

## OFFICER'S REPORT

<b>Case Officer:</b>	Charlotte Howrihane		
<b>Parish:</b>	West Alvington	<b>Ward:</b>	Salcombe & Thurlestone
<b>Application No:</b>	4207/23/FUL		
<b>Applicant:</b>	Ropemaker Property Limited c/o Agent	<b>Agent:</b>	Mr Mark Evans Mark Evans Planning Limited Cedar House Membland Newton Ferrers PL8 1HP
<b>Site Address:</b>	Collapit Creek House, West Alvington, TQ7 3BA		
<b>Development:</b>	Demolition & replacement of Collapit Creek House, Coach House & annex, outbuildings, driveway, parking, new swimming pool, bat house & landscape enhancements.		

**Recommendation:** Refusal

### Reasons for refusal:

1. The proposed dwelling would be much larger than the original dwelling, with an increase in floor area of approximately 103%. Given the identified landscape harm, this is considered to be a significant increase and the proposal therefore conflicts with policy TTV29(2) of the JLP, and paragraphs 11.78 and 11.79 of the SPD.
2. The proposed development, by virtue of its form and design, fails to respect the area's distinctive sense of place, and to reinforce local distinctiveness, and would have adverse effects upon the character of the area and which would detract from the special qualities of the South Devon National Landscape and the Undeveloped Coast policy area. The development therefore conflicts with policies DEV20, DEV23, DEV24, and DEV25 of the JLP, policies KWAC ENV3, KWAC ENV5 of the neighbourhood plan, paragraphs 180, 182, and 184 of the NPPF, and the associated guidance contained within the South Devon AONB Management Plan.
3. The proposed development would result in a high risk of long-term harm to valued trees through construction or post constructional pressure for inappropriate works that would diminish their amenity contributions. The proposal therefore conflicts with policy DEV28 of the JLP, and policies KWAC ENV10 and KWAC BE3(3) of the neighbourhood plan.
4. Insufficient information has been provided to demonstrate that that the proposal would not have a detrimental impact on protected species of wildlife; in particular, the impact of the proposal on bat flight lines, the lighting levels on foraging and commuting routes, and evidence that the mitigation hierarchy has been followed. The

development therefore conflicts with policy DEV26 of the JLP, KWAC ENV3 of the neighbourhood plan, and paragraph 186 of the NPPF.

5. Insufficient information has been submitted to assess the impact of the proposed development on the Salcombe-Kingsbridge SSSI, in relation to both the drainage proposals at the site, and the lack of information in respect of an area of timber decking shown at the base of the steps down to the foreshore. As such, it has not been demonstrated that the development would have an acceptable impact on a site of national significance, contrary to policy DEV26(2) of the JLP, and paragraph 186(b) of the NPPF.
6. The development fails to make an appropriate contribution to the carbon reduction targets of the Joint Local Plan, and by virtue of the size of the proposed dwelling, does not respond to the resource minimisation expectations outlined in policy DEV32(1). The proposal therefore conflicts with policy DEV32 of the JLP, policy KWAC ENV7 of the neighbourhood plan, paragraphs 157, and 162(b) of the NPPF, and part M5 of the CEPS.
7. The proposal would result in the loss of a building which the Local Planning Authority would consider to be a non-designated heritage asset, due to its aesthetic and historic interest, and communal value resulting from the historic use of the building. There is no public benefit to outweigh this harm, and the development conflicts with policy DEV21 of the JLP, policy KWAC BE4 of the neighbourhood plan, and paragraph 209 of the NPPF.

### **Key issues for consideration:**

Principle of development, design, landscape impact, heritage, ecology, low carbon development, highways, trees

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### **Site Description:**

Collapit Creek House is an 11-bedroom, three storey detached house constructed in the late 19<sup>th</sup> century. The site is accessed via a private driveway from Gerston Lane. It occupies a prominent location, elevated above the estuary. The dwelling is a mix of render, pebble dash render, red brick, a red tile hanging. There are some later additions to the dwelling, as well as the remnants of an old tennis court, and various outbuildings. There is an informal access path from the dwelling down the foreshore of the creek.

The site also includes another dwelling (the Coach House), which is at the entrance to the site, alongside the driveway. The Coach House is a red brick building, which has clearly been altered and extended in recent history.

The total site area is approximately 2.5 hectares, and is bound by arable farming land to the north east, Gerston Farmstead (grade II listed) to the north west, and Collapit Creek to the south.

The site is within the open countryside, the South Devon National Landscape, the Undeveloped Coast and Heritage Coast policy areas, and adjoins the creek which is part of the Salcombe-Kingsbridge Site of Special Scientific Interest (SSSI).

## The Proposal:

The application seeks full planning permission for the replacement of two dwellings; Collapit Creek House and the Old Coach House, to provide a new dwelling and ancillary gate house to accommodate staff. The proposal also includes large amounts of landscaping, and the installation of an external swimming pool.

## Consultations:

- Highways Authority- no highways implications
- Natural England- objection, details in analysis
- Ecology- objection, recommend refusal, details in analysis
- Landscape Officer- objection, details in analysis
- Tree Officer- objection, details in analysis
- Drainage- initial objection, additional information submitted
- West Alvington Parish Council- objection:

*'West Alvington Parish Council has reviewed the above application and unanimously resolved to OBJECT to the plans for reasons including, but not limited to, the following:*

- *The existing property has a lot of historic importance as well as being a beautiful building in a stunning location overlooking Collapit Creek. Many believe the property should be listed to protect it for future generations. It would appear that little thought has been given to preservation of any aspect of the existing building (and surrounding buildings) with the new owners wanting to demolish buildings in favour of creating their own vision. A vision which, could be argued, is not unique and is more in keeping with small coastal towns that are not protected via the AONB or conservation areas/heritage coast.*
- *The scale and density of the plans represents massive overdevelopment of the site, the plans are far greater than the original footprint and more akin to a small scale hotel.*
- *The site is in the heart of the AONB, it is a highly prominent landmark and extremely visible from the creek. The new owner will clearly expect to see the stunning views from the new property, it will therefore create a scene that is completely out of keeping with the surrounds.*
- *There is a significant increase in glass in the new building which will lead to inevitable light pollution in a sensitive area. External lighting will further contribute to this. None of which is in keeping with the AONB. If given permission to proceed the glass impact and external lighting should be restricted by conditions.*
- *The proposed materials used in the building are also not considered in keeping with the AONB.*
- *The surrounding trees are protected with a Tree Protection Order. Due to the oversized footprint of the new building and surrounding driveway etc there are serious concerns that the new building and associated works cannot be completed without damage being caused to the root systems.*

- *The main entrance to the site is out of keeping in the AONB and would be better replaced with a smaller gated entrance.*
- *The proposed bat house doesn't fit with flying patterns and is not suited to the different species. This should be reviewed.*
- *Protected species, invertebrates, slow worms, adders, flora, fauna etc all live in and around this site, the proposals and length of works (minimally 2 – 3 years) will have a detrimental impact to their environment.*
- *A query was raised regarding the demolition of barns and we would ask South Hams District Council to confirm if it is appropriate for the Coach House to be demolished as this was originally a barn, converted in approximately 2000 to building regulations at that time.*
- *There are two nearby Heritage Assets – Collapit Bridge and the former buttery at Collapit - proposals that directly or indirectly affect their significance should be judged according to the scale of harm or loss.*
- *A full construction & management plan, plus landscape & ecology plan must be approved prior to any works commencing at this location. This should include restrictions on timings for works to be undertaken and give consideration to the inevitable noise and disturbance that will be caused. It is essential that the road access is clarified, there is a delicate road infrastructure surrounding this area which must not be damaged in any way by the heavy duty supplies and equipment needed for construction.*
- *Further development should be restricted where possible, i.e. no additional sports facilities or similar due to the environmental impact.'*

## **Representations:**

One letter of objection has been received. This can be seen in full on the Council's website, but can be summarised as follows:

- It is appalling that someone would want to demolish the house
- It has previously been included as Property of the Week stating that it does not require extensive renovation
- No justification for the demolition
- The house has historic local significance
- Concerns about proposed drainage and cannot see how the EA could issue a permit for this
- Tree clearance has taken place on the site

## **Relevant Planning History**

- 1650/23/CLP- Certificate of lawfulness for proposed rear extension and window alterations to facilitate refurbishment of existing house and construction of outbuildings for incidental use- refused
- 3327/23/CLP- Certificate of Lawfulness for proposed rear extension, rear rooflights& window alterations to facilitate refurbishment of existing house& construction of outbuildings for incidental use  
- certificate granted

## **ANALYSIS**

Principle of Development/Sustainability:

The Joint Local Plan (JLP) is a spatial plan, and policy TTV1 of the JLP sets out a settlement hierarchy, to prioritise growth in the most sustainable settlements. The site is fairly isolated, and not within any named settlements, and as such, is in the lowest tier, tier 4 of the settlement hierarchy (Smaller villages, hamlets, and the countryside), where development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities.

