

PLANNING APPLICATION REPORT

Case Officer: Verity Clark
Thurlestone

Parish: South Huish **Ward:** Salcombe and

Application No: 4601/21/FUL

Agent/Applicant:

Mr Richard Boyt - South Hams Planning
Ltd
South Hams Planning Ltd
7 Manor Park
Kingsbridge
TQ7 1BB

Applicant:

Mr S Carter
The Nutshell
Galmpton Cross To Galmpton
Galmpton
Kingsbridge
TQ7 3EU

Site Address: The Nutshell, Galmpton, TQ7 3EU

Development: Erection of 2 bedroom dwelling and access

Recommendation: Refusal

Reasons for refusal:

1. The proposal would conflict with the Council's spatial development strategy for residential development by providing new development in an unsustainable location, divorced from the nearest sustainable settlement and if allowed would undermine the spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to poor connectivity would result in over reliance on the private motor car. It is therefore contrary to policies SPT1, SPT2, TTV1 and TTV2 of the JLP and Policy SH HBE 3 of the Neighbourhood Plan.

2. The formation of one 2 bedroom detached dwelling which is considerably in excess of the nationally described space standard floor area of a two storey 2 bedroom dwelling fails to improve accessibility to the housing market or improve equality of opportunity for a range of households regardless of incomes, thereby failing to respond to an identified local need contrary to Policy SPT2 of the JLP.

3. By virtue of the scale, design and form of the proposed dwelling, the development represents an uncharacteristic addition which fails to adequately respond to the prominent nature of the site or take reference from the vernacular of the local landscape. Furthermore the removal of the section of bank/hedge to facilitate the proposed access and visibility splays would result in a very low level area of planting which is not characteristic of the lane and would have a detrimental, suburban appearance. As a result the proposal fails to conserve or enhance the landscape setting within the context of the AONB and Heritage Coast and is contrary to policies DEV20, DEV23, DEV24, DEV25 and DEV28 of the JLP and Policies SH Env2, SH Env3 and SH HBE 3 of the Neighbourhood Plan.

4. The proposal will introduce a significant number of openings, including that on the south elevation, which are not considered necessary to serve the proposed dwelling. The amount of glazing proposed is therefore considered to adversely impact the dark sky landscape of

the AONB contrary to Policies DEV23 and DEV25 of the JLP and SH Env8 of the Neighbourhood Plan.

5. The proposed dwelling would bring development in closer proximity to the grade II listed building; 'Townsend', which due to its proposed scale and siting, in combination with the design and massing of the proposal will result in less than substantial harm to the setting of the listed building due to the encroachment on the landscaped boundary and is therefore considered to fail to conserve or enhance the listed building resulting in less than substantial harm to the setting of the listed building with insufficient public benefit to justify the harm. The proposal is therefore considered to be contrary to Policies DEV21 of the JLP, SH HBE 2 of the Neighbourhood Plan and the NPPF, specifically paragraph 202.

6. The proposal will result in the use of an access with inadequate visibility resulting in an increased risk to highway safety and not being 'safe or suitable' contrary to the NPPF, particularly paragraphs 110 (b) and 111 and Policy DEV29 (1 and 2) of the JLP.

7. It has not been demonstrated to the satisfaction of the Local Planning Authority that the development has been designed to proactively deliver on-site low carbon or renewable energy systems contrary to Policy DEV32 of the JLP.

Key issues for consideration:

Principle of Development/Sustainability
Housing Need
Design/Landscape
Heritage Impacts
Amenity Impacts
Quality of Residential Accommodation
Highways/Access
Flood Risk/ Drainage
Ecology and Biodiversity
Low Carbon

Site Description:

The application site is a section of garden land associated with the dwelling 'The Nutshell' which is sited within, and on the eastern edge of the settlement boundary of Galmpton, as defined by the South Huish Neighbourhood Plan which is made and carries full weight.

The site is located within the South Devon AONB, Heritage Coast policy designation and landscape character area 4D – coastal slopes and combes. The site is not located within a Conservation Area but the Grade II listed building 'Townsend' is located approximately 19.6m to the south east of the site boundary.

