

## OFFICER'S REPORT

<b>Case Officer:</b>	Lucy Hall		
<b>Parish:</b>	Salcombe	<b>Ward:</b>	Salcombe & Thurlestone
<b>Application No:</b>	2572/24/FUL		
<b>Applicant:</b>	BBH Chartered Architects Ltd Sheerwater Devon Road Devon Salcombe TQ8 8HJ	<b>Agent:</b>	Mr Adam Bennis BBH Chartered Architects Ltd BBH Chartered Architects Ltd 9 Duke Street DARTMOUTH TQ6 9PY
<b>Site Address:</b>	Sheerwater Devon Road Salcombe TQ8 8HJ		
<b>Development:</b>	Demolition & construction of new replacement dwelling with associated landscaping		



**Reason for calling application to committee:** At the request of Cllr Long on the basis *it would be appropriate that this application is again reviewed by the Development Management Committee, as it has been before them before and was the subject of a refusal at Committee, this application being submitted in response to that.*

### **Recommendation**

Conditional approval

### **Conditions**

1. Standard 3-year time limit for commencement
2. Accord with plans
3. Trees (if crane required during construction)
4. Details of render to be submitted
5. Details of stone to be submitted.
6. Non reflective glazing and balustrade
7. Implementation of landscaping scheme
8. No vegetation clearance during bird nesting season
9. Development to accord with the measures required under the licence from Natural England
10. Annex – ancillary use only
11. Unsuspected land contamination
12. Post construction embodied carbon evaluation
13. No access onto cantilevered roof
14. drainage scheme to be implemented
15. solar panels
16. external lighting

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

Design, scale and massing, neighbour amenity, drainage, highways, biodiversity, low carbon, impact on the South Devon National Landscape .

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### **Site Description:**

The site is located within the built form of Salcombe, c. 0.4km south west of the town centre. The site hosts a detached dwelling, with separate garage and ancillary accommodation above. The site is accessed via Devon Road, with off-road parking and turning to the north of the dwelling. The site is set within the hillside and the dwelling is set below street level with the garden area further below.

The site is located within South Devon National Landscape and an area identified within the Salcombe Neighbourhood Plan as 'character and density policy area B'.

### **The Proposal:**

The application seeks full planning permission for the demolition and replacement of the existing dwelling.

The new building would be constructed on a similar footprint to the existing dwelling, with the existing retaining walls and terracing within the garden largely retained. The building will have a modern design while maintaining a simple rectangular shape. External materials include nature stone, render and pre-weathered timber cladding. A shallow pitched roof is proposed, which would be clad in zinc.

The internal accommodation spans 4 levels: a ground floor with a games room and pool, a first floor with open-plan living space including a cinema room/snug, a second floor with 4 bedrooms and a utility room, and a third floor with an entrance lobby and study.

The current garage/ancillary structure will remain unaffected by the proposed works.

### **Consultations:**

- Highway Authority                      No highways implications
- Drainage (SHDC)                        support
- Tree Officer (SHDC)                    support
- Ecology (DCC)                          no objection
- Salcombe Town Council                Objection

*Following the Salcombe Town Council objections to the previous scheme, (which has now been withdrawn [3540/23/FUL]), we were grateful to have been sent, by email, a pre-application design proposal summary and a landscape design document. The comparison elevation drawing was also a useful addition. We responded to the agents with our continued concerns, nevertheless our comments have been largely ignored and we continue to strongly object to the scheme.*

*We identify the following inaccuracies in the Design and Access statements submitted with the application.*

- *“The massing and height of the dwelling has been reduced to the same size, or less, than the already existing built form.” This is simply not true.*
- *“The existing dwelling... on three main floors with the loft room level.” This again is not a true statement. It has only two levels. The argument about the existing building having four levels is not accepted. There are two levels in each of its three sections which are slightly staggered down the hillside. This is endorsed by the survey plan. These show no loft level. They also show a first floor level and a ground floor level albeit with steps to relate to the staggered plan form. There are no other levels shown. These cannot be compared to the obvious four levels of the proposal.*
- *We do not accept that the “volume and massing of the proposals now put forward are carefully considered with the proposed making a direct response to the existing building footprint and volume.”*
- *Nor do we accept that “the proposal put forward is set out on the footprint of the existing dwelling.” This is just not a correct statement.*

*The comments and calculations on volume and massing are misleading as are the floor plans which have been superimposed with the existing survey outline. There are still no volume calculations that we can find nor calculations in terms of floor area. Our calculations suggest that the existing house has a floor area of approximately 243.55 m<sup>2</sup> on the first floor and 215.05 m<sup>2</sup> on the ground floor. This total is 458 m<sup>2</sup>. (This excludes the existing garage building which remains). We do however accept the applicant's calculation of 476 m<sup>2</sup>. Our calculations for the current proposal suggest 144.5 m<sup>2</sup> for the third floor (including carport), 246.5 m<sup>2</sup> for the second floor, 214 m<sup>2</sup> for the first floor and 287 m<sup>2</sup> for the proposed ground floor. This total 699 m<sup>2</sup>, which is an increase of 223 m<sup>2</sup> or a 47% increase over the existing.*

- *The statement “the main living floors are exactly comparable in size with the existing building. Overall, this is achieved in such a way that overall, massing/impact and overall built footprint on the site is no larger than that of the existing buildings and so entirely supportable on these grounds.” is entirely fictional based on the actual calculations as set out above.*
- *“The ground floor works fully renovate the existing cantilevered viewing area.” This is not correct as the element is being completely rebuilt with an increase in height for this element.*
- *“A new green roof over the cantilever viewing space.” This is misleading as the landscape design and architectural drawing show different proposals. This area should not be used for sitting, nor for garden paraphernalia, nor have glass balustrading, as this would increase the perceived bulk and intensity of use. Access to this area should be for maintenance only. Moreover, the existing site*

location plan PRV 1721/LS/0 shows at least three trees which are to be removed but these are not shown as such on the landscape proposal drawings.

- “The now suggested number and location of (PV) panels...has now been agreed as supportable by all parties.” We do not agree that this has been supported by all parties when it has not yet been commented upon or considered by the planning committee or other consultees. We would go further to say that the shiny PV panels on the two mid grey roofs will not be a very pleasant sight and would distract from the hipped roof form when viewed from East Portlemouth.
- “This quite extensively developed, urban town location...” This is clearly an incorrect statement. In the Neighbourhood Plan the site sits in the Character and Density policy area B, which describes the character as ‘existing low density development, mature gardens and trees.’ The applicants have misread the character of the area and have not designed accordingly.

We now refer to the comments made in reference to our previous observations and objections which we do not believe have been resolved.

#### *Light pollution.*

Some reduction glazing is to be welcomed. The argument that “light pollution is lessened by being recessed and shielded”, is not accepted because at night this will have no relevance. Nor does the argument that “surface, and task lighting, rather than general space lighting ... will reduce light spill significantly.” have any merit, as this cannot be controlled. Moreover, we see no details of any external lighting scheme for the exterior of the house north terrace areas which could in itself light up the house to a very detrimental effect.

The calculations put forward on glazing only look at the two main living floors and ignore the second floor, ground floor and games room all of which will be visible from East Portlemouth and the estuary, causing harm to the Undeveloped and Heritage Coast. The argument that this area cannot be seen from the estuary may be true when close to the Salcombe shore, but from the far side or further up the hillside and from houses in East Portlemouth it will be clearly visible and unacceptable. The photo montages are misleading in this respect.

Not mentioned in the Design and Access statement is the extensive use of glass balustrading which will reflect and exaggerated the size of the building in certain circumstances. We would like the applicants to remove as much of this as possible.

#### *Design.*

We recognise the attempt to break up the elevations but do not feel the whole problem has been resolved without the removal of the render band on the main elevation and on the curved games room at ground floor level. (Even though something similar was there before.) The use of render is not considered a mathematical issue; It is about impact. Whilst the render has been reduced from the previously withdrawn scheme, we believe the omission of any bright render would be a significant enhancement to both the design and the impact within the setting. It is not a necessary architectural expression and could easily be replaced. Such an omission would considerably resolve any objection in this regard from the Town Council.

