

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 28th September, 2016</b>										
<b>Time:</b>	<b>10.30 am</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer <b>Vice Chairman</b> Cllr Foss</p> <p><i>Members:</i></p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td>Cllr Bramble</td> <td>Cllr Hodgson</td> </tr> <tr> <td>Cllr Brazil</td> <td>Cllr Holway</td> </tr> <tr> <td>Cllr Cane</td> <td>Cllr Pearce</td> </tr> <tr> <td>Cllr Cuthbert</td> <td>Cllr Rowe</td> </tr> <tr> <td>Cllr Hitchins</td> <td>Cllr Vint</td> </tr> </table>	Cllr Bramble	Cllr Hodgson	Cllr Brazil	Cllr Holway	Cllr Cane	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Cane	Cllr Pearce										
Cllr Cuthbert	Cllr Rowe										
Cllr Hitchins	Cllr Vint										
<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.										
<b>Committee administrator:</b>	Kathy Trant Senior Case Manager 01803 861185										

**1. Minutes**

**1 - 6**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 7 September 2016;

**2. Urgent Business**

Brought forward at the discretion of the Chairman;

**3. Division of Agenda**

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

**4. Declarations of Interest**

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

**5. Public Participation**

The Chairman to advise the Committee on any requests received from members of the public to address the meeting;

**6. Planning Applications**

**(a) 0816/16/HHO**

**7 - 12**

Householder application for proposed replacement summerhouse set within main private upper garden, single storey garden outbuilding set against stone retain wall backdrop

The Grange, Cliff Road, Salcombe

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=160871>

**(b) 2826/15/FUL**

**13 - 46**

Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4\* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking

Tides Reach Hotel, Cliff Road, Salcombe

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=150266>

**(Upon the conclusion of the above agenda items, the meeting will be adjourned and re-convened at 2.00pm)**

**(c) 1618/16/VAR**

**47 - 54**

Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1

Ferris Builders Yard (Plot1), Bay View Estate, Stoke Fleming

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161672>

**(d) 1570/16/FUL - 1573/16/FUL & 1575/16/FUL-1577/16/FUL**

**55 - 66**

Erection of agricultural livestock buildings  
Woolston Farm, Lane to Woolston Farm, Loddiswell

For Letters of Representation and further supplementary information select the following links:

1570/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161624>

1571/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161625>

1572/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161626>

1573/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161627>

1575/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161629>

1576/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161630>

1577/16/FUL:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161631>

**(e) 1953/16/HHO**

**67 - 72**

Householder application for rear extension

Coombe Cottage, Bridge Road, Kingswear

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=162007>

**(f) 1251/16/FUL**

**73 - 82**

Use of land for 4no. holiday lodges and retention of shepherd hut with associated parking and patio areas

Marldon Christmas Tree Farm, Marldon

For Letters of Representation and further supplementary information select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=161305>

**(g) 1957/16/FUL**

**83 - 86**

Additional ball stop fence to top of existing fence between existing multi use games area and existing tennis court

Borough Park, Borough Park Road, Totnes

For Letters of Representation and further supplementary information  
select the following link:

<http://www.southhams.gov.uk/planningdetails?RefType=APPPlanCase&KeyNo=0&KeyText=162011>

**7. Planning Appeals Update**

**87 - 88**

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**MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY,  
7 SEPTEMBER 2016**

<b>Members in attendance</b>			
* Denotes attendance			
∅ Denotes apology for absence			
*	Cllr I Bramble	∅	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr B F Cane	*	Cllr J A Pearce
∅	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
*	Cllr P W Hitchins	*	Cllr R J Vint

**Other Members in attendance:**

Cllrs Birch, Saltern, Tucker, Ward and Wright

**Officers in attendance and participating:**

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Specialists, Solicitor and Senior Case Manager Strategy and Commissioning

**DM.22/16 MINUTES**

The minutes of the meeting of the Committee held on 3 August 2016 were confirmed as a correct record and signed by the Chairman.

**DM.23/16 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered and the following were made:

Cllr Brazil declared a disclosable pecuniary interest in application **1971/16/FUL**: Erection of 74 dwellings, including all associated public open space, landscaping and all other associated external works (resubmission of 27/1859/15/F) – Proposed development site at SX 6203 5630, Woodland Road, Ivybridge, by virtue of comments he made at the site inspection for application 27/1859/15/F. He left the room for the duration of the debate and discussion on this item;

Cllr Vint declared a personal interest in application **1618/16/VAR**: Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1 – Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming, by virtue of knowing the registered supporter. He remained in the meeting for the duration of this item and took part in the debate and vote thereon.

DM.24/16 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public who had registered their wish to speak at the meeting had been circulated.

DM.25/16 **PLANNING APPLICATIONS**

The Committee considered the details of the planning applications prepared by the Planning Case Officers as presented in the agenda papers, and considered also the comments of Town and Parish Councils together with other representations received, which were listed within the presented agenda reports, and **RESOLVED** that:

**1971/16/FUL Proposed development site at SX 6203 563,  
Woodland Road, Ivybridge**

**Parish: Ivybridge West**

**Erection of 74 dwellings, including all associated public open space, landscaping and all other associated external works (resubmission of 27/1859/15/F)**

Case Officer Update: N/A

Speakers included: Objector – Mr Stephen Pitcher: Supporter – Mr Andy West: Town Council representative – Cllr Ann Laity: Local Ward Member – Cllr Saltern

**Recommendation: That authority be delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Development Management Committee to approve subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement**

**Committee Decision: That authority be delegated to the COP Lead Development Management in consultation with the Chairman and Vice Chairman of Development Management Committee to approve subject to the conditions listed and the prior satisfactory completion of a Section 106 Agreement within 12 weeks, or the application will come back before the Committee**

**Conditions:**

1. Commencement within 3 years;
2. Accord with Plans, Drawings and FRA;
3. Unsuspected Contamination;
4. On-site / off-site highway works in accordance with plans / drawings;
5. Construction Management Plan;



6. Surface water drainage layout and details to be approved prior to commencement of development and completed prior to occupation;
7. Adherence to the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Methodology Statements;
8. Lighting Strategy to be submitted and approved prior to the commencement of development and adhered to;
9. Archaeological investigation and reporting;
10. Security Plan;
11. Landscape and Ecological Management Plan to be submitted and approved prior to commencement of development and adhered to; and
12. Adherence to measures within Ecological Appraisal, and Bat Activity Survey Report.

**0816/16/HHO            The Grange, Cliff Road, Salcombe**

**Parish: Salcombe**

**Householder application for proposed replacement summerhouse set within main private upper garden, single storey garden outbuilding set against stone retain wall backdrop**

Case Officer Update: N/A

Speakers included: Supporter – Mr Richard Atkinson: Local Ward Members – Cllrs Pearce and Wright

**Recommendation: Conditional Approval**

**Committee Decision: Site Inspection**

**1618/16/VAR            Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming**

**Parish: Stoke Fleming**

**Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1**

Case Officer Update: N/A

Speakers included: Objector – Mrs Jill Wallis: Supporter – Mrs Jean Harrop: Parish Council Representative – Cllr Hazel Smith: local ward Member (statement read on behalf of) – Cllr Michael Hicks

**Recommendation: Conditional Approval**

**Committee Decision: Site Inspection**

DM.26/16 **PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report and the COP Lead Development Management responded to questions and provided more detail where requested.

