

PLANNING APPLICATION REPORT

Case Officer: Verity Clark

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 3221/21/FUL

Agent/Applicant:

Mr Dan Stewart
27 Limetree Road
Plymouth
PL3 5UB

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27 Limetree Road
Plymouth
PL3 5UB

Site Address: Land on the South West side of Cliff Road, Cliff Road, Wembury



Development: New dwelling

Reason item is being put before Committee: The applicant is related to a member of staff.

Recommendation: Delegate to Head of Development Management Practice to approve conditionally subject to the completion of an acceptable S106 legal agreement to secure Tamar Valley European Marine Site monetary contribution.

Conditions:

1. Time limit (3 years)
2. Approved plans
3. Construction management plan (prior to commencement)
4. Arboricultural information (prior to commencement)
5. Materials details

6. Landscaping
7. External lighting details
8. Ecological recommendations and enhancement measures
9. Provision of access and parking spaces prior to occupation and retained thereafter
10. Drainage – compliance condition
11. Two first floor windows on north west elevation obscure glazed
12. Adherence to DEV32 measures
13. Unexpected contamination
14. Removal of PD

Pre-commencement conditions 3 and 4 agreed by applicant via email on 29/11/21 and 02/12/21.

Key issues for consideration:

Principle of Development/Sustainability
Design, Visual Impacts and the South Devon AONB
Space Standards and Amenity Space
Neighbour Amenity
Highways, Access and Parking
Flood Risk and Drainage
Ecology/Biodiversity
Trees
Low Carbon Development

Site Description:

The application site is an overgrown field located on the southern extent of the village of Wembury adjacent to Hawthorne Park Road and Cliff Road. The site currently features a vehicular access onto Cliff Road with vegetated boundaries on the north west and south west.

The site is within the South Devon Area of Outstanding Natural Beauty (AONB). Directly along the south west boundary the landscape is designated as Undeveloped Coast and Heritage Coast however the application site itself falls outside of these designations. Similarly, land to the south west is a designated county wildlife site.

Public Right of Way Wembury Footpath 36 starts at the junction of Cliff Road and runs parallel to the eastern boundary of the site.

The site is not located within a Conservation Area and there are no listed buildings within the vicinity of the site.

The site is located in Flood Zone 1 and is not located within a Critical Drainage Area.

The site is located within the 12.3km buffer for Plymouth SAC.

The Proposal:

Planning consent is sought for the construction of a 3 bedroom detached dwelling with detached shed and bin store, new access with parking area and associated landscaping. The

existing access onto Cliff Road will be blocked up. The new access will be formed further northwards onto Cliff Road, close to Clover Cottage's vehicular access.

The dwelling will be sited fairly centrally within the plot and will be set over three levels (including a 'part-basement' room at the lowest level), with a traditional main pitched roof form with a lower gable feature facing the north east boundary and a single storey element with flat sedum roof at the rear. Materials will include a natural slate roof, painted render, timber cladding, aluminium frame windows, timber clad doors and solar PV on the south west elevation.

Parking for two vehicles would be provided to the north west of the dwelling, with private garden space to the south west and south east. At the end of the parking area is a green-roofed shed for storage of bicycles, garden equipment and bins.

Consultations (full responses can be viewed online):

- **Landscape Specialist:**

The overall scale and mass of the scheme appears to be appropriate and there is good separation between the proposed new dwelling and the neighbouring property's outbuildings. All existing tree cover and hedgerows are to be retained.

Pre-application advice was that the use of natural materials, with muted colours, might help to assimilate the building with its surrounding, sensitive location. Officers are of the opinion that this advice has been adhered to.

The DAS acknowledges that careful regard needs to be afforded to the policies set out within the South Devon AONB Management Plan, with the key test for any development proposal being the need to 'conserve and enhance' natural beauty. The proposals are found to respond positively to this and overall the landscape proposals will help to assimilate the development into its setting and reduce and mitigate adverse visual effects.

The design seeks to prevent light pollution by avoiding excessive glazing, minimal exterior lighting and by keeping roof heights low. There is potential for some limited impacts arising from light spill. However, the reduced floor levels, inward-looking design layout, screening, and canopies to recess large glazing elements are noted.

Officers are of the view that developing of this site as described would not conflict with the published Landscape Guidelines for this Landscape Character Type (LCT).

Overall, Officers are satisfied that the proposed development would be consistent with the edge of village setting and therefore accords with landscape policy, where the landscape character is conserved, as are the special qualities of the South Devon AONB. On this basis the proposal is supported.

If Officers are minded to approve the application, the landscape scheme should be secured and detailed by condition.

- **Drainage Specialist:**

Response dated 21/10/21:

Based on the information provided we would object to the current proposal on the grounds of insufficient information. As such we would recommend that the application is not decided until these issues have been overcome.

