

PLANNING APPLICATION REPORT

Case Officer: Rob Heard

Parish: Salcombe **Ward:** Salcombe and Thurlestone

Application No: 3262/18/FUL

Agent/Applicant:

Mr Nigel Keen - DRA Architects
The Studio
105 Southbroom Road
Devizes
SN10 1LY

Applicant:

King, Cooper, Payne
Land Opposite Lyndale,
Onslow Road
Salcombe
TQ88AH

Site Address: Lyndale, Onslow Road, Salcombe, Devon, TQ8 8AH

Development: Proposed residential development of two detached dwellings on vacant land. Revised scheme submission of refused application for three dwellings ref 1240/16/FUL

Reason item is being put before Committee:

Objections on following material planning grounds:

- Highway Safety
- Impact upon neighbouring properties residential amenities
- Inappropriate design



Recommendation: Conditional Approval

Conditions:

- Time Limit
- Approved Plans
- Unexpected Contamination
- Ecology Adherence
- Removal of Permitted Development Rights
- Submission of Materials for Approval
- Implementation of Drainage Scheme
- Boundary Treatments

Key issues for consideration:

- Principle of Development
 - Design/Impact upon landscape
 - Residential Amenity
 - Highways
 - Drainage
-

Site Description:

The site lies within the development boundary of Salcombe and is within the South Devon Area of Outstanding Natural Beauty (AONB). The land, an area of approximately a little under 0.07 hectares (673 sq. m as advised in the Design & Access Statement) lies on the north side of Onslow Road. The site lies within Flood Zone 1, the lowest risk of flooding.

Presently undeveloped, the land appears to have been garden land in the past, in part for some period in connection with the bungalow 10 Knowle Road to the north and in part in connection with the property Lyndale to the south, the latter being physically separated from the application land by Onslow Road. The frontage has a hedge, within which there is a gap for pedestrian access and appears to have historically been used for parking, though no formal dropped kerb arrangement exists. Behind this relatively flat area, the land slopes sharply away northwards such that there is a fall in levels across the site, from the lowest point to the pavement in Onslow Road, of between 6.5m at the eastern end to 8.22m at the western end.

The land is irregularly shaped [narrower to the front (south abutting Onslow Road)/wider to the rear /north abutting neighbouring gardens] with an area towards the western part of the site not directly fronting Onslow Road, having an intervening area of landscape planting between the road and the application site. A small public seating area occupies part of this land to the west of the site, adjacent to the public steps (known as Piggy Lane) with planting, which abuts the western boundary of the site and which is a pedestrian link between Onslow Road and Knowle Road/ the other residential dwellings to the north.

Along Onslow Road, which runs broadly west to east in the immediate vicinity of the application site, there is a pedestrian pavement on the north side, with street lighting and double yellow lines. A traffic warning sign advises motorists that the road narrows to the east as it falls downhill beyond the application site. The northern and eastern site boundaries border residential gardens, serving

properties set at a lower level, fronting Knowle Road, comprising bungalows immediately behind (north of) the application site and two storey apartments to the north-east.

The topography of the area generally is steeply sloping, much of Salcombe being built on sloping valley sides and the site is not untypical in this regard. Properties on the south side of Onslow Road are set at a level elevated above the highway. The bungalows behind the site to the north and two storey flats in Knowle Court are set at a much lower level, though set higher than the level of Knowle Road. To the west, properties in Dell Court are two storey with additional accommodation in the roof and basement levels. The ground floor entrance level is set at a lower level than the public highway, served by an access parallel with Onslow Road. Set at a lower level below Dell Court, Mallards is a detached property to the north-west. Locally buildings have developed incrementally over time mostly throughout the twentieth century and into the new millennium such that there is a wide range of building ages and styles, which is a positive feature of the area, as are the glimpsed public views of distant shoreline and green ridges, also a result of the undulating topography.

Salcombe is a town, predominantly urban and suburban in character, where the built form does dominate, though there is a greenery locally, with green spaces and many properties having front and rear gardens and trees visible in public views as a result of the topography. Properties on the south side are raised up above the level of the road behind front gardens. On the north side, Dell Court has a hedge fronting the road, with properties set at a lower level. Planting at Piggy Steps is in the public realm, which together with the application site and combined gardens of the properties fronting Knowle Road provide a green break in the built form as Onslow Road runs east where it narrows and falls downhill. Views can be had from along this section of Onslow Road and as it falls eastwards out to the coast and hills of the AONB towards Batson Creek.

