

## PLANNING APPLICATION REPORT

**Case Officer:** Elizabeth Arnold

**Parish:** Kingsbridge **Ward:** Kingsbridge

**Application No:** 3943/20/FUL

**Agent/Applicant:**

Mr Will Hoare - Will Hoare Architect Ltd  
Studio 9  
10 Babbage Road  
Totnes  
Devon  
TQ9 5JA

**Applicant:**

Mr And Mrs Perry  
Appleford  
Bowcombe Road  
Kingsbridge  
Devon  
TQ7 2DJ

**Site Address:** Appleford, Bowcombe Road, Kingsbridge, TQ7 2DJ

**Development:** Erection of replacement dwelling and garage, relocation of access and associated works

**Recommendation:** If the local planning authority had been in a position to determine the application in the absence of an appeal on grounds of failure to give notice of its decision within the appropriate period it would have refused the application for the following reason:-

- 1) The proposed development would introduce large glazed reflective surfaces particularly in the southern and eastern elevations and a significant increase in artificial light pollution and would result in increased visual prominence of the site in this sensitive countryside location in the AONB and Landscape Character Area. As such the proposal would fail to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty, contrary to Policies DEV20, DEV24, DEV25, DEV27 of the Plymouth and South Devon Joint Local Plan and the guidance contained within the National Planning Policy Framework (NPPF).

**Key issues for consideration:**

Principle / Sustainable Development  
Design, Visual Impacts, the South Devon AONB and the Undeveloped Coast  
The Historic Environment  
Neighbouring Amenity  
Drainage / Flooding  
Highways Access  
Ecology / Biodiversity  
Trees  
Waste / Recycling  
Low-Carbon Development.

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**Site Description:**

The application site comprises the existing dwelling 'Appleford' – a 20<sup>th</sup> Century, 6no. bedroomed, two-storey, detached property with roof accommodation. The existing dwelling is

also served by an existing detached outbuilding / garage to the north. The property is served by a generous rear garden.

The site is currently accessed from an established point to the south of the site. Bowcombe Creek runs to the immediate east of the site and the New Bridge Grade II listed building carrying the A379 lies to the south.

The site is located within a SWD Landscape Character Area (3G), the South Devon AONB, the Kingsbridge Parish Council and the Kingsbridge, West Alvington and Churchstowe Neighbourhood Plan Area, the Countryside, the Undeveloped Coast, a Cirl Bunting Buffer Zone and a SSSI Impact Risk Zone.

The application site is not located within a flood risk zone as identified by the Environment Agency.

The application site is located approximately 200m south east of the Grade II Listed Building: High House (Farmhouse Overlooking Bowcombe Creek)

### **The Proposal:**

The application proposes a 5no. bedroomed, detached, replacement dwelling in the form of a contemporary design featuring distinct flat roof elements and recessed glazing. In addition, the proposal seeks the following works:

1. Proposed relocated vehicle access drive
2. Proposed parking area comprised of grass rich parking medium surrounded by green planted banks
3. Proposed garage & games room / home office building positioned close to north boundary hedge
4. Existing Devon bank improved, non-native species removed, and bank extended over previous vehicle access drive
6. Native trees and orchard planting
7. Drainage field within meadow gardens to provide new sustainable drainage system
8. Meadow managed for native wild meadow grasses and seasonal meadow flowers
9. Native woodland understory with spring bulbs and wild meadow grasses
10. Existing garden building to remain
11. West boundary hedge reinstated with a mix of native hedge species.