Whilst the site is not in a location where development would typically be supported, Officers acknowledge that there is an existing dwelling on the site. As such, policy TTV29 is the starting point to establish whether or not the principle of a replacement dwelling can be supported:

***TTV29- Residential extensions and replacement dwellings in the countryside***  
*Proposals to extend or replace existing dwellings in the countryside will be permitted provided:*

- 1. The existing dwelling has a lawful use for permanent residential use and has not been abandoned.*
- 2. The size of the new replacement dwelling will not be significantly larger than the original house volume.*
- 3. The number of new dwellings is no more than the number of dwellings to be demolished and replaced.*
- 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.*
- 5. The extension is appropriate in scale and design in the context of the setting of the host dwelling.*

Although the buildings are currently unoccupied, Officers have no reason to consider that they have been abandoned, and the lawful use of the site is residential. Part one of the policy is therefore met.

The replacement gatehouse building would represent a reduction in floor area; the existing gate house buildings have a total habitable floor area of 263.5sqm plus 62.5sqm of garaging. The new gate house building would have a floor area of 116sqm.

The main dwelling currently has a floor area of 599sqm and 25sqm of garaging. The proposed replacement dwelling would have a footprint of 1217sqm, with 54sqm of garage space. This represents an increase in floor area of over 103%.

The Supplementary Planning Document (SPD) which accompanies the JLP provides additional clarification on what constitutes a 'significant' change in terms of size of a proposal for a replacement dwelling. Paragraph 11.78 states that two key elements will be taken into account:

- Whether the proposal will result in a harmful landscape or visual impact, and,
- Whether the proposal changes the size of dwelling, by number of bedrooms, to such a degree that it fails to meet the household needs of the area.

The landscape impact of the proposal will be discussed in more detail later in this report, however the replacement of the main dwelling is considered to have an adverse impact on

the landscape character, for the reasons outlined in the objection from the Landscape Officer.

Whilst it is acknowledged that the numbers of bedrooms in the replacement dwelling would be less than the existing property, noting the extremely large increase in floor area, and the identified landscape harm, Officers conclude that the increased size cannot be considered anything other than significant, and as such, the proposal conflicts with part two of the policy.

The number of dwellings would not be greater than the number currently on the site, and so the proposal complies with part three of the policy.

The replacement of both the gate house and the main dwelling would be sited on the footprint of the existing buildings, in accordance with part four of the policy. Part five is not relevant as this relates to extensions.

Whilst the principle of a replacement of the existing buildings is likely to be acceptable, the scale of the increased floor area is so much larger than the existing main dwelling that it is a significant increase, and therefore conflicts with TTV29(2).

The applicant has drawn attention to a lawful development certificate, granted in 2023, for a number of extensions and alterations to the dwelling which could be carried out under permitted development. The applicant states that this would permit a further 387sqm of floorspace, reducing the percentage increase in floor area between the existing development and the theoretical extent of the dwelling as amended by the LDC to 23%.

Officers acknowledge that this LDC has been granted, and that a number of extensions and alterations could be carried out without the need for planning permission. However, Offices would clarify that the policy states the size of the new replacement dwelling will not be significantly larger than the *original house* volume (emphasis added), and therefore the potential for later extensions is not a consideration in respect of the acceptability of replacement dwellings of a significantly larger scale.

### Design:

#### Collapit Creek House:

The proposed dwelling would be a much more contemporary design than the existing Edwardian house. The supporting planning statement states that the development has sought to achieve an exceptional design standard, and this has been achieved through consultation with the Design Review Panel<sup>1</sup> (DRP).

Both the planning statement and the DRP feedback comment on the proposal against the requirements of paragraph 84(e) of the NPPF, which states:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*(e) the design is of exceptional quality, in that it:*

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

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<sup>1</sup> It is stated that the scheme has been to the DRP three times; this analysis will relate to the DRP feedback dated 14<sup>th</sup> December, submitted with the application.

- *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*

Officers would note that paragraph 84 sets out exceptional circumstances which would justify permission being granted for isolated homes in the countryside. This is not relevant in the case of this application, as the principle of a dwelling is already established, as there is a house on site. In addition, the replacement of the dwelling is also supported in principle by policy TTV29, as discussed earlier in this report. Whilst the provisions of paragraph 84 may therefore be helpful in understanding what could be considered to be exceptional design, the fact that the proposed development may be considered to be of such high quality does not in itself justify the grant of planning permission.

Notwithstanding the above comments, Officers acknowledge the positive feedback from the DRP, and appreciate that their guidance is supported by paragraph 138 of the NPPF, which states that *‘local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels’*.

The DRP feedback considers the proposal to be of a ‘very high standard’ which meets the policy criteria of paragraph 84(e), as well as paragraph 139, which relates to design:

*‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*  
a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*  
b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area’*

In recognition of the DRP conclusion that the dwelling constitutes exceptional design, the Council Urban Design Officer has reviewed the proposal to provide additional guidance to Officers as to the design quality of the scheme. She has commented as follows, in relation to Collapit Creek House:

1. *Context- Further required information*

*The architectural narrative relies heavily upon the assimilation of the buildings into the landscape. Due to the illustrative nature of the elevational drawings provided, to fully ascertain the relationship of the house to its natural setting further information is requested. The contextual elevations provided show the house obscured by trees. It is not understood whether these trees are an accurate representation of those on site, and therefore what the actual visual impact of the proposal will be. Without the screening of trees, the house could be seen as overly bulky, at a commercial scale, and dominating the hillside.*

*Likewise, trees are shown in full leaf, depicting the visible extent of the proposed building only in the summer months. Accurate line drawings indicating the extent of tree cover without leaf-cover would greatly aid understanding.*

2. *Accessibility*

*The proposal aspires to be considered as 'outstanding' Architectural design. Outstanding architecture should demonstrate best practice and therefore not be exclusionary. The current proposals have stepped access to the primary entrances of the main house and the gate house. Living space in the main house is accessed via a further set of stairs, hindering the ease and ability of any less-ambulant people to use the space.*

### 3. Net Zero

*Given the scale and budgetary value of the proposal, it is reasonable to expect outstanding architecture to reflect the highest standards in sustainability and achieve net-zero or, if truly innovative, a carbon negative building. This lack of ambition in regard to sustainability can be seen to undermine the claim of 'outstanding' architectural design.*

### 4. Design

*The architectural approach of a stratified form with a heavy rammed earth base topped by a light-weight timber-framed pavilion is supported. However, some more detailed aspects of the proposal are seen to erode the architectural ambition. Please consider the following:*

- *The roof of the entrance storey 'layer' appears very heavy. Although the architectural articulation of this portion of the building as 'intermediatory' (between the light-weight structure above and the earth-sheltered base below) is understood, the roof's profile and the detailing of the fascia and soffit appears clumsy and overly heavy. Given the thickness of the fascia, the glulam fins which might be expected to be structural (as in the precedent picture) appear superfluous. A more refined, 'lighter' approach to this roof, perhaps achieved through reducing the thickness and/or tapering the structure as it extends out from the building may help to elevate the architectural quality of the proposals.*
- *The proposed house sits lower in the site than the existing house. However, the view of the proposal from the creek reveals the significant breadth of the overhang on the first-floor roof structure. When seen from below, this 'deck' enlarges the apparent mass of the house and arguably the ambition for the building to not 'compete' with its natural setting.*
- *How well the rammed earth walls will weather over their lifetime is questioned. A discreet coping may be required to prevent staining or disintegration.*
- *The design of the bat house does not relate to the rest of the buildings and appears as an anomaly within the site. The opportunity for a unified, holistic approach to all buildings within the site has been missed.*

These comments are not intended to dispute or negate the feedback from the DRP, but provide an additional perspective, noting the subjectivity of design considerations. Officers are also mindful that since the application submission was prepared, some prominent trees, which would have provided screening from the creek, have been removed from the site, which would have a significant impact on the screening and visibility of the dwelling.



Policy DEV20 of the JLP relates to design, but considers good design to go beyond the design of the building, requiring development to have '*proper regard to the pattern of local development and the wider development context and surroundings 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*', and to '*deliver locally distinctive design*' (DEV20.2 and DEV20.4 respectively). It is not sufficient for development to be of good design; it must also contribute positively to the landscape, and offer high quality and locally distinct places which celebrates and strengthens the unique quality and inherent value of the South Hams landscape.

The landscape impact of the proposed development will be discussed in more detail later in this report, however it is evident in the DRP feedback, and in Officers' view, that the design is not locally distinctive. The DRP considers the design of the proposal to be outstanding, but suggested that additional work could be undertaken to demonstrate how the proposal is locally distinctive, and responds to the specific site context.

Whilst Officers do not dispute that, in isolation, the dwelling is of good design, it is not considered to be locally distinctive, or to have had sufficient regard to the local pattern of development, contrary to policy DEV20 of the JLP.

### The Gate House

The existing Coach House is a more modern, sprawling building at the entrance to the site. It is of red brick construction, which is not particularly reflective of the local vernacular, nor does it have any architectural or historic value. There is also a large, elevated terrace and a stone retaining wall projecting from the building to the north-west.

The proposed replacement of the Coach House with a new 'Gate House' would reduce the bulk of the building, by removing some of the lean-to extensions and later additions to the building. The visual impact of the Gate House would be significantly less than the existing Coach House, as it would be set into the ground, rather than on top of it.