The Proposal:

The proposal seeks to subdivide the existing residential garden of 'The Nutshell' and construct a two storey 2 bedroom dwelling within the eastern section of the garden. A new access to the highway to the north will be formed which will link to a parking and turning area.

The dwelling will include a pitched natural slate roof, rendered walls with a section of natural stone on the east elevation and dark polyester powder coated aluminium windows and doors.

Consultations:

- County Highways Authority:
Standing advice.
- Landscape Specialist:
Holding objection

It is considered that there is the in principle ability to accommodate a development on the site in landscape and visual grounds.

However, it is considered that further detail is required on the proposed hard and soft landscape treatment of the proposed scheme to demonstrate compliance with DEV20 and that consideration should be given to measures to ensure that there any adverse effects from light spill are avoided or minimised. Overall, it is considered that the current form of the proposed dwelling does not adequately respond to the prominent nature of the site at the entrance to Galampton or reflect the vernacular of the village and as such fails to maintain or enhance the character of the landscape as required in policies DEV23 and DEV25.

- Tree Specialist:
No objection on arboricultural merit subject to the tree protection plan document being made an approved plan if consent follows.
- Drainage Specialist:
Sufficient foul and surface drainage details have been provided to confirm an 'in principle' scheme can be accommodated on site. Calculations have not been provided to support the scheme so this information will be required by condition.
- South Huish Parish Council:
South Huish Parish Council have reviewed the above application and have unanimously resolved to OBJECT to the proposals.

This is a rear garden development that would radically alter the character and approach to the village in the heart of the AONB. The scale and character of the proposals for a two-storey property next to a row of bungalows and Townsend, a listed property, is completely out of keeping and is at odds with all in the village. The proposed development would give rise to unacceptable harm to the character and appearance of the area and it would fail to conserve and enhance the natural beauty of the AONB. AONBs have the highest status of protection with regards to landscape and scenic beauty and great weight must be given to these factors in the determination of proposals such as this.

There are extremely strong concerns that the access, sited at the entrance to Galampton, is dangerous as it is a particularly steep driveway with poor splay. Creation of the access relies on destroying a Devon bank and there is the potential for the road to become a racetrack. The splay is insufficient and would require users of the driveway to nudge out potentially into the path of other vehicles travelling at speed.

The property is described as having two bedrooms, others would refer to it as a three-bedroom property, it is shown on the plans as two bedrooms and an office. Regarding demand, there is no demand for new builds in the housing needs survey and SHDC have a deliverable housing supply allocated for a period of over five years. The Joint Local Plan states there is no need for this development.

The size and number of the windows would cause light pollution in the unlit environment of the parish. This would be able to be seen from footpaths, roads and houses to the south and east.

The council has received a number of communications from neighbours detailing their concerns and these must also be considered. Material Considerations include the proposed balcony being an intrusion of privacy as it overlooks neighbouring properties and the overdevelopment of the plot is also an issue. It should also be noted that, if this were to proceed, neither property would have much in the way of surrounding land contributing to the poor appearance.

Policies to take into consideration include:

Policy SH Env2 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)

In addition to National and Development Plan policies and guidance controlling development in the South Devon AONB, Undeveloped Coast and Heritage Coast, development within the Parish should, where necessary due to the size and scale of the development must demonstrate:

- a) how it maintains the intrinsic character of the landscapes affected;
- b) why it cannot be accommodated reasonably outside the Heritage Coast and Undeveloped Coast designations;
- c) How the natural assets and constraints of a development site have been assessed. Substantial harm to or loss of irreplaceable habitats such as ancient woodland and within historic boundary features, banks and ditches should be wholly exceptional;
- d) how opportunities for improving public access to and the enjoyment of the coast have been included.