### **Consultations / Representations:**

### **Representations from Residents:**

26 responses of objection (including from the South Hams Tree Warden Network) have been received raising the following issues:

- Impact on the character and appearance of a conservation area in regard to obtrusive lighting, particularly as the glazed main living accommodation is at first floor level
- Inappropriate design, including appearance, layout and scale
- Noise disturbance from the elevated indoor and outdoor living spaces
- The garden shed in the rear pasture is a new addition, which should be removed before it grows into a larger building
- Out of keeping with an SSSI
- Loss of trees, which have already been removed impacting on the character of the AONB, in a period of climate change and threatened biodiversity, as well as the stability of the slopes at the side of the estuary
- The property is clearly visible from the A379, Bowcombe Bridge, which is the eastern gateway to Kingsbridge
- Light pollution at night and glare from reflected sunlight will also be a distraction
- Impact on wildlife
- Detrimental impact on the setting of the Grade 2 listed bridge
- Loss of on street parking
- Overdevelopment
- Overdominance in the landscape
- Contrary to policy and AONB Management Plan
- Gentrification of a rural landscape due to this and previous developments
- SHDC have declared a climate emergency. Has anyone calculated the carbon impact of demolishing perfectly sound building and the manufacturing and shipping of all new materials
- Set a precedent for other developments
- Cumulative impact on the landscape from inappropriate development will impact upon tourism
- Proposed dwelling would have 20% floor area and thus be significantly larger. The proposed fenestrations would be significantly greater and would not be obscured by the planting, as this would not be allowed to grow to obstruct their view
- Discrepancy in the site plan

1 response of support for the proposal has been received advising:

- Fail to see why this proposal would detract from the AONB
- The existing property is ugly and does nothing to enhance the appearance of the lane
- Proposed design, although modern, is in keeping with other nearby houses
- The loss of parking is unfounded as there are no parking spaces in that part of the lane. Any parking there reduces the width of the carriageway

South Hams Society:

### **The South Hams Society interest**

We support the right development - in the right places - and oppose inappropriate development, as we strongly believe to be the case with this application.

### **Background**

Beautiful Bowcombe Creek is located close to Kingsbridge, at the start of the road which leads to Torcross and Dartmouth, through some of the South Hams' most picturesque villages. It contains some stunning scenery visible from local roads, fields and Charleton Footpath no. 2. New Bridge, an ancient grade 2 listed bridge, helps to create a timeless

landscape; a landscape considered important enough to feature in the current South Devon AONB Planning Guidance document.

Our reasons for opposing this application fall into five main areas:

1. Failure to identify material planning considerations
2. Evidence of pre application tree clearance
3. Adverse visual impact
4. Discrepancy in the site plans
5. Existing scenic harm at this location.

Taking the issues in turn:

### **1. Failure to identify material planning considerations**

(a) The application site lies within the **South Devon AONB** and the **Undeveloped Coast**, alongside the **Kingsbridge Salcombe SSSI**. The South Hams Society has researched previous planning applications and decisions for this location. Regrettably we can find no evidence of any consideration regarding the listed bridge or its setting by any applicant. It would appear that district planning officers have also repeatedly failed to identify the listed status as an important consideration in their decisions. This oversight has led to a degradation of this beautiful site – see 5. Below.

Helpfully, the (previously secret) pre-application advice has been made public – a move which this Society very much welcomes. This reveals that the Case officer has unfortunately failed to identify the listed status of New Bridge. The Case Officer states:

*‘Although the site lies within close proximity to Kingsbridge, it is beyond the built form of the town and is considered to be within the countryside.  
Policy TTV29 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 supports the principle of replacement dwellings providing the existing dwelling has a lawful use, **the size of the replacement dwelling is ‘not significantly larger than the original house volume and the number of new dwellings to be demolished and replaced is the same as the existing number of dwellings on the site. The policy also requires the new dwelling to be positioned on the footprint of the existing dwelling unless there are sound planning reasons for an alternative location. I understand that your client would like to reposition the new building slightly to improve the amenity for the neighbours which sounds reasonable’.**  
(Emphasis added).*

Had the Case Officer identified the listed asset, we believe they should have come to a different conclusion. **We therefore request that the listing is specifically considered.**

This basic omission reinforces our long held view that SHDC planning department should operate a checklist procedure, like the one operated by Cornwall Council, so that the planning officer would have to carry out basic checks relating to location specific material considerations, such as, listed status, proximity to an SSSI, wildlife related measures etc., helping to ensure that such issues are not overlooked.

