

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 2369/21/FUL

Agent/Applicant:

Mr Nigel Keen - DRA Architects
The Studio
105 Southbroom Road
Devizes
SN10 1LY

Applicant:

King, Cooper, Payne
Land Opposite Lyndale, Onslow Road
Salcombe
TQ88AH

Site Address: Land Opposite Lyndale, Onslow Road, Salcombe, TQ8 8AH



Development: Proposed residential development of two detached dwellings on vacant land. (Revised scheme of application 3262/18/FUL)

Reason item is being put before Committee

The local Ward members requested it for the following reasons:

- Previous applications for the site have been considered by Committee and have been subject of Appeal decisions which the report indicates have been addressed.
- There would need to be a Committee site visit for context and setting.
- The conditions do need to be tightened and clarified within the report, areas of concern as indicated being; the removal of PD rights given how tight and constrained the site is; restrictions on dividing or creation of separate units within; clear and specific restriction on the use or changes to the roof areas.
- The ward members request a committee site visit.

Recommendation: Approval

Conditions (list not in full)

1. Time limit for Implementation

2. Principal residence condition.
3. Approved plans
4. Landscaping (retention and new and species to be planted which reach a height of at least 3 metres.) Indigenous species.
5. Drainage in accordance with approved plans
6. Removal of permitted development (roof, terraces and garden buildings)
7. Submission of materials for approval
8. Ecology adherence
9. Unexpected contamination
10. Tree condition as approved plan
11. Prior to commencement carbon reduction measures
12. Dwellings not to be subdivided.
13. Roofs not to be used as roof terraces.
14. Construction Management Plan
15. Land stability survey pre construction
16. Climate change measures in accordance with policy dev32

Key issues for consideration:

Principle of the development; design; impact on neighbours; drainage; access.

Financial Implications (Potential New Homes Bonus for major applications):

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

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, an area of approximately a little under 0.07 hectares (673 sq. m as advised in the Design & Access Statement) lies on the north side of Onslow Road. Currently undeveloped, the land appears to have been garden land in the past, in part for some period in connection with the bungalow 10 Knowle Road to the north and in part in connection with the property Lyndale to the south, the latter being physically separated from the application land by Onslow Road.

The frontage has a hedge, within which there is a gap for pedestrian access and appears to have historically been used for parking, with a car and boat present at the time of the site visit, though no formal dropped kerb arrangement exists. Behind this relatively flat area, the land slopes sharply away northwards such that there is a fall in levels across the site, from the lowest point to the pavement in Onslow Road, of between 6.5m at the eastern end to 8.22m at the western end.

The land is irregularly shaped [narrower to the front (south abutting Onslow Road)/wider to the rear /north abutting neighbouring gardens]] with an area towards the western part of the site not directly fronting Onslow Road, having an intervening area of landscape planting between the road and the application site (some within the Council's ownership and some apparently unregistered land – which the applicants advise they have maintained in the past). A small public seating area occupies part of this land to the west of the site, adjacent to the public steps

(known as Piggy Lane) with planting, which abuts the western boundary of the site and which is a pedestrian link between Onslow Road and Knowle Road.

There is a pavement along Onslow Road, on the north side which runs broadly west to east in the immediate vicinity of the application site, with street lighting and double yellow lines.

The northern and eastern site boundaries border residential gardens, serving properties set at a lower level, fronting Knowle Road, comprising bungalows immediately behind the application site and two storey apartments to the north-east.

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. Properties on the south side of Onslow Road are set at a level elevated above the highway. The bungalows behind the site to the north and two storey flats in Knowle Road are set at a much lower level, though set higher than the level of Knowle Road. To the west, properties in Dell Court are two storey with additional accommodation in the roof and basement levels. The ground floor entrance level is set at a lower level than the public highway, served by an access parallel with Onslow Road.

Set at a lower level below Dell Court, Mallards is a detached property to the north-west. Locally, 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 distant shoreline and green ridges, a result of the undulating topography. Salcombe is a town, predominantly urban and suburban in character, where the built form does dominate, though there is a greenery locally, with green spaces and many properties having front and rear gardens and trees visible in public views as a result of the topography.

