



LAND AT FAIRHAVEN, NORTHSANDS, SALCOMBE (viewed from the highway over Moulton Hill)





PLANNING REF: 3268/21/OPA

DESCRIPTION: Outline application with all matters reserved for erection of single dwelling.

ADDRESS: Land at Fairhaven, Sandhills Road, Salcombe TQ8 8JP.

22nd October 2021

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

Planning history of the site.

9/41/0351/74/1 - Erection of detached house and garages – Refused – *‘Development on a plot of this size would be out of character with the properties in substantial grounds and be inconsistent with the preservation of the special appearance and character of the area located in an Area of Outstanding Natural Beauty of the County Development Plan and adjacent to a Coastal Protection Area’.*

Note: The location is today still directly adjacent to the Heritage Coast.

41/0959/86 – dwelling and garage – refused and dismissed at appeal

41/1596/94 – dwelling and garage – refused reason for refusal – *‘The proposed dwelling would be harmful to the appearance and character of the area which is situated within an Area of Outstanding Natural Beauty and would increase the density of development contrary to the provisions of the Local Plan. If permitted, the dwelling would create a precedent for similar development on other sides within the Local Plan Policy Area which would cumulatively erode the special character of this area’.*

41/2487/11/F – erection of single dwelling refused 2nd April 2012 – Reason – *‘The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty. The proposed built development would increase the density of development harmfully altering the mature gardens and low density that characterise the area contrary to saved Policy KP11 of the South Hams Local Plan and CO3 of the*

W: <https://southhamssociety.org/> **FB:** <https://www.facebook.com/South.Hams.Society/>
Charity number: 263985

Registered address: Olde Stones, West Alvington, Kingsbridge, South Devon TQ7 3PN



County Structure Plan, CS9 of the Core Strategy and DP2 of the Development Policies DPD and no other material considerations indicate otherwise’.

41/0888/13/F Resubmission of planning application 41/2487/11/F for the erection of single dwelling. Refusal

‘The proposed dwelling would be harmful to the character of the area and appearance of the landscape which is designated an Area of Outstanding Natural Beauty. The proposed built development would increase the density of development harmfully altering the mature gardens and low density that characterise the area contrary to saved Policy KP11 of the South Hams Local Plan and CS9 of the Core Strategy and DP2 of the Development Policies DPD and no other material considerations indicate otherwise’.

The outline planning application proposal

The South Hams Society submitted an objection to the most recent application to develop this land (3010/18/FUL). We now wish to object to this current application that seeks to establish the principle of erecting a single dwelling within the settlement area boundary.

We note that this application seeks only outline application approval, for a two storey building that is 9 metres square. This planning application ‘*Viewpoints and Vegetation Plan*’ uses the same visual impact images used in the previous planning application ‘*Design and Access Statement*’ that was refused.

Within the current Design and Access Statement it is stated that:

‘The previous applications have demonstrated that a high standard of design, supported by an independent design review panel, can be achieved and this application would follow that pattern’.

The comments of the regional design panel to which the applicants refer were addressed by Officers within the previously refused application, where an analysis of the Principle of Development/Sustainability was set out.

According to the Case Officer under the heading of Analysis, Principle of development/Sustainability:

‘The current proposal has been the subject of pre - application advice, with the additional process of seeking comment from the regional Design Panel’.
These comments are noted and the considerable work of the architect in seeking to design a dwelling that overcomes the significant constraints of the site is acknowledged.



While authorities should have regard to recommendations made by design review panels (NPPF para 129), it's for the determining authority to balance the recommendation against its local policies and overarching national policy.

Officers remain of the view that the principle of development in this location is unacceptable by virtue of the low density character of this portion of Salcombe and the impacts development will have on the woodland and this low density character'.

The Society believes this statement remains highly applicable to the current application, and specifically that the text **'the principle of development in this location is unacceptable'** remains a substantive and compelling reason for refusal.

It has been established that various TPO's are extant across the site and that Woodland Order W1 of TPO 681 lies upon the development area.

This Order protects all trees in existence from the date it was served in 2003 and the Society believes that this presents a significant material constraint to development both now and in the future.

The Council's Tree Officer and Landscape Officer both raised objections to the previous application to develop this site and the Society hopes that the same due regard to the Woodland Designation and adherence to policy that sets out protection for the AONB will ensure that those objections are maintained in this current application.

Further objection by Officers was demonstrated in the analysis statement that:

'Officers consider that development in this location could place pressure on the requirement for these trees to be pruned or felled due to the presence of the dwelling within this tree grouping and it is considered that the development is therefore contrary to NPPF paragraphs 170 & 175 as there is no wholly exceptional reason for development of this nature in this location, no suitable compensation strategy exists and the benefits of a dwelling do not outweigh the impacts to the woodland setting.