(Officer comments:- the department does hold spatial data which allows officers and others access to the types of data and sites identified. Pre-application advice is normally

confidential and in this way SHDC does not operate differently from most Councils. Any subsequent application will, of course, be subject to consideration where full consultation and neighbour notification will be undertaken, as is the case here)

## **(b) Wildlife impacts not considered**

No wildlife issues were highlighted by the Case Officer for the notable protected species of the South Hams, of which there are two at this location. The site lies within a 250 metre Cirl Bunting breeding ground and a South Hams SAC Greater Horseshoe Bat Landscape

Connectivity Zone. In our view this is another considerable failing, especially considering that the field paddock is included in the landscaping scheme.

## **2. Evidence of pre application tree clearance**

Pre-application tree clearance within the South Devon AONB is a blight on an area which should be protected. This Society has previously documented numerous cases and shared this information with SHDC planners, with little result. We genuinely wonder what the point is of the public, and even public authorities, carefully planting new trees to help combat climate change and the biodiversity crisis whilst there is an ongoing 'open season' on mature trees - particularly where they might block someone's building plans or uninterrupted view of the estuary. Salcombe is rife with examples of this.

## **The landscape change at Appleford is also stark and shocking, and that is not the only location where tree clearance is occurring along Bowcombe.**

The landscape at Bowcombe is slowly but surely being degraded by the removal of trees by property owners. This is happening both after and before planning applications are submitted. In the South Hams, and particularly within the AONB where property prices are often highest, uninterrupted views of the water are a desirable asset for individual homeowners, adding to the value of their homes. To avoid difficulties with future planning applications, owners simply cut the trees down. More often than not they get away with this; like us they know that the District Council is highly unlikely to take any action.

At Appleford the landscape has also been stripped of trees prior to this current application. In a previous planning application (ref. 28/0464/01/F for the erection of a garage/garden store at Appleford) the decision notice contained landscaping condition 4. The aim of this condition was specifically to protect existing trees and the hedgerow in front of the garage/workshop and towards Bowcombe Bridge, the small bridge at the head of the creek:

Despite this clear wording, trees alongside of the creek have been removed. These include a number of very large mature specimen trees (some kind of pine?) on the site where the proposed building and a new entrance to the road are to be constructed.

The above illustrates how landscaping, including trees, that was conditioned in perpetuity for a previous planning application at Appleford (ref. 28/0464/01/F) has been removed.

Below we call attention to the other adverse development harms which have taken place with planning permission along Bowcombe road.

## **The adverse visual impact of the proposed new property**

The Case Officer has referred to the newly adopted Supplementary Planning Document that supports the Joint Local Plan, as follows:

*'The now adopted SPD states that when considering the size of the replacement there will be two key elements taken into account when considering if the proposal represents a 'significant' change:*

- 1. Whether the proposal will result in a harmful landscape or visual impact, and,*
- 2. Whether the proposal changes the size of dwelling, by number of bedrooms, to such a degree that it fails to meet the household needs of the area'.*

Given the Grade 2 listed status of New Bridge, the first point is very important.

By using overlay, the following images show the real change in footprint planned.

The footprint is significantly different. The new building will be set forward, nearer to the road and the SSSI, and over to the right - where the mature trees used to be.

### **So what built form can we expect to see at this highly visible location in future?**

This design can only be described as ultra-modern. Is it suitable for this sensitive location? In terms of visual impact, it is clear that as the new building at Appleford shifts nearer the road and into the estuary and creek view (as illustrated by the overlay plans above), its visibility will substantially increase. **It will also be highly visible from the Charleton PRow.**

The South Hams Society believes that the proposed development introduces a new and inappropriate built form into this highly sensitive estuary setting. Sadly, we already know what oversized modern houses do to this setting – see Image X below. It will be another unwelcome intrusion into an already threatened location within the Undeveloped Coast.

We strongly believe that it will inevitably have significant adverse impacts on the natural beauty, special qualities, distinctive character, landscape and scenic beauty of the site.

### **Apparent discrepancy in the site plans**

We note that the site plan from a previous application (ref. 28/0468/14/F) does not agree with the current site plan ref. 3943/20/FUL. In particular the proposed drive is closer to the public road. We recommend that the planning department request sight of the title plan.

