

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

Parish: East Portlemouth **Ward:** Stokenham

Application No: 0854/23/FUL

Agent:

Jon Capel- Harrison Sutton Partnership/
Mark Evans- Mark Evans Planning Limited
Little Priory Court
Fore Street, Totnes
TQ9 5NJ

Applicant:

Mr Nagle
Harbour Watch
East Portlemouth
TQ8 8PU

Site Address: Harbour Watch, East Portlemouth, TQ8 8PU

Development: Demolition of existing detached house & detached garage, erection of replacement detached dwelling, outside pool, boathouse & associated landscaping

Recommendation: Refusal

Reasons for refusal

1. The light impact from the additional glazing to the dwelling and boathouse proposed, as well as the domestication of the landscape, through additions such as the swimming pool, and elongated terrace would have an adverse impact on the special character of the Undeveloped Coast, and fails to preserve and enhance the setting of the South Devon Area of Outstanding Natural Beauty. The development is therefore contrary to policies SPT12.4, SPT12.5, DEV23, DEV24, and DEV25 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraphs 174 and 176 of the National Planning Policy Framework (2021).
2. The proposed development fails to make an appropriate carbon reduction contribution to the adopted targets of the Joint Local Plan. The replacement dwelling would not offset the carbon impact of the proposed within 25 years, and the environmental benefits of replacing the dwelling have not been demonstrated. As such, the development would conflict with policies SPT1.2 and DEV32 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), paragraphs 154 and 157 of the National Planning Policy Framework (2021), and M5 of the Climate Emergency Planning Statement.
3. Insufficient information has been provided to demonstrate that the proposed development would not have an adverse impact on the Kingsbridge-Salcombe SSSI, a site of national significance. The proposal is therefore contrary to policy DEV26 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 180(a) of the National Planning Policy Framework (2021).
4. Insufficient information has been provided to demonstrate that the proposed development has adequately mitigated against potential impacts on protected species of wildlife. The proposal is therefore contrary to policy DEV26 of the Plymouth & South West Devon Joint Local Plan (2014- 2034), and paragraph 180(b) of the National Planning Policy Framework (2021).
5. The proposed dwelling would be significantly larger than the existing dwelling, contrary to policy TTV29(2) of the Plymouth & South West Devon Joint Local Plan (2014- 2034).

Key issues for consideration:

Principle of development, design, landscape impact, residential amenity, low carbon development, highways, ecology, drainage

Site Description:

Harbour Watch is a detached, 20th century dwelling in East Portlemouth. It is set down from the public highway, on a steeply sloping area of land between the highway and Ditchend Cove. The dwelling is rendered, with a tiled roof, and the site includes a detached brick and wooden clad garage.

The site is within the South Devon AONB, as well as the Undeveloped Coast policy area. It is in a SSSI Impact Zone, and there are several Tree Preservation Orders (TPOs) on the site.

The Proposal:

The application seeks planning permission for the demolition of the existing dwelling, and construction of a new single dwelling, a large raised external terrace, detached garage and parking provision, an outdoor swimming pool, and external landscaping. A new boathouse would also be constructed to the south-east of the site on the area of beach owned by the applicant and within the site.

Consultations:

- County Highways Authority- no highways implications
- JLP Policy Team- objection- details in analysis
- Environmental Health Section- no objection subject to conditions
- South Devon AONB Unit- objection- details in analysis
- Ecology- insufficient detail provided- details in analysis
- Landscape- holding objection
- Trees- no objection subject to conditions
- Natural England- insufficient information- details in analysis
- Environment Agency- no development in flood zone 3, no objection
- Marine Management Organisation- standing advice
- East Portlemouth Parish Council object- *'Objection as this was replacing a two storey house with a three storey house in a prominent position on the Salcombe Estuary. The additional glazing on the north elevation overlooking the estuary (particularly with living accommodation on two floors) would create significant light pollution in a dark area of the AONB and could impact upon the SSSI. There appeared to be a significant loss of trees which would have a major impact on the AONB. There was a concern that run off from the zinc roof direct into the estuary would also have an impact on the SSSI. If approved there need to be conditions firstly that a Construction Management Plan is agreed prior to work commencing and secondly that the boathouse must remain as such in perpetuity and not be used for accommodation.'*

Representations:

Five letters of objection have been received. These representations can be seen in full on the Council website, but can be summarised as follows:

- Concern about the route proposed for larger vehicles in the Construction & Demolition Management Plan due to the single track and blind bends
- Similar schemes locally have resulted in large properties which are not in-keeping with the local vernacular and emit large amounts of light pollution
- Property would become larger but these dwellings are often empty a lot of the time
- Photomontages do not accurately portray true impact of development
- Size and quantity of vehicles required damage the local roads
- Existing property is capable of being refurbished
- Carbon footprint of development will be enormous
- Incoherent design, out of keeping with surroundings
- Fails to protect or enhance either the AONB, the SSSI, or the Undeveloped Coast
- Contrary to numerous JLP policies
- No justification for larger dwelling
- Harder to reduce carbon footprint of development, embodied carbon should be considered
- Overdevelopment
- Impact on the foreshore
- No protection for some trees
- Contravenes covenant regarding materials

Relevant Planning History

- 4669/21/HHO- Householder application for construction of new boathouse and associated landscaping- withdrawn
- 4638/21/FUL- Demolition of existing house and garage. Replacement detached dwelling, outside pool, gazebo, and associated landscaping- withdrawn
- 20/1875/07/F- Extension and alterations to fenestration- conditional approval
- 20/1873/07/CA- Conservation area consent for the removal of southeast corner of existing bedroom- withdrawn
- 20/0394/78/3- Split level house- refused
- 20/0032/78/3- Proposed split level house- refused

ANALYSIS

Background:

The proposal was subject to pre-application discussions following the withdrawal of the previous applications. The pre-application discussions involved Planning Officers, as well as the Council's Tree Officer and Landscape Officer. Whilst the discussions were proactive and resolved a number of the original concerns, the pre-application response from the Planning Officer considered that a number of issues remained outstanding. The detailed response is available to view on the Council website.

Principle of Development/Sustainability:

The site is not within a settlement named within policy TTV1 of the Joint Local Plan (JLP) and therefore falls within the 'Smaller Villages, Hamlets, and the Countryside' tier of the settlement hierarchy. As such, policy TTV29 is relevant, which relates to replacement dwellings and residential extensions in the countryside.

Policy TTV29 explains that proposals to replace existing dwellings in the countryside will be permitted provided that:

- (1) *The existing dwelling has a lawful use for permanent residential use and has not been abandoned.*

The existing dwelling has a lawful residential use.