(Meeting commenced at 2.00 pm and concluded at 4.30 pm)

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Chairman

## Voting Analysis for Planning Applications – DM Committee 7 September 2016

Application No:	Site Address	Vote	Councillors who Voted Yes	Councillors who Voted No	Councillors who Voted Abstain	Absent
1971/16/FUL	Proposed Development site at SX 6203 563, Woodland Road, Ivybridge	Conditional Approval	Cllrs Bramble, Cane, Holway, Hitchins, Foss, Rowe and Steer (7)	None	CllrBrazil by virtue of declaring a DPI (1) and Cllrs Pearce and Vint (2)	Cllrs Cuthbert and Hodgson (2)
0816/16/HHO	The Grange, Cliff Road, Salcombe	Site Inspection	Cllrs Pearce, Brazil, Cane, Steer, Holway, Foss, Hitchins and Rowe (8)	Cllrs Bramble and Vint (2)	None	Cllrs Cuthbert and Hodgson (2)
1518/16/VAR	Ferris Builders Yard (Plot 1), Bay View Estate, Stoke Fleming	Site Inspection	Cllrs Bramble, Brazil, Cane, Holway, Rowe, Steer, Foss, Pearce, Hitchins and Vint (10)	None	None	Cllrs Cuthbert and Hodgson (2)

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## PLANNING APPLICATION REPORT

**Case Officer:** Matthew Jones

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

**Application No:** 0816/16/HHO

**Agent/Applicant:**

Mr Richard Atkinson  
5 Acre Place  
Plymouth  
Devon  
PL1 4QP

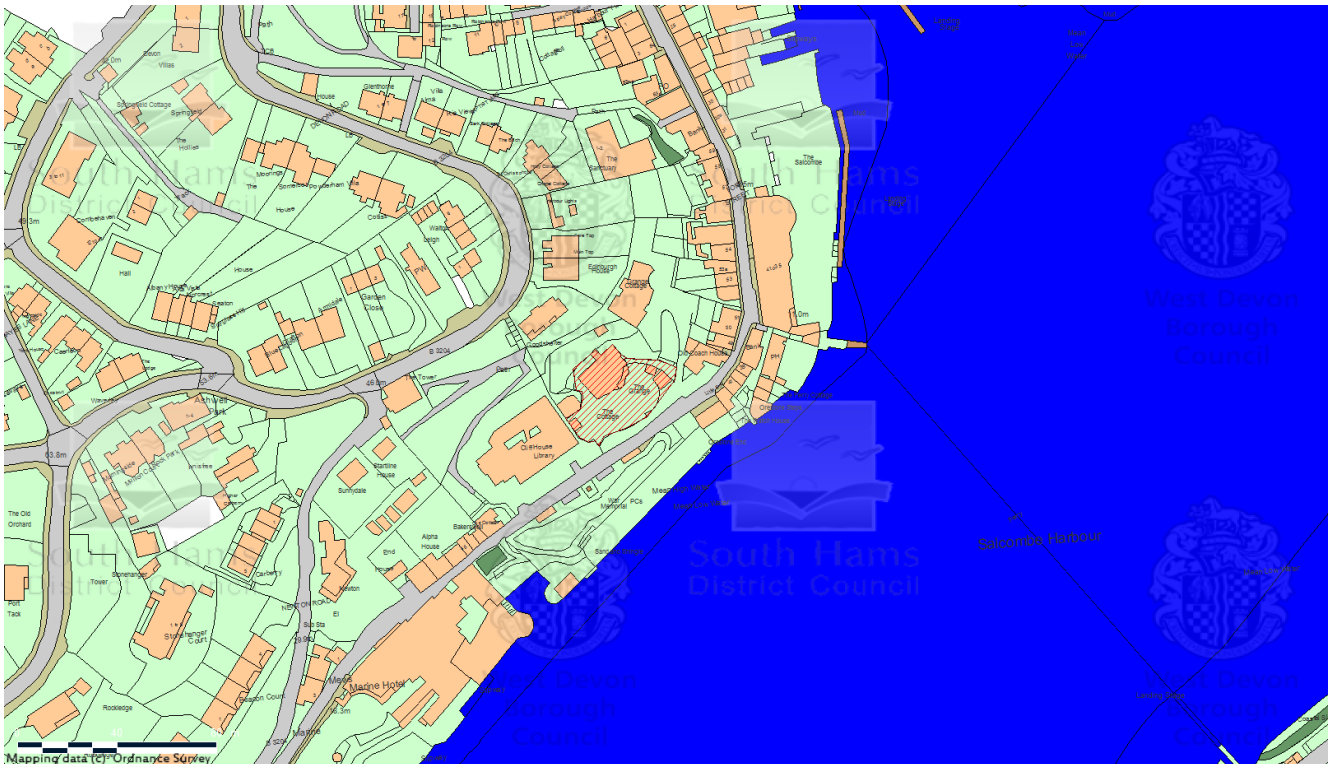
**Applicant:**

Mr Alasdair Nicholls  
The Grange  
Cliff Road  
Salcombe  
TQ8 8JQ

**Site Address:** The Grange, Cliff Road, Salcombe, Devon, TQ8 8JQ

**Development:** Householder application for proposed replacement summerhouse set within main private upper garden, single storey garden outbuilding set against stone retain wall backdrop

**Reason taken to Development Management Committee:** Cllr Pearce has requested that this recommendation be put before Development Management Committee due to concerns regarding the impact of the work on the setting of the listed building and the character and appearance of Salcombe Conservation Area.



**Recommendation:** Conditional approval

**Conditions:**

Time  
Accord with plans  
Use incidental to enjoyment of dwelling  
Joinery, eaves, brise-soleil details prior to installation  
Materials samples prior to installation  
Revised landscape plan

**Key issues for consideration:**

The main issues are the impact of this proposal on the setting of the listed building and the character and appearance of Salcombe Conservation Area and any impact upon the amenity of neighbouring properties

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**Site Description:**

The Grange is an imposing villa dating from the late 18<sup>th</sup> century. Its stone rubble plinth is almost certainly much older than the house and is likely to have been a fortified structure dating from the late medieval period. The house is listed Grade II\*. It has a complex and chequered recent planning history owing to the degree of authorised and unauthorised work which has taken place at the site in the last four years.

The gardens at the front of the house continue to form an important part of its setting with a series of retaining walls below the front lawn. The previous garage was of concrete construction dating from the mid-to late- 20<sup>th</sup> century with a plain lean to slate roof. The terrace above was thought to date from the same period. Following the granting of consent in 2014, these structures have been substantially replaced and rebuilt with a new element incorporating a higher terrace above a studio annex building.

The site is within the South Devon Area of Outstanding Natural Beauty and the Salcombe Conservation Area.

**The Proposal:**

This is a householder application for a proposed replacement summerhouse set within the main private upper garden of The Grange, taking the form of a single storey garden outbuilding set against a stone retaining wall backdrop.

The summerhouse takes a simple appearance with extensive glazing and a green roof hidden behind a parapet. The building is formed of Iroko hardwood frames clad in Nordic Brass. There is a simple brise-soleil at its southern elevation. The top of the structure is below the floor level of the adjacent colonnade.

**Consultations:**

- Historic England

No objection, however register concerns regarding potential to compromise open appearance of listed building setting (full response within file)

- Salcombe Town Council

Objection '*as it was felt that there would be a detrimental effect on the AONB AND Conservation Area due to the proposed materials being clad with Japanese aged brass*'

## **Representations:**

4 letters of objection and 2 letters of support have been received at the time of writing this report. Concerns raised within the submitted letters of objection are summarised as follows:

- Constitutes overdevelopment of the site
- Does not allow direct comparison with the previous summerhouse
- The associated terrace will lead to overlooking towards the neighbouring dwelling 'the Coach House'
- Will erode the historic significance of the setting of The Grange
- The design is unresolved and superficial
- There are unauthorised works at the site

Comments made within the letters of support are summarised as follows:

- The summerhouse will work well with the main building
- Is an aesthetic improvement to the previous summerhouse
- The proposed palette of materials compliments the house and the surrounding area

## **Relevant Planning History**

Long and complex recent history but the most relevant being the two previously approved studio applications:

41/2671/14/F - Householder application for re-construction of garage and garden level roof terrace, new ancillary accommodation private studio at mid-level, repairs to stone garden walls and landscaping – Conditional approval

41/2673/14/LB - Listed building consent for re-construction of garage and garden level roof terrace, new ancillary accommodation private studio at mid-level, repairs to stone garden walls and landscaping – Conditional Approval

## **Analysis**

Although officers note the existence of a previous summerhouse within this location, it did not benefit from planning consent and no Certificate of Lawfulness was issued regularising its existence. As such, the Local Planning Authority give very limited weight to the previous unauthorised structure as a material planning consideration.

It is acknowledged that summer houses are a feature of large villas and houses in seaside locations, there is a notable listed example at The Moulton in Salcombe. Officers have also noted that the applicant is committed to a detailed and well considered landscape design for the gardens in front of The Grange and the proposed summerhouse is integrated to the overall design. It is important that the landscape design in the immediate vicinity is required to be both agreed and maintained by condition as part of any approval.

Officers have invested significant time into understanding the special interest of the Grange site and this analysis has led officers to conclude that the appropriate place for a summerhouse is above the approved annex structure, within the area where the previous summerhouse once stood, where the main lawn sweeps around below the colonnade and terminates at a large natural stone wall.

However, the previous summerhouse proposal presented an overly large mass which rose above the floor level of the colonnade, competing with it when viewed from the public realm, and the roofing materials would have also been an overly assertive foreground feature in views from the colonnade.

