

## PLANNING APPLICATION REPORT

**Case Officer:** Peter Whitehead

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

**Application No:** 1381/23/FUL

**Agent/Applicant:**

Mr Dan Stewart  
53 Mewstone Avenue  
Wembury  
PL9 0JT

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Mr Dan Stewart  
53 Mewstone Avenue  
Wembury  
PL9 0JT

**Site Address:** Birdsong, Cliff Road, Wembury, PL9 0HN



**Development:** Proposed new dwelling

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

**Recommendation:** approval subject to conditions and the completion of a legal agreement to secure mitigation in respect of additional recreational pressures upon the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA).

**Conditions** (list not in full)

1. Time limit (3 years)
2. Compliance with approved plans
3. Compliance with submitted Construction Management Plan
4. Compliance with submitted Arboricultural Impact Assessment

5. Submission and approval of materials details
6. Compliance with submitted landscaping details
7. No external lighting without the permission of the LPA
8. Compliance with Ecological recommendations and enhancement measures
9. Provision of access and parking spaces prior to occupation and retained thereafter
10. Drainage details – pre-commencement condition (agreed with applicant 14/06/2023)
11. First floor window to north west elevation obscure glazed
12. Adherence to DEV32 measures
13. Unexpected contamination
14. Removal of PD
15. Delineation of domestic garden area

**Key issues for consideration:**

Principle of Development/Sustainability; Design and Visual Impact; Residential Amenity; Highways, Access and Parking; Ecology/Biodiversity/Trees; Flood Risk and Drainage; Low Carbon Development

**Site Description:**

The application site lies on the southern edge of Wembury and is located at the junction of Hawthorne Park Road and Cliff Road. The site is roughly triangular in shape and measures some 790sq.m.

A range of single and two storey dwellings of 20<sup>th</sup> – 21<sup>st</sup> Century origin adjoin the site to the east, north and west on Cliff Road and Hawthorn Park Road, whilst open fields adjoin the site to the south.

The site lies in a valley with ground levels rising to the east and further to the west. Accordingly, the site sits lower than 6 Hawthorn Park Road (which lies on the opposite side of Cliff Road to the east) and higher than Clover Cottage (which adjoins the site to the north-west). The site itself slopes down from a high point of 13m (approx.) AOD to the south-east corner to levels of 9m (approx.) AOD on the north-west boundary with Clover Cottage.

Vehicular access is currently gained into the site via an access onto Cliff Road. The site boundaries are marked by a mixture of established hedges and trees. These, twinned with the sloping topography of the site, limit views both into the site and out.

The section of Cliff Road which adjoins the eastern site boundary is a Public Right of Way (Wembury Footpath 36).

The site lies within the South Devon Area of Outstanding Natural Beauty (AONB). Land designated as Undeveloped Coast and Heritage Coast lies to the south of the site; and indeed a strip of land forming the southern end of the application site lies within these designations.

Smallacombe County Wildlife Site (Priority BAP Habitat - Lowland meadow) lies to the south west of the application 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:**

The application proposes the construction of a single dwelling on the site. The accommodation within the dwelling comprises 3 bedrooms (one en-suite), bathroom and study at first floor and open-plan kitchen/dining/living room, plant room, utility room, cloakroom, hall and store at ground floor.

The dwelling is of two-storey form and roughly L-shaped. The principal element of the dwelling has an asymmetrical pitched roof. A separate, subordinate two-storey element with a lower symmetrical pitched roof is linked to this via a single storey link. The floor levels within these two elements are split to take account of ground level changes.

Externally, the walls of the dwelling will be finished with a mixture of painted render and timber cladding, with the pitched roofs finished with natural slate. A single storey canopy roof to the rear of the dwelling will be finished with sedum.

In terms of siting and orientation, the dwelling will be sited towards the eastern boundary of the site, with vehicular access provided onto Cliff Road to the north-east. Two parking spaces are proposed. An electric car charging point would be provided on an external wall adjacent to the parking area. Private garden/amenity space wraps around the dwelling from the north-west to south-east.

The dwelling is orientated so that the larger of its asymmetrical roof planes faces south-west; and 16no. photovoltaic panels are proposed on this roof plane. The orientation of the dwelling/windows also provides passive solar gain.

The application is accompanied by a detailed landscaping scheme which proposes the planting of a number of trees and shrubs to augment the existing hedging and trees to the site boundaries. The southern end of the site (corresponding with the strip of land falling within the Undeveloped Coast and Heritage Coast) will be finished with a wild flower and grass meadow and mini orchard of apple trees (and a small wildlife pond), distinguishing it from the domestic lawned area closer to the dwelling itself. A mixture of native and ornamental shrubs and trees (including further fruit trees) are proposed to the east and north-west site boundaries.