Looking north across the valley from Onslow Road, properties on the upper valley slopes opposite have by and large been developed comparatively sympathetically, with space for planting and which do not break the tree line on the ridge above. To the north-west, where the land appears higher, buildings appear more densely developed, with less greenery visible and which break the skyline, sometimes in a jarring manner. The principal character views along Onslow Road are to the north east, towards Batson Creek.

The Proposal:

This application seeks full planning permission for the erection of 2 new detached dwellings, with associated access and car parking.

The properties are contemporary in appearance, 3 storeys at the rear with one dwelling presenting a single storey onto Onslow Road and the other 2 storeys. Two on plot car parking spaces are provided for each dwelling, with a single access from Onslow Road at the top of the site serving both dwellings.

The dwellings have been designed to fit into the sloping topography to avoid the requirement for development platforms and this has resulted in the proposals being split level, with the accommodation internally spread over 3 floors.

Consultations:

County Highways Authority; Comments as follows *The proposed access, parking and turning is adequate from a highway point of view to serve the proposed development. The access, with adequate on-site turning facilities enabling cars to leave and enter the highway complies with contemporary design guidance. There are no objections to the proposals from a highway point of view and suitable conditions are recommended.*

Parish Council; Comments as follows *Objection as the design and materials were not in keeping with the locality nor did they fit the context of the emerging Neighbourhood Plan notably policy D1 which*

referred not just to the Conservation Area but all development within the development boundary. The design was felt to be overbearing and there was concern that one property proposed within the plan had a terrace looking out over Onslow Road and thus would create overlooking to those properties. Notably this design brought the proposed properties closer to the road and there was concern that currently the properties down Onslow Road followed a line that was set back. Access onto the highway with the proposed properties being situated close to the road was also more difficult. It was acknowledged that drainage would incorporate attenuation tanks, with the approval of South West Water, but town council highlighted concerns that this site would still over burden water runoff into pipes in this area. A vast amount of money had been expended to remove surface water around the area from sewers although it was accepted that attenuation was to be used and not soakaways. There would be further impact on the AONB and Neighbourhood Plan policy ENV6 highlighted important views, this was not just withstanding the bench view but also views from the other side of Batson Creek and Shadycombe looking up at this location which was identified as a locally important view. Policy T2 of the Neighbourhood Plan also stated that there should be three parking spaces per 3 bedroomed properties which this did not provide and in fact provided restricted car parking with minimal turning. The sight lines shown on the plans meant any car would have to be over the pavement and not within the property and planting would further affect sight lines. Should consideration be given to approve this or any future development in this area, as it was situated so close to the highway and due to the topography, there must be site management plan as it was the busiest access road into Salcombe and town council would wish to see a Construction Environmental plan to cover constructions run off as well as water run-off.

Representations:

Representations from Residents

12 letters of representation have been received (all in objection to the application) covering the following points (summarised):

- Over development
- Concerns about access from a highway safety perspective
- Right to light and open air space will be negated
- Unacceptable noise impact during construction stage
- Concerns about land stability
- Over bearing impact upon nearby neighbours with regards to loss of light
- Design and materials not in keeping with the area
- The development will result in over dominance to nearby dwellings
- Traffic flow on Onslow Road will be disrupted
- Scale of development is overbearing
- The properties have been designed as holiday homes.
- The proposed dwellings are ugly, angular and out of keeping
- The proposals will be over bearing to nearby dwellings
- Land stability at the site is questionable
- The increased sense of enclosure, overlooking, loss of privacy and direct overshadowing will have a significant and detrimental impact on the residents of No 9 & No 10 Knowle Court
- The proposed design / style is out of keeping with the local street scene and is extremely dominant in relation to its local surroundings, especially given its prominent position
- The modern contemporary design and choice of materials (zinc cladding) is not sympathetic to a development within an AONB where landscape character is a key consideration
- Significant areas of glazing will lead to inappropriate levels of light pollution
- The revised application is hardly revised at all in terms of mass, density, roof height and overbearing impact to neighbours below
- The zinc cladding will give the appearance of a retail shed
- The proposed position of an attenuation tank has significant implications for properties downhill of this proposal
- The loss of privacy to 8 Knowle Court will be significant

- The Street scene certainly will not be enhanced by the proposal in design and impact far from it could be described as rather “Gastly “ in appearance what with its zinc cladding

The comments made in representations from the Parish Council and from residents, that are material planning issues, are thoroughly analysed below in the Analysis section of this report.