This is a very sensitive site and we carefully consider the impact of any proposal in its context. The building on this site needs to be discreet and melted into the background. Currently, the proposals still looks like overdevelopment and fails to provide any articulation or stepping and still lacks interest and richness. The removal of the render bands would be the first stage of acceptability. In conclusion, however, we object to the proposals. The design, scale, massing and siting of the replacement dwelling, by virtue of the increase in scale, massing, footprint, volume, and floor space is contrary to the provisions of DEV 20, DEV 23, SALC ENV7 and SALC B1. Moreover, the design, use of horizontal render and excessive glazing and glass balustrading will appear incongruous and harmful to the townscape of Salcombe in this location identified as Character and Density policy Area B of the Neighbourhood Plan. (policy SALC ENV 7).

*It will not maintain the intrinsic character of the landscape, townscape and seascape affected, nor will it minimise the visual and environmental impact on the AONB and Heritage Coast. As such it is contrary to policy SALC ENV1, of the Neighbourhood Plan.*

*The development does not demonstrate high-quality design by virtue of not being in keeping with the area, respond to and integrate with the local built surroundings, landscape context and setting. As such it is contrary to policy SALC B1 of the Neighbourhood Plan.”*

“OBJECT”

### **Representations:**

The Council has received an objection from the South Hams Society. The comments received can be viewed in full on the planning pages of the Council’s website, and summarised as follows.

- The proposed development will result in another ‘boundary to boundary’ development (citing Overcome, Devon Road & Herwood and Spion Lodge on Bennett Road).
- Regard the design and access statement as ‘creative’, and in reality, the proposed 4-storey elevation will be significantly larger than the appearance of the existing 2-storey building.
- Increased number of buildings in the area over the past 60 years has resulted in the loss of wildlife corridors and wildlife friendly gardens. Many of the trees that were on the site have been removed.
- Proposed building is between 1.75m and 3.35m lower than the existing building, and 1,4m higher than the highest point of the current building.
- Considerable increase in glazing compared with existing building.
- Increased height of the building combined with the removal of the roadside trees mean that when viewed from the water, Sheerwater will appear to merge into the Four Winds development behind.
- Increase in built form on the site leaves insufficient space for an effective mitigating landscaping scheme, made worse by the earlier removal of trees.
- Believe the application should be refused - *The design, scale, massing and siting of the replacement dwelling, by virtue of the increase in built form and horizontal emphasis, accentuated by the glazing, will appear incongruous and harmful to the townscape of Salcombe, contrary to the provisions of DEV20, DEV23, SALC ENV7 and SALC B1.*

### **Relevant Planning History**

- 1838/24/TPO, T1: Lime - crown reduction by 2-2.5m on all aspects due to risk of limb failure, Tree Works Allowed, 19/07/2024
- 3540/23/FUL, Demolition of existing dwelling & construction of new replacement dwelling with associated landscaping (resubmission of 3273/22/FUL), Withdrawn
- 3273/22/FUL, Demolition of existing dwelling and construction of new replacement dwelling including existing garage renovation and associated landscaping, Refusal 14/06/2023
- 41/0087/05/F, Removal of condition 2 of planning permission 41/0707/01/F (use restriction) and erection of balcony, Conditional Approval, 11/03/2005
- 41/1197/04/F, Retrospective application for replacement of second storey windows with bay window, Conditional Approval, 05/08/2004
- 41/1702/03/F, Alterations to south elevation and erection of flagpole on south facing terrace, Conditional Approval, 04/11/2003

- 41/0707/01/F, Non-compliance with condition B of permission 9/41/1791/97/3 (prior agreement of the use of natural slate) for using roof tiles, rendering gable ends, change in size of window and ancillary office use, Conditional Approval, 10/07/2001
- 41/1192/99/F, Erection of fence, Conditional Approval, 27/10/1999
- 41/1791/97/3, Demolition of existing and construction of new garage/ storage building, Conditional Approval, 11/12/1997
- 41/1020/97/3, Extension to terraces to south east of dwelling, Conditional Approval, 29/07/1997
- 41/0655/96/3, Alterations and extension to dining room, kitchen, utility room and conservatory, Conditional Approval, 22/05/1996
- 41/2021/89/3, Erection of holiday flat over garage and car port, Refusal, 06/12/1989
- 41/0443/82/3, Ancillary unit of accommodation, Conditional Approval, 27/05/1982
- 41/1118/81/3, Extension, Conditional Approval, 08/09/1981

## ANALYSIS

### 1.0 Background

1.1 In 2023 planning permission was refused for application 3273/22/FUL which proposed the demolition and replacement of the existing dwelling and garage. A copy of the proposed riverside elevation and replacement garage/annex building are attached at appendix A.

1.2 The application was refused for the following reasons:

*1. The design, scale, massing and siting of the replacement dwelling, by virtue of the increase in built form and horizontal emphasis, accented by the materials palette and glazing, will appear incongruous and harmful to the townscape of Salcombe, contrary to the provisions of DEV20, DEV23, SALC ENV7 and SALC B1.*

*2. The increase in the built form on the site leaves insufficient space for an effective mitigating landscaping scheme, thus failing to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty when viewed from the Estuary, contrary to the provisions of DEV25, SALC ENV1 and paragraph 176 of the National Planning Policy Framework.*

*3. The applicant has not demonstrated that the harm to protected species through loss of a bat roost to facilitate the replacement of an existing dwelling with a larger one is justified by imperative reasons of overriding public interest, contrary to the provisions of DEV26*

1.3 An appeal against the decision has been lodged and the outcome is currently pending, ref APP/K1128/W/23/3331771.

1.4 Following the refused application, another application, 3540/23/FUL, was submitted, but it was subsequently withdrawn following the advice of Officers, who were not convinced that the application had addressed the previous reasons for refusal. This position was substantiated by an objection raised by the Council's landscape officer.

1.5 Additionally, the submission failed to sufficiently address the requirements of JLP policy DEV32 and the adopted Plymouth and South West Devon Climate Emergency Planning

Statement. This statement offers detailed guidance on how specific types of developments must demonstrate compliance with the adopted carbon reduction target.

- 1.6 A copy of the proposed riverside elevation for that proposal is attached at appendix B.
- 1.7 Following the withdrawal of 3540/23/FUL, pre application advice was sought, the outcome of which has informed this submission. A copy of the pre application response is attached at Appendix C.

## 2.0 Principle of Development/Sustainability:

- 2.1 The site is located within the built form of Salcombe, a tier 2 settlement, and hosts one dwelling and an outbuilding, which includes an annexe. The principle of development within this context is therefore established, and the key matters for consideration relate to housing mix, whether the design is appropriate, impact on the South Devon National Landscape, drainage, neighbour impact, how the proposal will reduce its reliance on carbon emissions and ecology.

## 3.0 Housing Mix

- 3.1 The proposal does not seek to increase the number of bedrooms within the dwelling and as such, the provisions of policies DEV8 and SPT2.4 are considered satisfied. The existing dwelling has 7 bedrooms (plus a bedroom within the annex), whereas the proposed dwelling has 4 (with bedroom retained in the annex).

