

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

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

Application No: 2363/22/FUL

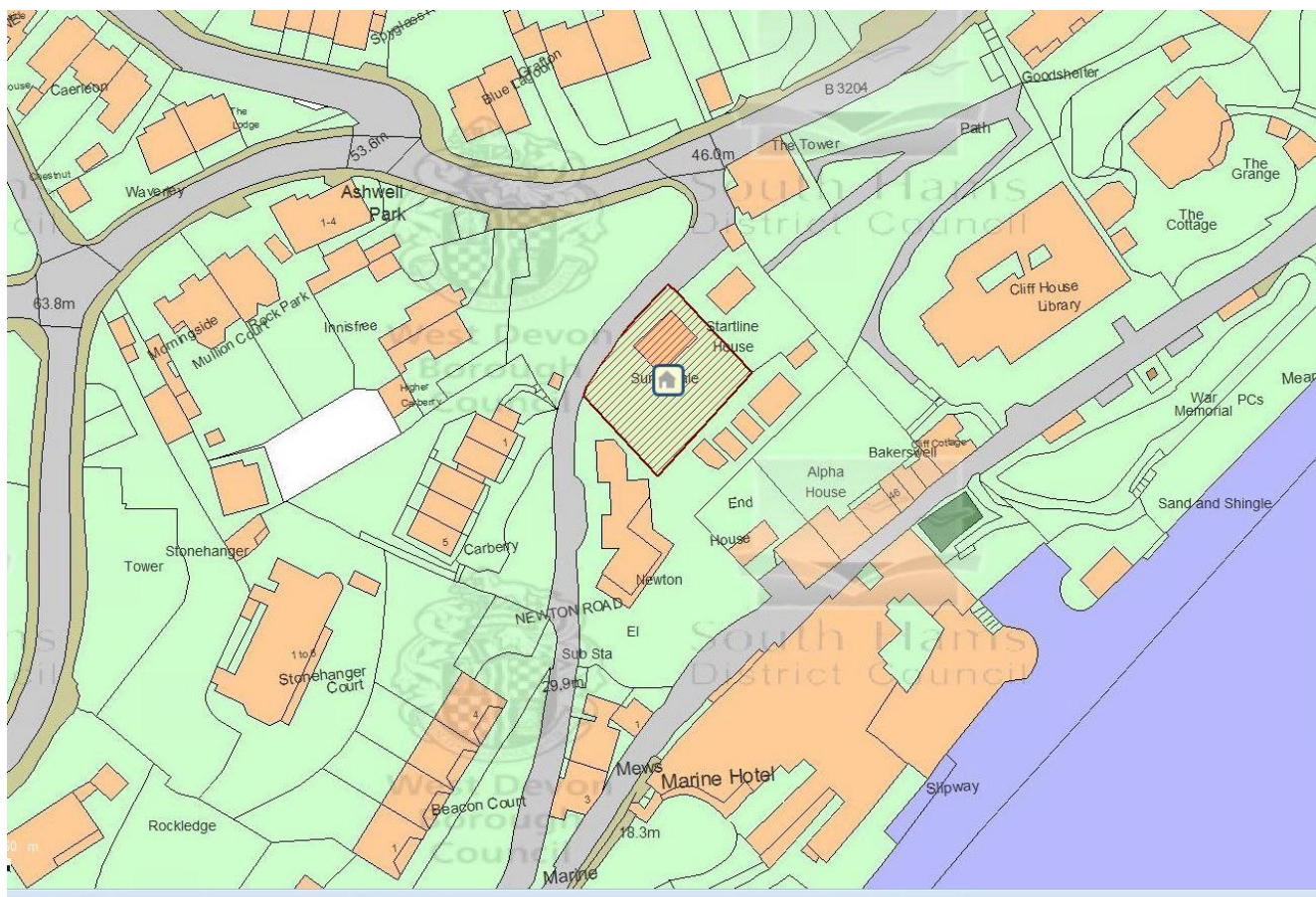
Agent:

Mr Tim Provost
BBH Chartered Architects Ltd
9 Duke Street
Dartmouth
TQ6 9PY

Applicant:

Mr & Mrs Taylor
Sunnydale
Newton Road
Salcombe
TQ8 8HH

Site Address: Sunnydale, Newton Road, Salcombe, TQ8 8HH



Reason for call-in: Cllr Long would like the Committee to review the application with respect to the scale, footprint and massing, design and Construction Management Plan.

