

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 4118/22/FUL

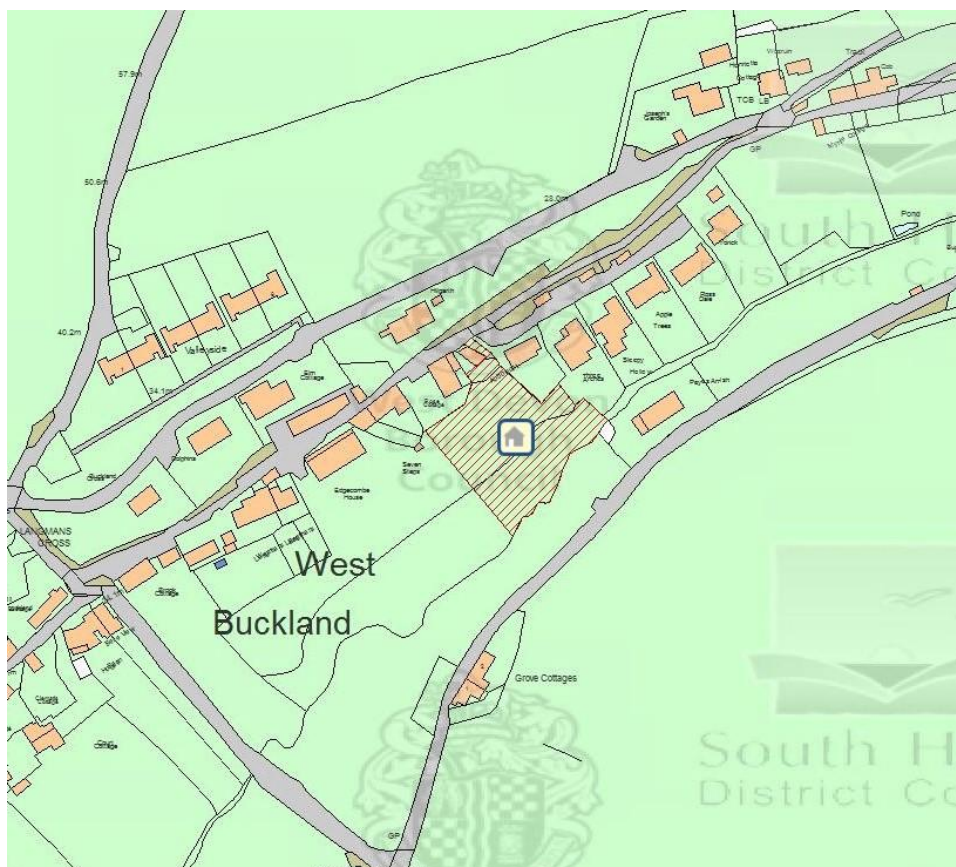
Agent:

Mr James Wells
James Wells Planning Limited
Pendeen
Plymouth
PL9 9BQ

Applicant:

Mr & Mrs Tull
Edgecombe House
West Buckland
TQ7 3AQ

Site Address: Edgecombe House, West Buckland, TQ7 3AQ



Development: New dwelling & site landscaping (Re-submission of 3247/22/FUL)

Recommendation: Conditional approval subject to completion of S106 to secure principal residency

Reason application is at committee: Cllr Long has called the application to committee due to concerns raised over the scale, design, glazing, impact on the setting of the village, landscape, dark skies, and natural environment

Conditions:

Standard time limit
Accord with plans
Construction Management Plan
CEMP to be submitted

Adherence to recommendations of ecology report
Works to take place outside of nesting season
Details of external lighting
Accord with Tree Protection Plan
Removal of PD rights
Rooflights to be obscure-glazed
Windows to east elevation to be obscure-glazed
Surface water drainage details to be submitted
Details of materials
Natural local stone
Natural slate
Accord with energy statement
PV panels to be installed prior to occupation
EV charging points to be installed prior to occupation
Flue to be of a matte, dark finish

S106 to secure principle residency

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, low carbon development

Site Description:

Edgecombe House is located in West Buckland and comprises a large detached house sited close to the road and is set into the bank. An access track sweeps around the side to the lower garden level. The gardens are extensive and wrap around 9 adjacent properties. The site of the proposed dwelling occupies approximately one third of this garden area. The topography of the land slopes from the row of houses to the north of the plot, down to a stream at the bottom of the valley.

