

PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury
Thurlestone

Parish: Salcombe **Ward:** Salcombe and

Application No: 1159/21/FUL

Agent/Applicant:

Clifton Emery Design
Hems House
84 Longbrook Street
Exeter
EX4 6AP

Applicant:

Mr Stephen Thompson - Park Green
(South West) Ltd
Onslow Hall
Little Green
Richmond, Surrey
TW91QS

Site Address: Land at West End Garage, Main Road, Salcombe, TQ8 8NA



Reason for Committee: Cllr Pearce requested a Committee determination for the following reason “A long and difficult gestation and changes right up to the last minute. Bare compliance with affordable housing requirements”

Development: Erection of 21 residential dwellings (including 30% affordable homes) with associated amenities and infrastructure (Resubmission of 3320/20/FUL)

Recommendation: **Conditional Approval**, subject to prior completion of s106 agreement.

S106 Obligations:

- Principle residence requirement as policy SALC H3
- 7no. units secured as affordable homes (4no. social rent, 3no. intermediate)
- Provision, management and maintenance of open space in perpetuity, including the strategic landscape buffer/habitat and drainage
- Secondary school transport contribution – £8,550
- OSSR inc. play contribution – £43,382

- Cirl Bunting mitigation – financial contribution for one breeding territory – £70,000

Conditions:

1. Time Limit
2. Approved plans
3. Construction Management Plan (pre commencement)
4. Drainage; surface and foul (pre commencement)
5. CEMP (pre commencement)
6. LEMP (pre commencement)
7. Accord with tree survey
8. Accord with ecology report
9. Bird/bat/box provision
10. Repeat badger survey
11. No clearance in nesting season
12. Landform/Engineering Plan (clearly showing the details of levels and design of any retaining feature on the western boundary) (pre commencement)
13. Hard and Soft Landscaping Plan (inc. boundary treatments/enclosures) (pre commencement)
14. Exceptional planting contract
15. External materials, finish and colour (including windows and doors)
16. EV Charging inc. 7kw point for each property
17. Comply with Energy Statement
18. Waste Management Plan (pre commencement)
19. Unexpected Land Contamination
20. Parking provision
21. Highway details
22. Off-site highway works
23. Provision of site access
24. Road survey (pre commencement)
25. Employment and Skills Plan (pre commencement)
26. Removal of PD
27. Locked gates
28. No additional lighting

Key issues for consideration:

- Principle of Development and Housing Mix
- Landscape Character and Visual Amenity (inc. AONB / Undeveloped Coast):
- Design (inc. Space Standards)
- Residential Amenity
- Highway Impacts/Access
- Biodiversity
- Flood Risk, Drainage, and Water Quality
- Infrastructure
- Climate Change and Carbon Reduction
- Planning Balance and Conclusion

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

As part of the Spending Review 2020, the Chancellor announced that there would be a further round of New Homes Bonus allocations under the current scheme for 2021/22. Provisional allocations for the 2022/23 financial year were announced in December 2021. The Government

has stated that they will soon be inviting views on how they can reform the scheme beyond 2022/23.

Site Description:

The site is an open, green field of 0.89ha outside of the discernible built-up area of Salcombe, located on an area of prominent, elevated land. There are currently extensive views of the surrounding landscape from the site, and clear views of the site from the surrounding landscape. The site is outside of the settlement boundary for Salcombe as defined in the Salcombe Neighbourhood Development Plan (SNDP).

From a small plateau on the eastern part of the site, the land falls steeply to the south and also notably to the west and northwest. A high hedgebank separates the site from the main road to east.

An existing garage/petrol station lies to the immediate north of the site, where the main road into Salcombe town runs, forming the northern/north-eastern site boundary. The garage part has now closed and is a butcher's shop, with a small convenience store where the petrol station kiosk used to be.

The southern boundary comprises of mature, but fairly sparse, trees/hedgerow which divides the site from the rear gardens of existing properties in Little Hill; as noted, this boundary sits on land much lower than the majority of the site. To the west lies open countryside, again on lower ground than the site.

Salcombe Bridleway 17 is around 100m to the west.

The site sits within the South Devon AONB, Undeveloped Coast and the following landscape designations also apply:

- National Landscape Character Area: South Devon (151)
- Devon Landscape Character Area: Salcombe to Kingsbridge Estuary
- South Hams Landscape Character Type: 5A Inland elevated undulating land.

This is a landscape that is recognised for its high scenic quality and strong sense of place. Recognised forces for change include *'Growth of main settlements (Kingsbridge and Salcombe) onto higher land, becoming more visually prominent from surrounding landscape and from the water.'*

Landscape Guidelines include *'Protect the landscape setting of Kingsbridge and Salcombe, ensuring new development enhances and restores features such as hedgerows and woodlands.'*

The majority of site is allocated for housing development in the Joint Local Plan (JLP) under policy TTV24.18, Land West of West End Garage, Salcombe. The policy estimates a provision of 20 dwellings and includes the following considerations/requirements:

- a. Strategic landscaping to address the sites prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the

undeveloped countryside. The scale, design and density of the development should ensure that it is not overly prominent when viewed from the surrounding countryside.

- b. A lighting strategy, which minimises the impact of light spill to the surrounding countryside.
- c. No exacerbation of water quality issues within the Salcombe to Kingsbridge SSSI.
- d. Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.

The western edge of the site, which includes a new grass hedgebank and drainage feature (attenuation crates with controlled discharge), falls wholly outside of the site area allocated under policy TTV24; the rest of the of the development, including housing provision, entirely falls within the allocated area.

The Proposal:

Planning permission is sought for the erection of 21 dwellings, with associated infrastructure and landscaping; 7 dwellings (c.33%) would be affordable homes, consistent with the definition provided in the JLP Glossary.

The proposed housing mix is as follows:

Market (14)

- 1 x 1b 2-person house, 89.6sqm
- 1 x 2b 4-person house, 79sqm
- 1 x 2b 4-person house, 83.1sqm
- 3 x 2b 4-person houses, 99.1sqm
- 5 x 3b 6-person houses, 135sqm
- 3 x 4b 7-person houses, 135sqm

Affordable (7no.)

- 1 x 1b 2-person apartment (gf), 50sqm
- 1 x 1b 2-person apartment (ff), 54.5sqm [including stair/lobby space]
- 1 x 2b 4-person apartment (gf), 70sqm
- 1 x 2b 4-person apartment (ff), 72.6sqm [including stair/lobby space]
- 1 x 1b 2-person house, 60sqm
- 1 x 2b 4-person house, 79sqm
- 1 x 3b 5-person house, 99.5sqm

The mix of the affordable units would be split between social rent (the 4 apartments) and intermediate (the 3 houses) tenures, generally clustered together to the east of the site albeit with one unit (plot 2) located on its own to the south of the estate road.

All market dwellings except for plot 16 would be detached. One affordable dwelling (plot 2) would be detached, the other units being semi-detached/end terrace (plots 15 and 17) or apartments (plots 18-21).

Space standards are considered under the residential amenity section of this report, but all units would technically meet the NDSS.

The development takes the form of a simple *cul de sac* arrangement served from a single estate road and access point. A central area of open space would be framed and overlooked

by properties to the north and south; further areas of open space are located to the west and an 'orchard' area to the northeast.

The materials palette features use of natural stone walling and slate roof, with concrete sills and flush uPVC windows for the apartment block; and rough cast render/ hanging slates and slate roofs, with concrete sills and flush uPVC windows for the dwellinghouses.