Development: Demolition of existing dwelling & construction of new detached house with associated landscaping

Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. CEMP
4. Materials samples (natural slate)
5. Materials samples (natural stone sample panel)

6. Surface water drainage
7. Air source heat pump
8. Adhere to ecological report

Key issues for consideration:

Design, scale and massing, low carbon, neighbour amenity, drainage, heritage, highways safety, biodiversity, impact on South Devon Area of Outstanding Natural Beauty.

Site Description:

The site is located within the built form of Salcombe, c. 0.25km from the town centre. The site hosts a detached dwelling overlooking a terraced garden and the Estuary to the east. The site is accessed via Newton Road and there is off-road parking to the west of the dwelling; there are double yellow lines on both sides of Newton Road adjacent to the application site and there is a one way system in operation so cars can only travel south to north.

The Proposal:

The applicant has an extant permission to alter and extend the existing dwelling under 3635/21/HHO. The applicant now wishes to demolish the existing dwelling and provide a contemporary replacement, with associated parking and garden landscaping. The dwelling will be served by air source heat pumps; an electric vehicle charging point will be provided within the garage and a further point within the parking area.

Consultations:

- County Highways Authority No comments received
- Town Council Objection

Objection as this was overdevelopment of the site as the proposed development was at least 50% larger than the previously approved refurbishment and extension. The amount of glazing and design would severely impact the AONB (particularly when viewed from the estuary and coast path) which was contrary to NDP policy ENV1 (a & b). The design did not fit in with the surrounding buildings contrary to NDP policy B1 (b). There would be a loss of a public view of the estuary from both Devon Road and Newton Road.

Representations:

Representations from Residents

Eleven letters of objection have been received and cover the following points:

- Overdevelopment of the site
- Proposal is even larger than the consented scheme
- Should compare with what is existing not what is consented
- Will block light to neighbours
- They should build down into the garden where the development can be better accommodated instead of upward
- Inappropriate design in the South Devon AONB; would be visually prominent in views from East Portlemouth and the estuary
- The design and materials are out of keeping with the local residential area and would be more appropriate in a more industrial setting
- The design is bland, ugly and boring
- Car parking is dangerous; cars are too close to the road where drivers are inclined to speed up, no turning curves have been provided, when cars occupy the spaces pedestrian access is not possible
- The development will block public views of the estuary
- Approval would set a precedent for further such developments in the area
- Plans are inaccurate and misleading

Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision
41/1052/78/3: FUL	Provision of vehicular layby	Sunnydale Newton Road Salcombe	Conditional approval: 19 Sep 78
41/1279/88/3: FUL	Ancillary accommodation and layby	Sunnydale Newton Road Salcombe	Conditional approval: 26 Aug 88
41/0220/97/3: FUL	Alterations and extensions	Sunnydale Newton Road Salcombe.	Conditional approval: 01 Apr 97
41/1249/98/3: FUL	Amendments to approved plans for alterations and extensions	Sunnydale Newton Road Salcombe.	Conditional approval: 17 Sep 98
41/0676/02/F: FUL	Extension and alterations	Sunnydale Newton Road Salcombe Devon TQ8 8HH	Withdrawn: 20 May 02
41/1790/12/PREMIN: PRE	Pre-application enquiry for proposed demolition of existing dwelling and erection of new dwelling	Sunnydale Newton Road Salcombe TQ8 8HH	Pre app not concluded CLOSED: 29 Nov 12
1641/21/HHO	Householder application for refurbishment, extension, second parking space and landscaping works	Sunnydale Newton Road Salcombe TQ8 8HH	Withdrawn
3635/21/HHO	Householder application for refurbishment, extension and landscaping works (Resubmission of 1641/21/HHO)	Sunnydale Newton Road Salcombe TQ8 8HH	Conditional approval: 01 Feb 22

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Salcombe and hosts a single residential dwelling with consent to extend; the principle of development within this context is therefore established, subject to compliance with the other protective designations in this highly sensitive location.

Design/Landscape

Objectors have suggested that the applicant build down into the garden instead of upward, so that the bulk of the new development can be better accommodated by the site. Officers note that a range of alternative development options may be available to the applicant but that only the scheme as submitted can be considered.

Objectors have also asked that the proposed scheme be compared to the existing dwelling only and not the consented scheme (3635/21/HHO). Officers confirm that the proposed scheme will be considered on its own merits but that Officers have had regard to the fact that there is an extant consent for the existing dwelling to be extended and altered.