It is concluded that the proposed new dwelling will harmfully alter the character of North Sands and the AONB landscape by introducing development that erodes the low built density character and wooded appearance of the area.

The measures and justifications for the development, for example the additional planting and building reduction, are not considered to overcome these substantial concerns'.



The current application contains a View Points and Vegetation Plan (30/09/2021) stating that hedge 2 is to be removed.

Any such removal in order to facilitate development will result in unacceptable degradation of the woodland landscape and effectively compromises the integrity, purpose and function of the area TPO.

The Joint Local Plan and the Neighbourhood Development Plan both set out Policies affording tree protection that are applicable to this application.

JLP Policy DEV 28 sets out protection from development that would result in the loss or the deterioration of the quality of :

- Ancient Woodland, aged or veteran trees or impact on their immediate surroundings.
- Other Woodlands or high amenity trees including protected trees.
- Important hedgerows including Devon hedge banks; will not be permitted unless the need for, and benefit of, the development in that location clearly outweigh the loss and this can be demonstrated.

The Society believes that any proposal to remove and/or extensively prune trees and vegetation in order to facilitate development on this site must be resisted in the interests of protecting and conserving the special qualities of this sylvan location in adherence to the provisions and objectives of DEV 28.

A key objective of the Neighbourhood Development Plan is that:

'any future development must have due regard of it's impact on the AONB, Undeveloped Coast, the rural landscape character and green infrastructure that surrounds the separate and distinctive settlements in the Parish, and the natural valleys and landforms'.

The Society are of the opinion that any development on this site fails that 'due regard' and is therefore contrary to NDP Policies:

ENV 1 – which seeks to protect the characteristics and features of the AONB.

ENV 5 – protecting existing woodland area's and the environmental quality of the estuary.

ENV 7 – seeking to maintain low density development, natural green spaces and trees.

The Society respectfully asks that South Hams District Council are mindful that they have a legal duty to protect and enhance the South Devon AONB, which is a nationally prized landscape and a major economic asset.

Section 85 of the Countryside and Rights of Way Act 2000 requires that the Local Authority adheres to the purpose of conserving and enhancing the landscape and natural beauty of AONB's.

NPPF paragraph 176 specifies that great weight must be given to this purpose.

W: <https://southhamssociety.org/> **FB:** <https://www.facebook.com/South.Hams.Society/>
Charity number: 263985

Registered address: Olde Stones, West Alvington, Kingsbridge, South Devon TQ7 3PN



The applicants are therefore required to demonstrate how the location, siting, layout, scale and design of the proposed development conserves and/or enhances what is special and locally distinctive to the site.

The Sandhills Road location, where natural open space and the retention of trees and vegetation between the properties provides a rare and attractive feature in this area of Salcombe, justifies the highest level of sympathetic assessment and protection.

The Society is of the opinion that the proposed development is unacceptable by virtue of its location within the South Devon AONB where the low density character contributes positively to the scenic quality of the town. Any removal of trees or hedges would have an adverse impact on the visual amenity, and there is the danger of likely future detrimental impact on the protected woodland when a dwelling is affected by seasonal debris fall/branch failure, inevitably resulting in applications to fell or prune trees.

We conclude therefore that given the positive contribution of the trees to the landscape, any loss or reduction would not conserve or enhance the landscape of the AONB as required by JLP Policies DEV 23 & DEV 25 and Policy SALC ENV 1 of the Salcombe NDP.

The Society considers this opinion to be reinforced by the very recent decision of the Planning Inspector with regard to Appeal Ref: APP/K1128/W/20/326083 Lower Rockledge, Devon Road, Salcombe.

Here the Inspector considered the main issues to be:

- Whether or not the proposed development would increase the likeliness of significant works to trees subject to a TPO

and if so

- Whether this would cause harm to the landscape and scenic beauty of the South Devon AONB.

The Inspector dismissed the appeal and in doing so has clearly illustrated the importance of retaining and protecting trees that provide significant public visual amenity benefits.

The Society share the Inspector's view and we believe that his judgement can be applied equally to the proposed development site on Designated Woodland at Fairhaven.

The Society refers you to paragraph 5 of the planning appeal decision APP/K1128/A 13/2208438 (planning application 41/0888/13/F - Resubmission of planning application 41/2487/11/F for the erection of single dwelling, Land Adjacent To Fairhaven Sandhills Road Salcombe Devon TQ8 8JP).

The Planning Inspector stated:

'However, in my opinion the question of assessment of character and appearance rests on more than just blocking of the view of the building from lower and largely 'head-on locations. The substantial spacing between properties is an inherent and attractive attribute of this part of the south west facing slope. The sense of a very low density area with large mature gardens prevailing needs to be protected.'

