

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 3391/19/HHO

Agent:

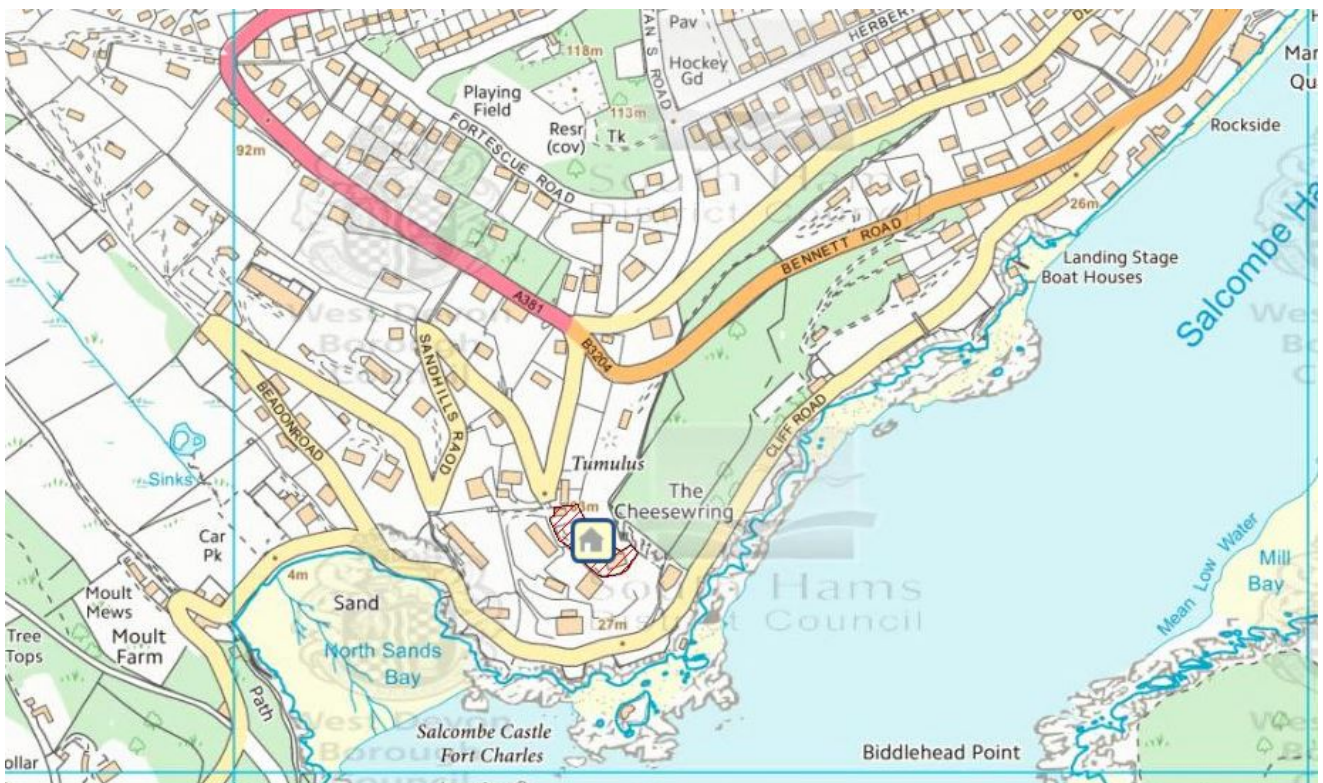
Mr Dominic Warren - rawspace
22 Upper Mall
London
W6 9TA

Applicant:

Mrs Sheila Jansen
Cheesewring, Sandhills Road
Salcombe
TQ8 8JP

Site Address: Cheesewring, Sandhills Road, Salcombe, TQ8 8JP

Development: Householder application for rebuilding of boundary wall following partial collapse (Retrospective).



Reason item is being put before Committee

Cllr Long considers it is appropriate for the Members of Committee to determine the key issue of public amenity with this application given the height and location of the rebuilt wall.

Recommendation: Conditional approval

Conditions

Standard time limit
Adherence to plans

Key issues for consideration:

Impact on public amenity views from the public footpath adjacent to the site and impact on the South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located c. 1.1km south west of Salcombe town centre, accessed via Sandhills Road. The site is set in an elevated position above the estuary and enjoys panoramic views of the area. The Cheesewring is a single, detached dwelling of contemporary design set in landscaped gardens.