Policy SH Env3 Safeguarding the biodiversity and Green Infrastructure throughout the Parish

Where appropriate due to the size and scale development proposals should:

- a) Include a Green Infrastructure plan to show how the development can improve greenspaces and corridors for people and nature, in the context of the parish and where possible connecting to the broader green infrastructure of South Devon.
- b) Include a biodiversity action plan which includes details of how the development will achieve a net gain in biodiversity in compliance with national policy requirements.
- c) Retain on site natural features such as Devon Banks, stone walls, hedgerows, protecting existing mature trees beyond those protected within a Tree Preservation Order.
- d) Where possible replace any alien and foreign species of trees considered invasive or harmful with indigenous species.
- e) Promote where reasonable opportunities for improving access to heritage assets through new walking routes.

Policy SH Env 8, Dark Skies and the avoidance of light pollution

Development should not detract from the unlit environment of the Parish.

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 be designed to minimise their impact on the night sky and lighting deflected downwards and switched off after midnight

Policy SH H2 Principal Residence

- a) New open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a principal residence guaranteed through a planning condition or legal agreement.
- b) New unrestricted second homes will not be supported at any time.
- c) A principal residence is defined as one occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.
- d) Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and will be obliged to provide this proof if and when SHDC requests this information. Proof of Principal Residence includes but is not limited to residents being registered on the local electoral register and being registered for and attending local services including healthcare, and schools.

NOTE: If the proposal is given approval SHPC would want to see the Principal Residence clause enforced via a S106 agreement.

Policy SH HBE 2: Safeguarding Designated and Non-Designated Heritage Assets and the Conservation Area

All proposals in the Conservation Area and in the vicinity of Designated and Non Designated Heritage Assets must comply fully with National Planning Policy and the Development Plan relating to the Historic Environment and:

- a) use high quality materials that complement the local and traditional palette of materials used within the Parish.
- b) where relevant, include design features such as setbacks, stone, or render walls and roof details that reflect the character and appearance of the surrounding buildings.
- c) for extensions, new doors, windows and roofing materials should be a similar appearance to those used in the construction of the exterior of the original building.

Policy SH HBE 3: Design Quality within the Parish

Development proposals in South Huish Parish should demonstrate high quality design and will be supported where:

- They are innovative and locally distinctive using a palette of materials that respond to and integrate with the local built surroundings, landscape context and setting. The use of local stone is supported and imported stone from outside the South Hams discouraged. A contemporary design solution will be supported providing it respects the context and setting.
- Building setbacks reflect adjoining buildings;
- They incorporate the principles of sustainable and low carbon design as defined by Joint Local Plan Policy Dev 32;

- It has regard to the requirements of CPtED and 'Secured by Design' to minimise the likelihood and fear of crime and acts of anti-social and unacceptable behaviour and community conflict in the built environment;
- It reduces the dependence on the private car by supporting and connecting directly, where achievable to other more sustainable modes such as walking, cycling and public transport;
- It retains and protects, wherever possible existing trees and hedges in situ. Any lost trees or hedges should be replaced elsewhere on site if possible;
- It does not exacerbate flooding risks;
- Existing footpaths or public rights of way must be retained, or acceptable diversions agreed.

The subdivision of existing plots will only be supported where there is no loss in character or environmental quality of the surroundings, there is suitable highway access on at least one boundary, plot and unit sizes are comparable with adjacent properties, adequate amenity space is provided and the amenity of adjoining properties is not compromised

On the basis of the above, along with the policies of the Joint Local Plan and NPPF, South Huish Parish Council reiterate that they unanimously object to this application.

Representations:

17 letters of objection and 1 letter of support received. Issues raised:

- Access
- Highway safety
- Proposal will not help local affordable housing
- Design
- Loss of privacy
- Impact on AONB
- Impact on undeveloped coast
- Impact on heritage coast
- Overdevelopment
- Overbearing impact
- Detract from rural character
- Impact on listed building
- Materials
- Social and environmental harm
- Impact on Devon bank
- Subsidence
- Water run off
- Trees
- Impact on dark sky policy/ light pollution
- Ecology impacts
- Not in-keeping
- No services/facilities in Galmpton will lead to increase in motor traffic
- Inaccurate plans
- Housing need
- Insufficient visibility splay
- Levels

- Noise pollution
- Stability
- Drainage
- Both properties left with almost no gardens
- Site is within heritage coast designation so undeveloped coast polices apply
- Highly visible site
- Inappropriate site for development
- Impact ion character of area

Relevant Planning History

0305/19/HHO Householder application for proposed rear extension including alterations.
Approved 25/03/2019

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the JLP sets out the Council's development strategy across the Thriving Towns and Villages Policy Area. The policy supports development which accords with the Council's settlement hierarchy of (1) Main Towns, (2) Smaller Towns and Key Villages, (3) Sustainable Villages and (4) Smaller Villages, Hamlets and the Countryside.