Representations from Internal Consultees

Drainage; Support the proposals subject to the imposition of a planning condition, full details of the surface water and foul drainage have been submitted.

Environmental Health Section; No objections subject to a condition (Unexpected Contamination).

Relevant Planning History

1240/16/FUL; Proposed residential development of three detached dwellings. **Refused** due to following reasons:

1. The proposed development, due to its design, siting, height, scale, form, bulk and massing would result in an unduly overbearing, dominant and unneighbourly development, detrimental to the amenities of neighbouring occupiers by reason of an overbearing impact, increased sense of enclosure, overlooking, loss of privacy (direct and perceived) and overshadowing, contrary to Policy DP3 (1 and 2), paragraph 17 the NPPF, Planning Practice Guidance on Design including paragraphs 002 and 026 and emerging JLP Policy DEV 1(1).
2. The proposed development, due to the layout, form, scale, appearance and extent of built development and hard surfacing, absence of opportunities for the retention of natural features and limited capacity for mitigation planting, would result in a development of an inappropriate and overtly urban nature of incongruous appearance in the street scene and landscape, tantamount to an overdevelopment, and which fails to positively respond to local townscape, settlement and landscape character, fails to conserve or enhance the landscape and scenic beauty of the South Devon AONB (a landscape of national importance), or to protect or enhance local views, contrary to Policies DP1 (a, c & e), DP2 (1 b, c & d), CS7 (1) and CS9 (1), paragraphs 7, 8, 17, 61, 64 & 125 of the NPPF, Planning for the South Devon AONB: Planning Guidance Version 1 Supplementary Planning Guidance, advice in National Planning Practice Guidance on Design including paragraphs 006 & 007, 023, 026 & 040 and on Light Pollution including paragraphs 001, 002, 003 & 005, and emerging JLP Policies DEV 10 (1, 2 & 6) and DEV20 (2, 3, 5 & 7) and SPT11 (2).
3. In the absence of adequate drainage and ground stability details, the proposal fails to demonstrate that surface water can be adequately dealt with, in the absence of which the proposal could give rise to an increased risk of flooding elsewhere, and land instability, to the detriment of the safety and amenities of neighbouring occupiers and the area generally, contrary to policy DP4 (3 & 5), paragraphs 103, 109, 120 & 121 of the NPPF, advice in National Planning Practice Guidance on Land Stability including paragraphs 001,003 & 006, and emerging JLP Policy DEV2 (1).

ANALYSIS

The starting point for consideration is the development plan and the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which for decision making means approving development proposals that accord with the

development plan and where the development plan policies are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole or specific policies in the NPPF indicate development should be restricted.

Principle of Development/Sustainability:

The site lies within the development boundary for Salcombe and the proposed development is considered to accord in principle with Policy CS1 (Location of Development) of the South Hams LDF Core Strategy, which advises that residential development is acceptable in principle in Salcombe. The proposals also comply with Policy SHDC1 (Development Boundaries) of the Local Plan, being located within the development boundary for Salcombe and compatible with the character of the site and surroundings, and causing no significant adverse impacts (details are analysed later in this report).

NPPF Paragraph 7, promotes the three dimensions to sustainable development: economic, social and environmental. Under paragraph 8 these factors cannot be disaggregated. It is considered that a development of two dwellings would make a positive contribution in social and economic terms, through meeting housing need, providing construction jobs and from increased spending in the local economy, which in turn can help support services.

The previously refused application (see Planning History section above) raised concerns that the proposals did not contribute positively to the environmental dimension to sustainable development. However, the proposals have now been significantly revised and the perceived environmental impacts from the proposed development are now considered acceptable. This issue is analysed in more detail in the report below under the heading Design/Landscape.

The emerging Joint Local Plan (JLP) is at an advanced stage and is expected to be adopted shortly. However, the general thrust of existing and emerging policies are similar with regards to the principle of development and sustainability issues for proposals in this location.