The site is in the Buckland settlement boundary defined in the Thurlestone neighbourhood plan. It is also within the South Devon AONB, as well as the Undeveloped Coast and Heritage Coast policy areas.

The Proposal:

The application is for the erection of a single dwelling within the existing garden area of Edgecombe House. The proposed dwelling would be a timber-framed, two-storey, three-bedroom dwelling, and using traditional materials such as render, slate hanging, and a slate roof. Solar PV panels are proposed to the southern roof slope, and the dwelling would include a mechanical ventilation heat recovery system and a ground source heat pump providing the heat and hot water. Access to the site would be via an existing track off the highway, with two parking spaces provided.

Consultations:

- County Highways Authority- standing advice
- Environmental Health Section- no objection
- Ecology- no objection subject to conditions
- Trees- no objection on arboricultural merit
- Environment Agency- no objection, house is above floodplain

- Parish Council- objection: copied below

4118/22/FUL Edgcombe House

Thurlestone Parish Council objects to this application. Councillors considered that the proposed dwelling would have an unsympathetic, dominant and overbearing impact on the scenic quality of the valley and neighbouring properties and did not comply with the following policies in the Neighbourhood Plan and Joint Local Plan:

- (1) The proposed dwelling occupies a highly sensitive site in the wooded valley of the Buckland Stream and makes an important contribution to the natural beauty of West Buckland and the South Devon AONB. The proposed scale and design of the development will have a harmful impact on the landscape and scenic beauty of the area and would set a dangerous precedent for further development along the banks of the stream (contrary to NP Policy TP1.5 and JLP Policies SPT12, DEV23, DEV24 & DEV25 and NPPF paras 130 &185).
- (2) The proposed dwelling would be an incongruous addition to the village street scene being located to the rear of 18th century cob/stone farm cottages and barns, and adjacent to a row of 1960s bungalows. The scale and design of the proposed dwelling is not consistent with that of the neighbouring properties nor with the character of the area and the local pattern of ribbon development (contrary to NP Policy TP1.2 and JLP Policies SPT1, SPT2, SPT11, DEV20 & DEV25).
- (3) The proposed dwelling will not meet clearly identified local housing needs nor help redress the general imbalance in the housing stock. The scale of the dwelling is excessive, having a floor area of 292.5m² which is three times in excess of the nationally described space standard floor area of a two storey 3-bedroom dwelling. To the contrary, it will exacerbate the existing imbalance of large unaffordable dwellings in the parish and will be outside the reach of young people on lower and middle incomes due to its scale and character (contrary to NP Policy TP4 and JLP Policies SPT2 & DEV8).
- (4) The proposed development will not contribute to the vitality of West Buckland village. Whilst the new dwelling will be subject to a principal residence requirement, the applicant's existing property (Edgcombe House) will not be and may be used as holiday accommodation, thereby negating any benefit that the new principal residence would provide (contrary to NP Policies TP4 and TP6).
- (5) The proposed development would have a harmful impact on protected species and would not enhance the biodiversity of the area. The Ecological Appraisal in support of the application refers to the likelihood of bats foraging along the shrub and tree habitats around the edge of the site and to light-averse bats, such as *Long-eared*, *Horseshoe* and *Myotis* bats using the boundaries that might be impacted by development, but there is no mitigation to address this potential harm (contrary to NP Policy TP22.2 and JLP Policies SPT1 & DEV25).
- (6) The flooding of the Buckland Stream along the valley below the site and downstream on the road bridge at the bottom of the hill between Thurlestone and West Buckland is an ongoing local issue and the reduction in permeable surface and increased surface water run-off from the proposed development is likely to further exacerbate the problem. Attached are two photos showing the extent of the recent flooding: one is taken from the other side of the stream and shows flooding immediately below the site and the second is taken on the road bridge which is constantly flooded. No

technical drainage details have been provided to address the management of flood risk and water quality impacts notwithstanding the existing issue and the detrimental impact of this flooding on local roads and neighbouring gardens (contrary to NP Policy TP1.3 and JLP Policies SPT1 & DEV35).