The proposed dwelling is to be self-build, the applicant noting that he has been on the self-build register for the South Hams and Plymouth for several years.

This application follows the approval of an earlier application seeking permission for a single dwelling on the site, ref. 3221/21/FUL, dated 20<sup>th</sup> December 2021. This permission remains valid and capable of implementation. Its existence is thus material to the consideration of the current application.

The accompanying Design and Access Statement sets out a number of reasons why the current application has been made, and these may be summarised as follows:

- Revised Development Site Boundary – the application site is now slightly larger and includes an additional strip of land to the southern end of the site, which is now in the applicant’s ownership with additional land ‘strip’ now in ownership.
- Design – The design and scale of the dwelling has altered; the dwelling now being slightly smaller and broken into two smaller ‘blocks’, but with the same overall footprint (m2), and maximum ridge height (AOD) as the earlier approval. The main roof form is now asymmetrical, stated in the D&A Statement as being “reflective of local housing, and to maximise energy generation.”
- A more sustainable drainage solution is now proposed that takes pressure off existing surface water infrastructure
- Climate Emergency – The design improves on the low energy design principles, and further responds to the Climate Emergency Planning Statement adopted since the earlier approval. The design is rotated closer to South to benefit from improved solar gain in winter, whilst remaining shaded in summer. The revised orientation also improves energy generation from the solar panels, and will result in lower carbon emissions.
- Biodiversity Net Gain – The D&A Statement sets out that the inclusion of the additional strip of land to the south “provides opportunity for a considered and comprehensive wider ecological strategy, that results in significant enhancement and a Biodiversity Net Gain, far in excess of minimum requirements.”
- Improved response to Tree Root Protection Areas – The revised design has been adapted to reposition both the built form and parking areas away from tree Root Protection Areas - Privacy – The D&A Statement sets out that the “revised design, position, and rotation of the proposal (to face further away from Clover Cottage) results in improved privacy for occupants and neighbours alike.”
- Building Costs – The D&A Statement sets out that “the economic climate, cost of materials, and increase in interest rates, have all had an effect on the affordability of the Consented Scheme. These revised design proposals will be simpler and faster to construct, and thus more affordable to the applicant, as well as reducing the overall construction programme and disruption to neighbours.”

**Consultations:**

- County Highways Authority – standing advice
- Wembury Parish Council – no comments to make
- Tree Specialist Natural Environment - Appraisal
  1. The submitted information has been principally reviewed in accordance with the Plymouth & South West Devon Joint Local Plan 2014-2034, BS5837:2012 Trees in relation to Design, Demolition & Construction & further additional industry best practise guidance, policies and legislation as required.
  2. An assessment of the application has been undertaken by way of a desktop study of G.I.S. and aerial imagery following review of the supporting AIA and officer prior knowledge of the site.

Recommendation

  - No objection on arboricultural merit subject to the noted document being made an approved plan if consent follows
- LLFA Drainage Officer – Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the

final design will need to be agreed with the LPA. Recommends a pre-commencement condition to secure the necessary scheme. The testing shows a variable infiltration rate across the site but favourable in the location of the proposed soakaway. The calculations are only for a 1:30 year + 40% which will result in a larger soakaway. As there is the option of connection to the SWW surface water sewer as a fall back then this redesign can be managed by a condition

## **Representations:**

One letter of representation has been received which OBJECTS to the proposal on the basis that the proposed car parking is very limited, that the property is on a road corner (Cliff Rd and Hawthorn Park Road which are heavily used by beach goers and dog walkers, flooding to Cliff Road/public footpath, accuracy of site measurements, unnecessary development on a greenfield site in the AONB, environmental damage to bushes, birds' nests, flora and fauna and that occupation of the dwelling should be limited to low income South Hams residents and be strictly vetted.

## **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

3221/21/FUL New dwelling. Approved 20/12/2021.

0152/23/ARC Application for approval of details reserved by conditions 3 (CMP) and 4 (Tree Protection) of planning consent 3221/21/FUL – details approved pursuant to condition 3 by decision letter dated 14/02/2023.

0552/23/ARC Application for approval of details reserved by condition 4 (Tree Protection Plan) of planning consent 3221/21/FUL – details approved pursuant to condition 4 by decision letter dated 06/04/2023.