Policy SALCH2 (Market Housing) of the emerging Neighbourhood Plan supports market housing in the Parish within allocated sites of the SHDC Joint Local Development Plan and on infill sites within the existing development boundary.

Having regard to the principle of development and sustainability considerations, a development of two family dwellings within the development boundary of this sustainable settlement is supported by Local Planning Policy and in National Planning Guidance.

Design/Landscape:

The site lies within the South Devon AONB and Undeveloped Coast. The application is assessed with regard to the potential impacts of the development on local character, including impacts on the AONB. The LPA has a duty under The Countryside & Rights of Way Act 2000 which provides a statutory framework for all policy, plan-making and decision-taking affecting the AONB by all public bodies, including local planning authorities and government agencies. Section 85(1) in particular is relevant to decision making in relation to the duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

The site lies outside of the Salcombe Conservation Area and beyond the Conservation Area setting boundaries. There are no Listed Buildings or Ancient Monuments nearby whose setting could potentially be affected by the proposals and no significant heritage impacts are considered to arise. Guidance in the NPPF requires great weight be afforded to conserving the landscape and scenic beauty of the AONB. At the local level, policies CS9 (Landscape and Historic Environment) of the Core Strategy and DP2 (Landscape Character) of the Development Policies DPD address local character and visual amenity considerations and CS7 (Design) of the Core Strategy and DP1 (High Quality Design) of the Development Guidelines DPD set criteria for high quality design including the need to respect and respond to the South Hams character, in terms of its settlements and landscape.

Policy DP1 (High Quality Design) of the Development Policies DPD states that new development should also be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale, appearance, existing materials and built and natural features of the surrounding area; and protect local and strategic landmarks and buildings, and enhance views and skylines.

Policy DP2 of the DPD seeks to safeguard landscape character and includes a number of criteria requiring development proposals to demonstrate how they conserve and/ or enhance the local landscape character by: reflecting the needs and issues set out in identified landscape character areas; ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character; retaining, integrating and enhancing distinctive features; avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and respecting the unspoilt nature and tranquillity of the area.

The agent has produced a number of photo montages that show the development within the context of the surrounding area and allow consideration of the proposal with regards to the wider setting and landscape character of the area. The site is within the town and is not in the undeveloped part of the AONB, falling within an area that can be described as suburban, with a varied context that has no overall dominating character. This scaled back proposal, with one less dwelling proposed than the previously refused scheme, fits onto the site without raising issues of over development, leaving adequate space for landscaping and curtilage, providing a development proposal that does not negatively affect the overall character of the AONB or surrounding landscape.

It is considered that the proposals are in keeping with the established pattern of development in the area, which is characterised by ad hoc, incremental development of the steeply sloping hillsides with no prevailing approach to the wider layout or character and appearance of the area. The proposed development is respectful of the setting and the overall approach to the sites development, when considering the AONB, landscape and wider context, is considered to be in accordance with the general requirements of Policies DP1 and DP2.

The scale and layout of the proposed development ensure that the dwellings have a much more limited impact upon the character and appearance of the area than the previous application for 3 dwellings. Rather than create development platforms, the proposals use the challenging and steeply sloping topography to create split level design solutions in order to reduce massing and limit the provision of hard surfacing at the site, which helps to reduce the impact on the surrounding development (particularly when compared to the previously refused scheme). The development is on the lower side of the road, is proposed to be set below the level of the road and incorporates under build accommodation at the rear. This has resulted in the proposals presenting single and 2 storey elevations (south) at the street level to Onslow Road with the main massing of the development built into the central part of the site, facing north.

The proposed dwellings are arranged either side of an entrance court and have open fronted garaging that face into the shared turning space between the dwellings. The main bulk of the built form of both dwellings then extends northwards into the site, leaving an appropriate distance between the north elevations and the boundary of the site, which provides residential curtilage. The footprint of both dwellings ensures that there is a reasonable amount of curtilage and external amenity space, in the form of what is mainly shown as tiered garden space on the proposed plans.

Much of Salcombe is built on steeply sloping valley sides and development has evolved iteratively historically, including to take advantage of some of the fantastic views available, site circumstances permitting. Multi-level buildings are considered to be an established and effective way of optimising development on steeply sloping sites and Salcombe is no exception in this regard in accommodating this form of development.

