

PLANNING APPLICATION REPORT

Case Officer: Ian Lloyd

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

Application No: 2080/18/FUL

Agent/Applicant:

Mr Mike Derry
Derry Owen Architects
The Warehouse
Prince Of Wales Road, Kingsbridge
TQ7 1DY

Applicant:

Mrs Sue Ruffell
Cachel, Onslow Road
Salcombe
TQ8 8AH

Site Address: Cachel, Onslow Road, Salcombe, TQ8 8AH

Development: READVERTISEMENT (Revised Plans) New driveway to existing dwelling and new detached dwelling

Reason item is being put before Committee

Referred by the Ward Members and due to the number of concerns being raised and the firm position being expressed by the Town Council, with objections regarding prominence in this landscape affecting the street scene, overdevelopment, overlooking and concerns about both points of access in close proximity to a primary school.

Recommendation: Conditional Approval

Conditions:

1. Time Limit
2. In accordance with Plans
3. Removal of PD – Extensions
4. Removal of PD – Boundaries
5. Lighting
6. CEMP
7. External Materials
8. Hard and Soft Landscaping including Boundaries
9. Replacement Planting in the Event Plants Die
10. Approved Boundaries retained in Perpetuity
11. Drainage
12. Access/ parking/ turning areas provided and retained

Key issues for consideration:

The main considerations are:

Principle of Development/Sustainability: Development Plan and sustainability considerations of the smallest scale of residential development within the development boundary;

Design/Landscape: Considerations relating to detailed design and layout, including impacts upon the townscape character of the site and the character of the surrounding area, an Area of Outstanding Natural Beauty (AONB) including issues relating to the protection or enhancement of local views;

Neighbour Amenity: Impacts upon neighbouring residential amenity;

Highways/Access: Impacts of access, parking and turning, including highways safety considerations, notably in proximity to the nearby primary school.

Site Description:

The site lies within the development boundary of Salcombe and is within the South Devon Area of Outstanding Natural Beauty (AONB). The land totals 360 sq. m as advised in the application form Q. 21 and the red line shape is an inverted 'L', incorporating the entire frontage of Cachel and part of its side garden. The new plot to be created totals approximately 216 sq. m (circa 9m X 24m) and is roughly rectangular, with the narrow section fronting onto Onslow Road.

Presently garden land with a single garage used in connection with Cachel, the Onslow Road frontage has a retaining wall and boundary planting, within which there is a gap for stepped pedestrian access at the western end and the garage at the eastern end, abutting Frobisher Lane. The garage has a formal dropped kerb arrangement with the steps to the side leading up to the higher garden level.

The land rises northwards such that there is a change in levels across the site, from the lowest point in the south east corner close to the pavement in Onslow Road of 72.95 to a high of 77.85 in the north west corner, a difference of nearly 6m.

The land is roughly rectangular, tapering slightly at the rear.

To the east is a narrow metalled unadopted access, Frobisher Lane, which serves a small number of dwellings, beyond which the nearest neighbour to the east is Bingley.

Along Onslow Road, which runs broadly west to east in the immediate vicinity of the application site, are pedestrian pavements on both sides, with street lighting and double yellow lines. Further west the yellow lines becomes a zig zag no parking/ stopping zone in the vicinity of the turning to the school. A school 'Patrol' sign and lights are located on a street sign outside the application site (which is to be retained in its current position, along with a telegraph pole to the west).

Beyond the site and Bingley to the east, the character of the area begins to change, with a fall in levels and changing topography such that views of the wider landscape begin to open up and the denser more urban environment transitions to a less dense, more open character with public views of the hills and countryside surrounding this part of Salcombe, a designated AONB.

The northern site boundary borders the curtilage of Meadowside, a bungalow in an elevated position whose outlook faces south east. To the rear of the proposed new plot is Meadowside's tarmac turning area and garage, with planted garden beyond, accessed off Frobisher Lane.

To the east, the site abuts Frobisher Lane with Bigley beyond, another bungalow, set at a lower level.

On the south side of Onslow Road opposite the application site are mostly two storey properties, some with dormers in the roof.

Character is varied and diverse, including some examples comparable to the application proposal with gables (and small hips) presented to the road.

The topography of the area generally is steeply sloping, much of Salcombe being built on sloping valley sides and the site is not untypical in this regard. In the vicinity of the site, properties on the south side of Onslow Road are set generally at a level with or slightly elevated above the highway, with those on the north side generally more elevated. The bungalow Meadowside behind the site is at a higher level still, with a conservatory angled south east towards and across the rear corner of the site.

To the west, Cachel itself and its neighbour Athelstan are elevated above the road on higher ground.

Locally buildings have developed incrementally over time mostly throughout the twentieth century and into the new millennium such that there is a wide range of building ages and styles, which is a positive feature of the area, as are the glimpsed public views of the distant shoreline and green ridges viewed in the transition down Onslow Road, becoming more frequent/ prominent further east beyond the site as a result of the undulating topography.

Salcombe is a town, predominantly urban and suburban in character, where the built form tends to dominate, though there is greenery locally, with green spaces and many properties having front and rear gardens and trees visible in public views, again as a result of the topography.