## ANALYSIS

### 1.0 Principle of Development/Sustainability

- 1.1 As noted above, the current application follows the Council's approval in 2021 of application ref. 3221/21/FUL which granted planning permission for a 3-bed dwelling to be constructed on the site. That permission remains extant and capable of implementation and, in the view of officers, thus constitutes a material consideration to which appreciable weight should be attributed in the consideration of the current application.
- 1.2 The earlier application, ref. 3221/21/FUL, was considered against the development plan extant in 2021, which then, as now, comprised the Plymouth & South West Devon Joint Local Plan 2014 – 2034. No material change in national policy has occurred since the Council's consideration of the earlier application either; national policy since being set out in the National Planning Policy Framework (NPPF) dated July 2021.
- 1.3 In the view of officers there has thus been no change of policy, or indeed circumstances that could reasonably lead to a different assessment of the policies underpinning the acceptability of the principle of residential development on this site.
- 1.4 The officers' assessment of the application thus remains as set out in the Committee Report for 3221/21/FUL which reads as follows:

*"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 semidetached 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.”

- 1.5 Accordingly, the principle of residential development on the site was established by the earlier approval and the current application is considered similarly compliant with Policies SPT1, SPT2, TTV1 and TTV2 of the JLP.

1.6 With regard to DEV8, it is noted that both the current application and the approved application propose the construction of a 3-bed dwelling on the site. That permission related to a 3-bed dwelling with a floor area (Gross Internal Area – GIA) of 135m<sup>2</sup>. The dwelling now proposed, although still accommodating 3 bedrooms, has a GIA of 109.5m<sup>2</sup>. Census data for 2021 is still being reviewed by the JLP Policy Officers. However, in this case a comparison of the data does not indicate a change compared to the 2011 datasets to prompt reconsideration or a change of position regarding local connection. There is not considered to be an imbalance or over-provision of 3-bed dwellings and the reduction in the reduction in GIA is likely to make the property more accessible to local buyers in the event that it came onto the market for resale. The proposal is thus considered compliant with Policy DEV8.

## **2.0 Design and Visual Impact upon the South Devon AONB**

- 2.1 Policy DEV20 of the JLP 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.
- 2.2 Policy DEV24 is relevant insofar as the site includes a strip of land (to the south) which falls within the Undeveloped Coast and Heritage Coast. The policy sets out that development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances.
- 2.3 The site lies within the South Devon AONB and Policy DEV25 is also relevant, stating that the highest degree of protection will be given to the protected landscapes of the AONBs and National Park and that the LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. This policy requires that 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. In addition to the policies of JLP due regard needs to be afforded to the policies set out in South Devon AONB Management Plan.
- 2.4 As discussed, this application follows the earlier approval to construct a dwelling on the site in 2021, ref. 3221/21/FUL. The dwelling now proposed is sited in broadly the same location on the plot as the earlier dwelling, being towards the eastern side of the plot. The dwelling is also of not dissimilar massing and has the same ridge height (measured AOD). The dwelling will also be finished with a similar palette of materials; painted render and timber cladding to the walls and a natural slate roof. There are differences and cosmetic changes between the two properties; the block form, roof profile and detailing of the dwelling now proposed has altered but the overall appearance and design of the dwelling is considered to represent high quality design.
- 2.5 In terms of the dwelling's compatibility with the prevailing street scene, the character and scale of other nearby residential properties is varied and includes single, 1.5, 2 and 2.5 storey dwellings of 20<sup>th</sup> - 21<sup>st</sup> Century origin along Hawthorne Park Road and

the east of Cliff Road. Most of the dwellings in the vicinity of the site are finished with painted render, with some stone detailing, and have concrete tiled or slate roofs. A number feature timber cladding. As noted, the dwelling now proposed is of not dissimilar scale and massing to the dwelling already approved and is considered compatible with the character and scale of surrounding dwellings and consistent with the earlier approval. In terms of materials, the proposed dwelling is also considered compatible with the dwellings around it, and utilises a palette of materials that reflects and reinforces local distinctiveness and character.