Parking is proposed in accordance with the SPD, with a total of 4 visitor spaces and garages/car ports meeting the required dimensions of 6.5m x 3.5m. Each plot has been provided with its own bin and cycle storage point.

Surface water drainage would be dealt with via attenuation crate(s) with controlled discharge to the watercourse to the west of the site. Foul water would be disposed of via connection to the existing sewer. SWW have confirmed that capacity is available and no objection is raised in respect of connection.

As set out in the history section, the application follows a previously withdrawn submission for a greater number of dwellings. Pre-app discussions did take place following that application being withdrawn, but the applicant chose to resubmit the current application before those discussions had concluded. Consequently, the proposal has undergone an iterative design process during the life of the application; many discussions have taken place and drawings amended in various ways.

It is noted that the landscape buffer that is required under point (a) of TTV24.18 sits outside of the allocation site boundary, along with the underground drainage attenuation tank; officers have accepted this as a compromise in order to allow the maximum site area possible to secure a more responsive development, mindful of the topographical difficulties. Therefore, any black letter breach of the policy, in so far as the development area being greater than that allocated, is a matter of neutral weight and is not determinative overall; the underlying aim and objective of the landscape buffer requirement of the policy otherwise being satisfied.

Consultations:

Salcombe Town Council – Objects:

Objection – there are no concerns about the design and layout of the site. There is a major problem with the pedestrian access to the site as the proposed crossing place does not give clear visibility of traffic leaving Salcombe on the A381 and there is no traffic control. The suggestion of STC is that this pedestrian access should be controlled by a Pelican crossing, and this has been confirmed as being acceptable by the developers. However, STC have been advised that Devon Highways will not support such a crossing.

There is also a concern about the size of the trees being planted to screen the development as the landscape and ecological management plan refers to trees being planted which are just 30-40 cms high, this will take a long time to screen the development and protect the AONB and the locally important views as set out in Neighbourhood Plan policy ENV6, and with the prevailing windy conditions at this site, a lot will not survive.

Neighbourhood Plan policy H3 re Principal Residence will apply and with a development of this size must be covered by a S106 agreement.

The S106 agreement re the contribution to Open Spaces appears to be very low in the context of the value of this site and STC would ask that this is reviewed particularly in respect of ongoing maintenance.

STC would also like to see the S106 agreement re affordable homes tightened up so that they are all covered by a Devon covenant in perpetuity.

DCC – Local Highway Authority – No objection, subject to conditions.

DCC – Lead Local Flood Authority – No objection, subject to condition.

DCC – Historic Environment – No comments to make.

DCC Ecology – No objection, subject to conditions including revised CEMP and s106 obligations regarding mitigation for Cirl Bunting and nearby European Site.

DCC Waste – Comments:

- Waste Audit Statement requires revision/is not in accordance with policy W4.

[Officer Comment: In the absent of revised details, this is a matter which could be secured by condition.]

DCC Education – No objection, subject to s106 obligation:

- £8,550 toward secondary school transport.

Open Space, Sport, and Recreation – No objection, subject to minor design revisions and s106 obligations to provide:

- Ongoing maintenance and management of open space in perpetuity.
- £43,382 towards improvements to (including the purchase of additional land), and maintenance of, Open Space, Sport and Recreation facilities for the benefit of the residents of Salcombe.

Waste Specialist – No objection; a 30m drag distance is acceptable.

Environmental Health – No objection subject to conditions.

Tree Specialist – No objection subject to condition.

Affordable Housing – Support, subject to s106 obligation/terms to their satisfaction.

Natural England – No objection subject to CMP/CEMP condition (inc. measures to avoid SSSI harm).

Police DOCO – Comments:

It is welcomed that the majority of dwelling frontages are overlooking each other, providing a good level of neighbourly surveillance. However, as Plot 1 is not so well overlooked by any other properties future occupants may be vulnerable to unscrupulous cold callers or criminal activity. This could be mitigated if it were possible for the dwelling to be repositioned so that the front entrance door is better overlooked.

Should planning permission be granted, ask that a condition is imposed to ensure that gates to rear gardens are capable of being locked from both sides, for example by means of a key. This is to ensure rear gardens remain secure regardless of access or egress.

South Devon AONB Unit – Objects:

- It is considered that the proposed development constitutes major development under paragraph 177 of the NPPF and therefore should be refused planning permission other than in exceptional circumstances and where it is demonstrated to be in the public interest. This assessment must be carried out at application stage even where the site is allocated in a Local Plan.
- Without prejudice to this assessment, this is an elevated, exposed site visible from the public path network, open countryside andcombe to the west. If the development is considered acceptable in principle it will be critical to effectively mitigate and, if necessary, compensate for, the landscape impact of the development on the AONB.
- The AONB Unit supports the concerns of the Council's Specialist in Natural Environment about landscape impacts and additionally raises concerns about the proposed use of pale render for much of the development. The use of light-coloured materials on this elevated and exposed site will increase its prominence in the landscape and reduce the effectiveness of the proposed mitigation.
- Unless the above matters are addressed, the proposed development will be contrary to the Development Plan (Salcombe Neighbourhood Plan SALC Env1a-c; Plymouth & South West Devon Joint Local Plan TTV24(18) a & d and DEV25 1-4 and 8i-iii; viii and ix) and Management Plan policies Lan/P1 and P5.

[Officer comment: Whilst it is agreed that it is conceptually possible for an application for development on an allocated site to be considered "major" for the purposes of NPPF 177, officers respectfully disagree that the development meets that threshold in this instance for reasons that will be set out. Landscape and visual amenity considerations are considered later in this report. The AONB Unit comments also reflect a previous iteration of the development, which was unacceptable; substantial amendments have since been secured.]

Representations from Residents:

2 letters of objection have been received and taken into account, summarised as follows:

- Does the application accord with the allocation policy?
- Are the drainage plans sufficient to deal with sewage flows?
- Are the buildings of a sufficiently high quality?
- Do they conform to the highest ecological standards?
- Are the affordable homes of equally high standard?
- Local architects/builders should be used in order to boost local employment.
- Improvements to density and proximity to neighbouring properties is welcomed.
- Development will be detrimental to the approach into Salcombe.
- Would intrude on the privacy of neighbouring occupiers.
- Dispute the applicant's claim that Cirl Buntings are not present.
- They are regular visitors to the garden of 1 Little Hill [and it is assumed neighbouring gardens].
- Increased hedge planting should be incorporated to the lower end of the boundary.
- An additional bank to aid privacy to neighbouring properties and increase wildlife habitat should be provided.

A video link was received but could not be opened by officers. It is understood that it depicted a bird singing in the rear hedge of 1 Little Hill. A photograph of similar was also provided; a Cirl Bunting in a water bath.

The owner/occupier of the West End Garage also made representations objecting to any foul water being piped across their land ("Option 1" of the submitted drainage strategy). This is ultimately a civil matter which does not typically form a material planning consideration. It is however observed that the proposed drainage strategy includes a secondary option for foul water disposal which would not cross that land. In any event, a condition is to be imposed to ensure that a suitable, final strategy is secured before development commences. There is no reason to consider that there is no prospect of such a strategy being secured within the lifetime of the permission.

Relevant Planning History:

3320/20/FUL - Proposed residential development comprising 27 dwellings with associated amenities and infrastructure. A report was being drafted by officers with a recommendation of refusal, but the application was withdrawn before a decision was taken.

ANALYSIS

Principle of Development:

The application site is within the South Devon AONB and Undeveloped Coast. It adjoins built development and whilst classed as countryside (being beyond both the discernible built up area and settlement boundary for Salcombe), is allocated in the JLP under Policy TTV24.18.

