

## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

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

**Application No:** 2259/19/HHO

**Agent:**

Mr Christopher Stacey  
Christopher Stacey Architecture  
Venn Meadow Barn  
Venn Cross  
Denbury  
Newton Abbot  
TQ12 6EJ

**Applicant:**

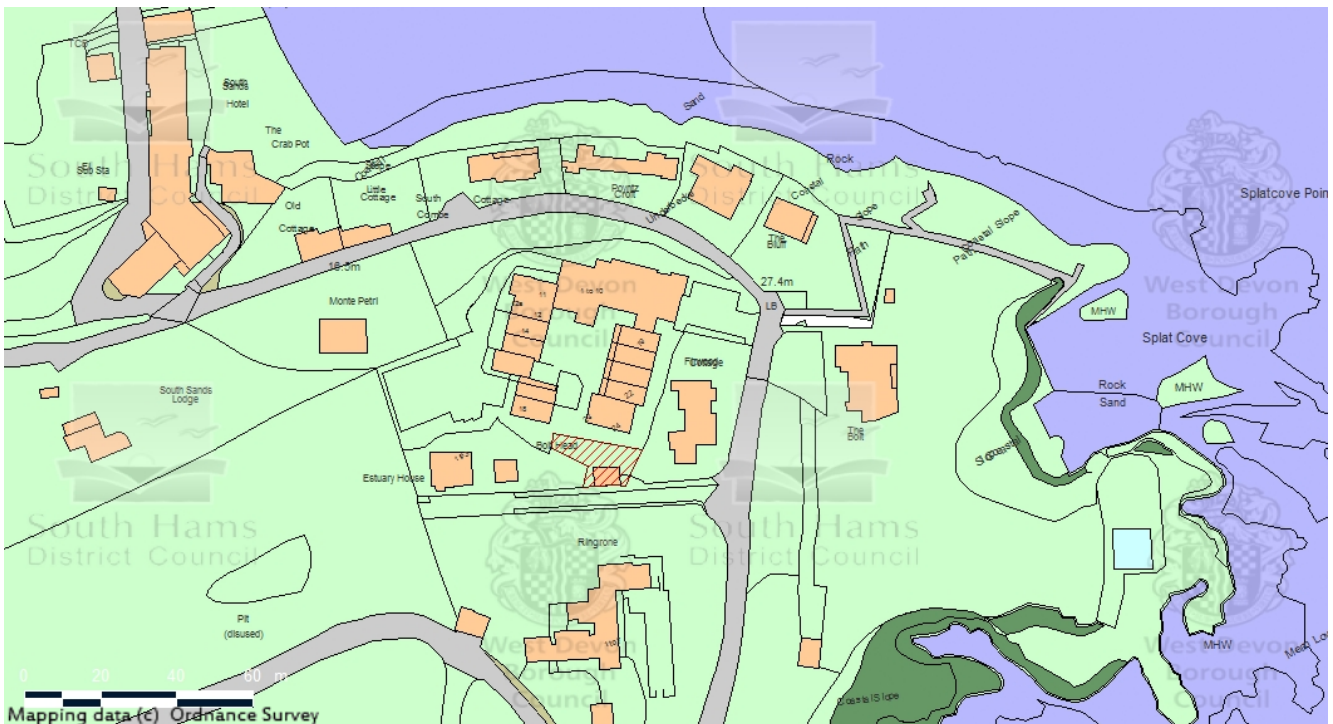
Miss P Westgate  
56 Westmead Drive  
Oldbury  
B86 8QB

**Site Address:** Sharpitor Cottage, South Sands, Salcombe, TQ8 8LW

**Development:** Householder application for extension to living area, creation of en-suite bedroom wing, attached garage and courtyard garden (re- submission of 3978/18/HHO) Part retrospective.

**Reason item is being put before Committee:**

Cllrs Pearce and Long have concerns with regard to design and materials, parking, amenity, surface water drainage, impacts on the South Devon Area of Outstanding Natural Beauty, the Undeveloped Coast and the Heritage Coast.



**Recommendation:**

Conditional Approval

**Conditions**

Standard time limit  
Adherence to plans

**Key issues for consideration:**

Design and materials, highways, contaminated land, trees, impact on the South Devon Area of Outstanding Natural Beauty, the Heritage Coast and the Undeveloped Coast.

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### Site Description:

The site is located at Bolt Head, c. 1.9km south west of Salcombe town centre, accessed via a single track metalled private road. The site is bounded by a high stone wall on the south elevation facing the private road and is set slightly below the level of the road and below the private driveway to Estuary House to the west. The site hosts a single, detached residential dwelling.