The proposal has subsequently been revised to lower the structure to allow it to sit below the floor of the raised colonnade. This allows the building to sit below the elegant frontage of the Grange where it will appear as a clearly subservient building to be used incidental to the enjoyment of the main house.

The impact on the setting of The Grange has been considered in distant views, from closer in and from the colonnade looking out. It is assessed that in distant views the structure will read as what it is, a separate garden structure. It will be visible from closer views, such as that from the war memorial, but it will again read as a subservient ancillary structure. From the colonnade the incorporation of a planted roof will minimise impact as it will read as an integral part of the garden.

The revised design provides an acceptable mass and form that will not compete with The Grange in terms of scale and location. The cladding materials are of a contemporary nature and exhibit a level of quality, character and texture, without seeking to emulate the listed building or appear like a simple shed. On balance officers judge the design to offer a structure of sufficient quality that it will sit comfortably alongside The Grange as an understated modern garden room that has the potential to add to the architectural and landscape design of the locality.

For these reasons, the proposed summerhouse is considered to have a neutral impact upon the special interest of the designated heritage asset and its setting. It is judged to preserve the character and appearance of Salcombe Conservation Area

### **Neighbour impact**

Officers have considered comments raised by third parties but are of the opinion that the adjacent terrace has been constructed in accordance with previously approved plans on the site. The summerhouse, as applied for here, is not considered to lead to any additional overlooking or loss of general amenity to and neighbouring dwellings.

### **Conclusion**

For the reasons outlined above this application is considered acceptable and in accordance with the relevant development plan policies. This application is therefore recommended for approval, subject to appropriate planning conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Planning Policy**

#### **South Hams LDF Core Strategy**

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment

#### **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP6 Historic Environment

#### **South Hams Local Plan**

SHDC 1 Development Boundaries



## National Planning Policy Framework (2012)

### 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.

#### Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The summerhouse hereby approved shall only be used incidental to the enjoyment of the dwellinghouse and shall not form part of a separate unit of accommodation.

Reason: In the interests of the amenities of the area and the special interest of designated heritage assets

4. Prior to installation, full details until full details of all new joinery, eaves and the brise-soleil have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, sections, materials, finish and colour in respect of new windows, doors, other glazed or timber panels, the roof and the brise-soleil. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area

5. Prior to installation, details and samples of the materials to be used in the construction of the external surfaces, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

6. No further development shall take place until there has been submitted to and approved by the Local Planning Authority an updated scheme of landscaping.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate revised landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

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## PLANNING APPLICATION REPORT

**Case Officer:** Matthew Jones

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

**Application No:** 2826/15/FUL

**Agent/Applicant:**

David Jobbins  
30 Carlton Crescent  
Southampton  
Hampshire  
SO15 2EW

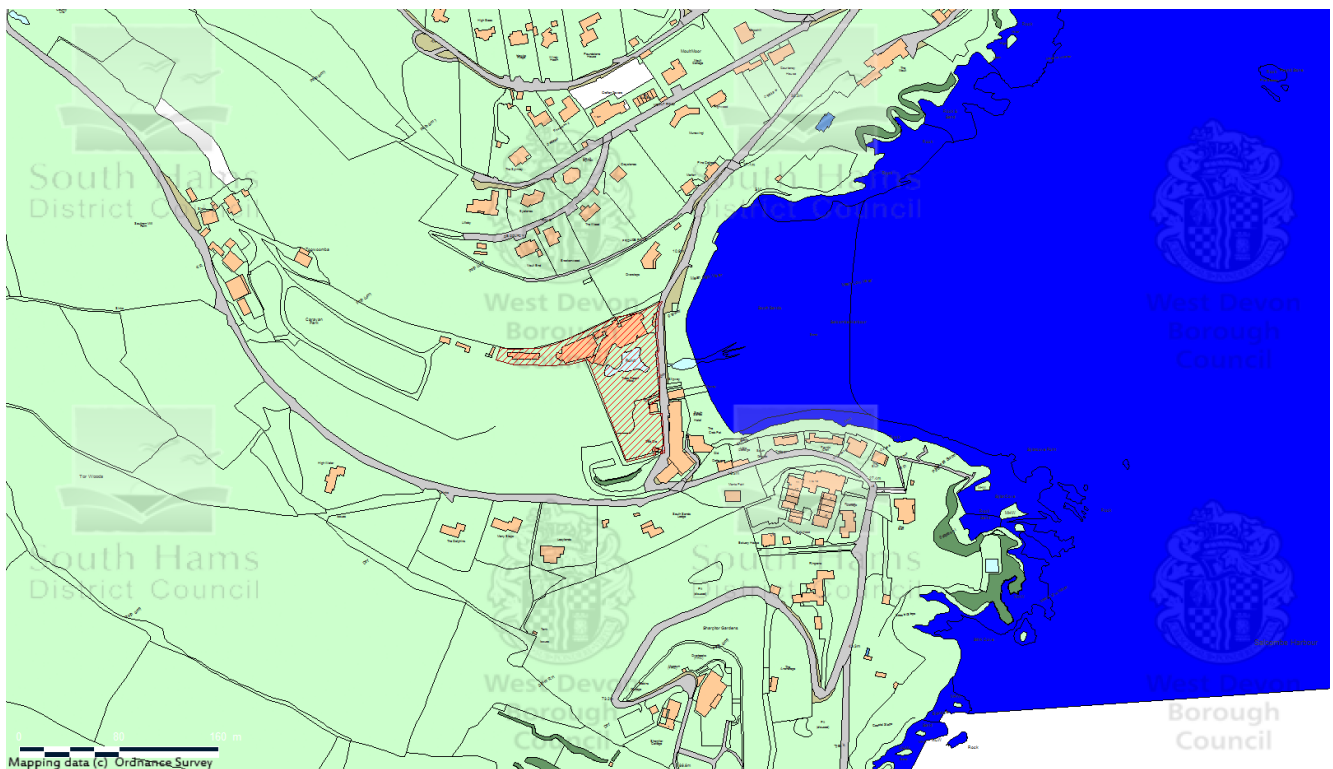
**Applicant:**

Tides Reach (Salcombe) Harbour Hotel Ltd  
C/O Agent

**Site Address:** Tides Reach Hotel, Cliff Road, Salcombe, Devon, TQ8 8LJ

**Development:** Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4\* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking

**Reason item is being put before Committee:** This application is placed before Members for consideration in view of acknowledging the sensitive nature of the site, the economic benefits likely to accrue as a result of the development, and the level of representation received.



**Recommendation:** That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

**Conditions:**

1. Time, commencement within 3 years
2. Accord with Plans and Supporting Information
3. Floor Levels
4. Construction Environment Management Plan (including details of all permits, contingency plans and mitigation measures for the control of pollution, biodiversity and manage production of wastes) – submission prior to commencement of works
5. Flood Compensation Area – submission of details prior to commencement of works
6. Spa area restricted to Spa use only
7. Flood resilient construction
8. Permanent surface water drainage strategy submitted prior to commencement
9. Adoption and maintenance arrangements – surface water
10. Design of Lower Terrace & Upper Terrace Wave Defence – details to be submitted prior to commencement of works
11. Landscape and Ecological Management Plan (detail and implementation) - submission prior to commencement of works
12. Landscape scheme incorporating flood mitigation
13. Travel Plan Strategy
14. Construction Management Plan (Highways) – submission prior to commencement of works
15. Specification of external finishing materials of building and hard landscaping (including details of parking surface no dig surfaces)
16. Implementation of Parking/Visibility Splays - prior to use of the hotel/apartments
17. Lighting Scheme ((reflecting requirements for avoiding impact on habitats used by bats)
18. Fume Extraction
19. Noise Levels & Mitigation for All Plant
20. Details External Appearance for Refuse Storage
21. Unsuspected Contamination
22. Control over Piling/Foundation Designs
23. Programme of Archaeological Work
24. Completion of hotel prior to occupation of dwellings
25. Scheme for protection and retention of trees
26. Adherence to mitigation measures detailed within section 4 of the EclA.
27. Confirmation of granting of licence prior to commencement

**Section 106 Obligations**

- A financial contribution of £400,000 disaggregated as:
  - £ 7,074 in education contributions (including projected legal costs);
  - £ 392,926 towards Affordable Housing
- Provision of 5 pay and display parking spaces on site for use by the public within the hotel car park which are available for public use for a fee commensurate with public car parking rates within administrative district of the Council

**Informatives**

1. Proactive approach to development
2. Foul Drainage
3. Spa and Pool Management

4. Sustainable Drainage Systems
5. Discharge of Conditions
6. Protected Species Legislation
7. Public sewer within site

**Key issues for consideration:**

The site is within the countryside where there is a policy objection within local planning policy to new residential development under policies CS1, DP15 and SHDC1.