- (2) *The size of the new replacement dwelling will not be significantly larger than the original house volume.*

The applicant states in their Design & Access Statement that the new house is located on the same footprint as the original house. Whilst the proposed dwelling occupies the same area as the current house, the extent of the footprint of the new house would exceed that of the original house. Whilst some increase in size is permitted under policy TTV29 (2), the additional volume of the house by virtue of the extra storey and slightly enlarged footprint leads Officers to conclude that the scale and volume of the proposed dwelling goes beyond the scope of that supported by policy TTV29(2), and the proposal therefore conflicts with this policy.

- (3) *The number of new dwellings is no more than the number of dwellings to be demolished and replaced.*

The proposal would see a single dwelling replaced with a new single dwelling.

- (4) *Any new replacement dwelling should be positioned on the footprint of the existing dwelling, unless on design, landscape, highway safety, residential amenity, or other environmental grounds a more appropriate location can be agreed.*

As above, although the dwelling would have a slightly larger footprint than the existing dwelling, it would be sited in the same location.

Housing Need:

Policies SPT2 and DEV8 of the JLP promote a good balance of housing types to support a range of household sizes, ages, and incomes. In South Hams and West Devon there is an imbalance between existing housing stock and the projected size and needs of newly forming households. There is a higher proportion of 4 or more bed homes than the rest of Devon and Cornwall and both are also in the top three in Devon and Cornwall for under-occupancy with around 35 per cent of homes having at least two spare bedrooms. Policy DEV8 (1) therefore supports development which seeks to '*redress an imbalance within the existing housing stock*'. If a proposal seeks to replace a smaller home with a larger home, in a town or parish that is already has an over-provision with large or detached dwellings, then the specific provisions of policy DEV8.1 will be applied, and the net loss of a smaller dwelling will weigh against the proposal.

The ONS data for housing mix shows that there is a significant over-supply of larger dwellings in the parish of East Portlemouth. More than 44% of the dwellings within the parish have four or more bedrooms, compared to a district average of 27%. Nearly two-thirds of dwellings in the parish are also significantly under-occupied (dwellings with at least two unoccupied bedrooms).

The existing dwelling has five bedrooms, with five bedrooms shown on the proposed floor plans. Whilst the creation of a larger dwelling conflicts with the identified housing needs of the parish and wider Plan Area, given the fact that the bedroom numbers would not be increasing as a result of the proposal, Officers would not seek to defend a refusal due to conflict with policies SPT2 or DEV8.

Climate Emergency & Low Carbon Development:

The National Planning Policy Framework (NPPF) identifies that moving to a low carbon economy is a key objective in achieving sustainable development (para 8c). Section 14 of the NPPF relates to meeting the challenges of climate change, requiring plans to '*support the transition to a low carbon*

future' and 'shape places that contribute to radical reductions in greenhouse gas emissions' (para 152), and take a 'proactive approach to mitigating and adapting to climate change' (para 153).

Policy DEV32 of the JLP identifies that the need to deliver a low carbon future for Plymouth & South West Devon should be considered in the design and implementation of all developments to support the Plan Area target to halve 2005 levels of carbon emissions by 2034. This is compatible with the legally binding UK net zero target, which must be achieved by 2050 at the latest, as stipulated in the 2008 Climate Change Act.

The Council has also adopted a Climate Emergency Planning Statement (CEPS) in November 2022 in response to the declaration of a Climate Emergency by each Council. The CEPS responds directly to the Climate Emergency declarations issued across Plymouth and South West Devon and identifies exactly what all new development should do to meet the challenge of climate change and the adopted JLP carbon reduction target. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements.

The Statement was subject to a seven week public consultation, and has the status of an interim policy statement and guidance. It does not change the status of the JLP, which remains the adopted development plan and the starting point for decision-making.

Climate change as a whole, and the impact of embodied carbon in particular, are clearly material planning considerations in light of the relevant case law on the meaning of "material planning considerations": *R(Wright) v Resilient Energy Severndale Ltd and Forest of Dean Council [2019] UKSC 53, [2019] 1 WLR 6562* (at §§39-42) and *R(Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC 3, [2020] PTSR 221* (at §§31-32. 8). The fact that a local authority has declared a climate emergency is also a material planning consideration, which was confirmed in 2020 by the Planning Inspectorate in a decision under section 78 of the Town and Country Planning Act 1990 (appeal reference [APP/Y/2620/W/15/3134132](#) at §§86-89).

In order to address how the proposal would comply with policy DEV32 and the CEPS in delivering low carbon development, the applicant has submitted a 'Whole Life Carbon Options Appraisal'. This document, and application submission has been reviewed by the Council's JLP Policy Team, who have provided the following response:

'I would like to provide a JLP Team response to the recent application to demolish and rebuild a dwelling at Harbour Watch, East Portlemouth.

The primary focus for my comments is the document provided with the application titled 'Whole Life Carbon Options Appraisal', hereafter referred to as 'the document'.

The adopted policy framework to be used in decision making requires consideration of the application against the provisions of the Plymouth and South West Devon Joint Local Plan (JLP), the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) and the National Planning Policy Framework (NPPF). These documents are all referenced and cited in the document and elsewhere within material submitted as part of the application.

The JLP has an adopted policy (DEV32) that contains within it a quantified carbon reduction target, which aims to reduce the carbon emissions within the plan area by at least 50% by 2034 when compared to a 2005 baseline. There are more detailed criteria within the policy itself that introduce specific requirement that will achieve the necessary carbon reduction outcomes from development to cumulatively achieve the carbon reduction target that the policy seeks to achieve. This target provides an important and necessary step towards the binding net zero carbon reduction target written into UK law from the 2008 Climate Act.

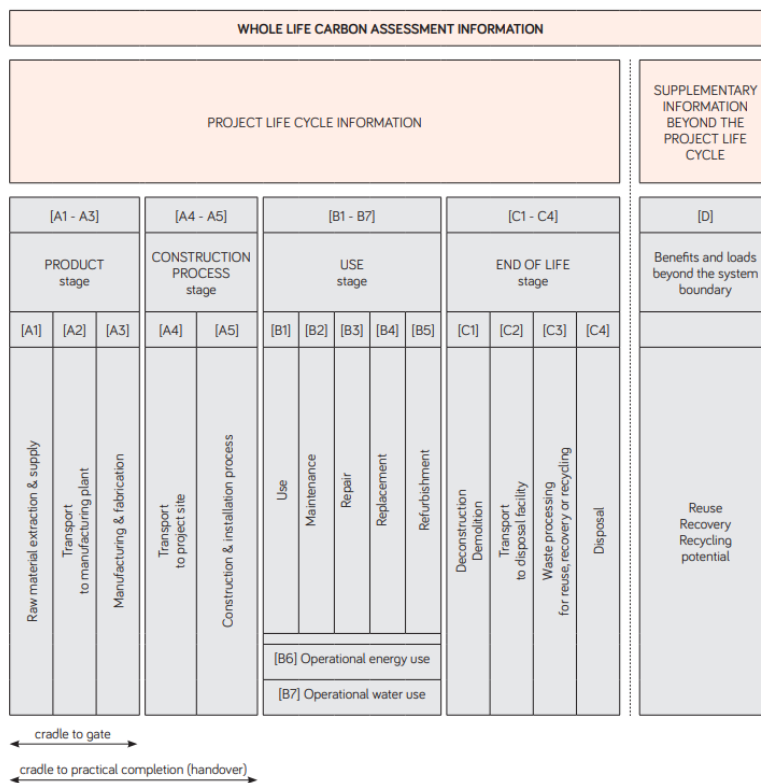
In 2019 South Hams District Council (SHDC), along with many other local authorities, declared a climate emergency in recognition of the lack of progress against net zero requirements, locally, nationally and internationally. This aligns with the declaration made by the UK government themselves in 2018. The climate emergency declaration aligns strongly with the stated carbon reduction target already adopted in planning policy.

