



12th March 2025

PLANNING REF: 0448/25/FUL

DESCRIPTION: Alterations to external steps including natural stone cladding to selected external garden walls (part retrospective)

ADDRESS: Spion Lodge, Bennett Road, Salcombe, Devon, TQ8 8JJ

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.

The South Hams Society wishes to **OBJECT** to this application.

Planning Application 41/1023/15/F - READVERTISEMENT (Revised Plans Received) Demolition of existing dwelling and erection of building to contain 6 No apartments with associated landscaping and car parking received approval on the 8th August 2017.

Two separate Section 73 applications for variation of the planning approval were submitted. 2472/19/VAR was disposed of without a decision while 3123/20/VAR was refused on the 08/01/2021.

Consequently the extant planning approval for the Spion Lodge development is 41/1023/15/F.

Two further applications were submitted to satisfy planning conditions.

The application 0918/20/ARC was submitted to satisfy conditions 6 & 7. Condition 7 was to ensure provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

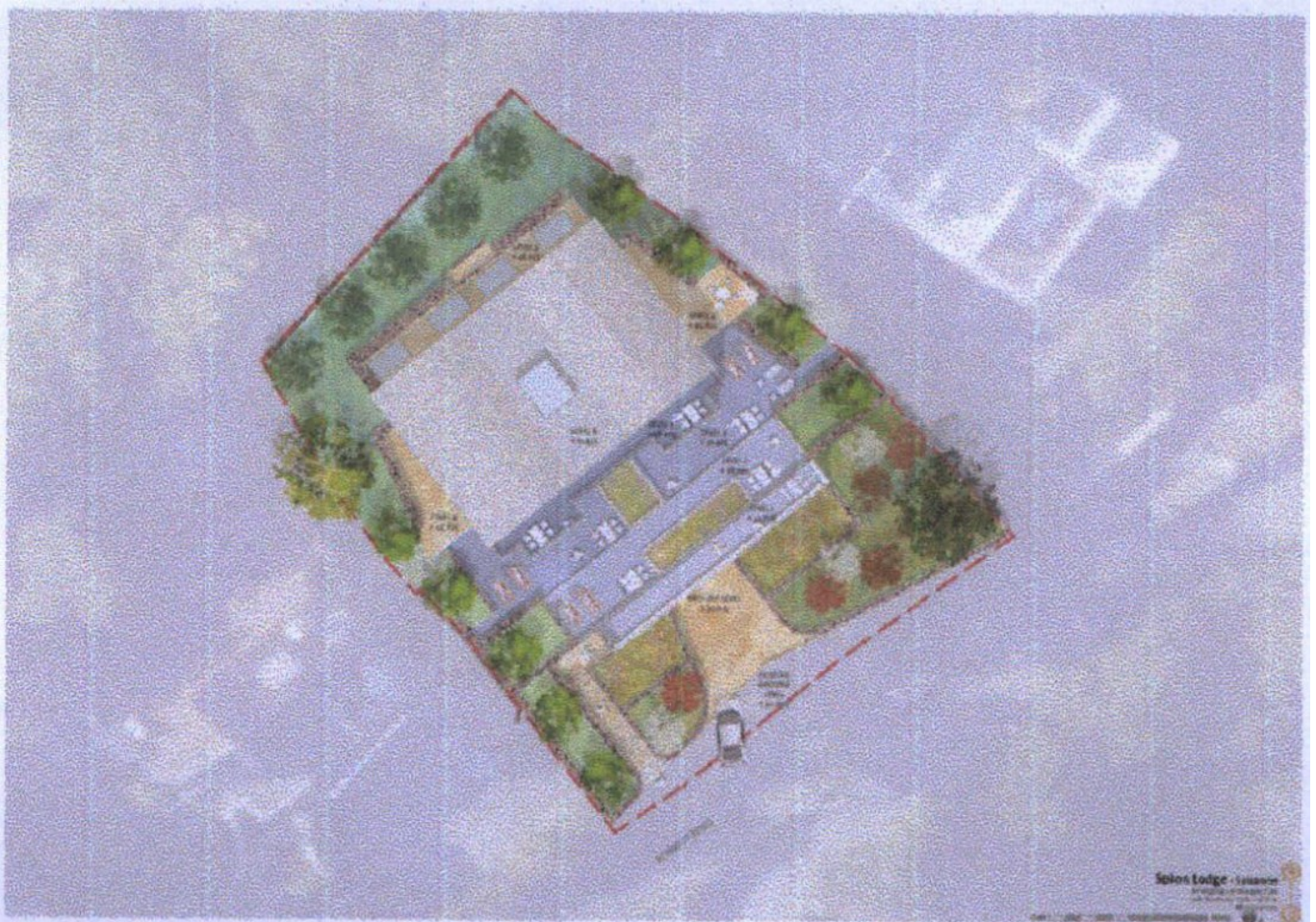
In recommending approval the officer report stated *'the details have been reviewed by our landscape specialist and are considered acceptable'*.