Along this section of Onslow Road, the character is still urban/suburban, but very soon afterwards, travelling east, changes (first on the north side) to a more suburban/ rural fringe character where open aspects are more common, as are views out to the countryside. Part of the application site frontage is undeveloped garden and part excavated for a long-established single garage.

Further east beyond the application site and Bingley, topography changes again and land levels on the north side of Onslow Road fall steeply, with properties set down, contrasting with those on the south side which begin to be set higher up and where views can be had out to the coast and hills of the AONB towards Batson Creek. Here, views can be gained from what is a green wedge across this northern valley slope towards the coast, which provides welcome relief from the built form and makes a positive contribution presently to local character. This impact is particularly apparent in some views from the north. However, unlike that part of Onslow Road, further west at the application site there are limited views looking north across the valley from Onslow Road, which only begin to become apparent from Bingley onwards.

The application site is part of the area of properties on the upper valley slopes more densely developed, developed comparatively less sympathetically, with less greenery visible than some other areas of Salcombe. Some backland development has been permitted at Cachel and its neighbour Athelstan.

The application site is not considered to be a key element in, but is close to, the transition in character which begins almost next door at Bingley and increases further east and where impacts have greater potential to influence the character and natural beauty of the AONB. More will be said about this below.

The site lies within Flood Zone 1, the lowest risk of flooding. However, having regard to the topography and extent of built development including hard surfacing, there are concerns surrounding the impacts of the development on the increased risk of flooding elsewhere and the drainage solution will be important. No known land stability issues have come to light in the immediate locality and no significant stability issues are considered likely to arise on the plot.

The Proposal:

The proposal seeks full planning permission for a new detached dwelling over three floors (one floor is a lower ground floor which does not run the entire depth of the building and one bedroom is in the roof) set in the garden of Cachel, with two off-street parking spaces, together with a new access driveway to provide two parking spaces and turning area for the existing dwelling. Due to land levels, the property is effectively three storeys at the front and two storeys at the rear. The property presents a gable to the road. The application has been re-advertised.

Consultations:

- County Highways Authority: Standing Advice applies.
- Salcombe Town Council: Original comment: Objection whilst there had been slight reduction in the roof height of 0.6m the changes to the roof design had not changed its prominence in this landscape

affecting the street scene. The proposed building was felt to be overdevelopment and thus overbearing for this site as it also removed all amenity space in the new development and reduced the Cachel amenity space. There would be overlooking of neighbouring properties and Town Council remained concerned with both points of access, by virtue of this proposal, being situated immediately adjacent to the school crossing hatchings and also in close proximity to the St. Dunstons turn off. Visually the properties in Onslow Road fell away gently down the hill.

Comment on revised plans: Revised plans only change is a first floor window at rear of property, changed from double central to single window on one side. Objection as the emerging Neighbourhood Plan was proposing that infill development should not be allowed and this was infill. Earlier concerns were reiterated.

- SHDC Drainage Specialists: This application meets the minimum requirements for a low risk small scale minor (1-2 units) development, therefore we suggest following condition:

Surface water

1. The development hereby permitted shall not be commenced until a programme of trial holes and percolation tests (DG 365 standard tests) are carried out in accordance with a scheme to be prior agreed in writing with the Local Planning Authority. Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, 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.

Representations:

Representations from Residents

7 respondents have made 13 submissions objecting. Comments are summarised as:

- Third/ fourth application/ revision, sheer persistence will not win out over the genuine concerns;
- Limited changes to window/ minimal reduction in ridge height (misleading) does not address overall bulk and mass of a three storey building detrimental to neighbours due to overlooking, overshadowing loss of light/ right to light, overbearing impact (more than twice the height of the garage it is replacing to the eaves, three times the "facing" to the road, and over four times the mass, with over 15% of the proposed building in front of the de-facto building line), excessive size, scale and over-domination;
- Too close to the road/ breaks natural building line along Onslow Road;
- Incongruous, out of place, detrimental impact on the street scene;
- Impact on traffic safety of vehicles exiting Frobisher Lane onto busy Onslow Road;
- Increased vehicle activity close to a primary school entrance;
- Neighbourhood Planning proposals look to control excessive and inappropriate garden development e.g. garden of Rendoc, Herbert Road 2193/18/FUL;
- Garden too small/ footprint too big for tiny plot/ small garden, making the outdoor space too small for both Cachel and the proposed house/ too close to Meadowside's front windows;
- Overdevelopment;
- Devaluation of properties [Note: not a material planning consideration]
- Impact in neighbouring lifestyles;
- Stress of multiple applications;
- Plot already sub-divided for Meadowside - original 1180 sq m Cachel plot sub-divided for Meadowside, further subdivision of Cachel's remaining 660 sq m into a 430 sq m plot for Cachel and 230 sq metres for the Proposed dwelling creates an imbalance detrimental to character of the area;
- Objections to replacement of Cachel gate with vehicular access at brow of hill with limited visibility;
- Contravenes Covenants contained in Cachel's original Conveyance dated 19th Nov 1895 [Note: not a material planning consideration];