### **Summary**

In our view, the Bowcombe creek and New Bridge setting is uniquely rich and beautiful, for many it is one of their best loved places in the South Hams. Sloping hills meet the Kingsbridge Salcombe SSSI estuary on both sides of a long and historically noteworthy 'new' bridge. Locals and visitors come here to swim and boat. Those driving over the bridge enjoy stunning views across the water. This is the special setting which we can all enjoy as we take the main route east out of Kingsbridge through the villages to Dartmouth.

It is therefore all the more shocking that Bowcombe has not been protected from inappropriate development despite the Local Planning Authority's statutory duty to do so.

Viewed from all sides, the negative visual impact of recent developments is undeniable - the two previous demolitions and prominent new builds now dominate the setting. The previously unspoilt estuary scene has been irreparably damaged by these oversized buildings.

Worse the development of these individual homes has been facilitated by the cynical removal of trees. This is now happening again at Appelford.

The result is a shameful 'gain' for the few at the cost of a degraded landscape for the many. The South Hams Society has supplied these images in the hope that the evidence will lead to (a) refusal of this application and (b) investigation into how the mature trees were cut down.

In planning terms, we OBJECT to the proposed development because it:

- fails to conserve and enhance the natural beauty and special qualities of the South Devon AONB and heritage assets

- conflicts with the aims and objectives of policies DEV1, DEV2, DEV20, DEV21, DEV23, DEV24, DEV25, DEV26 & DEV28 of the 2019 Joint Local Plan. Also TTV26 and TTV29

- is contrary to the guidance contained within the National Planning Policy Framework including, but not limited to, paragraphs 170, 172, 173, 174, 175, 176, 177, 184, 185, 189, 190, 192, 193, 194, 195 and 196

- conflicts with SPT1, SPT11 and SPT12, and the Supplementary Planning Document, and

- is contrary to the South Devon AONB Management Plan including Policies Lan/P1, P2, P3, P4 and P5, Lan Man/P1, Mar/P1 and Plan/P2.

### **Representations from Internal Consultees:**

- Trees

The site is noted to have vegetation/hedges/trees/wooded groups of potential arboricultural significance to the application and as such detail is required in accordance with BS5837:2012 Trees in relation to Demolition, Design & Construction. The following level of detail is required to allow a balanced response and informed commentary on the arboricultural constraints posed by trees and significant vegetation masses etc. upon the application.

a. Baseline Tree Survey, Arboricultural Impact Assessment, Tree Protection Methodologies, Tree Constraints Plan, Site Monitoring Schedule  
Recommendation – Holding objection on Arboricultural merit prior to submission of supporting information and satisfactory review

- Drainage

The officer has no objections to the surface water drainage scheme and suggests a compliance condition be included.

- Landscape

Taken together, the cumulative effects of the issues raised above on published landscape character and on views in this part of the SD AONB are of great concern.

Officers would contest the opinion that the current building design will have a beneficial visual effect. Whilst elements of the wider, landscape design are acceptable, the photomontage visualisations, recently submitted, serve to emphasise those elements of the proposals that are incongruous in this setting, as the very strong horizontal lines of the new dwelling are clearly emphasised.

**Recommendation: Objection**

### **Representations from Statutory Consultees:**

**Environment Agency:** we have no comment to make. Our Flood Risk Standing Advice covers this one.

**Natural England:** No objection.

**Kingsbridge Parish Council:** *Object - Recommend Refusal on the following grounds:*

- *The proposed new access point to the site will lose public parking spaces along Bowcombe Road which are much valued by local residents (the current access is deemed to be satisfactory located on a bend in the highway where vehicles are unable to park).*
- *The proposals represent over development of the site which can be clearly viewed from the public footpath on the opposite side of the creek.*
- *The visual appearance of the proposals is incongruous in the countryside.*
- *The proposals do not protect the natural landscape and AONB.*

**DCC Highways:** No highways implications.

### **Relevant Planning History:**

Ref: 28/0468/14/F – Householder application for glazed extension – Conditional Approval – 20/02/2014.

