

OFFICER'S REPORT

Case Officer:	Amy Hallett		
Parish:	East Portlemouth	Ward:	Stokenham
Application No:	1003/24/HHO		
Applicant:	Mr & Mrs P Nagle Harbour Watch East Portlemouth Corner To Mill Bay East Portlemouth Devon TQ8 8PU	Agent:	Mr Mark Evans Cedar House Membland Newton Ferrers Plymouth PL8 1HP
Site Address:	Harbour Watch, East Portlemouth, Salcombe, TQ8 8PU		
Development:	Householder application for partial demolition, rebuild & extension of existing dwelling, construction of new boatstore & slipway, new swimming pool, new stone retaining wall to replace existing substandard tyre boundary sea defence, with associated driveway/car parking & landscape enhancements		

Recommendation: Conditional Approval

Conditions

Standard time limit
Accord with plans
Arboricultural Plans
Adherence to ecological mitigation
Timber cladding
CEMP (pre-commencement)
Surface water drainage
Boathouse to be incidental
GRP Dura colour
Steel mesh colour

Consultations:

- Parish Council – object
 - No CMP submitted;
 - This should be a full application not a householder;
 - Application does not state which walls are being retained.
- Salcombe Town Council – comment.
- Drainage Officer - support subject to surface water condition.

- Landscape Officer – support subject to the submission of a Construction Management Plan (CMP).
- Tree Officer -no objection subject to submission of noted information prior to demolition or earthworks. (pre-commencement condition).
- Environment Agency – no comment received.
- Estuaries South Devon AONB – holding objection (pertaining to boathouse) subject to additional information being provided.
- Marine Management Organisation – may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.
- Natural England – no objection subject to a Construction Environmental Management Plan (CEMP)
- DCC Highways – no highways implications.

Representations:

Representations from Residents

Six comments have been received (the South Hams Society have commented twice and this has been counted as one comment) and cover the following points:

- Should be a full application not a householder;
- Impact landscape and failure to comply with DEV23, DEV24 and DEV25 of the JLP;
- Boathouse would remove an area of foreshore and result in a net loss within a designated marine SSSI;
- Revised scheme fails to deal with the reasons for refusal on the previous application;
- Increased ridge height;
- Adverse impact on the shoreline;
- No evidence within the Local Planning Officers and Specialist Staff comments that the LPA is now considering this strengthened protection for its National Landscape (referring to Natural England Guidance);
- Boathouse is too large and too elevated to really be solely for boat storage;
- Boathouse will become a residential unit;
- Impacts view of site from Salcombe;
- Should be conditioned as a boat house only.
- The location is close to the war memorial landing stage steps that gives public access to the shoreline. In my opinion it is unacceptable to protrude an 8 metre obstruction out onto the foreshore that prevents shoreline access at higher tides.

Relevant Planning History

- 0501/20/TEXT1: Scots Pine – Fell, total crown failure at 6m due to shear fracture on stem, canopy hanging just above ground level at edge of cliff over hanging beach; T2: Scots Pine – fell, dead.
- 0688/22/PR4 Full Pre App - Pre Application Enquiry For - Demolition of house and replacement dwelling and associated landscaping & proposal for new boathouse.

- 0854/23/FUL Demolition of existing detached house & detached garage, erection of replacement detached dwelling, outside pool, boathouse & associated landscaping
- 20/0400/81/3 New store, steps and reinstatement of jetty
- 20/1873/07/CA Conservation area consent for the removal of southeast corner of existing bedroom
- 20/1875/07/F Extension and alterations to fenestration
- 2918/23/CLP Certificate for lawfulness for proposed refurbishment & alterations to existing dwelling including new & enlarged windows & doors, new rooflights, rear conservatory extension & two outbuildings within domestic curtilage to accommodate indoor swimming pool & outdoor waterside storage & changing area
- 4669/21/HHO Householder application for construction of new boathouse and associated landscaping
- 4683/21/FUL Demolition of existing house and garage. Replacement detached dwelling, outside pool, gazebo and associated landscaping.
- 0199/24/CLP Certificate of lawfulness for proposed refurbishment & alterations to existing dwelling

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	YES
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	YES
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	YES
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site?	YES
Is the parking and turning provision on site acceptable?	YES
Would the proposal generally appear to be secondary or subservient to the main building?	YES