- Contrary to ethos of Planning for Consistency and Consideration of surroundings and homogeneity in any AONB - as set out in the Draft Salcombe Neighbourhood Plan; Cut across the proposed restriction on Plot subdivision as set down in POLICY SALC ENV 7 - Maintaining the Character, Density, and Green Infrastructure in Key Areas (see Draft of NDP Page 5); Contrary to DP1 and DP3; lack of amenity space contrary to JLP DEV10;
- Height/ topography results in overbearing impact, overshadowing, particularly to the east, nearly 9m higher than existing properties;
- Increased noise and light disturbance from parking in previously quiet areas;
- Property opposite is not 3-storey but has a loft conversion and ridge has not been raised;
- Application form incorrect regarding trees/ hedges;
- Unneighbourly;
- Applicant objected on privacy grounds to a dormer on the south side of Onslow Road and the same issues are now proposed;
- Steeply falling gradient will exaggerate the severity of the building's elevation;

Relevant Planning History

2968/17/FUL New driveway to existing dwelling and new detached dwelling WITHDRAWN

0330/18/FUL New driveway to existing dwelling and new detached dwelling (resubmission of 2968/17/FUL) WITHDRAWN

ANALYSIS

Principle of Development/Sustainability:

The starting point for consideration is the development plan and the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the National Planning Policy Framework (the Framework) is a presumption in favour of sustainable development which for decision making means approving development proposals that accord with the development plan and where the development plan policies are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.

The site lies within the development boundary for Salcombe and the proposed development is considered to accord in principle with Policy CS1 of the South Hams LDF Core Strategy which advises that residential development is acceptable in principle in Salcombe. Moreover, there is a need for housing to meet local need.

There is currently lack of a 5 year supply of deliverable housing land as required under Guidance. In circumstances where the development plan is not able to demonstrate such a supply, policies may be deemed to be out of date. However, there is no policy objection in principle to a sustainable residential development on this site within the settlement boundary, particularly where the 'presumption in favour of development' for development in or affecting AONBs is removed by the application of footnote 6 to paragraph 11 of the Framework.

Other considerations surround potential conflicts with other requirements of the Framework and development plan policy, which also form part of the planning balance exercise. These issues are explored in detail in the report below.

Paragraph 8 of the Framework promotes the three dimensions to sustainable development: economic, social and environmental. Under paragraphs 10 and 11, so that sustainable development is pursued in a positive way, at the heart of the Framework lies a presumption in favour of sustainable development, which includes decisions having to take account of whether any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is key to the considerations of the planning balance.

Under retained Local Plan Policy SHDC1, within development boundaries, development will be permitted where this is compatible with the character of the site and its surroundings, and where there would be no significant adverse effects in relation to traffic and parking, road safety, drainage, the landscape, wildlife and historic interests or local amenity. The report below considers these issues in detail.

While there is no objection in principle to development within a settlement boundary, this does not mean every garden or undeveloped plot is a potential development site. Design, local character and landscape setting issues are particularly important considerations in this sensitive nationally protected AONB landscape. More is said about impacts under Design/Landscape below.

The proposal, as with most development, has some townscape character and amenity impacts and these issues are addressed in detail below.

Looking in more detail at the benefits of the proposal, the scheme would provide a small but valuable increase to the local housing stock. The application is for an open market dwelling. The unit has three bedrooms and provides family accommodation. Presently housing demand and housing need are high. Family accommodation, if occupied as such, can support services and positively impact the local demographic. This weighs in favour of the application in the planning balance albeit is a small way given it is only one dwelling.

The applicant has made successive submissions in an attempt to overcome concerns and there are objectors who allege unacceptable negative impacts arise from the proposals.

The Framework, as with development plan policy, requires decisions to take account of whether safe and suitable means of access can be achieved for all people. Development should only be prevented or refused on transport if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109). This forms part of the highway considerations.

It is considered that one dwelling would make a very small but positive contribution in social and economic terms, particularly where there is a shortfall in housing supply, through meeting housing need, providing construction jobs and from increased spending in the local economy, which in turn can help support services. However, it is the environmental dimension to sustainable development which gives rise to some cause for concern. More will be said in detail in the report below about such impacts, notably on the nationally protected AONB landscape and townscape. The social and economic benefits of one dwellings are valuable but limited. Where ultimately it is the conclusion of this report that where the environmental harm is localised and limited, these benefits, though small are such that as the proposal is not harmful in wider views or to the wider character and natural beauty of the AONB, the development is, on balance, considered to be a sustainable form of development.

When considered against other impacts, policies and guidance in the Framework taken as a whole, there are no serious concerns that environmental issues would outweigh any presumption in favour of sustainable development where the development plan is out of date (notwithstanding that this requirement is removed as advised above).

The status of the Neighbourhood Plan and emerging policies are dealt with below. Notwithstanding how far the NP has progressed, now pending Regulation 16 consultation, only limited weight, if any, can yet be afforded to NP policies (SALC Env1 Impact on the AONB), SALC B1 Design Quality, SAL H3 Principal Residence policy and SALC T2; until formal adoption.