## 4.0 Design/Landscape:

- 4.1 The JLP and NP requires developments to be well designed, conserving and enhance existing landscape and townscape features.
- 4.2 The application site is located within the South Devon National Landscape, which has the highest level of protection under local and national planning policy. The National Planning Policy Framework (NPPF) requires *great weight* to be given to conserving and enhancing landscape and scenic beauty within such locations. This requirement to conserve and enhance aligns with development plan policies, including SPT12, DEV25, and SALC ENV1, as well as the adopted South Devon AONB Management Plan for 2019-2024.
- 4.3 The protection given to National Landscapes is further strengthened by the Levelling-up and Regeneration Act (2023), which amended section 85 of the Countryside and Rights of Way Act to establish a duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area.'* The 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes' advises that *"Consideration of what is reasonable and proportionate in the context of fulfilling the duty is decided by the relevant authority and should take account of the context of the specific function being exercised."*
- 4.4 Furthermore, JLP policies DEV20 and DEV23 and NP Policy SALC B1 support proposals that have proper regard to the pattern of local development, conserve and enhance views that contribute to the quality of the area, and that deliver locally distinctive design. The Council's JLP Supplementary Planning Document (SPD) amplifies these policies by noting that good design starts from an understanding of the place.
- 4.5 The site also lies within an area identified within the Salcombe Neighbourhood Plan as 'character and density policy area B'. Policy SALC Env7 states that within these areas development... *'will only be permitted where such development would not detrimentally impact on the character of the existing low density development, mature gardens and trees in these areas.'*

- 4.6 Sheerwater occupies an elevated position within the built-up area of Salcombe. This part of the settlement comprises mainly residential properties of a range of sizes, ages, architectural styles, including bespoke modern designs, which sit on the rising land overlooking the Salcombe to Kingsbridge Estuary.
- 4.7 The plot measures around 0.1 hectares, extending southwards from Devon Road. It is a well-defined plot, and much of it has already been developed, with driveway/parking, an outbuilding, the dwelling and terraces which have been created to provide level plateaus within the site.
- 4.8 The existing dwelling at Sheerwater is an early/mid-20th century dwelling located mid slope on the steep, south-east facing valley side overlooking the Kingsbridge to Salcombe Estuary and Salcombe Harbour. The dwelling itself is not visible from Devon Road but is prominent in wider views from across the estuary.
- 4.9 The dwelling has been altered and enlarged over time and while its design and appearance is of no special architectural merit, it is relatively traditional in appearance and design.
- 4.10 The plans and elevations submitted in support of the application show that the replacement dwelling would be larger than the existing house, with an increased height and greater mass. However compared with the refused and withdrawn schemes, the applicants have made some notable changes to the proposals.
- 4.11 The proposed replacement dwelling continues to occupy a similar position within the plot albeit it has been re-orientated slightly. The upper levels have been simplified, with the third storey designed to appear as a recessed element behind the main dwelling. The horizontal emphasis of bands of light-coloured render, particularly on the elevation facing the estuary have been reduced. The elimination of the horizontal band around the eaves of the second storey enhances the definition of the roof. The incorporation of a chimney enhances the articulation of the elevation facing the estuary, helping to break it up. Large areas of render have now been omitted from the scheme and areas of natural stone increased. These changes are welcomed, simplifying the design and making the architectural approach more reflective of its local context.
- 4.12 Situated on elevated terrain above the estuary, the new dwelling will be visible from vantage points across the estuary. From these perspectives, the development will be viewed against the backdrop of the varied architectural styles of the surrounding residential buildings. The supporting visualisations show that the proposed dwelling could be relatively unobtrusive in wider views of the hillside, despite its size, due to the muted palette of materials and extensive use of natural stone which prevents it from appearing overly dominant on the plot. Material details can be secured via planning conditions.
- 4.13 Concerns have been expressed about the increased height of the dwelling, which could make it appear as an extension of the property behind with minimal visual separation. However, with the proposed changes, Officers do not consider this impact significant enough to cause harm. The comparison elevations drawing '63' demonstrates that the ridge height of the new dwelling would be just over 1m higher than the ridge of the existing dwelling. It would sit below the existing wall, which wraps around the upper section of the driveway and would be below the ridge of the retained outbuilding. The building would not obstruct views of the wider landscape from Devon Road and from distant viewpoints, looking back into the site, Officers are satisfied the dwelling would read as a single building and not a continuation of the one behind.
- 4.14 Concerns about glazing and light pollution were previously raised. The Council's landscape officer has carefully assessed this and provided the following comments in respect to the current scheme.



*Glazing and light pollution have been raised as concerns previously, and there has been some reduction in the area of proposed glazing, although the measured areas of glazing facing the estuary are slightly greater than the existing dwelling (an increase of 7.4% based on the areas quoted, rather than the 6% stated in the DAS, but still not considered to be a significant increase).*

*The SE elevation retains large areas of floor-to-ceiling glazing, as well as terraces on three levels across the width of the building, with the first and second floor terraces wrapping around to the SW of the building, all shown with glass balustrades. The potential reflectivity of all of this glazing is a concern, particularly the glazed balustrades, due to their typically reflective qualities from certain angles, which may draw attention to the development. An alternative, non-reflective style of balustrade to the terraces would be preferable, but is something that could be controlled by conditions requiring approval of balustrade details, and for non-reflective glass for any glazing facing the estuary.*

*The proposed glazed areas on the two lower levels of accommodation are well recessed beneath large areas of overhang, and the new dwelling sits back into the slope and is sunk into the ground, all of which will help to reduce light-spill. I am also pleased to note that modern glazing specifications and surface/ task lighting, rather than general space lighting, will also be inherent within the proposals which should reduce any adverse effects resulting from large areas of glazing – particularly if nonreflective glass is conditioned should approval be forthcoming. A condition could also be imposed requiring that any external lighting conforms with the Institute of Lighting Engineers Guidance Note 1 for the reduction of obtrusive light 2021 (which is UK Guidance), and follow recommendations for Environmental Zone E2: Rural surroundings, which covers relatively dark outer suburban locations, which would ensure that the dark night skies – an intrinsic characteristic of the protected landscape – are respected.*

- 4.15 The submission is supported by a landscaping scheme, which was developed with Officers during the latest pre application discussions. These have been reviewed by the Council's landscape Officer, who has not raised any objections and considers the proposals will *'provide an attractive private amenity space for the proposed dwelling.... The landscape scheme retains large areas of existing shrubs on terraced slopes, with new planting proposals that include a group of native pine trees, other trees and shrubs that will make a positive contribution to the prevailing character of this part of the town, where houses are set in large, mature gardens with prominent trees.'*
- 4.16 While the new dwelling would be larger than the existing building, it would occupy a similar footprint compared with the existing building, and the landscaping scheme would help to soften the development. The existing site is tiered, and the dwelling has been designed to incorporate the existing terraces. The building is set back into the slope and down from Devon Road, allowing wider views of the landscape to be retained. Officers are satisfied that it would not detrimentally impact on the character of the existing low-density development, mature gardens and trees within the character and density policy area in which it sits, thus complying with policy SALC Env7.

#### Salcombe Town Council's comments

- 4.17 Within their response the Town Council have identified what they consider to be inaccuracies within the Design and Access statements submitted with the application. Officers have tried to address some of these comments.

*"The massing and height of the dwelling has been reduced to the same size, or less, than the already existing built form." This is simply not true.*

*We do not accept that the “volume and massing of the proposals now put forward are carefully considered with the proposed making a direct response to the existing building footprint and volume.”*

*Nor do we accept that “the proposal put forward is set out on the footprint of the existing dwelling.” This is just not a correct statement.*

4.18 Drawing number 63 ‘comparison elevations’ shows the proposed dwelling with the previous scheme outlined in blue and the existing dwelling shaded in red. It is clear from this drawing that the replacement dwelling will be higher than the existing dwelling. However, for the reasons already discussed Officers consider this additional height to be acceptable. The new building would extend just over 1m above the ridge of the existing dwelling. The upper floor has been set back and designed to read as a smaller, subservient element, separate from the main dwelling, which helps to break it up.

4.19 The drawing appears to include the existing walling, which extends above the ridge of the existing dwelling within the footprint of the existing building.

*“The existing dwelling... on three main floors with the loft room level.” This again is not a true statement. It has only two levels. The argument about the existing building having four levels is not accepted. There are two levels in each of its three sections which are slightly staggered down the hillside. This is endorsed by the survey plan. These show no loft level. They also show a first floor level and a ground floor level albeit with steps to relate to the staggered plan form. There are no other levels shown. These cannot be compared to the obvious four levels of the proposal.*

4.20 Officers would agree with the Town Council's assessment that the existing building consists of two levels, which are staggered with steps, giving the impression of additional stories. The new building has accommodation arranged over 4 stories, the principle of which does not raise any concerns. The existing garden is tiered as the site slopes relatively steeply down towards the estuary. The proposed dwelling would be larger than the existing building but the different levels of the building incorporate the existing terraces, and the building is set back into the slope and is of a flat roof contemporary design, allowing existing views of the wider landscape from Devon Road to be retained, and helping to assimilate the development into the steeply sloping landform.