The approved documents are the *'Landscape Addendum 27th April 2020'*, the *'Revised Tree Planting Masterplan'* and *'the Landscape Report BD 0111 SD 400 R02'*.

On the next two pages are the approved landscaping design drawings.

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Emerging Landscape Plan in March 2015
62% Hard landscape or building footprint
38% Soft landscape areas

0918/20/ARC Revised Tree Planting Masterplan

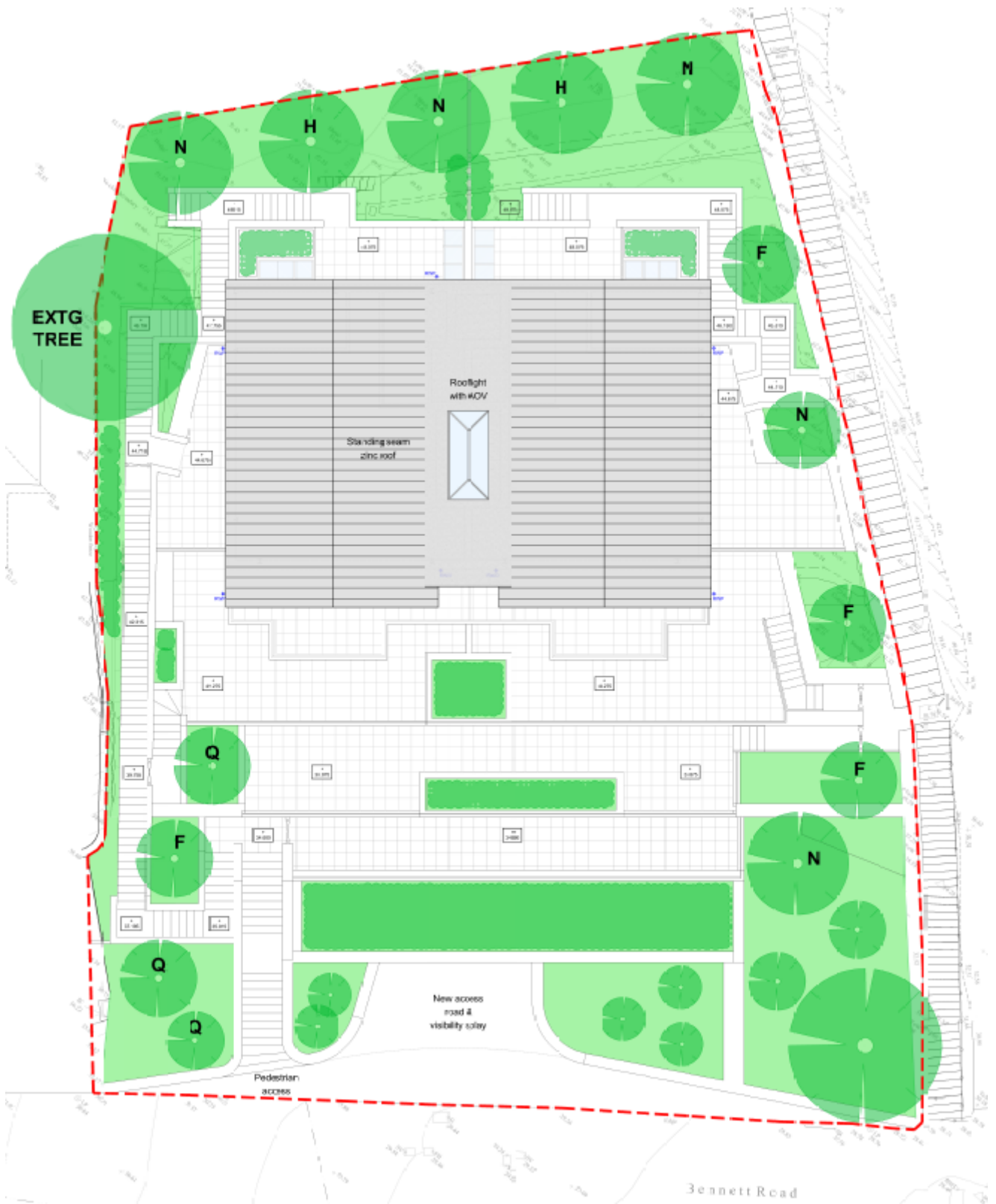