Design/Landscape:

The site lies within the South Devon AONB and Undeveloped Coast. The application is assessed with regard to the potential impacts of the development on local character, including impacts on the AONB. The LPA has a duty under The Countryside & Rights of Way Act 2000 which provides a statutory framework for all policy, plan-making and decision-taking affecting the AONB by all public bodies, including local planning authorities and government agencies. Section 85(1) in particular is relevant to decision making in relation to the duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The site lies outside Salcombe Conservation Area and beyond the Conservation Area setting boundaries. There are no Listed Buildings or Ancient Monuments nearby whose setting could potentially be affected by the proposals and no significant heritage impacts are considered to arise.

Guidance in the Framework requires great weight be afforded to conserving the landscape and scenic beauty of the AONB. Policies DP2 and CS9 address local character and visual amenity considerations. The LPA is required to take the necessary action to ensure that the natural beauty of the AONB is conserved and enhanced. The recently adopted South Devon AONB Partnership Planning Guidance for the South Devon AONB is a material consideration.

Policies DP1 and CS7 require good design. Policy DP1 sets criteria for high quality design including the need to respect and respond to the South Hams character in terms of its settlements and landscape.

New development should also be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale appearance, existing materials and built and natural features of the surrounding area; and protect local and strategic landmarks and buildings, and enhance views and skylines.

Policy CS7 requires development proposals to include and promote good design which respects local distinctiveness and the character of the site and its surroundings in order to protect and enhance the built and natural environment.

Policy CS9 affords great weight to the conservation and enhancement of the AONB.

Planning for the South Devon AONB: Planning Guidance Version 1 contains policies aimed at safeguarding the natural beauty, tranquillity and character of the AONB.

Policy DP2 of the DPD seeks to safeguard landscape character and includes a number of criteria requiring development proposals to demonstrate how they conserve and/ or enhance the local landscape character by: reflecting the needs and issues set out in identified landscape character areas; ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character; retaining, integrating and enhancing distinctive features; avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and respecting the unspoilt nature and tranquillity of the area.

Policy CS9 of the Core Strategy advises that within the AONB, conservation and enhancement of the natural beauty of the area will be afforded great weight. Para 6.21 advises South Hams is renowned for its high quality, scenically attractive landscape and coastline, much of which is designated AONB.

Policy DEV24 of the emerging JLP addresses landscape character and requires developments conserve or enhance landscape, townscape and seascape character including through criteria aimed at ensuring developments respect scenic and visual quality and maintain an area's local distinctiveness, conserve and enhance views and be of high quality design.

Policy DEV27 of the emerging JLP seeks to safeguard nationally protected landscapes from inappropriate development through criteria including: affording great weight to natural beauty; assessing direct, indirect and cumulative impacts; encourage small scale proposals to conserve, enhance and restore protected landscapes; seek opportunities for enhancement; and specifically within the AONB, further criteria to: conserve and enhance the natural beauty of the area; be designed to prevent the addition of incongruous features and remove or ameliorate existing incongruous features; be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness; further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents; and avoid, mitigate, and as a last resort compensate for any residual adverse effects.

A Landscape Character Assessment for South Hams and West Devon Draft Report Prepared by LUC February 2017 is the latest landscape appraisal for the area. While not adopted, it forms part of the evidence base for the JLP. Under this latest classification, Salcombe is LCT 7 Main town/village, with bordering land LCT 3G. River valley slopes and combes. LCT 3G is located across the district on the banks of the numerous rivers along the south including the Salcombe-Kingsbridge Estuary where rounded hills and steep undulating slopes overlook the river valleys.

While the site is within the settlement boundary, wider views into and out of the area are of importance, as are the perceptual qualities important to the character of the surrounding AONB

The site is part of the urban/ suburban character of Salcombe in this upper, western part of Onslow Road. The character of Onslow Road does very quickly begin to transition to a more suburban/ rural fringe character very shortly to the east of the site as the road begins to run downhill more steeply.

The application site is domestic garden with a domestic garage. There are no concerns about skyline impacts. Though close a point of transition in character, the site is not affected and will not affect this change in any significant way. It is considered that site circumstances are such that public views into and out from the site to/ of the wider open countryside of the AONB are largely unaffected and the proposal raises no significant design or landscape concerns within the wider AONB where, under The Countryside & Rights of Way Act 2000, Section 85(1), where the LPA has a duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

Under paragraph 124 of the Framework, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, with good design considered to be a key aspect of sustainable development. More detailed design requirements are set out in paragraph 127 of the Framework, including that they are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Planning Practice Guidance on Design (Para. 002) advises good design should consider amongst other things the impact of development on well-being.

The size of individual buildings and the elements which make up their design requires careful consideration as these factors, including height, bulk, massing, materials, siting, topography, levels screening, fenestration and opportunities for mitigation will affect the street scene and townscape. Local objections have been raised on these grounds (see 'Representations').