*The comments and calculations on volume and massing are misleading as are the floor plans which have been superimposed with the existing survey outline. There are still no volume calculations that we can find nor calculations in terms of floor area. Our calculations suggest that the existing house has a floor area of approximately 243.55 m<sup>2</sup> on the first floor and 215.05 m<sup>2</sup> on the ground floor. This total is 458 m<sup>2</sup>. (This excludes the existing garage building which remains). We do however accept the applicant's calculation of 476 m<sup>2</sup>. Our calculations for the current proposal suggest 144.5 m<sup>2</sup> for the third floor (including carport), 246.5 m<sup>2</sup> for the second floor, 214 m<sup>2</sup> for the first floor and 287 m<sup>2</sup> for the proposed ground floor. This total 699 m<sup>2</sup>, which is an increase of 223 m<sup>2</sup> or a 47% increase over the existing.*

4.21 Officers acknowledge that the floor area of the replacement dwelling would be larger than that of the existing dwelling. There are no specific policies within the NP that limit the size of replacement dwellings, and, as previously mentioned, since the number of bedrooms is not increasing, there is no conflict with JLP policy DEV8. The main consideration is whether the proposed building's scale is suitable for the plot and the surrounding landscape. Officers have reviewed this matter and determined it to be appropriate.

*“The ground floor works fully renovate the existing cantilevered viewing area.” This is not correct as the element is being completely rebuilt with an increase in height for this element.*

- 4.22 Officers understand that the entire house will be replaced, including the cantilevered area, which will take inspiration from the existing feature.

*“A new green roof over the cantilever viewing space.” This is misleading as the landscape design and architectural drawing show different proposals. This area should not be used for sitting, nor for garden paraphernalia, nor have glass balustrading, as this would increase the perceived bulk and intensity of use. Access to this area should be for maintenance only. Moreover, the existing site location plan PRV 1721/LS/0 shows at least three trees which are to be removed but these are not shown as such on the landscape proposal drawings.*

- 4.23 Officers would agree that the use of this space as an amenity area should be avoided as it would require a balustrade, changing the appearance of it and the value of the planting. A condition to restrict access onto this space is proposed.

*“The now suggested number and location of (PV) panels...has now been agreed as supportable by all parties.” We do not agree that this has been supported by all parties when it has not yet been commented upon or considered by the planning committee or other consultees. We would go further to say that the shiny PV panels on the two mid grey roofs will not be a very pleasant sight and would distract from the hipped roof form when viewed from East Portlemouth.*

- 4.24 Officers assume this comment was made in reference to discussions at pre application stage between the Officers and Applicants.

*“This quite extensively developed, urban town location...” This is clearly an incorrect statement. In the Neighbourhood Plan the site sits in the Character and Density policy area B, which describes the character as ‘existing low density development, mature gardens and trees.’ The applicants have misread the character of the area and have not designed accordingly.*

- 4.25 Officers have concluded that the proposal, along with the landscaping scheme, provides an appropriate response to this sensitive location. With appropriate conditions to ensure the development is well executed with appropriate materials, the development can be integrated into the site without adversely affecting the surrounding landscape.

- 4.46 In summary, regarding design and landscaping issues, Officers consider that the revisions sufficiently address previous concerns. With conditions in place to secure materials and implement the landscaping scheme, Officers believe the proposal will enhance the site and comply with relevant design and landscape policies and duty.

## 5.0 Trees

- 5.1 JLP policy DEV28 requires that development is designed to prevent the loss or decline of trees. There are features with potential arboricultural importance within and adjacent to the site, including those safeguarded by TPO297 and 1010. The application has been reviewed by the Council’s Tree Officer, who has not raised any objections, noting the following.

*I have made review of supporting information, both written and in plan form and with knowledge of the site through earlier applications I note no on-site protected trees that may act as a constraint to the proposed rebuild of the dwelling. Whilst there are offsite trees either side of high levels of visual importance, none present containing influence either during or post construction. The proposed mitigation for a number of*

*small internal trees that may be lost should be reviewed by the landscape specialist for the Authority given the unusually high levels of visual sensitivity of the site. If planning consent were to follow and a crane were proposed for construction then its slew movements would be required to be reviewed by an arborist to ensure no harm ensued to offsite trees. Recommendation No objection on arboricultural merit.*

- 5.2 Based on this response from the Council's specialist tree officer, the proposal is considered to accord with the provisions of DEV28. As recommended by the tree officer, an appropriate condition is recommended in the event a crane is required for construction.

## 6.0 Carbon Reduction

- 6.1 The NPPF identifies that mitigating and adapting to climate change is a key objective in achieving sustainable development (para 8c). Section 14 of the NPPF relates to meeting the challenges of climate change, requiring the planning system to support the transition to net zero by 2050 and shape places that contribute to radical reductions in greenhouse gas emissions.
- 6.2 JLP Policy DEV32 identifies that the need to deliver a low carbon future for Plymouth & South West Devon should be considered in the design and implementation of all developments to support the Plan Area target to halve 2005 levels of carbon emissions by 2034. This is compatible with the legally binding UK net zero target, which must be achieved by 2050 at the latest, as stipulated in the 2008 Climate Change Act.
- 6.3 The Council has also adopted a Climate Emergency Planning Statement (CEPS) which was adopted in November 2022 in response to the declaration of a Climate Emergency by each Council. The CEPS responds directly to the Climate Emergency declarations issued across Plymouth and South West Devon and identifies exactly what all new development should do to meet the challenge of climate change and the adopted JLP carbon reduction target. It builds on existing planning policies set out within the Plymouth and South West Devon Joint Local Plan and its supplementary planning document, embraces new standards and proposes new requirements.
- 6.4 Paragraph 7.23 of the CEPS, states 7.23

*'Priority will be given to the reuse and retrofitting of buildings. Where an existing building is proposed to be demolished and rebuilt, the net overall carbon cost of the project should be offset within 25 years through carbon savings achieved by operational use of the replacement building.'*

- 6.5 Designing a replacement dwelling which achieved this policy objective has been a key factor in the redevelopment of this site, and it was one of the reasons for the withdrawal of the previous application. Throughout the pre-application process which followed, the applicants have worked Officers to try and address the concerns effectively and the following response has been received from the Council's JLP policy team.

*The proposal has undergone a number of iterations, which has incrementally reduced the embodied carbon associated with the project, and the period it will take to offset the net carbon cost of the demolition and rebuild to 39 years.*

*The project team have sought to reduce this even further by increasing the number of PV panels utilised onsite, but were unable to go beyond the 44 panels proposed due to grid constraints.*

*I acknowledge that the project team has proactively sought to engage with the council to reduce the emissions impact of the proposal, and the current offset period represents a significant saving over initial designs. Whilst it is also acknowledged*

*that the applicants would like to have gone further with onsite renewable generation but were prevented from doing so by external constraints, the fact remains that the amount of up-front embodied emissions reflects the scale and extent of the proposed replacement building. It is understood and accepted that the existing ground conditions onsite represent a challenging environment from which to build, and that remedial action is required to stabilise parts of the site, and with that comes an inevitable carbon cost. However, if carbon reduction were a fundamental guiding principle of the project, it may be suggested that a smaller replacement building would incur less emissions that would need to be offset in the first place. There is no right answer in this regard, as the LPA must determine the application in front of us.*

- 6.6 Further to this the visual impact from the proposed PV panels has been carefully considered by the Council's landscape officer. It is noted that the Town Council have raised an objection with this element of the proposal.