Response dated 23/11/21 following submission of additional information:

Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme.

The surface water is now discharging to a dedicated surface water sewer which is the best solution for this site. If permission is granted then please include a compliance condition.

- JLP Officer:
A local connection restriction is not justified for this proposal.
- DCC Highways:
Standing advice.
- Tree Specialist:
No objection on arboricultural merit subject to submission of the noted information prior to any commencement on site including any demolition or earthworks.
- Environmental Health Officer:
We have no environmental health concerns regarding the proposal once constructed. The applicant should ensure that they follow the Considerate Contractor's scheme, including adhering to standard working and delivery hours, to ensure that close by residents are not adversely affected during construction if the application is approved.
- DCC Public Right of Way:
No response received.
- Wembury Parish Council:
No comments to make.

Representations:

34 letters of objection and 15 letters of support received at the time of writing. Full versions of the responses can be read online. Summary of issues raised:

Support:

- Sympathetic proposal
- Landscape design
- Does not take away from AONB
- Modest design
- Sustainability
- Design
- Parcel of land untidy and would be enhanced
- Encourage lane to be kept clean
- Cannot flood due to level
- No obstruction to water run off
- Wildlife

- Traffic no heavier than anywhere else
- Provides modest size family home
- No landscape impact
- Materials sympathetic to AONB
- Siting is close to existing houses
- Materials are subdued
- Landscaping will ensure plot remains green and attractive
- Appropriate for infilling
- Self build
- Respects privacy of neighbours
- No impacts on current landscape
- Appropriate size and scale
- Biodiversity encouraged/ enhancements
- Access improved
- Comparable size to other plots
- Site will be largely screened and works with the levels of the site
- Scale and massing
- Appropriate vacant infill plot in the sustainable bounds of this established village
- Conserves and enhances the AONB

Objection:

- Impact on AONB
- Impact on heritage coast
- Extension of urbanised part of village
- Will be used to justify future proposals/ sets precedent
- Traffic impacts
- Highway safety
- Plot is very small
- Visual impact
- Flood risk
- Drainage
- Loss of privacy
- Proximity to coastal footpaths
- Should guard against piecemeal development
- Undeveloped coast
- Impact on coast line
- Views from coast path and sea
- Rights of way over lane
- If site is developed may rip out curb race/road to make plot bigger
- Loss of green space
- Too big for site
- Height
- Impact on views
- Impact on trees/ treeline/ hedge bank
- Impact on wildlife
- Impact on character and appearance of Cliff Road
- Negative impact on right to enjoy quiet enjoyment of area and own property
- Scale of building
- Not justified by local need
- Visual amenity
- Mitigation does not reflect special characteristics of natural coastal and rural landscape
- Land ownership

- If approved, pressure to trim or remove hedges/bank
- County wildlife site
- Does not accord with Policy DEV26 of the JLP
- Overdevelopment of site
- Out of context with neighbouring properties and land
- Future development
- Increase in density will negatively impact AONB
- Loss of light and overshadowing
- Noise
- Neighbourhood Plan and residents survey results
- Wembury not identified as sustainable settlement
- Greenfield site
- Fails to enhance designated landscape
- Comparison to other approved applications
- Does not address imbalance in existing housing stock
- Independent review by design review panel should be facilitated
- Contrary to national and local policy
- Insufficient parking
- Impact on private right of way
- Not in keeping
- Access

[Officer note – the applicant has confirmed that the on the basis of land registry documentation and title deeds, the red line boundary as depicted is accurate and correct. Issues relating to land ownership are a civil matter and cannot be considered further.]

A representation has noted that an access gate is shown on the south west boundary accessing a private field. The applicant has confirmed there is already a gap in the bank (see the existing site survey) which accesses a strip of land that forms a historic right of way linking the track part of Cliff Road (next to the South East corner of the application site) to adjacent private properties including Clover Cottage and 145 Church Road. Part of this strip of land runs parallel to the south west boundary of the application site and physically separates the application site from the field noted by the representation. The 'strip' is shown on both the submitted Site Location and Site Block Plans, lying to the South West boundary of the application site (as a slightly tapering rectangle shape), and then South of Clover Cottage (a more triangular shape), ending at the western end with the boundary to 145 Church Road. The owners of Clover Cottage, and the owners of 145 Church Road have a legal right of way over this strip of land (as determined by restricted covenants). The gate is shown so that the land can be accessed in the future for maintenance and improvement of the hedgerow along the South West boundary of the application site. The applicant has noted the application site doesn't currently have a right of way or access, but they would seek to secure this for the reasons noted (ie maintenance) in the event consent is granted as a civil matter.]

