

## PLANNING APPLICATION REPORT – Householder Developments

**Case Officer:** Victoria Hancock

**Parish:** East Portlemouth

**Application No:** 2254/22/HHO

**Agent:**

Ms Valentina Gonzalez - Spratley & Partners  
7 Centenary Business Park  
Station Road  
Henley-On-Thames  
RG9 1DS

**Applicant:**

Mr & Mrs Bradley & Tracey Worsfold  
Waterside  
Mill Bay Road  
East Portlemouth  
TQ8 8PU

**Site Address:** Waterside, East Portlemouth, TQ8 8PU

**Development:** Householder application for proposed single storey side extension in place of existing lean to volume & two storey rear extension , enlarge parking area to accommodate one additional parking space & extension to guest annexe, alterations to fenestration, proposed solar panels to roof, proposed landscaping & new swimming pool

### **Recommendation: Conditional Approval**

**Conditions**

Standard time limit

Adherence to plans

Natural stone

Natural slate

Adherence to ecological mitigation to be discharged

Vegetation Clearance

To be used ancillary to main house only

Construction and Environmental Management Plan to be discharged

Ancillary use

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### **Consultations:**

- County Highways Authority: **No highways implications**
- Environmental Health Section - **No EH concerns**
- Town/Parish Council: **Support:**

It appears to be a good proposal and has taken into account the pre-planning advice. it is also refreshing to see an application asking for all requirements upfront rather than enter into application amendment 'creep' at a later date.

The Council do have the usual concerns regarding the weak road and construction traffic, and would expect a development management plan to be in place prior to any works commencing.

- DCC Ecology: **No objection**  
(see full response below)
- Natural England: **No objection – subject to appropriate mitigation**  
(See full response below)
- AONB : **No objection**  
(see full response below)

## **PUBLIC CONSULTATIONS**

### **Representations:**

#### **Representations from Residents**

Comments have been received and cover the following points:

One objection comment has been received by the south hams society which covers the following points:

- The sewerage treatment plant does not conform with rule 8 of the general binding rules
- Concern over outlet pipe on the beach shoreline
- Concern regarding impact to the AONB
- The removal of trees is contrary to DEV28 and will increase the built form
- Overdevelopment
- Endorse and support the pre app response
- Conflicts with DEV23, DEV25 and SPT13 requiring the proposal to conserve and enhance the landscape.
- Scheme does not comply with DEV20 – extensions to the property will result in shrinkage of the green gap.

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

##### **Drainage**

31/08/2022- Based on the information provided we would **support** the current proposal with the addition of a condition to ensure the works accord to the drainage scheme.

##### **Tree Specialist**

22/09/22- **Suitable for approval on Arboricultural merit**

Additional/ revised Documents reviewed

-Arboricultural Impact Assessment: TC220709-AIA-09.2022 17th September 2022

-Tree Constraints Plan: TC220709-TS.TCP-P1 September 2022

-Tree Protection Plan: TC220709-TPP-P2 September 2022

Upon review of the noted documents I can advise as follows:

-Agreement is found with the assessment of tree quality and proposed protection methodologies for those trees of merit.

02/08/2022 – **Holding Objection on Arboricultural merit for the following reasons**

1. It is considered the application is contrary to Policy Dev 28 of the

## **Representations from Statutory Consultees**

### **AONB –Estuaries Officer**

07/11/2022 – **Objection lifted**

*Officer note: Objection lifted in response to the updated drainage plan which will be discussed in further detail within the analysis.*

26/08/2022- **Holding Objection- requires further detail of information.**

Response:

I am very concerned about the drainage proposals, both the Sustainable Drainage Scheme and the waste water proposals and their potential impact upon the Salcombe to Kingsbridge Estuary marine SSSI, its protected features and the amenity value of the beach and local bathing waters.

As the application stands, there is no detail that allows the LPA to make an informed decision about how the local water quality might be affected and thereby the local environmental interests and amenity of the beach.