*'PV panels are proposed both on the roof of the new dwelling and on the lowest garden terrace. It is accepted that these may have a visual impact but, balanced against any visual harm from possible glint and glare is the recognised need to respond to the climate emergency. It is also considered unlikely that the roof mounted PV panels will be unacceptably visually intrusive in views from across the estuary due to the angle of view that most visual receptors would have, and the solar PV panels on the lower terrace should be effectively screened from wider views by garden planting and existing development located further down the hillside to the south-east.'*

- 6.7 In summary, the applicants have undertaken a robust assessment looking at the carbon impacts of demolishing the existing dwelling and replacing it with a new structure. The offset period is estimated to be in the region of 39 years, which is 14 more than the CEPS advocates. This results in a conflict with DEV32 and within the planning balance weighs against the proposal.

#### 7.1 Neighbour Amenity:

- 7.2 JLP policy DEV1 (1) sets out the safeguards for the health and amenity of local communities and requires that *"impacts [of new development] will be judged against the level of amenity generally in the locality"*. It is noted that due to the prevalence of balconies, topography, density and relative siting of dwellings in this part of Salcombe, that there is a degree of mutual overlooking between the existing dwellings at present. In this context, Officers are satisfied that the proposal would not result in a significantly harmful increase in overlooking or noise and disturbance to such an extent that it would cause harm. It is also worth noting that the buildings are orientated towards the estuary and land beyond, where most individuals will be focused. As such, the proposal is considered to accord with the provisions of policy DEV1 (1)

#### 8.0 Highways/Access:

- 8.1 The scheme utilises the existing access, parking and turning area at the top of the site adjacent to and slightly below Devon Road. The garage space within the annexe is also retained and an additional car port area is provided at the same level within the main dwelling. Officers are satisfied there is ample space on site for parking and turning. The Highway Authority have not raised any comments, instead referring to standing advice.

#### 9.0 Ecology:

- 9.1 JLP policies SPT1 and DEV26 require the submission of adequate information to assess the impact of a proposal on biodiversity and require overall gains in biodiversity to be achieved by protecting and enhancing species and habitat.
- 9.2 The application is supported by ecological surveys which have been reviewed by the County Council ecologists. They have subsequently offered support subject to conditions to cover matters relating to pollution, undertaking development in accordance with the mitigation measures set out in the ecology report and to ensure vegetation clearance doesn't take place during bird nesting season.
- 9.3 The applicant's Ecologist has advised that an EPS Licence will be required for the proposed development and the LPA would agree with this assessment.
- 9.4 If a proposed development is likely to trigger a Habitats Regulations offence, the LPA is required to consider whether the proposal meets the three derogation tests, and accordingly whether Natural England is likely to subsequently grant an EPS Licence. These tests are considered below;
1. *Can an imperative reason, overriding public interest, which overrides the requirement to maintain the roosts as they are at present be argued?* The applicant wishes to reorder the accommodation and upgrade the thermal and energy efficiency of the current dwelling through a contemporary replacement.
  2. *Is there a satisfactory alternative?* Given the siting, design, orientation and sensitive setting of the existing dwelling it is considered that potential options for replacement are limited.
  3. *Is there evidence of the maintenance of favourable conservation status?* Given the mitigations measures outlined within the report, it is the LPA's opinion that the third test has been met and NE will likely grant a licence
- 9.5 As Officers consider the first two tests are met, it would be reasonable for the LPA to conclude that Natural England will subsequently grant an EPS Licence enabling the proposal to proceed lawfully. Although, the reasoning for the development and any alternatives (answer to questions 1 and 2 above) are not considered a strong argument in planning terms to justify the development, Officers are satisfied that the impact is considered low and on this basis, the proposal is considered to accord with the provisions of DEV26.
- 9.6 The application form states that the proposal is exempt from the mandatory requirement to provide 10% biodiversity net gain on the basis it is below the de-minimis threshold. However, the response from the County ecologists would indicate that it is exempt because it will be constructed and occupied as a self-build dwelling. Accordingly, they have suggested an appropriate condition to ensure the first occupation of the dwelling is as a self-build. Officers are satisfied the proposal is below the de-minimis threshold and therefore it is not necessary to impose an occupancy condition.

## 10.0 Planning Balance

- 10.1 The application site is an established and well-defined residential plot perched on a developed hillside above the Salcombe to Kingsbridge estuary. It occupies a stunning location, offering uninterrupted views of the estuary and fields beyond. While the existing building is simple and its rendered clad walls and pitched roof is reflective of the local vernacular, it does not display any particular architectural merit and there is an opportunity to enhance the site and the contribution it makes to this part of the town and the National Landscape. Following two unsuccessful application submissions the applicants have

worked with officers through the pre application process to try and resolve the policy conflicts.

- 10.2 Officers consider the scheme as presented has taken on board previous concerns, with a reduced footprint and more sympathetic palette of materials. The landscape scheme has been carefully considered and developed in discussion with Officers during the pre-application stage and will make a positive contribution to the site and its surroundings, helping to assimilate and soften the dwelling.
- 10.3 It is regrettable that the carbon cost of the project falls short of the 25-year target set within the CEPS, however it is acknowledged that the applicants have worked with Officers to reduce the carbon impact of the development, and factors beyond the applicants control prevent a lower offset threshold being achieved with this proposal. It is widely accepted that policies can pull in different directions and within the planning balance, this offset is not considered to be so significant to warrant a reason for refusal. All other technical issues raised have been addressed or can be appropriately mitigated with conditions. The application is therefore recommended for conditional approval.

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

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities.

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  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
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  
DEV9 Meeting local housing need in the Plan 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

### **Salcombe Neighbourhood Plan**

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.  
SALC ENV2 Green Infrastructure throughout the Parish.  
SALC ENV5 Maintaining the character and environmental quality of the estuary  
SALC ENV6 Locally Important Views  
SALC ENV 7 Maintaining the character, density, and green infrastructure in key areas.  
SALC B1 Design Quality and safeguarding Heritage Assets

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

**South Devon Area of Outstanding Natural Beauty Management Plan (2019-2024)**  
**Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**  
**Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

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

### Planning Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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. Standard 3 year time limit for commencement

2. The development hereby approved shall in all respects accord strictly with drawing number(s)

4300 20 Rev:C Proposed first floor plan received on 12 August 2024  
4300 21 Rev:C Proposed second floor plan received on 12 August 2024  
4300 22 Rev:C Proposed third floor plan received on 12 August 2024  
4300 23 Rev:C Proposed roof & garage first floor plan received on 12 August 2024  
4300 24 Rev:C Proposed roof plan received on 12 August 2024  
4300 30 Rev:C Proposed southeastern elevation received on 12 August 2024  
4300 31 Rev:C Proposed northwest elevation received on 12 August 2024  
4300 32 Rev:C Proposed northeastern elevation received on 12 August 2024  
4300 33 Rev:A Proposed garage elevations received on 12 August 2024  
4300 35 Rev:A Proposed northeastern elevation received on 12 August 2024  
4300 40 Rev:B Proposed section A-A received on 12 August 2024  
4300 01 Location Plan, Block Plan received on 12 August 2024

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. Notwithstanding the information provided, if the demolition/construction phase requires a crane, before the crane is first brought onto site, information shall be submitted to and approved in writing by the local planning authority demonstrating how the use of a crane on site will not over sail existing tree canopies or cause harm to branches of the protected offsite trees whilst moving materials around the site. The development shall proceed in strict accordance with the details approved.

Reason: in the interests of protecting existing trees in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan.

4. Prior to installation, details of the proposed render type and colour(s) shall be agreed in writing with the Local Planning Authority and shall be applied without the use of metal beads or stops. Movement joints, where required, shall be positioned at changes of direction or directly behind rainwater downpipes.

Reason: To ensure that the finishes and colours are appropriate to the locality, and to conserve and enhance the National Landscape in accordance with policies DEV20, DEV23 and DEV24 of the Plymouth and South West Devon Joint Local Plan.

5. All areas of new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding and pointed in a brown mortar finish recessed from the outer face of the walls. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls.