Objectors have raised concerns that due to the increased scale and bulk of development, the proposal represents overdevelopment of the site. The site falls within character and density policy area B of SALC ENV7 Maintaining the character and density of development in key areas of Salcombe. Officers note that the replacement dwelling would be larger than the existing dwelling but that the applicant has provided plans to demonstrate that the ridge height of the new dwelling will not

exceed the height of the existing dwelling. The footprint and bulk of development will increase but much of this will sit below street level within Newton Road and as such, is unlikely to be unduly visually prominent when viewed from within the street scene. Much of the garden is to be retained in its current terraced form; the applicant has provided a landscaping plan to demonstrate where planting will be sited to help to maintain the character of the site. Officers note that the applicant seeks to replace the dwelling only, albeit with a larger building, rather than to subdivide the plot for additional dwellings. Officers consider that in totality, the proposal does accord with the provisions of SALC ENV7.

The design has attracted some criticism; objectors have raised concerns that the design is more suited to an industrial setting than a residential street and that the contemporary design centred around the three gables is bland, ugly and boring. Officers recognise the strength of feeling and would acknowledge that the design would also be likely to sit comfortably in an area with a more industrial character. It is noted that the design is very clearly contemporary and that such a design may not be to everyone's taste. There are a range of dwellings in the area surrounding the site and Officers consider that when viewed in this context, the proposal would not appear incongruous. Concerns regarding the visual prominence of the dwelling, with its glazed gables, within wider views from East Portlemouth are also noted. However, Officers consider the use of a recessive materials palette and the cowl design to partly enclose the gables will act to shield the surrounding area from upward light spill and break up the areas of glazing on the east elevation, thus minimising the visual impact of the proposal when viewed at a landscape scale.

It is considered necessary to secure the details of the natural slate in the interests of visual amenity. It is considered necessary to secure the details of the natural stone in order to enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, to ensure that all stonework is retained in its natural stone finish. As such, the proposal is considered to accord with the provisions of DEV20, DEV23, SALC ENV7 and SALC B1.

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, as the proposal is located well within the built form of Salcombe and changes to character and appearance of the residential area will be localised only, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 and SALC ENV1.

Heritage

Officers are mindful of the duty noted at Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in exercising planning functions. The application site is within the setting of a number of Grade II Listed Buildings; Grade II Tower House, Alpha House, End House, Ferry View, Nos. 46-48 and Cliff Cottage. These buildings are listed for their historic, architectural and (except for The Tower) their group value and would remain unaltered as a result of the development.

Officers consider that the proposal is clearly discernible as a contemporary addition to the site with a recessive materials palette. On this basis, the setting of the Listed Building is preserved and the proposal is considered to accord with the provisions of DEV21 and SALC B1.

Neighbour Amenity

Officers note that the cowl design over the gables provides privacy screening for neighbours. The new terrace may offer some additional views over the surrounding area but in comparison to existing levels of overlooking, Officers do not consider that the impact on neighbour amenity would be so significant so as to warrant a refusal solely on this basis.

Objectors have raised concerns that the proposal would block light for neighbours but given the siting, height and orientation of neighbouring dwellings relative to the path of the sun, Officers do not consider that the proposal would result in such a significant loss of light so as to warrant a refusal solely on this basis.

Objectors have also commented that the proposal will block public views of the Estuary from both Devon Road and Newton Road. Officers do acknowledge that there will be a change in the view available from both roads and that it is likely that there will be some reduction in the public view available. However, Officers do not consider that the proposal will block all views of the Estuary across the site altogether and are mindful that the right to a view is not recognised within the planning system per se. Officers are mindful of the provisions of the Salcombe Neighbourhood Plan and that there are Locally Important Views defined in policy SALC ENV6 but Officers do not consider that the proposal would be caught by the provisions of this policy, as none of the views cover the application site.

On balance, Officers consider that the proposal accords with the provisions of DEV1.

Construction Management Plan

Officers are mindful of the potential impact of construction on the surrounding residential area, given the proximity of neighbours, the lack of on-street parking and the narrow section of road at the front of the site. The applicant has submitted a Construction Management Plan to outline how the construction phase will be managed in order to address these constraints. Officers consider that the CMP is acceptable, with the document to be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV25 and SALC ENV1.

Highways/Access

Objectors have raised concerns regarding the parking provision within the development, including the arrangement and number of spaces provided. Officers would note that there is one parking space within the garage, with the potential for one car to park in front of the garage. The parking area is indicated as offering three parking spaces but due to the route of Newton Road, two spaces are provided that accord with the space standard provisions of the SPD. With this in mind, it is likely that the pedestrian gate would be accessible when cars occupied the spaces.