The allocation policy estimates a provision of 20 dwellings and includes the following considerations/requirements:

- a. Strategic landscaping to address the sites prominence, to help mitigate any adverse visual impact on the AONB, and to soften the edges of the development onto the undeveloped countryside. The scale, design and density of the development should ensure that it is not overly prominent when viewed from the surrounding countryside.
- b. A lighting strategy, which minimises the impact of light spill to the surrounding countryside.
- c. No exacerbation of water quality issues within the Salcombe to Kingsbridge SSSI.
- d. Careful consideration of extent, scale and appearance of development to minimise local landscape impacts.

Policy TTV24 refers to an estimated provision of 20 homes; this is neither a minimum nor maximum figure, but an indication at the allocation stage as to what was likely to be acceptably accommodated within the site. There is nothing inherently wrong with an application proposing 21 dwellings because that sits within a reasonable approximation of the allocation number.

It will be demonstrated that all of the policy criteria are satisfied by the current application.

In accordance with policy DEV8 of the JLP and policy SALC H2 of the SNDP, the mix and type of housing proposed is acceptable. This is because, having regard to ONS data, the SHMNA, and the results of the more recent Salcombe Housing Needs Survey, there is an identified need for smaller dwellings including 1 and 2-bedroom properties and the proposed housing mix is predominantly made up of such units. A mix of detached, semi-detached/terrace units and affordable flats is also welcome.

Policy DEV9 requires that at least 20% of the units should meet the accessibility/adaptability requirements of Part M4(2) of the Building Regulations. The applicant has confirmed that 5no. plots (24% of the total) would meet the requirement (both ground floor apartments, and plots 1, 15, 16) thereby according with the policy.

Further in accordance with policy DEV8 and SALC H2, the application would provide more than the minimum requirement of 30% affordable housing (c.33%). Considering the very real local housing and affordability crisis, the provision of 7 affordable homes is a matter of substantial weight. Through the necessary s106 agreement to secure the affordable homes, a clause would be added to prevent shared ownership staircasing to 100% ownership as requested by the Affordable Housing officer. The units would also follow the requirements set under policy SALC H1.

Policy SALC H3 of the SNDP imposes a “Principal Residence” requirement for new market housing in the Salcombe plan area due to the significant number of second/holiday homes. Such an occupancy restriction can be secured through imposition of a planning obligation that would bind the relevant properties in perpetuity. The application is therefore capable of meeting this policy requirement.

Putting aside other matters and policy considerations that are discussed later in this report, the principle of residential development of the site is therefore considered acceptable and the type and mix of housing, including affordable housing and market housing for principal residence, are supported.

Paragraphs 12 and 47 of the NPPF reiterate the importance of decisions being plan led; that planning decisions should normally be taken in accordance with the development plan.

Landscape Character and Visual Amenity (inc. AONB / Undeveloped Coast):

The policies of the development plan recognise the intrinsic character and beauty of the countryside and through the application of policies DEV20, DEV23, DEV24, DEV25, and SALC policies Env1 and Env6, generally seek to secure development that is compatible with it.

In accordance with policy DEV24, development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast will not be permitted except under exceptional circumstances. Development will only be permitted where among other matters it protects, maintains and enhances the unique landscape and seascape character and special qualities of the area. It must also be demonstrated that the proposed development either requires a coastal location or reasonably cannot be located outside of the designated area.

Policy DEV25 also states that the highest degree of protection will be given to the protected AONB landscapes, with *great weight* being afforded to conserving landscape and scenic beauty in the protected landscapes. Development proposals within the AONB are therefore required to conserve and enhance the natural beauty of the protected landscape with particular reference to its special qualities and distinctive characteristics or valued attributes. This is consistent with s.85 of the *Countryside and Rights of Way Act 2000* which requires that:

“...in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty”.

That legal duty is another material consideration (as opposed to forming part of the development plan) but it has the force of statute and must be followed.

The South Devon AONB Management Plan explains that it seeks to ensure that the AONB is conserved, managed and enhanced to support and benefit present and future generations. It goes on to identify ten special qualities that summarise the unique natural beauty for which the South Devon AONB is designated as a nationally important protected landscape, alongside various policies to meet the stated purpose of the Management Plan which include policies Lan/P1 Character, Lan/P5 Skyline and Views, and Plan/P2 Decision-taking. In response to the current application the AONB Unit states that the most pertinent special qualities are:

- Deeply rural rolling patchwork agricultural landscape
- Iconic wide, unspoilt and expansive panoramic views
- A landscape with a rich time depth and a wealth of historic features and cultural associations
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.

Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment, where the intrinsic character and beauty of the countryside should be recognised alongside maintaining the character of the undeveloped coast (while improving access to it, where appropriate). Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to those issues.

Both policy DEV25(1) and paragraph 177 of the NPPF state that permission for major developments within a protected landscape such as an AONB should be refused, except in exceptional circumstances and where it can be demonstrated that they are in the public interest. NPPF 177 goes on to state that consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

In light of the comments of the South Devon AONB Unit, officers have carefully considered the question as to whether, in accordance with NPPF 177 (and the first point of policy DEV25), the application proposes *major development* ('Major') in the AONB.

In such circumstances the definition of Major is not the same as that statutorily defined in the DMPO 2015. Instead, the relevant definition is provided at Footnote 60 to the Framework, and is consistent with that provided in the JLP SPD, stating:

“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”

Accordingly, the NPPF and JLP anticipate the decision taker exercising a planning judgement. They require decision-takers, when coming to that planning judgement, to have regard to four specific considerations in relation to the proposal, namely:

- its nature;
- its scale;
- its setting; and,
- whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Apart from the fact that development for the site has already been found to be sound as part of the examination process of the JLP, with the examining Inspectors stating that the allocation for development in the AONB for Salcombe was justified as it would bring local economic and community benefits to the area¹, Officers nevertheless acknowledge that it is conceptually possible for the Major test to engage in consideration of an application for development of an allocated site. The relevant considerations are taken in turn below, supported by the judgements undertaken relating to landscape character and visual amenity impacts. In so doing it is important to keep in mind the ordinary, common sense, meaning of the word “major”² whilst viewing the application development within its local context.

As noted above, the application has followed an iterative process and has been subject to various revisions to deal with the serious concerns raised by officers regarding the design of the development and its related landscape/visual impacts. This is especially the case noting the Locally Important Views identified through policy SALC Env6 of the SNDP, where the site falls within the sight line of viewpoint V16, Horscombe Cross to Batson. The site is clearly in an elevated, prominent position that serves as a gateway to the town.

In relation to the “Nature” of the proposed development, there are at least three important considerations to take into account. Firstly, the proposal does not involve any use of the site that has not already been accounted for in the development plan; and the principle of residential development in some configuration or other, for an estimated 20 dwellings, has been accepted. Secondly, and related to that, the development provides for the crucial structural landscaping buffer that forms an express requirement of the allocation policy. Thirdly, the only new building proposed is residential in nature and is related to other residential development, including commercial development, adjacent and thereabouts. It would not in that regard appear to be, or be perceived as being, alien.

The “Scale” of the development has been worked to ensure that it is compatible with the surrounding area and landscape character; dwellinghouses are restricted to being two storeys only, reflective of other development in the vicinity, and are arranged perpendicular to the estate road so as to present narrower, punctuated “fingers” of built development into the countryside to the west, as presenting to the Bridleway. The footprint of the apartment building is also now longer and narrower than previously proposed, and at 1.5 storeys/accommodation in the roof space in order to limit the overall ridge height. The scale of the proposal should also be viewed in the local context of the existing site and broader area of built development: the application does not propose development of a particularly significant quantum; on the

¹ *Report on the Examination of the Plymouth and South West Devon Joint Local Plan 2014-2034* (March 2019), p.77.