Relevant Planning History

58/1982/80/1 Outline Planning Application. Refused 07/04/81

58/1743/00/O Outline application for erection of bungalow. Refused 12/06/01 Appeal dismissed

The appeal was dismissed for reasons including the presence of tree and hedgerow cover along the southern and western boundary of the site and the assumption that any dwelling

would be overshadowed, resulting in the subsequent occupants' desire to remove the trees and vegetation, and which in turn would negatively impact the AONB. The larger trees and shrubs that were present on site at that time have since been lost, due to storm damage.

The Inspector acknowledged that the site had the potential to accommodate residential development, as the Appeal Decision stated that the ..'site is quite small and is physically capable of accommodating a modest dwelling close to the western boundary, given careful design, siting and layout...'

1920/17/PRE Pre-application enquiry for provision of single dwelling. No officer support (limited information provided) 05/10/17

1766/20/PR4 Pre Application for proposed dwelling on vacant plot. Officer support 14/10/20

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy describes how the settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside will be used to inform whether a development proposal can be considered sustainable or not.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. Wembury is not expressly identified within the Council's Thriving Towns and Villages Policy Area because of its location within the South Devon Area of Outstanding Natural Beauty and it is therefore classified as countryside within the fourth tier of the Council's settlement hierarchy for the purposes of Policy TTV1 of the JLP.

Policy SPT1 identifies a range of principles of sustainable development and SPT2 details a number of principles of sustainable linked neighbourhoods and sustainable rural communities. Having a reasonable level access to a mixed use centre which meet the daily needs for services, having a good balance of housing types to meet identified housing needs, and the promotion of resilience and well balanced demographic profile with access to housing and services are key components of SPT2. There are considered to be sufficient services and facilities as well as public transport facilities to describe Wembury as a sustainable location.

The application site is well integrated within the discernible built up area of Wembury and is adjacent to existing built form. The site is considered to be within appropriate distance to local facilities which would not result in an over reliance on private motor vehicles. The proposal is therefore considered to accord with Policies SPT1 and SPT2 of the JLP.

Policy TTV1 explains that in Smaller Villages, development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and SPT2) including as provided for in Policies TTV26 and TTV27. In this case policies TTV26 and TTV27 are not directly engaged because the site is located within a settlement, within its built up area, and is well-connected to local services.

In light of the above, officers are satisfied that the application site is located within a sustainable location and would accord with the objectives outlines in JLP Policies SPT1, SPT2, TTV1 and TTV2.

Policy DEV8 relates to the Thriving Towns and Villages policy area. The policy seeks to ensure that homes are provided which meets the community's needs. The type, tenure and size of properties is a key consideration. In reviewing the ONS data, which has been used to indicate housing need by Parish, Wembury has a comparable number of 3 bed houses as the South Hams average and an undersupply of 2 bedroom dwellings. There is an oversupply of detached properties in Wembury compared with the South Hams as a whole.

The proposal is for a 3 bedroom detached dwelling. As there is no strong over or undersupply of 3 bedroom properties, the proposed 3-bedroom property would not exacerbate an existing imbalance in the parish. The proposal would however add to the predominance of detached houses in Wembury. However, given the site circumstances, a detached dwelling is considered to be appropriate for this location as the site is somewhat constrained and it would not be possible to provide two policy compliant semi-detached properties. The proposal seeks to provide a dwelling suited to a working family, with in built study and has provision to enable future accessibility if required at a later date. It is therefore considered that the objectives of Policy DEV8 of the JLP have been met.

Paragraph 11.15 onwards of the adopted SPD notes that in rural settlements outside the top three levels of the settlement hierarchy, or in the countryside, as in this case, it is considered necessary to restrict the ownership and occupation of new dwellings (other than replacement dwellings or those considered as 'isolated' in planning terms) to people who can demonstrate a local connection in order to make the proposal acceptable in planning terms. Following a recent appeal of refused application 3538/19/FUL it has been accepted by the Local Planning Authority that where there is only a conflict with the broad spatial strategy, and no specific policy conflict, that a local connection restriction should not be sought. The JLP Officer has considered the proposal, noting that there is an existing oversupply of detached properties in Wembury, however in this instance it would not be considered reasonable to require a local connection legal agreement given the constraints of the site would not allow for semi-detached properties and there is no other conflict with the wider spatial strategy. As such a local connection s106 has not been requested as it is not considered necessary.

Design, Visual Impacts and the South Devon AONB:

The site is located within the South Devon AONB on the edge of Wembury village, and is on land located between existing dwellings, within the built up area of the village (as indicated by the site's exclusion from the Undeveloped Coast and Heritage Coast designated areas). The site's boundaries are post and wire fencing with a gated vehicle access point from Cliff Road.