Ref: 28/0464/01/F – Erection of garage/garden store – Conditional Approval – 19/03/2001.

Ref: 28/2013/99/F – Removal of condition (e) of permission 9/28/2538/89/3 for ancillary accommodation (use as separate unit) – Conditional Approval – 10/12/1999.

Ref: 28/2538/89/3 – Alteration and extension to provide ancillary accommodation – Conditional Approval – 8/12/1989.

Ref: 28/0048/88/1 – Three bedroomed bungalow – Refused – 8/12/1988.

Ref: 28/0255/87/3 – Extension kitchen/bedroom – Conditional Approval – 6/04/1987.

Ref: 28/1773/79/3 – Unknown – Conditional Approval – Date Unknown.

### **ANALYSIS:**

#### ***Principle / Sustainable Development:***



For the purposes of this assessment, the application site is considered to be sited outside of the main built –up area of Kingsbridge, and this is confirmed by the site’s location within the Undeveloped Coast and South Devon AONB. In addition, it is noted that no neighbourhood plan confirms an adopted development boundary for the area.

The application site is located near to other, existing and approved residential dwellings and built form. As such, it is not considered that the proposal would constitute isolated development and the Braintree Ruling has been considered in arriving at this decision.

With regard to JLP Policy DEV24, the proposed replacement dwelling is considered to require this coastal location and cannot reasonably be located outside of it. As such, the proposal accords with JLP Policy DEV24, in principle.

The starting point for this application is therefore JLP Policy TTV29, which states:

***Residential extensions and replacement dwellings in the countryside***

*Proposals to extend or replace existing dwellings in the countryside will be permitted provided:*

- 1. The existing dwelling has a lawful use for permanent residential use and has not been abandoned.*
- 2. The size of the new replacement dwelling will not be significantly larger than the original house volume.*
- 3. The number of new dwellings is no more than the number of dwellings to be demolished and replaced.*
- 4. Any new replacement dwelling should be positioned on the footprint of the existing dwelling, unless on design, landscape, highway safety, residential amenity, or other environmental grounds a more appropriate location can be agreed.*
- 5. The extension is appropriate in scale and design in the context of the setting of the host dwelling.*

In response to TTV29, the existing dwelling has a lawful use as a permanent residential use and has not been abandoned. No information / evidence is before the council to suggest or demonstrate otherwise.

With regard to the size of the replacement dwelling, the existing floor plans confirm the following dimensions:

Existing Footprint (excluding outbuildings) = 243sqm  
Existing Gross Internal Area (GIA): (GF) = 224sqm + (FF) = 195sqm (total GIA) = 419sqm.  
Existing Ridge Level Height: 7.53m  
Existing Eaves Level Height: 5.3m

Proposed Footprint (excluding outbuildings) = 280sqm  
Proposed Gross Internal Area (GIA): (GF) = 252sqm + (FF) = 204sqm (total GIA) = 456 sqm.  
Proposed Ridge Level Height: 8m

No concerns are raised in respect of the size of the replacement dwelling both in terms of volume, GIA and footprint. The proposal would seek to excavate land so as to reduce the overall prominence of the main dwelling, resulting in a ridge level height of 8m which is an acceptable increase upon the existing 7.53m.

The number of dwellings shall remain as one and any external outbuildings shall be conditioned so as to be restricted to ancillary use only.

The siting of the proposal differs slightly to that of the existing location which has been proposed so as to reduce any issues concerning neighbouring amenity. No concerns are raised in this respect.

JLP Policy DEV8 is relevant in this instance, which states, amongst other things:

*“Meeting local housing need in the Thriving Towns and Villages Policy Area:*

*The LPAs will seek to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and create sustainable, inclusive and mixed communities. The following provisions will apply:*

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

*i. Homes that redress an imbalance within the existing housing stock.*

*ii. Housing suitable for households with specific need.*

*iii. Dwellings most suited to younger people, working families”.*

The existing dwelling provides for 6no. bedrooms and the replacement dwelling would provide for 5no. bedrooms.

The housing market data for the parish of Kingsbridge confirms that the proposed replacement dwelling (5no. bedroomed, detached dwelling) dwelling would be acceptable.