The main issues associated with this application are:

- The principle of redeveloping the hotel and introducing 10 residential units in this location
- The appropriateness of the increased scale of the hotel on a realigned footprint in its landscape setting, having regard to building's relationship to local topography, existing buildings and impact on the setting of heritage assets.
- The design of the building and its landscaped grounds and whether or not the development will sit acceptably within its estuarine setting.
- The impact of the development on landscape character within the South Devon Area of Outstanding Natural Beauty and whether or not the purpose and quality of the AONB designation will be harmed.
- Impact on the local traffic network, including whether or not the proposal provides adequate on-site parking provision for the increased size of the hotel
- Whether or not the flood risk associated with the development is acceptable
- Whether or not the wider public benefits of the scheme, which include economic and social benefits, outweigh any harm identified
- Whether there is any material impact upon the amenities of nearby properties in terms of loss of privacy daylight/sunlight or outlook.

**Financial Implications (Potential New Homes Bonus for major applications):**

It is estimated that this development has the potential to attract New Homes Bonus of **£12,000** per annum, payable for a period of 5 or 4 years, dependent on the outcome of the government's current consultation on NHB. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

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**Site Description:**

Tides Reach Hotel is situated at the northern end of the hamlet of South Sands, approximately 0.7km south west of the town of Salcombe. The town has historically been and remains an important tourist destination for both staying and day visitors.

The application site lies on the west side of Cliff Road, to the east of Cliff Road is South Sands Beach. Cliff Road forms part of the South West Coast Path.

The site is on a relatively flat floor of a valley, bounded by a public footpath and steep wooded valley side to the north, the existing hotel car park to the south, and agricultural land and a static caravan park (Southern Mill Farm) to the west. Beyond the car park to the south is Combe Lane and the southern valley side.

The Lifeboat House, a grade II listed building, lies to the south east of the existing hotel on the estuary side of Cliff Road. Immediately to the south of the Life Boat House is South Sands Hotel. Lying to the south of the application site is the car park that serves South Sands Hotel. Other designated heritage assets potentially affected by the proposal are identified by the Council as

- the grade II Registered Park and Garden (RPG) at Overbecks
- Scheduled monument of Salcombe Castle
- Grade II listed Life Boat House
- The Grade II listed Moulton approximately 0.35 Km to the north east

Large predominantly detached residential properties lie to the north, south and south east of the hotel. The closest residential property to the site is Oversteps to the north east which is sited on higher ground level to the hotel.

The application site is approximately 0.6 hectares. It measures approximately 100m north to south and 50m west to east. A smaller area approximately 70m west to east and 20m north to south extends from the north west corner westwards along the valley side.

The existing Tides Reach hotel was constructed in 1934, the building has been extended and altered since original construction. The hotel ceased trading in Autumn 2013. Permissive parking for the public has been allowed on the car park associated with the hotel, however, there is no legal obligation to retain this facility.

The application site lies within the South Devon Area of Outstanding Natural Beauty and Heritage Coast. The Kingsbridge Salcombe Estuary is a designated Site of Special Scientific Interest (SSSI). The application has been advertised as a major development affecting the setting of public rights of way and affecting the setting of listed buildings.

Last year planning permission was granted for the *'Redevelopment of hotel to comprise of 51no. bedrooms, bar and restaurant, residents lounge, spa, swimming pool, ancillary service space and parking'* under reference 41/2576/14/F

### **The Proposal:**

Planning permission is sought for the refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4\* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking and also including

- Bar and restaurant (approx. 86 covers)
- Spa facilities
- Swimming pool
- Ancillary service space

It is proposed that the bar, restaurant and spa will be open to non-residents.

The originally submitted scheme was subject to a number of objections however, following discussions and negotiations with the Planning Department, revised plans have been submitted which have been subject to further consultation. The consultation responses are summarised below. The scheme now introduces two new wings, one set back towards the rear of the site running parallel to the highway and additional wing, terminating in a gable.

The application is accompanied by the following supporting plans and documents:

- Drawing numbers
- Design and Access Statement
- Planning Statement
- Transport Statement (including outline Construction Traffic Management plan)
- Heritage Statement
- Flood Risk Assessment

- Drainage Strategy
- Landscape Strategy
- Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment and Tree Protection
- Economic and Employment Impact
- Ecological Impact Assessment
- Computer Generated Images
- A completed Unilateral Undertaking in respect of a contribution of £300,000 towards affordable housing.

This is a major planning application.

#### **Consultations:**

- County Highways Authority

No objections subject to conditions relating to submission of CEMP and prevention of mud and stones on the highway:

Following addition of five parking spaces dedicated to a public parking facility: *'Not ideal as when the hotel is full there would be a parking demand issue, but in terms of refusal I would not wish to object noting the impact on the Highway would be mitigated either way and the hotel could manage its own travel plan for staff etc.'*

- SHDC Conservation Specialist

#### Heritage Impacts

*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 12 of the NPPF including paragraphs; 128, 129, 132, 133, & 134. 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. Recent Case Law in particular the East Northamptonshire DC v. Secretary of State for Communities and Local Government (known as the 'Barnwell Manor' case) and R. (on the application of (1) The Forge Field Society (2) Martin Barraud (3) Robert Rees) v Sevenoaks District Council [2014] EWHC 1895.*

#### Preamble

*Further to the submission of these latest proposals, Officers are mindful of a previous scheme (Ref:2576/14) that was submitted and subsequently approved (Feb 2015). That scheme allowed for the redevelopment of the hotel comprising of 51 bedrooms and associated facilities. At that time a robust Historic Environment Assessment (HEA) was submitted and a response offered by the Council's in-house Conservation Specialist was forthcoming (attached as an addendum to this consultation response). Since that previous approval Officers have met with the applicants and their advisors on two further schemes (both being considered under the current planning reference: 2826/15/FUL). The latest scheme, the scheme that is under consideration now follows an earlier scheme that raised concerns both in terms of its architectural composition and its close proximity to the Listed Lifeboat Station and potential to offer a harmful impact. Officers subsequently worked in close liaison with the Applicant and their advisors to devise a scheme that sat both comfortably in both immediate and wider environs and one which sought to minimise the potential impacts on the surrounding identified heritage assets, with particular reference to the adjacent Listed Lifeboat Station.*

Assessment of impact of the development proposal on surrounding identified heritage assets.

As referenced above, heritage assets that have the potential to be affected by the redevelopment of this site have been previously identified and further assessed through previous applications. Once again turning one's attention to this current proposal it is pleasing to see that the applicants have submitted a robust analysis of those heritage assets that are most likely to be affected and a subsequent impact analysis of the development proposals on those identified assets. ( see- AC archaeology's Historic Environment Assessment – ACD1267/1/0 – Nov 2015 & Historic Environment Assessment Addendum dated 14<sup>th</sup> June 2016.) The addendum to the original report is in response to the latest design iteration that is the subject of the current planning application.

Having examined and digested the contents of both reports I have no reason to offer an alternative view with relation to those identified assets most likely to be affected by the development proposal. This is a view that has previously been given in the 'Conservation & Design' response dated 18<sup>th</sup> November 2014. (see addendum to this report).

However, it is felt that further to new assessment the potential for impact on a particular asset is worthy of further consideration. Although Officers do indeed concur with the findings cited in the recent Historic Environment Assessment Addendum with reference to the potential impacts on most of the identified heritage assets (namely; Overbecks RPG, Salcombe Castle and The Moulton) Officers would like to re-examine the potential for impact of the erection of a significant hotel development on the grade II listed Lifeboat Station and its setting.

With regards the Lifeboat Station Officers broadly concur with the assessment of 'setting' made in the submitted HEA – Addendum and the contribution which that setting makes to the building's overall significance and special interest.

The HEA – Addendum when addressing potential harm to the listed Lifeboat Station and its setting concludes:

*"Using the widest sense of setting, the new designs may be considered to have a **negligible impact** upon the visual setting of the building when viewed from the water and beach to the east, but there will be no change to the visual setting when viewed from all other directions."*

While Officers are content to concur with the second half of the above statement, in that the setting of the Lifeboat Station is unlikely to be affected when viewed in the context of every direction other than the East, it is perhaps this direction (from the East, the beach) that the assessment could be challenged to a degree.