Policy DEV20 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, whilst Policy DEV23 requires that development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Policy DEV25 states that the highest degree of protection will be given to the protected landscapes of the South Devon AONB. The LPA will protect the AONB from potentially damaging or inappropriate development located either within the protected landscape or its settings. This policy requires all development proposals to conserve and enhance the natural beauty of the protected

landscape with particular reference to its special qualities and distinctive characteristics or valued attributes.

Careful regard needs to be afforded to the policies set out within the South Devon AONB Management Plan, which the design, access and planning statement acknowledges. It is not to say that no further development will be permitted within these locations but careful consideration needs to be afforded to the landscape impact.

This site does not have extensive views of the sea, partly due to the surrounding vegetation but also because the site topography slopes down to the north, effectively containing the site, and directing its focus to the residential development nearby. There are, however, some high-level views out to the south-west, towards elevated land beyond Wembury village. The application has been supported by a landscape and visual impact assessment (LVIA) which has considered the landscape sensitivity, the proposal and its effects and includes an assessment on the visibility of the site and the visual implications from the proposal.

The site falls within landscape character type area (LCT) 1B: Open Coastal Plateaux, and a key characteristic of LCT 1B is '*Pockets of remnant semi-natural grassland and scrub are valued habitats for birds and invertebrates with some areas locally designated as County Wildlife Sites.*' This site is immediately adjacent to Smallacombe County Wildlife Site – Priority BAP Habitat - Lowland meadow. The trees, shrubs and scrub to the south and south-west of the site, and beyond, typify this characteristic. The proposed landscaping scheme and ecology report demonstrates that this will be protected from the effects of any development. The site itself is characterised by overgrown grassland reverting to scrub with some invasive ornamental plants present.

The footprint of dwelling is set away from the boundary with Clover Cottage with a separation distance of approximately 9.2m between the proposed dwelling and Clover Cottage's outbuilding/garage. The proposed single storey outbuilding for bin and storage is set 1.2m from the shared boundary. Due to the sloping topography of the land Clover Cottage sits significantly lower than the application site with the ridge of Clover Cottage approximately 5.6m lower than the ridge height of the proposed dwelling. Similarly, 6 Hawthorne Park Road sits higher topographically than the application site with a ridge height approximately 4.224m higher than the ridge of the proposed dwelling. The character and scale of other nearby residential properties is varied and includes single, 1.5, 2 and 2.5 storey dwellings along Hawthorne Park Road and the east of Cliff Road. Clover Cottage to the north west of the application site is a detached dwelling within a larger plot and is more characteristic of the dwellings within Church Road.

The Landscape Specialist has considered the proposal and noted the proposals are found to respond positively to the AONB Management Plan through:

- the retention of existing boundary trees and vegetation;
- the use of a Devon hedge with trees along the north and eastern boundaries;
- a building form that is a contemporary reflection of traditional building design;
- the use of local vernacular materials;
- the use of dark colours to the exterior elevations to help the built form recede into the landscape, and
- external landscaping and planting proposals that enhance biodiversity and reinforce local distinctiveness through the use of vernacular hard landscape materials, native plants and locally appropriate orchard trees.

Overall the Landscape Specialist considers that the landscape proposals will help to assimilate the development into its setting and reduce and mitigate adverse visual effects. No disagreement is found with the findings of the LVIA report and it is considered that the development of this site as described would not conflict with the published Landscape Guidelines for this Landscape Character Type. Overall, the proposed development is considered to be consistent with the edge of village setting and therefore accords with landscape policy, where the landscape character is conserved, as are the special qualities of the South Devon AONB.

Following consideration of the detailed design submission, LVIA and landscaping details and the Landscape Specialist's comments, it is considered that the size, scale and visual appearance of the proposed dwelling takes suitable reference from the surrounding area and streetscene and although appearing contemporary in nature is considered to assimilate well into the mix of housing types and designs within the locality. The overall scale and mass of the scheme appears to be appropriate, taking reference to the local typography, and there is good separation between the proposed new dwelling and the neighbouring property; Clover Cottage's outbuilding and dwelling. Whilst concern has been raised within letters of representation about the size and scale and considered overdevelopment of the plot, the proposed landscaping and space around the dwelling is not considered to result in an overdeveloped or cramped visual appearance when considering the context of the plot. It is acknowledged that the proposal will develop an existing undeveloped overgrown area of land, however the site is outside of the undeveloped coast and heritage coast landscape designations which strictly control development and is present immediately adjacent to the site and take in the remainder of Cliff Road, and it is considered that the site is closely related to and viewed in association with existing built form. The proposal is as a whole considered to respond positively to the application site and wider area and as such, is considered to conserve and enhance the special qualities of the South Devon AONB.

Given the constrained nature of the site it is recommended that permitted development rights be removed for further alterations/enlargements to the dwelling to retain control over any future enlargement of the property to avoid overdevelopment, unacceptable impact on landscape character and to ensure the amenity of neighbours is protected.