Along this section of Onslow Road, properties on the south side are raised up above the level of the road behind front gardens. On the north side, Dell Court has a hedge fronting the road, with properties set at a lower level. Planting at Piggy Steps is in the public realm, which together with the application site and combined gardens of the properties fronting Knowle Road currently provide a green break in the built form as Onslow Road runs east where it narrows and falls downhill. Views can be had from along this section of Onslow Road and as it falls eastwards out to the coast and hills of the AONB towards Batson Creek. The entirety of the application site and its frontage is undeveloped and in conjunction with neighbouring vegetation to the north and east, forms 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.

Looking north across the valley from Onslow Road, properties on the upper valley slopes opposite have by and large been developed comparatively sympathetically, with space for planting and which do not break the tree line on the ridge above. To the north-west, where the land appears higher, buildings appear more densely developed, developed comparatively less sympathetically, with less greenery visible and which break the skyline, sometimes in a jarring manner.

The principal character views along Onslow Road are to the north east, towards Batson Creek. A public seat at the top of the steps takes advantage of these views when management of the vegetation permits.

The site lies within Flood Zone 1, the lowest risk of flooding. However, having regard to the steep topography and extent of built development including hard surfacing, the potential for increased risk of flooding elsewhere as well as linked land stability issues needs to be considered.

Some concerns have been expressed by objectors that the site location is not clear. Notwithstanding these concerns, the application has been advertised three times and it is evident to the LPA, supported by the number of responses received, that the site address is properly and adequately described. There is also reference to a 'listed' bench but the Conservation Officer confirms that is no listed bench or the setting of such a feature close to the site.

The Proposal:

The proposal is for the erection of 2 detached flat roofed 3 bedroom dwellings, with access and car parking at the front off Onslow Road.

Because of the sloping nature of the site, the property is split level with a single storey visible onto Onslow road and 3 stories at the rear.

Consultations:

- County Highways Authority: Standing Advice
- Town Council: No comment on the proposal but due to the position of the site on a main access route into Salcombe there needed to be a Construction Management Plan prior to work commencing. Neighbourhood Plan policy H3 re Principal Residence would also apply to this proposal and in the light of the recent unanimous decision of the full South H District Council to support the proposed amendment to the Neighbourhood Plan Town Council would request a S106 agreement in respect of this policy.
- Tree Specialist: No objection on arboricultural merit subject to the noted document being made approved plans if consent follows.
- Drainage: Based on the information provided we would support the current proposal. Full drainage details have been provided to demonstrate that a workable drainage scheme can be accommodated on site

Representations from Residents

Comments have been received and cover the following points:

Object: 12 letters

- Loss of view of town bench which is listed
- The roof terraces will result in overlooking
- The design does not fit into the street scene
- The access is dangerous
- Vehicles crossing the access compromises pedestrian safety
- The inclusion of a further bathroom suggests an additional dwelling may be created
- This is not affordable housing
- Design is inappropriate
- Question over the stability of the land

- Will the drainage be appropriately installed and not impact on others.
- Landownership issues The rear boundary with

Support: 6 letters

- Access for construction traffic needs to be considered carefully.
- Onslow road already has a lot of traffic pressure.
- Happy to see this redundant piece of land developed for housing
- 2 flat roofed bungalows will not affect my outlook.
- The limited height of the dwellings results in no problems
- All previous refusal points have been addressed
- This land in the middle of a built up area is ideal for housing
- Due to the gradient every neighbouring house is overlooked.
- The houses are moderately sized and appropriate for principle residence.

Landownership issues:

There is currently a dispute ongoing between the applicant and the owners of No.'s 9 and 10 Knowle Court. Landownership issues are not a planning consideration. Therefore if the planning application is considered taking into account, the Development Plan and all other material considerations, including in this case the recent Inspectors decision then a decision can be made. Whether or not the planning consent can be implemented because of the land dispute, is a separate civil matter.

Relevant Planning History

1240/16/FUL

Land Opposite Lyndale Onslow Road Salcombe TQ88AH
Proposed residential development of three detached dwellings
Refused 30/01/2018

3262/18/FUL – Proposed residential development of two detached dwellings on vacant land. Refused 25 March 2019, Dismissed on appeal. The Inspector concluded that the development would be harmful by reason of loss of privacy and overdominance on 9 and 10 Knowle Road. The Inspector also considered that the proposals would be harmful to the character and appearance of the area.