The Salcombe to Kingsbridge Estuary mSSSI supports several seagrass meadows, a Feature of Interest cited within the SSSI designation, one of which lies about 50m from the proposed outfall point. The seagrass meadows along this stretch of shore are in a relatively poor condition, impacted by a variety of impacts, one of which may be caused by nutrient enrichment of the waters. I would suggest that the application should be able to demonstrate a net gain in water quality to ensure a net gain in the conservation and enhancement of the local natural beauty - the seagrass and associated community of seagrass meadow species.

The East Portlemouth foreshore also supports what is believed to be a highly unusual ecosystem supporting a community of bivalve molluscs (clams) that form a commensal symbiotic relationship with bacteria living within their gills. [The bacteria thrive on hydrogen sulphide liberated within anoxic conditions that are presumably found within the deeper sediment of the foreshore here. These conditions are normally only found in deep (100m+) offshore seabed sediments and one known site (personal communications ca. 2005) along the Dutch coast.] We do not know how the input of further nutrients at this point might or could affect this community.

The East Portlemouth shore is an important local amenity beach – we would assume (LPA should check this?) that the proposed outfall effluent is tertiary treated to control all microbiological inputs but it would be unusual that such tertiary treatment systems would also remove the nutrients. No indication is given what impact this might have on the amenity of the beach or local bathing waters.

It would be normal to propose that the treated effluent outfall be placed to drain beyond low water but in this instance, this would require the burial of a new outfall pipe below the foreshore – which unless deep ‘moled’ would have another potential disturbance impact upon the seagrass meadows at least and would require a separate Marine License application.

There is also a question of what impact the presumably significant quantity of swimming pool treatment chemicals may have on the workings of the treatment plant, and whether the chemicals are removed by the treatment plant and what impact they or their breakdown

products may have on the foreshore marine communities.

Whilst it is obviously acknowledged that clean rainwater runoff would be expected to run down from any local site into the estuary, little imagination appears to have been given to being creative within the Sustainable Drainage System report to how the rainwater could be used constructively? I question the impact of draining the whole sites rainwater at one point onto the top of the shore and whether this might even cause some erosion of the foreshore from the outfall following a cloud burst. Suggest there might be some level of site ground inundation, some attenuation pond(s), or the like?

#### Other considerations

Long-eared bats have been reported as having roosted historically within the existing buildings – brown long-eared bats can be notorious for their unfaithful use of roosts, so I would suggest that all suitable access points are conserved, a ‘treed’ link between the East Portlemouth woods and the properties is conserved and the breathable under tile lining should be specified as bat ‘friendly’ (not of a fibre that shreds and can entrap unwary bats).

The CEMP should also contain the following details:

- Contrary to the details suggested, the CEMP should contain details of future use and maintenance of the site and buildings, including site/security lighting – in particular in relation to the estuary tidal waters and shore
- Access of construction vehicles and plant if required at any point onto the foreshore
  - consideration of breakdowns & oil leaks
  - required use of bio-degradable hydraulic oil where relevant
  - availability of appropriate pollution spill kits and training in their use
- Site runoff, care of cement washings, excavations, building waste, etc.
- Site lighting and prevention of light spill over the foreshore

#### **Natural England- Lead Advisor**

16/11/2022- **No objection - subject to appropriate mitigation**

We consider that this application could:

- damage or destroy the interest features for which Salcombe to Kingsbridge Estuary Site of Special Scientific Interest has been notified.

In order to mitigate adverse effects and make the development acceptable, the following Mitigation measure and further information is required:

- A Construction Environmental Management Plan (CEMP)

*Officer note: Objection lifted in response to the updated drainage plan which will be discussed in further detail within the analysis.*

07/10/2022- **Further information required to determine impacts on designated site**

We consider that this application could:

- damage or destroy the interest features for which Salcombe to Kingsbridge Estuary Site of Special Scientific Interest has been notified.

In order to mitigate adverse effects and make the development acceptable, the following mitigation measure and further information is required:

- A Construction Environmental Management Plan (CEMP)
- Measures to manage water quality impacts

### **DCC Ecology**

25/11/2022 No objection

Response: Given the change in foul water drainage associated with the scheme, and as long as a CEMP is conditioned which includes details of pollution control during construction, then my previous objections to this application have been addressed and I have no further comments.