Conditions are also recommended to secure material details to ensure the detailing used, particularly for the roofing material and facing are appropriate, and for details of hard and soft landscaping works, and details of external lighting which is recommended by the Landscape Specialist.

With the addition of the recommended conditions the proposal is considered to accord with JLP Policies DEV20, DEV23 and DEV25 and the AONB Management Plan.

Space Standards and Amenity Space:

JLP Policy DEV10 requires, amongst other things, both new and converted dwellings to have an acceptable amount of internal space that meets national space standards. In addition, a sufficient amount of external amenity space is also required with the SPD indicating that a detached dwelling should be served by 100m² of usable outside space.

The application proposes the erection of a 3 bedroom dwelling set over three floors. The nationally described space standards specify that a 3 bedroom 5 person dwelling should be a minimum of 99m². The proposed dwelling meets this required space standard with an approximate floor area of 132m² and has adequate light serving the habitable rooms. The

proposal is also considered to provide an acceptable amount of outside amenity space to serve the proposed dwelling in excess of the 100m² requirement.

The proposal is therefore considered to constitute a good quality living environment for the future occupiers and accords with Policy DEV10 of the JLP.

Neighbour Amenity:

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

The proposed dwelling would be sited approximately 9.2m from the adjacent property; Clover Cottage's outbuilding/garage whilst the proposed single storey flat sedum roof outbuilding for bin and storage would be sited 1.2m from the shared boundary. The boundary to this dwelling is currently highly vegetated due to the site's overgrown nature and views into this property currently cannot be achieved. The proposed landscaping scheme proposes to re-inforce this boundary, maintaining existing native trees and hedgerows and supplementing it with additional mini orchard planting. There is a significant level difference between the application site and Clover Cottage resulting in the ridge of the proposed dwelling being approximately 5.6m higher than the ridge of Clover Cottage.

The potential impact of the proposed development on Clover Cottage is reduced due to the existing presence of Clover Cottage's single storey pitched roof outbuilding/garage which sits along their south east boundary with the application site and sits almost in line with their dwelling. Due to level differences within their site, the ridge of Clover Cottage's garage is comparable to the ridge of their dwelling thereby significantly limiting any potential outlook or views of the application site from within their dwelling. In addition, the proposed dwelling is sited to sit further forward in the plot than Clover Cottage thereby meaning that built form from the proposed development will not extend beyond the rear elevation/ built form of Clover Cottage.

Due to the siting and separation distances, the proposed dwelling is not considered to result in an overbearing impact upon Clover Cottage and although significantly higher, is not considered to impact on the light levels within the dwelling or to their outside amenity space. Within representations the occupiers of Clover Cottage have noted that the proposal would result in overlooking to their land to south west boundary of the site. This land is not domestic garden area and it is noted in their representation that it is used to house their poultry and beyond that is an area of woodland and county wildlife site. It is considered that any views achieved from the proposed dwelling into this field and beyond are acceptable given the land use.

A condition is recommended to ensure that the two first floor north west elevation side windows serving an en-suite and bedroom 1 facing Clover Cottage are obscure glazed and of a restricted opening, due to a small potential for oblique angle views towards their rear garden and as vegetated boundaries cannot be permanently guaranteed this will ensure that privacy is retained.

Paragraph 13.19 of the adopted SPD recommends that there should be a minimum separation distance of 21m between habitable room windows facing directly opposite each other to ensure adequate privacy is retained. The separation distance from the front of the proposed dwelling to the property across the street; number 5 Hawthorne Park Road is

approximately 22m at their closest points. The front of number 5 is already clearly visible when standing in the streetscene and that coupled with the separation distance is considered to result in an acceptable relationship in respect of privacy and dominance. Similarly, given the separation distance from the proposed dwelling to number 6 Hawthorne Park Road is approximately 23.1m at their closest points, and given the orientation of this existing and the proposed dwelling, the relationship is considered to be acceptable and without loss of privacy or resulting in an overly dominant impact.

It is also considered reasonable to add a pre-commencement construction management plan condition to safeguard the amenities of the adjoining residential properties given the restricted nature of the site and proximity to neighbouring properties.

As such, with the addition of an obscure glazing/restricted opening condition, restriction of permitted development rights and a pre-commencement construction management plan condition, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with JLP Policies DEV1 and DEV2.

Highways, Access and Parking:

The DCC Highway Officer has not raised an objection to the proposal, instead requiring Officers to consider the standing DCC Highways advice issued to the Council.