- 2.6 The siting of the dwelling, towards the east of the plot as before, provides adequate spacing and separation between the application property and Clover Cottage to the north-west and 6 Hawthorn Park Road, to the east. Indeed, the siting now proposed moves the dwelling several metres further away from Clover Cottage. Due to the sloping topography of the site and adjoining 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 than the application site with a ridge height approximately 4.2m higher than the ridge of the proposed dwelling. The ridge height of the proposed dwelling, which matches that of the earlier approval, being set between the two, respects the topography of the site and is considered compatible with the prevailing street scene; with the roof heights of dwellings stepping up and down hill in deference to the area's sloping topography.
- 2.7 In broad terms then, the proposed dwelling is of consistent character and design quality to the earlier approved dwelling and will sit comfortably on the site and be compatible with the appearance, scale, siting and height of existing dwellings.
- 2.8 It is also noted that the site is bounded by hedging and trees, the majority of trees to the site boundaries being retained, and that a detailed landscaping scheme proposes substantial additional tree, native hedge and shrub planting, which will make a positive contribution and provide a high quality setting for the dwelling and its environs.
- 2.9 In terms of the property's impact in the wider landscape and compatibility with the South Devon AONB which overwashes the site, the application is accompanied by a landscape and visual impact assessment (LVIA) which considers 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. This LVIA is an updated version of the LVIA that accompanied the earlier application (3221/21/FUL). Given the property now proposed is sited broadly the same location as before, has broadly the same massing and height and uses the same palette of materials, the LVIA not surprisingly makes similar findings and draws similar conclusions. The officers' consideration of landscape and visual impact must also reflect the fact that permission already exists for a not dissimilar dwelling.
- 2.10 In terms of landscape character, the site falls within landscape character type area (LCT) 1B: Open Coastal Plateaux which washes over Wembury village and beyond. This is described as "High, open, gently undulating or rolling plateaux, dissected by deep combes and with notable coastal influence on windblown vegetation. Land use is mixed farmland, with arable dominant, and some localised recreational use. Sparsely settled with limited narrow roads, although many rights of way including the South West Coast Path. Extensive views of the sea." The topography of the site and surrounding area reflects the rolling topography of the LCT but the site itself, lying on

the edge of the settlement, wedged in between existing dwellings, does not. The site was formerly overgrown and has now been partly cleared for construction. The description of the LCT refers to “Pockets of semi-natural grassland and scrub are a valued habitat for birds and invertebrates with some areas local designated as County Wildlife Sites.” Land to the south of the site comprises the Smallacombe County Wildlife Site and a strip at the southern end of the site falls within the Undeveloped Coast/Heritage Coast designation. This strip of land, which contains more of the site’s original vegetation, will be retained as wild meadow, reflecting this characteristic of the LCT and the habitat of the adjoining CWS. The submitted design, access and planning statement sets out that “It should be noted that no built development is proposed within the land ‘strip’, nor is it intended that this area would form part of the residential garden of the dwelling post completion” and that the extension of the site provides an opportunity to secure greater biodiversity enhancements – including meadow grass and a pond.

- 2.11 In terms of visual impact, the site’s topography, coupled with the extent of existing hedges and trees to the site boundaries, provide a degree of enclosure and seclusion, limiting views both into the site and out. The LVIA identifies few views into the site from the settlement itself. In those close-up views that do exist from Cliff Road, Hawthorn Park Road and Southlands Park Road, the dwelling would be experienced in conjunction with other dwellings in the foreground and as a backdrop to it, with views filtered by existing hedges and trees. The LVIA also identifies few locations outside the village from which a view of the proposed dwelling could be gained, referencing possible views from higher land to the north-west of the village and a possible view from the public footpath between the church and Wembury House to the south-east. However, again, in both instances, the LVIA notes that in any view, the dwelling (or a partial view of its roof) would be viewed in its context surrounded by existing dwellings.
- 2.12 In terms of the likely effects of the development, the LVIA concludes as follows:  
*“Aspects of the proposed development that effect views or visual amenity and landscape character of the vicinity are few:-*
- *views are specific to very particular receptor locations (viewpoints), and all existing tree cover and hedgerows are retained to help screen the development to the west and north of the site (a neutral effect).*
  - *proposed hedge planting and trees along the northern and eastern boundary will improve the screening of close views (a positive effect).*
  - *proposed management and planting to the western boundary and hedgerow planting along the south eastern perimeter will take 10 - 15 years to make a useful additional green backdrop to any visual effect when viewed from the east (a delayed positive effect).*
  - *The site is on the edge of the village and from all viewpoints is seen in the context of the village (a neutral effect).*
  - *The new house will change the view from Cliff Road from semi rural to a dwelling. This is mitigated by introducing an improved road edge vernacular of native hedge and stone wall.(a minor negative effect).*
  - *the reintroduction of a Devon hedge with trees along the north and eastern boundaries are characteristic of the area, of a scale and form that can sit comfortably within the landscape context and re-establishes the boundary vernacular.(a positive effect).*
  - *If the parking entrance can be kept tight and edged by native hedge and/ or stone wall the character of the country lane will be enhanced. (a positive effect).*

- *construction and domestic activity will disturb the tranquillity of the locality; but, due to its location on the outer edge of suburban Wembury, this should be minimal. This disturbance is transient and occasional (a minor and temporary negative effect)*
- *cultural and architectural associations with the village are enhanced by exemplar design of the house; responding to the building scale, spaces and use of vernacular materials (a positive effect).*
- *new Devon hedges, trees, and meadow management replicate the local landscape character, contributing to the diversity of field and boundary habitats; and adding to the grain of the landscape (a positive effect)."*