² The term “major development” is to be given its ordinary, natural meaning, rather than applying any rigid or precise criteria: *Ashton v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin), at §93-94.

contrary, despite meeting the statutory definition for major development the proposed number of dwellings is relatively modest and takes up less than a hectare of land, on the edge of a town. The scale and extent of development is limited/minor, as required by NPPF 176.

It is necessary to view the proposed development in its “Setting” and local context in order to come to an informed view on whether it constitutes Major development. There is in this case an overlap with issues highlighted under “Nature” and “Scale” above. That context is particularly important in this case, given that apart from the immediate landscape setting to the west (which itself features some development at the bottom of the valley), the environs comprise of various forms of built development, residential and commercial. The setting is one of an edge of town location and in respect of the site it forms the transition from the built-up area to the open countryside beyond, where the site is framed by built form to the south and north and would sit between the two, thereby corresponding to settlement pattern. It is however recognised that creep of development into visually prominent elevated sites around the town has been an ongoing issue, albeit relating to other, *unallocated*, development.

Through the iterative process that the application has followed, it is considered that, subject to planning conditions, “Significant Adverse Impact” upon the AONB and its special qualities can be avoided, and its natural beauty at least conserved; it is noteworthy that the Council’s landscape specialist no longer objects to the development (albeit residual concerns remain that could be dealt with by condition, where for example render colour can be controlled to ensure that more conspicuous, lighter shades are avoided – white will *not* be accepted and the developer accepts this). The landscape specialist originally objected to the application based on likely detrimental effects to the landscape and AONB, also determining that the application was Major development. Officers reach a different conclusion regarding Major development notwithstanding that the landscape specialist now takes no issue with the development and its likely effects, subject to conditions. That the application would not pose an adverse impact reinforces officers’ view that the application should be treated as a minor, as opposed to Major, development.

The application would accord with criterion a. of the allocation policy where the included strategic landscaping would address the site’s prominence, help to prevent adverse visual impacts on the AONB and soften the transition of the development from the town into the open countryside.

The site sections now show the western strategic screen planting on a 1:3 banked landform that is more gently graded than previous versions. Potentially, with the robust planting proposals some 10m wide, the bank as illustrated will assimilate into the surrounding rolling topography of the landscape more readily. The landform, which will be densely planted with trees and shrubs, is also above the garden levels of the plots, which will enhance the screening effect to the wider landscape. However, further clarity is required to explain all of the levels and contours in this part of the site; this can be secured by condition.

A lighting strategy has also been included and is accepted, thereby according with criterion b. of the allocation policy. A condition is recommended to require the implementation of that strategy and the prior approval of any other lighting to be installed.

In light of the above, whether the four considerations are taken individually or cumulatively together, it is not necessary to consider the matters set out under a) – c) of NPPF 177, or the first point of policy DEV25, in the context of an “exceptional circumstances/public interest test”. Officers do not consider that the application represents Major development in the AONB.

Even if that were the case, and the development were as a matter of precaution treated as Major despite the foregoing assessment, circumstances in this instance are *exceptional* in the sense that the site is already allocated for the quantum and nature of development proposed; the application accords with the allocation policy and its objectives; and it is in the *public interest* to take planning decisions in accordance with the development plan – the planning system should be genuinely plan-led.

As set out at paragraph 5.144 to the JLP, the new homes allocated within Salcombe are of an appropriate scale of growth that will help to deliver much needed affordable housing whilst respecting its sensitive location within the AONB to support the future sustainability of the settlement. In the circumstances of this application, it is also the case that the applicant has proposed a proportion of affordable housing that is in excess of the minimum 30% required by policy DEV8, and where the mix of housing would help to address imbalances in local housing stock.

Furthermore, apart from requiring the development to fulfil the objectives of the plan in meeting its housing requirements over the plan period, and where no other sites exist for housing development in the local area (the JLP also recognising, as above, that there are very few available and suitable sites in Salcombe on which to provide homes that are affordable for local people), adverse impacts would be moderated due to the structural landscaping proposed and the approach taken to limit character and visual amenity impacts through design.

The test under Paragraph 177 of the NPPF, and the first point of policy DEV25 would therefore otherwise be satisfied.

It follows that the application accords with criteria a., b., and d. of the allocation policy, TTV24.18.

The application also accords with policies DEV20, DEV23, DEV25, and SALC Env1 more generally in light of the above assessment, where careful consideration has been paid to the extent, scale and appearance of development so as to minimise landscape impacts. There are no arboricultural concerns arising, in compliance with policy DEV28.

It is accepted that development of a greenfield site brings with it a degree of harm and to that extent makes it difficult to conserve *and* enhance the protected landscape. However, in this case it has been satisfactorily demonstrated how the development could assimilate into its setting and fulfil the objectives of the allocation policy as well as conserving the special qualities of the AONB. The development is justified, and it is in the public interest to support it due to its status as a sound allocation in the up-to-date JLP.

For similar reasons the application accords with policy DEV24 because, whilst falling within the designated area of Undeveloped Coast, the development is otherwise suitably located at the edge of the town, adjoining existing built development where it would be read as such. The development would not pose a detrimental effect on the undeveloped and unspoilt character, appearance, or tranquillity of the Undeveloped Coast, and cannot be reasonably located somewhere different because it is submitted pursuant to a land allocation in the JLP.

The application is therefore acceptable in respect of its impacts upon visual amenity and the landscape character of the area including the special qualities of the AONB and Undeveloped Coast, having regard to local and national policy.

Design (inc. Space Standards):

Policy DEV10 of the JLP and SALC B1 of the SNDP seek to deliver high quality housing and this includes providing good living standards through meeting the Nationally Described Space Standard (NDSS) and delivering adequate private amenity space.

Policy DEV20 of the JLP relates to place shaping and the quality of the built environment. It states that:

“Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape, and protect and improve the quality of the built environment, through:

...

2. Having proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.

3. achieving a good quality sense of place and character through good utilisation of existing assets such as...trees and landscape features and attention to the design details of the scheme.

4. Delivering locally distinctive design.

5. Delivering landscape design that is appropriate to the location of the development, with full consideration given to its future management and maintenance and the need for landscape measures that are resilient.”

The supporting text to policy DEV20, at 6.81 elaborates that it is not just the architecture of buildings but *“...also about the spaces within which the development sits, the quality of the relationships between the development and surrounding areas, and the appropriateness of the function of the building[s] in its context...”*

Policy DEV23 requires that developments conserve and enhance landscape and townscape character and scenic and visual quality, implementing high quality architectural and landscape design appropriate to its landscape context. Broader landscape considerations are dealt with earlier in this report; however, it is no less important to judge the quality of the development through its treatment of landscape, both hard and soft, within the site as a matter of good design.

Chapter 12 of the NPPF deals with achieving well designed places. In particular, it is stated that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; good design is a key aspect of sustainable development, which includes securing a high standard of amenity for all occupiers and where crime and disorder, and the fear of crime, should not undermine quality of life or community cohesion and resilience.

The application has been through various design iterations following ranging concerns raised by Officers pertaining to matters including layout, landscaping, appearance, and space standards. The layout is now improved in many respects. Open spaces would be adequately surveyed and would assist in providing a more verdant feel to the site entrance. The road layout is simplified to a 'V' shape, rather than allowing full circulation around the central dwellings and open space. Compared to previous layouts proposed, this allows a better south-facing, shared space for the apartments.