It is agreed there are local townscape issues arising out of the proposed development. Presently the site is a generously wide plot, affording both a good standard of amenity for existing occupiers and contributing positively to local townscape character. The character is different in this section of Onslow Road on the north side than the south side. Historically the north side here had more generous plots, with narrower plots on the south side.

Some backland development has occurred, but which has not been necessarily detrimental to the street scene. Building a house into the side garden of Cachel, given the necessity to excavate for off-street parking, will have an impact on the street scene which is unlikely to be positive.

The loss of the garage is not necessarily a significant consideration in street scene terms. However, digging out a significant part of the site frontage to create two parking spaces with turning space and opening up the site, and in particular for the lower ground floor rooms as part of a three storey gable-fronted development, is potentially significant.

The proposed new plot has only very limited curtilage either side of the building, 1m to the east and only marginally more to the west. However, the impact of this on the street scene is limited to an extent by the retained garden area for Cachel and by Frobisher Lane, which provide a buffer between the proposed building and Cachel to the west/ Bingley to the east and would be read as such from Onslow Road.

There are a variety of building styles and appearances locally. There is a building nearby of similar form, having a gable with small hip fronting the road, but which has a much more detailed and interesting fenestration, including projecting bay and porch canopy. The front elevation of the application building is somewhat plain and austere by comparison, with no front door – access is to the side – with natural stone to the lower ground frontage, smooth render above, with a natural slate partially hipped roof to the front and rear.

Windows had a horizontal emphasis or were square and have been revised to introduce more verticality, more appropriate to the vertical proportions of the building, which improves the appearance of the building.

Notwithstanding this and the gaps between the site and adjoining buildings as described above there is very limited space for planting anywhere within the proposed curtilage of the dwelling at the sides of the building which would be visible from and contribute positively to the public realm. It is possible to use the boundary wall with Frobisher Lane as a planter and it is possible to retain part of the site frontage where new hedge planting is proposed which are considered very important in terms of local character. The side wall is important to provide a robust interface with Frobisher Lane, but also needs to act as a planter to soften impacts. Furthermore, within the open site frontage there is very limited capacity to soften the impacts of the parking/ turning area, given the need for enough space for pedestrians and for the vehicle parking/ manoeuvring. It is recommended that a 'living wall' to soften the lower ground frontage be a conditional requirement of any planning permission. Roof lines step down with the corresponding fall in levels in Onslow Road. Coupled with the gaps between buildings, and general respect for the front building line (it is circa 1m forward of Cachel/ over 6m back from the back edge of the pavement), the overall conclusion, on balance, is that while the proposed development would have a greater impact than the existing garage, and that impact would not be a positive one, the rhythm of the street scene would not be unduly adversely affected by the introduction of the dwelling to any unacceptable degree.

Paragraph 130 of the Framework advises permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. While it is considered that visually the proposed development, in opening up the site to views of the proposed building and open parking/ turning area to the front, would have an overall comparatively negative impact on the character of the street scene, with mitigation as suggested, this impact is not significantly detrimental (and importantly not outweighed by issues of housing supply). This weighs negatively which can only be partially by what is said above about a planted wall and living wall. That townscape harm impacts weigh negatively must be balanced against other considerations, notably the 5 year housing supply.

It is appreciated that this is a balanced judgement, including a subjective aesthetic assessment and that others may not share the conclusions about how the balance is weighed. The conclusion reached

is that the harm is not significant and is outweighed by the fact that this is a sustainable form of development in a sustainable location.

External lighting details are not submitted for approval and a condition is recommended to avoid lighting unnecessarily illuminating the building, garden or sky in the AONB.

Neighbour Amenity:

Objections from nearby neighbours are detailed under the consultations section.

Policy DP3: Residential Amenity advises development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. Unacceptable impacts will be judged against the level of amenity generally accepted within the locality and could result from loss of privacy and overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes.

Emerging JLP Policy DEV2 (1) seeks to prevent harm from development proposals by limiting the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation. A lighting condition is recommended to limit impacts.

Much of Salcombe is built on valley sides, where an element of overlooking occurs as a natural consequence the landform. As such there is an understanding and acceptance that in taking advantage of some of the fantastic views and in seeking to achieve an optimum balance between housing development attempting to make the best use of land and safeguarding local character and amenities, levels of privacy may be lower than is perhaps the case in some other suburban environments.

The following measurements of the proposed building and land are provided to inform the likely impacts of proposals:

Existing garage ridge (to be demolished) circa 78.70
Proposed ridge of dwelling 82.30
Max Ridge of Cachel 85.50
Ridge of Bingley 78.33
Ridge of Meadowside 84.70
Porch of Meadowside 82.56
Ground level in Meadowside close to site boundary 78.31; 77.28
Top of fence between site and Meadowside 79.50
Lower Ground Floor 73.90
Ground Floor 76.40
Upper Floor 78.90
Side access/ rear patio level 76.25
Rear garden level 76.75

The size of individual buildings and the elements which make up their design requires careful consideration as these factors, including height, bulk, massing, materials, siting, topography, levels, aspect and orientation, screening, window sizes, position and fenestration and opportunities for mitigation will affect how the building impacts amenity. Representations objecting have been received on these grounds.