The site is located within South Devon Area of Outstanding Natural Beauty, the Heritage Coast and the Undeveloped Coast.

### The Proposal:

The applicant seeks to regularise the extension and alterations undertaken to the dwelling to date. These comprise; an extension to the living area, creation of en-suite bedroom wing, attached garage and courtyard garden. The materials palette includes painted render, composite weatherboarding, metal roof and PVCU windows and doors. The development is centred around a small courtyard garden; this is enclosed by a timber fence on the north elevation.

### Consultations:

- County Highways Authority No highways implications
- SHDC Environmental Health Officer No objection
- Town Council Objection  
Objection as this was overdevelopment of the site sitting right on the boundary against and overhanging the flats. The materials were felt inappropriate in this setting and it was not sustainable development being of poor design not meeting required standards within a protected area contrary to Neighbourhood Development Policy B1. It was questioned whether such development construction had affected adjacent Tree Preservation Order trees and the application was felt to be wholly retrospective as there was no previous planning history found on this site. It was believed that the proposed parking area was not large enough for 2 cars and so was felt to be contrary to Neighbourhood Development Policies B1 and T1. If permission was granted then on the basis that this was a completely new property a Section 106 agreement re Principal Residence policy should be obtained in accordance with Neighbourhood Development Policy H3.
- South Hams District Council Tree Officer No objection  
Please find below our consultation response in respect of the above noted Full Planning Application, which has been prepared following review of the following documents/ plans
  - Proposed Site Plan: 3215.01.A

### Appraisal

1. The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.
2. The only arboricultural constraint arises from the group of over mature Monterey Cypress trees growing adjacent to the application site. Ordinarily further tree survey work would be required however tree officer knowledge of the condition of the trees as over mature and with limited life expectancy informs it to be unreasonable to require such further survey work. It would be likely that any professionally prepared normal tree work application would allow (subject to review of representations) pruning or removal in respect of the trees declining condition.
3. Any loss of trees to the visual landscape (and their inherent visual amenity benefits) would be addressed by way of replacement tree Conditions.

## Recommendation

1. No objection on arboricultural merit subject.

- National Trust

See comments

I write in regards to the above mentioned planning application. The National Trust had previously written to the applicant to highlight an inaccuracy in the application form for the previous application reference 3978/18/HHO. Section 8 of the application form for the previous and the current application states that existing parking is on the lane. However, as set out in the attached letter, the lane outside the property is a private lane owned by the National Trust and there is no permission for parking on it. It is an access way only for those individuals with permission or right to use it as such. Therefore I can confirm that the information set out in the previous letter remains applicable to this application.

## Representations: -

Two letters of objection have been received and cover the following points:

- Car Parking: Access to house not possible when both parking spaces occupied.
- Design: The built area breaches guidelines - new building covers approx. 75% of the site.
- Impact on important trees: Damage has already been caused to at least one of the protected trees next to the site. Any of the 3 protected trees could fall on the site.
- Many of the materials used are unsympathetic to a sensitive site. Two previous applications by previous owners for a house on the site have been rejected.
- The application wrongly assumes acquisition of neighbouring land on all boundaries.
- Contaminated land: no Phase II survey has been submitted with the application.
- Groundworks: No reference has been made to the changes in levels or the construction of retaining walls to the north and the west of the site.
- Wildlife Trigger Table: The applicant has stated that the proposal does not include works to a roof but this is incorrect.
- Further works have been undertaken beyond the site boundary at Firwood Cottage and these are not referenced within the application. These works comprise the erection of metal gates to the front of the application site and works to boundary walls.

## Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/1218/74/3: FUL	Erection of double garage and drive	Estuary House South Sands Salcombe	Conditional approval: 25 Feb 75	
41/1472/76/3: FUL	Extension to provide guest suite	Firwood Cottage South Sands Salcombe	Refusal: 07 Feb 77	
41/1541/78/3: FUL	Renovation and extension of existing garage	Firwood Cottage South Sands Salcombe	Conditional approval: 19 Dec 78	
41/1029/81/3: FUL	Bar extension	Bolt Head Hotel South Sands Salcombe	Conditional approval: 11 Aug 81	
41/1453/81/3: FUL	Dining room extension and internal alteration	Bolt Head Hotel South Sands Salcombe	Conditional approval: 27 Oct 81	
41/1681/81/4: COU	Change of use from garage to chalet with kitchen bedroom & WC. with dinghy and tool store.	High Point South Sands Salcombe	Refusal: 19 Jan 82	AUN: Unknown: 10 Sep 82
41/1540/82/3: FUL	Alterations to Sunnysdene to form Manager's accommodation and carport.	Bolt Head Hotel South Sands	Conditional approval:	