- 2.13 Overall, subject to the mitigation proposed, the LVIA concludes that *"The landscape character type (LCT 2B) and AONB designation are respected; and in the medium to long term should be seen as being improved upon by this development."*
- 2.14 It is concluded that the proposed development would not conflict with the published Landscape Guidelines for this Landscape Character Type. The development is considered 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. The proposal responds positively to the AONB Management Plan through:
- the retention of existing boundary trees and vegetation;
  - the use of native hedge and trees to the site's eastern boundary;
  - 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.
- 2.15 As discussed, a strip of land to the south of the site falls within the Undeveloped Coast/Heritage Coast. This strip of land was not part of the original application site and is stated to have been added to the site to secure biodiversity enhancements. The strip of land, separated from the domestic garden of the dwelling with a swale, will be landscaped with meadow grass, reflective of the landscape character of the adjoining County Wildlife Site, and a wildlife pond. It is considered that the proposal accords with the broad requirements of Policy DEV24 which seeks to avoid development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast. In this case, the proposal does not seek to develop the strip of land, but to enhance its biodiversity (and thus the biodiversity of the site as a whole). The design, access and planning statement makes clear that the land would not form part of the residential garden of the dwelling; and indeed it would be separated from the identified residential garden by a swale. It is reasonable thus to conclude that the proposal does not involve development at all (other than constructing a pond) and that the lawful use of this strip of land would remain agriculture. Overall it is considered that the intended use of this strip of land protects and enhances the landscape and seascape character and special qualities of the area and is consistent with the objectives set out in the AONB Management Plan. A condition is recommended to define the residential garden of the dwelling (demonstrably excluding this area of land) and to secure and

retain the proposed landscaping and biodiversity enhancements set out. On this basis the proposal is considered to accord with the requirements of Policy DEV24.

- 2.16 As with the earlier permission, a number of planning conditions are recommended to ensure the development is carried out and completed as proposed, including implementation of the detailed landscaping scheme, and use of appropriate materials including the slate for the roof. As before, a condition is also recommended to remove permitted development rights for alterations/enlargements to the dwelling and outbuildings/structures to retain control over any future enlargement of the property to avoid overdevelopment and unacceptable impact on landscape character, and prevent external lighting unless otherwise agreed.
- 2.17 With the addition of the recommended conditions the proposal is considered to accord with JLP Policies DEV20, DEV23, DEV24 and DEV25 and the AONB Management Plan.

### **3.0 Residential amenity**

- 3.1 Policy DEV1 seeks to ensure that developments safeguard the health and the amenity of local communities, DEV1.1 “Ensuring 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. Unacceptable impacts will be judged against the level of amenity generally in the locality...”
- 3.2 DEV2 sets out that “Development proposals which will cause unacceptable on- or off-site risk or harm to human health, the natural environment or living conditions, either individually or cumulatively, will not be permitted.”
- 3.3 In terms of daylight, sunlight and outlook, the siting of the proposed dwelling relative to its neighbours, and the distance between them, avoids any material impact upon daylight or sunlight and, similarly, any overbearing impact or loss of outlook. It is also recognised that the siting of the dwelling now proposed moves the dwelling several metres further away from Clover Cottage to the north-west compared to the earlier scheme/approval.
- 3.4 In terms of privacy, guidance is provided in the JLP SPD at para 13.19 that “Habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development, as shown below” and at para 13.20 that “Overlooking of gardens may be unacceptable where it would result in an intrusive, direct and uninterrupted view from a main room to the most private area of the garden. This is often the main sitting out area adjacent to the property of the neighbours’ house.”
- 3.5 No.5 Hawthorn Park Road to the north-east and No.6 Hawthorn Park Road to the south-east are both located in excess of 21m from the proposed dwelling. The proposed dwelling also faces the front of No.5, which is already overlooked from the street, and thus no loss of privacy will occur. With regard to No.6, the separation distance plus intervening screening and rising ground levels will avoid any harmful overlooking. The distance between the proposed dwelling and Clover Cottage to the north-west is less than 21m, but in this case consideration must be given to the orientation of the properties to one another. The two properties are essentially side by

side. The main outlook/windows of the proposed dwelling face to the rear (to the south-west) and the north-west side elevation of the dwelling facing Clover Cottage solely contains a single window at first floor, this being a secondary window to the master bedroom (the main window to the bedroom being to the rear and facing north-west). A planning condition is recommended requiring the first floor window to the north-west elevation to be obscured glazed. This will ensure the privacy of Clover Cottage and prevent any overlooking of its garden.