In order to give locally elected members the ability to reflect the climate emergency in decision making, and to help decision makers understand how to best use the tools available to them to make more climate resilient decisions, SHDC adopted the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) as a material consideration in decision making. The CEPS provides clarity over how to use existing policy to achieve the carbon reduction outcomes required in the adopted development plan and UK legislation.

Of specific relevance is the requirement M5 of the CEPS – Demolition and Rebuild, which uses a prescribed methodology to minimise the carbon impact of demolition and rebuild proposals to ensure that the impact of replacement buildings is considered holistically, and to ensure that such proposals can contribute to meeting the carbon reduction target written into DEV32 of the JLP.

The aim of M5 is clearly stated within the CEPS document, which is to encourage retrofit of existing buildings unless the proposal for demolition and rebuild can meet a demonstrably high bar, which uses life cycle assessment methodology to identify the specific carbon impact of the project when considered as a whole. The environmental benefits of retrofitting existing buildings far outweigh the benefits of demolition and rebuild. It is not uncommon for the operational efficiency of a new build to be used as justification for demolishing an existing building, but rarely is the whole carbon cost of a proposal considered, and the baseline is often skewed in such a way that misrepresents the potential of a retrofit to the existing building.

The CEPS document states that in order to calculate the emissions impact of a proposal that whole life cycle assessment principles will be used, recognising the specific stages of a buildings life by referencing standard EN19578 (Sustainability of Construction Works). Elements of EN19578 are used within a bespoke and prescribed process created within the CEPS to achieve a stated aim, which is to encourage retrofit of existing buildings – this is clearly referenced, and links are made to the Architects Journal's 'RetroFirst' campaign that has achieved national recognition. M5 does not advocate a simple, linear life cycle assessment process, but instead requires an applicant to identify the net carbon cost of a demolition and rebuild project. The applicable emissions are from stages 'A1-A5' of the process shown below for both the existing building and the replacement building, with emissions from reused and recycled materials. This covers the 'cradle to practical completion' stages of the build.



The reason M5 requires the process to be undertaken for both buildings is to incentivise the reuse and retrofit of an existing building, because this aligns much more strongly with the adopted carbon reduction target in adopted policy DEV32. As soon as a building is demolished and rebuilt, it becomes incredibly difficult for any replacement to building to achieve the carbon savings required by DEV32 because of the embodied emissions involved in creating a new building. As such, the suggestion in the options appraisal document that the M5 process introduced by the CPS 'does not provide an accurate baseline' misunderstands the purpose of M5 in the first place. M5 does not ask applicants to offer their own process or methodology to justify their proposal, it does not ask for an options appraisal, nor does it require emissions from stages B-D from EN19578. The applicant has provided an options appraisal that contrives to create a favourable basis for demolishing the existing building and replacing it with a much larger replacement building. This does not follow the process required to meet M5, and nor does the applicant provide any justification for why the structural integrity of the building cannot be retrofit to a high standard to achieve the same outcome.

M5 of the CEPS is clear about the methodology that an applicant needs to apply in order to demonstrate compliance. The document provided in support of the Harbour Watch application does not follow the prescribed methodology, and as such does not present the required information in the required format. However, there is sufficient information provided within the document to conclude that both the requirements of DEV32 and M5 will not be met by the application, and the degree to which the proposal falls short can be quantified using the information provided.

In order to correctly identify and apply the data required to assess compliance with both DEV32 and M5, the floor areas of the existing building and the replacement building are confirmed as 228sqm for the existing building, and 449sqm for the replacement dwelling.

Table 5 of the document identifies the A1-A5 emissions of the replacement building as being 501 kgCO2/m2. Multiplied across the floor area this equates to 224,949 kg, or 225 tonnes (rounded up), of up front emissions. Interestingly, also in table 5, the A1-A5 emissions of the existing building are stated as '0', which inadvertently acknowledges that the emissions impact of using the existing building as the basis for a retrofit process is already carbon neutral.

Table 7 does give an approximation of the A1-A5 emissions of the existing building, albeit it is not presented within the A1-A5 framework. Using emissions data for the different components of the existing building (excluding emissions staged from operation) from Table 7 suggests a figure 296 kgCO_2/m^2 for the existing building. Multiplied by floor area, this would suggest an embodied carbon cost of circa 67,488kg, or 67.5 tonnes. Interestingly, the data provided in table 7 casts some doubt over the accuracy of the A1-A5 figure for the replacement building in Table 5 – not least because the substructure and superstructure alone (just the physical shell of the replacement building) amounts to 601 kgCO_2/m^2 , which far exceed the entire A1-A5 figure of 501 kgCO_2/m^2 as stated in Table 5. Even if the A1-A5 figures in Table 5 are to be accepted, the minimum figure of the combined up front embodied emissions of both buildings amounts to 292.5 tonnes.

No data has been provided for the amount of materials that are proposed to be either reused onsite, or recycled at an appropriately licenced facility. If we allow a generous assumption that 50% of the materials from the existing building can be effectively reused or recycled, this only adjusts the net cost of the project by circa 34 tonnes, giving an approximate carbon cost of the proposal of 258.5 tonnes.

Having established the net carbon cost of the proposal, M5 requires proposals to show how this can be offset within 25 years through operational savings alone. In order to do this, the baseline is taken from a SAP assessment that benchmarks against the most up-to-date Part L (Thermal Efficiency) approved document. SAP10 software has been correctly used to identify the Target Emissions Rate (TER) for the replacement building, which is stated as 11 kgCO_2/m^2 – this provides the minimum emissions rate to meet building regulations. The actual emissions rate of the proposed building is 0.8 kgCO_2/m^2 , which provides a per square meter saving of 10.2 kgCO_2/m^2 . Across the whole building, this equates to annual saving against a building regs baseline of 4,579kg, or 4.6 tonnes per year.