- (7) Trees have already been felled in the wooded valley below the site and more trees may be removed in order to construct the soakaway. Drawing GA-001 identifies the indicative soakaway close to the Tree Protection Zone marked on drawing no 22.346.1. The 'C' category trees marked are defined in the Arboricultural Appraisal as trees that can be removed to facilitate development. This would be to the detriment of the natural environment (contrary to NP Policy TP1.5 and JLP Policies SPT12, DEV20, DEV23, DEV24, DEV25 & DEV26).
- (8) There is an excessive amount of glazing on the South elevation and the large patio doors on the West elevation cover approximately 75% of the ground floor wall of that elevation. This would create new light pollution from artificial light at an elevated height upon the valley, the intrinsically dark landscape and the natural environment (contrary to NP Policies TP1.2, TP1.4 & TP1.5, JLP Policies DEV23 & DEV25 and NPPF para 185). The proposed curved stone wall on the West elevation has been designed to protect local amenity but being sited some distance away from the building is unlikely to be effective against light pollution.
- (9) The site has a narrow access which is likely to be difficult for use by refuse trucks and deliveries as well as construction traffic (contrary to TP1.7 & TP1.1).

The planning officer's attention is also drawn to the Location/Block Plan drawing no GA-001 Rev PL6 which does not accurately show the correct extent of the neighbouring bungalow, Abbotscot. The extension and balcony/terrace of Abbotscot is in close proximity of the parking area for the proposed dwelling and is likely to suffer from the overbearing and dominant impact of the proposed dwelling and loss of outlook (contrary to NP Policy TP1.1 and SPD para 13.27).

Representations:

Four objections have been received. These representations can be seen in full online, but can be summarised as follows:

- Contrary to neighbourhood plan and JLP requirements
- Scale and size is dominant in the AONB
- Impact on environment and wildlife
- Disruption to neighbours during construction
- Applicant already lives in the village so their current house will become holiday accommodation
- Does not meet an identified housing need
- Dominance over neighbouring properties
- Light pollution
- Detrimental impact on the historic environment
- Neighbours right of way could be impeded by construction phase
- Concern about impact on drainage systems
- Site would be visible from the road
- No material difference from previous applications
- Trees identified previously have now been removed
- Plans do not show true relationship with neighbouring property (Abbotscot)
- Unrealistic that three dwellings will be able to access the drive
- Large dwelling would not be affordable
- Impact on views from neighbouring properties

- Dwelling should be closer to Edgcombe House
- Unclear if the building would be subject to a principle residence restriction
- Concern about future separation of the site
- No architectural reflection to local buildings
- The applicant has planted a large hedge on the boundary which impacts Abbotscot
- Parking area would harm amenity of Abbotscot
- Demolition of the barn could be applied for in future

Relevant Planning History

- 3247/22/FUL- New dwelling, renovation of barn for ancillary use, replacement bat roost, outbuilding and site landscaping works- withdrawn
- 1087/21/HHO- Householder application for extension of porch over existing front door- conditional approval
- 1891/19/FUL- New dwelling- withdrawn
- 55/0909/12/F- Householder application to alter existing ridge line to bed 4/annexe. Replace existing windows. Pitched roof to existing entrance porch. New utility area- conditional approval