Whilst the dwellings are both contemporary in architectural style, and follow the same design strategy, they are different in external appearance and arrangement. Flat (sedum) and mono pitch roofs are proposed to limit the dwellings impacts upon the landscape and the materials palette is limited to render and zinc for the external elevations, with reasonable but not excessive use of glazing. The use of zinc in particular helps to limit the proposals visual impact, proving much more recessive when compared to the dominance of render and glazing proposed in the previous refusal.

Despite the differences in external arrangement, it is considered that the dwellings will sit comfortably alongside each other, and that the architectural language is appropriate given that there is no prevailing architectural style in this part of Salcombe, with the existing surrounding development being of limited architectural merit. The area has developed incrementally, primarily through the mid to late twentieth century and into the new millennium, and designs are varied, with no one strong dominating character or aesthetic.

With no strong overall aesthetic or design features locally which may influence the provision of new development, the external contemporary approach proposed is considered to be acceptable, and the detailed issues such as the fenestration, the extent of glazing, and materials are all considered to contribute to the provision of a positive contemporary architectural composition. This is reinforced by other examples of modern developments locally including at Bonfire Hill, which are visible from the application site. Overall, the proposals are considered to provide a good standard of design that is respectful of the site and surrounding, and in accordance with the guidance contained in Policy CS7 (Design) of the Core Strategy and DP1 (High Quality Design) of the Development Guidelines DPD.

Neighbour Amenity:

The proposal has given rise to objections from neighbours about amenity impacts and impacts on the well-being of neighbouring occupiers, notably the occupiers of those properties bordering the application site and in particular impacts to the rear (north) are raised as a cause for concern. Many representations have been received about the perceived adverse impacts on neighbouring amenity (See Representations section above).

Policy DP3 (Residential Amenity) of the Development Policies DPD advises that *development will be permitted provided it does not have an unacceptable impact on the living conditions of occupiers of nearby properties. Unacceptable impacts will be judged against the level of amenity generally accepted within the locality and could result from loss of privacy and overlooking, overbearing and dominant impact, loss of daylight or sunlight, noise or disturbance, odours or fumes.*

Among the 12 core principles for sustainable development under NPPF paragraph 17, is that development proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is a key area of contention.

Much of Salcombe is built on valley sides, where an element of overlooking occurs as a natural consequence of the landform. As such there is an understanding and acceptance that in taking advantage of some of the fantastic views and in seeking to achieve an optimum balance between housing development attempting to make the best use of land and safeguarding local character and amenities, levels of privacy may be lower than is perhaps the case in other suburban environments.

Notwithstanding the details of the submission and respective representations, it falls to the LPA to evaluate impacts. This is undertaken, taking account of all representations in favour and against, not based on the volume or strength of representations, but drawing conclusions independently, and which is only one part of a much wider evaluation process including assessment of the plans and visiting the site and surroundings.

To the south of the site, the existing properties are located across the highway (Onslow Road). They are set in an elevated position, due south, set back behind small front gardens and with Onslow Road

in between. The frontage to frontage distances are in no way unusual or unacceptable, notwithstanding the changes in level. The future occupiers would be overlooked to a very minor degree by the higher properties, but this is across a road and front to front separations distances are better than many locally and not unacceptable judged against the level of amenity generally within the locality. There will be no adverse impacts to the residential amenities of the properties to the south of the application site.

Adjacent to the west, separated from the application site by the public access way, are properties fronting Dell Court. These properties are not dissimilar in overall scale to the proposed development, set at a lower level than Onslow Road, incorporate accommodation within the roof, and are set behind a hedge fronting Onslow Road, and accessed via a private drive. The eastern-most of these has flank windows facing east towards the application site, but its principal outlook is north-south. No. 1 Dell Court is separated from the application site by the pedestrian steps/planting. Notwithstanding that objections have been raised to the proposed relationship on amenity grounds, the LPA considers this relationship would be in no way unusual or impact unduly upon existing amenities of Dell Court occupiers to any extent considered to be unduly or unusually unneighbourly.

There is no immediate or adjacent development to the east of the site. This area is mainly characterised by an existing triangular shaped parcel of amenity land, although a small part of the rear garden of an existing property on Knowle Road does lie adjacent to the northern section of this boundary. The triangular parcel of land is characterised by mature tree and shrubbery planting and this provides a significant level of screening from areas to the east. The nearest properties to the east also have mature planting in their rear gardens and this, and the distance between the proposed and existing dwellings, ensures that there will be no detrimental impacts to the residential amenities of the nearest properties to the north east of the site, on Knowle Road (numbers 7 and 8).