ANALYSIS

Principle of Development/Sustainability:

The site lies within the development boundary of Salcombe. The adopted Joint Local Plan sets out the vision and framework for the area. Policy SPT1 sets out how development and change will be managed in accordance with the principles of delivering a sustainable economy, a sustainable society and sustainable environment. Policy SPT2 provides more guidance on achieving sustainable rural communities indicating that these should be well served by public transport, walking and cycling opportunities, should have a safe and accessible local environment and an appropriate level of services and facilities to meet local needs. These matters are expanded in Policies TTV1 and TTV2 which set out the development strategy for the Thriving Towns and Villages. Inter-alia these policies make it apparent that development will be focused in the main towns, smaller towns and key villages.

Salcombe is identified as one of the smaller towns and is therefore a settlement where some sustainable growth will be focused. The proposals are acceptable in principle and are in accordance with the settlement hierarchy established in the JLP.

Policy DEV8 in the JLP seeks to ensure that all new residential development meets a local housing need. In Salcombe the housing need as defined by ONS data indicates that the town is roughly in accordance with the South Hams average in terms of house sizes, but in terms of house type there is an undersupply of semidetached housing and detached housing. The Salcombe Neighbourhood plan supports the need for smaller housing units because of the number of larger homes in the area. The proposal indicates two detached houses with 3 bedrooms, which whilst not 1 or 2 bedroom properties is a medium sized house and therefore is considered to accord with the current housing needs for the area.

Policy SALC H3 (NP) also seeks to ensure that new housing is utilised by those who live and work in the area. The policy requires a planning condition, or Section 106 agreement to ensure that the property is the owner's principal residence.

The NP is currently going through a re consultation to make an amendment to the NP such that the only means to secure the principal residence is via a Section 106 legal agreement. However this has not been approved yet. Therefore as it currently stands a condition or Section 106 agreement could be used to secure the principal residence requirement.

Policy DEV10 in the JLP relates to quality of housing and stipulates that new residential development should meet the National Design Standards as well as meeting reasonable gardens (this is further discussed in the SPD where there is a table of minimum sizes). The proposed dwellings meet the National Space Standards. The SPD requirements for gardens for a detached house is 100 square metres of amenity space. In this case using the boundary as submitted both units can provide more than the 100 square metres of outside garden area. If the land is measured, not including the disputed land, the figure is much closer to the 100 square metres on unit 2 (unit 1 still has more than enough). The outdoor amenity spaces therefore meet the guidance in the SPD. Additionally the slope in the rear garden areas has been reduced to enable useable garden space.

A further consideration in relation to amenity space should be the slope of the land in the locality. Whilst other nearby properties may appear (on a block plan) to have larger garden areas, because of the sloping nature of the land in this locality much of the area is unusable space. The difficulty with the properties along the northern side of Onslow road is the very steep terrain, which does mean providing sufficient amenity space is more difficult. The fact that Salcombe is an estuarine and coastal settlement as well as having the benefit of many small parks means that there are plenty of outdoor spaces within the area to complement the garden spaces.

The principle of development on this site as well as the housing need and the requirements of Policy DEV10 in the JLP are considered to carry considerable weight in the Planning balance.

Design/Landscape:

The site lies within the South Devon AONB. The Countryside and Rights of Way Act 2000 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) is relevant to decision making and prescribes a duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The site lies outside of the Salcombe Conservation Area. 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. The site is within the town and is not within the undeveloped part of the AONB. It is a suburban location with no overall dominant character. Policy SalcEnv1 in the NP provides a number of criteria which must be met by development in the AONB. The proposal, with only two dwellings on the site is not considered to be overdeveloped and there is adequate space for landscape and curtilage for both properties. It is not considered that the development negatively affects the overall character of the AONB or the surrounding landscape.

The most recent application on the site was for the two dwellings – much larger; with little space between the proposed dwellings and the rear gardens of the properties behind and the fact that windows overlooked the top of the gardens of the properties to the rear of the site. That application was taken to appeal and the Inspector dismissed the appeal, with the primary concerns being: the limited set back from Onslow Road; greener edge to Onslow Road on the north side and the effect of the development on the living conditions of the occupants of 9 and 10 Knowle Court.