- 3.6 The earlier permission was subject to a condition removing 'permitted development' rights to extend or carry out alterations to the dwelling etc. The addition of a similar condition in respect of the current application is similarly recommended and, in terms of neighbour amenity, would, for example, prevent changes to the window pattern in the future that could potentially impact upon the amenities of Clover Cottage.
- 3.7 With regard to the amenities of the occupiers of the proposed dwelling, it is similarly considered that the scheme provides for satisfactory daylight, sunlight, outlook and privacy, and appropriate outdoor amenity space.
- 3.8 Thus, in conclusion, subject to planning conditions, the proposal is considered compliant with DEV1.
- 3.9 The earlier application raised no overriding concerns with regard to DEV2, conditions being imposed on the permission to cover the treatment of any unexpected ground contamination discovered during the construction process and the approval of a Construction Management Plan (CMP) (to cover such issues as working and delivery hours, parking and unloading, noise and dust suppression). A CMP has been provided with the current application, which essentially replicates the CMP already approved pursuant to the earlier permission under ref. 0152/23/ARC. A condition is thus proposed to secure compliance the submitted CMP, and a second condition, as before, to cover the consideration and treatment of any unexpected ground contamination discovered during the construction process. Subject to these conditions, the requirements of DEV2 are considered to be met.

#### **4.0 Highways, Access and Parking**

- 4.1 The current proposal shows the site access moved slightly further from the north-west boundary shared with Clover Cottage. In all other respects proposed access and parking arrangements (include off-street parking provision) remain as per the approved scheme.
- 4.2 The DCC Highway Officer's consultation response requires Officers to consider the standing DCC Highways advice issued to the Council.
- 4.3 In this regard, satisfactory visibility will be achieved from the proposed access and on-site car parking for two cars complies with the requirement of para 8.7 of the JLP SPD which recommends the provision of two spaces for a 3-bed dwelling.
- 4.4 The proposals also involve the closing up of the existing access into the site, which lies on the junction of Cliff Road and Hawthorn Park Road; and its use necessitates that vehicles cross the public right of way that runs along Cliff Road. Relocating the access as proposed will remove the need for traffic to cross the public right of way. (As

an aside, an existing 'public footpath' sign in the corner of the application site will need to be relocated and as before an informative is recommended to contact Devon County Council in this regard).

- 4.5 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.
- 4.6 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.

## **5.0 Ecology/Biodiversity/Trees**

- 5.1 Policy DEV26 seeks to ensure that development supports the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area. The policy recognises the hierarchy of wildlife sites from those sites given protection under European legislation to those of local designation/importance. The policy also seeks to avoid harmful impacts on UK protected species and Biodiversity Action Plan habitats and species and seeks a biodiversity net gain for all major developments.
- 5.2 Policy DEV28 covers trees, woodland and hedgerows and seeks to avoid their loss deterioration, requiring replacement planting if loss cannot be avoided.
- 5.3 The application is accompanied by a completed Wildlife Trigger Table and Ecological Impact Assessment. The survey observed that much of the site had been cleared of vegetation since the previous survey in 2021, as part of annual seasonal maintenance and periodic management works, and remediation had been undertaken to remove invasive plants including buddleia and variegated yellow archangel. At the time of the officer's site visit, the centre of the site was largely bare earth, with thick hedging and trees maintained to the site boundaries. The survey found no protected species on site and recommends no further surveys, but did not rule out periodic presence of foraging bats, reptiles and amphibians, cirl bunting and hedgehogs. A condition requiring compliance with the mitigation set out in the submitted Ecological Impact Assessment is thus recommended
- 5.4 The design, access and planning statement and Ecological Impact Assessment set out the applicant's intention to provide a positive improvement and net gain to existing ecology and biodiversity on site as part of the proposal. The Ecological Impact Assessment considers the guidance contained within the adopted SPD to secure 10% biodiversity net gain and the following measures are proposed (as set out within the 'Biodiversity Budget' for the site contained within the PEA):
- 3 integrated bat boxes;
  - 1 integrated bird roost;
  - 1 tree mounted bird roost;
  - 3 'bee pots' / or 1no 'bee post';
  - 1 log / brash pile;
  - 30m new native hedgerow;
  - 130m<sup>2</sup> retained or new mixed scrub;
  - 170m<sup>2</sup> flowering lawn;
  - 10m<sup>2</sup> sedum roof;
  - 75m<sup>2</sup> meadow grass;
  - 8 small trees; and
  - A wildlife pond.
- These measures are stated to result in a biodiversity net gain of 47.81% habitat units, and 15.67% hedgerow units, well in excess of the minimum 10% gain in both respects. The above measures have been incorporated into the submitted planning

drawings and landscape scheme, and a condition is recommended to ensure the installation and retention of these enhancement measures.