ANALYSIS

1.0. Principle of Development/Sustainability:

- 1.1. Policy SPT1 of The Plymouth and South Devon Joint Local Plan 2014-2034 (JLP) sets out a framework for growth and change with sustainability underpinning all of the guiding principles. Under this policy sustainable development is delivered across the plan area by promoting a sustainable economy, sustainable society and sustainable environment. Policy SPT2 of the JLP requires the application of principles of sustainable linked neighbourhoods and sustainable rural communities as a means of guiding how growth and development takes place across the plan area. Development can support the overall spatial strategy, by creating neighbourhoods and communities which, amongst other criteria, are well served by public transport, walking and cycling opportunities, and should have an appropriate level of services to meet local needs.
- 1.2. The approach to sustainable development in the JLP is explained further in Policy TTV1 for the Thriving Towns and Villages parts of the plan area which prioritises growth through a hierarchy of sustainable settlements.
- 1.3. With respect to the hierarchy in TTV1 the site is not within a main town, smaller town or key village or a sustainable village and would therefore fall into the last category of smaller villages, hamlet, where development will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities.
- 1.4. Although the JLP does not direct development towards locations in tier 4, the site is within the settlement boundary for Buckland, identified in the Thurlestone neighbourhood plan (NP). Paragraph 2.28 of the NP states that '*proposals for development within the boundaries designated in this plan will be supported*'.
- 1.5. Policy TP4 of the NP supports proposals for open market housing within the settlement boundary, provided the proposal:
 - i. *comprises a small-scale scheme of up to 5 dwellings, or individual plots, of a size, type and tenure that reflects clearly identified local housing needs;*
 - ii. *each dwelling is subject to a principal residence requirement (in accordance with Policy TP6).*

- 1.6. With regard to point (i), the dwelling is a single plot, which is acceptable in terms of housing mix (see next section of report). In accordance with point (ii) and policy TP6, a principal residence occupancy restriction will be placed on the dwelling, and a legal agreement to this effect is currently being prepared.
- 1.7. Given the acknowledgement in the JLP that some development can be permitted in tier 4, and the NP support for development within the settlement boundary of the village, the principle of development is considered acceptable.

2.0. Housing Mix:

- 2.1. Policies SPT2(4) and DEV8(1) of the Joint Local Plan (JLP) seeks to provide a good balance of housing types and tenures to support a range of household sizes, ages, and incomes, and to meet identified housing needs. Policy TP4(i) of the NP also supports housing '*of a size, type and tenure that reflects clearly identified local housing needs*'. ONS data shows that the parish of Thurlestone has an oversupply of four-bed dwellings, with an average amount of one and three-bed properties, and an undersupply of two-bed dwellings.
- 2.2. The proposed dwelling includes three bedrooms, as well as a study. When assessing bedroom numbers, paragraph 4.17 of the Supplementary Planning Document which accompanies the JLP states:

'Home working is supported and as such the provision of one room identified as an office or study will be accepted, but other rooms that have the potential to be used as bedrooms (other than living rooms, kitchens, dining rooms, rooms with mains plumbing/toilets or rooms with no windows and/or main entrances) will be considered as such, and considered against the requirements of DEV8 on that basis.'

- 2.3. Although some objections have stated that the dwelling is a 4/5 bedroom property, when using the SPD criteria, Officers consider the proposed dwelling to be a three-bed property. There is no current oversupply of three-bed dwellings in the parish, and the proposal therefore complies with policies SPT2 and DEV8 of the JLP and policy TP4(i) of the NP. Other objections have stated that the dwelling would not be affordable; the planning system can only do so much to try and address the housing crisis, and the imposition of the principal residency restriction and reduction in bedroom numbers (the previously-withdrawn application included more bedrooms and was not supported by Officers) means that the proposal is now policy compliant.

3.0. Design:

- 3.1. The proposed dwelling would be of a fairly traditional design- the dwelling would be a two-storey, hipped roof property with a single-storey element housing the entrance and plant room. The local vernacular is very traditional, and this is reflected in the materials proposed, which include render to ground floor, slate hanging to the first floor, and a natural slate roof, materials supported by the NP which encourages the use of natural building materials (policy TP1(2)). Conditions are recommended requiring details of the materials to be submitted for agreeing to ensure that they are of high quality and in keeping with the local pattern of development.
- 3.2. The dwelling would have minimal openings at first floor, and the windows to the southern/western elevations are small, traditional, meaning that the proportion of glazing and solid wall is in keeping with the local vernacular. Although the openings to the ground floor are wider, this is not considered to be harmful in terms of design.