The lightweight design of the Gate House, the reduced volume, and siting into the landscape result in a design which Officers consider to be much improved over the existing Coach House. The building would be less dominant on arrival to the site, and nestles comfortably into the landscape. Whilst there may be high proportions of glazing to the north-west elevation, the reduction in scale and lower level of this glazing leads Officers to conclude that, on balance, this is acceptable.

Had the proposal been considered acceptable in all other regards, conditions would have been recommended in terms of materials details, to ensure a high quality finish, and to secure low-reflective glazing, to minimise the impact of this glass on the surrounding landscape.

Overall, the proposed Gate House is considered to offer betterment in terms of design than the existing Coach House- whilst the Gate House would be a more contemporary design, perhaps not in keeping with the traditional character of the site, the reduced scale and low siting is considered more appropriate within the wider site context.

## Heritage:

The site is not listed, or within Conservation Area, and so is not a designated heritage asset. However, the building appears on the second edition tithe maps of the early 1900s, and has largely retained its original form and appearance. It also has a varied history, having been used as a field hospital during the First World War. This leads Officers to consider whether the building has the potential to be considered as a non-designated heritage asset (NDHA).

The SPD provides guidance on how to assess whether or not something should be considered to be a NDHA. Paragraph 6.77 notes that for sites not allocated in a local list or neighbourhood plan, LPAs will take a criteria based approach within the decision making process. The SPD goes on to provide an assessment methodology in the form of a flow chart:

Q1. Is it a physical structure such as a building, standing remains, wall, or other man-made boundary feature?

Yes. Collapit Creek House is a dwelling.

Q2. Is it a structure recorded on the first edition OS map of the 1880s or the 1906 edition?

Yes, the house is shown on the 1906 edition of the OS map.

Q3. Does the extent or quality of the surviving fabric or other evidence justify further investigation or assessment?

Yes. Officers consider the potential for communal value of the building due to its historic use, namely during the war as a field hospital, and the aesthetic interest resulting from the highly surviving features justifies further assessment of the building.

As the answer to all of the above questions is 'yes', the SPD requires the decision-maker to 'assess as a NDHA using criteria set out in *Historic England Conservation Principles and with reference to the Local list criteria. The Local List criteria are as set out in Historic England Advice Note Number 7*'.

The Historic England Advice Note advises that historic interest can be a factor in considering something to be a NDHA: '*A significant historical association of local or national note, including links to important local figures, may enhance the significance of a heritage asset. Blue Plaque and similar schemes may be relevant. Social and communal interest may be regarded as a sub-set of historic interest but has special value in local listing. As noted in the PPG: 'Heritage assets ... can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity'. It therefore relates to places perceived as a source of local identity, distinctiveness, social interaction and coherence, contributing to the 'collective memory' of a place*<sup>2</sup>.

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<sup>2</sup> Historic England Advice Note Number 7, page 11

Collapit Creek House was known as the Kingsbridge VAD hospital and was used as a convalescent home for recovering soldiers during the First World War. The Parish Council have noted the value of this building for its historic uses in their comments on the application, (although it is acknowledged that the site is not listed as an NDHA in the local list identified by the neighbourhood plan), and Officers consider this to be worthy of further investigation.

Historic England also advise that heritage assets can be identified by through 'Landmark Status', described as '*an asset with strong communal or historical associations, or because it has especially striking aesthetic value, may be singled out as a landmark within the local scene.*'

Collapit Creek House occupies a prominent location due to its height above the water, however there are a number of trees surrounding the site to offer screening, (although some trees have recently been felled, as noted by the Tree Officer) which exposes the dwelling slightly more from views from the water. Generally, the dwelling is glimpsed through gaps in hedges from distant viewpoints to the south and west, but when viewed, is something of a landmark, due to its historic design, elevation above the water, and the general lack of other built form visible around the site and its surrounding landscape. This is reflective of its time, and contributes to the character and presence of the building.

For these reasons, Officers consider the building to have the potential to be a NDHA. This view has been corroborated by one of the Heritage Officers within the Council, who has commented as follows:

*Having reviewed the submitted information and undertaken a desk-based assessment, the site 'Collapit Creek House' is a large-detached Edwardian country home built late C19 to enjoy the estuary. The site is highly intact including the historic vertical tile hangings, timber windows and frames, principal staircase, and cornicing. The site was also relandscaped with large scale planting and improved access to the water. The site presents as a cohesive architectural piece that provides a unique insight into this time and its occupants.*

*The site is not a not formally designated heritage asset. Paragraphs 6.75-6.78 of the Plymouth and South-West Devon Supplementary Planning Document (SPD) provides a matrix to assess whether a site could be considered to be a non-designated heritage asset (NDHA). The LPA adopts a criteria based approach within the decision making process to enable effective consideration of buildings, structures and other features to be made based on real time threats and priorities. In this case, the NDHA Assessment Methodology finds that the site is (1) a physical structure, (2) recorded on the 1905 OS Map, (3) the extent and quality of surviving fabric is highly intact and in good condition and therefore results in an answer of (4) Assess as a NDHA using criteria set out by Historic England's Conservation Principles. The site therefore qualifies for consideration as a NDHA. Further the site is recognised within the Historic Environment Record (HER ID: MDV111125) HOUSE ((Between) XIX to Edwardian - 1880 AD to 1906 AD) 'Collapit Creek House is labelled and illustrated at the end of a track leading from Gerston. It is situated on the north bank of Collapit Creek with associated outbuildings'.*

*In considering Historic England's Conservation Principles, the aesthetic value of Collapit House originates from the cohesiveness as a piece of arts and crafts architecture and lies primarily in the high level of intactness of historic features that*

*could be easily repaired and rejuvenated. Collapit House's historical value, with consideration of its changing use through time, is particularly noteworthy through its use as a WWII convalescent home for recovering soldiers, that is heightened through its communal value. Whilst this communal value is less dependent on the original physical structure, it is an important aspect of collective memory, still recognised locally, and its total loss would undermine the emotional connection with the site as a place of remembrance whose meanings should not be forgotten. The building's setting was intentionally designed and relandscaped which contributes to the experience of the site. The site clearly has a combined heritage value and is considered to qualify as a NDHA.*

*Having determined that the site is a NDHA, Officers are mindful that Paragraph 189 of the NPPF notes that Heritage Assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations' and that JLP Policy DEV21 'Development affecting the historic environment' requires proposals to 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing its historic environment, both designated and non-designated heritage assets and their settings, according to their national and local significance'. However, Officers acknowledge Paragraph 6.78 of the SPD that "Consideration of a feature as a NDHA should not be seen as an assumption that it should be retained. It is an acknowledgement that evaluation and assessment is required, and that appropriate weight must be given to the asset in consideration of planning balance".*

*In this case, the proposal is for a replacement dwelling. The proposed demolition would result in the wholesale loss of the NDHA and once demolished, the building and its features would be lost forever, and this would not be reversible. This therefore requires careful consideration in the planning balance.*

*Paragraph 209 of the NPPF states 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. This is reflected in JLP Policy DEV21(3) which states 'Development that harms the significance of locally important non-designated heritage assets, or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset'.*

*In this case, the scale of harm is considered to be overwhelming as its existence and associated value would be vitiated by its demolition. Officers defer to the Case Officer to conclude whether this is outweighed in the planning balance. From a heritage perspective, we do not understand how this total loss could be balanced and thereby permitted.*

*Officers acknowledge that NDHAs should not be seen as a restriction on development in itself and would instead to seek work with the building for its adaptive reuse, rather than total loss and obliteration.*

Policy DEV21 of the JLP states:

*'Development that harms the significance of locally important non-designated heritage assets, or their contribution to the character of a place will only be permitted where it can be justified on the basis of a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset'.*

Similar provisions are made in the NPPF, notably paragraph 209, which states:

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.*

The applicant has suggested that the Council's consideration of the dwelling as a NDHA is flawed because it was not listed in the neighbourhood plan as such, and because Historic England has previously declined to list the dwelling.

Officers do not accept that either of these facts prohibit a consideration of Collapit Creek House as a potential NDHA; whilst the significance of the building is likely to be limited to local significance in terms of both its historic value, and landmark value, this is value, nonetheless. Whilst the applicant has submitted a statement from Whaleback Planning & Design Consultants which disputes the Council's assessment of the building in respect of heritage, this is clearly a subjective view with a difference of professional opinion, noting the comments received from the Council's own Heritage Officer.

There are no identified benefits to the proposal that would outweigh the loss of the building- the proposal is a replacement dwelling, and so would not contribute to the housing need, and any benefits would be private benefits, only serving the applicant. As such, Officers do not consider that there are any overriding material considerations which would justify the loss of the building due to its potential heritage value. The application would therefore conflict with policy DEV21 and of the JLP, and paragraph 209 of the NPPF.

#### Landscape:

The site is in an extremely sensitive landscape position, elevated above the creek, and extending down to the foreshore; within the South Devon National Landscape, and the Undeveloped Coast policy area.

Policy DEV24 of the JLP relates to the Undeveloped Coast, and states that development will not be permitted in the Undeveloped Coast except under exceptional circumstances, and goes on as follows:

*Development will only be permitted in the Undeveloped Coast where the development:*

- 1. Can demonstrate that it requires a coastal location.*
- 2. It cannot reasonably be located outside the Undeveloped Coast.*
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.*

*4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.*

*5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.*

Policy KWAC ENV3(c) of the neighbourhood plan also states that development must demonstrate ‘*why it cannot be accommodated reasonably outside the Undeveloped Coast*’.