### **15/08/2022 – Further information prior to determination**

Response Within the Drainage Statement, an alternative option is mentioned for Foul Water Drainage: An alternative option, if required, is to pump the foul water up to the entrance of the site and have a gravity fed connection into SWW's combined sewer. This option will be subject to agreement with SWW.

An assessment of the suitability of this drainage option is required by the consultant ecologist, in terms of impacts upon the SSSI.

Clarification/justification is then required as to the reasons why this option for foul water drainage is not being implemented. This option does not appear to lead to the direct drainage of effluent into the SSSI, unlike the drainage option proposed.

### **Relevant Planning History**

20/1477/95/3	Alterations, extensions and improvements,	Conditional Approval	07/11/1995
20/1679/96/3	Infill of area under car park deck to provide residential area,	Conditional Approval	11/12/1996
20/2164/09/F	Householder application for erection of garden store and tool shed	Conditional Approval	21/01/2010

<b>Design</b>	<b>YES OR NO</b>
Would the proposal maintain the character and qualities of the area in which it is proposed?	Yes
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	Yes

Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	Yes
Would the proposal leave adequate garden area and green space to prevent the proposal appearing as an overdevelopment of the site?	Yes
Is the parking and turning provision on site acceptable?	Yes
Would the proposal generally appear to be secondary or subservient to the main building?	Yes

<b>Amenity</b>	<b>YES OR NO</b>
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Yes
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

<b>Heritage</b>	<b>YES OR NO</b>
If sited within a Conservation Area, would the proposal preserve or enhance the character and appearance of the Conservation Area?	N/A
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	N/A
(WD only ) If sited within the World Heritage Site will the development affect the outstanding universal value of the designated area?	N/A
<b>Other Impacts</b> Does the proposal comply with DCC Highways standing advice such that it does not adversely affect highway safety?	Yes
Is the relationship with the PRoW acceptable?	N/A
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	Yes
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Yes
If the proposal within the AONB. Is the impact acceptable upon the special qualities of the AONB?	Yes
Are the drainage details acceptable?	Yes
If sited within a Flood Zone 2 or 3 or Critical Drainage Area is the application accompanied by an acceptable Flood Risk Assessment?	Yes

The following **analysis** is given where the answer to any of the preceding questions is **no** or there are comments from any party or consultee.

A pre application was carried out prior to submitting the current proposal which received **partial support** by officers and several conclusions were drawn:

- Replacement studio would not be supported due to the orientation
- The single storey annex extension would be acceptable providing it is sympathetic and would be used as ancillary.
- Two storey rear extension to the rear will not supported due to the flat roof, projection above the ridge, materials palette and awkward balcony.
- Kitchen extension- question the appropriateness of metal roof, roof to floor glazing, however the principle acceptable.
- Swimming pool – Officers were considered that the addition of a swimming pool on top of all the other elements would shrink the green gap.

Revisions within application:

Landscape plan Rev A has reduced the area of hard landscape by 22m<sup>2</sup> which results in an approximate reduction of 10%. Several rain gardens have also been introduced as per the changed drainage strategy.

Pl.102 – rev B revised to include air source heat pump and EV charging and some drainage detail regarding surface water outlet pipes.

16646-500-E Proposed drainage strategy has been revised

Design, Layout and Landscape

Waterside is located within an extremely prominent nationally protected location, situated immediately above the Salcombe to Kingsbridge estuary, host to protected habitats within the marine SSSI. The site lies within the South Devon Area of Outstanding beauty, which national planning policy affords the highest level of protection to conserve and enhance the areas landscape and scenic beauty. The site also lies within the undeveloped coast and heritage coast.

Side extension: The square extension to the north east side of the main dwelling is deemed acceptable by officers. The extension would be considered subservient in that it sits lower than the host dwelling and it is also set back from the north elevation. The design is contemporary and would therefore allow the side extension to be read as a later addition to the main dwelling. The proposed extension will replace and upgrade the former extension and will be linked to the main dwelling by a link.