The M5 requirement is to show how operational energy savings can offset the emission impact of the project within a 25 year period. Over a 25 year period, the annual operational efficiency savings (4.6 tonnes) will save 114,495 kgCO_2e , or 114.5 tonnes. This clearly falls some way short of offsetting the net carbon cost of the project, which is estimated at 258.5 tonnes. Indeed, it would appear, even applying the most generous assumptions, that the net carbon cost of the project would not be offset within 50 years.

If the data provided in Table 7 were used to inform the net carbon cost of the project (just taking the substructure, superstructure and finishes, which omits the A4 & A5 transportation and construction emissions) the up-front emissions impact of the replacement dwelling is actually around 647 kgCO_2/m^2 , which across the whole building would result in a figure 290,503 kgCO_2 or 290 tonnes, a significant increase of 65 tonnes of CO_2e . Using these figures would suggest an offset period of the net carbon cost (323.5 tonnes) of the proposal of around 70 years. Given that the options appraisal document only uses a projected lifetime of the replacement building of 60 years, the project would not even be carbon neutral by the time it was decommissioned, let alone making any contribution to the adopted carbon reduction target written into policy DEV32.

Other significant omissions from the options appraisal document also need to be considered to give a true reflection of the overall impact of the proposal. The plans submitted as part of the application show other buildings would be constructed as part of the replacement dwelling that are not included within the emissions data provided. This includes a swimming pool and boathouse, which would greatly increase the A1-A5 emissions of the proposal, as well as significantly increase the energy demand of the property as a whole. The SAP data provided is based upon the floorspace of the house itself, and does not indicate that the energy demands of the wider property are included. This would also reduce the operational efficiency savings that can be achieved, and further increase the offset period of the proposal even further beyond the existing 50-70 period.

As such, it is considered that the proposal clearly conflicts with policy DEV32 in that it cannot make an appropriate carbon reduction contribution to the adopted target, and does not offset the carbon impact of the proposal within the 25 year period required by M5 of the CEPS. The accuracy of the figures

provided and the assumed impact that the proposal would have is acknowledged as being based on informed assumption. This is why the EN19578 and SAP process are advocated to ensure a degree of certainty over the accuracy of the figures used. Even if we apply a few percentage points of variation in either direction, the outcome, both in terms of the overall carbon impact of the proposal, and the offset period, is far beyond the policy requirements that there is no doubt about the extent of policy conflict.

For completeness, it is worth noting that the options appraisal document does not present a comparable basis for consideration of each of the options. The data suggests that there is an up-front embodied carbon cost (A1-A5 Table 5) of the retrofit option of circa 344KgCO₂/m². According to the SAP data for the retrofit option this is without extending the footprint of the building at all, which still states 228m². This would suggest an A1-A5 impact of around 78,400Kg, or 78 tonnes of carbon – well beyond that contained within the existing substructure and superstructure. And yet the SAP for the retrofit option also seems to assume the same proportion of single glazing as in the existing building (section 3), and does not seem to include any roof mounted PV. It seems unlikely, given the level of financial investment required, and the suggested up front cost of over 78 tonnes, that the retrofit of the entire house with an aim of improving the energy efficiency of the dwelling would not achieve much greater savings than those suggested.

The level of difference between the existing and retrofit options do not represent sufficient difference to represent a genuine attempt to refurbish the existing building to achieve its full energy efficiency potential, and would appear to have been manipulated to better portray the demolition option, rather than provide a robust options appraisal.'

This robust assessment of the submitted information confirms that the proposed replacement dwelling, boathouse, and associated works would fail to contribute to the carbon reduction targets of the JLP as identified in policy DEV32. In addition, the submitted data demonstrates that the proposed development would not offset the carbon impact of the proposal within the 25 year period required by M5 of the CEPS.

Design/Landscape:

The existing dwelling is an early 20th-century dwelling set in large grounds, and occupies a prominent water-front location. Whilst the Design & Access Statement considers the property to be 'rather unremarkable', Officers consider the 1930s design to reflect the character of the village and foreshore, and the existing dwelling nestles into the topography and vegetation nicely.

Policy DEV20 of the JLP requires development to have regard to the local pattern of development in terms of '*style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.*' Policy DEV23 relates to landscape character, and states that development should '*be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness*'.

There are a number of dwellings along this part of the village which reflect this Edwardian character. There are some notable local examples of new development which is clearly contrary to the local vernacular and detract from the prevailing character. The proposed dwelling would be significantly larger than the existing property due to the addition of a third-storey, although Officers acknowledge that the additional storey would be constructed at basement level meaning that there would be a minimal increase in ridge height. The proposed materials would be of a more muted tone than the existing cream render; a mix of timber cladding and natural stone, with a standing seam zinc roof would offer a more contemporary appearance.

Officers have no objection to the overall design of the dwelling, although would require details of the materials to be submitted for agreement prior to installation should planning permission have been granted, to ensure that they are of a high quality and respect the local vernacular. Notwithstanding

this point, there are particular elements which raise concerns, due to the specific constraints of the site, which will be discussed below.

The site is within an extremely sensitive location; it is within the South Devon AONB, the Undeveloped Coast policy area, adjacent to the Salcombe-Kingsbridge Estuary Site of Special Scientific Interest, and includes various trees which are subject to a Tree Preservation Order (TPO).

The NPPF gives the highest degrees of protection to Area of Outstanding Natural Beauty. Policy DEV25 of the JLP requires similar protection, giving '*great weight to conserving landscape and scenic beauty in the protected landscapes*'.

Policy DEV24 relates to the Undeveloped Coast, and states that development will only be permitted in the Undeveloped Coast where it '*protects, maintains, and enhances the unique landscape and seascape character and special qualities of the area.*'

Due to the sensitivity of the site and the prominence of the site on the waterfront, the Council's Landscape Officer has been consulted, and has viewed the site from the water, along with the South Devon AONB Unit. The Landscape Officer has commented as follows:

'This response is based upon an examination of previous planning applications, the planning file and submitted plans along with a review of GIS mapping and aerial imagery. I visited key view points of the site from the estuary on 4th April 2023.