		Salcombe Devon	19 Jan 83	
41/1539/82/3: FUL	Games room for hotel residents.	Bolt Head Hotel South Sands Salcombe	Conditional approval: 25 Jan 83	
41/1628/82/4: COU	Conversion to self contained dwelling unit for hotel staff.	Estuary House Bolt Head Salcombe	Conditional approval: 01 Feb 83	
41/0801/83/3: FUL	Extension	Estuary House Bolt Head Salcombe.	Conditional approval: 19 Jul 83	
41/1463/83/3: FUL	Extension to existing flats & change of use of flat 1 from hotel staff use to dwelling unit	Estuary House Bolt Head Salcombe.	Conditional approval: 08 Nov 83	
41/0324/84/3: FUL	Extensions to 3 existing flats	Estuary House Bolt Head Salcombe.	Conditional approval: 06 Apr 84	
41/1124/85/3: FUL	Extension for eleven bedrooms	Bolt Head Hotel South Sands Salcombe.	Refusal: 14 Jan 86	AUN: Withdrawn : 01 Jan 00
41/0287/87/3: FUL	Relief from conditional permission	High Point South Sands Salcombe.	Refusal: 31 Mar 87	
41/0811/87/4: COU	Change of use to hotel staff accommodation	High Point Bolt Head Salcombe.	Conditional approval: 22 Jul 87	
41/1806/87/3: FUL	Conversion of hotel and rebuilding of Sunnysdene to form 33 no. time share apartments together with ancillary access drainage and parking facilities	Bolt Head Hotel Salcombe.	Conditional approval: 01 Jul 88	
41/1377/91/3: FUL	Redevelopment of hotel site to provide 29 flats	Bolt Head Hotel Salcombe.	Withdrawn: 01 Oct 91	
41/0287/92/3: FUL	Redevelopment of hotel site to provide 27 flats	Bolt Head Hotel Salcombe.	Conditional approval: 14 Jul 93	
41/1513/96/3: FUL	Construction of additional six apartment units	Bolthead Hotel Sharpitor Salcombe.	Withdrawn: 30 Oct 96	
41/2076/96/3: FUL	Construction of six apartments	The Bolt Head Hotel Sharpitor Salcombe.	Withdrawn: 12 Feb 97	
41/1369/97/3: FUL	Formation of temporary works access for use during Phase 1 of redevelopment including partial demolition and subsequent reinstatement of management cottage	The Bolt Head Hotel Sharpitor Salcombe.	Conditional approval: 24 Sep 97	
41/0845/97/3: FUL	Amendments to approved plans for re-development of site to provide twenty seven flats	The Bolt Head Hotel Sharpitor Salcombe.	Conditional approval: 29 Jan 98	
41/1042/02/F: FUL	Demolition of hotel and erection of twelve flats and seven mews houses (Phase 2)	Bolt Head Hotel Sharpitor Salcombe Devon TQ8 8LL	Conditional approval: 21 Aug 03	
41/1461/04/F: FUL	Demolition of cottage and erection of new dwelling	Highpoint Cottage South Sands Bolt Head Salcombe	Refusal: 14 Sep 04	
41/0875/10/F: FUL	Demolition of existing and erection of new holiday cottage.	High Point Bolthead Salcombe TQ8 8LW	Refusal: 09 Jun 10	

41/1684/11/P REMIN: PRE	Pre-application enquiry for demolition of building and replacement with single storey wood framed house	Sharpitor Villa High Point Bolthead Salcombe TQ8 8LW	Pre app not concluded CLOSED: 25 Jan 12	
TEMP/09/208 0: FUL	Demolition of existing and creation of new holiday cottage	Villa Sharpitor Bolthead Salcombe TQ8 8LW		
3978/18/HHO	Application invalid - Householder application for extension to living area, creation of ensuite bedroom wing, attached garage and courtyard garden (part retrospective).	Sharpitor Cottage Bolthead Salcombe TQ8 8LW		Application void

## ANALYSIS

### Principle of Development:

The site hosts a single residential dwelling; the principle of development is therefore established.

### Design and Materials

The Town Council have objected on the basis that the design and materials are poor in the context of the AONB location. Other objections have been received on the basis that the proposal represents overdevelopment of the site, given that the majority of the plot is now covered by the development.

While it is noted that the design and materials are not aesthetically pleasing; the development is limited to a single storey and is not widely visible from the public realm, due to the presence of a high stone boundary wall to the south elevation and the presence of other, taller, surrounding buildings, including the Bolt Head flats to the north. It is not considered that the proposal is so significantly harmful as to warrant a refusal solely on this basis.

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that it conserves the natural beauty of the AONB through the single storey design which has minimal impact within the wider landscape. 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.