The existing properties to the north of the site, numbers 9 and 10 Knowle Road, are both bungalows that face north and have deep rear gardens with dense planting along the boundary with the application site. Due to the steeply sloping topography, these bungalows are situated on substantially lower land than the application site. In fact the level change is so significant that it is clear (from visiting the site) that the proposed development will not overlook either dwelling or its rear garden space, and that any views from the proposed dwellings or from within their grounds will be straight over the roof tops of both 9 and 10 Knowle Road.

Whilst, due to the steeply sloping topography, separation distances are somewhat irrelevant, there are adequate separation distances between the dwellings proposed and numbers 9 and 10 Knowle Road. This is shown on a proposed site plan submitted by the applicant's architect, with the relationship between the dwellings at the closest point being 29.4 metres with respect to no. 10 and 21.4 metres in respect of no. 9. These separation distances are significantly in excess of what might be considered an acceptable relationship at a site where the topography is less steeply sloping.

Concerns raised previously with respect to the refused application at the site for 3 dwellings, in connection with those proposals having an overbearing impact, resulting in a significant increased sense of enclosure, causing significant overshadowing of the gardens for significant periods of time and being unduly unneighbourly, have been successfully mitigated with this application. This is mainly due to the reduction in numbers from 3 to 2 dwellings, but also because the scale and massing of the proposals has been significantly reduced. This has been achieved through a complete redesign of the proposals, with the 2 dwellings proposed within this application being a storey lower and recessive through the revised design and use of materials. This leaves more of the site as curtilage and helps to increase the separation distance between the existing and proposed dwellings, particularly when compared to the previously refused application for 3 dwellings.

In summary, the proposal will not significantly impact upon the residential amenities of any of the surrounding properties and their right to the private and quiet enjoyment of their homes and gardens will not be negatively impacted by the proposed development. It is therefore in accordance with the advice and guidance contained within Policy DP3 (Residential Amenity) of the Development Policies DPD.

Highways/Access:

Access, highway safety, parking and turning are all important considerations in assessing the impacts of this development. While the site currently has no formal direct access for vehicles from Onslow Road, with no dropped kerb, the applicants advise the land has been used for many years for the parking of a vehicle and boat without accident.

Policy DP7 (Transport, Access & Parking) of the Development Policies DPD states that development should provide priority to pedestrians, cyclists and users of public transport, over the private car. This should be achieved through the provision of safe, easy and direct movement for those with mobility difficulties, have safe and adequate means of access, egress and internal circulation/turning arrangements for all modes of transport relevant to the proposal, not materially impair highway safety or traffic movement and not detract or conflict with the transport function of the road. The level of car parking provided should be in accordance with current parking. These, together with residential parking and the level of cycle parking, will be assessed on a flexible site by site basis depending on the provision of public transport and access to local facilities. The thrust of emerging Policy in the JLP does not depart significantly from Local Plan Policy aims

NPPF paragraph 32 requires decisions to take account of whether safe and suitable means of access can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objectors have raised a number of highway related concerns, outlined in the representations section. Concerns relate mainly to the likelihood of reversing on a busy road with high traffic speeds, where the road narrows.

Presently there is an uninterrupted pavement along the northern side of Onslow Road across the application frontage. Yellow lines prevent parking and motorists are advised by signage that the road narrows downhill to the east. The nearest vehicular accesses are to Dell Court to the west, on the north side of Onslow Road and to the east leading to Bonaventure Road (and higher land to the south) on the south side, before Onslow Road continues east where it falls more steeply downhill.

The design of the development has been influenced by the access, parking, turning and visibility splay requirements of the proposal. In particular the development is necessarily pushed back northwards into the site to accommodate all the necessary highways parking and safety requirements. The proposals have 2 on site car parking spaces to serve each dwelling and this is in accordance with current guidance on car parking standards. There is sufficient manoeuvring space within the site for all vehicles to enter and leave in a forward gear and the proposals have the required visibility spaces of 33 metres x 2.4 metres in each direction.