At the pre application stage reference was made to the level of glazing and officers recommended reducing the amount. The current proposals by comparison see a reduced level of glazing; the corner, floor to ceiling glazed area has removed a large pane, and the roof light has halved in size.

The roof will be natural slate as opposed to metal which was challenged by officers at the pre application stage, therefore the extension does not introduce any new materials to the existing materials palette.

Rear extension: The ridge height of the rear extension is set down from the ridge height of the main dwelling and it is also set back from the rear of the already existing extension and the north east side of the main host dwelling. The Pre application suggestions have been implemented within the current scheme as the flat roof and balcony have been removed the ridge lowered below the main host dwellings ridge and the materials changed. Therefore the rear extension can now be considered acceptable.

Guest annex and increased parking: Officers don't consider the increased car parking space will fundamentally change the character of the lane. The pre application response from officers advised mitigating the impact by introducing a natural stone wall, Officers are pleased to see that this advice has been taken on board. The scheme also includes an EV charging point, overall officers consider this to be acceptable.

Swimming pool and landscaping: The pre application response concluded the cumulative impact of the swimming pool in addition to all the other extensions and alterations may be considered too much. Officers at the pre application stage were concerned regarding the shrinkage of the gap to the eastern side of the plot.

The current proposal has listened to comments from officers at the pre application stage, and the studio in the rear corner to the eastern side of the plot is to remain as existing. This has therefore alleviated some pressure on the level of development and in particular the green area to the eastern boundary.

Officers consider the proposed 1.6m hedge forward of the swimming pool to be appropriate in reducing the visibility to the wider protected landscape. The area of shrubs and planting forwards of the swimming pool will remain as existing with the addition of four new trees around the perimeter of the pool.

During the scheme revised plans were accepted which have reduced the level of hardstanding by approximately 10%. Officers therefore deem the addition of a swimming pool acceptable.

Waterside is a considerably sized residential plot and whilst there is a sizable amount of development being proposed officers consider this to be acceptable in relation to the overall size of the plot and would not consider the proposal to be overdevelopment. It is clear Pre application advice has been listened to, and throughout the application the agent has worked hard to overcome and resolve any issues that have occurred throughout the life of the application. Overall officers consider the scheme to be acceptable with regards to DEV10.

#### South Devon AONB (DEV 25)

Policy DEV25 requires that proposals "conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes". The proposal meets the first policy test, in that the design and palette of materials have a neutral impact on the AONB itself, thereby conserving the natural beauty of the AONB. While it does not offer enhancement, given the current condition of the site, including the presence of an existing residential dwelling, the proposal is considered acceptable with regard to the provisions of DEV25 as such, this aspect does not constitute a substantive reason for refusal



### Undeveloped and Heritage Coast:

The site is also located within the Undeveloped Coast and Heritage Coast

Policy DEV24 sets out that development will only be permitted in the Undeveloped Coast where the development:

1. Can demonstrate that it requires a coastal location.
2. It cannot reasonably be located outside the Undeveloped Coast.
3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.
4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.
5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.

On the basis the proposal relates to a householder development within an existing residential plot this particular development cannot be reasonably located outside the Undeveloped Coast the scheme is also considered consistent with Heritage Coast objectives and is therefore considered acceptable with regard to the provisions of DEV24.

### Drainage

There were large concerns from officers and consultees regarding the risk to the SSSI by discharging the outfall from the sewerage treatment plant into the estuary, however a revised drainage scheme has since been accepted to resolve these issues.

The foul drainage will now be discharged into south west waters sewerage system, the revised drainage proposals are therefore not just an improvement on the previous drainage proposal but an improvement to the existing drainage. This allows the scheme to offer an enhancement, completely reducing pollution caused from foul drainage, which would have affected the SSSI protected estuary and its habitats including sea grass beds.