To the east, the neighbouring property Bingley lies across Frobisher Lane. Given the aspect and orientation of the proposed dwelling, despite concerns, including about overlooking from a side door/ window, only one very small area of glazing towards the rear would afford any outlook east. Bingley is set down and well screened and oriented to take advantage of views to the south east, such that its principal amenity space is not immediately due east of the application site. It is a tarmac driveway to a garage. Even if it were, it is separated by Frobisher Lane and boundary screening and outlook from

this window would be obscured by the proposed boundary and over the hedge boundary separating Bingley from the Lane. While an element of overshadowing from the proposed building may occur, impacts are in no way untypical and considered to fall within acceptable limits. As such, despite objections, no significant undue amenity issues arise.

To the rear, Meadowside is a bungalow set in an elevated position oriented to face south east. It has a conservatory in the south east corner close to the boundary with Cachel and the application plot. By comparison, the ridge of the proposed dwelling is 82.30, the ridge of Meadowside is 84.70/ top of porch of Meadowside 82.56. Based on these levels the FFL of Meadowside is estimated to be circa 79.90- 80.00, with the upper floor level proposed at 78.90.

Objections about impacts have been received. Given its orientation, there is a potential for an element of mutual overlooking, notably as Meadowside 'borrows' its outlook and amenity to an extent from over and across the garden of Cachel (to be the garden of the application dwelling). Directly behind the plot is the vehicular and pedestrian entrance to Meadowside, which is a tarmac area, serving as access to the property and garage, with planted garden beyond. While this area is largely open to views from Frobisher Lane, and not unduly private, it nevertheless serves as a principal amenity area for Meadowside. The upper rear (north-facing) bedroom window has been moved as far east as practical to minimise overlooking between the properties, albeit such overlooking would be oblique. Despite objections, no significant overshadowing of this area is anticipated given land levels and the siting/ height of the dwelling proposed. Impacts are limited, not unusual or unduly unneighbourly and considered to fall within acceptable tolerances.

Concerns have been expressed about increased noise and light disturbance from parking in previously quite garden areas. While there will be increased activity, this is in areas fronting Onslow Road, a busy 'C' classified road, where traffic levels are relatively high, with likely weekday am and pm peaks due to school traffic. The arrangements are not untypical and no significant amenity issues are considered to arise from the parking arrangements.

Properties to the south are separated by Onslow Road, with circa 19m between properties front to front. Despite objections, given this wider than average width of the road/ set-backs (6m in the case of the proposed dwelling) amenities are not unduly affected.

The applicants live in Cachel to the west. Though part of the proposed accommodation is set at a lower level, the relationship between the proposed dwelling and Cachel is not unduly unneighbourly. There is a reduction in amenity space for the occupiers of Cachel. However, the remaining garden amenity space, though principally to the east and likely to be in shadow during the afternoon, is circa 10m X 7m, with other smaller linked space and is by no means inadequate for family use.

The proposed garden for the new dwelling at circa 9m X 9m average is also adequate for family use. Permitted development rights should be removed, both to protect neighbour amenity and retain external garden space for future occupiers.

Neighbourliness is a yardstick by which developments can reasonably and pragmatically be judged. For the reasons outlined above, the impacts this development would have on the amenities of neighbouring occupiers, notably of Meadowside to the north and their right to the private and quiet enjoyment of their home and gardens would not be unduly negatively impacted by the proposed development to any extent considered to be unusual or unacceptable, and no conflict with policy DP3, Guidance in the Framework or Planning Practice Guidance arises. Though not a positive consideration, this does not weigh significantly negatively against the proposal in the planning balance.

There will be noise and nuisance during demolition and construction, which the CEMP will seek to address in part, though the principal reason for the CEMP is highways safety. However, the school lies to the rear of Meadowside and noise and nuisance from construction should be minimised to avoid impacting on education as well as on nearby residential amenities.

Highways/Access:

The Framework, as with development plan policy, requires decisions to take account of whether safe and suitable means of access can be achieved for all people. Development should only be prevented or refused on transport if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109). However, as with the provisions of former paragraph 32 of the old Framework, this should not be taken to mean that the safety impacts should only be severe and this is consistent with the requirement of 2nd bullet point b) of paragraph 108 that safe and suitable access to the site can be achieved for all users. This forms part of the highway considerations.

There is a drawback to the scheme in that while safe access can be provided for all users to the site, access to the dwelling is stepped. The site is close to a bus route, but surrounding roads are steep. However, this is part of the nature of Salcombe.

Turning to the details of the proposal, the existing parking provision for Cachel is far from ideal. One single garage involves reversing on or off Onslow Road and likely waiting in the road while the garage door is opened.

Extended turning/ manoeuvring space is provided for the parking areas for both the existing and proposed property, which is considered to be an improvement. The bin store is set back such that the boundary wall does not begin to become higher until further up Frobisher Lane, improving visibility onto/ from the lane. Permitted development rights for boundaries should be removed.