The proposal seeks to block up the existing access onto Cliff Road and form a new access further northwards onto Cliff Road, close to Clover Cottage's vehicular access. A proposed site plan with visibility splays has been provided in support of the application. This demonstrates that there is adequate 2.4m x 40m visibility in both directions from the new access. Whilst the access is in relatively close proximity to the junction of Cliff Road, the visibility splays allows views of users of the junction and it is considered that users of the junction would likely be travelling at low speeds due to the width of the lane and the presence of the upcoming junction. It is also considered that the new access is an improvement on the existing access given the increased distance from the junction. The existing access also links to the public right of way (PRoW) and the blocking up of this access and relocation will remove the access from joining the PRoW, thereby reducing traffic along this route. The proposal will include the re-location of the public right of way signage. Consent from Devon County Council is likely required for this change and this will be advised to the applicant via an informative. As such the proposed access is considered to be acceptable and will provide a safe and satisfactory vehicular access to and from the site.

The proposal makes provision for 2 car parking spaces within the site which accords with the recommended number of spaces needed for a three bedroom dwelling within paragraph 8.7 of the adopted SPD and the size requirements for these spaces.

The parking spaces and access will be secured by condition to be provided prior to first occupation of the dwelling and retained thereafter to ensure adequate on-site parking is available to serve the development.

It is therefore considered that the access and parking arrangements are acceptable and comply with DEV29 of the JLP, the adopted SPD and the DCC Highways Standing Advice guidance document.

The proposal includes a shed/bin storage building to the rear of the parking area and there is considered to be sufficient space within the site for storage of waste and recycling in accordance with Policy DEV31 of the JLP.

Flood Risk and Drainage:

The site is located in Flood Zone 1 and is not located within a critical drainage area and therefore in flood control terms is an appropriate site for residential development being a site which according to the Environment Agency maps is least vulnerable to flooding.

The Council's Drainage Specialist has considered the proposal and originally raised an objection to the scheme noting that the proposed surface water drainage scheme was for an attenuated offsite discharge. Having reviewed the plans it would appear that the proposed discharge is to the highways drains but the report indicated that DCC Highways are unlikely to permit discharge to their system. Therefore this cannot be supported and the applicant needed to consider discharge to watercourse in first place and if that is genuinely not possible then a connection to South West Water (SWW) sewer can be considered, subject to SWW permission.

Following receipt of this comment the applicant has provided additional/revised drainage information and clarified information that had already been submitted also noting that confirmation and permission from SWW to discharge surface and foul drainage to the SWW sewer has been accepted and confirmation of this is included within appendix B of the Design, Access & Planning Statement. The following revised and updated drainage details were submitted for consideration:

- Revised Drainage Calculations – responding to the Drainage Specialist's queries and allowing for the increased discharge rate suggested
- Revised attenuation tank design to allow for inclusion of a 'hydro-brake' flow control device as detailed in calculations
- Revised plans showing the drainage scheme with dimensions and levels of attenuation features within the private ownership

The Council's Drainage Specialist considered this information and confirmed that based on the information provided they would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme and the surface water is now discharging to a dedicated surface water sewer which is the best solution for this site. It was recommended that if permission is granted a compliance condition should be added.

With the addition of this condition the proposal is considered to accord with Policy DEV35 of the JLP.

Ecology/Biodiversity:

The application has been supported by an ecological impact assessment. The report confirms that the proposed development will result in the loss of the majority of habitats on site, with the exception of boundary hedgerows. This loss (less than 0.04ha) is not considered significant in terms of nature conservation, with no rare or important habitats or plants to be lost. Site clearance will include the removal of non-native and invasive plants including buddleia and variegated yellow archangel, which in the long-term will be beneficial to native flora both within and outside the site boundary.

To compensate for habitat losses, the below measures will be undertaken via the landscaping scheme which will be required by condition:

- New planting to include native and pollinator friendly shrubs and herbaceous species. As per the Landscape Design (Rathbone Partnership, dwg: CRW/01).
- 134 m² of flowering lawn.
- 22.5m² sedum roof, sown with a mixture that includes British species.
- Meadow grass (approx. 23m²) which is to be kept long at hedgerow bases below a proposed orchard area.
- 16m new native hedgerow either side of site entrance. To comprise at least 5 native woody species.

The assessment goes on to confirm that no further surveys are required and that the proposal will have an acceptable impact on protected species. A number of recommendations are made within the report to prevent harm to protected species during development and the installation of 5 inbuilt bat boxes, 3 inbuilt bird boxes, 4 inbuilt bee bricks and 1 log/brush pile for invertebrates are recommended to ensure biodiversity net gain is achieved. A condition requiring adherence to the report and the installation and retention of the enhancement measures will be added.