The natural stone used in all of the new walls must accord with the hierarchy of origin as well as meeting the requirements to be compatible with local vernacular and design:

- a. Reclaimed UK or European stone where available with proof of origin from supplier
- b. New UK derived stone with proof of origin from supplier
- c. New European derived stone with proof of origin from supplier
- d. No other natural stone products will be considered acceptable

All new natural stone must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.

Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and conserves and enhances the National Landscape in accordance with policies DEV20, DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

6. Notwithstanding the information shown on the approved drawings, all glass (including balustrades) hereby approved on the south eastern elevation (as shown on drawing number 30Rev C), shall be constructed from non-reflective glass details of which shall be submitted to and agreed in writing by the local planning authority prior to installation.

Reason: To reduce light pollution, in the interests of conserving and enhancing the National Landscape and biodiversity in accordance with policies DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

7. All elements of the landscaping scheme shall be implemented and maintained in accordance with the approved Landscape details unless otherwise agreed in writing by the Local Planning Authority.
  - Landscape Design Proposal, Redbay Design, June 2024
  - 984/01 Rev B, planting plan 01, Redbay Design
  - 984/02 Rev B, planting plan 02, Redbay Design
  - 984/03 Rev A, planting plan 03, Redbay Design
  - 984/03 Rev B, planting plan 04, Redbay Design

All work shall be completed by the end of the first available planting season following practical completion of the development or first occupation of the dwelling hereby approved, whichever is the sooner.

Any trees or plants that, within an establishment period of ten years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonable, practicable with other species, size and number as originally approved, unless the Local Planning Authority gives consent to any variation.

Reason: In the interests of biodiversity, to protect the landscape character and visual amenities of the area in accordance with Policies DEV20, DEV23, DEV26 and DEV28 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034.

8. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept.

Reason: In order to safeguard the interests of protected species in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

9. The development shall be carried out in strict accordance with any measures required under licence from Natural England. Prior to first occupation, the consultant ecologist shall confirm in writing to the local planning authority that the recommendations required under the licence have been implemented.

Reason: In order to safeguard the interests of protected species in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

10. The retained garage, store and annexe building (as shown on drawing 33 Rev A and 27 Rev B) shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling "Sheerwater, Salcombe" and shall not be used, let, leased or otherwise disposed of for any other purpose or as a separate unit of accommodation.

Reason: The application does not propose the use of the building as an independent unit of accommodation, and any proposal to do so would need to be assessed and reviewed by the LPA having regard to key material considerations including but by no means limited to the relationship with the main dwelling and its occupancy as a principal residency.

11. 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 in accordance with DEV2 of the Joint Local Plan.

12. The development hereby approved shall comply with the DEV32/CEC Statement, BBH received on 8 November 2024, specifically the net carbon cost of the project should not exceed the embodied carbon figures and the replacement dwelling must not exceed the embodied carbon figures. Prior to the occupation of the dwelling a post-construction embodied carbon evaluation, which provides a full carbon assessment of the demolition and new build to demonstrate the stated figures have not been exceeded shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The proposal has been considered against the carbon reduction targets within DEV32 'Delivering low carbon development' of the Joint Local Plan and objectives within the Climate Emergency Planning Statement (adopted November 2022). This condition will ensure the environmental attributes of the proposal are not diminished through implementation.

13. Notwithstanding the information shown on the approved drawings the cantilevered roof over the games room (as shown on drawing number 20 Rev C) shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority. Access shall be for maintenance only.

Reason: (1) In the interests of neighbouring amenity in accordance with policy DEV1 of the Plymouth and South West Devon Joint Local Plan. (2) In the interests of the appearance of the dwelling and its surroundings in accordance with policies DEV20, DEV23 and DEV25 of the adopted Plymouth and South West Devon Joint Local Plan.

14. The drainage scheme shall be installed in strict accordance with the approved plans 'Drainage Plans 4300-26-Rev B', 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 in accordance with policy DEV35 of the adopted Plymouth and South West Devon Joint Local Plan.

15. Prior to their installation, details of the solar panels to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The panels shall be of a visually recessive design. Prior to occupation of the building hereby approved, the panels shall be installed in accordance with those details as approved and retained and maintained for the lifetime of the development. The panels shall be removed as soon as reasonably practicable when no longer required.

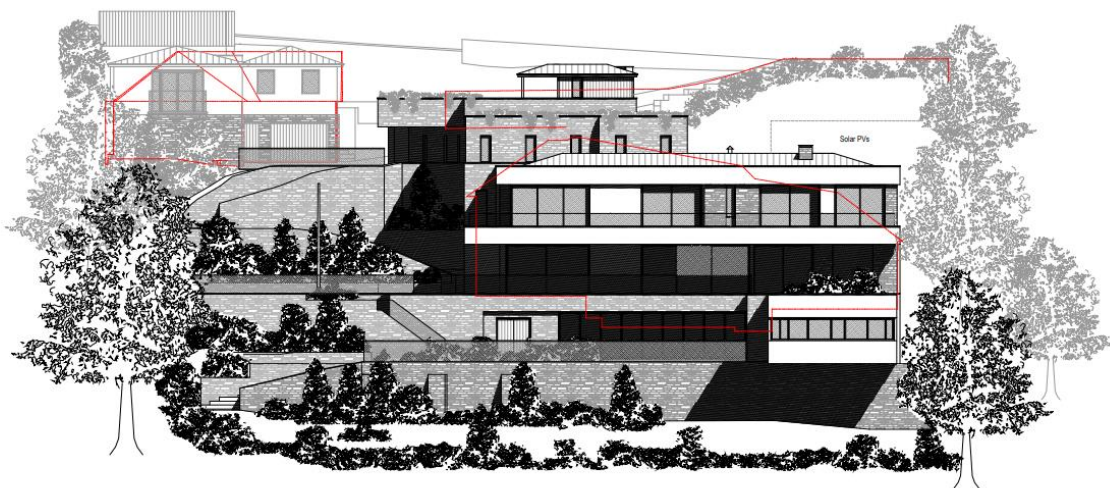
Reason: (1) In the interests of visual amenity in accordance with policies DEV23 and DEV25 of the Joint Local Plan. (2) To ensure the development contributes toward delivering a low carbon future and supports the Plan Area target to halve 2005 levels of carbon

emissions by 2034 and increase the use and production of decentralised energy; and in accordance with policy DEV32.

16. Notwithstanding the information shown on the approved drawings there shall be no external lighting at the site (including security lighting) unless otherwise previously approved in writing by the Local Planning Authority. Details of positions, heights, type, luminance/light intensity, direction and cowling (if any) of any external lighting (including security lighting), to be erected, placed or operated on any part of the application site shall be submitted to and approved in writing by the Local Planning Authority prior to its erection or installation. Such lighting shall thereafter be installed in strict accordance with the approved details and under no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of biodiversity and in the interests of visual amenities in accordance with policies DEV20, DEV23, DEV25 and DEV26 of the Plymouth and South West Devon Joint Local Plan.