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	YES
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	YES
Is the proposal acceptable with regard to any significant change or intensification of use?	YES

Heritage	YES OR NO
If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?	N/A

If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building? Grade I II II*	Grade I II II* N/A
Other Impacts	
Does the proposal comply with DCC Highways standing advice such that it does not adversely affect highway safety?	YES
Is the relationship with the PRow acceptable?	YES
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	a) YES b) YES
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	YES
If the proposal within the National Landscape, is the impact acceptable upon the special qualities of the National Landscape?	YES
Are the drainage details acceptable?	YES
If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment?	YES

ANALYSIS

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

Design and South Devon National Landscape

The proposal sees a replacement garage on the same footprint, alongside extensions and alterations on all sides of the dwelling, although these are modest when compared to the existing footprint of the building.

To the lower ground floor, there is a proposed extension on the south (front) elevation to incorporate an additional guest bedroom and bathroom, alongside a garden w/c and access to the proposed plunge pool. The west elevation has a new boot room and utility linking to the kitchen. The kitchen and living spaces have small extensions and garden access to the rear (north).

Due to the topography, the upper ground floor is where the property's main entrance point is and it is proposed to extend to create a larger entrance hall and en-suite to the front. The lower ground boot room extension is taken to two storeys to allow for an additional bedroom space. To the rear (north), the sitting room terrace is extended and the master suite has a new balcony. The roof structure here is canopied to cover both balconies.

The proposed materials change the roof from clay to predominantly Cedar shingle. The external walls are changed from render to a mix of natural stone and timber cladding, the

latter of which will be conditioned to ensure it is retained as such and allowed to develop a patina.

With regards to glazing, the property benefits from a reasonable amount for glazing currently and the Landscape Officer has confirmed their support.

In terms of the boathouse, the Estuaries Officer requested further information to clarify the changes, which have been supplied as supporting information. As these supporting documents do not amend the development as originally applied for, they only clarify points raised by consultee, no additional consultation is required. The boathouse will however be conditioned as incidental use only. Overall, the proposal accords with DEV23, DEV24 and DEV25 of the JLP.

Neighbour Amenity

Officers acknowledge the slightly higher ridge height but overall the proposal does not cause detriment to neighbour amenity, given the siting of the property.

Other Matters

It has been raised by the South Hams Society that the proposal falls outside the description of a householder application. However, the Town and Country Planning Act defines a householder application as follows:

“an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.”

The boathouse would still be assessed as being within the curtilage and parameters of a householder application.

Comments have been raised that the scheme fails to deal with the reasons for refusal from the 2023 application. The reasons for refusal are summarised as follows:

1. Impact on AONB;
2. Fails to make an appropriate contribution to carbon reduction contributions;
3. Insufficient information relating to the SSSI and possible impact;
4. Inadequate information to consider wildlife impact mitigation measures;
5. Proposed dwelling would be significantly larger than the original dwelling.

The Landscape Officer supports this new scheme and therefore reason one has been resolved. Reason two is only applied for replacement dwellings, which this is not. Reasons three and four pertain to the shoreline and the boathouse changes have been removed from the scheme. The proposed changes are modest and compliant with TTV29. Therefore, all reasons for refusal have been dealt with under this new scheme.

Environmental concerns

Several comments have been made regarding the impact on the shoreline and how Natural England's guidelines have not been met. As part of the consultation, Natural England, Marine Management Organisation, Environment Agency, Landscape Officer, Tree Officer and Estuaries Officer were all consulted. The Estuaries Officer has since received supporting documents to clarify points raised. Officers are satisfied that the proposal meets all relevant requirements of DEV24 and DEV26 of the JLP.

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

Planning Policy

Relevant policy framework

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

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
TTV29 Residential extensions and replacement dwellings in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
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
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

No Neighbourhood Plan.

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:

South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)
Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)

Plymouth and 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 correctly recorded within the computer system. As Determining Officer I hereby clear this report and the decision can now be issued.

Name and signature: *Amy Hallett*

Date: 1 August 2024

Ward Member	Cllr Brazil
Date cleared	01//08/2024
Comments made	Hi Amy Thanks for the chat Happy to delegate conditional approval julian