Paragraphs 5.8-5.10 of the supporting text to Policy TTV1 of the JLP identify the 'Main Towns', 'Smaller Towns and Key Villages' and 'Sustainable Villages' within the Thriving Towns and Villages Policy Area. However, 'Smaller Villages' and 'Hamlets' are not identified as part of the Policy TTV1.

The JLP does not include any of the AONB villages within its list of named settlements and therefore when having regard to Policy TTV1 which provides a hierarchy of settlements, all AONB villages sit at the bottom of the hierarchy under TTV1.4 which relates to smaller villages, hamlets and the countryside.

There is no expectation that housing is required to be built in these locations to meet the identified housing needs of the plan. Furthermore, across the plan area there is demonstrable 5-year supply of housing sites to meet identified needs, and as such the spatial strategy and settlement hierarchy should be applied with full weight.

Policy SPT1 of the JLP promotes sustainable development, and sets out the environmental, economic and social aspects of sustainable development. The policy sets the tone which runs through the plan in order to achieve sustainable development throughout the plan area. Policy SPT2 of the JLP ensures that sustainable development is delivered in the Plan Area and in this case Officers would consider that the proposal fails to meet some of the criteria which are contained within the policy. Criteria 1 is concerned with access to community facilities, such as shops, health services and daily needs. The suggested distances to facilities are identified in table 3.2, which suggest – 600 m to a bus stop; 800m to a convenience store; 800 metres to a primary school and 400 metres to a local play space. The distance to the nearest facilities at Hope Cove or Malborough are significantly beyond these suggested figures and the surrounding roads are rural and unlit with no pavements. The occupiers of the proposed dwelling would therefore likely rely on the use of a car rather than sustainable forms of transport as required by Policy SPT2.

Policy SH Env1 of the Neighbourhood Plan sets out settlement boundaries stating that “Development inside the settlement boundaries will be supported in principal subject to National Policy and Guidance and the Development Plan.” It is considered that the settlement boundary detailed is primarily a tool to prevent certain types of development beyond it, rather than being an indicator of Galmpton being ‘sustainable’ in its own right, given the requirement to consider national and local policy.

The settlement boundary is identified within a restrictive Neighbourhood Plan policy as the settlement boundary has not been designated in order to positively and proactively deliver new development, but to restrict development outside it. In that regard, Officers consider that the policy can only be considered neutral in terms of the support it gives proposals inside the boundary, because it defers the tests of acceptance to local and national policy.

The LPA has received appeal decisions that have made reference to the level of service provision of Hope Cove, and how the village could support a limited amount of new development. As such new dwellings within the settlement boundary set around Hope Cove have been approved.

However, when considering Galmpton, there are no local services available and those occupying the proposed dwelling would need to reach Hope Cove or Marlborough to utilise facilities. Neither of these locations are within a suitable walking distance, and the road networks in between will act as a deterrent to any transport modes other than the car, given the road narrows notably in places, and the hedges are high, resulting in cycling also being an unrealistic option for most people.

When considering if Policy SH Env1 of the Neighbourhood Plan allows for consideration of all adopted JLP policies, and to question the basic sustainability of the location, the policy is worded that proposals within the boundary will be considered acceptable in principle, ‘subject to national policy and guidance and the development plan.’ This allows for consideration of how the site location meets the requirements of Policies SPT1, SPT2 and DEV29 of the JLP in terms of connectivity and the reliance upon the car.