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- *Section 85 of the Countryside and Rights of Way (CRoW) Act;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 130, and 174, 176 & 177;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on*

Landscape; and

- *The South Devon AONB Management Plan and its Annexes.*

Documents referred to:

- *Existing Site Plan, 1702 / 02A, Harrison Sutton Partnership*
- *Existing Plans (house), 1702 / 03A*
- *Existing Plans (house), 1702 / 04A*
- *Existing Elevations, 1702 / 05A*
- *Existing Elevations, 1702 / 06A*
- *Proposed Site Plan, 1702 / 07C*
- *Proposed Upper Ground Floor Plan, 1702 / 08C*
- *Proposed Lower Ground Floor Plan, 1702 / 09B*
- *Proposed Basement Floor Plan, 1702 / 10B*
- *Proposed East Elevation, 1702 / 12A*
- *Proposed West Elevation, 1702 /13A*
- *Section Diagram, 1702 / SK6*
- *Proposed North Elevation, 1702 /14A*
- *Proposed North Context Elevation, 1702 /15A*
- *Illustrative Montages, 1702 17A, 18A, 19A and 20A*
- *Proposed Boathouse Floor Plans, 1702 /21*
- *Proposed Boathouse Elevations, 1702 /22*
- *Landscape Plan, PSN/HW02 rev H, Rathbone Partnership*
- *Landscape Appraisal Report incl. Appendices 1 and 2, 20.02.23, Rathbone Partnership*
- *Design and Access Statement, Harrison Sutton Partnership*
- *Garden Management Plan, Aspect Tree Consultancy / Rathbone Partnership*

(Supporting information)

The Proposal:

The application is for the demolition of the existing, two storey house and garage; a replacement, 3 storey dwelling on a larger footprint; a larger, raised, external terrace incorporating an outdoor plunge pool; an enlarged parking / turning area; a new boathouse, and associated landscaping, all at the existing residential property of Harbour Watch at East Portlemouth.

The site is directly adjacent to the Salcombe-Kingsbridge Estuary Site of Special Scientific Interest and East Portlemouth Footpath 1 is approximately 100m to the west of the existing dwelling. Tree Preservation Order 953 covers three protected trees (two Scots pines and one hornbeam) close to the south-east site boundary, and a linear area of woodland extending over the west of the application site.

Local Planning Policy - Landscape:

The statutory Development Plan comprises the Plymouth & South West Devon Joint Local Plan 2014-2034.

- *DEV23 Landscape Character*
- *DEV24 Undeveloped Coast and Heritage Coast*
- *DEV25 Nationally Protected Landscapes*

The special qualities of the South Devon AONB considered to be most relevant to this application are:

- *Fine, undeveloped wild and rugged coastline*
- *Ria estuaries (drowned river valleys), steep combes and a network of associated watercourses*
- *Iconic wide, unspoilt and expansive panoramic views*
- *Landscape with a rich time depth and a wealth of historic features and cultural associations*
- *A breadth and depth of significant habitats, species and associated natural events*
- *Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.*

Landscape Character:

The Site and the host landscape surrounding it are entirely within the South Devon AONB, a nationally important protected landscape designation as confirmed in the National Planning Policy Framework (NPPF). At the district level, the Site and its surroundings are also within the Undeveloped Coast designation of the Plymouth and South West Devon Joint Local Plan (PSWD JLP).

- *National Landscape Character Area: 151 South Devon*
- *Devon Landscape Character Area: Salcombe to Kingsbridge Estuary*
- *South Hams Landscape Character Types: LCT 3G River valley slopes and combes, and immediately adjacent to LCT 4A Estuaries.*

At the county level, the Site and its surroundings are located in the Salcombe to Kingsbridge Estuary landscape character area (LCA). This is a waterside landscape where open water is juxtaposed with steep wooded valley sides that rise to rounded ridges between valleys and creeks. The tidal character of this area results in a continually changing scene, and views across and up and down the estuary are a defining feature.

LCT 3G is located across the district on the banks of the numerous rivers along the south-coast, including the Salcombe-Kingsbridge Estuary. The topography is characterised by rounded hills and steep undulating slopes, with branching narrow valley systems flowing into and overlooking their associated rivers and estuaries. It is a well-wooded landscape, with deciduous and mixed woodland located on the steeper slopes and the fringes of streams, creeks, rivers and estuaries, emphasising the landform. This is a secluded, rural, tranquil valley landscape which is not interrupted by modern large scale development or busy roads, and is valued for dark night skies.

LCT 4A Estuaries are dynamic landscapes which change often with tides and weather conditions. The estuaries are strongly naturalistic and tranquil with semi-natural habitats that are highly important for biodiversity, with the Salcombe-Kingsbridge estuary being particularly distinctive as there is no main river feeding it so it remains saline within its upper reaches. The estuaries act as a focus for adjoining areas of cliff and combs to create highly valued and visually attractive landscapes, with woodland cover on valley slopes, and particularly the overhanging woodlands extending to the water's edge, contributing to the character of the estuaries. The landscape is popular with tourists and water-based recreation, providing for quiet enjoyment and ready access to the natural environment.

In summary, the character and quality of the local landscape containing the Site is of national importance, as reflected in its designation as an AONB. The Kingsbridge-Salcombe Estuary is the dominant feature in the landscape and one that is a popular recreational resource, enjoyed throughout the year. Part of the character of the landscape is defined by the interplay between the estuary and its creeks and the adjoining land. Views within and across the area containing the Site are described as one of the key characteristics of the local landscape.

Recognised forces for change in landscape character include new development (including replacement modern dwellings) on the estuary sides, with significant pressure for further built development along estuary shorelines, with cumulative impacts on landscape, habitat and water quality.

Landscape Visual Impact Assessment:

The application is supported by a Landscape Appraisal Report (LAR). The submitted document broadly accords with the best practice guidance of Guidelines for Landscape and Visual Assessment Edition 3rd Edition 2013 (GLIVA3), published by the Landscape Institute and Institute of Environmental Management and Assessment.

Comment:

This is an area of the highest visual and character sensitivity, where we expect to see exceptional, locally relevant, design and materials alongside robust and tangible enhancements to the remainder of the site, to consider a scheme positively against development plan policies. The AONB and Undeveloped Coast location, and the site's visual prominence in views from the water and across the estuary, means that any application will have the highest degree of scrutiny and protection in relation to landscape and visual matters.

There is not an in-principle landscape objection to the proposed re-development of the dwelling at this site, as, in the context of the Undeveloped Coast designation, the site already contains a single dwelling. The area around the application site is already developed, with a low density of large dwellings set in generous plots on either side of the narrow lane, so the settlement character of the area would be unaffected by the proposals.

The existing dwelling is a substantial, early 20th century design with more recent alterations, and is reflective of the character of the village, as since the 1920s, many large villas have been constructed in and around East Portlemouth village, and along the coast from South Pool Creek to Mill Bay.

The proposals for the demolition of the existing property and garage, and replacement with an enlarged dwelling, including a lower ground floor level, enlarged parking, a larger terrace and plunge pool, and new boathouse will change the existing character of the application site. The proposals will increase the scale and mass of built form on the site, and also extend development and hard surfacing across the current garden site and introduce built form adjacent to, and onto, the sensitive foreshore environment.