The apartment block has been through multiple iterations to reach a point where officers are, on balance, satisfied from a design perspective, albeit the reliance on rooflights at first floor is disappointing. The apartment building has been rotated 180 degrees so that it faces onto that communal space with direct access available to it, for three of the units; the final unit being accessed via the side, but the distance is short and not inadequate in practical terms. Two entrances are now available either side of that communal space, with separate access for the bins store. Ramp and stair access is provided.

Parking bays have been relocated to the west of the central open space area and also to the north of the site, near the boundary with the garage's workshop, which is an improvement on previous layouts which had parking close to the entrance to the site. Access to allocated parking is also practical.

The appearance of the dwellings has also improved over time and at least includes some variation in street scene perspective. Across the scheme, the more extensive use of slate hanging to first floor elevations is welcomed, as are the more balanced window arrangements and smaller apertures to bedrooms. The use of high-quality materials can be secured by condition.

Subject to further details that could be secured by condition, the boundary treatments proposed are acceptable and generally positive, in the main comprising of hedgerow planting and stone-faced walling (rendered in private areas). Close-boarded fencing would feature only sparingly and would appear at the rear of the cluster of properties and apartment building to the east.

Following review by the Police Architectural Liaison Officer, changes have been made to access arrangements, natural surveillance, and layout. Plot 1, however, remains with its front entrance facing away from other dwellings and within an enclosed garden effectively taking it out of sight, posing a small risk as highlighted by the police, as occupants may be vulnerable to unscrupulous cold callers or criminal activity. This is not an ideal situation but is not of itself a justifiable reason for refusal when viewed in the round.

The submitted Bin Collection Strategy drawing identifies individual bin stores and presentation arrangements for all properties. The approach taken is logical and in general collection is taken from the frontage of each property, on the estate road. The treatment of apartment waste is less than ideal because it involves a 30m walk out of the block, past other housing plots, and onto the kerb. It is otherwise and on balance, acceptable and the Waste team have accepted the proposed arrangements.

Space Standards

Following discussion with the applicants, and revisions regarding the amount of calculable space to be used for the purposes of meeting the NDSS, it has been confirmed that all units meet the technical standard (albeit borderline in relation to the flats). For the first-floor flats this requires use of installed storage space under the eaves. Save for such provision those units would not have met the required standard, but under the NDSS a 50% allowance is made for floorspace within those restricted height areas. This means that, notwithstanding the tighter nature of the units in general terms, they nevertheless technically meet the national standard. On that basis they accord with policy DEV10(5).

Garden sizes generally meet the required standard which is provided by the SPD and although include some awkwardly shaped areas that in practice would be of little use, compounded by

a sloping landform, would otherwise provide sufficient space for sitting out, children's play, and the drying of clothes.

The application is, on balance, considered to accord with policies DEV10, DEV20, and SALC B1; any conflict with those policies is not of such magnitude that it would indicate conflict with the development plan overall and would be outweighed by the benefits of the development.

In respect of the NPPF, viewed as a whole, the development is of an acceptable design standard albeit with a minor shortcoming in keeping all residents free from an apprehension of crime. Such a shortcoming would need to be weighed against the local and national need to significantly boost housing supply, on a site which is allocated for development in order to assist meeting housing need.

Residential Amenity:

Policies DEV1 and DEV2 require new development to safeguard the health and the amenity of local communities. In practice this means providing for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Development proposals that would cause unacceptable harm to living conditions will not be permitted. It is stated that unacceptable impacts will be judged against the level of amenity generally in the locality.

Due to the siting and orientation of the proposed dwellings, and the arrangement of fenestration, there would be no adverse impacts arising from the relationship between dwellings and the apartment block within the site. Amenity areas are predominantly south facing and would not suffer from excessive overshadowing. That is except for plots 15-17, where the only garden space is to the rear, northern/north-eastern prospect. Given the more constrained nature of the plot 15 garden, the more intimate amenity area to the rear doors/patio area would be in shade for much of the year. This is unfortunate but not on balance considered to be unacceptable noting that through amendment plot 15 now has a garden size to meet the standard set out in the JLP SPD.

Back-to-back distances are acceptable and would accord with the standard set under the JLP SPD, even accounting for the significant variation in topography where the ground level of the southern line of dwellings would be around 8m higher than those on Little Hill. The application proposes additional planting along the southern boundary to strengthen the existing landscaping and has removed the raised decking that was originally proposed to plots 1-4. Whilst the proposed planting will take some time to mature, which could be secured by condition, it is not considered the development would present a loss of privacy for the occupiers of those dwellings on Little Hill and adjacent to the site.

An acoustic fence is proposed along the north-eastern boundary, adjacent to the garage. Supported by a noise assessment, this has been accepted by the Council's EHO and would mitigate against adverse impacts/emissions arising from that adjacent commercial use.

In relation to the apartment block, concerns were raised with the applicant relating to excessive heat gain and ventilation due to the prevalence and angle of rooflights used. Following amendments to reduce the amount of glazing proposed, the applicant has since confirmed that the units have been designed to comply with future Part O of the Building Regulations in relation to cross-ventilation:

"...any potential overheating risk can be managed through several methods once a SAP assessment or thermal model has been developed...Velux have confirmed that they supply a

3-layered glazing product which filters out heat. Velux windows have an additional option to incorporate internal blinds with low transmittance, which can help to further reduce the heat gains approx. 30-40%.”

Officers are inclined to accept the arrangement as proposed, although Members may consider it necessary to require the future agreement of a strategy to minimise risks associated with overheating via condition (which, for example, might enforce the use of triple layer glazing and installation of internal blinds).

The development is broadly acceptable when assessed against policies DEV1 and DEV2, and broadly accords with the NPPF because a reasonable standard of amenity would be secured for nearly all existing and future occupiers save for shortcomings in relation to a small number of plots on matters of shading only.

Highway Impacts/Access:

Access into and out of the site is considered to be safe and suitable for all users, and impacts on the local network and its capacity would be acceptable in light of the nature and scale of the development proposed; cumulative impacts would not be severe. The Local Highway Authority have advised that they have no objection to the development.

A seven-day radar covert speed survey has been undertaken along with a topographical survey of the A381 near the site, which confirms there is adequate visibility in both directions and the proposed refuge island crossing south of the junction on the A381 also provides adequate visibility in both directions. The applicant will also undertake improvements to the existing cycle facilities on the A381 leading towards Onslow Road, where the existing Primary School is located. This generally involves widening the existing footway on the eastern side of the A381 to 2.5m width. A Stage 1 and 2 independent safety audit and designers' response has been provided for the design and confirms there are no issues in respect of the proposed layout.

The Highway Authority have investigated improving the cycle facilities towards the Park and Ride Facility, but, the land required for this is not within the applicant's control. The applicant has agreed to widen the footway opposite the site, as shown on the highway layout drawing.

The relevant off-site highways works can be secured by condition, to be completed prior to occupation of the first dwelling.

The application therefore complies with policy DEV29, and paragraphs 110 and 111 of the NPPF.

Biodiversity:

Policy DEV26 states that development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area, including providing for net gains to biodiversity on major developments. The SPD explains that the minimum biodiversity net gain for a major development is 10% consistent.

Chapter 15 of the NPPF, and in particular paragraph 174, states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity; paragraph 179 states that planning decisions should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

The open space will be sown with a wildflower seed mix to create neutral grassland, with broadleaved woodland planting occurring along the southern and western site boundaries; the longer, western boundary forming a robust landscape buffer. New sections of hedgerow will be planted both within and bounding the site; an “orchard” features to the north-east.