Whilst a residential dwelling does not require a coastal location, it is acknowledged that the proposal is for a replacement dwelling, and there is already a dwelling on the site.

Both local and national planning policies give great weight to the preservation of the scenic qualities of the National Landscape (policy DEV25 of the JLP, policy KWAC ENV3 of the neighbourhood plan, and paragraph 182 of the NPPF), and require any development proposal to preserve and enhance the landscape character and setting of the National Landscape.

In addition to NPPF and JLP requirements to regarding preservation of the nationally protected landscape, policy KWAC ENV5 of the neighbourhood plan also seeks to prevent light pollution:

*‘Development should not detract from the unlit environment of the Parishes and should minimise its impact on the night sky.*

*The impacts of a development on dark skies must be considered at application stage following the guidance of the Institute of Lighting Professionals on the impact of bats of lighting schemes (guidance note 8, Bats and Artificial Lighting)*<sup>6</sup>

*The use of a high proportion of glass in walls and roofs without consideration of the impact on the environment when internally lit will be discouraged. Security lighting, outside lighting, and floodlighting should only be used where a clear need is demonstrated and be designed to minimize their impact on the night sky with lighting deflected downwards and switched off after midnight.’*

Given the sensitivity of the site, and the scale of the proposed works, the proposal has been reviewed by the Council’s Landscape Specialist, who comments as follows:

*This response is based upon an examination of the planning file and submitted plans together with reference to GIS, OS mapping and aerial imagery. The planning history of the site has also been noted. A joint site visit was undertaken on the 6 February 2024 with the Case Officer for the application (Senior Planning Officer, South Hams District Council) and attended by the application’s Planning Agent, Project Architect and Landscape Design Consultant.*

*Since 22 November 2023, Areas of Outstanding Natural Beauty (AONB) have been renamed as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. The South Devon AONB is now referred to as the South Devon National Landscape in comments.*

*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 135,180, 182 & 183;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon National Landscape’s Management Plan and its Annexes.*

*This application is not considered to constitute “major development” in the context of paragraph 183 of the NPPF due to the relevant context of existing residential development on the site. However, as set out below, there are potentially detrimental effects on landscape character within the South Devon National Landscape that should be given great weight in this planning balance.*

*Comments made with reference to:*

- Existing plans, 2234 02.01 – 02.12: site, main house, garage, gatehouse, garage and annexe - floor plans and elevations (various), VESP*
- Proposed plans, 2234 03.01 – 03.21: site, main house, gatehouse - floor plans and elevations, sections and materials details (various), VESP*
- Proposed Bat Building, 2234 04.01 -04.05: floor plans and elevations, VESP*
- Illustrations, 05.01 – 05.04, VESP*
- Collapit Creek House Retrofit and extension details (CLP approved plans): Main house, annexes and gatehouse, VESP*
- Design and Access Statement, VESP*
- Landscape and Visual Evidence and Appraisal (2383-TFC-00-ZZ-RE-L-8001 & 8002), Terra Firma.*
- Planning Statement and appendices, Mark Evans Planning*
- Landscape Planning Statement, PCS\_PL\_6.00.01(in 11 parts), Marcus Barnet Studio*
- Landscape General Arrangement plans, PCS\_PL\_1.GA01-3, Marcus Barnet Studio*
- Landscape Levels and drainage plans, PCS\_PL1.GA.11-12*
- Landscape Site sections and elevations, PCS\_PL4.00.01 – 03*
- Lighting Concept Presentation, J3991\_5100\_V6, Lightistry*
- Construction Management Plan (CMP), Goulden & Sons Ltd*

*Comment:*

*1. The Site and the host landscape surrounding it are entirely within the South Devon National Landscape, a nationally important protected landscape designation as confirmed in the National Planning Policy Framework (“NPPF”). The development plan includes the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) and the Kingsbridge, West Alvington and Churchstow Plan 2021 to 2034 (KWACNP). At the district level, the Site and its surroundings are also within the Undeveloped Coast designation of the JLP.*

*2. The proposals are described as the replacement of two dwellings; Collapit Creek House, and the Old Coach House and ancillary buildings, to provide a new residence and gate house, within a new, significantly enhanced landscaped setting. Following review of the relevant landscape information I have identified elements of the proposals which conflict with adopted LDP policies, the management plan policies of the National Landscape and landscape character guidelines, and so*

*whilst other elements of the proposals might accord with adopted LDP policies, management plan policies and landscape character guidelines, it is the areas of conflict that are the focus of these comments.*

*3. The hierarchy of published landscape character assessments covering this location are:*

- National Landscape Character Area (NCA): 151 South Devon*
- Devon Landscape Character Area (DLCA): Salcombe to Kingsbridge Estuary*
- South Hams Landscape Character Type (LCT): 3G River valley slopes and combes*

*4. The landscape surrounding the Site appears remote, with the Kingsbridge Estuary being the dominant landscape feature of the area, with smaller creeks such as Collapit Creek, filtering into the surrounding landscape which is characterised by the relative absence of development and the dominant rural and agricultural pattern of land use. The local landscape exhibits key characteristics identified in the published Landscape Character Assessments for the NCA, the DLCA and the LCT.*

*5. The Landscape and Visual Evidence and Appraisal documents are noted and broadly follow the best practice methodology set out in the 'Guidelines for Landscape and Visual Assessment' (3rd edition) published by the Landscape Institute and Institute of Environmental Management and Assessment. Although the Landscape and Visual Evidence appraisal covers the policy framework and published landscape character assessments, it is selective about which policies and guidelines are highlighted. The application demonstrates a fair understanding about the qualities and condition of the site and surrounding landscape, but there is little mention of the importance placed on local character and distinctiveness, local vernacular styles, and on respecting the local context, and yet these all feature repeatedly in the adopted local development plan, and management plan policies, and their supporting evidence base of landscape character assessments. Locally distinctive characteristics contribute to the distinct character of the Salcombe-Kingsbridge estuary, and therefore to the Special Qualities of the South Devon National Landscape. The sense of remoteness and high levels of tranquillity, particularly in the tidal creeks, are also qualities that are highly valued.*

*6. The selected viewpoints in the LVIA are appropriate, and I broadly concur that visibility of site is limited to high ground to the west and south, and often only glimpsed through gaps in hedges from quite distant viewpoints. There is visibility from the water to the south and south east, and whilst the site benefits from a degree of enclosure provided by existing tree cover the existing main dwelling is undoubtedly a prominent feature. The proposed landscape scheme is an integral element of the design approach, presented as the restoration of existing landscape features as well as enhancements to complement the new architecture whilst respecting the wider site and landscape setting. The enhancement of the wooded areas that wrap around the site should ensure that the site remains enclosed and relatively well screened from most of the selected viewpoints, and as such limited adverse visual impacts in public views are identified.*

*7. I note and concur with the SHDC Tree Officer's concerns in respect of the recent removal from the site of a large group of mature Black Pine trees, which are visible in images contained within the LVIA and DAS documents, which were locally*



*characteristic features and visually prominent within the wider landscape. Also noted is the recent removal of trees and vegetation closer to the foreshore – also visible in submitted documentation, but since cleared, and resulting in an erosion of the well-wooded appearance of the creek sides. The Design Development includes woodland restoration along the foreshore area, which is welcomed, but the aspiration for this is not supported by sufficient detail at present to confirm that detailed proposals will conserve and enhance the distinctive characteristics of the Ria estuary's steep creek side landscape, noting that woodland planting is confined to the lowest, steepest slopes close to the foreshore, with unidentified standard trees in meadow being shown on the higher slopes, which would previously have been well-wooded.*

*8. The LVIA identifies some adverse effects on the perceptual qualities and materiality of the landscape as a result of the proposed development. The appraisal evaluates these as not being significant enough to harm overall landscape character, but in my opinion, harm to landscape character is underplayed because the importance placed on local character and distinctiveness, local vernacular styles, and on respecting the local context has not been acknowledged in the application.*

*9. Para 2.10 of the DAS recognises that the design approved for 3327/23/CLP, which is presented as the fall-back position, could potentially be detrimental to the sensitive setting, acknowledging that the permitted development scheme exhibits both poor design and environmentally harmful characteristics. Incidental buildings capable of being constructed under permitted development would also intrude into the extensive south-facing views that the existing dwelling benefits from, so I find it unlikely that such an undesirable scheme would be implemented and have therefore given the fall-back scheme little weight in my considerations of the proposals.*

*10. The cluster of Old Coach House buildings are to be removed and replaced by a smaller, new gate house that is recessed into the sloping ground with much reduced visual impacts. This element of the proposed development does not raise any landscape concerns, and is recognised as a benefit, particularly in relation to the setting of nearby listed buildings.*

*11. The proposed main dwelling would incorporate rammed earth walls using crushed local stone. This is the only element of the design that responds positively to local vernacular character and materials, although the appearance of the sample panel does not resemble the local dressed or rubble stone walls seen in the wider area, so the relationship to local geology, tones and textures is not immediately obvious. In all other respects, the proposed main dwelling does not adopt a conventional response to the local vernacular in relation to the form, scale, appearance, and materiality.*