Objectors have raised concerns about highways safety, given the gradient of Newton Road, the one way system in operation and the restricted width adjacent to the application site. The parking arrangement is similar to that as approved under 3635/21/HHO and the DCC Highways Team did not raise any concerns during the life of that application. On this basis and having regard to the current parking and turning arrangements, Officers do not consider that the current scheme would give rise to significant increased risk to highways safety and would accord with the provisions of DEV29.

Surface Water Drainage

The applicant has proposed the use of a soakaway to dispose of surface water from the proposed scheme; it is considered appropriate to secure these details by condition 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. On this basis, the proposal is considered to accord with the provisions of DEV35 and is acceptable.

Low Carbon

Officers are mindful of the carbon implications of replacing an existing dwelling and asked the applicant to supply a SAP assessment to accompany the application. Officers are satisfied that the design of the replacement building has been informed by the need to minimise the carbon emissions of the dwelling and that the proposal accords with the provisions of DEV32.

The applicant has included the provision of air source heat pumps within the proposal. While the principle of this element is acceptable, full details of the ASHPs must be secured by condition in order to safeguard the interests of residential amenity and the natural environment. On this basis, the proposal is considered to accord with the provisions of DEV1, DEV2, DEV26, DEV28 and DEV32.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species, which are necessary to secure through condition. On this basis, the proposal is considered to accord with the provisions of DEV26.

Other Matters

Objectors have raised the issue of precedent should the application be approved; Officers would reiterate that each application is considered on its own merits in accordance with the policies in force at the time of determination. As such, this matter is not considered further within this report.

Objectors have raised concerns that the plans are inaccurate and misleading. Officers would note that the use of three dimensional models by both the applicant and objectors does seem to have generated some dispute but are satisfied that the two dimensional scaled drawings depict the proposal accurately. Officers have determined the application based on the plans as submitted and consider that sufficient information has been provided.

Conclusion

Officers recognise the strength of feeling in the local community objecting to the proposal. While Officers note that the design of the building is starkly contemporary, in the context of the existing dwelling with extant consent for an extension, Officers do not consider that the proposed replacement dwelling would result in a significantly harmful impact so as to warrant a refusal solely on this basis.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 26 March 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 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic 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

Neighbourhood Plan

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty
SALC ENV6 Locally Important Views
SALC ENV7 Maintaining the character, and density of development in key areas of Salcombe
SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 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.

Conditions:

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers;

Site Location Plan 4086 S01

Proposed Level 0 Plan Drawing 4086 75 Rev G

Garden Layout - PC / BBH / 644 - 01 A

Proposed Elevations with external Materials 4086 85

Proposed Sections A-A and B-B 4086 90 Rev C

Proposed Elevations 4086 84

Proposed Level 2 Plan 4086 77 Rev F

Proposed Roof and Site Plan 4086 78 Rev D

Received by the Local Planning Authority on 08 September 2022

Proposed Level 1 Plan - 4086 76 Rev H

Received by the Local Planning Authority on 27 September 2022

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

3. The development hereby approved shall take place in accordance with the Construction Management Plan received by the Local Planning Authority on 14 December 2022.

Reason: To safeguard the interests of residential amenity and the natural environment.

4. Prior to their installation details (such as a product brochure, technical specification sheet and colour photographs) of the natural roofing slate to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The natural slate used on all new buildings with pitched roofs must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European slates where available with proof of origin from supplier
- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

The development shall then be carried out in accordance with those samples as approved. The slates shall be fixed in the traditional manner using nails not hooks and retained and maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

5. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.

The natural stone used in all of the new walls must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- Reclaimed UK or European stone where available with proof of origin from supplier
- New UK derived stone with proof of origin from supplier
- New European derived stone with proof of origin from supplier
- No other natural stone products will be considered acceptable

All new natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

6. Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above ground level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

1. Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.

2. If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

3. If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).

4. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.

5. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.

6. 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.

7. Notwithstanding the information submitted, prior to installation full details of the Air Source Heat Pump hereby approved shall be submitted to and approved in writing by the LPA. The equipment shall then be installed, maintained and retained in accordance with those details for the lifetime of the development, unless otherwise agreed in writing by the LPA. The Air Source Heat Pump must be removed as soon as reasonably practicable when no longer required.

Reason: In order to safeguard the interests of residential amenity and the natural environment.

8. The recommendations, mitigation and enhancement measures of the Ecological Report, by Colmer Ecology dated April 2021 and updated on 01 September 2022, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.