In response the new proposals set the development further back and respects the set-backs of other dwellings on this side of Onslow Road. In response to the need for a greener edge to the site, the applicant has proposed a stone wall to the edge of the site onto Onslow road but with a green hedge closer to the road with the aim of retaining that softer greener feel on the north side of the road. Officers acknowledge that the complete area of green which is the overgrown nature of the whole of the site will be lost, but with the measures proposed and the number of properties already off Onslow Road, and the single storey nature of the elevation to Onslow Road, it is not considered to cause significant harm to this side of the road.

The steep sided valley upon which most of the properties in this part of Salcombe lie results in properties tumbling down the valley sides. The proposal will achieve the same approach once established. It is therefore considered that the proposals are in keeping with the established pattern of development in the area.

There are no prevailing design characteristics in the current built form in this part of Salcombe and in this regard the contemporary approach is considered appropriate and indeed there are other examples of modern design locally including at Bonfire Hill and Frobisher Lane which is close to the site and indeed visible from it. The buildings proposed step down the slope with only the single storey onto Onslow road which would result in a low impact to the street scene and the rear of the building whilst if seen in isolation may seem to be tall, but set within the context of the area would be similar to many of the houses stepped across the hillside. The houses would also be seen within the wider context of other dwellings and associated landscaping. Overall the design delivers a good standard that is appropriate to the site and the surrounding area. The development is in accordance with Policies DEV10, DEV20, DEV23 and DEV25 of the JLP and Policy SALC B1 of the Neighbourhood Plan.

The compliance of the application with the Development Plan policies cited will have significant weight in the planning balance.

Neighbour Amenities:

Development of this site has given rise to objections from neighbours concerning potential adverse impacts, in particular overlooking of properties to the north which was one of the reasons for refusal of the previous application and which was upheld on appeal.

To the west dwellings are separated by a public access way and of similar overall scale to the proposals. They have a north-south facing aspect and there is a reasonable level of planting. No material loss of amenity by reason of loss of privacy, overbearing impact or loss of light is considered to arise.

There is no adjacent development to the east and there is also significant screening.

The properties to the north, numbers 9 and 10 Knowle Road are single storey dwellings. They have deep rear gardens, of rising land towards the north and the application site and planting along the boundary. In the case of the previous appeal proposals (3262/18/FUL) the Inspector concluded that the boundary screening varied across the site but nonetheless the window to window distance from Unit 1 to 10 Knowle Road would be in the region of 30 metres and that even without screening privacy would be maintained. Similarly it was concluded that there would be no loss of privacy between Unit 2 and 9 Knowle Road. However, the Inspector concluded that the relationship with the gardens of the Nos 9 and 10 would be harmful by reason of a significant loss of privacy due to the proposed raised terraces and the proximity to the garden terraces in properties 9 and 10 Knowle Road.

This submission includes tree surveys which demonstrate that the existing screening would be unharmed by the development and indeed a condition requiring retention and enhancement will be imposed. Importantly, the terraces on the proposed dwellings have been removed and a condition to prevent the flat roofed areas of the proposed dwellings to be used as roof terraces has also been indicated. The building form has been set back from the rear boundary and there is now 9 metres between the rear of unit 2 and 11.50 metres from unit 1 to the proposed rear boundary. That figure reduces if a measurement is taken to the edge of the proposed tree planting along that boundary. In this case the distance to the boundaries is 6.3 (unit 1) and 7.9 (unit 2). The distance to the rear walls of the properties 9 and 10 Knowle Court is 33.5 metres to No. 9; 30.6m to No. 10 and 22.7 m to the rear extension wall of No 10. These distances are more than is required by the JLP SPD and indeed acceptable to the previous Inspector.

It is considered that the impact of the current proposals on the neighbours to the rear are significantly less than on the previous application and as such it is considered that whilst the appeal decision is a material consideration, the current scheme has overcome the issues outlined above.

The sectional drawings submitted with the application indicate that the higher level windows have been reduced in number and they are at a height such that the aspect is more out and over the properties behind rather than down into the gardens. Any views are at high level over the roofs of Nos 9 and 10 Knowle Road.