- 3.3. The proposal also includes a stone wall enclosing the proposed patio area. This wall is to be constructed of local stone, and subject to the details of this stone being agreed, the wall is considered to be acceptable in terms of scale and design.
- 3.4. Overall, Officers consider that the dwelling has been designed in such a way that has regard to the local pattern of development and traditional character of the village. The proposal therefore complies with policies DEV20 and DEV23 of the JLP, and policy TP1(2) of the NP.

4.0. Landscape:

- 4.1. The site is within the South Devon AONB, as well as the Undeveloped Coast and Heritage Coast policy areas.
- 4.2. Policies TP1(5) and TP22 of the NP require the conservation and enhancement of the AONB, as well as policy DEV25 of the JLP and paragraph 176 of the NPPF. Policy DEV24 of the JLP relates to the Undeveloped Coast and Heritage Coast.
- 4.3. As previously mentioned, the site is within the settlement boundary, and would be read within the context of the existing area of built form of the village. The site is more open and less developed towards the south, as the land slopes down towards the woodland and the stream. This woodland provides substantial screening to the south, virtually obscuring the proposed dwelling from longer views into the site from the south.
- 4.4. Policy TP1(4) of the NP requires development to limit the light impact on dark landscapes. Although rooflights are proposed, they are small in size, and proposed in place of windows to the north elevation. The rooflights would face north, towards the existing built form of the village, rather than the south which would face onto more open, natural landscapes.
- 4.5. Due to the design of the fenestration, and the position of the windows, the proposed dwelling is not considered to have a harmful impact on the dark skies, and therefore complies with TP1(4). A condition is proposed to require details of any external lighting to be submitted for agreement to ensure that no additional lighting is installed which could have an adverse impact on the natural environment.
- 4.6. The location of the dwelling and surrounding vegetation screening leads Officers to conclude that the dwelling would not have an adverse impact on the local landscape or wider setting of the AONB, the Heritage Coast, or the Undeveloped Coast.

5.0. Trees:

- 5.1. There is an area of woodland to the south of the site which is subject to a blanket Tree Preservation Order (TPO), although this would not be affected by the proposed development. A tree appraisal plan, tree protection plan, and arboricultural impact assessment has been submitted as part of the application. This information has been reviewed by the Council's Tree Specialist, who has no objection to the development on arboricultural merit, subject to adherence to the tree protection plan, which is recommended as a condition.
- 5.2. One of the objectors has sent photos in to show that some trees and vegetation have been removed from the site in recent months, with a hedgerow and trees planted on the boundary of Abbotscot which are starting to impact on their light and views.

- 5.3. The removed trees are not within the TPO area, and no consent was required to remove these trees. Similarly, the fact that the applicant has carried out planting is not development, nor is it part of the current proposal.
- 5.4. Subject to the condition recommended by the Tree Specialist, the development is considered acceptable with regard to trees, and complies with policy DEV28 of the JLP and policy TP22 of the NP.

6.0. Ecology:

- 6.1. A preliminary ecological appraisal has been submitted with the application, and reviewed by the Council's Ecologist. They have confirmed no objection to the development, subject to various conditions. This includes the submission of a Construction Environmental Management Plan prior to the commencement of development, to include timetabled Protected Species Mitigation Strategy, as well as adherence to the PEA, and a restriction on development taking place during bird nesting season. These conditions are all recommended to be imposed, should planning permission be granted.
- 6.2. The PEA and subsequent ecology response makes reference to the potential for bat roosting within an existing ancillary outbuilding (barn). This barn was part of a previous application on the site, which was withdrawn, and is now not included in the red line, or as part of the development proposal. As such, it is not necessary for Officers to consider whether the proposal meets the three derogation tests of the conservation of Habitats and Species Regulations 2017 (as amended), as no works are proposed to the building to which these comments relate.
- 6.3. Subject to the recommended conditions, the application is considered acceptable in terms of ecology and biodiversity, in accordance with policy DEV26 of the JLP, and policy TP22(2) of the NP.