As such, the proposal accords with JLP Policy DEV8.

In the event of permission it is appropriate that permitted development rights be removed to ensure that the size of the dwelling does not materially alter the size of the dwelling once it has been completed.

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.

A suitable condition should be attached to any planning permission granted requiring the submission of a low-carbon development plan.

As such, subject to conditions, the proposal accords with JLP Policies TTV1, TTV2, SPT1, SPT2, DEV8, DEV24 and TTV29.

### ***Design, Visual Impacts, the South Devon AONB and the Undeveloped Coast:***

The application proposes the following works:

- 1. Proposed relocated vehicle access drive*
- 2. Proposed parking area comprised of grass rich parking medium surrounded by green planted banks*
- 3. Proposed garage & games room / home office building positioned close to north boundary hedge*
- 4. Existing Devon bank improved, non-native species removed, and bank extended over previous vehicle access drive*
- 6. Native trees and orchard planting*
- 7. Drainage field within meadow gardens to provide new sustainable drainage system*
- 8. Meadow managed for native wild meadow grasses and seasonal meadow flowers*
- 9. Native woodland understory with spring bulbs and wild meadow grasses*
- 10. Existing garden building to remain*
- 11. West boundary hedge reinstated with a mix of native hedge species.*

The application site is particularly sensitive given its inclusion within the South Devon AONB, the Undeveloped Coast and SWD Landscape Character Area(s). The site is in close proximity to Bowcombe Creek and the New Bridge with views to and from the site from a wide range of vantage points.

It is noted that the existing dwelling includes distinct features including large glazed extensions and balconies to front and side and the roof houses a large number of rooflights, photo-voltaic and solar thermal panels. A number of outbuildings are also present within the site which includes a detached garage with games room at first floor level to the north of the dwelling. A number of other smaller outbuildings exist across the site.

The proposed replacement dwelling would consist of a predominantly contemporary design with modular sections and flat roofs in an L-shaped layout. The proposal has also sought to mitigate its overall prominence and appearance within the landscape by using a low flat roof design to nestle the dwelling down into the site. The visual appraisal included in the Design

and Access Statement accompanying the proposal has selected views but it is noted that none are verified and therefore there is no datum to confirm accuracy,

The proposed development would introduce large glazed reflective surfaces particularly in the southern and eastern elevations and a significant increase in artificial light pollution and would result in increased visual prominence of the site in this sensitive countryside location in the AONB and Landscape Character Area. Timber screening is proposed but it has not been demonstrated how this or roof overhangs might reduce lightspill.

The proposal also includes the erection of a replacement garage / workshop / games room.

The accompanying plans state:

*“Existing garage / games room & outbuildings have a cumulative floor area of 160sqm. Proposed garage / games room / home office building has a floor area of 170sqm.*

*Existing garage and ancillary buildings are scattered across the entire site creating significant visual impact, and are of a messy range of materials, construction styles and varying quality.*

*Proposed garage building is a simple barn-like structure, familiar within the landscape, tucked close to the tall north boundary hedge; A single volume set back into the hill to minimise visual impact, reduce visible form and declutter the site”.*

No concerns are raised in respect of the proposed garage / workshop / games room which, should planning permission be granted, should be tied to the proposed replacement dwelling in perpetuity and its use restricted so as to be ancillary to the dwelling it serves.

In light of the above the proposal does not accord with JLP Policies DEV10, DEV20, DEV23, DEV24 and DEV25.

### ***The Historic Environment:***

The application site is located approximately 200m south east of the Grade II Listed Building, High House (Farmhouse Overlooking Bowcombe Creek) and north of the New Bridge (also Grade II).

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF including paragraphs; 189,190, 193, 195, 196 & 197 The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: *The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3.*

It is considered that the potential impacts of the development on the surrounding identified historic built environment are minimal.

The proposed works / landscaping coupled with the resultant palette of colours, materials, finishes (subject to compliance with conditions) and 200m plus separation distance would not

likely give rise to any significant, detrimental effects on the setting and / or significance of the aforementioned heritage assets.