Therefore, whilst the proposal does not conflict with Policy SH Env1 of the Neighbourhood Plan, the proposal is considered to conflict with Policies SPT1, SPT2, TTV1 and TTV2 of the JLP and Policy SH HBE 3 of the Neighbourhood Plan given the resultant conflict with the Council’s spatial development strategy for residential development, by providing new development in an unsustainable location, divorced from the nearest sustainable settlement which if allowed would undermine the spatial strategy set out within the JLP. The location is not sustainable, has poor access to local services and amenities and due to poor connectivity, would result in over reliance on the private motor car.

Housing Need:

Policy SPT2 of the JLP states that development should support the overall spatial strategy through the creation of neighbourhoods and communities which:

4. Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.

5. Promote resilience to future change by ensuring a well balanced demographic profile with equal access to housing and services.

Policy DEV8 of the JLP seeks to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities:

1) A mix of housing sizes, types and tenure appropriate to the area and as supported by local housing evidence should be provided, to ensure that there is a range of housing, broadening choice and meeting specialist needs for existing and future residents. The most particular needs in the policy area are:

- i. Homes that redress an imbalance within the existing housing stock.*
- ii. Housing suitable for households with specific need.*
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.*

The ONS data indicates that there is a current oversupply of detached 3 bedroom dwellings and a neutral level of 2 bedroom properties in the South Huish parish. There is also a general oversupply of larger dwellings within the South Hams district.

The application seeks to construct a two storey 2 bedroom dwelling with study with an approximate floor area of 134m².

The DCLG Technical housing standards – nationally described space standard (NDSS) sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas. The suggested floor area for a 2 bedroom 4 person dwelling set over 2 floors is 79m². The proposed 2 bedroom dwelling has a significantly larger floor area and it should be noted that the NDSS sets out that a 6 bedroom 8 person dwelling set over 2 stories should be 132m² which is comparable to the floor area of the proposed dwelling.

Officers therefore would not consider the proposed dwelling to represent a true 2 bedroom dwelling given the size and the scale of the dwelling which will restrict the number of people able to purchase the property and would therefore raise a concern with its affordability and ability to meet the requirements of SPT2.4 of the JLP because the proposal will fail to improve accessibility to the housing market or improve equality of opportunity for a range of households regardless of incomes.

In respect of Policy DEV8 of the JLP, the proposal is considered to have a neutral impact on redressing an imbalance with the existing housing stock given the neutral level of 2 bedroom properties in the Parish.

Design/Landscape:

The site is within the AONB and Heritage Coast policy designation where Policy DEV25 of the JLP requires development proposals to conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes. Policy SH Env2 of the Neighbourhood Plan requires development to, amongst other criteria, demonstrate how it maintains the intrinsic character of the landscapes affected and how the natural assets and constraints of a development site have been assessed. Substantial harm to or loss of irreplaceable habitats such as ancient woodland and within historic boundary features, banks and ditches should be wholly exceptional.

The Council's Landscape Specialist has considered the proposal and noted the following:

The site is outside the JLP Undeveloped Coast designation but entirely within the South Devon AONB, whose landscape is protected as being nationally important. The site is also within the 4D Coastal Slopes and Combes landscape character type.

The proposed development is for a detached two storey dwelling to be constructed in the existing garden curtilage of the residential property Nutshell. The proposals would occupy the eastern part of the garden, an area of land that effectively forms the threshold into the village of Galmpton when travelling from the east. The proposed dwelling would be visually prominent at the entrance to the village when seen from the public highway and would have some intervisibility with the wider landscape.

There is little in the design of the proposed property to reflect its 'landmark' position at the entrance and exit to Galmpton but the front elevation does appear to face east, which is positive. There is concern about the amount of glazing on the southern elevation and the potential for light spill into the landscape adversely affecting the relative dark skies of the AONB. External lighting should similarly be kept to an absolute minimum.

It is accepted that a dwelling should be 'of its time' but it is considered that the present design is somewhat generic. Reference should be made to the characteristic vernacular of the local landscape through the use of detailing and/or choice of materials.