#### Appendix A: 3273/22/FUL



Proposed Southeastern Elevation  
Existing Dotted Red



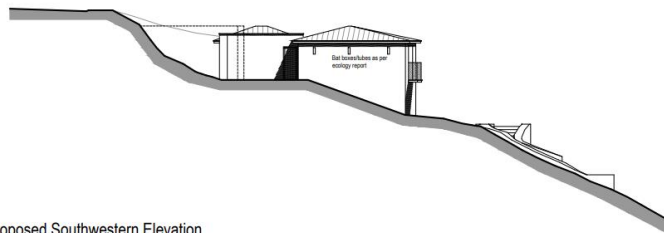
Proposed Southeastern Elevation



Proposed Northeastern Elevation

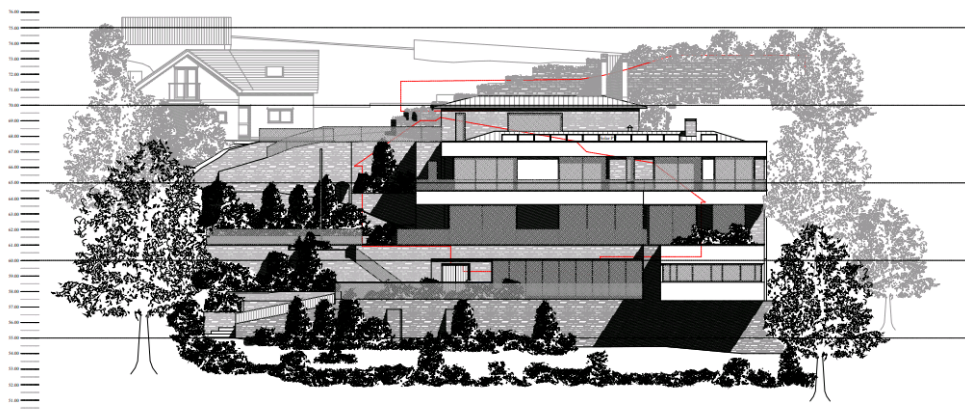


Proposed Northwestern Elevation



Proposed Southwestern Elevation

## Appendix B: 3540/23/FUL



Proposed Southeastern Elevation  
Existing Dotted Red

## Appendix C:

Dear Sir

Reference Number: 0911/24/PR4

Proposal: Demolition of existing dwelling and construction of new replacement dwelling with associated landscaping.

Location: Sheerwater

Devon Road

Salcombe

TQ8 8HJ

Further to your pre-application enquiry and our meeting held on 29th May 2024, please see the following formal response.

Proposal

The proposal is to replace the existing dwelling.

Constraints

## South Devon National Landscape

### Planning History

- 41/1118/81/3: FUL Extension Shearwater Devon Road Salcombe Conditional approval: 08 Sep 81
- 41/0443/82/3: FUL Ancillary unit of accommodation Rear of Shearwater Devon Road Salcombe Conditional approval: 27 May 82
- 41/2021/89/3: FUL Erection of holiday flat over garage and car port Sheerwater Devon Road Salcombe. Refusal: 06 Dec 89
- 41/0655/96/3: FUL Alterations and extension to dining room kitchen utility room and conservatory Sheerwater Devon Road Salcombe. Conditional approval: 22 May 96
- 41/1020/97/3: FUL Extension to terraces to south east of dwelling Sheerwater Devon Road Salcombe. Conditional approval: 29 Jul 97
- 41/1791/97/3: FUL Demolition of existing and construction of new garage/ storage building Sheerwater Devon Road Salcombe. Conditional approval: 11 Dec 97
- 41/1192/99/F: FUL Erection of fence Sheerwater Devon Road Salcombe TQ8 8HJ Conditional approval: 27 Oct 99
- 41/0506/01/F: FUL Non-compliance with condition B of permission 9/41/1791/97/3 (prior agreement of the use of natural slate) for using roof tiles rendering the gable ends and change in size of window Sheerwater Devon Road Salcombe TQ8 8HJ Withdrawn: 30 Apr 01
- 41/0707/01/F: FUL Non-compliance with condition B of permission 9/41/1791/97/3 (prior agreement of the use of natural slate) for using roof tiles rendering gable ends change in size of window and ancillary office use Garage at Sheerwater Devon Road Salcombe TQ8 8HJ Conditional approval: 10 Jul 01
- 41/1702/03/F: FUL Alterations to south elevation and erection of flagpole on south facing terrace Sheerwater Devon Road Salcombe Devon TQ8 8HJ Conditional approval: 04 Nov 03
- 41/1197/04/F: FUL Retrospective application for replacement of second storey windows with bay window Sheerwater Devon Road Salcombe Devon TQ8 8HJ Conditional approval: 05 Aug 04
- 41/0087/05/F: FUL Removal of condition 2 of planning permission 41/0707/01/F (use restriction) and erection of balcony Sheerwater Devon Road Salcombe Devon TQ8 8HJ Conditional approval: 11 Mar 05
- 41/2541/14/TW: TPO Fell 5 Monterey Cypress Monkston Point Devon Road Salcombe TQ8 8LP Refusal: 03 Dec 14
- 1487/22/PR4 Full Pre App - Pre Application Enquiry for - Demolition of existing dwelling, creation of a new replacement dwelling, landscaping and renovation of existing garage. Sheerwater Devon Road Salcombe Devon TQ8 8HJ Preapplication (No Officer support): 06 Jun 22
- 3273/22/FUL Demolition of existing dwelling and construction of new replacement dwelling including existing garage renovation and associated landscaping. Sheerwater Devon Road Devon, Salcombe TQ8 8HJ Refused 14 June 2023

### Planning Policy

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

South Hams and West Devon Planning Guide

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

DEV9 Meeting local housing need in the Plan Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

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  
Neighbourhood Plan

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. The relevant policies are noted below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.

SALC ENV2 Green infrastructure throughout the Parish

SALC ENV7 Maintaining the character and density of development in key areas of Salcombe

SALC B1 Design Quality and safeguarding Heritage Assets

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG).

Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020, South Devon AONB Management Plan (2019-2024), Plymouth and South West Devon Climate Emergency Planning Statement (2022).

#### Principle of development

The site is located within the built form of Salcombe and hosts one dwelling; the principle of development within this context is therefore established, subject to compliance with the other protective designations relevant to this location.

#### Layout, Design and Landscape

This pre-application seeks to overcome concerns raised in response to recent applications to replace the existing dwelling that were either refused or withdrawn. A comprehensive submission detailing the proposal has been considered. A large quantity of render has now been omitted from the scheme and the use of natural stone is now proposed, which is welcomed. The only comment that I would like to make at this point is that, for the render that is proposed, a suitable colour will need to be used to ensure that it suitably integrates into the scheme.

In respect to the glazing, based on the information submitted in support of the revised proposal, it is considered that the level of glazing proposed is acceptable. That said, I consider that the quantity of glazing proposed in relation to the level of glazing to the existing dwelling will be an important element of the consideration of the application and therefore it will need to be clearly explained how the proposal will not introduce any unacceptable level of light spill that is created by the existing dwelling, and how the design has mitigated against such an impact.

With respect to the proposed PV panels, it is accepted that these may have a visual impact but, balanced against any visual harm from possible glint and glare is the urgent need to respond to the climate emergency. It is also considered unlikely that the roof mounted PV panels will be unacceptably visually intrusive in views from across the estuary due to the angle of view that most visual receptors would have.

There is currently a cantilever projection to the lower section of the existing dwelling and there is no objection to this design feature continuing to form part of the proposal. In respect to the proposed landscaping, there is no objection to what is proposed and the scheme in this regard is considered acceptable.

Overall, the scheme, as now presented, appears to have overcome previous concerns with the scheme. The scale and massing is considered to be appropriate and the design will integrate into the local area without detriment to the prevailing character of the area.

#### Amenity

Policy DEV1 (1) sets out the safeguards for the health and amenity of local communities and requires that “impacts [of new development] will be judged against the level of amenity generally in the locality”. It is noted that due to the prevalence of balconies, topography, density and relative siting of dwellings in this part of Salcombe, that there is a degree of mutual overlooking between neighbours at present. On this basis, it is considered that the proposal would not result in a significantly harmful increase in overlooking or noise and disturbance at height so as to warrant a refusal solely on this basis. As such, the proposal is considered to accord with the provisions of DEV1 (1).

#### Highways

The scheme utilises the existing access, parking and turning area at the top of the site adjacent to and slightly below street level. It is noted that the DCC Highways Engineer had not raised any objection to the previous schemes or any concerns that it does not meet standing advice. The proposal is considered to comply with the provisions of DEV29 and the guidance contained within the SPD.

#### Drainage

Policy DEV35 (Managing Flood Risk and Water Quality Impacts) of the JLP requires sustainable water management measures to be incorporated within proposals. It further states that development will not be permitted without confirmation that sewage / wastewater treatment facilities can accommodate or will be improved to accommodate the new development. Also, section A5 of the CEPS and Paragraph 8.19 requires sustainable water drainage.