- 5.5 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 (November 2019) 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 secured via unilateral undertaking. The officers' recommendation above reflects this.
- 5.6 With the addition of the conditions recommended and unilateral undertaking to secure the financial contribution required to mitigate recreational impact upon the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, the proposal will have an acceptable impact on the SAC and SPA, Smallacombe County Wildlife Site to the south and will result in biodiversity net gain on site in accordance with Policy SPT14 and DEV26 of the JLP and the adopted SPD.
- 5.7 With regard to the matter of trees and hedges, the Tree Specialist has been consulted and is content with the submitted arboricultural survey. As noted above, several trees are to be removed on site, but these are outweighed by considerable new planting to the site boundaries and within the body of the site, partly to provide a well landscaped and secluded setting for the dwelling and partly to enhance biodiversity. As noted, in relation to biodiversity, in addition to planting trees, the landscaping scheme also includes new native hedge planting, which will also reinforce local distinctiveness and enhance the appearance of the site. Conditions are recommended to secure compliance with the submitted arboricultural survey including tree protection and also secure the implementation of the landscaping scheme. With the addition of these conditions, the proposals are considered to accord with Policy DEV28 of the JLP.

## **6.0 Flood Risk and Drainage**

- 6.1 Policy DEV35 sets out that the LPA will assist the Lead Local Flood Authority in the management of flood risk and water pollution by directing development away from areas at highest risk, but where development is necessary ensuring that it is safe without increasing flood risk and pollution elsewhere. With regard to surface water disposal, the policy also sets out that developments should incorporate sustainable water management measures to reduce water use, and increase its reuse, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere, and that surface water from developments should be discharged in a separate surface water drainage system which should be discharged according to

the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies.

- 6.2 In this case, the site is located in Flood Zone 1 and is not located within a critical drainage area and therefore in terms of flood risk is an appropriate site for residential development being a site which according to the Environment Agency maps is least vulnerable to flooding.
- 6.3 In terms of surface water disposal, the submitted details propose a soakaway, with the alternative fallback option of connecting to the combined SWW sewer which runs along Hawthorn Park Road and Cliff Road. The drainage hierarchy prioritises sustainable urban drainage solutions (SuDS) and infiltration is thus the preferred option here, and the submitted details indicate that infiltration is likely to be achievable on this site. The LLFA Officer is supportive of the application, and recommends a pre-commencement condition seeking the final design details. Subject to the condition recommended by the LLFA Officer, the proposal is considered compliant with DEV35.

## **7.0 Low Carbon Development**

- 7.1 The application is accompanied by a DEV32 checklist, Climate Emergency Compliance Form, CEPS Assistance Spreadsheet, Design Stage SAP Calculations Summary and SAP (design stage) Building Regulations Compliance Report. These, plus commentary provided in the design, access and planning statement identify a range of ways in which the proposal seeks to minimise carbon.
- 7.2 The dwelling will be built to Passivhaus standard and will benefit from the following renewable and low energy technologies to reduce or remove the Co2 emissions from fossil fuel sources:- Air or ground source heat pump, MVHR system and Integrated roof solar photo-voltaic (PV) panels. A connection point will also be provided for an EV charger.
- 7.3 A condition is recommended to secure these details in order to ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon emissions by 2034 and increase the use and production of decentralised energy. On this basis the proposal is considered compliant with Policy DEV32.

## **8.0 Conclusions and Planning Balance**

- 8.1 The application follows the earlier grant of planning permission to construct a single dwelling on the site in 2021 (3221/21/FUL) and that permission remains valid. The current application proposes a revised design of dwelling, which is of reduced floor area whilst still containing 3 bedrooms.
- 8.2 The dwelling is considered to be of high quality design and suitably reinforce local distinctiveness via the use of appropriate materials. A range of measures are offered to reduce carbon, both in the construction of the building and the use of renewable energy. Substantial landscaping is proposed to provide a secluded setting for the dwelling and enhance biodiversity. The development will provide a high quality living environment for its occupiers and will also be respectful of the amenities of

neighbours. Overall, the proposal is considered compliant with the policies of the JLP and a recommendation of approval is thus made.

***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 14<sup>th</sup> January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[\*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**  
**DEV24 Undeveloped 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**  
**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**

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  
Climate Emergency Planning Statement (CEPS)

### **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 drawing no. EX (90) 001 Rev A; Existing Site Block Plan drawing no. EX (90) 002 Rev A; Existing Site Survey Plan drawing no. EX (90) 003 Rev A; Site Constraints Plan drawing no. EX (90) 004 Rev A; Proposed Site Block Plan drawing no. GA (90) 002 Rev A; Proposed Site Layout & Roof Plan drawing no. (GA90) 003 Rev A; Proposed First Floor Plan drawing no. GA(0) 101 Rev A; Proposed Ground Floor Plan drawing no. GA(0) 100 Rev A; Proposed Roof Plan drawing no. GA(0) 102 Rev A; Proposed House Elevations - North East & South East drawing no. GA(0) 120 Rev A; Proposed House Elevations – South West & North West drawing no. GA(0) 121 Rev A; Landscape design drawing no. BWem/01; Proposed Site Plan showing visibility splays drawing no. 300 Rev P2 received by the Local Planning Authority on 03/05/2023.