Following the Defra Biodiversity Metric 3.0, it has been demonstrated that the development would provide a 35% gain, along with a 121% gain in hedgerow biodiversity units. It is noted that a significant portion of the calculation is reliant upon the creation of the landscape buffer (which is in turn of crucial importance in mitigating adverse impacts to the AONB); a planning obligation can secure ongoing arrangements for the management of this space and its implementation.

More generally, the submitted ecological information allows for it to be concluded that adverse impacts to protected/priority species can be avoided subject to the measures specified and further planning conditions including the need for a revised CEMP and LEMP.

In relation to Cirl Bunting, the development would result in the loss of foraging habitat, and it is unlikely that the proposed landscaping would suitably compensate for that. It is also considered that Buntings are likely to have established breeding territories on the site. Instead of undertaking further surveys, the applicant has agreed to compensate for the loss of one breeding territory; this is in line with the Cirl Bunting – Wildlife and development guidance note (RSPB et al. October 2017). The new breeding territory can be secured by financial obligation, in accordance with the requirements of the 'Cirl Bunting Development Guidance Note' produced by DCC, Teignbridge District Council, Torbay Council and the RSPB. It has been confirmed by officers that the required sum is £70,000.

The application can therefore accord with policy DEV26 and SNDP policy SALC Env2, where adequate consideration has been paid to wildlife corridors, which can be reinforced through the revised CEMP to provide for hedgehog holes.

On that basis the application is also consistent with the requirements of the NPPF, including paragraphs 174, 179, 180, and 181.

Flood Risk, Drainage, and Water Quality:

The site is within Flood Zone 1 where there is a very low risk of flooding. Likewise, EA mapping does not indicate that the site is vulnerable to surface or groundwater flooding.

Surface water drainage would be dealt with via attenuation crate(s) with controlled discharge to the watercourse to the west of the site. Foul water would be disposed of via connection to the existing sewer. SWW have confirmed that capacity is available and no objection is raised in respect of connection. A condition is to be imposed to ensure that a suitable, final strategy is secured before development commences. There is no reason to consider that there is no prospect of such a strategy being secured within the lifetime of the permission.

The LLFA raises no objection to the application and is satisfied with the proposed strategy in principle, subject to planning condition to secure the detailed design.

On that basis, where development would be kept safe for its lifetime and flood risk would not be increased elsewhere the application accords with policy DEV35. This would also be consistent with the requirements of the NPPF, including paragraph 169.

It is a specific requirement of the allocation policy (criterion c.) that water quality in the Salcombe to Kingsbridge Estuary SSSI be safeguarded. The NPPF also advises that which is likely to have an adverse effect on an SSSI, either individually or in combination with other developments, should not normally be permitted (para. 180).

In respect of water quality, Natural England raise no objection to the application and have confirmed that risks to the SSSI can be avoided subject to revisions to the submitted CMP/CEMP; this can be secured by planning condition. There is no other reason to consider that the uses and emissions associated with the allocated residential development would damage or destroy features of interest relating to the SSSI or its water quality, whether individually or in combination. As noted above, the final design of the drainage scheme for the development is subject to condition where matters of run-off and outfall remain carefully controlled.

The application therefore accords with SNDP policy SALC Env5 and the remaining criterion under the policy TTV24.18 allocation. The relevant test in the NPPF would also be satisfied.

Infrastructure:

JLP policy DEV30 (Meeting the community infrastructure need of new homes) requires that the development of new homes should contribute to the delivery of sustainable communities with an appropriate range of community infrastructure, such as schools, primary health care infrastructure, sports / recreation and community facilities / village halls. SNDP policy SALC HW1 provides a similar expectation in respect of OSSR, play, and community provision.

The Education Authority forecast that there is enough spare capacity at the local primary and secondary school for the pupils. A contribution towards secondary school transport costs due the development being further than 2.25 miles from Kingsbridge Community College is required.

There is no proposed play provision on site. An off-site contribution towards improvements at existing play areas would be the Council's preferred option, rather than a token provision on site. The nearest play areas are at Jubilee Gardens, opposite the site, and at The Berry on St Dunstons Road, c.490m walking distance from the site.

The development is also unable to incorporate playing pitches/sports facilities as required by policy on site. The South Hams Playing Pitch Strategy has recently been updated, and the key projects in the local area are as follows:

- Requirement of land for football pitches and changing.
- Requirement for improvements to facilities at the rugby club, including floodlighting.
- Requirement for an all-weather football pitch in Kingsbridge to help meet training needs for local clubs, including Salcombe.

In order to mitigate the impact of new residents, a contribution of £43,382 is required towards Open Space, Sport and Recreation facilities for the benefit of the residents of Salcombe.

The above measures are sought in accordance with the policies of the JLP and would meet the CIL 122, NPPF para. 57 tests. The application would therefore accord with policies DEV30/DEL1, and SALC HW1. The contributions are a means to mitigate the impacts of the development and are not of themselves true benefits.

Climate Change and Carbon Reduction:

New development is expected to meet sustainability aims in relation to policy DEV32 and waste management through policy DEV31. Developments should identify opportunities to minimise the use of natural resources in the development over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction, and by making best use of existing buildings and infrastructure.

Consideration should also be given to the “energy hierarchy” and developments should reduce the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting, and reduce the heat loss area.

Following the previous application, further work has been undertaken by the applicant in order to attempt to comply with the requirements of the policy. The submitted Energy Statement establishes that through savings due to passive and energy efficiency, and the inclusion of solar PV, a carbon saving of 23% less than that required by Building Regulations can be achieved. It is regrettable that further measures will not be taken, for example, the use of Air Source Heat Pumps instead of gas boilers, but under current JLP Policy, Officers cannot insist on any further measures.

Evidence has been provided to show that regard has been paid to the energy hierarchy where the development would incorporate low u values fabric, high air tightness, efficient glazing, and wastewater heat recovery.

Concerns remain regarding waste management during construction and operation, but this can be dealt with through planning condition. No EV charging details have been provided, which is unfortunate. This can also be remedied by planning condition.

On balance, the application accords with policies DEV31 and DEV32, and the requirements of national planning policy.

Planning Balance and Conclusion:

It has long been recognised by the courts that it is not unusual for development plan policies to pull in different directions and that the decision taker must therefore make a judgement as to whether a proposal is in accordance with the plan as a whole, bearing in mind the relative importance of the policies which are complied with or infringed, and the extent of the compliance or breach.

The principle of residential development on the site is established through allocation policy TTV24.18. The proposed development accords with the allocation policy in all respects. Great weight has been given to the principle of conserving and enhancing the protected landscape; the approach taken to landscaping for the development, including the robust strategic landscape buffer, will ensure that harm can be adequately mitigated even if the landscape would not be enhanced *per se*. The development is not Major development in the AONB and is otherwise justifiable in principle in any event.

Whilst there remains some residual concern regarding some aspects of the development and its design, including security risks associated with plot 1, and the waste arrangements for the apartments, overall and in the round, the application is considered to adhere to the development plan when taken as a whole.

The development also complies with the policies of the NPPF when considered as a whole, despite those identified failings regarding design/living standards, and fear of crime (as Chapter

12, 'Achieving well-designed places'). That consideration reinforces the direction of the development plan in approving the development and, in accordance with the presumption in favour of sustainable development (para. 11.c), planning permission should be granted without delay.