*12. The Design Review Panel's support for the fragmented build form is noted, and it does break up the overall mass of built form into discrete elements that respond more sympathetically to the topography of the site. Indeed, the DRP gives a clear endorsement of the proposals, which it considers to be of a very high standard of design, representing an appropriate and sensitive response to the setting. However, it also notes an absence of information in relation to how the design responds to local distinctiveness and character, which echoes my own concerns in this respect.*

*The standard of architecture is not questioned, but there is limited evidence that the proposals are sensitive to the defining characteristics of the local area. The proposal is for a strongly contemporary dwelling that has a substantially larger footprint than the dwelling it seeks to replace, and that extends further south and east of the current building footprint, bringing built form closer to the estuary. Whilst the overall height of the proposed replacement dwelling is notably lower than the existing, I consider that the benefit of this is counteracted by the built form (requiring substantial ground engineering) being located further down the slope. The result is development that is just as, if not more, imposing above the sensitive landscape of the creek, which adversely affects perceptual qualities and visual qualities of the landscape, particularly in relation to tranquillity.*

*13. Details are provided to explain the proposed levels across the site, so it is clear that a substantial amount of ground engineering will be required to develop the proposed main dwelling, which would sit down into the topography of the site with a new landscape form described as 'flowing' onto surfaces and into the voids between the separate volumes of built form. The benefits of this approach are explained in the application, but concern remains about the extent of interference with the natural topography of the site, particularly on the lower slopes nearer to the estuary. However, I am mindful that the South Devon AONB Planning Guidance gives qualified support for development that "fits into the landscape not on top of it", albeit within the context of seeking to avoid development that creates incongruous features in prominent and highly visible locations that detract from the open, rolling topography of the AONB.<sup>3</sup>*

*14. The lighting design concept is noted and gives some reassurance that the harmful effects of artificial lighting have been considered, although I concur with the LVIA, that the tranquillity of the site is adversely affected by the increase in lighting proposed across the site (noting that although I have given little weight to the permitted development scheme presented as fall-back, I am mindful that the proposals occupy a greater site area than the existing house, and with notably more glazing). The LVIA also advises against the use of bright or reflective materials, which may potentially harm to the tranquillity, visual qualities and materiality of the landscape. Despite this, large areas of glazing and other reflective elements are proposed for the replacement dwelling, with the extensive widths of floor-to-ceiling glazing and glazed balustrades on the south elevations being of most concern.*

*15. The Design Review Panel's feedback in relation to Landscape design is noted, and the extensive landscape scheme contains a substantial amount of information to explain the design development, and presents a range of landscape strategies, many of which are supported. There are, however, some elements of the proposals that do not reflect the local landscape character – a point also highlighted in the DRP's third response: "...although the landscape design is of a high quality, it does not reflect the local landscape character or findings from the LVEA, and the area to the south may benefit from being further rationalised."*

*My evaluation notes the following areas of concern:*

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<sup>3</sup> 3rd bullet point, Para. 167, Section 7.7 on page 85 South Devon AONB Planning Guidance: General Guidance for Development Proposals affecting the South Devon AONB - How can proposals avoid or minimise harm to the South Devon AONB?

**The tree removal strategy proposes that all existing orchard trees are removed from the northern part of the site (tree group G11), and to be replaced by new broad-leaved woodland.** This area of the site, and adjacent land (owned by others), is identified on the Devon County Council Environment Viewer as within areas of lost orchard - Historic Environment Green Infrastructure Opportunities. The West Alvington Tithe map from 1841 shows large areas of orchard that were on and adjacent to the site. The landscape guidelines for LCT 3G seek to restore and manage areas of relict traditional orchards and explore opportunities for the creation of new ones, so although new broad-leaved woodland planting elsewhere on the site is broadly welcomed, the retention and enhancement of existing orchard planting in this part of the site should be considered to better reflect locally distinctive landscape characteristics. I therefore echo the SHDC Tree Officer's concerns that the reason for removing the orchard trees is not adequately justified.

**The tree planting strategy:** I concur with the comments made by SHDC Tree Officer that although the aims of planting mitigation and enrichment trees are noted and welcomed, there is concern in respect of proposed species:

- i. willow trees, intended in locations close to the foreshore, are not considered appropriate.
- ii. neither Sycamore nor Norway Maple would be species we would encourage when other native, broad-leaved species are locally prevalent and preferred.
- iii. *Ulmus* species remain problematic in planting schemes due to the prevalence of Dutch Elm Disease, so the use of Elm is presently not encouraged.
- iv. Locally appropriate, native tree species should form the majority of new planting in order to conserve local distinctiveness. The limited introduction of further exotic species onto the site could be acceptable in the context of the planned, domestic garden areas immediately adjacent to the dwelling. However, full planting details and longer term management information would need to be confirmed to ensure that the use of exotic species does not erode the character of the woodland fringing the estuary sides, or the tranquillity of the creek, with its natural habitats and undeveloped, scenic qualities which contribute to the natural beauty of the protected landscape.

16. New planting and effective management of wooded areas should provide further enhancement and screening, and the visualisations are noted and aid understanding of how views might change. It is clear that the future management of the wooded areas of the site will be crucial in achieving the outcomes that are described in the documentation, but are also required to meet the expectations of adopted policy and supporting guidance, and also the aims of the South Devon AONB Management Plan. I therefore support the SHDC Tree Officer's view that it is essential that details of future site management are secured, whether via a LEMP and separate Woodland Management Plan, or a combined plan covering all aspects of the landscape of the site.

17. The landscape general arrangement plans show an area of timber decking at the base of the steps down to the foreshore of the creek, along with an existing retaining wall to be restored. No other details are provided, but there is potential harm arising from any development that intrudes into the remote, tranquil and undeveloped areas of the creek, and that may disturb habitats and wildlife. The design of any proposed shoreline structures (pontoons, landings, quays, erosion defences) should have as light a footprint as possible, where possible using

*materials sympathetic to local character and incorporating habitat enhancements so further details, including of proposed construction methods, should be provided, and the South Devon National Landscape's Estuaries Officer should be consulted on the proposals.*

*18. The Site Layout Plan for the Construction Management Plan CMP, contained in Appendix B of that document, conflicts with areas identified as Construction Exclusion Zones (CEZ) on the Tree Protection Plans provided by Aspect Tree Consultancy. The CMP site plan shows delivery unloading area, skip & recycling area, site offices, hardstand and access roads, and materials waste station all located within CEZ areas, which would be incompatible with the objective of the TPP and would inevitably lead to harm of trees to be retained. Therefore, the CMP cannot be considered acceptable as presented.*

*19. The JLP policies relevant to landscape character and appearance are:*

- DEV20 Place shaping and the quality of the built environment,*
- DEV23 Landscape character*
- DEV24 Undeveloped Coast and Heritage Coast, and*
- DEV25 Nationally protected landscapes.*

*In addition to these key policies relating to landscape, other relevant JLP policies include:*

- SPT1.3. A sustainable environment, where point v. requires "local distinctiveness and sense of place is respected, maintained and strengthened through high standards of design."*
- TTV29 - Residential extensions and replacement dwellings in the countryside*

*20. The substantial increase in size and footprint is contrary to JLP policy TTV29.2: the size of the new replacement dwelling will not be significantly larger than the original house volume.*

*21. The South Devon AONB Management Plan policies seeks to promote or reinforce local distinctiveness, and to avoid development that does not reflect distinctive local character or local materials. Section 8.2 of Annex 1, South Devon AONB Planning Guidance specifically identifies potential harm as a result of "Large scale individual houses, in prominent locations that are of a mass and design inconsistent with local character", and "Developments detracting from the vernacular building style through inappropriate scale, mass or design." The planning guidance further explains that for individual replacement dwellings in open countryside to conserve and enhance the South Devon National Landscape, they should be comparable in size to the original.*

*22. The Landscape Guidelines for the DLCA seek to reinforce vernacular character, by protecting traditional building styles and materials, utilising the same styles and materials in new development wherever possible (whilst seeking to incorporate sustainable design), and to enhance and restore rural character and tranquillity through careful siting of any new development, avoiding prominent locations such as valley sides. Protecting the landscape's sense of tranquillity and unspoilt character is particularly important in the secluded tributary creeks. The character assessment for LCT 3G, which is a landscape type found throughout the South Hams, identifies a consistent settlement pattern of scattered historic farmhouses*

*and cottages nestled in dip in the landscape, with slate roofs and exposed stone forming part of the strong local vernacular. The guidelines for LCT 3G again emphasise the strong perceptions of tranquillity, remoteness and seclusion in the landscape, and the importance of traditional building styles and materials, and for any new development to be sited to avoid the need for excessive ground engineering. There is also specific mention of restoring and managing areas of relict traditional orchards and exploring opportunities for the creation of new ones.*

### **Summary:**

*The Site and surrounding area is within a consistent, high quality landscape, demonstrating the special qualities of the AONB, and contributing positively to the identified key characteristics and valued attributes of the area.*

*The supportive response from the Design Review Panel is acknowledged, as is the comprehensive approach to landscape design which is generally supported (provided that the identified issues in relation to tree removals, local character and proposed tree planting can be satisfactorily resolved). The limited visual effects of the proposals are also noted.*