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. The construction of the development hereby approved shall be carried out in strict compliance with the submitted Construction Management Plan ref. 19008-A dated March 2023.

Reason: In the interests of local amenity.

4. The development hereby approved shall be carried out in strict compliance with the submitted Arboricultural Impact Assessment and Method Statement (GE Consulting Ref: 1362-AIAMS-MU dated April 2023).

Reason: In order to avoid the loss or deterioration of trees or hedgerows in the interest of the visual amenities of the area, in accordance with Policy DEV28 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

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, in accordance with Policies DEV10 and DEV25 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

6. The landscaping of the site shall be carried out in compliance with the submitted landscaping scheme prepared by the Rathbone Partnership entitled Landscape Design, drawing no. BWem/01 dated 08.03.23. All planting, seeding, turfing or hard surfacing comprised in the approved landscaping scheme shall be carried out in accordance with the submitted details 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.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and protected landscape, in accordance with Policies DEV10 and DEV25 of the Plymouth and South-West Devon Joint Local Plan 2014-2034

7. Notwithstanding the details provided, no external lighting shall be provided on the site unless otherwise previously agreed in writing by the Local Planning Authority. Such external lighting as may be agreed with the local planning authority shall be installed and thereafter maintained in strict accordance with the approved details.

Reason: To protect the countryside from intrusive development

8. The development shall be undertaken in compliance with the recommendations given in the 'Ecological Impact Assessment' by ge consulting dated ref: 1362-EcIA-FM dated March 2023 including precautions to prevent the threat of harm during construction works, timings of work to avoid bird nesting season and the installation of 3 inbuilt bat boxes, 1 inbuilt bird box, 1 tree-mounted bird box, 3 inbuilt bee pots 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 in accordance with Policy DEV26 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

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 drawing no. 300 P2 'Proposed Site Plan Showing Visibility Splays' and drawing no. GA(0) 100 Rev A 'Proposed Ground Floor Plan' and made available for use by occupants of the dwelling and shall thereafter be permanently retained and maintained free of any impediment to their designated use for the parking of vehicles associated with the dwelling.

Reason: In the interests of the safety and convenience of users of the highway and to accord with Policy DEV29 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

10. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until full details of the proposed surface water drainage of the site have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the following:

1. SuDs to be designed for a 1:100 year event plus 50% for climate change. If the soakaway is below the permeable paving then a combined system should be considered to ensure they will work together. A suitable Factor of safety should be applied if the runoff will end up on the highway.

2. If the required soakaway size is found to be below the current tested depth then addition infiltration testing will be required.

3. If the soakaway for a 1:100 year + 50% cc can't be accommodated on site then a mitigating drainage alternative (attenuated and controlled discharge to the surface water sewer) shall be agreed with the Local Planning Authority.

Such a drainage scheme as is agreed with the local planning authority shall be installed in strict accordance with the approved plans prior to the first occupation of the dwelling and shall thereafter be maintained and retained in accordance with the agreed details for the lifetime 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, in accordance with Policy DEV35 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

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

Reason: To protect the amenity and privacy of residents of the adjacent property Clover Cottage in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

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 at section 6.1. All measures contained within the checklist to limit carbon emissions 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, in accordance with Policy DEV32 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

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. In such circumstances, the development shall proceed thereafter in accordance with any agreed remediation strategy.

Reason: In the interest of the safe development and residential occupation of the site, in accordance with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

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 in accordance with Policies DEV1 and DEV25 of the Plymouth and South-West Devon Joint Local Plan 2014-2034.

15. The domestic garden of the dwelling hereby permitted shall be restricted to the area of land to the north-east of the swale denoted on drawing no Proposed Site Layout & Roof Plan GA90 003 Rev A. The land to the south-west of the swale, and thus within the Undeveloped Coast, does not form part of the domestic garden of the dwelling hereby approved and shall not be so used, and no change of use of this part of the site from agriculture shall be deemed to have taken place by virtue of the grant of this planning permission.

Reason: for the avoidance of doubt, to preserve the Undeveloped Coast and also to preserve the integrity of biodiversity measures proposed on this part of the site in the interest of biodiversity, in accordance with Policies DEV24 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034.