.03

Lower Ground Floor 18-767 A.04

Received by the Local Planning Authority on 23 June 2021

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. *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;

(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 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.*

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. Surface Water Drainage

Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- 1. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*
- 2. 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.

However, if the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.

- 3. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership will be required.*
- 4. 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. The condition must be discharged prior to commencement in order to ensure that a suitable scheme can be provided within the site boundaries or that an alternative scheme is devised, thus preventing development from being undertaken that could not be suitably drained.

- 5. Prior to commencement of the development hereby permitted, a land instability risk assessment report, including details of measures to ensure no adverse impact on land stability within the site or affecting neighbouring land, prepared by a suitably qualified person (s) for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in*

accordance with those approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise the risk and effects of land instability on surrounding property, infrastructure and the public. The condition must be discharged prior to commencement as the undertaking of any works on site has the potential to impact on the geotechnical stability of the site.

6. 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. 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.

7. The 1.8 m obscure glazed privacy screen as detailed on drawing 18- 767 A.10 Proposed North Elevation Rev A and on the north elevation of the first floor roof terrace hereby permitted shall be installed prior to the use of the terrace and shall thereafter be retained and maintained.

Reason: In the interests of the residential amenities of the adjoining occupiers.

8. The vertical slot windows on the north and south elevations shall be obscure glazed, non-opening and permanently retained as such.

Reason: In the interests of the residential amenities of the adjoining occupiers.

9. Notwithstanding the details submitted, prior to the development being brought into use, solar panels shall be provided on the roof of the dwellinghouse and shall provide at least the same power output as set out in the Energy Statement Report by the Mach Group, dated 09 September 2019. The solar panels shall be retained and maintained for the lifetime of the development.

Reason: In the interests of sustainability and the environment.

10. The proposed landscaping shown on drawing number 18-767 A.16 shall be implemented in the first available planting season and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

11. The recommendations, mitigation and enhancement measures of the Ecological Report, by Ecologic dated 12 June 2018 and 15 June 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.