As such, the proposal is considered to accord with JLP Policy DEV21 and NPPF paragraph 195.

### ***Neighbouring Amenity:***

The proposed 5no. bedroom property would constitute a 5Bed, 10Person dwelling and would require a minimum of 128sqm GIA which the proposal comfortably provides for. The proposal would also provide for a suitable amount of external garden amenity space.

The proposed replacement dwelling would be sited in excess of 21m away from the nearest neighbouring property to the south.

The application site and the nearest property to the south are separated by existing and well established trees / hedges along with some topographical change which ensures direct vies into the rear amenity space of said property are limited.

No concerns are raised in respect of any likely amenity impacts in terms of any overlooking and / or loss or privacy of the occupants of said property. No other existing dwellings within the immediate vicinity are noted as likely to be impacted as a result of the proposed replacement dwelling.

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

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

### ***Drainage / Flooding:***

The application site is not located within a Flood Risk Zone as identified by the Environment Agency, nor is it located within a Critical Drainage Area.

The application site is sufficiently sized so as to provide for a soakaway. No other concerns are raised in respect of site specific circumstances or the proposal's response to drainage guidance in providing for an in principle drainage scheme.

A suitable condition should be attached to any planning permission granted for the submission of surface water drainage details.

The proposal will also require a Package Treatment Plant for the handling of foul drainage. A suitable condition shall be attached to any planning permission requiring further details to be submitted.

As such, subject to conditions, the proposal accords with JLP Policy DEV35.

### ***Highways Access:***

The existing situation utilises an access / egress from the south of the site at Embankment Road. The applicant seeks to utilise this access during the construction phase, yet during operation, the access is proposed to be re-sited to the north of the application site.

The proposal would therefore require the construction of a new opening along the existing bank and Embankment Road.

It is noted that the parish council in its response to the public consultation exercise purports that the proposal would result in the loss of public car parking spaces along Bowcombe Road.

The only public car parking provision identified within the immediate vicinity is that within the lay-by sited further to the north of the application site along Embankment Road which provides for approximately 2 to 3 no. car parking spaces and seating. It has been confirmed with the applicant that the lay-by and parking provision will not be interrupted.

The proposed access would likely improve highway safety for vehicles entering and existing the application site, allowing for improved visibility splays in both directions. Suitable conditions shall be attached to any planning permission granted so as to confirm the proposed access would provide sufficient visibility splays and generally accord with DCC Highways Standing Advice.

As such, subject to conditions, the proposal accords with JLP Policy DEV29.

#### ***Ecology / Biodiversity:***

The application is accompanied by an Ecology Report which concludes on the basis that the works would likely result in a net gain. A suitable condition shall be attached to any planning permission granted so as to ensure the findings, recommendations and conclusions of said report are implemented timeously.

As such, subject to conditions, the proposal accords with JLP Policy DEV26.

#### ***Trees:***

Objectors have commented about the loss of existing trees. However this was in respect of a previous planning permission rather than the current proposal. This is clearly regrettable. However, were permission to be granted an appropriate landscaping condition should be imposed.

#### ***Waste / Recycling:***

No concerns are raised in respect of the proposal's ability to provide suitable storage facilities for waste and / or recycling bins and the proposal is a suitable distance from the highway so as to allow for convenient collection / drop-off.

As such, the proposal accords with JLP Policy DEV31.

***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).*

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV26 Development in the Countryside  
TTV29 Residential extensions and replacement dwellings in the countryside  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV35 Managing flood risk and Water Quality Impacts.

**Neighbourhood Plan: The Kingsbridge, West Alvington and Churchstowe Neighbourhood Plan – Reg 5, 5a, 6 and 7:** All that is indicated at this stage is that it is the intention of a community to prepare a plan – there is unlikely to be any content to take into consideration and detailed proposals are unlikely to have been widely consulted on or endorsed by the community. No weight can be given to the NP at this stage.

The SWD Landscape Character Area – Chapter 3.

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

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

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

**Name and signature:**

**Date:**

**Ward Member -**

Date cleared -

Comments made -

**Ward Member –**

Date cleared

Comments made -