### Ecology

Objectors have noted that the Wildlife Trigger Table has been incorrectly completed, as works to an existing roof were undertaken as part of the current proposal. While this is the case, unfortunately, it is not possible to address this retrospectively as any changes that may have affected protected species have now been completed.

### Drainage

The applicant has stated that the site was previously paved before construction works began, as such it is not considered that the existing proposal will result in increased surface water run-off from the site. No changes to foul drainage arrangements are proposed. As such, the proposal has been considered against the SHDC Householder Drainage Guidance and is considered acceptable on this basis.

### Highways

The National Trust have advised that parking is not available within the lane outside the site as stated by the applicant and that the lane is an access road only and the applicant does not have permission to park there. While this information is noted, the issue of parking on the lane is considered to be a matter to be resolved directly between the applicant and the National Trust.

Commenters have noted that when two cars are parked on the site (as shown on the plans), it is not possible to access the dwelling through either of the doors. Plans show that the parking space within the site measures 2.4 x 9.8m. DCC Highways Standing Advice requires a minimum of 9.6m to accommodate two cars when parked in tandem; the proposal ensures that this requirement is met. However, the Standing Advice requires a width of 3.2m where the parking area also serves as pedestrian access, as in this case. As such, it is not considered that the proposal complies with DCC Highways Standing Advice and the current layout of parking spaces relative to access doors means that the parking spaces are unlikely to be used as shown. However, it is considered that one car could be accommodated within the site although it is acknowledged that this is contrary to the DCC Highways Design Guide (2001) that advises two spaces are provided for a one bedroomed dwelling. Having regard to the previous parking arrangements and that the current proposal does not seek to increase the number of bedrooms within the property, it is not considered that the proposal will result in a significant increased risk to highways safety through increased demand for parking and is considered acceptable on this basis.

Comments have been received that metal gates have been erected at the front of the dwelling; Officers have advised the applicant that these works fall outside the scope of the current application and that in any case, access gates should not open across a highway. The applicant confirmed in writing on 16 September 2019 that the gates had been removed.

#### Contaminated Land

Objectors have noted that a Phase II Contaminated Land Survey has not been submitted with the application, as was required for a previous scheme. Discussions with the Council's Environmental Health Officer have concluded that the main element of risk is from ground gas migration into the property and this would be alleviated by a radon barrier. Environmental Health have alternative powers to deal with contaminated land and can seek remediation where there is evidence of a source, pathway and receptor. At present, there is insufficient evidence to require such remediation, however, it will be noted that the building did not comply with planning controls and there is a risk that contamination may exist and the property could be determined under Part IIA of Environmental Protection Act 1990 in the future. As such, there is no objection to the current application at this time

#### Trees

Objectors have raised concerns regarding the damage to protected trees arising from the development. The Council's Tree Officer has reviewed the submission documents and undertook a site visit to assess the impact to the trees covered by TPO: 447 and has confirmed that there is no objection to the current proposal on arboricultural grounds.

#### Land Ownership

Objections have been raised on the basis that the applicant has built on land belonging to adjacent neighbours. Officers consider that the relevant notices have been served on these land owners and any further dispute is considered a civil matter, beyond the scope of this report. Other comments relate to works undertaken outside the red line site boundary on third party land; it is considered that any such works fall outside the description of development as set out at the start of this report and are therefore beyond the scope of this planning application.

#### Principal Residence

The Town Council have objected on the basis that the application creates an entirely new dwelling and should be subject to a principal residence restriction (secured via a Section 106 agreement) to comply with Neighbourhood Plan policy SALC H3. A review of the planning history has confirmed that while in 2004, an application on the site was refused on the basis that it would result in the creation of an independent dwellinghouse in the countryside, in 2010, this was no longer cited a reason for refusal to a subsequent application. There is no record of enforcement action in this regard and as such, it is concluded that the site has acquired lawful use as an independent dwellinghouse through the passage of time. As such, the current proposal would not amount to the creation of a new dwellinghouse and Salcombe Neighbourhood Plan Policy SACL H3 would not apply

## Conclusion

This is a finely balanced decision but overall the impacts of the proposed development are considered to be acceptable; it is therefore recommended that the application be granted conditional approval.

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

## **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. For the purposes of decision making, as of 26 March 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

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).

### **Neighbourhood Plan**

A Neighbourhood Plan is under preparation for the Parish of Salcombe; it was approved at public referendum on 25 July 2019. As such, the policies can be afforded substantial weight and 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

### **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 1:1250*

*Layout of Parking Space 3215.04*

*Floor Plan 3215.02*

*Elevations 3215.03*

*Received by the Local Planning Authority on 11 July 2019*

*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.*