There are no material considerations which indicate that the direction of the plan should not be followed in this case, and even accounting for the design and amenity shortcomings of the development the benefits of bringing the allocation forward, bearing in mind local housing needs, are considered to remain decisive and outweigh the adverse impacts.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and Section 85 of the Countryside and Rights of Way Act 2000.

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 were "None". On 14th January 2022 DLUHC published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% 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
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
TTV3 Strategic infrastructure measures for the Main Towns
TTV24 Site allocations in the Smaller Towns and Key Villages
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV3 Sport and recreation
DEV4 Playing pitches
DEV5 Community food growing and allotments
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
DEV20 Place shaping and the quality of the built environment
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
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Salcombe Neighbourhood Development Plan:

Following a successful referendum, the SNDP was made on 19th September 2019.

Relevant policies:

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.
SALC ENV2 Green Infrastructure throughout the Parish.
SALC ENV5 Maintaining the character and environmental quality of the estuary.
SALC B1 Design Quality and safeguarding Heritage Assets
SALC H1 Affordable Housing
SALC H2 Market Housing
SALC H3 Principal Residence requirement for new housing
SALC HW1 Community Facilities

Salcombe Town Council have proposed to modify the SNDP insofar as it pertains to policy SALC H3, where the proposed modification is to require the principal residence requirement to be secured by legal agreement only. That modification is currently at examination but has no bearing on the determination of this application noting that officers have elected to secure the policy requirement by s106 obligation anyway.

Other Material Considerations:

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document
- Developer Contributions Evidence Base
- Waste Management and Infrastructure Supplementary Planning Document
- South Devon AONB Management Plan

Other material considerations include the policies of the NPPF and guidance in the 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 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:

- [Those approved drawings under 180604 Drawing Issue Sheet 12/5/2022]
- Proposed s38 and s278 Highways Layout: 110 Rev O
- Street Lighting Strategy: 4239-ID-DR-1001 P01
- External Lighting Strategy: 4239-ID-DR-2001 P01
- Street Lighting Strategy: 4239-ID-DR-1001 P01
- Jakoustic Fence Drawing: J7/01043

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. PRE-COMMENCEMENT: Before the development hereby permitted is commenced a Construction Management Plan (CMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved CMP. No burning shall take place on site during the site clearance/demolition or construction phases of the development.

The CMP shall include the following matters:

- a. haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- b. compound locations with full details [position, size and appearance] in relations to site office/s, welfare units, building material storage areas, skip/s, concrete silo/s, on-site parking areas for construction workers, site access arrangements,
- c. overburden/topsoil storage areas, fuel storage, hazardous materials storage
- d. provision of boundary hoarding with publicly visible contact details [phone and email] for site manager and lighting

- e. details of proposed means of dust suppression
- f. details of equipment/plant noise suppression
- g. full piling details (if proposed)
- h. details of measures to prevent mud from vehicles leaving the site during construction including wheel washing facilities and their management
- i. details of deliveries times to the site during construction phase
- j. details of provision to ensure pedestrian and cycle safety
- k. programme of works (including measures for traffic management and operating hours and hours of construction)
- l. parking and turning for vehicles of site personnel, operatives and visitors
- m. loading and unloading of plant and materials
- n. storage of plant and materials
- o. maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the CMP throughout the construction period.
- p. Measures to avoid adverse impacts upon the Salcombe to Kingsbridge Estuary SSSI by virtue of silt and surface water runoff among any other potential risks.
- q. Reference and adherence to the most up to date pollution prevention guidance.

Reasons: In the interest of residential amenity, highway safety, to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase and to safeguard the SSSI. This must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before implemented.

4. PRE-COMMENCEMENT: No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
- a. A detailed surface and foul water drainage design based upon the approved Flood Risk Assessment ref. 18015 (Trace Design, 2021) and Drainage Strategy (200 Rev E).
 - b. Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - c. Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - d. A plan indicating how exceedance flows will be safely managed at the site.
 - e. Evidence of the condition of the watercourse which the site proposes to drain into. This evidence could include photographs.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

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, and to safeguard the water quality of the Salcombe to Kingsbridge Estuary SSSI. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to the SSSI and to ensure that a suitable detailed drainage strategy is agreed before development commences because such a strategy is necessary in order to make the development acceptable.

5. PRE-COMMENCEMENT: Before the development hereby permitted is commenced a Construction Ecological Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved Plan.

The CEMP shall include the following:

- a. Risk assessment of potentially damaging construction activities.
- b. A reptile mitigation strategy.
- c. Details of hedgehog holes and their implementation.
- d. Identification of "biodiversity protection zones".
- e. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- f. The location and timing of sensitive works to avoid harm to biodiversity features.
- g. The times during construction when specialist ecologists need to be present on site to oversee works.
- h. Responsible persons and lines of communication.
- i. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- j. Use of protective fences, exclusion barriers and warning signs.
- k. Containment, control and removal of any Invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). And in accordance with policy DEV26. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and to ensure that such works are appropriately planned and agreed before implemented.

6. PRE-COMMENCEMENT: No development shall commence until a 30 year Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a. Habitat creation in accordance with the Biodiversity Impact Assessment: Losses and Gains document (Ecological Surveys Ltd, dated 24th February 2022).
- b. Description and evaluation of features to be managed.
- c. Ecological trends and constraints on site that might influence management.
- d. Aims and objectives of management.
- e. Appropriate management options for achieving aims and objectives.
- f. Prescriptions for management actions.
- g. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h. Details of the body or organisation responsible for implementation of the plan.
- i. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species). And in accordance with policy DEV26. This condition must be agreed prior to commencement in order to ensure that adequate plans and measures are put into place for habitat creation and management at the point that development first takes place.

7. The development shall be carried out in accordance with the retention and protection measures included within the approved Arboricultural Impact Assessment: TH/A432/0920.

Reason: To ensure that existing trees are adequately safeguarded, in accordance with policy DEV28.

8. The development shall be carried out in accordance with the recommendations, mitigation, and enhancement measures contained within the approved Ecological Appraisal (Ecological Surveys Ltd, March 2017) and Bat Activity Report (Ecological Surveys Ltd, October 2017).

Reason: In the interests of safeguarding ecology and protected/priority species, and providing for net gains to biodiversity, and in accordance with policy DEV26.

9. The details of the bird nesting/bat roosting boxes/bee bricks in the design of the buildings are to be submitted and agreed with the Local Planning Authority prior to the development proceeding above slab level, in accordance with SPD requirements. The development shall be carried out in accordance with the approved details with the approved nesting/roosting boxes installed prior to the first occupation of the building to which they relate.

Reason: To secure further net gains to biodiversity and ecology, and in accordance with policy DEV26.

10. PRE-COMMENCEMENT: Prior to the commencement of any site works, a repeat survey for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures if required, shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation as may be required.

Reason: To safeguard protected species, and in accordance with policy DEV26. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and the carrying out of development.

11. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this submitted to the Local Planning Authority.

Reason: To safeguard ecology/nesting birds, and in accordance with policy DEV26.

12. PRE-COMMENCEMENT: No development shall commence until a detailed Landform/Engineering Plan (LEP) has been submitted to and approved in writing by the local planning authority. The LEP shall include existing and all proposed levels for the site, including finished floor levels for buildings; and provide details of any landscape retaining features, their form and appearance.

Reason: In the interests of residential and visual amenity, and the character and appearance of the area, noting the existing topography and likelihood of landform changes especially along the western site boundary. In accordance with policies DEV20, DEV23, DEV24, DEV25, SALC ENV1 and B1. This condition must be agreed prior to commencement because of the site constraints and sensitive landscape setting where land re-profiling will form part of the construction works undertaken.