Some elements of the proposals are welcome – the use of locally appropriate, natural materials and more recessive colours and finishes will help to reduce the visual prominence of the new building, so the use of a more subtle and muted colour palette is welcomed. The principle considerations for this consultation response are whether the application proposals would be acceptable in relation to Landscape Character and Visual Amenity. The potentially adverse effects of the scheme are balanced against the considerate design approach for the built form; the locally appropriate materials

palette of recessive colours; the proposed landscape scheme and enhancements, and the implementation of the garden/woodland management plan, as well as the stated intention to retain existing mature trees and the vegetation on the foreshore.

During pre-application discussions I expressed a number of concerns in relation to whether the proposals will result in a harmful landscape or visual impact. Issues highlighted included:

- the new retaining structures, and the increased area of terrace into areas that are currently soft landscaped;*
- the amount of glazing being proposed on the northern elevation, and over three levels of living accommodation, including a lower ground floor not currently present;*
- the potential loss of foreshore shrubs and trees during the construction phase, and how to ensure that the existing coastal slope vegetation is maintained, protected and enhanced throughout the construction phase and beyond.*
- The design of the proposed boathouse, with specific concerns about the stepped access and the proposed fenestration.*
- The extension of retaining features further into the garden space, for the proposed plunge pool and extended terracing could appear intrusive, stark and overly engineered in this natural setting, particularly until new planting is established. The proposals within the landscape scheme to address this are noted, and should – over time – successfully achieve a softening of the appearance of the new engineered features.*
- The protection, retention and enhancement of the existing vegetation on the slopes and estuary-side is extremely important in order to maintain screening, so the clarification that there is no intention or requirement to interfere with the existing shoreline planting, and to include planting in front of all new stone wall retaining elements is welcomed (DAS, page 4, Landscape matters and Retaining structures). However, this area is not included within the supporting Garden Management Plan.*

The proposed replacement dwelling appears to have substantially more glazing on the north-facing, estuary elevation than the existing dwelling does, which is a concern. The projection of the replacement terrace over the lower level rooms may reduce the effects of light spill from the proposed basement level (provided that there is no change to the existing vegetation along the estuary side), but there remain concerns that any additional glazing, in conjunction with any external lighting on the extended terraced areas, in this prominent waterside location may result in adverse effects on the dark skies of the AONB and night-time tranquillity.

I support the landscape mitigation design approach, where it states (in section 6.1 of the Landscape Appraisal Report) ‘the existing landscape context and landform must not be altered radically to achieve the design ambition, ensuring the garden with its mature trees are retained insitu (to maintain the estuary landscape character).’ The site benefits from a well-developed landscape structure of mature vegetation and trees whose retention will help mitigate potential visual effects and provide a landscape setting to the proposals. The landscape plan introduces a number of additional native trees, including to the north, east and west of the dwelling, to enhance the existing wooded character of the site.

The Garden Management Plan is provided as a supporting document, demonstrating the intention to manage the woodland and gardens of the whole site appropriately and to provide long-term improvements through restoration, active management and new planting. The plan covers two main areas to the west of the site, but does not cover the area immediately around the dwelling, nor to the east and north, on the coastal slope.

I note and support the comments of the SHDC Tree Officer in relation to the overarching proposal within the Garden Management Plan to remove or coppice all self-set sycamores and ash. The Devon Ash Dieback Resilience Forum has produced advice on replacing ash trees in the landscape, and recognises sycamore as one of the suitable species, in terms of functionality, attractiveness and biodiversity benefits. I therefore share the concern about the potential detrimental impact on the wooded nature of the coastal slope to the west of the site, and on biodiversity in this location if the sycamores on site are largely removed. The management proposals should avoid using the term ‘self-

set', and to instead focus on the quality and health of the trees within the wooded area of the garden, in line with the Tree Officer's advice.

The proposals for the boathouse have evolved during the course of pre-application discussions, with the design of the building, and side stairs, now being more acceptable. In discussion Officers accepted the justification for the limited use of roof-lights to the boathouse, and it is noted that the proposed roof lights have been re-positioned and that fenestration has been removed from the northern gable. The need for roof lights over the main sail loft is still queried, given the option to open the sail loft doors to gain natural light in the north elevation.

Whilst the design of the proposed boat house seems more appropriate within the landscape setting, and not out of keeping in a landscape where small, ancillary, maritime buildings are commonly found along the waterside, any encroachment of new construction into the tidal zone of the foreshore may have adverse effects on habitats and biodiversity. I note that the South Devon AONB Estuaries Officer and Natural England have raised concerns about the loss of foreshore area and habitat, and the absence of any mitigation proposals. I note that the submitted Construction Management Plan states that all construction access will be from the highway, but a significant concern remains about whether sufficient detail is provided to address potential damage, pollution or disturbance, with particular concern about the potential impact that construction may have on the coastal slope, foreshore and estuary waters. In landscape character terms, the retention of the coastal slope trees and shrubs along the estuary, is crucial for screening and assimilation, given the site's prominent location and the contribution this vegetation makes to the site and the wider landscape. I am surprised that the CMP is such a short document, and that it does not provide more detail about the various constraints and potential hazards resulting from construction operations, and how they are to be managed.

A further concern is that there will be increased pressure to open up views of the estuary for the ground floor and upper floor of the proposed dwelling, which are presently partially obscured by the existing trees and shrubs on the coastal slope that provide the screening referred to in the previous paragraph. My concerns about this and the possible impact of development on the vegetation on the coastal slope could be addressed by a combination of protective measures, conditions and future management of the vegetation, including successional planting, to prevent any impacts from arising and ensure on-going screening to the lower ground floor and ground floor of the dwelling.

Summary:

The adverse effects on character and visual amenity due to the increase in scale and massing of the proposed replacement dwelling; the proposed changes to the hard landscape around the dwelling, and the construction of the boathouse have been considered in balance with the design approach to the appearance of the built form and the mitigation measures and enhancement proposals presented. The proposals accord with the current settlement pattern, with limited extension into the undeveloped areas garden and amenity space, and with the local and wider landscape character conserved in accordance with policy requirements. Visually, the proposed materials are recessive with muted tones, which help the proposed scheme assimilate into the well-wooded slope above the estuary. The landscape plan, which seeks to retain the majority of existing trees, includes new, native and locally appropriate tree planting. The scheme will provide some landscape enhancements for the wider site (in conjunction the garden management plan, which is presented as supporting information, although Tree Officer and Landscape comments made on this document should be noted and addressed). Although the above points broadly accord with adopted policy, there are elements of the proposals that remain a concern, and where adopted policy expectations have not been met:

- the increase in the amount of glazing, particularly to the ground floor and upper floor levels on the northern elevation of the dwelling, which - in conjunction with any proposed external lighting on the extended terraced areas - may result in adverse effects on the dark skies of the AONB and night-time tranquillity in this prominent waterside location, contrary to adopted policies DEV 23.4 and DEV25 8.iv;