The creation of the access way into the site from the highway appears to necessitate the removal of much of the existing hedgerow to create the required visibility splays. The removal and effective widening of the highway will have an adverse effect on the character of the road, which is a typical narrow country lane. It would be important to provide a suitable and rural style new hedgerow along the alignment of the visibility splay.

It is considered that there is the in principle ability to accommodate a development on the site in landscape and visual grounds.

However, it is considered that further detail is required on the proposed hard and soft landscape treatment of the proposed scheme to demonstrate compliance with DEV20 and that consideration should be given to measures to ensure that there any adverse effects from light spill are avoided or minimised. Overall, it is considered that the current form of the proposed dwelling does not adequately respond to the prominent nature of the site at the entrance to Galmpton or reflect the vernacular of the village and as such fails to maintain or enhance the character of the landscape as required in policies DEV23 and DEV25.

Following an officer site visit and consideration of the Landscape Specialist's comments, the proposal is considered to be detrimental to the character and quality of the AONB as presented. The design of the dwelling at 2 stories and of the design detailed fails to take reference from the predominant character of the area and from the unobtrusive small scale bungalows that are found along this road. Whilst the dwelling will be set into the ground thereby reducing visibility, it will still be read as a two storey dwelling of a greater height than the host dwelling. As this is a corner plot Officers would expect the dwelling to address both

the north and east positively which the proposal is not considered to achieve, and agreement is found with the Landscape Specialist's comments that the design is generic and does not take reference from the vernacular of the local landscape. If the design does not reference the unobtrusive bungalow style Officers would expect more of a bespoke design specifically related to the site which is not what has been put forward.

Policy DEV25.8.iv. requires development to be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes. This is reflected in Policy DEV23 of the JLP which notes in part 4. that development should be designed to prevent erosion of relative tranquillity and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquillity has been eroded. Similarly Policy SH Env8 of the Neighbourhood Plan states that development should not detract from the unlit environment of the Parish and 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.

The amount of glazing proposed at first floor level on the south elevation is considered excessive and there does not appear to be any need for the rooflight above the kitchen which is already served by a window. The proposal would therefore result in an unacceptable level of light spill and is therefore considered to adversely impact the dark sky landscape of the AONB contrary to Policies DEV23 and DEV25 of the JLP and Policy SH Env8 of the Neighbourhood Plan.

In respect of the Landscape Specialist's comments about the access; "The removal and effective widening of the highway will have an adverse effect on the character of the road, which is a typical narrow country lane. It would be important to provide a suitable and rural style new hedgerow along the alignment of the visibility splay." The agent have noted that they believe this could be addressed by condition however Officers would disagree. The DCC Highways standing advice requires visibility splays to be clear of obstructions with any planting required to be kept to a maximum height of 60cm. The requirement of this height would result in a very low level area of planting which is not characteristic of the lane and would have a detrimental, suburban appearance. The loss of the section of bank/hedge is not considered to be justified by any substantial benefits and the loss is not mitigated for, contrary to Policies DEV28 of the JLP and SH Env2, SH Env3 and SH HBE 3 of the Neighbourhood Plan.

As such, the proposal would be harmful to the character and appearance of the area within the context of the AONB and Heritage Coast. It would therefore conflict with Policies DEV20, DEV23, DEV24, DEV25 and DEV28 of the JLP and Policies SH Env2, SH Env8 and SH HBE 3 of the Neighbourhood Plan.

Heritage Impacts:

The site is not located in or impacting a Conservation Area, however the Grade II listed building 'Townsend' is located approximately 19.6m to the south east of the site boundary which is a designated heritage asset where s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. This requires the decision-taker to have: 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DEV21 of the JLP states that development proposals will need 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. DEV21(2) states:

Great weight will be given to the conservation of the Plan Area's designated heritage assets. Where development proposals will lead to any harm to the significance of a designated heritage asset, they must be fully justified against:

i. the public benefits of the development, and whether there are substantial public benefits in cases where there would be substantial harm

ii. whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of harm to the assets significance and if the work is the minimum required to secure its long term use

The Grade II listed 'Townsend' to the south east maintains a feeling of separation from other built development in the area. The host dwelling 'The Nutshell' is single storey and only the ridge/ blank part of the side gable is visible when viewing the listed building from the road and taking in the context. The application site is at a higher level than the listed building and will bring development closer whilst being approximately 0.8m higher than the host dwelling at two stories. As highlighted earlier in the report, concerns are raised with the scale and visual appearance of the proposed dwelling, and the siting in combination with the design and massing of the proposal are considered to result in less than substantial harm to the setting of the listed building due to the encroachment on the landscaped boundary and the scale of the proposed built form in relation to the listed building.