*There is concern that the replacement dwelling could lead to the erosion of landscape character and a deterioration of tranquillity, by introducing a strongly contemporary dwelling that has a substantially larger footprint than the dwelling it seeks to replace, extending further south and east of the current building footprint, bringing built form closer to the estuary. The proposal does not adopt a conventional response to the local vernacular in relation to the form, scale, appearance, and materiality, which conflicts with adopted policy and guidance in relation to local distinctiveness and the area's distinctive sense of place.*

*As the Site is within the South Devon National Landscape, the qualities and characteristics of the surrounding landscape are a significant consideration. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRow Act to create a new duty on public bodies to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in National Landscapes. The single purpose of AONB designation is 'the conservation and enhancement of natural beauty'.*

*Natural England has advised that the new duty underlines the importance of avoiding harm to the statutory purposes of protected landscapes. Until interim guidance on the modified duty is produced, the National Landscape network is following advice provided by Natural England on complying with the new duty<sup>4</sup>, which is that seeking to further conservation and enhancement goes beyond mitigation and like for like measures and replacement. In order to further the purposes, development proposals should explore what is possible in addition to avoiding and mitigating the effects of the development, and should align with and help to deliver the aims and objectives of the protected landscape's management plan. On this basis, seeking to further the purpose of conserving and enhancing*

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<sup>4</sup> Advice provided by Natural England to the Lower Thames Crossing DCO Examining Authority on the implications of the new duty to further, Annex 2 of letter dated 15th December 2023, which is being used by the National Landscape network in advance of interim guidance (understood to be being worked on currently, but without a confirmed publication date) on the modified duty from Natural England on behalf of Defra.

*natural beauty might mean refusing planning applications that would fail to conserve or enhance the natural beauty of the South Devon National Landscape. The proposed development fails to respect the area's distinctive sense of place, and to reinforce local distinctiveness, and would have adverse effects upon the character of the area and which would detract from the Special Qualities of the South Devon National Landscape, all of which conflicts with JLP policies DEV20, DEV23, DEV24 and DEV25, and KWAC Env3, KWAC Env5 and KWAC BE3 of the Kingsbridge, West Alvington and Churchstow Neighbourhood Plan.*

*I believe there may be potential to address the concerns and policy conflicts but, on the basis of the submitted proposals, I am unable to support the application, and so my recommendation is an **objection**.*

To summarise the Landscape Specialist's view, the proposed development fails to respect the area's distinctive sense of place, and extends the built form down towards the creek. The potential landscape impact from the increased glazing and extensive groundworks required would have adverse effects upon the character of the area, detracting from the special qualities of the Undeveloped Coast and the South Devon National Landscape, all of which conflicts with JLP policies DEV20, DEV23, DEV24 and DEV25, and KWAC Env3, KWAC Env5 and KWAC BE3 of the neighbourhood plan.

**Note:** Following the Landscape Specialist's objection, the applicant submitted a response to this objection four days before the determination of the application. This is noted, and the Landscape Specialist has confirmed that she has no further comments to make at this stage, acknowledged that professional differences of opinion are not uncommon, and she maintains her original position.

#### Trees:

The site contains a number of trees, some of which have recently been served with a TPO. The application includes a number of tree works as part of the site landscaping, and a number of arboricultural documents have been submitted in support of the application. As such, the Council's Senior Tree Officer has visited the site and reviewed the application, commenting as follows:

*Please find below our consultation response in respect of the above noted Full Planning Application, which has been prepared following review of the following documents/ plans.*

- *Existing site plan: 02.01 Undated*
- *Proposed Site Plan: 03.01 Undated*
- *Tree Survey: 05994 June, Dec 23 (supported by TCP 05994 TCP 14.12.23)*
- *Arboricultural Impact Assessment: 05994 AIA 15.12.23*
- *Tree Constraints Plan: 05994 TCP 14.12.23-S1 to S3*
- *Tree Protection Plan: 05994 TPP 15.12.23-S1 to S3*
- *Arboricultural Airspade Investigations: 05994 Project Coast 13th Dec 2023*
- *Landscape Masterplan: PCS-PL-1.00.01 Rev 01 15/12/2023*
- *General Arrangement GF Plan 02: PCS-PL\_1.GA.02 Rev 01 15/12/2023*
- *Landscape Strategies-Tree removal Strategy: PCS - Collapit Creek House Landscape Statement 15.12.2023*
- *Design & Access Statement: 2234 Dec 2023*
- *Design & Access Statement – Proposals 2234 Dec 2023*
- *Concept Design: Lower Gardens Swimming Pool 15.12.2023*

## **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 use of aerial imagery following a site visit on the 30th Jan 2024 with the appointed arborist in attendance.*
3. *Of note is knowledge of 3327/23/CLP where consent was granted for a number of works to the main property and the construction of outbuildings for incidental use. The siting of the proposed outbuildings is variously to the South East, South and South West of the main dwelling.*
4. *A large group of four unprotected mature Black Pine trees shown within images within the Landscape Statement (Image 6), LVIA2 (Images B, E, G, I, J, N3, N4 & P2) and the Design and Access Statement (partial images) has been recently removed. The noted documents contain a combination of images showing the Black Pines present and later images with the area of Black Pines and lower storey shrubs cleared. P50, Plate 7 within the ecological report provides a clear image of the now removed Pine trees and their prominence within the wider landscape as a consequence of their evergreen nature and height and the steeply falling and rising local topography.*
5. *The absence of tree survey work in accordance with BS5837 for the CLP application, 3327/23/CLP, prevents officer understanding as to the reasons for the removal of these prominent trees, and the large shrub bank (and, from log wooded stacked in the location, one further conifer is assumed to have been removed).*
6. *During the visit, the opportunity was taken to review the tree stock on site including woodland form, group composition and hedge and individual specimen trees.*
7. *The recent removal of trees previously present along the edge of the cliff falling to the foreshore was observed, shown as existing within present and proposed comparative images within the LVIA's V1 & 2 and the D & A. As with the majority of estuary or ria facing properties it is locations such as these that are under most 'view' pressure, and where erosion or clearance works occur to retain or establish views unobstructed by vegetation. Indeed, submitted documents contain images clearly showing the presence of trees and lower vegetation along and scrambling up the foreshore cliff, which have been removed recently, as my site visit confirms. The LVIA refers to such vegetation on the edge of the foreshore as being softening sylvan features, which is a mitigation feature that is now in question, given the noted removal of these vegetated features (trees and shrubs) from the site.*
8. *The tree removals do not continue across the site and are specific to the two locations described. They are therefore not regarded as a commencement of active woodland and individual tree or hedge management at this point where several action points of what would be expected to be ordinary woodland management were observed as necessary on site and in progress.*
9. *Given the recent tree removals TPO1097 has been provisionally served to protect the woodland areas and an individual Scots Pine of high individual amenity benefit.*

10. The following points apply to officer concerns following a review of supporting information and submitted plans:

a. S2.3 of the D & A notes a proposed connection of the BAP priority habitat, this conflicts with the recent clearances which severed this connection, on the same plan the management and enhancement of the existing woodland is detailed, at odds with the recent felling of the large Black Pine group and lower storey shrub mass and conifer that grew within. Neither the submitted documents for this application, nor those submitted for 3327/23/CLP aids Officer understanding for a justification to fell all of the noted Pine trees.

b. The relationship between the rear North Eastern elevation of the dwelling and the characterful and visually prominent trees to the North appears to be unduly close, where presently there is extensive separation leading to no pressure arising from debris fall and apprehension (perceived or actual) of harm from occupants of the large dwelling in close proximity. A continuance of the phototropic growth would be expected towards the path of the sun which does not appear to have been factored into the proposed layout and the close relationship proposed.

c. The points of incursion into RPAs has been recognised by the arborist and root investigations undertaken with no dig solution proposed, the findings of which are agreed with. The termination of no dig cellular solutions are abrupt and steplike and as such are a matter requiring detailed consideration, as ramps may be required to access safe level surfaces. This level of detail cannot be left to condition given the impact on design that may follow.

d. The proposed loss of the orchard does not affect technical matters, but the historical reason for its planting is not understood. The adjacent property had orchards, and this may have been a replacement for one historically removed (ref Early Edition OS Map Images, National Library of Scotland). Its loss should be considered in accordance with the requirements of the SPD table for mitigation of trees to be felled, and as part of that, an understanding of, or the discounting of, any historical association would be expected.

e. Whilst the bat house abuts a thorn tree it is not considered to pose a constraint, so there are no concerns on an arboricultural basis.

f. Target notes within the TPP plans state that fencing is to be kept in place until the landscaping phase. This needs refinement to prevent the use of mechanised equipment that would be harmful to soil structure to enact any landscaping.

g. Greater detail of site monitoring would be expected, with greater attendance at key project junctures including, but not limited to, installation of no dig solutions once approved.

h. I am unable to observe an AMS dealing with the demolition of the garage proximal to T42 Pine and similar in relation to G41, T38-T40 or the control of plant activities in respect of the house demolition. However, it is recognised this may be in supporting information of the various submissions but should be addressed prior to any commencement if planning support follows.

i. The loss of potential rooting zone for the realigned driveway parallel to T42 should be addressed by way of soil amelioration works to the remaining soil volume.