- the need for roof lights over the main sail loft is still queried, given the option to open the sail loft doors to gain natural light in the north elevation;
- the loss of foreshore habitat, due to the construction of the boathouse, is contrary to the Est/P2 Foreshore management in the SD AONB Management Plan, and no mitigation is provided, failing to demonstrate that 'harm is avoided and minimised, and or as a last resort harm is compensated for by enhancements to other factors of natural beauty');
- the longer term management intentions for the coastal slope vegetation to the north and east of the application site, between the proposed replacement dwelling and the estuary, have not been stated, yet this vegetation provides crucially important screening without which the scheme would be considered unacceptable on landscape and visual amenity grounds;
- the Construction Management Plan does not contain sufficient detail to demonstrate how any construction works will be managed to avoid damage, pollution or disturbance to the environment around the wider site; foreshore and estuary waters during the building phase (including any demolition phases);

To be acceptable in policy terms, development in this location must demonstrate compliance with policies DEV 23, DEV24 and DEV25 of the Plymouth & South West Devon Joint Local Plan, to fully demonstrate that the special qualities, distinctive character and key features of the South Devon AONB landscape and Undeveloped Coast will be protected, conserved and enhanced.

Recommendation: Holding Objection'

The AONB Unit have submitted the following objection to the application:

'Reason for response

The boathouse as proposed, would remove an area of foreshore and result in a net loss of foreshore and within the area of the estuary designated as a marine Site of Special Scientific Interest. Due to cumulative impacts, any net loss of foreshore area and habitat is a red-line for us. We must expect a net gain through mitigation where there is a proposed loss in these circumstances – I have not found anywhere that suggests any such mitigation and therefore we object on these grounds alone.

The relevant policy within the South Devon AONB Management plan;

Est/P2 Foreshore management – A presumption against any further loss in extent or quality of foreshore, seabed or habitat will be supported.

Other considerations

The whole proposed development is above a very sensitive area of the estuary, found just below the sandy foreshore. I would also have some concerns about how the development works (incl. demolition, storage of demolition, waste and building materials, the building process and ultimately the site's maintenance) would be undertaken were it be given permission. I suggest that a detailed Construction Environmental Management Plan would need to be prepared and signed off by the LPA before any works would be permitted to take place. The CEMP would need to include; issues of site runoff and the site's long-term maintenance.

The CEMP would need to contain the following details:

- *future use and maintenance of the site and buildings, including site/security lighting – in particular in relation to the estuary's tidal waters and shore*
- *any plans for the use of barges, plant or storage on or over the foreshore*
 - o *incl. consideration of breakdowns & oil leaks*
 - o *required use of bio-degradable hydraulic oil where relevant*
 - o *availability of appropriate pollution spill kits and training in their use*
- *Site runoff, care of cement washings, excavations, building waste, etc. and future site runoff of stormwater flows*
- *Site lighting and prevention of any light spill out over the foreshore or deeper waters.*

We would also expect a strong condition that the boathouse could only ever be used as such and not used for accommodation or any change of use. Also to expect that the boathouse's use and maintenance would be detailed within the CEMP – incl. cleaning of the slipway down from the boathouse (no chemicals) and use for boat storage only (no maintenance beyond refuelling). I concur with the Environmental Health's concerns about the plunge pool's chemical treatment and their release into the waters of the estuary. The boathouse proposal would also require a Marine License.'

Whilst the both the dwelling and the boathouse are considered to be of an acceptable design in theory, the sensitive location of the site raises concerns due to the increase in glazing and the subsequent impact on the surrounding landscape character. The greater expanse of glazing has the potential for increased light pollution onto the water and surrounding Undeveloped Coast landscape, which would be harmful to the scenic and tranquil character of this protected landscape.

As well as additional glazing to the dwelling, the boathouse includes four rooflights. Whilst Officers accepted the stated need for rooflights towards the rear of the boathouse, above the lobby, during pre-application discussions, there is no apparent justification for the proposed rooflights to the front area of the roof, above the sail lift, given the proximity of the boathouse doors which, when open, would provide sufficient natural light for users of the boathouse. This area of foreshore is currently undeveloped, and with an absence of built form, although Officers acknowledge that there are other boathouses of various scale and design locally. The form and materials of the proposed boathouse is acceptable, however the position of the proposed rooflights raises concern about the potential light impact on the current natural, undeveloped area of foreshore.

As well as light impact, Officers are concerned that the extension of the terrace area and inclusion of the proposed swimming pool would elongate the extent of hard landscaping, and intensify the domestication of the site in an area designated for its undeveloped nature. Whilst Officers understand that there is already a dwelling and garden area within the site, the addition of a swimming pool and increased area of terrace associated with the dwelling would result in an incongruous addition to the Undeveloped Coast, increasing the perception of human activity across the site. The engineering works and hard landscaping resulting from the proposed development does not respect the special qualities of the Undeveloped Coast and therefore conflicts with policy DEV24 of the JLP.

When compared to the existing site context, the proposed development would not preserve or enhance the setting of the AONB, nor does it respect the special qualities of the Undeveloped Coast, as a result of the increased glazing and engineered, hard landscaping. As such, the proposal is considered to conflict with policies DEV23, DEV24, and DEV25 of the JLP, and paragraphs 174, 176, and 178 of the NPPF.

Trees:

There are TPO trees within the site, and previous iterations of the development proposal resulted in objections from the Council's Tree Officer, due to the proximity of the proposed dwelling to the protected trees.

The current proposal has sought to address these concerns by reducing the footprint of the dwelling and moved it away from the root protection zone of the protected trees. The application has been reviewed by the Tree Officer who has no objection on arboricultural grounds, subject to conditions which would have been imposed had the application been recommended for approval.

Ecology:

Site of Special Scientific Interest:

Policy DEV26 of the JLP states that the '*a high level of protection will be given to sites of national significance*'. Paragraph 180(b) of the NPPF also sets out that '*development on land within or outside*

a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.'

The site is within the Salcombe to Kingsbridge Estuary Site of Special Scientific Interest (SSSI), important for its very rich and diverse intertidal and subtidal flora and invertebrate fauna found within the estuary. This includes eel grass beds, intertidal and subtidal littoral sediments, saltmarsh and a geological element. The estuary is also utilised by overwintering wildfowl.

As such, Natural England has been consulted, and consider the application to be insufficient in detail, commenting as follows:

'If granted permission, the proposed works have the potential to impact upon the SSSI through water and air borne pollution events occurring during construction. The handling and storage of materials, machinery, fuel, and general site rubbish (and any others with the potential for impacts upon the SSSI water quality through dust and run-off), will need to be governed by conditions associated with an appropriate (and agreed) Construction and Environmental Management Plan (CEMP).