It is considered that the proposals are in accordance with Policy DP7 (Transport, Access & Parking) of the Development Policies DPD and this is confirmed by the County Highways Authority who have stated their support for the proposals, confirming in their consultation response that *The proposed access, parking and turning is adequate from a highway point of view to serve the proposed development. The access, with adequate on-site turning facilities enabling cars to leave and enter the highway complies with contemporary design guidance. There are no objections to the proposals from a highway point of view and suitable conditions are recommended.*

Drainage:

A Drainage Report has been submitted in support of the proposals. This outlines the approach to surface water drainage at the site, concluding that an attenuation tank is proposed to deal with all of

the sites surface water run-off, due to the steepness of the topography and associated slope instability.

The Councils Drainage Officer has stated support for the proposals, recommending that a condition be attached to ensure that the drainage scheme is installed in strict accordance with the plans submitted and hereby approved.

Ecology:

An Ecology Report by Butler Ecology has been submitted in support of the proposals. This identified only a limited impact upon ecology and biodiversity from the proposed development. A condition is recommended so that the development is undertaken in strict accordance with the findings of the ecology report.

Other Matters:

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

Planning Policy

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.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP7 Transport, Access & Parking

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries
KP 11 Environment in Salcombe

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan has undergone a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The joint councils are waiting to hear from the Planning Inspectorate (PINS) regarding the next steps. Until PINS provide an update, the JLP councils are unable to commit to a timetable for adoption.

The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that all emerging policies are compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the 2019 NPPF.

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION (as considered by the Full Councils end Feb/Early March 2017)

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

DEV1 Protecting amenity and the environment

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV9 Accessible housing

DEV10 Delivering high quality housing

DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

DEV30 Trees, woodlands and hedgerows

DEV32 Meeting the community infrastructure needs of new homes

Neighbourhood Plan

Following the Regulation 16 statutory consultation of the latest Plan organised by SHDC, the independent examination of the Salcombe Plan is now underway. A decision in the near future is expected regarding issues such as the validity of the Plan in the context of national neighbourhood Planning legislation.

The policies proposed in the Neighbourhood Plan reflect the general thrust of advice contained within the NPPF and existing and emerging local policies assessed above in this committee report. The proposed development, being located within the existing development boundary, does not conflict with any of the draft policies of the Salcombe Neighbourhood Plan and is in accordance with Policy SALCH2 (Market Housing) which supports market housing in the Parish within allocated sites of the SHDC Joint Local Development Plan and on infill sites within the existing development boundary.

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.

List of conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) L-000A (Location Plan), PL-004 (Proposed Red Line Site Boundary), S-001 (Existing Site Plan), PL-001A (Proposed Site Plan), PL-002 (Proposed Site Plan - Visibility and Turning Diagram), PL-101 (Proposed Floor Plans - Entrance Level), PL-102 (Proposed Floor Plans - Upper Level), PL-103 (Proposed Floor Plans - Lower Level), PL-201 (South Elevation), PL-202 (South Sectional Elevation), PL-203 (West Elevation - Unit 1), PL - 204 (East Elevation - Unit 1), PL - 205 (West Elevation - Unit 2), PL - 206 (East Elevation - Unit 2), PL - 207 (North Elevation), PL - 208 (Context Elevations - South & North), PL - 301 (Proposed Section A-A), PL-302 (Proposed Section B-B), PL-303, (Proposed Section C-C) received by the Local Planning Authority on 4/10/2018, and 17/12/2018.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

4. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 29/8/2018, 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.

Reason: To safeguard the interests of protected species

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re enacting or further amending that Order), no development of the types described in Schedule 2, Part 1, Classes A-H of the Order, including the erection of extensions, porches, garages or car ports, the stationing of huts, fences or other structures shall be carried out on the site, other than that hereby permitted, unless the permission in writing of the Local Planning Authority is obtained.

Reason: To protect the appearance of the area to ensure adequate space about the buildings hereby approved and in the interests of amenity

6. Prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

7. The drainage scheme shall be installed in strict accordance with the approved plans (Drawing No: J- 12594 – 3001 – Revision A), maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

8. Details of the proposed boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation and shall be implemented prior to first occupation/use.

Reason: In the interest of visual amenity in order to protect and enhance the amenities of the site and locality.

INFORMATIVES

1. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35(2) of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended) in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

2. The responsibility for ensuring compliance with the terms of the approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details can render the development unauthorised and vulnerable to enforcement action.