The Proposal:

The applicant seeks retrospective planning permission for the rebuilding and increase in height of the stone boundary wall to the north east of the site, adjacent to Salcombe Footpath 24. Footpath 24 connects Bennett Road to the north with Cliff Road to the south of the site. The section of footpath directly adjacent to the application site slopes steeply downward from north to south, with a zig zag layout to reduce the gradient for users; the surface is currently unmade.

- County Highways Authority No highways implications
- Town Council Objection as the new wall had been built too high (as much as 50% in some places) and removed a public amenity view from the adjacent footpath.
- SHDC Tree Officer Application reviewed: no comments offered

PUBLIC CONSULTATIONS**Representations:****Representations from Residents**

Comments have been received and cover the following points:

None received.

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/0176/85/3: FUL	Extensions and garage	Cheesewring Sandhills Road Salcombe.	Conditional approval: 02 Apr 85
41/0556/92/3: FUL	Erection of bedroom/hall/garage extension	Cheesewring Sandhills Road Salcombe.	Conditional approval: 29 May 92
41/0094/96/3: FUL	Erection of greenhouse	Cheesewring Sandhills Road Salcombe.	Conditional approval: 15 Mar 96
41/0636/99/F: FUL	Erection of sun lounge and sun deck	Cheesewring Sandhills Road Salcombe TQ8 8JP	Conditional approval: 26 May 99
41/0431/10/F: FUL	Householder application for alteration and extension to the existing balcony and deck area	Cheesewring Sandhills Road Salcombe TQ8 8JP	Approval: 17 May 10
41/0547/13/F: FUL	Replacement dwelling	Cheesewring Sandhills Road Salcombe TQ8 8JP	Withdrawn: 03 May 13
41/2095/13/F: FUL	Resubmission of application 41/0547/13/F for a replacement dwelling	Cheesewring Sandhills Road Salcombe TQ8 8JP	Conditional approval: 31 Oct 13

41/0031/12/PREMIN : PRE	Pre-application enquiry for replacement dwelling	Cheesewring Sandhills Road Salcombe TQ8 8JP	Pre application - Officer support: 02 Dec 13
41/2358/14/MIN: NMM	Non-material minor amendment (lowering of main house and relocation of pool) to planning approval 41/0547/13/F	Cheesewring Sandhills Road Salcombe TQ8 8JP	Conditional approval: 17 Dec 14
1275/18/TPO	T1: Sycamore Fell, infected with rot, increased exposure by removal of T2; T2: Sycamore Fell, due to extensive decay in base of trunk.	Cheesewring Sandhills Road Salcombe TQ8 8JP	Tree works allowed: 12 Apr 18

ANALYSIS

Principle of Development

The site currently hosts a single residential dwelling within the built form of Salcombe; the principle of development is therefore established.

Public Amenity

The Town Council have objected on the basis that the wall has increased in height by 50% in places and removes a public amenity view from the footpath adjacent to the application site. While this is correct, the increase in the height of the wall will increase security and privacy for the occupants of Cheesewring. It is not considered that the loss of a public amenity view from a very short section of the footpath, which is not easily accessible to a wide range of users due to its steep gradient and unmade surface, is so significantly harmful so as to warrant a refusal solely on this basis. It should also be noted that the Devon County Council Public Rights of Way Officer was consulted as part of the application and has not offered any comments on the scheme. As such, the proposal is considered acceptable with regard to policies DEV1, DEV2, DEV20, DEV23 and SALC B1.

South Devon AONB

Policy DEV25 requires that proposals “conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes”. The proposal meets the first policy test, in that the design and materials have a neutral impact on the AONB, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and SALC ENV1.

Other Matters

As the proposal comprises the rebuilding and increase in height of an existing wall it is not considered that the proposal would impact on trees and hedgerows and as such, is not considered to conflict with DEV26 or DEV28.

Conclusion

On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

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

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.

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
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

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: Draft Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2019, South Devon AONB Management Plan (2019-2024).

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

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 and Block Plan 601 001 001
Proposed Site Plan 604 110 .001
Proposed Elevations 689 001
Received by the Local Planning Authority on 28 October 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.