The proposed new access to serve Cachel is further uphill west towards the junction serving the school. There are double yellow lines and a school Patrol sign and lights outside the application site, with the school no parking zone beginning outside Athelstan next door to the west of Cachel.

Concerns and objections have been expressed on highways safety grounds, particularly given the proximity of the school. While the Highway Authority has not commented formally on this minor development proposal, standing advice applies, informal advice has been sought. On balance looking at this in the whole, there are other similar drives in the area, and the proposed access are not untypical, but advice was provided to maximise the turning area for the existing dwelling, which has now been achieved through the amendment and cars can more easily manoeuvre to enter /exit in a forward gear whilst another car is parked. The lane they intend to exit onto for the new house is unadopted, so the Highway Authority don't have any highway safety issues to raise. The height of the wall where the bin store is, has been reduced to afford improved visibility both for pedestrians and vehicles using Frobisher Land and for drivers exiting the site. Cars will be able to enter and leave the site in a forward gear, unlike the existing situation. Though there will be more activity at the site with an extra dwelling and more parking capacity, and this is in the vicinity of a school entrance, double yellow lines preclude parking outside at all times and visibility is unimpeded by on-street parking.

In the circumstances, no undue safety concerns arise and on balance highways considerations do not weigh unduly negatively in the planning balance.

A CEMP is considered necessary having regard to the difficulties of construction and highways safety issues in the vicinity of a school. An informative is recommended regarding the need for the approval of the highway authority to park construction vehicles on the highway – there may need to be temporary lights etc. This is a highways licensing matter.

Other Matters:

Ecology & Biodiversity: No significant issues arise from development in this suburban garden environment within the AONB. No excessive glazing is proposed, nor external lighting. A condition limiting external lighting is recommended in the interests of dark skies.

Flood Risk, Drainage and Stability: The site is in flood zone 1 and is at the lowest risk of flooding. It is important to understand whether it has been demonstrated that the site can be satisfactorily drained and prevent the increased risk of flooding elsewhere. Also, having regard to sloping sites, considerations include land stability. Excessive run-off can also contribute to pollution issues.

Policy DP4 (3, 4 & 5) seeks to ensure development is sustainable through avoiding or mitigating:

- any increased risk of flooding on site and elsewhere;
- any risk from contaminated land, erosion or instability;

JLP Policy DEV2 (1) Policy seeks to prevent harm from development proposals, including through water and land instability will not be permitted.

The Framework advocates that flood risk not be increased elsewhere. SHDC Drainage Specialists advise the application meets the minimum requirements for a low risk small scale minor (1-2 units) development and suggest a condition.

No undue stability concerns arise from the limited amount of excavation required.

Heritage Impacts: No additional concerns arise

Other applications: Garden of Rendoc Herbert Road 2193/18/FUL demolition and replacement with 4 dwellings; Summerleaze, Drake Road 2098/18/HHO - removal of roof and construction of additional accommodation. Neither development is considered comparable to the application proposal and each case falls to be determined on its own merits.

Devaluation of properties: Concerns about possible impacts on property values are not a material planning consideration.

Contravention of covenant in Cachel's original Conveyance dated 19th Nov 1895: This is a civil matter and not a material planning consideration.

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

Planning Policy

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.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries
SHDC 10 Access Housing
KP 11 Environment in Salcombe

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
TTV30 Empowering local residents to create strong and sustainable communities
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV24 Landscape character
DEV25 Undeveloped coast
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV37 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

Salcombe Neighbourhood Plan (NP) has reached Regulation 15 stage, has had a successful 'health check' by an independent examiner and recently been submitted for Regulation 16 consultation

Policy SALC Env1 Impact on the South Devon Area of Outstanding Natural Beauty (AONB) requires all future development to have regard of its impact on the AONB and satisfy criteria

Policy SALC B1 Design Quality and safeguarding Heritage Assets requires any new development to demonstrate high quality design and be in keeping with the area within which it is located, respond to and integrate with the local built surroundings, landscape context and setting.

Policy SAL H3 Principal Residence only supports new open market housing, excluding replacement dwellings, if subject to a restriction to ensure its occupancy as a Principal Residence.

Policy SALC T2; Car and trailer parking in Salcombe seeks to ensure 3 parking spaces are provided for a 3-bedroom dwelling.

Paragraph 30 of the Framework advises once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Notwithstanding how far the NP has progressed, now pending Regulation 16 consultation, only limited weight, if any, can yet be afforded to NP policies until formal adoption.

Summary/ Conclusion/ Planning Balance

Paragraphs 8, 10 and 11 of the Framework promote the three dimensions to sustainable development: economic, social and environmental so that sustainable development is pursued in a positive way. At the heart of the Framework lies a presumption in favour of sustainable development, which includes the requirement for decisions to take account of whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the circumstances, while the presumption in favour of allowing sustainable development where the development plan is out of date is removed within the AONB by footnote 6 to paragraph 11, the precise location of this site and its visibility within and impact on the wider natural beauty and character of the AONB is considered, on the merits of the case, to be limited.

Notwithstanding that there may be sites very close by where this conclusion has not been drawn in the past (land opposite Lyndale for example), it is on the merits of this application alone that this recommendation to grant conditional approval is made.