It will be necessary to put forward safeguards to prevent SSSI impacts associated with run-off resulting from routine maintenance of machinery and equipment (including washing, and disposal of by-products from the works). The risk of run-off during high rain fall events needs to be factored into the SSSI pollution prevention measures.

Due to the proximity of this development, to the Salcombe to Kingsbridge Estuary SSSI boundary, and if granted permission, without mitigation there is potential for impacts when the foreshore needs to be accessed and/or the areas adjacent to the foreshore. These include:

- a) Disturbance to the foreshore from construction activity and/or vehicle movements within the SSSI boundary.*
- b) Sediment loading/ possible resuspension of contaminants due to disturbance of the intertidal area, fuel spillages from machinery/plant, material loss or spillages onto the foreshore etc.*

The scheme should secure measures to prevent the above impacts.

We would advise that should the proposed works be granted permission that an agreed Construction and Environmental Management Plan will need to be submitted in advance of any site works.

We note that a Construction and Demolition Management Plan has been submitted and within the Environmental Impacts section there is inadequate mitigation for potential impacts, it also does not reference the protected site and states that the:

The scheme will take place in the garden above the tidal foreshore. Therefore, the risk of the chance of water pollution arising from dropped objects, spills of hazardous substances such as oil and fuel, and the loss of sediments into the waters is low.

We do not agree with this statement and that this risk is low, not all works are proposed to take place in this location and the surface water drainage information makes it clear that the property is situated on the coastal slope adjoining the estuary and all surface run-off discharges to the tidal foreshore.

We note that there is only a very brief mention of the SSSI designation within the submitted documents, and no assessment has been provided as to any potential impacts to the SSSI from the application and there is no plan that shows this proposed development location and SSSI boundary.

The plans submitted do appear to show encroachment within the SSSI boundary resulting in SSSI habitat loss on the foreshore. There is currently no details submitted regarding the loss of SSSI habitat and the impacts to the SSSI from the proposed boathouse, associated slipway, decking boardwalk system, and retaining wall.

We would advise that your authority requests further details on the impacts to the SSSI and how any loss of SSSI habitat will be avoided, mitigated or as a last resort compensated for.

We would also like to express our concerns regarding the impacts on water quality and the importance of water quality in the Salcombe to Kingsbridge Estuary SSSI, as parts of the site are in unfavourable recovering condition due to high nutrient levels causing algal blooms.'

Noting these comments, Officers conclude that it has not been demonstrated that the proposed development would not have a harmful impact on the SSSI, contrary to policy DEV26 of the JLP, and paragraph 180(b) of the NPPF.

Protected Species:

DEV26 of the JLP also requires development to avoid harmful impacts on European and UK protected species. Paragraph 180(a) of the NPPF also states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.

The application was accompanied by Bat Emergence/Activity Surveys Mitigation & Compensation Measures. The information has been reviewed by the Council's Ecologist, who considers that insufficient information has been submitted. As well as further details on the impact of the SSSI as requested by Natural England and detailed above, the Ecologist notes the following:

'The 2022 Bat Emergence/Activity Surveys Mitigation & Compensation Measures makes reference to bat emergence surveys undertaken in 2021, report #07521/GLE. This report is required to be submitted, in order to assess whether appropriate surveys have been undertaken.'

Due to the insufficient information submitted, Officers are unable to ascertain whether the ecological impact has been appropriately considered and mitigated against, and whether or not the proposal complies with policy DEV26 of the JLP and paragraph 180(a) of the NPPF.

Neighbour Amenity:

The site is on the edge of the village, and although there are properties nearby, these dwellings (as well as the application site) are generally set in large grounds. The distance, and screening by virtue of the vegetation surrounding the site leads Officers to conclude that the development would not have a harmful impact on the amenity of any neighbouring dwellings, and the proposal complies with policies DEV1 and DEV2 in this regard.

Highways/Access:

The site benefits from an existing access from the main public highway. This would be replaced with a new vehicular and pedestrian access in the same location, which would provide level access to the house. The alterations to the access and site entrance would allow for a larger parking area than currently exists, meaning that vehicles would be able to turn within the site and eliminating the need to reverse out on to the road. The Highways Authority has no objection to the proposal, which is considered acceptable in terms of parking provision, access, and highways matters.

Most of the objections received raise concerns about the submitted Construction & Demolition Management Plan (CDMP). Given the highly constrained nature of the site and access to the village, Officers share these concerns, and do not consider that the CDMP contains sufficient detail to adequately demonstrate that the proposed development would not have an adverse impact on the local highways network or residents, particularly during the summer season when the village already suffers from significant traffic issues. There is also concern that the route proposed for larger

construction vehicles is not suitable, given the narrow single lane and numerous blind bends along the road from South Pool.

Had the development been considered acceptable in all other regards, a condition would have been recommended requiring a more detailed and substantial CDMP to be submitted prior to the commencement of any works. As this matter could be addressed by condition, it is not considered necessary to include this as a reason for refusal.

Drainage:

The proposal includes the installation of a package treatment plant which would discharge to an existing soakaway. The surface water run-off currently discharges into the tidal foreshore, and would continue to do so from the roofs of the dwelling and hard surfaces.

The Council's Environmental Health officers have no objections in principle to the proposed drainage solutions, but note that the proposed pool would contain chemically-treated water. This water could not be drained via the package treatment plant, and the applicant should take care to ensure that there is no risk of chemical-laden water being discharged into the estuary. This was also a concern raised by Natural England, and so had permission been granted, a condition would have been recommended to require further details of the pool drainage system to ensure that these concerns are addressed. Subject to this condition, the proposed development would have been considered acceptable in terms of drainage.

Summary:

Whilst the proposed development has resolved some of the concerns previously identified, there are a number of outstanding issues, including the impact on the various protected landscapes, the failure of the development to contribute to the JLP's carbon reduction targets, and insufficient information to demonstrate that protected species of wildlife, or the SSSI would not be harmed.

The application therefore conflicts with numerous local and national policies as identified throughout this report, and is recommended for refusal.

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 14th 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

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV29 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV24 Undeveloped coast and Heritage Coast

DEV25 Nationally protected landscapes

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The site is within the Saltstone Neighbourhood Plan area. However, this plan is not yet at an advanced enough stage that it can be given weight in the decision-making process

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:

Plymouth & South West Devon JLP Supplementary Planning Document (2020)

South Devon AONB Management Plan (2019- 2024) and its Annexes

Plymouth & South West Devon Climate Emergency Planning Statement (2022)

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.

The above report has been checked and the plan numbers are correct in APP and the officers report. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature: C.Howrihane

Date: 03.05.2023