It is considered that the proposal would therefore result in less than substantial harm to the heritage asset. Paragraph 202 of the NPPF requires that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Although the proposal would result in an additional dwelling in addition to benefits derived from the construction phase, it is not considered that this would outweigh the harm to the setting of the listed building. The proposal is therefore considered to be contrary to Policy DEV21 of the JLP, Policy SH HBE 2 of the Neighbourhood Plan and the NPPF.

Amenity Impacts:

It is always necessary for developments to take into account the amenities of neighbours, third parties and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

Given the layout, orientation and separation distances, the proposal is not considered to impact on the amenity of dwellings on the opposite side of the road, including that of 'Townsend' and Green Tiles'.

In respect of impact upon the host dwelling, 'The Nutshell', the proposal includes a balcony which will allow views to the west. Given the close proximity the balcony is considered to result in an unacceptable level of overlooking and reduced privacy to the host dwelling. This however could be mitigated with the installation of a 1.7m high obscure glazed screen along the western edge of the balcony which could be required by condition. Three windows on the

west elevation at first floor level are proposed, serving a WC, utility room and as a secondary window to a dining room. Given these windows will face towards the host dwelling's remaining garden at short range, these are considered to result in an unacceptable level of overlooking. This could however be overcome by a requirement for these windows to be obscure glazed. With these recommended conditions the proposal is considered to have an acceptable impact on the amenity of 'The Nutshell'.

As such, the proposal would not lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact with the addition of planning conditions. It would therefore accord with JLP Policies DEV1 and DEV2 and the requirements of the NPPF.

Quality of Residential Accommodation:

JLP Policy DEV10 requires, amongst other things, both new and converted dwellings to have an acceptable amount of internal space that meets national space standards. In addition, a sufficient amount of external amenity space is also required.

As noted previously the internal floor area exceeds the requirements set out in the NDSS for a two bedroom dwelling and all habitable rooms are served by adequate light resulting in a good quality internal space.

Adequate amenity space in excess of 100m² would be provided for the new dwelling and retained for the host dwelling sufficient to facilitate sitting out, children's play, and the drying of clothes. The proposal is therefore considered to accord with Policy DEV10 of the JLP and the SPD.

Highways/Access:

The proposal seeks to form a new access with associated visibility splays for the proposed dwelling by removing a section of vegetated bank/hedgerow. An area of hardstanding will be formed to allow for turning on site to allow access and egress in a forward gear and three parking spaces will be provided on site.

DCC Highways have referred the consideration of the highways impacts to the standing advice. This sets out acceptable levels of visibility and notes that visibility splays are to be clear of obstructions with any planting required to be kept to a maximum height of 60cm. As noted earlier in the report the requirement of this height would result in a very low level area of planting which is not characteristic of the lane and would therefore not be supported, however there are also concerns that the 'Galmpton' signage to the east of the proposed access would reduce visibility from the splay resulting in a substandard and dangerous access.

The proposal is therefore considered to result in an increased risk to highways safety from the use of an access which has inadequate visibility. The proposal is therefore contrary to the provisions of Policy DEV29 (1 and 2) of the JLP and paragraphs 110 and 111 of the NPPF.

The car parking area detailed on the proposed plans demonstrates that there is sufficient space on site to provide adequate car parking for the proposed dwelling and the host dwelling would retain its existing parking arrangements in accordance with Policy DEV29 of

the JLP, Policy SH T1 of the Neighbourhood Plan and the Adopted SPD

Flood Risk/ Drainage:

The site is located in Flood Zone 1 and is not within a critical drainage area and is therefore in flood control terms is an appropriate site for residential development being a site which according to the Environment Agency maps is least vulnerable to flooding.