7.0. Neighbour Amenity:

- 7.1. The dwelling would be to the south of an existing row of dwellings along the road into the village. The site is currently part of the garden of Edgecombe House, but this garden runs along behind a number of other properties.
- 7.2. The nearest dwellings to the site, Rose Cottage, Seven Steps, and Abbotscot, have objected to the application for various reasons, some of which include impact on residential amenity. These objections consider that the dwelling would be overbearing and dominant to their properties, as well as impacting on their views.
- 7.3. There is no right to a view, and so this point of objection cannot be taken into account. However, policy DEV1 seeks to ensure that new development '*provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors*'.
- 7.4. Policy TP1(1) of the NP also seeks to preserve residential amenity, stating that '*Proposals should protect residential amenity and should not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. This will be judged against the level of amenity generally accepted within the locality and could result from: loss of privacy or overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes*'
- 7.5. The application site is below the road level, and the neighbouring dwellings would therefore be elevated above the proposed dwelling, which is further down the valley.

- 7.6. Harm to amenity can also arise from the proximity of development to residential dwellings. The Supplementary Planning Document (SPD) which accompanies the JLP therefore provides guidance as to the minimum acceptable distances between buildings.
- 7.7. As the north elevation, which faces the neighbouring dwellings, does not include any windows, the guidance is taken from paragraph 13.28 of the SPD, which states:

'In order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should be at least 12m.'

- 7.8. The table below shows the ridge heights of the nearest properties, all of which would be higher than the proposed dwelling, as well as the distance from these neighbours to the proposed dwelling.

	Distance from proposed dwelling	Ridge height
Rose Cottage	14.6m	105.22 (+2.32m)
Seven Steps	26m	109.11 (+6.21m)
Edgecombe House	36m	107.43 (+4.53m)
Abbotscot*	12m	104.15 (+1.25m)

*objections have stated that Abbotscot is not shown correctly on the submitted plans and is actually closer to the proposed dwelling than indicated. To avoid any dispute about the distances, the measurements have therefore been taken from the Council's mapping system, rather than the site plan submitted by the applicant

- 7.9. The proposed dwelling therefore meets the minimum separation distance requirements of the SPD. The elevated position of the existing properties, and the separation distance leads Officers to conclude that the proposed dwelling would not be overbearing, or dominate existing dwelling, and is therefore acceptable in this regard.
- 7.10. In terms of overlooking, it is noted that there are no windows proposed at first-floor level to the north or east elevations, which would face neighbouring properties/gardens. There are two windows to the east elevation at ground-floor, which may have some views of the garden area of Abbotscot. Noting that these windows serve a toilet, and the plant room, a condition is recommended to require these windows to be obscure-glazed, to protect the neighbours' enjoyment of their garden space.
- 7.11. Similarly, there are five small rooflights proposed to the northern roofslope, which provide light into the spaces at first-floor level in lieu of windows to the northern, neighbour-facing elevation. Rooflights do not usually cause overlooking concerns due to their position and angle, however in this instance, as the neighbours are elevated above the dwelling, this may be more of an issue. Noting that these rooflights serve secondary spaces, such as the stairs, dressing room, and bathrooms, it is also proposed that these windows are obscure-glazed. This would allow the spaces to benefit from natural light, but would prevent any overlooking to nearby dwellings.
- 7.12. Objection has been received about the impact of the parking area on Abbotscot, who consider that the parking area would harm their amenity due to fumes and noise opposite their garden terrace area. Cars occupying a parking area are likely to be stationary and not in use for the vast majority of the time that they are using this space- it is only when entering and leaving the site that engines would be running, and this is therefore not considered to be such a concern that it would be harmful to

the amenity of neighbours. Officers also note that there is nothing preventing the applicants from parking vehicles in this area currently.

- 7.13. Whilst the dwelling would clearly be visible from neighbouring dwellings, on balance, it is not considered that the impact of the proposal would be harmful to the amenity of any nearby properties. The dwelling has been designed to prevent any overlooking, the dwelling would be lower than the existing properties, and the separation distance meets the accepted standards included in the JLP. Subject to conditions proposed regarding obscure-glazing, and removal of permitted development rights to prevent additional openings or alterations, the application is considered acceptable in terms of policies DEV1 and DEV2 of the JLP, and policy TP1(1) of the Thurlestone NP.