N = NATIVE BIRCH.
 H = HOLM OAK.
 F = FIELD MAPLE
 Q = QUERCUS PALUSTRIS

**Spion Lodge: Landscape Design Report
 Illustrative Landscape Masterplan**



Conversely the Section 73 application drawing (2506.01 Rev A) included in application 3123/20/VAR was refused.

2506.01 Rev A



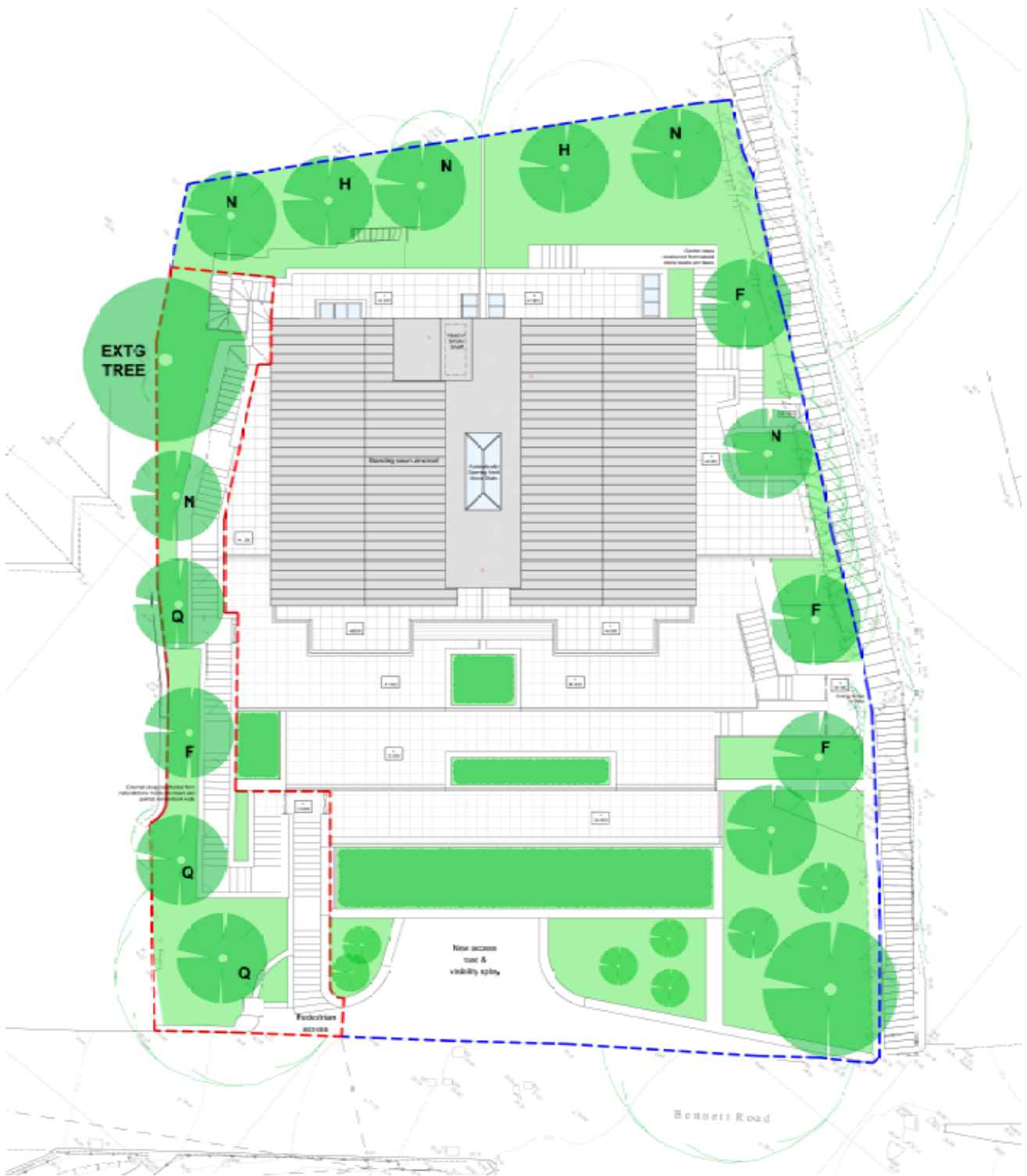
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This application (3123/20/VAR) was refused for the following reasons:

- 1. The proposed additions of terraces and steps will result in the urbanisation of the site, extending built form across the whole width of the site This would mean that landscaping on the boundaries of the site will be either impossible or sparse at best, resulting in harm to the intrinsic character of this part of Salcombe, and not conserving and enhancing the AONB, contrary to Policies DEV25 of the Plymouth and South West Devon Joint Local Plan; Policy SALC Env1 and SALC Env7 of the Salcombe Neighbourhood Plan as well as para 172 of the NPPF 2019.*
- 2. The proposed variation to the plans results in the provision of outside terraces and steps in much closer proximity to the neighbouring dwellings harming the residential amenities of those dwellings through increased noise and light pollution contrary to policy DEV2 of the Plymouth and South West Devon Joint Local Plan.*
- 3. The impacts of the development on ecology; drainage and carbon reduction have not been able to be assessed as a result of lack of information on these issues being submitted. As such, the development may harm ecological features on the site and result in additional surface water runoff which could impact on others and no provision of low carbon measures to reduce the carbon footprint of the development, contrary to Policies DEV26, DEV35 and DEV32 of the Plymouth and South West Devon Joint Local Plan and Para's 175, 163 and 153 of the NPPF 2019.*
- 4. The development contributions towards affordable housing; open space sport and recreation and education, required for the original planning application through a Section 106 legal Agreement have not have not been provided with this application through a Deed of Variation, as such the development is in conflict with policies DEV3, DEV4, DEV8, DEV27, DEV30 and DEL1 of the Plymouth and South West Devon Joint Local Plan and Para's 56 and 57 of the NPPF 2019.*

With respect to this latest application (0448/25/FUL) the submitted proposed site plan drawing is 2506.01 Rev I.



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The proposed drawing was never included in the 2017 Planning Approval and all revisions date from the 3123/20/VAR refusal which was submitted and refused at revision A.

I	12.02.25	External steps revised and red line altered	MD
H	06.12.21	External levels revised	MD
G	07.09.21	Roof arrangement adjacent to smoke extract duct revised	MD
F	13.07.21	External Steps Arrangement Revised	MD
E	30.06.21	External Steps Arrangement Revised	MD
D	18.06.21	External Steps Arrangement Revised	MD
C	07.06.21	Smoke Vent Roof Shown	MD
B	08.04.21	External Stairs and Trees / Planting Amended	MD
A	17.12.20	Additional Native Birch Tree Added	MD
REVISIONS			

Derry Owen Architects

The Warehouse
 Prince of Wales Road
 Kingsbridge TQ7 1DY

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 office@derrycwenarchitects.co.uk
 www.derrycwenarchitects.co.uk

client

Coast Construction

date

September
2020

project

Development at Spion Lodge,
 Bennett Road,
 Salcombe, TQ8 8JJ

scale

1:100
 @ A1

drawing

Proposed Site and
 Roof Plan

drawn

MD

drawing no.

2506.01

rev.

I

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3123/20/VAR refusal which was submitted and refused at revision A

A	17.12.20	Additional Native Birch Tree Added	MD
REVISIONS			

Derry Owen Architects

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office@cerryowenarchitects.co.uk
www.cerryowenarchitects.co.uk

client	Coast Construction	date	September 2020
project	Development at Spion Lodge, Bennett Road, Salcombe, TQ8 8JJ	scale	1:100 @ A1
drawing	Proposed Site and Roof Plan	drawn	MD
drawing no.	2506.01	rev.	A

Consequently it is apparent that it is the refused plan that has been further revised and for which approval was never obtained from the Local Planning Authority.