The Inspector in his decision indicated his concern about the proximity of the proposed dwellings to the upper terraces of the two properties on Knowle Road. Cross sections have been submitted which indicate that the buildings have been moved back from the boundary – to 9 metres and 11.5 metres. And the height of the proposed dwellings has been reduced by 3.2 metres. The impact of the proposed dwellings on the upper terraces has therefore been significantly reduced and even though the sectional drawings assume the tree planting is already mature, there is still some existing planting and the change in levels between the

application site and the terrace which is approximately 2metres means that the impact with a double bank of trees will be far less on the properties to the rear.

As well as the set back the elevations of the proposed dwellings have also been altered such that there are now no roof terraces; and a condition will secure this for this application and the lower floor windows will be (ultimately screened by trees and the upper floor windows will look out over the trees and well above the terrace level of the gardens of the properties at the rear

No material loss of privacy is likely to arise with the current scheme, either to the dwellings or the upper garden terraces. The concerns in relation to policy DEV1 and DEV2 have been overcome. This current proposed development is considered acceptable in terms of neighbouring amenity and accord with Policy DEV1 and DEV2 of the JLP.

Policy SALC Env6 in the NP provides for locally important views. V15 is a view from Onslow road and has a green foreground with the more distant views of the houses on the other side of the estuary and parts of the estuary. The NP describes the views from all of Onslow road (not specifically the bench) as "*Onslow Road on the main approach to the town that offers extensive views out across Coronation Road, Shadycombe Creek, Batson Creek and across to the Crofts, Snapes and the countryside beyond the parish. This view is possibly one of the most regularly enjoyed in Salcombe, a regularly walked route that leads up and over to Beadon.*" The Inspector in his decision makes reference to this view and concludes the previous proposals would impact on this view. The view from the bench is identified as a locally important view.

However the view from the bench is not the specifically described view whilst it is the photo used in the NP, the view is from all of Onslow road where different parts of the view materialise through gaps in the built form. The views are of: "*The setting of Salcombe and Batson in the open countryside, their separate conservation areas, AONB, County Wildlife sites includes the Salcombe to Kingsbridge SSSI*"

Parts of these views are still visible from points along Onslow Road. In addition the bulk of the new proposal is significantly reduced from the one the Inspector commented upon (see drawing number 1810 CL PL-303-1 Rev A). As a result the impact on the view from this point will be significantly reduced albeit there will still be an impact. This is considered as having a small impact on the planning balance.

The Inspector also indicated that the proposal would also be contrary to policy SALC B1 which seeks to ensure setbacks match adjoining buildings. The current proposal has set the buildings back so as to accord with the adjoining dwellings. And the lower single storey flat roofs of the proposed dwellings would reduce their visual impact on V15, albeit the frontage of the development would be visible in the right hand part of the view, where a road sign already impinges on that view. Officers therefore consider that the changes made overcome the Inspectors concerns with the previous proposals in relation to SAL B1 and SALCEnv6.

Highways/Access:

No objections have been raised by the Highway Authority. There is adequate manoeuvring space within the site for all vehicles to enter and leave in a forward gear and there are adequate visibility splays. It is considered that the development is acceptable in Highways and car parking terms

Drainage:

The site is in Flood Zone 1, the lowest level of potential risk but due to the topography this matter has been considered. A drainage report has been submitted with the application by Nijhuis Limited and the drainage officer has no objection subject to an appropriate condition to ensure installation. The soakaways proposed are quite close the proposed tree planting. However additional supporting information from the applicant's tree specialists and drainage experts confirm that the proximity will not be an issue and have also confirmed the depth at which the soakaways will be constructed. These matters are also matters which are normally dealt with by Building Regulations. The proposal complies with policy DEV35 in the JLP.

Ecology

A wildlife survey by Butler Ecology has been submitted with the application. The submission indicates only limited impact on ecology and a condition is recommended to ensure compliance with the Ecology survey.

Climate change:

The planning statement submitted with the application indicates *"The proposals include a number of measures to meet this policy requirement, such as; installation of high performance internal water saving fittings and rainwater harvesting; natural ventilation with heat recovery MVHR on the extract ventilation to the kitchen and bathrooms; insulation of walls and roof exceeding the requirements of part L of the Building Regulations."*

Whilst the measures identified will make the dwellings more efficient, reducing lost heat, which will have a very small impact on the carbon footprint of the two dwellings. It is normally anticipated that further measures such as the use of heat pumps for hot water and heat and/or photovoltaics on the roof, which would add to the use of heat which is not derived from fossil fuels. It is therefore proposed to place a condition on the planning consent which asks for further measures to be included on the two dwellings.