It is clear that the Lifeboat House primarily served a functional role for the storage of boats and that it was never designed with any particular framed view in mind other than being deliberately situated facing east towards the sea for purely functional reasons.

However, how this listed building (or indeed any heritage asset) is enjoyed and experienced contributes to its setting and its surroundings forms part of that experience. Whilst it is acknowledged that these 'surroundings' evolve (Officer comment has been previously made regarding the adverse impact of the adjacent South Sands Hotel on the Lifeboat Station and its setting) one must endeavour to identify what the change is (to the immediate surroundings) and then seek to categorise any potential impact that occurs.

Given the historic relationship between the Lifeboat Station and the area of the land immediately behind it and to the north I would suggest that any significant new structure placed in this location has the potential to affect the wider setting of the listed building when viewed from the east (the beach and estuary beyond). As such I would suggest that the proposed four storey southern block will offer an



*impact on the setting of the listed building although when seeking to further clarify that impact it could be said to be moderate, a categorisation informed through previous referenced assessment.*

*This challenge to the conclusions aired in the HEA documents does not negatively reflect the quality of the assessment as produced by the applicant, which is in itself both comprehensive and robust however Officers feel uncomfortable given the quantum of development proposed and the juxtaposition between development site and heritage asset to concur with the view that the impact on the Lifeboat Station and its setting would be negligible, rather suggesting moderate harm.*

*When placing this categorisation (of potential impact) in a NPPF context it therefore follows that the proposed development is likely to lead to a less than substantial harmful impact to the significance of the listed Lifeboat Station and in accordance with para 134 NPPF*

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

*Whilst Officers are of the view that this summary of potential impact is a robust one, it should be noted that it is also felt that the potential harmful impact falls on the lesser side of less than substantial.*

*When weighed in the balance, and giving consideration to previous consents and the planning site history, one might concur that the relatively minor harm identified is outweighed in this instance by the public benefits promoted by the delivery of a well-considered and well-designed hotel complex which through an appropriate architectural response will sit most comfortably in its immediate environs.*

*For the reasons as stated above I therefore raise NO Objection.’*

- Environmental Health Section

No objections subject to the imposition of conditions in respect of unsuspected contamination, noise from plant and external lighting;

- South Devon AONB Unit

*The South Devon AONB Office supports the principle of redeveloping the Tides Reach Hotel as a hotel and in a manner that is consistent with the landscape and environmental constraints of the site’s location and setting. However, in its revised form, we feel the current scheme fails to achieve this.*

*The South Devon AONB Office made known its concerns about the earlier application 2826/15/FUL prior to its recent revisions. Having carefully reviewed the revised application materials we do not feel that there is any substantive material change to what is being proposed that warrants a change in this earlier viewpoint. Our view can be summarised by the following:*

- *The mass, bulk, design and prominent location of the proposed buildings constitutes an over-development of the site and would dominate the beach head. The proposed buildings including one of 5 storeys above an elevated base, would appear as over-bearing to beach goers on South Sands itself and dominate views of the cove on approach from the water.*
- *The design style of the proposed buildings appears stark and is at odds with the more muted and informal style of most other buildings in the immediate vicinity, including the South Sands Hotel and adjacent former lifeboat station. The proposals fail to respect the built character of the area. The applicant’s LVIA states that “there is no defining architectural style within the cove as many of the more recent properties are a mix of styles popular at the time of construction with varying degrees of sympathy to the AONB context.” This does not justify consenting another substantial structure that is not in sympathy with the AONB context.*
- *The extension of new built development across almost the entirety of the beach head will be harmful to the existing semi-informal character of South Sands.*

- *The applicant's LVIA states that "The beach and cove has a secluded and almost timeless feel ...". The proposal does nothing to conserve or enhance this landscape or scenic beauty.*
- *Redevelopment of the Tides Reach Hotel offers an opportunity to both conserve and enhance the South Devon AONB as required by its statutory purpose. This is an opportunity to improve on the design quality, appearance and fit of any new building in the secluded landscape setting of South Sands. The current proposal does not achieve this.*

*For these reasons, the AONB office raises an objection to the application.*

- South Hams Landscape Team

#### *Landscape Character and Visual Impact*

*The current proposal follows an earlier approved scheme for the redevelopment of Tides Reach hotel. The present hotel has been empty for a number of years and no longer contributes positively to the local character as it deteriorates. The proposed development differs from the existing approved scheme in a number of ways including design, scale and form, and also use of the part of the scheme for 10 apartments.*

*A Landscape and Visual Impact Assessment has been prepared by Cornwall Environmental Consultants (CEC Ltd) with the submission of an Addendum (CEC2672a). This has been reviewed and considered with reference to the current designs.*

*It is the officer view that the current scheme, although differing in appearance from the approved scheme, is not considered to be substantially different in terms of impact on landscape character and visual amenity. For greater detail on these specific points and assessment of the baseline landscape character, please refer to my previous comments (41/2576/14/F).*

*Whilst the proposed development is within a highly sensitive landscape, this has again been recognised within the design approach and against the baseline position with the existing hotel.*

*Visual impacts of the new proposal have been assessed. As previously noted, the baseline conditions are poor in terms of the hotel and will be enhanced overall. Specific concerns raised over changes to views at beach level are noted; however, overall the scenic beauty will be conserved given the scale and form of the new proposal in the context of the valley and setting of South Sands.*

*In conclusion the overall impacts on both the landscape and visual amenity have again been carefully considered. The majority of affects are slight to negligible, with those noted as moderate, acknowledged; the resulting development is considered to be acceptable. The landscape character is conserved as a result of the re-development and therefore meets with current policy.*

*No objection raised.*

#### *Protected Landscape*

*The comments of the South Devon AONB are acknowledged. In noting the previous comments made by officers in relation to the former approved scheme, and with the same assessment of the current proposal, no overall objection is made. As noted within the NPPF (115), great weight is given to conserving landscape and scenic beauty. The AONB Management Plan 2014 – 2019 identifies the 'special qualities' and as stated, these have been duly considered in assessing the proposed redevelopment of the hotel. In particular, policies as set out in section 5.1.1 Landscape Character are noted. In view of the outlined policies and with an understanding of the local and wider landscape character and visual amenity, the principles are broadly met. The overall character and high scenic value have been conserved and mitigated through sensitive design.*

*No objection raised.*

## Trees

*The revised and updated Arboricultural Impact Assessment is agreed. A considered approach has been given to tree retention and opportunities for new tree planting which contribute to the landscape strategy are supported. Trees adjacent to the site have been considered (also subject to TPOs) and no adverse impacts are anticipated. Recommendations and mitigation will be secured by condition including the submission of an Arboricultural Method Statement, Tree Protection Plan and site monitoring.*

*No objection subject to conditions*

*RECOMMENDATION: No objection subject to conditions as subsequently agreed*

*CONDITIONS: Arboricultural Method statement, tree protection plan and site monitoring*

- *LEMP – to secure ecological enhancement and revisions to the final landscape scheme*
- *Detailed landscape scheme'*

- South West Water

No objection provided surface water is not discharged to the public sewer. This has been confirmed by the applicants within their Drainage Strategy. Notice that public sewers on site will require diversion

*'In response to the comments made by Natural England would confirm that the public foul drainage facilities are able and have adequate capacity to accommodate the development.'*

- Natural England

Register concern regarding potential risk of nutrient enrichment,

Will not damage interest features of SSSI

Concern regarding potential impact within AONB

Request biodiversity enhancements

- SHDC Ecologist

No objection subject to a planning condition securing adherence to the recommendations within the submitted ecological report.