As a result it is here worth noting the 41/1023/15/F modelling. External steps are not visible on either side of the main building.



The application 0448/25/FUL Planning Statement states:

*'Although the application to vary the external works was refused in 2020 (3123/20/VAR), **the applicant had to install external steps to allow safe means of escape from the apartments in case of fire.** This was insisted on by the Fire Officer and Building Control following a tightening of the Building Regulations in terms of fire safety in the recent aftermath of the Grenfell Tower disaster. The applicant spent several months looking at alternative solutions to meet the requirements of building control and the fire officer, but none of them were acceptable to them.'*

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The Planning Statement continued:

'The applicant also tried to engage with planning officers on numerous occasions but received no meaningful response and were therefore left with no alternative but to comply with the building and fire regulations, as work had already commenced on site long before the application was refused'.

It is well understood that the Planning System and Building Regulations are two independent procedures. But it is self-evident that documents submitted for planning approval are expected to be Building Regulations compliant.

Planning Application 3123/20/VAR was refused on 08/01/2021.

It is therefore clear from the planning statement that the owner took the decision to ignore the planning approval process in favour of Building Regulations and that the refused drawing was extensively revised after being refused and that no variation applications have since been submitted.

The Society can confirm that build clearance had commenced by early July 2020 as there is an excavator onsite.



However, the Society can also confirm the condition of the site two months after Planning Application 3123/20/VAR was refused on the 8th January 2021.



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15th September 2021, the Spion Lodge site progress. Boundary to boundary ground removal proceeds.



By the summer of 2022, the site had reached road level.



1st February 2024.



The Society would argue that with the inclusion of a staircase to the left of the building in these two images, it is now impossible to plant the approved trees, a Native Birch, Field Maple and 3 Quercus Palustris.

Bearing in mind that there is little separation to the adjacent dwelling, the Society asks that the Local Planning Authority confirm whether or not there is enough room for the approved landscaping to be implemented.



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Here it is important to note the first reason for refusal of application 3123/20/VAR was:

*'The proposed additions of terraces and steps will result in the urbanisation of the site, extending built form across the whole width of the site. **This would mean that landscaping on the boundaries of the site will be either impossible or sparse at best, resulting in harm to the intrinsic character of this part of Salcombe, and not conserving and enhancing the AONB.....***

From the evidence provided with this submission it is obvious that the owner of the site chose to ignore the planning process when arguing *'The applicant also tried to engage with planning officers on numerous occasions but received no meaningful response and were therefore left with no alternative but to comply with the building and fire regulations, **as work had already commenced on site long before the application was refused***'.

The image of the 30th March 2021 demonstrates the development had not gone past the point at which the overall development could have been reconsidered. Similarly, when producing the development drawings, the architect should have made sure that the proposed plans would comply with planning regulations.

Grenfell Building Regulation changes:

<https://www.fia.uk.com/news/fire-safety-regulations-implemented-post-grenfell-tower-fire-england.html>

*'In response to the tragic event of the Grenfell Tower fire in 2017, the UK government swiftly implemented a series of stringent fire safety regulations. **These regulations, primarily aimed at high-rise blocks of flats, are crucial for ensuring the safety of occupants and preventing similar disasters in the future.***