j. In relation to planting details, support cannot be given for the use of Willow trees on the foreshore where the local identity of foreshore trees is of mature, characterfully formed, Oak trees growing often acutely from cliff edges. Willows are a short-lived pioneering species prone to collapse in the natural habit of self-layering and would be of no wider visual appeal to external view receptors and would not accord with enhancement and enrichment of the ecology or landscape



*character associated with estuary and ria side wooded slopes. Oak species presently dominate the foreshores of the Salcombe-Kingsbridge Estuary.*

*k. Study of the relationship between T52 and the swimming pool shows incursion into its RPA to be controlled by designation as a Special Protection Area of supervised construction works. Such works are highly likely to be undertaken by large scale mechanised excavation within the RPA given the volume of material to be removed. It is possible that biased RPA morphology away from the woodland in a Westerly direction is present, which would require the RPA to be offset. Consequently, a greater harm than that identified may occur leading to a need to alter the design/ size of the pool.*

*l. The improvement of existing or creation of new pathways within RPAs requires detailed design and should not be left to a Condition where such consideration may lead to a design change noting the TPO, BAP habitat designation in part, National Landscape all combining to amplify the importance of the woodland setting and exotic plantings variously arising within the wider grounds.*

*m. Para 4 of the landscape strategy refers to a P81, but it is not clear which further document this refers to, it is assumed a LEMP has been prepared but I cannot observe it within submission documents.*

*n. Of most concern is that only Heads of terms woodland enhancement prescriptions are present contained within the application documents. Given the acceptance within the Landscape Strategy that the existing trees are largely responsible for the sites unique landscape character and appeal, concerns arise as to the early selective tree felling and absence of a Woodland Management Plan, eroding officer confidence that the protection and enhancement of the sylvan features are pivotal to the design approach.*

*o. It is clearly acknowledged by the applicant's submissions that there is woodland cover within the grounds of the property, as borne out by view of aerial imagery and on site observations during the site visit and the FC designation. This clear understanding leads to an obvious requirement for a Woodland Management Plan to have been prepared, at least to heads of terms stage, as a stand-alone document or within the expected LEMP (as yet unseen as noted),*

*11. The aims of planting mitigation and enrichment trees are noted and welcomed. However, the pre-emptive tree removals and absence of an anticipated level of detail prevents officer confidence that this may be practically delivered.*

*12. The use of conflicting images showing removed trees and vegetation present and removed within supporting documents lowers officer clarity on the impact of the scheme on the sylvan attributes of the site and their potential efficacy in integration of the scheme into the recognised wooded character of the area.*

*13. In terms of the impact of constructional activities and relationship pressures described in Points b. & k., I believe that the proposed development would result in a high risk of long-term harm to these trees through construction or post constructional pressure for inappropriate works that would diminish their amenity contributions.*

As well as policy DEV28 of the JLP, the neighbourhood plan also seeks the protection of trees; policy KWAC BE3(3) states that '*proposals should seek to avoid damage to, and retain existing trees and hedges in situ*', and KWAC ENV10 requires proposals to '*retain trees of arboricultural and amenity value.*'

For these reasons, the Tree Officer objects to the application on arboricultural merit, and the proposed development is considered to result in a high risk of long-term harm to these trees through construction or post constructional pressure for inappropriate works that

would diminish their amenity contributions. As a result of this, the proposal conflicts with policy DEV28 of the JLP, policies KWAC ENV10 and KWAC BE3(3) of the neighbourhood plan.

**Note:** Following the Tree Officer's objection, the applicant submitted a response to this objection four days before the determination of the application. This is noted, and the Tree Officer has confirmed that he has no further comments to make at this stage, acknowledged that professional differences of opinion are not uncommon, and he maintains his original position.

### Ecology & Biodiversity:

**Note:** The application submission includes indicative plans and siting of a bat building in the northern part of the site. All of the plans relating to the bat building state '*NB: Bat building subject to a separate application.*' Whilst a separate application has been received for the construction of a bat building, this application is currently invalid at the time of writing this report.<sup>5</sup> However, Officers acknowledge that, despite the annotations on the plans, details of the bat house have been submitted, and the development description for the current application includes a bat house.

The application is accompanied by an Ecology Report, which that the proposal would result in the destruction of lesser horseshoe bat, common pipistrelle bat and brown long-eared bat maternity roosts, a Myotis sp. day roost, a common pipistrelle bat day roost, two lesser horseshoe bat day roosts, a likely greater horseshoe bat night roost and lesser horseshoe bat and brown long-eared bat hibernation roosts. The works could also result in bats being disturbed, injured or killed during works and therefore and a bat mitigation licence must be obtained from Natural England.

The proposals would also result in the destruction of slow worm and bird nesting habitat, some loss of modified grassland, other neutral grassland, artificial, unvegetated, unsealed surface, other woodland; mixed, developed land sealed surface and the removal of 20 orchard trees and three Category U trees from the northern hedgerow.

Policy DEV26 of the JLP requires development to '*support the protection, conservation, enhancement, and restoration of biodiversity and geodiversity across the Plan Area.*'

The NPPF considers improvements in biodiversity to be a key feature of environmental sustainability (paragraph 8(c)) and states that planning decisions should '*minimise impacts on, and provide net gains for biodiversity* (paragraph 180(d). Paragraph 186(a) of the NPPF goes on to confirm 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*'.

There are some noted ecological benefits included in the proposed development; the submitted Ecological Impact Assessment considers that the proposal would result in a biodiversity net gain of 20.4% for habitat units, and a 100% gain for hedgerow units.

Given the existing bat roosts and other species identified within the site, the Council's ecological consultants have reviewed the application, and currently recommend refusal.

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<sup>5</sup> LPA application reference 4156/23/HHO, received 18.12.2023, invalid letter sent 20.12.2023.

They have detailed a number of issues, or areas where further information or clarifications are required:

- It is unclear which trees will be lost from the ecology report and how these have the potential to act as commuting /foraging bat routes.
- No after habitat map is presented within the report
- The Ecological Impact Assessment notes that the proposal would result in the loss of a likely greater horseshoe bat night roost, and has not considered whether this roost is functionally linked to the South Hams SAC.
- Impact on the SSSI- the proposals have the potential through construction phase to impact on the adjacent SSSI and LNR and specific measures will be required to ensure there is no adverse impact through pollution, sedimentation, air quality and run off.
- Do not agree with the classification awarded to this woodland in the BNG metric – its condition can be noted as poor but BNG guidance is clear in that habitats on the HPI inventory are to be marked with high or very high distinctiveness value.
- Confirmation required as to the locations of the trees that were felled in winter 2022, and whether they were within the HPI mapped polygon
- A consolidated map of the application site is required with emergence directions and locations, coded by species from the different buildings so the LPA can assess the application wide impacts and ensure flight lines are preserved.
- It appears no consideration is given to the impact of the proposals on flight lines to the species or evidence the bat barn is on the flight lines of all the bats species present on site.
- The lighting report does not produce a to scale map with lighting contours that links to the flightlines and proposed new bat roost boxes and structure(s).
- A bespoke single bat barn is proposed as compensation for the loss of multiple different roosts across the application site, which is a subject of a separate application to enable construction as soon as possible.
- Require evidence of low lighting levels around the site.
- Require much clearer details of the access points designed for the different bats species in the bat building and evidence of separation of GHB and LHB roost space.
- A consolidated map of the application site is required with roosts coded by species and type across the site (to include tree roosts – those potentially lost and present) so the LPA can assess the application-wide impacts to the bat assemblage present on site.
- The current LPA view is with only a few bat boxes on tree and 1 bat house, this is insufficient mitigation/compensation to ensure the FCS of the entire bat assemblage is retained.
- Require clarity of the habitat and its location that will be created for reptiles with the loss of long grassland as no post-construction habitat map has been provided.
- Require Biodiversity Metric Spreadsheet and condition assessments along with habitat before and after map.
- Evidence the mitigation hierarchy has been followed especially in terms of protected species considerations – dark corridors, locations hibernacula, reptile habitat creation to replace that lost.

As submitted, the consultant ecologist is not satisfied that the three protected species licence derogation tests are proportional to the impact, such that Natural England would award a licence for the loss of the bat roosts with the proposed mitigation. The applicant

has advised that they have had positive discussions with Natural England through their advice service with a view to securing their support for the principle of the proposed works and confirmation that these will be licensable, however no details of these discussions have been provided, and Natural England have objected to the application (discussed later).

There is also a concern that the separate application for the bat building, which was submitted separately as to provide mitigation for the loss of multiple roosts, has not been granted planning permission (the application remains invalid as detailed above), and so this mitigation cannot yet be secured.

The extent of ecological concerns and additional information requested leads Officers to conclude that it has not been demonstrated that the proposed development would avoid harmful impacts on protected species of wildlife, contrary to policy DEV26 of the JLP, and paragraphs 180 and 186 of the NPPF.

Site of Special Scientific Interest:

The site is immediately adjacent to the Salcombe-Kingsbridge 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.

Paragraph 186(b) of the NPPF states 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 only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest'*.