8.0. Highways/Access:

- 8.1. Policy TP1(7) of the NP states that '*a safe means of access and on-site parking should be provided*'. Policy DEV29 also requires development to provide '*safe and satisfactory traffic movement and vehicular access to and within the site*', and '*ensure sufficient provision and management of car parking in order to protect the amenity of surrounding residential areas and ensure safety of the highway network*'.
- 8.2. The dwelling would utilise an existing access lane down to the site. The SPD provides indicative parking provision for new residential development. Table 30 within the SPD requires 2 parking spaces for a three bedroom dwelling, and this is provided in the parking area. The proposal is therefore acceptable in terms of parking provision.
- 8.3. Concern has been raised by objectors that the works to construct the dwelling would have an impact on neighbours, and that the road to the site is very narrow. One of the objectors has right of way across the access lane, and has objected that the construction phase may impede this right of way.
- 8.4. Issues of rights of way are a civil matter, and this is not therefore a reason to refuse permission. Disturbance during construction works is also not a valid reason to refuse an application. However, Officers agree that the site access is narrow and that the details of the construction process need to be considered and managed before development commences. As such, a pre-commencement condition is recommended to require the submission of a Construction Management Plan, to ensure that disturbance to nearby residents and the local highway network is minimised.
- 8.5. The Highways Authority has no objection to the development, and subject to the condition, the proposal is considered acceptable in terms of highways matters.

9.0. Drainage:

- 9.1. Objections have been made about the potential for the development to impact on surface water drainage within the vicinity of the site. The bottom of the valley is within a flood zone, although the dwelling itself would not be. The Environment Agency has reviewed the application and have no objection in terms of flood risk.
- 9.2. An indicative soakaway has been shown on the submitted plans. In order to ensure that the surface water drainage complies with SUDs guidance, a condition is recommended to require details of the surface water drainage system to be submitted to, and agreed in writing by the Local Planning Authority.
- 9.3. Foul drainage would connect to the existing mains sewer. The development is therefore acceptable in terms of drainage matters and policy DEV35 of the JLP.

10.0. Other matters:

- 10.1. Objections have noted that the proposed dwelling is not sited particularly close to Edgecombe House, and the applicants should have located the property closer to their own house, rather than impact on neighbours. Officers can only assess the development before them, and in this instance, the siting is considered acceptable for the reasons detailed in this report.
- 10.2. It has also been claimed that the existing dwelling is not subject to a principal residency, and so there is nothing stopping the applicants moving into the new dwelling, and renting the existing house as a holiday let. There is no mechanism for the Local Planning Authority to prevent the existing dwelling being let, and this is not a material planning consideration in the assessment of the current proposal.
- 10.3. A number of concerns have also been raised about potential ways that the site could be altered in the future. As above, Officers can only consider the proposal as submitted, and it would be unreasonable to refuse the application due to speculation about future intentions of the applicant or future owners. Planning permission would be required for any alterations or sub-division of the site, or any additional building works, and this would be considered at a later date should an application be submitted.

11.0. Low carbon development:

- 11.1. Policy DEV32 of the JLP requires all development to contribute to the carbon reduction targets of Plan. The application has been submitted with an Energy Statement which details the measures proposed to ensure that the development complies with policy DEV32.
- 11.2. The dwelling would include solar PV panels to the southern roof slope, and a condition would require these panels to be installed prior to the occupation of the dwelling. Battery storage for the PV panels is included in the plant room, and EV charging points are also proposed, and this will also be required to be installed prior to occupation of the dwelling.
- 11.3. The dwelling would include mechanical ventilation heat recovery system and a ground source heat pump providing the heat and hot water. The dwelling would be timber-framed, rather than concrete, and local materials are proposed to be used to minimise the carbon cost of the building.
- 11.4. The proposal is therefore considered acceptable in terms of policy DEV32 and the carbon reduction aims of the JLP.