Under retained Local Plan Policy SHDC1, within development boundaries, development will be permitted where this is compatible with the character of the site and its surroundings, and where there would be no significant adverse effects in relation to traffic and parking, road safety, drainage, the landscape, wildlife and historic interests or local amenity. The report below considers these issues in detail.

Notwithstanding that the form of development is considered to detract to a degree from the existing character of the street scene in the immediate vicinity of the site, having regard to the low level of harm, no wider harm to the character of the AONB and to the location within the settlement boundary of the town, the proposal is considered, very much on balance, to constitute a sustainable form of development taking into account the aims of the Framework as a whole. Highways safety amenity and other considerations do not weigh heavily in the planning balance. Accordingly, on balance, conditional approval is recommended.

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 in Full

1. The development hereby approved shall in all respects accord strictly with drawing numbers 2222.SLP received by the Local Planning Authority on 25 June 2018, 2222.02. Rev C and 2222.04 Rev B received by the Local Planning Authority on 13 September 2018.

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.

2. 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.

3. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-F of the Order, including the erection of extensions, porches, garages, dormers roof alterations, sheds, other structures or hard surfaces shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To safeguard the interests of neighbouring amenity and the character and visual amenities of the area, a designated AONB, and to ensure adequate external amenity space is retained for family use.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting, or further amending that Order), no development of the types describes in Schedule 2, Part 2, Class A including gates, fences, walls or other means of enclosure shall be erected or constructed.

Reason: To safeguard the visual amenities and character and appearance of the area, a designated AONB.

5. No floodlighting/ other external lighting shall be erected/ installed unless details have first been submitted to and agreed in writing by the Local Planning Authority. All lighting shall be down lighting and no directional lighting permitted shall be directed to directly illuminate the walls of the dwelling or beyond the site boundary at any time.

Reason: In the interests of the character and visual amenities of the area, a designated AONB, especially night time character and the protection of dark skies.

6. Prior to the commencement of development hereby permitted, a Construction Environmental Management Plan (CEMP) detailing measures to mitigate or reduce the impact of the construction activities shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the following issues:

- (a) loading and unloading of plant and materials
- (b) storage of plant and materials
- (c) programme of works (including measures for traffic management)
- (d) provision of boundary hoarding behind any visibility zones
- (e) Pedestrian safety, including Onslow Road and Frobisher Lane;
- (f) hours of operation of all activities (including no works to begin or vehicles to arrive before 8.00 am; no work after 6.00pm; no working Sundays or Bank Holidays);
- (g) construction noise and vibration management;
- (h) highway mud management and cleaning;
- (i) water management (surface and groundwater);
- (j) complaint handling procedure including dedicated site manager contact name, telephone number and email address to be displayed on the site boundary visible from Onslow Road.

Once approved all construction activities shall be carried out in accordance with this management plan for the duration of the construction period.

Reason: In the interests of highway safety and the amenities of the area. A pre-commencement condition is required as construction vehicles will need to be parked on-street and works take place in the vicinity of a school and construction noise could impact both education and neighbouring amenity.

7. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

8. The dwelling hereby permitted shall not be occupied until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, to include details of all the boundary treatment and shall include:

(i) details of all hard surfacing;

(ii) details of the extent of retention of the existing front (south) boundary or details of its proposed replacement;

(ii) details of the side (east) boundary which shall be a wall capable of use as a planter containing a hedge to be maintained in perpetuity at between 1m – 2m above the height of the wall;

(iii) details of the side (west and rear (north) boundaries;

(iv) details of a 'living wall' to the front (south) elevation of the lower ground floor;

(iv) details of soft planting shall include species, size, density, planting medium and maintenance plan;

The hard landscaping shall be implemented prior to first occupation. The soft landscaping scheme submitted shall be fully implemented in the first available planting season following the completion of the development or the first occupation of the dwelling whichever is the sooner.

Reason: In the interests of the character and visual amenities of the area, a designated AONB and the amenities of future and neighbouring occupiers.

9. If within a period of five years from the date of the planting of any tree/shrub/plant that tree/shrub/plant or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: In the interests of the character and visual amenities of the area, a designated AONB.

10. The boundary treatments approved pursuant to condition 8 shall be erected prior to the first occupation of the dwelling hereby approved and retained as such in perpetuity.

Reason: In the interests of privacy and the character and visual amenities of the area, a designated AONB.

11. The development hereby permitted shall not be commenced until a programme of trial holes and percolation tests (DG 365 standard tests) are carried out in accordance with a scheme to be prior agreed in writing with the Local Planning Authority. Suds to be designed for a 1:100 year event plus 40% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, 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. A pre-commencement condition is required to avoid the risk of increased run-off increasing flood risk elsewhere and impacting on the highway.

12. The dwelling hereby permitted shall not be first occupied until both of the accesses, all parking spaces and turning areas have been provided in accordance with the approved drawings. Thereafter the parking and turning areas shall be retained and maintained for that purpose and available at all times.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site to avoid congestion and in the interests of highways safety.