Similar provisions are made in the JLP, within policy DEV26(2):

*'A high level of protection will be given to sites of national significance for nature conservation. Development proposed on land within or outside such a site which would be likely to have a harmful impact on the site (either individually or in combination with other developments) will not be permitted unless the benefits of the development, at the site, clearly outweigh both the impacts on the notified special interest features of the site and any broader impacts on the national network of sites of national significance for nature conservation.'*

Given the extent of the development proposed, and the proximity to the SSSI, Natural England have been consulted on the application, and have objected, due to insufficient information being provided. They have commented as follows:

*Natural England objects to this application due to insufficient information and assessment as to the impacts to the above SSSI.*

*We would 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.*

*We understand from the submitted plans that it is proposed that sewage and swimming pool effluent are to be discharged to the surface water system via a package treatment plant, and the proposed surface water outfall is to the 'sea' resulting in this discharging directly to the SSSI. We note that there is no assessment provided of this proposed discharge within the submitted documents as to the impact on the interest features of the SSSI.*

*Its Natural England's advice that the SWW's combined sewer be utilised to avoid water quality impacts to the SSSI. If this alternative option is not viable then we require clarification/justification as to the reasons why and assessment of the impacts of the surface water runoff, sewage, and swimming pool effluent discharged to the SSSI, and this should also include consideration of the swimming pool treatment chemicals and attenuation for the surface water runoff.*

*The proposed works also have the potential to directly impact upon the adjacent 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).*

*The site is adjacent to the SSSI, with some hardstanding/surfaces separating the site from the SSSI. Bearing in mind the proximity of the SSSI, the importance of water quality, and direct run-off risk, activities associated with construction have the potential to cause detrimental water quality to reach habitats associated with the estuary.*

*It will also 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.*

*We understand from the submitted plans that an area of timber decking at the base of the steps down to the foreshore of the creek, along with an existing retaining wall to be restored is proposed however, no other details are provided. The submitted plans appear to show the decking structure outside of the SSSI however, confirmation of this is required and the consideration of any impacts to the SSSI and other habitats should be assessed.*

*Due to the close proximity of this development to the SSSI boundary, and from the submitted information, its likely that the foreshore will need to be accessed for the proposed works. Without mitigation there is potential for impacts if 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/ resuspension of contaminants due to disturbance to intertidal mud, fuel spillages from machinery/plant, material loss or spillages onto the foreshore etc.*

*The scheme should secure measures to prevent the above impacts.*

As submitted, the current application proposes sewage and swimming pool effluent to be discharged with the surface water via a package treatment plant, directly into the SSSI. No assessment has been made as to the impact of this proposed means of disposal on the SSSI.

Natural England have also raised concerns about the impact of the construction works on the SSSI, through both air and water pollutants. Had the proposal been considered acceptable in all other regards, this could have been managed through the submission of a Construction and Environmental Management Plan prior to the commencement of any works on site.

Officers have also noted that the landscape general arrangement plan shows an area of timber decking to be constructed at the base of the steps, on the foreshore, as well as the restoration of an existing retaining wall. No other details have been provided in respect of the area of decking in respect of construction, means of securing it to the foreshore, any groundworks required, etc. As such, the impacts of the works on the SSSI cannot be ascertained.

The lack of assessment in relation to potential impacts on the SSSI leads Officers unable to conclude that the development would have an acceptable impact on the SSSI, contrary to policy DEV26 of the JLP, and paragraph 186(b) of the NPPF.

#### Neighbour Amenity:

The site is in a highly remote location, and due to the large site area, there are no other residential dwellings in close proximity to the dwelling or the gate house. The development therefore raises no concerns with regard to neighbour amenity, and the proposal complies with policy DEV1 of the JLP, and policy KWAC BE3 of the neighbourhood plan, both of which seek to protect residential amenity.

#### Highways/Access:

Both the SPD and the neighbourhood plan provide indicative parking requirements for new dwellings, stating that all dwellings with three or more bedrooms should provide three parking spaces (paragraph 8.7 of the SPD and policy KWAC T1 of the neighbourhood plan).

The site benefits from a long access drive from the public highway. There is a large parking and turning area outside of Collapit Creek House, with sufficient parking for the main house.

Mindful that the proposed replacement dwelling would have less bedrooms (despite the larger size of the overall property), the parking provision is so considered to be acceptable.

The proposed gate house would include two parking spaces of its own, and so overall, the development is considered to provide sufficient parking, with access provided from the highway.

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 157), and take a 'proactive approach to mitigating and adapting to climate change' (para 158).

Paragraph 139(b) of the NPPF also states that significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*.

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. There are more detailed criteria within the policy itself that introduce specific requirements 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.

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 that will ensure that new development aligns with the carbon reduction target written into JLP policy DEV32, the UK 5th and 6th carbon budgets and the legally binding net zero target from the 2008 Climate Change Act. It also gives locally elected members the ability to reflect the climate emergency in decision making, and helps decision makers understand how to best use the tools available to them to make more climate resilient decisions.

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).

Of specific relevance in the case of this application, 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.

The application submission includes a Climate Emergency Planning Statement which seeks to address both DEV32 and the CEPS. The Statement includes a completed spreadsheet which the Council provides for applicants to complete to demonstrate whether or not the replacement dwelling would meet the 5 year carbon offset period required by part M5 of the CEPS.

Appendix B of the applicant's CEPS submission confirms that the proposal would not meet the required 25 year offset period. Elsewhere in the document, it is confirmed that it would take 63 years for the replacement dwelling to offset the net embodied carbon of the existing buildings which are proposed to be demolished. The current proposal includes an extremely large upfront carbon proposal, of 861tCO<sub>2e</sub>- for context, the latest data from the Department of Energy Security and Net Zero shows that the average per capita carbon footprint greenhouse gas emissions of a South Hams resident is around 7.9 tonnes per



year (DESNZ UK local authority and regional greenhouse gas emissions national statistics).

The applicant argues that part M5 of the CEPS is just one aspect of the low carbon considerations, and that Officers should take a more holistic approach to the assessment. They have highlighted other benefits to the proposal in terms of sustainability, such as the fact that the development is free from fossil fuels, the energy efficiency of the proposed dwelling, the carbon savings from the running of the proposed dwelling, and the biodiversity net gain of the development. They have referred Officers to paragraph 139(b) of the NPPF and the significant weight which should be attributed to '*holistic exemplary and innovative low carbon design which promotes high levels of sustainability in all other aspects*'.

Officers do not dispute the claims made about some of the benefits of the proposed dwelling. However, Officers would consider that the vast majority of these benefits, if not all of them, could still be achieved through the development of a much smaller dwelling, which, as well as the benefits in terms of operational savings, energy efficiency, etc, would have additional benefits of reducing the overall carbon cost of the project, and reduce the time taken to offset the development.

Some of the arguments put forward in terms of the sustainability of the project are also based on assumptions; for example, it has been stated that the proposed dwelling would have benefits as a carbon store, claiming that '*The timber and other natural materials from the proposals have sequestered (absorbed from the atmosphere) 483 tonnes of carbon during the growth stage of timber and other crops. This constitutes nearly half of the total embodied carbon footprint of the proposal.*'<sup>6</sup> However, this would only be achieved assuming these materials are reused responsibly in 60 years' time, and also leaves a residual impact of approximately 380 tonnes of carbon, before the additional emissions impact of occupation of the dwelling is considered.

Whilst Officers determine applications as submitted, and would not seek to redesign a submission, it should be noted that the proposed floor area of the replacement dwelling is extremely large, as detailed earlier in this report. Reducing the size of the building would reduce the upfront carbon emissions of the proposed building, which would allow for a quicker offset period to be achieved. The large size of the building also fails to align with policy DEV32.1, which seeks to minimise the use of resources.

The scale of the development and the high carbon cost of the proposal conflicts with the applicant's claims of highly sustainable development, and as such, whilst Officers have had regard to paragraph 139(b) of the NPPF, the development when considered holistically (including the demolition and construction phases) is not considered to be exemplary or innovative low carbon design.

For these reasons, the proposal fails to make an appropriate contribution 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.

### Summary:

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<sup>6</sup> KLH comments to Officer email dated 11.03.2024.

The principle of a replacement dwelling in this location is supported by policy TTV29. However, due to the highly sensitive nature of the site landscape, the current proposal raises concerns about the impact on the National Landscape, protected trees, the Undeveloped Coast, and the SSSI, contrary to numerous local and national policies as detailed within the report.

Whilst a great deal of work has clearly gone into the design and overall development of the site, there is concern about the scale of the dwelling, which is double the size of the existing footprint on the site. This contributes to the enormous carbon cost of the project, which conflicts with the sustainability claims of the proposal, and the low carbon objectives of the JLP and the Climate Emergency Planning Statement. The Council acknowledges that the Design Review Panel has provided positive feedback on the design, but Officers share concerns about the lack of local distinctiveness of the proposal.

The proposed scheme would conflict with numerous local and national planning policies in respect of scale, landscape, trees, ecology, heritage, and low carbon development. It is therefore 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 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  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
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  
DEV21 Development affecting the historic 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

### **Kingsbridge, West Alvington, & Churchstow Neighbourhood Plan**

KWAC ENV1 Settlement boundaries  
KWAC ENV3 Impact on the natural environment  
KWAC ENV5 Prevention of light pollution  
KWAC ENV10 Tree planting  
KWAC BE3 Design quality  
KWAC BE4 Heritage assets

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: *Charlotte Howrihane*

Date: 14 March 2024