The Council's Drainage Specialist has confirmed that sufficient foul and surface drainage details have been provided to confirm an 'in principle' scheme can be accommodated on site. Calculations have not been provided to support the scheme so this information would be required by condition.

The proposal is therefore considered to accord with Policies DEV35 of the JLP and Policies SH Env 7 and SH HBE 3 of the Neighbourhood Plan.

Ecology and Biodiversity:

JLP Policy DEV26 states 'Development likely to have a harmful impact on locally designated sites, their features or their function as part of the ecological network, will only be permitted where the need and benefits of the development clearly outweigh the loss and where the coherence of the local ecological network is maintained. Policy SH Env3 of the Neighbourhood Plan requires a biodiversity action plan which includes details of how the development will achieve a net gain in biodiversity in compliance with national policy requirements.

The application is accompanied by a Preliminary Ecological Appraisal which confirms that the proposal will not impact on protected species and no further surveys are required. A number of mitigation measures relating to nesting birds, reptiles and proposed lighting are given which if adhered to will prevent contravention of wildlife legislation. The report also notes that biodiversity net gain could be achieved with the installation of bat and bird features.

Providing the contents of the report are adhered to and biodiversity net gain measures are installed, the proposal would accord with Policy DEV26 of the JLP and Policy SH Env3 of the Neighbourhood Plan.

Low Carbon:

Policy DEV32 requires all development to minimise its use of natural resources over its lifetime, such as water, minerals and consumable products, by reuse or recycling of materials in construction. Developments should be considered in relation to the energy hierarchy of i) Reducing the energy load of the development ii). Maximising the energy efficiency of fabric iii). Delivering on-site low carbon or renewable energy systems and iv) Delivering carbon reductions through off-site measures. In addition the policy states 'Developments should reduce the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting, and reduce the heat loss area'.

The DEV32 form submitted in support of the application notes that the use of highly insulated and air-tight building envelope such as insulated plasterboard, insulated cavity walls and double-glazed windows to reduce the overall U-Value will reduce the energy demands through the building fabric design. The positioning and design of the building is also in such a way to allow for best use of passive solar gain and adequate positioning and ventilation will

aid in reducing peak temperatures as well as combating any risk of mould build up with adequate movement of moisture out of structure. The form also states that on site parking is proposed which will allow 2No. EV charging points to be installed as part of the development.

The form goes on to indicate that PV panels and an air source heat pump have been considered but lists that they have not been chosen due to the need for planning agreement.

Officers would not consider the proposal as detailed adequately address the requirements of DEV32 and would expect proactive measures to be put in place at the time of the application submission and detailed on the proposed plans. It is therefore not considered the proposal adequately addresses Policy DEV32 of the JLP.

Other Matters:

With regards to issues of principal residence, Policy SH H2 of the Neighbourhood Plan states that 'New open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a principal residence guaranteed through a planning condition or legal agreement.' Whilst the Parish's preference is noted as a s106 agreement, if consent was forthcoming, given the policy wording explicitly allows a condition or legal agreement, it is considered reasonable that principle occupancy could be secured by planning condition in this instance.

Conclusion:

Given the above analysis the proposal is therefore recommended for refusal.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 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 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*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
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
TTV27 Meeting local housing needs in rural areas
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
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

South Huish Neighbourhood Plan 2019-2034

Policy SH Env 1
Policy SH Env2
Policy SH Env3
Policy SH Env 6
Policy SH Env 7
Policy SH Env8
Policy SH H2
Policy SH T1
Policy SH HBE 2
Policy SH HBE 3

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

The Plymouth & South West Devon Joint Local Plan SPD

South Devon AONB Management Plan

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

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

Name and signature: Verity Clark

Date: 14/02/2022

Ward Member - Cllr J Pearce

Date cleared - 11/02/2022

Comments made - On balance I am prepared to delegate refusal.

Ward Member – Cllr M Long

Date cleared – 14/02/2022

Comments made - Thank you for your report, I agree to delegated refusal.