Your attention is drawn to the Council’s Surface Water Drainage Assessment (SWDA)

#### Guidance and Validation Tool

(<https://www.southhams.gov.uk/planning/planningapplications/apply/planning-validation/local-requirements/surface-water-drainage>)

which should be completed prior to the submission of any application- this will provide a bespoke list of the plans and documents required to be submitted for the proposed development.

If a package treatment plant is proposed to manage foul drainage, you will need to submit a completed FDA1 form with any application. If you are proposing to connect to an existing sewer, you will need to obtain permission from South West Water for this.

#### Ecology

Policies SPT1 and DEV26 of the JLP require the submission of adequate information to assess the impact of a proposal on biodiversity and overall gains in biodiversity are to be achieved by protecting and enhancing species and habitat. Also, section A6 of the CEPS and Paragraph 8.23 requires proposals to demonstrate how appropriate levels of biodiversity net gain will be achieved within the scheme. Due to the nature of the proposal and by the construction an ecology report will be required. Please consider the impacts upon Ecology in any proposal.

With regard to BNG, please ensure that your Ecologist reviews our general validation guidance on the Council’s website. The application should be accompanied by a completed Wildlife Trigger Table and Preliminary Ecological Appraisal as necessary.

#### Climate Emergency

Paragraph 11.83 of the SPD (which relates to Policy TTV29) states: Existing homes contain embodied energy within the building fabric. In order to meet the carbon reduction requirements of DEV32 (Delivering low carbon development), all replacement dwelling proposals will need to demonstrate the carbon benefits of replacing an existing structure with a new building. In order to do this, the Energy Performance Certificate of the existing structure should be used as a baseline,



with a comparison provided of the carbon cost to bring the existing structure up to current building regulations standard, and the carbon cost of demolition and replacement.

Please see guidance at 'Delivering low carbon development (DEV32)' which provides greater detail regarding the type of information required. Paragraph 9.6 of the SPD states: Reducing construction waste and using recycled materials or existing buildings will help minimise use of resources. Paragraph 9.7 of the SPD states: The LPAs will encourage the use of sustainable construction techniques that promote the reuse and recycling of building materials, maximise opportunities for the recycling and composting of waste on all new development proposals (residential and non-residential) and reduce CO2 emissions. Developers should explore the potential to implement water recycling measures on a building or site-wide scale to significantly reduce mains water demand as part of all new development. New developments should be designed, wherever possible, in line with best practice (such as the UK Green Building Council's Embodied Carbon: Developing a Client Brief(214) ) to minimise resource use and reduce the embodied carbon content. Where demolition is proposed with replacement dwellings, this site should include comparative carbon impact of doing nothing, upgrading existing development and the proposed scheme.

Within this pre-application, we want to provide up-front information about the level of detail that will be required in a future submission (please find more information here:

<https://www.southhams.gov.uk/planning/planning-applications/apply/planningvalidation/local-requirements/dev-32-minor>). We are also currently in the process of updating our validation requirements and guidance and for demolition and replacement applications, the following may be required (please check the website prior to submission):

- Climate Emergency Compliance Form (there is a video on the CEPS webpage and there is guidance for applicants to understand what we're looking for)
- Carbon Reduction Statement (to include annual energy savings against building regs baseline taken from SAP for proposed building)
- Climate Emergency Assistance Spreadsheet (M1 and M5)
- Life Cycle Assessment (to include net carbon cost of the project, comprising both A1-A5 emissions of existing and replacement buildings, minus stage D emissions from reuse and recycling)

We also recommend that the Mesh carbon calculator V6 is used whilst gathering the required information. It is a free to download carbon calculator tool (although you need to register with Mesh first), this tool gives some reasonably robust measurements in terms of embodied carbon of built structures. It is useful to help to get a basic understanding of the emissions impacts of the proposed building. <https://www.meshenergy.com/resources/embodied-carbon-calculator-v2>. We also have guidance as to what we're looking for, and why, can be found via our website: [https://www.jlplimatetoolkit.co.uk/residential\\_buildings](https://www.jlplimatetoolkit.co.uk/residential_buildings)

As per the M5 requirement within the Spreadsheet the assessment needs to quantify the net carbon cost of the proposal, comprising the A1-A5 emissions of the existing building - this can be based on some professional judgement that assumes materials and quantities prior to demolition. It also needs to quantify the A1-A5 emissions of the replacement building, which should be much more robust as all aspects of the new building should be known in terms of types and quantities of materials. Both A1-A5 emissions figures need to be added together, and the emissions saved from any materials that are reused or recycled (at a licenced receptor) from the original building can be deducted from the total (stage D emissions). Finally, an estimation of the emissions attributable to the demolition and clearance process needs to be identified (stage C emissions). This creates the net carbon cost of the demolition and rebuild project. In order to meet the M5 requirement this net carbon cost needs to be offset by operational energy savings over 25 years to ensure that it can be delivered within the carbon reduction target written into policy DEV32. To calculate annual savings, compare the difference in KgCO2/m2 between the target emissions rate and dwelling emissions rate, and multiply by floor area. That provides an annual carbon saving

above the building regs baseline. This can then be multiplied by 25 years to establish the overall savings, and this figure needs to be more than the net carbon cost of the demolition and rebuild process.

As a guide, a 'business as usual' construction using steel reinforced concrete slab, block walls, PiR insulation etc isn't going to result in a net carbon cost that can be offset by operational savings. In order to meet the requirements of M5, we are looking for replacement buildings to be demonstrably low impact, using much lower impact materials and techniques – think piled foundations, rammed earth walls, gabions for retaining structures etc, as well as using as natural building materials that are not derived from petro-chemicals. This is where the mesh calculator is helpful, because the mesh calculator can help quantify the impact of the proposal. The MESH website also has a lot of guidance on how to use the tool.

More information is found here:

<https://www.westdevon.gov.uk/planning/planningapplications/apply/planning-validation/local-requirements/dev-32-minor>

With regards to stone and slate, Officers will be seeking materials of a European origin in line with the climate emergency. In addition, if slate is used the following information will be required:

Natural slate must accord with the hierarchy of origin and be compatible with local vernacular and design:

- Reclaimed UK or European slates where available with proof of origin from supplier
- New UK derived slates with proof of origin from supplier
- New European derived slates with proof of origin from supplier
- No other natural slate products will be considered acceptable

All new roof slates must be covered by a minimum warranty period of 50 years. Where possible, a product should be obtained that has an Environmental Product Declaration (EPD). If an EPD is not available, a verifiable certificate of origin or provenance will need to be supplied. Please see: <https://www.southhams.gov.uk/article/9376/ClimateEmergency-Planning-Statement> for guidance.

Conclusion

In conclusion, it appears that the proposal now presented is a successful design response to the previously raised concerns and subject to the above, represents a supportable scheme.

South Hams and West Devon Planning Guide

Advice for validation

Should any future application be submitted, it would need to include the following supporting information at validation stage:

- Appropriate plans
- Fee
- Surface Water Drainage Assessment (SWDA) Guidance and Validation Tool
- FDA1 Form if required
- Climate Emergency Compliance Form (there is a video on the CEPS webpage and there is guidance for applicants to understand what we're looking for)
- Carbon Reduction Statement (to include annual energy savings against building regs baseline taken from SAP for proposed building)
- Climate Emergency Assistance Spreadsheet (M1 and M5)
- Life Cycle Assessment (to include net carbon cost of the project, comprising both A1-A5 emissions of existing and replacement buildings, minus stage D emissions from reuse and recycling)
- Wildlife Trigger Table and Ecology Report.

It may also be beneficial to discuss your proposal with the Local Council for the and / or the Local Cllrs for the area to gauge their opinion on your proposals. You may also wish to consider discussing your proposal with any nearby residents.

Please be aware these comments are made without prejudice to a future decision made by the local planning authority, and do not bind or fetter any future decision. If you wish to submit further plans for comments prior to submitting a planning

application this will require an additional fee as per our charging schedule  
Yours Faithfully  
Ian Cousins  
Development Management Team