W: <https://southhamssociety.org/> FB: <https://www.facebook.com/South.Hams.Society/>
Charity number: 263985

Registered address: Olde Stones, West Alvington, Kingsbridge, South Devon TQ7 3PN



The views from higher land, across and above North Sands Bay to the south west and in the water itself out from the bay need to be considered...'

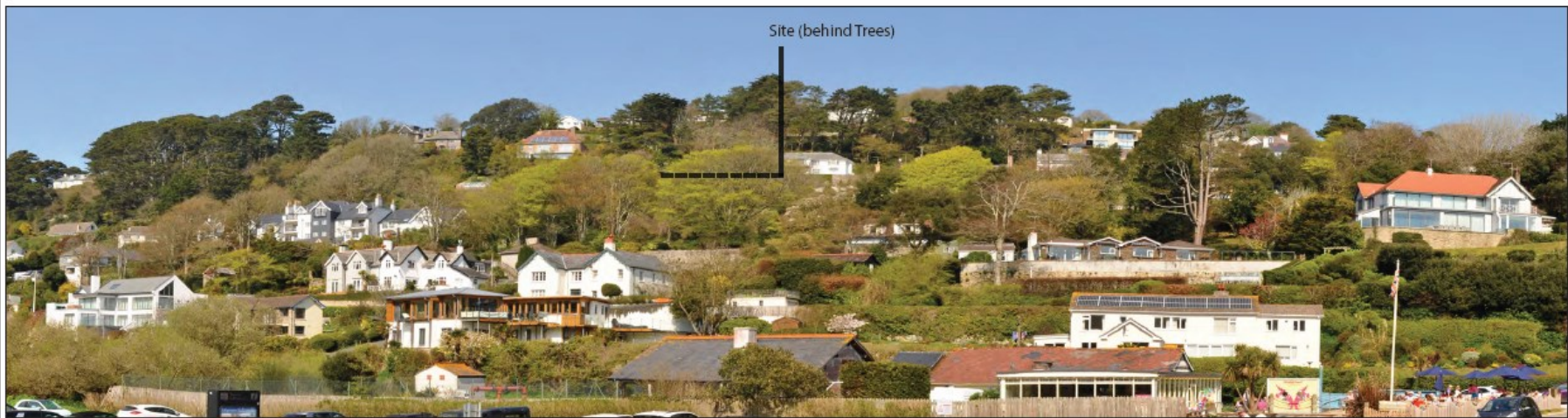
The South Hams Society includes on the front page of this objection, one of those views that the Planning Inspector was commenting on.

The South Hams Society respectfully requests that this application is refused.

For and on behalf of the South Hams Society.

Richard Howell,

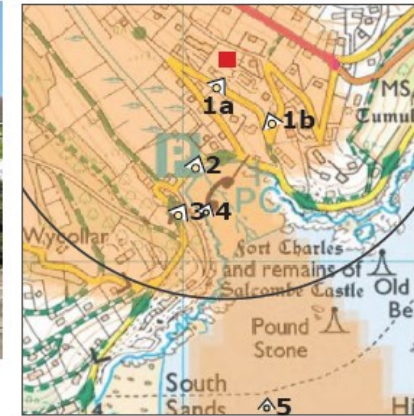
Chairman.



VIEWPOINT 2 - North Sands Promenade



VIEWPOINT 3 - Cliff Road



Viewpoint Location Plan.

Figure 6 External Viewpoints

Viewpoints & Vegetation Plan included in Planning Application 3268/21/OPA



VIEWPOINT 2 - North Sands Promenade



VIEWPOINT 3 - Cliff Road

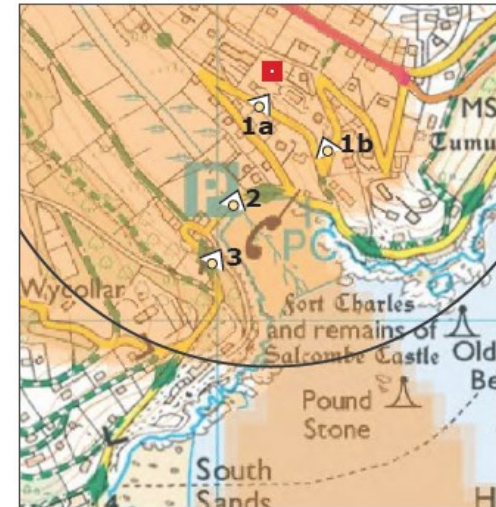
Figure 6 External Viewpoints



VIEWPOINT 4 - North Sands Beach



VIEWPOINT 5 - South Sands Ferry



Viewpoint Location Plan.

Figure 7 External Viewpoints

Viewpoints & Vegetation Plan included in Planning Application 3268/21/OPA



VIEWPOINT 4 - North Sands Beach



VIEWPOINT 5 - South Sands Ferry

Figure 7 External Viewpoints