*'The removal of the pitched roof would result in the loss of a summer, non-maternity common pipistrelle bat day roost. Demolition could also result in the killing and/or injuring of common pipistrelle (up to three individuals).*

*As a Habitats Regulations offence would result, an application for an EPS Licence will be required.*

*The EPSL application will detail relevant mitigation measures including timed demolition of the building supervised by an ecologist, as well as compensatory bat box provisions. With respect the 3<sup>rd</sup> derogation tests, the compensatory provision will ensure the 3<sup>rd</sup> Favourable Conservation Status test is satisfactorily met. With respect to the Imperative Reason of Overriding Public Interest test, the proposal will bring the site back into activity use, with economic benefits to the local area as a result of tourism. There will also be housing which will contribute to meeting local need. With respect to the No Satisfactory Alternative test, the existing building cannot be retained in such a way which would maintain the existing pitched roof (and roost space). The options are to redevelop the building, with loss of the roost, or demolition. Accordingly there is no realistic alternative option that would retain a roost, however*

*the proposal will ensure longevity of alternative roost space which will maintain the conservation status of the species concerned.*

*The 3 tests are considered met and it is reasonable to expect that Natural England would grant a EPS Licence.*

Conditions:

- *Adherence to mitigation measures detailed within section 4 of the EclA.*
- *Pre-commencement submission of lighting scheme (reflecting requirements for avoiding impact on habitats used by bats)*
- *Works to remove the pitched roof shall not in any circumstances commence unless the LPA has been provided with either:*
  - a) *evidence that a European Protected Species Licence for bats has been issued by Natural England authorising the works to go ahead; or*
  - b) *a statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a licence.'*

- Environment Agency

No objection subject to conditions. Highlight need for sequential test to be undertaken

- South West Water:

No objection provided surface water is not discharged to the public sewer. (This has been confirmed by the applicants within their Drainage Strategy);

- Devon County Council – Children’s Services

No objection subject to a financial contribution £7,074 towards secondary school transport (including projected legal costs)

- Devon and Cornwall Police

Wish to see the proposals designed to full Secured by Design (SBD) certification and detailed comments are offered in respect of this.

- Flood and Coastal Risk Management Team

Objected to the original proposals due to the absence of a Drainage Strategy however, this has now been provided and the consultee is not objecting subject to conditions.

- Salcombe Town Council

08/08/2016 – *‘No objection but a Highway condition survey and construction management plan was requested’*

- Malborough Parish Council

Objection - The Parish Council, agreed at their July 2016 meeting, that the site does need redevelopment but this has to be appropriate to the site with supporting infrastructure and a considered build strategy re access and impact. These concerns need to be addressed before the Council can approve any re-development.

## Representations:

Approximately 160 letters of support and 40 letters of objection have been received at the time of writing this report. All letters of representation can be viewed on the Council's website. The representations reflect comments submitted regarding both the previous scheme and the revised scheme which has been subject to full formal readvertisement and reconsultation. Comments made within the submitted letters of objection are summarised as follows:

- Will erode the rural character of South Sands
- Will harm the character and appearance of the South Devon AONB
- The additional massing is excessive
- Will harm the special interest of the adjacent listed building
- Will lead to loss of light to public areas
- Will lead to flooding of adjacent sites
- Extension of new building across open areas in AONB and on Heritage Coast is not appropriate
- The footplate and volume amount to overdevelopment of the site
- Unsuitable design for AONB or Heritage Coast or within setting of Heritage assets and the Ancient Monument
- Blocking of view from a number of vantage points in the AONB, Heritage Coast, including from estuary and East Portlemouth
- Obstruction of open views from the existing mobile home park and public footpath
- Choice of many materials not in keeping
- Design does not complement existing built form
- Proposed building elements are discordant and alien
- Design out of keeping with locality
- Loss of existing visual break between the new buildings and the Life Boat House/South Sands Hotel
- Loss of rural character of South Sands
- Overbearing impact on small beach
- Loss of sunlight to beach in later parts of the day
- Loss of public parking provision and storage for boat trailers.
- Site is isolated from public services and transport
- Change of existing use from public parking to private not acceptable unless new public parking provided elsewhere.
- Inadequate level and type of new parking proposed
- Questions TRICS data used in Transport Assessment
- Oil tanks, calor gas storage positions not acceptable
- Light Pollution
- Noise during construction
- Noise Pollution from hotel use
- Noise from refuse collection and recycling
- Odours/fumes
- Increased use of lane down to the beach should not be permitted
- Questions reality & degree of positive local economic impact
- Effect of excessive increase in hotel bedrooms on viability of existing hotel
- Loss of existing local business related to beach because of removal of parking
- Questions whether or not employment will be for local people
- Negative impact on tourism and related employment by virtue of the area becoming overbuilt, spoilt and generally less attractive
- Impact on drainage/sewage disposal

- Stability of public footpath adjacent hotel & parking excavations
- Impact on footpath during construction should be minimised
- Individual neighbour notification not carried out
- The applicant is orchestrating a campaign of third party support
- New residential development will enhance community spirit
- Hotel on site is vital for economic wellbeing of the area

Comments made within the letters of support are summarised as follows:

- Will make a positive contribution to the character and appearance of the area
- Compliments its surroundings
- Will sit well within valley
- Will be attractive
- The site is in need of redevelopment and is an eyesore
- Will boost the local economy supporting other businesses
- Will lead to creation of employment for local area
- Will bring more tourists into the area
- Will provide additional restaurant facilities
- Will provide acceptable levels of parking provision

Officers acknowledge that a number of letters of support are submitted using a standardised letter template.

### **Relevant Planning History**

The existing hotel has been subject to numerous planning permissions relating to various extensions between the years 1975 and 2010. Two applications that were refused by the Local Planning Authority are:

- 41/0689/81/3 Estuary wing extension. Refused 28th May 1981
- 41/1323/89/3 Alterations and extensions to staff and guest accommodation. Refused 6th July 1989. This application involved the addition of a storey of accommodation with pitched roof on the existing south west guest accommodation wing. The reasons for refusal of the application were:
  - (a) The site is situated within the South Devon Area of Outstanding Natural Beauty and the proposed development would be detrimental to the character and appearance of this area where there is a presumption against new development except where this is necessary to the economic or social wellbeing of the area or where it will enhance its character neither of which criteria are applicable in this case.
  - (b) The site falls within a Coastal Preservation Area within which the Local Planning Authority will normally only permit certain development as identified in the County Structure Plan. The proposal is not one of these and therefore is contrary to that Plan.

The application was dismissed at appeal on 28th December 1990.

The central issue in the appeal was the impact of the proposal on the character and appearance of the local landscape. The Appeal Inspector considered that the proposal would make the accommodation more prominent and intrusive because of its extra bulk and height. The Inspector found that the impact on views from public vantage points would materially harm the landscape amenity of the area.

Detailed consideration in the analysis section of this report is given to the impact of the current proposals on the character and appearance of the area and the Area of Outstanding Natural Beauty, Heritage

Assets and also to economic, environmental and social benefits. Whilst acknowledging previous planning refusals on the site, it is important to recognise that planning policies have fundamentally changed since these decisions. The current proposals must be assessed against existing development plan policies and advice contained within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

- 41/2576/14/F - Redevelopment of hotel to comprise of 51no. bedrooms, bar and restaurant, residents lounge, spa, swimming pool, ancillary service space and parking – Conditional approval

## Analysis

### Principle of Development

The existing hotel is vacant and in a degraded state. It is considered by officers to provide a negative visual contribution to the area and its redevelopment is subsequently welcomed in principle.

The scheme seeks the redevelopment of the existing C1 Hotel use but also introduces a new C3 use with the 10 proposed residential units. The provision of the ten C3 units makes this a major development.

### Paragraph 116

As a major development within the AONB, paragraph 16 of the NPPF is triggered. It reads that:

*'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;*
- *and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Officers have carefully consider the requirements of this paragraph of the Framework and the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.

The site is vacant, degraded, and harmful to the character and appearance of the environment and therefore an opportunity for high quality redevelopment as a now redundant tourist asset. There is a need for redevelopment of the site and it is in the public interest to secure it.

The size of the proposal and the inclusion of residential accommodation are evidenced within the submission as necessary to render a deliverable redevelopment. The Economic and Employment Report prepared by Hardisty Jones Associates submits that the proposal will accrue significant economic benefits to the area and, in the opinion of the Council, the result of refusing the proposal will delay or could sterilise this economic potential.

A benefit of redeveloping the site is to replace the existing hotel buildings which are having a negative contribution to the character of the area. This is a brownfield tourist related site within a highly regarded tourist area. The justification and rationale for the proposed development are bespoke and relate specifically to this site and context and for these reasons, in the opinion of officers, the development cannot be accommodated outside of the AONB designation and cannot be readily met in some other way.

Any detrimental effects on the environment, the landscape, and the extent to which that could be moderated are considered within this analysis. Officers do acknowledge that a degree of harm to the local context and AONB designation is unavoidable through the loss of trees and the additional massing of the hotel, but this has been minimised by the design and materials of the proposal which will allow it to sit comfortably within its setting.

The impacts on landscape character are balanced against the social, environmental and economic benefits of the proposal. Recreational opportunities of the AONB will not be harmed and therefore no detrimental impact on recreational opportunities will arise. The proposal provides a contribution to housing supply and retains and reestablishes the tourist offer at the site.

The applicants have submitted that the 10 residential units are a necessary element of the scheme in order to secure its viability, and this is, in the opinion of officers, adequately evidenced within an associated viability appraisal. The viability appraisal has undergone independent arbitration to allow officers to reach that conclusion.