Objections to the development:

There is currently an ongoing land ownership dispute on the northern most land between the application site and the properties 9 and 10 Knowle Road. Whilst this is not a planning matter and a civil matter, there is some concern that the trees in this area may be owned by the properties at 9 and 10 Knowle road and therefore are not within the applicant's ownership and thus the applicant cannot ensure their retention. As a result of the landownership issues, the measurements for aspects of the scheme such as amenity space have been taken using the smaller site area and a landscaping condition has been included so that the boundary treatments can be assured into the future.

Objections have also focussed on the impact on a listed bench, which having investigated the Historic England mapping is not listed; Overlooking. As discussed earlier, the set back of the dwelling and the change in levels plus the intervening vegetation and loss of the high level terraces prevents overlooking of the garden areas of Knowle Road.

The design has been questioned as not fitting into the area. In reviewing the area, as stated above there is an eclectic mix of dwelling types and ages and as such there is no real overall character. More contemporary dwellings of the 21st century are therefore not considered harmful to the area. The use of the flat roofs prevents visual impacts on the hillside and protects properties from overlooking. The access has also been identified as dangerous. The space for parking at the front of the two units is approximately 5.8metres by 13.6 metres. This indicates on the plans provision for 4 parking spaces, plus an additional area for turning so that the cars can leave in a forward direction. The space is quite tight, however there is space

sufficient to accommodate the number of spaces and a car to leave in a forward direction. This would meet with parking standards and so there is no justification for refusing the development on highway safety issues.

There is some suggestion also that the internal layout could be subdivided to create additional dwellings. There is insufficient parking to allow for a further dwelling, but in order to prevent this happening it is proposed to place a condition on the consent.

A further issue has been raised with regard to the stability of the land and whether the development of the site would impact on the land stability. Whilst this is an issue which needs to be considered the Building Regulations will require that the buildings are constructed in accordance with the state of the site. However in order to ensure that the stability of the land will not impact on other properties it is proposed to place a condition on the consent to require a land stability survey take place prior to the construction works taking place.

The final issue with regard to the objections relates to the fact that it is not affordable housing. It is accepted that the development is not providing affordable housing, however for scheme of less than 11 there is no requirement, in the JLP for affordable housing to be provided. The size of the proposed dwellings with permitted development restricted would mean that they will remain as medium sized dwellings which will in itself limit the value into the future.

Conclusion and planning balance

The site has recent planning history not least the decision of the appeal inspector which fell broadly into two areas, loss of residential amenity by reason of material overlooking and harm to the character of the area by reason of impact of the proposals, most notably from Onslow Road. The applicant has responded to these matters, by amending the design including removal of the roof terraces and adding further landscaping and setting the development further back from the frontage and the rear boundary. It is considered, on balance that these changes have successfully addressed the reasons for refusal and the Inspectors comments and the proposals meet the relevant policies in the JLP, the NP and the NPPF 2021. Approval is recommended.

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

Planning Policy

Relevant policy framework

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

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the

Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV23 Landscape character
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV32 Carbon reduction
DEV35 Drainage

Neighbourhood Plan

The Salcombe Neighbourhood Plan is a made plan (September 2019) and is a material planning consideration. The following policies are relevant:-
SALC B1 Design Quality and safeguarding Heritage Assets
SALC H2 Market Housing
SALC H3 Principal residence

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited and guidance in Planning Practice Guidance (PPG).

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.

Proposed planning 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 number(s):

1810 NK L-000-1 Site Location Plan;

1810 CL PL-001-1 Proposed site Plan;

1810 CL PL-101-1 Proposed floor plans- Main entrance / Upper level;

1810 CL PL-102-2 Proposed floor plans - Middle level;

1810 CL PL-103-1 Proposed floor plans - Lower level;

1810 CL PL-201-1 South / front elevation;

1810 CL PL-202-1 North Elevation;

1810 CL PL-203-1 West elevation unit 1;

1810 CL PL-204-1 East elevation Unit 1;

1810 CL PL-205-1 West elevation Unit 2;

1810 CL PL-206-1 East elevation Unit 2;

1810 CL PL-207-1 Context Elevations south and north;

1810 CL PI-302-1 Proposed section B-B

1810 CL PI-303-1 Proposed section C-C, received by the Local Planning Authority on 24/6/2021.

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

3. The building works shall not be implemented until a landscaping scheme has been submitted to and approved by the Local Planning Authority, indicating the boundary treatment of the proposed plots; the retention of any of the existing boundary treatments and details of the species to be used in the northern boundary which shall be capable of reaching a height of at least 3 metres.