13. PRE-COMMENCEMENT: No development shall commence until a precise 'hard' and 'soft' Landscaping Scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The 'hard' landscaping details shall include details of all hard surface materials and boundary treatments to be used within the development with a timetable for implementation, including all means of enclosure and boundary treatments (including any gate details and means of security for private external areas), residential screen walls and fences (including material, design, finish, and colour). The 'hard' landscaping details shall be accompanied by appropriate design justification as to their suitability for their setting.

The 'hard' landscaping details shall be implemented and completed in accordance with the approved details and agreed timetable. The approved boundary treatments shall then be retained in the approved form.

The 'soft' landscaping details shall include details (including species, size of stock at time of planting, location) of all new shrubs/plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.

The 'soft' landscaping details shall be implemented and carried out as approved, with new planting undertaken in the first planting season (October - March inclusive) following the commencement of development.

Any trees, hedges, shrubs or turf identified within the approved Landscaping Scheme (both proposed planting and existing within the site) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 10 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

All elements of the approved hard and soft landscaping scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed as part of this condition.

Reason: In the interests of visual amenity and the character and appearance of the area. This condition is required to be agreed prior to the commencement of development to ensure that the landscaping is appropriately designed and implemented in conjunction with construction phasing. An extended aftercare period is required in light of the importance of the strategic landscape buffer and the need for the development to successfully assimilate into its landscape setting. In accordance with policies DEV20, DEV23, DEV24, DEV25, SALC ENV1 and B1. This condition must be agreed prior to commencement because of the site constraints and sensitive landscape setting where protective measures and suitable plans for planting must be in place before development first takes place so as to avoid harm and provide suitable mitigation.

14. PRE-COMMENCEMENT: No works or development shall take place until written evidence of a contractual agreement for the supply, planting, maintenance of all the landscaping agreed under condition 13, and a replacement guarantee over that same period by the same contractor, has been approved in writing by the LPA.

Reason: The landscaping is an essential part of the development to make it acceptable and comply with the allocation policy. It needs to be agreed prior to commencement to give assurance it will be carried out as appropriate.

15. Prior to their installation details / samples of all facing materials, windows, doors, and of roofing materials to be used in the construction of the proposed development, including colour and finish, methods of fixing, any mortar/pointing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details/samples as approved, being retained in the specified form thereafter. All slate shall be natural, of UK or EU origin, fixed with nails and not hooks. White render will not be acceptable.

Reason: To secure a high-quality finish, in the interests of visual amenity and the character and appearance of the area, in accordance with policies DEV10, DEV20, and SALC B1.

16. PRE-COMMENCEMENT: No development shall commence until details for the provision and implementation of electric car charging points for all properties to be constructed has been submitted to, and approved in writing by, the Local Planning Authority, to accord with the JLP SPD. The approved measures shall be provided and made available for use prior to first occupation/use of the parking space it relates to. For the avoidance of doubt, each charging point must be at least 7kw.

Reason: To ensure that the development is securing appropriate net gains for the environmental objective of sustainability and transition to a low carbon economy. This is required before commencement to ensure compliance with DEV32.

17. The low carbon measures identified in the approved report 'Energy Statement (Base Energy)' shall be implemented in order to achieve regulated carbon emissions levels of at least 20 per cent less than that required to comply with Building Regulations Part L. 2013. Development shall take place in accordance with the approved details prior to the

first use of any building to which they relate and shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

18. PRE-COMMENCEMENT: Notwithstanding the submitted details, no development shall commence until a Waste Management Plan ('WMP') has been submitted to and approved in writing by the Local Planning Authority. The WMP shall demonstrate how the construction and operational phases of the development will minimise the generation of waste, having been prepared in accordance with the provisions of Policy W4 of the Devon Waste Plan and its supporting Supplementary Planning Document.

The development shall be carried out in accordance with the approved WMP.

Reason: To minimise and properly manage waste arising from the development, in accordance with policy DEV31, and policy W4 of the Devon Waste Plan. The document provided with the application was insufficient and requires revision/amplification. This condition must be agreed prior to commencement in order to ensure that from a waste management perspective such works are appropriately planned and agreed before implemented.

19. If, during development, contamination not previously identified is found to be present at the site then 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; and in accordance with policy DEV2.

20. No dwelling shall be occupied until the vehicle parking provision for that dwelling as shown on the approved drawings, including garages, has been laid out and made available for use, thereafter not being used or precluded from being used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety and in order to provide sufficient parking to meet the needs of the development to avoid on-street parking, in accordance with policy DEV29.

21. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate information is available for the proper consideration of the detailed proposals and suitable highway infrastructure is provided to serve the development in accordance with policy DEV29.

22. The off-site highway works shown on drawing 110 Rev O shall be completed in full prior to occupation of any of the units on site.

Reason: In the interests of highway safety and connectivity, and in accordance with policies SPT2 and DEV29.

23. No other part of the development hereby approved shall be commenced until:

- a. The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway.
- b. The ironwork has been set to base course level and the visibility splays required by this permission laid out.
- c. The footway/cycleway on the public highway frontage required by this permission has been constructed up to base course level.
- d. A site compound and car park have been constructed in accordance with details that have previously been agreed by the Local Planning Authority.

Reason: To ensure that adequate on-site facilities are available for all traffic attracted to the site during the construction period, in the interest of the safety of all users of the adjoining public highway; and in accordance with policy DEV29.

24. PRE-COMMENCEMENT: Prior to commencement of development on any part of the site, including any site clearance works or machinery is brought onto site, a road condition survey shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of road integrity and highway safety, and in accordance with policy DEV29. This condition must be agreed prior to commencement in order to avoid unacceptable impacts relating to construction and occupation and to ensure that such works are appropriately planned and agreed before implemented.

25. PRE-COMMENCEMENT: Prior to the commencement of development an Employment and Skills Plan ('ESP') shall be submitted to and approved in writing by the Local Planning Authority. The ESP shall include detailed measures to support local employment, skills and training development opportunities in the construction industry and in relation to the development from site preparations through to the end of the

construction phase. The approved ESP shall be implemented and adhered to during the construction of the development and in accordance with those details approved.

Reason: In accordance with policy DEV19 this condition is required on the basis that to properly provide for the required plan-led growth it is necessary to ensure a commensurate growth in the area's employment base, where it is recognised to require investment both in job growth and skills, with both Science, Technology, Engineering and Maths (STEM) and construction jobs/skills being of primary importance. This condition must be agreed prior to commencement in order to ensure that local construction employment and skills opportunities are maximised from the site and construction preparation stage before development commences.

26. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A (extensions and alterations)

Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)

Part 1, Classes B and C (roof addition or alteration)

Part 1, Class D (porch)

Part 1, Class E (a) buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

Part 1, Class F (hardsurfaces)

Part 1, Class G (chimney, flue or soil and vent pipe)

Part 1, Class H (microwave antenna) and;

Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and in order to ensure the limited amenity space for each dwelling remains.

27. All gates to private gardens and pathways should be at least 1.8m high and capable of being locked.

Reason: To ensure that gates are capable of being locked from both sides, allowing rear gardens to be secured regardless of access or egress in order to design out crime.

28. No lighting shall be installed at the site or for any property, other than the lighting hereby approved under condition no.2 of this permission, without the express written permission of the local planning authority.

Reason: In the interests of amenity and the character and appearance of the area, and in accordance with policies DEV20, DEV23, DEV24, DEV25, SALC ENV1 and B1.