The specific characteristics and attributes of this site and its setting are considered by officers to provide the exceptional circumstances where a mixed hotel and residential development can be supported on the site, in principle, and can be considered in the public interest.

#### Local policy relating to tourist development

With regard to the redevelopment of the hotel, one of the key policies to consider in the determination of this application is DP12. Policy DP12 Tourism and Leisure states

*1. Proposals for tourism and leisure development, and tourist accommodation, will be permitted where they:*

- a. are located in sustainable and accessible locations;*
- b. do not undermine the vitality of viability or nearby settlements;*
- c. provide a high quality attraction or accommodation; and*
- d. encourage an extended tourist season.*

*2. In addition, in the countryside proposals will only be permitted where they:*

- a. demonstrate they require a rural location and cannot be accommodated elsewhere, or be associated with the expansion of an existing facility; and*
- b. support the objectives of rural regeneration.*

However, this policy (nor any other in the Development Plan) does not specifically address the issue of replacement hotels. The NPPF states that, where the development plan is silent, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The redevelopment will provide an expansion to the existing facility. The proposed new hotel will provide high quality accommodation and with the facilities also on offer to non-residents within the hotel (bar, restaurant, spa, pool) the development will encourage an extended tourist season.

The investment into the site, replacing the existing tired buildings with a modern purpose built hotel will support the objectives of rural regeneration. Whilst not explicitly referenced in Policy DP12, the proposed development has benefits very much in the spirit of the Tourism and Leisure Policy. As such, the principle of redevelopment of the hotel can be supported.

The residential element of the scheme leads it to conflict with local plan policies CS1, DP15 and SHDC1 which seek to direct new residential development into residential areas within development boundaries.



However, these new residential units are an element of the wider mixed use scheme for redevelopment of the site and the planning application must be considered on its overall merits within the planning balance. As stated above, the applicants have submitted that the 10 residential units are a necessary element of the scheme in order to secure its viability. In addition, the proposed residential units will make a valuable contribution to housing provision and the Council cannot currently demonstrate a five year housing land supply.

This analysis will now consider the proposed development in relation to the economic, social and environmental dimensions of sustainable development as set out in the NPPF.

### **Economic Impact**

The proposal will result in investment to provide a much improved 4\* hotel on the site. This will contribute significantly to the local economy both during construction and thereafter creating in the region of 65 full time jobs and investment in the local area. In the submitted Economic and Employment report it is stated that

*‘Total direct employment generated by the development and extension of the existing hotel will be 43 worker-years of employment, which can be considered equivalent to four Full Time Equivalent (FTE) permanent jobs in the local economy. The operation of the hotel, spa and restaurant will create a further 60 jobs (54 FTEs). Because of the rural location of the hotel and the likelihood that it will draw visitors to the local area who would not visit the area otherwise, we have assessed the impact of those visitors’ additional spend in the wider local economy as £369,000 per year. We have also looked at the impact of new residents’ spend on convenience goods in the local economy, and estimated that at £70,000.’*

The Government is committed to securing economic growth in order to create jobs and prosperity. Significant weight should therefore be placed on the need to support economic growth through the planning system. (Paragraphs 18 & 19 of the NPPF).

The NPPF states planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (Para 28). Sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside should be supported.

It is therefore clear that the proposals will contribute significantly to the economic well-being of the area and, in addition, will enhance the tourism offer of the South Hams and within the South Devon AONB. This is particularly welcome as the applicants have evidenced that investment in the hospitality industry has been in decline and that some 13 hotels have closed across the South Hams in the last 20 years. Investment in this important site is therefore supported and encouraged by the NPPF. Nonetheless, these significant benefits need to be assessed against the other material planning considerations in the planning balance.

Third parties have questioned the accuracy of the economic detail submitted in support of the application but the Council has seen no substantive evidence to reach that opinion and the Council affords significant weight to the economic benefits associated with the proposed development.

### **Design, massing and proposed materials**

Paragraph 60 of the Framework states that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

Officers have fully considered the concerns raised by third parties and consultees regarding the design response, notably relating to its scale, massing, design, use of materials and its subsequent impact upon the designated landscape and the setting of heritage assets.

The scheme is considered by officers to reflect a sound appreciation and understanding of the character of the site and wider constraints, and presents a range of buildings which, through scale, positioning, orientation and finish materials sit within the site in a reposeful manner. The building has its own identity but presents elements of the local vernacular which show an appropriate adherence to local distinctiveness. The scheme is considered to represent a well-articulated and appropriate, high quality design response.

## **Visual Impact, landscape character and the AONB**

### Visual Impact and landscape character

Part of the consideration of the environmental sustainability of the development proposal is the impact on visual amenity and landscape character. The issues of scale and design of the proposals are central to understanding how visual amenity and landscape character will be affected. It is unavoidable that the introduction of new built forms within this environment will lead to a greater physical presence within the site which will challenge retained rural character. However, the design of the proposal takes a clear reference from and understanding of its sensitive setting and, due to its specific design and form, will not appear incongruous within this location..

The renovation and remodeling of the existing hotel building, including the introduction of twin gables to the waterside, will lead to an enhanced building with a greater conformance to the local vernacular and a positive contribution compared to the existing building.

The separate wing, again, proposes a gable end but will be set back from the front of the site. The middle element will be substantially set back and provides a simple design which, coupled with its positioning, will allow it to be recessive in its visual impact. In particular, the setting back of the development and its design will prevent the buildings at the beachhead reading as a singular mass, and will allow for a visual break between the separate buildings.

The area surrounding the site is already developed to an extent by other buildings and the redevelopment as proposed will not have a harmful impact upon the undeveloped character of the coast.

The success of this design approach is dependent on the quality of material finishes and a condition is therefore imposed requesting samples of finish materials prior to their installation.

Similarly, the scheme proposes a well-considered landscaping scheme which mitigates for the loss of felled trees and will further and demonstrably assimilate the development into the site.

### Impact upon the South Devon AONB

The application site is situated within the South Devon Area of Outstanding Natural Beauty, which is a land designation afforded the highest status of protection by local and national planning policy and by the Local Planning Authority.

The existing building, owing to its degraded and abandoned state, is considered by officers to provide a negative visual contribution to the local context and wider AONB.

Officers have carefully consider the response from the AONB unit but respectfully disagree with elements of its findings and respond as follows:

*'The mass, bulk, design and prominent location of the proposed buildings constitutes an over-development of the site and would dominate the beach head. The proposed buildings including one of 5 storeys above an elevated base, would appear as over-bearing to beach goes on South Sands itself and dominate views of the cove on approach from the water.'*

Officers believe that the built form is on an adequate ratio of the site, avoiding overdevelopment of the plot. Officers do not agree that the scheme will dominate the beach head as the new elements, particularly the middle section, are both set back into the site. The setting back of these elements aid the assimilation of the proposal into the site and its surroundings and this is further accomplished both by a high quality and well considered materials palette, and through the provision of appropriate landscaping.

*'The design style of the proposed buildings appears stark and is at odds with the more muted and informal style of most other buildings in the immediate vicinity, including the South Sands Hotel and adjacent former lifeboat station. The proposals fail to respect the built character of the area. The applicant's LVIA states that "there is no defining architectural style within the cove as many of the more recent properties are a mix of styles popular at the time of construction with varying degrees of sympathy to the AONB context." This does not justify consenting another substantial structure that is not in sympathy with the AONB context.'*

Officers do not agree that the surrounding architecture is muted or informal; the repetition of the dormers within the South Sands Hotel for instance, its large and singular massing and the prominent and decorative gable of the listed lifeboat house are not considered to be either informal or muted. Overall, the proposed development is considered to demonstrate a design response which is modern in outlook but features elements of the local vernacular, such as the gables, and achieves a degree of interest without sacrificing an adherence to local distinctiveness.

*'The extension of new built development across almost the entirety of the beach head will be harmful to the existing semi-informal character of South Sands.'*

Officers have evaluated the character of the beach head and note that its original openness has already been largely compromised by the presence of the caravan and camping site, the South Sands Hotel and the existing Tides Reach building itself.

Again, although views from the water are an important receptor and one from where the visual impact of the proposal will be most noticed, this view has already been changed and compromised significantly by the existing group of buildings at South Sands. This is not an open and unaltered natural landscape but a landscape with existing manmade structures at the beachhead.

The introduction of additional built forms into this area will, by its very nature, challenge a degree of rural character and the relative openness of the site and this change will be experienced from public receptors on the water and on the land, as submitted within the LVIA and by interested third parties.