12.0. Summary:

- 12.1. The principle of building within the settlement boundary is supported by the NP. The proposed dwelling has addressed previous Officers concerns and is now acceptable in terms of bedroom numbers, and design. The appearance of the dwelling would be in keeping with the local pattern of development, and the impact on neighbouring properties is not considered to be harmful for the reasons outlined earlier. The application complies with the relevant neighbourhood plan and JLP policies, and is therefore recommended for conditional approval, subject to the completion of a S106 agreement to secure a principal residence restriction on the dwelling.

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

Planning Policy

Relevant policy framework

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

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
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy 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
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Thurlestone Neighbourhood Plan

TP1 General Development Principles
TP2 Settlement Boundaries
TP4 Open Market Housing
TP6 Principal Residence Requirement
TP22 The Natural Environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Joint Local Plan SPD (2020)
South Devon AONB Management Plan (2019- 2024)

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.

Suggested conditions:

1. *The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.*

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. *The development hereby approved shall in all respects accord strictly with drawing number GA-001, received by the Local Planning Authority on 24th November 2022, and drawing numbers GA-100.PL6 and GA-101.PL7, received on 1st February 2023.*

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

(a) the timetable of the works;

(b) daily hours of construction;

(c) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 17.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;

(d) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(e) a site plan showing the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(g) a site plan showing the location of constructor parking, any welfare buildings (if applicable), and details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and (j) (l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(k) Details of the amount and location of construction worker parking. (l) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);

Reason: In the interests of public amenity and highway safety.

4. *No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning*

Authority. It shall include a timetabled Protected Species Mitigation Strategy that includes all measures recommended in Preliminary Ecological Appraisal (Western Ecology, Updated January 2023). The development shall be carried out in full accordance with the approved CEMP at all times. Reason: In the interests of ecological and environmental preservation.

5. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in Preliminary Ecological Appraisal (Western Ecology, Updated January 2023). The planning condition shall be discharged when the consultant ecologist confirms in writing to the LPA that the bat mitigation was adhered to and all measures therein have been implemented. Thereafter approved mitigation, compensation and net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard the interests of protected species

6. The works shall take place outside of the bird nesting season which runs from 1 March to 31 August in any year unless a breeding bird check by a suitably qualified ecologist has been carried out immediately prior, no more than 48 hours, to works starting and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: To safeguard the interests of protected species

7. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

8. The development hereby approved shall accord with the Tree Protection Plan (22.346.1.TPP) and Arboricultural Appraisal(DTS22.346.1.AA). Reason: In order to preserve trees of amenity value.

9. 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:

(a) Part 1, Class A (extensions and alterations)

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

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

(d) Part 1, Class D (porch)

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

(f) Part 1, Class F (hardsurfaces)

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

(h) Part 1, Class H (microwave antenna) and;

(i) 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.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the rooflights

hereby approved on the northern roof slope shall be glazed in obscure glass and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting this Order) the windows hereby approved on the east elevation of the dwelling shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

12. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until:

a. Percolation testing in accordance with DG 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate.

b. SuDS to be designed for a 1:100 year event plus 40% for climate change.

c. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

d. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

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.

13. Prior to their installation details of facing materials, and

roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

14. The stonework shall be constructed of natural stone which matches the colour and texture of that occurring locally, details of which shall be submitted to and agreed in writing by the Local Planning Authority, prior to the installation. The new stonework shall be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used in the wall or for quoin stones.

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

15. The roofs hereby approved shall be clad in natural slates, of British or European origin.

Reason: To perpetuate the use of vernacular materials so as to retain the character of the locality.

16. The development hereby approved shall accord with the Energy Statement (Rev 1) dated September 2022.

Reason: To ensure that the development contributes to the carbon reduction targets of the Joint Local Plan.

17. The solar panels as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. The panels shall hereafter be retained and maintained for the life of the development.

Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.

18. The EV charging point(s) as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved, and hereafter be retained and maintained for the life of the development. Reason: To ensure that the development contributes to the carbon reduction aims of the Joint Local Plan.

19. The new flue(s) shall be sited as indicated on the approved plans and finished in a matt black or grey colour. The height of the flue(s) shall not exceed that shown on the approved plans unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development displays good design practice in respect of the age and character of the development.