The site falls within the 12.3km Zone of Influence for impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. The HRA in full of the JLP concluded that the recreational impacts on designated sites arising from planned residential development, either alone or in combination with other plans or projects needs to be addressed. To enable the planned development to proceed, the Conservation of Habitats and Species Regulations 2017 requires that appropriate mitigation measures are in place to ensure that the proposed development will not result in an adverse impact on the integrity of the designated European sites. Recreational mitigation will be delivered through the Recreation Mitigation and Management Scheme for the Plymouth Sound and Estuaries Marine Site which requires all residential development within a 12.3km zone of influence to contribute towards the costs of the plan. Without mitigation new residential and tourist development, in combination with other development, could have a significant effect. The rate for a 3 bedroom house is £467.91 which can be agreed via unilateral undertaking.

With the addition of a condition requiring adherence to the ecology report and providing a unilateral undertaking has been secured for the required amount prior to the determination of the application, the proposal will have an acceptable impact on the SAC, SPA, County Wildlife Site and will result in biodiversity net gain in accordance with Policy SPT14 and DEV26 of the JLP and the adopted SPD.

Trees:

The Council's Tree Specialist has considered the arboricultural impact assessment submitted in support of the application and has undertaken a site visit. Having reviewed the submitted information the Officer considered that the submitted tree report accurately identifies species, locations (where accessible) and tree condition. However, the full radial root protection areas (RPA) are incorrectly ascribed to all trees; actual site constraints of adjacent structures and the highway would prevent this and offset RPAs would be expected. This will have impact on the construction of the driveway and location of tree protection fences and thus a revised Tree Constraints Plan, Tree Protection Plan and Method Statement for the driveway are

required. The Officer also notes that given the technical nature of the no dig solution, a number of supervisory visits by a suitably qualified arborist are required at key junctures to ensure correct placement of fencing, accuracy of vegetation to be removed, management prescriptions for the hedge are clearly passed on and a supervision/ tool box talk are undertaken and this should be required within an updated Arboricultural Method Statement.

This information will be required via a pre-commencement condition as suggested by the Officer. With the addition of the suggested condition the proposal is considered to have an acceptable impact on trees in accordance with Policy DEV28 of the JLP.

Low Carbon Development:

The proposal comprises a number of measures to meet passivhaus principles which will ensure that it reduces its carbon footprint and these are detailed within the DEV32 statement contained within the design, access and planning statement. This notes that the intention will be to incorporate very high levels of insulation to reduce heat loss to an absolute minimum, and then manage the small amount of remaining energy input required with renewable energy generation. The proposals are also orientated to maximise the use of solar gain principals, and as such encourage less reliance on artificial heating methods. The dwelling will utilise an air source heat pump, mechanical ventilation heat recovery system, integrated solar PV and will include an electric vehicle charging point.

The measures detailed within this DEV32 statement are considered acceptable and in accordance with Policy DEV32 of the JLP and a condition requiring that the development proceeds in accordance with these details is recommended to ensure compliance with this policy.

Conclusion:

To conclude, the principle of a dwelling in this location is considered to be acceptable and in accordance with Policies STP1, SPT2, TTV1 and TTV2 of the JLP. Whilst concerns relating to the impact of the proposal from a landscape perspective and the impact it will have on the AONB have been raised, the Landscape Specialist considers the proposal to be acceptable, and upon detailed consideration the size, scale, visual appearance and impact on the landscape, including the AONB are considered to be acceptable and in accordance with Policies DEV20, DEV23 and DEV25 of the JLP. The proposal is considered to have an acceptable impact on the amenity of surrounding occupiers and users in accordance with DEV1 and DEV2 of the JLP. Similarly the proposal is considered to be acceptable from an ecology, flood risk/ drainage, trees, highways/access and low carbon development perspective and is in accordance with Policies DEV26, DEV28, DEV29, DEV31, DEV32 and DEV35 of the JLP.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in

accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

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

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

The Wembury Neighbourhood Plan is at the area designation stage which carries no weight.

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:

The Plymouth & South West Devon Joint Local Plan SPD

DCC Highways Standing Advice

South Devon AONB Management Plan 2019 to 2024

Landscape Character Assessment

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s):

Received by the Local Planning Authority on the 23rd August 2021:

EX (90) 001 Site Location Plan

GA (90) 002 Proposed Site Block Plan

GA (90) 003 Proposed Site Layout & Roof Plan

GA (0) 102 Proposed First Floor Plan

GA (0) 103 Proposed Roof Plan

GA (0) 120 Proposed House Elevations – North East & South East

GA (0) 121 Proposed House Elevations – South West & North West

GA (0) 125 Proposed Site Elevation – North East (Cliff Road) & Site Section

CRW/01 Landscape Design

300 P1 Proposed Site Plan Showing Visibility Splays

GA (0) 101 Proposed Upper Ground Floor Plan

GA (0) 100 Proposed Lower Ground Floor Plan

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. No development shall be carried out (including all preparatory work and groundworks), unless a Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall specify details of:

- The hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors);
- Loading and unloading of plant and machinery;
- Facilities for the storage of plant, machinery and materials used in the construction of the development;
- Wheel washing facilities;
- Measures to control the emission of noise, dust and dirt during construction;
- A scheme for the recycling/disposal of waste resulting from the site clearance/construction works.