The scheme submitted shall be fully implemented in the planting season following the completion of the development and the plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of the planting.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

4. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development. The attenuation scheme should be installed so as to avoid flood water ingress to keep it functional during the flooding situation. If any other drainage scheme than that approved as part of this permission is proposed then a mitigating drainage alternative shall be agreed with the Local Planning Authority, prior to the occupation of the dwellings hereby approved.

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.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) 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-H and Part 2, Class A of the Order, including: the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures 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 protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity.

6. 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.

7. The recommendations, mitigation and enhancement measures of the Ecological Reports, by Butler Ecology on (original report 28/1/2016) updated report 29/8/20180, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

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

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site.

This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

9. The development hereby approved shall be carried out in strict accordance with the following documents:

Arboricultural Statement: DTS18.30.1.AS (with addendum dated 24.5.21)

Reason: To ensure protection of the trees on the site.

10. Prior to the commencement of the development hereby approved, plans and details of the carbon reduction measures to be used on the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to the occupation of the dwellings hereby approved.

Reason: To ensure the development makes appropriate contribution to the target carbon reduction measures as outlined in Policy DEV32 in the Plymouth and South West Devon Joint Local Plan.

11. Notwithstanding the Town and Country Planning General Permitted Development Act 2015 (as amended), the two dwellings hereby approved shall not be subdivided into additional residential units of accommodation without the prior written consent of the Local Planning Authority.

Reason: The site is of insufficient size to allow for further residential units in relation to parking and amenity provision.

12. The dwellings hereby approved shall not be occupied other than by:

- i. a person or persons as their principal home;
- ii. persons living as part of a single household with such a person or persons;
- iii. persons who were living as part of a single household with such a person or persons who have since died;
- iv. non-paying guests of any of the persons listed in (i)

The occupant(s) shall at any time supply to the Local Planning Authority such information as the Authority may reasonably require in order to determine that this condition is being complied with, within one month of the Local Planning Authority's written request to do so.

Reason: In accordance with policy H3 of the Neighbourhood Plan in order to achieve sustainable communities.

13. The flat roof area of the dwellings hereby approved shall not be used as roof terraces /outdoor space for ancillary uses without the prior written consent of the Local Planning Authority.

Reason: To protect the residential amenities of nearby properties.

14. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including

- (a) the timetable of the works
- (b) daily hours of construction
- (c) any road closure
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8.00 a.m. and 6.00 p.m. Mondays to Fridays inc. 9.00a.m. to 1.00 p.m. Saturdays and no such movements taking place on Sundays or Bank holidays unless agrees by The local Planning Authority in advance.
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases

- (g) areas on site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County Highway for loading or unloading purposes unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present on the site;
- (i) the means of enclosure of the site during construction works;
- (j) the details to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off site;
- (k) details of wheel washing facilities and obligations;
- (l) the proposed route of all construction traffic exceeding 7.5 tonnes;
- (m) details of the amount and location of construction worker parking; (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Reason: In the interests of Highway Safety.

15. Prior to the construction of the dwellings hereby approved a land stability survey shall be submitted to and agreed by the Local Planning Authority. Once agreed the scheme shall be built in accordance with the details.

Reason: To ensure the development does not impact negatively on the surrounding area.

16. Prior to the construction of the dwellings beyond slab level, the carbon reduction measures for the site (to accord with Policy DEV32 in the Joint Local Plan) shall be submitted to and approved by the Local Planning Authority. The agreed measures shall be installed prior to the occupation of the dwellings hereby approved.

Reason: To ensure the development makes an appropriate contribution to the carbon reduction measures identified in Policy DEV32 of the Joint Local Plan and as a result of the Climate emergency.

17. The bedroom accommodation on the top floor of the dwellings hereby approved shall be retained on the top floor unless otherwise agreed in writing with the Local Planning Authority.

Reason: To maintain the privacy of the neighbouring properties to the rear of the site.