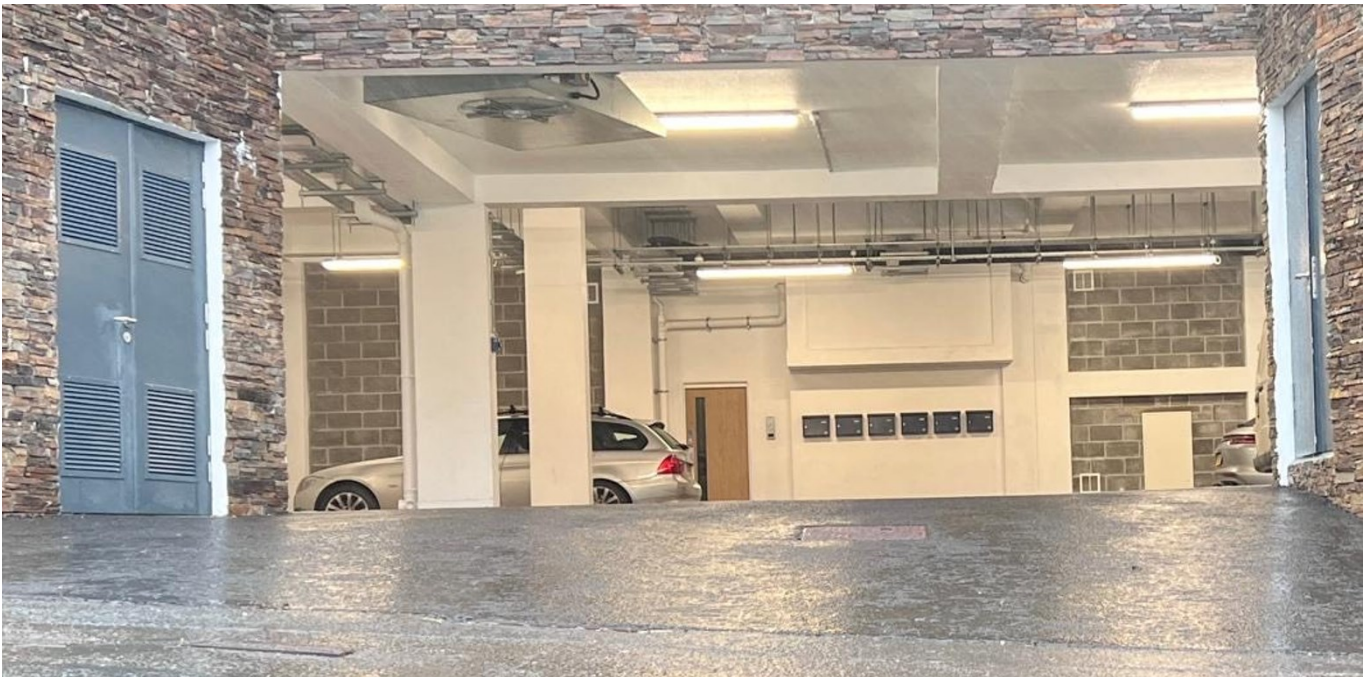
One of the key developments post-Grenfell was the establishment of the Building Safety Regulator (BSR). Tasked with enforcing the new fire safety rules, the BSR plays a pivotal role in ensuring compliance and maintaining standards in the construction and refurbishment of high-rise residential buildings. This regulatory body serves as a central authority for overseeing adherence to the prescribed guidelines.

The new rules took Effect between October 2023 and April 2024, the new regulations introduced significant changes to building practices and responsibilities for fire safety compliance. Notably, the rules apply to high-rise blocks of flats exceeding 18 metres or seven storeys in height'.

In other words the applicant is attempting to hide behind the Grenfell fire safety changes to justify not complying with the planning approval in late 2020, early 2021.

We believe the applicant's argument is not supported by the facts. The drawings originally submitted for the planning application should have been Building Regulations compliant when submitted to the local planning authority. And not attempt to use Grenfell to explain why they were not.

Separately the Society would also highlight the unsightly open plan car park entrance and bright illumination spilling out onto Bennett Road / Cliff Road that the Society consider breaches planning condition 5.



Condition 5. *'The recommendations, mitigation and enhancement measures of the Ecological Report, by Acorn Ecology Limited dated June and August 2014, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority'*.

This ecology directive has not been complied with as there are no light baffles fitted.

Spion Lodge, Salcombe



<p>Disturbance of bats and other nocturnal wildlife in the long-term.</p>	<p>Lighting on site will be kept to the minimum required for safety and security purposes and will be:</p> <ul style="list-style-type: none"> - Positioned at a low height and fitted with baffles to deflect the light downwards and minimise light spill - Directed so that it does not illuminate the trees or hedgerows surrounding the site. <p>Motion activated and on a short duration timer</p>
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We also note that the roller shutter has not been fitted. It should be noted that we have received unfavourable comments from members with regards to light spill into the public domain.

The Society considers that it is unacceptable to ignore the planning conditions originally imposed to protect the South Devon National Landscape by incorrectly interpreting and misapplying of Building Regulations when it is obvious that previously submitted documents and drawings should have been Building Regulations compliant.

We therefore are of the opinion that the previously applied variation drawing refused should not now be approved on the basis of an incorrect premise.

For and on behalf of the South Hams Society,

Richard Howell
Chairman.