The development shall not be carried out unless in strict accordance with the approved details.

Reason: In the interests of local amenity. Construction management details need to be agreed prior to works commencing as matters require oversight from that time.

4. Prior to the commencement of the development hereby approved (including all preparatory work and groundworks), a scheme for the protection of all trees to be retained, including offsite trees, in accordance with BS 5837:2012, including an updated tree constraints plan, tree protection plan, method statement for driveway and an arboricultural method statement within their periods of indemnity and updated as necessary shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality.

5. Prior to their installation, details / samples of all facing materials, and of roofing materials to be used in the construction of the proposed dwelling 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 as approved and retained as such thereafter.

Reason: In the interests of visual amenity.

6. Prior to the first occupation of the dwelling hereby approved, full details of the hard and soft landscape works, including an implementation and management plan, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be prepared by an appropriately qualified professional and shall include:
- Materials, heights and details of hedgebanks, fencing and other boundary treatments;
 - The location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - The method of planting, establishment and protection of tree, hedge and shrub planting;
 - A timetable for the implementation of all hard and soft landscape treatment

All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the first occupation of the dwelling hereby approved or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

The approved landscaping scheme shall be carried out in its entirety and shall accord with the approved details and timetable. Any boundary treatments or means of enclosure shall be carried out and installed prior to the first occupation of the dwelling.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and protected landscape, taking account of the particular landscape characteristics of the site and its setting.

7. There shall be no external lighting unless details have first been submitted to and approved in writing by the Local Planning Authority. Details shall include function, location, design and intensity.

Any lighting agreed shall be installed in accordance with the approved details and maintained as such thereafter.

Reason: For the protection of protected species and in the interest of visual amenity.

8. The recommendations given in the 'Ecological Impact Assessment' by ge consulting dated July 2021, shall be followed, including precautions to prevent threat of harm during construction works, timings of work to avoid bird nesting season and the installation of 5 inbuilt bat boxes, 3 inbuilt bird boxes, 4 inbuilt bee bricks and 1 log/brush pile for invertebrates. The boxes, bricks and log/brush pile shall be installed prior to first occupation of the dwelling hereby approved and shall be retained thereafter.

Reason: To safeguard protected and/or priority species, and to ensure biodiversity net gain.

9. Prior to the first occupation of the dwelling hereby approved, the access and parking area shall be laid out in accordance with approved plans '300 P1 Proposed Site Plan Showing Visibility Splays' and 'GA (0) 100 Proposed Lower Ground Floor Plan' and made available for use by occupants of the dwelling and retained as such in perpetuity.

Reason: In the interests of the safety and convenience of users of the highway.

10. The drainage scheme shall be provided in accordance with approved plans '206 P2 Proposed Site Plan Showing Exceedance Flowpaths'; '205 P2 Proposed Site Plan Showing Indicative SW Drainage Layout'; '204 P2 Proposed Site Plan Showing Potential SW Connection Points' and 'Calculation Sheet. REV3' prior to first occupation of the hereby approved dwelling, and shall be maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure a satisfactory drainage system is provided to serve the development.

11. Prior to first occupation of the dwelling hereby approved, the two windows at first floor level on the north west elevation facing Clover Cottage shall be fitted with a minimum of level 3 obscured glazing over the entirety of the windows with no clear areas and shall also be fitted with a 100mm restrictor. The windows shall thereafter be permanently retained in that condition.

Reason: To protect the amenity and privacy of residents of the adjacent property; Clover Cottage.

12. The construction of the dwelling hereby approved shall be carried out in accordance with the details contained in the 'Dev32 carbon reduction checklist for minor applications' contained within the Design, Access & Planning Statement within section 6.0. All measures contained within the checklist to limit carbon emissions and improve water efficiency/recycling including the installation of solar PV, MVHR system, air source heat pump and EV charging point shall be implemented prior to first occupation of the dwelling hereby approved.

Reason: To ensure that the development contributes towards delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and to contribute towards the use and production of decentralised energy.

13. 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.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) (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, Class B (Additions to the roof)
- (d) Part 1, Class C (Other alterations to the roof)
- (e) Part 1, Class D (Porches)
- (f) 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)
- (g) Part 1, Class F (Hard Surfaces)
- (h) Part 2, Class A (Gates, fences, walls etc)

Reason: To protect the appearance of the site within the landscape context of the AONB and to ensure adequate space is retained about the dwelling hereby approved and in the amenity.