The surface water drainage although, supported by the internal drainage officers previously faced scrutiny from consultees regarding the SSSI. To resolve the issues the new drainage scheme includes two outfall pipes which will allow the sites surface water to be dispersed over a larger area. As per comments from the Estuaries officer these outfall pipes will be hidden within the rocks, not visible from the estuary. Rain gardens have also been introduced to the site as well as reducing the level of hard standing by 10%. Officers consider the drainage scheme offers an enhancement to the property.

### Carbon Reduction (DEV32)

The scheme offers a sizable uplift with regards to carbon reduction benefits. The existing property is heated via an oil fired system which is to be replaced with an air source heat pump, reducing the reliance on fossil fuels. 12 Solar panels are to be added to both the south and west elevations to generate a renewable form electricity for the property, with the addition of a battery to allow the generated electricity to be stored.

An EV charging point is to be added to the parking area and the swimming pool will be heated by a ground source heat pump. The scheme is therefore considered to produce a considerable uplift by reducing its reliance on fossil fuels and would support policy DEV32.

#### Trees:

A Tree assessment and protection plan has been provided and agreed by the council's tree specialist, the scheme is therefore considered acceptable with regards to DEV28.

#### Ecology:

The ecology Appraisal provided within the submission found evidence of use by bats in the form of bat droppings within both the main house and the annex. Further investigation of which involved two bat emergence/ re-entry surveys were carried out, however no bats were detected. The appraisal concluded the proposals are not likely to have any impact upon roosting bats, the bat droppings found are likely an indication bats have previously roosted within the structures. However the proposals will result in a direct loss of small areas of habitat which has a limited value for foraging and commuting bats, however as this is a low quality habitat, no significant impacts on this group of a species is anticipated. Nevertheless mitigation methods have been outlined within the appraisal and will be secured by a condition which will need to be discharged in writing by an ecologist. The mitigation methods to be included can be seen below:

- A Construction Environmental management plan (CEMP) incorporating details of measures to be implemented during construction to protect habitats within Salcombe to Kingsbridge estuary SSSI.
- Works to the main house and annex should be preceded by an internal inspection by a licenced bat ecologist to ensure no fresh evidence of bat presence has become evident.
- X2 integrated or standalone bat boxes (see page 33 of Ecology appraisal for specifics)
- X2 nesting features for birds( see page 33 of Ecology appraisal for specifics)
- No external lighting
- The report highlighted whilst the loss of shrubs/ trees is not considered significant to breeding birds the clearance of shrubs and the works to the roof of the main house should be done so outside of the main nesting bird season (March to September), should this not be possible an ecologist should be present to check for any nests prior to works commencing. Should a nest be discovered an appropriate buffer zone will need to be implemented around the nest and works should only proceed once it has been determined by an ecologist the young have fledged.
- Invertebrate friendly shrub and flower planting
- Species rich amenity grassland

#### Conclusion

Whilst the scheme does introduce fairly large levels of development, this is considered acceptable in relation to the size of the plot. The scheme offers a demonstrable uplift with regards to the dwellings reduced reliance on carbon. The scheme also offers an enhancement to the SSSI estuary and its habitats, by discharging the foul drainage to south west water as opposed to a sewerage treatment plan followed by the estuary as is it currently. The landscaping design has removed the visual impact of the pool. The design and materials of the extensions have been done so to reflect the character of the existing dwelling

and are considered acceptable. Therefore officers consider the scheme to be acceptable and recommend 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).

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  
TTV25 Development in the Sustainable Villages  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV20 Place shaping and the quality of the built 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  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

## **Neighbourhood Plan**

A Neighbourhood Plan is currently under preparation for the Parish of Saltstone but it has not yet reached a stage where it can be considered material to the decision making process.

Other material considerations include the policies of 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 AONB Management Plan (2019-2024)**

**The Plymouth and South West Devon Supplementary Planning Document (SPD) 2020**

**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 officer's report. As Determining Officer I hereby clear this report and the decision can now be issued.**

**Name and signature: V Hancock**

**Date: 29/11/2022**

**Officer/Member Delegated approval**

**Ward Member - Cllr Julian Brazil**

Date cleared - 30/11/2022

Comments made - Happy to delegate