However, although the visual impact upon the AONB is acknowledged, officers also believe that the specific design response, the setting back of elements of the building, the clever use of materials and the implementation of a sympathetic landscaping scheme reduce this visual impact to the extent that the harm is restricted to being from specific vantage points, is considered to be minor and that, overall, landscape character and the AONB designation are broadly conserved.

Although there will be a greater degree of light emission from the larger development, officers consider it reasonable, enforceable and proportionate to attach a planning condition to this recommendation which will manage and control the lighting specification at the site.

As users of the SW Coastal Path pass onto beachhead they enter an area which contains a noticeable level of built development. The proposed development, by virtue of its design, will sit appropriately within this context and will not prejudice the integrity of the SW Coastal Path.

Officers have carefully considered the content of the AONB Management Plan as a material planning consideration when reaching this view

## Trees

The revised and updated Arboricultural Impact Assessment is agreed. A considered approach has been given to tree retention and opportunities for new tree planting which contribute to the landscape strategy are supported. Trees adjacent to the site have been considered (also subject to TPOs) and no adverse impacts are anticipated. Recommendations and mitigation will be secured by condition including the submission of an Arboricultural Method Statement, Tree Protection Plan and site monitoring.

## Tourism

Officers have carefully considered the content of the AONB Management Plan as a material planning consideration. Officers note that the a successful, viable and sustainable tourism sector makes an important contribution to the economy, character and attractiveness of the AONB and that this scheme is an opportunity to provide a tourist asset with a significant and long term economic impact within the designated landscape.

## **Impact on Heritage Assets**

As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether or not to grant planning permission, special regard needs to be given to the desirability of preserving the setting of any listed building affected by the development. Section 12 of the NPPF expands on the requirements of Local Planning Authorities in decision making on development affecting listed building and their settings.

A detailed Historic Environment Assessment (HEA) accompanies the planning application. This document identifies the heritage assets and their settings affected by the development as:

- the grade II Registered Park and Garden (RPG) at Overbecks
- Scheduled monument of Salcombe Castle
- Grade II listed Life Boat House
- The Grade II listed Moulton approximately 0.35 Km to the north east

### Overbecks (RPG)

This Registered Park and Garden lies approximately 200m to the south of the development site. However, as stated in the submitted HEA, most of the designed views from the gardens face south and east and while there are glimpses of Tides Reach from paths on the north side, these views are mostly hidden by trees and thick foliage. It is therefore considered again that the development would not result in any harm to its setting.

### The Moulton (grade II)

The Moulton lies approximately 0.35 Km from the site. Although the new development would not be visible from the house itself, its summerhouse or Mews Cottage, it would be possible to see it from the walled garden in its grounds, which is listed by association. Again, most views of the new, proposed building are those that currently include the existing one, which is not sympathetic in its current form. Furthermore, the principal views from this space, strongly accentuated by the gradient, are over the water, rather than back to South Sands. For these reasons, the proposal is considered to have a neutral impact on the setting of The Moulton and not to result in harm.

### Scheduled Monument of Salcombe Castle (SAM)

Again the potential impact upon this Scheduled monument is considered within the submitted HEA. Officers agree that the significance or setting of this heritage asset will not be harmed as a result of the proposals.

## Lifeboat House (grade II)

The submitted HEA and subsequent addendum in respect of the revised proposals advises;

*“The current designs for the new extension have taken into account the comments of South Hams District Council and maintain a development gap in the landscape to the west of the Lifeboat House. The design and location of the new extension will reduce the potential visual influence of the hotel in views up the valley from South Sands Beach.*

*We consider that the scheme will have a negligible impact upon the visual setting of the Lifeboat House when viewed from certain directions, but no change from all other views. The historic setting forms part of the significance of the building and this will remain unchanged.*

*The development will therefore have no change on the significance of the Lifeboat House. No change on the significance of other nearby designated heritage assets is predicted.”*

The juxtaposition of the proposed gable end to the listed Lifeboat House will render a moderate harmful impact on the designated heritage asset, as has been identified by the Council’s heritage specialist.

The Council’s heritage specialist has qualified this to be ‘less than substantial’ and is not objecting

When weighed in the balance, and giving consideration to previous consents and the planning site history, officers are of the opinion that the relatively minor harm identified is outweighed in this instance by the social and economic benefits promoted by the delivery of a well-considered and well-designed hotel complex which through an appropriate architectural response will sit most comfortably in its immediate environs’, and this reflects the judgment of the Local Planning Authority’

In reaching this judgment officers have had special regard is given to the desirability of preserving the setting of any listed building affected by the development as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether or not to grant planning permission.

Historic England has confirmed that it does not intend to comment and is satisfied to let the Council consider the potential impact upon heritage assets in accordance with national and local policy and having regard to specialist heritage advice.

### **Neighbour Impact**

The application site is positioned at a low point within the valley. The nearest residential property is Oversteps. This dwelling is sited to the north on higher ground. The topography of the land and the distance between Oversteps and the hotel means that there will be no significant impact on amenity for the occupiers of Oversteps such as dominance, overshadowing, privacy and loss of outlook. Other properties to the north of the site are positioned even further away from the proposed development and will not be so affected in terms of residential amenity to justify a refusal of planning permission.

To the south east of the application site lie a number of residential dwellings including the Old Cottage, Little Cottage and Monte Petri. South Sands Hotel is positioned between these dwellings and the proposed site of the new hotel. The distance between the dwellings and the proposed development, and the presence of the South Sands Hotel, means that the proposed development will have little impact on these dwellings in terms of residential amenity.

Dwellings to the south and south west of the application site (including South Sands Lodge, Lazylands and Many Steps) will be separated from the new development by the proposed car park, existing car park to the South Sands Hotel and Combe Road.

Residents of properties along Combe Lane will view the hotel against the backdrop of steeply rising woodland. Whilst removal of trees will increase visibility of buildings on the site, it is nevertheless considered that an acceptable neighbour relationship would exist between the development and existing dwellings

Southern Mill Farm Caravan Park comprises approximately 60 permanent caravans. A recreation area separates the caravan plots from the application site. Officers consider that by reason of the existing use of the site as a hotel, the distance separating the caravans from the new building, and the partial screening of the development offered by trees, the proposal will not result in an unacceptable loss of amenity to the occupiers of the caravans.

Concerns have been raised in representations about light pollution at night from the hotel building and also from lights of cars using the car park. Concerns have also been raised about impact of noise from guests using the building, noise from plant associated with the hotel, noise arising from recycling and noise associated with vehicles using the parking area.

With regard to light pollution from the development and lighting to external areas during hours of darkness, a condition is proposed to be attached to any planning permission to enable the Local Planning Authority to control lighting details (emission from glazed areas of the building itself and luminance physical external lighting proposed). Such control is necessary in terms of limiting the impact of light pollution on the locality within the Area of Outstanding Natural Beauty, limiting impact on neighbour amenity and limiting light pollution for ecological reasons.

In terms of the impact of car lights in hours of darkness to occupiers of the adjacent caravan site, the detailed landscaping of the parking area will be important to minimise harm. This issue may be controlled under the proposed Landscape and Ecological Management Plan condition.

Given the existing use of the site as a hotel, the increase in noise associated with the use of the new hotel building and car park area by guests etc will not result in any significant increase in noise pollution beyond the level that could be expected under the present situation. A condition has been recommended by Environmental Health to control the level of noise that will be emitted from plant associated with the development.

The position for rubbish storage adjacent to the public toilets and opposite South Sands Hotel has raised some concern in representations. It is considered appropriate by officers that the main rubbish storage facility is in close proximity to Cliff Road where collection can easily take place. Concerns about rubbish vehicles blocking the road cannot be substantiated given the nature of roadside rubbish collection that generally exists across the district. Details of the storage facility have not been provided and so this issue is subject to a condition to enable the Local Planning Authority to control the detailed design and appearance of the structure for reasons of visual amenity and to control odours.

The residential element of the scheme has been designed in a way which provides a good standard of amenity for all future occupants of the residential units.

A degree of noise and disruption during the construction phase is unavoidable but can be, so far as is reasonable, managed through the requirement to submit a Construction Environment Management Plan condition prior to the commencement of development.

### **Highways and Access**

Cliff Road is a relatively narrow road that connects Tides Reach Hotel with Salcombe. Cliff Road is a shared route for pedestrians (as part of the South West Coast Path), cyclists and vehicle drivers.

It is proposed to use the existing point of access to the car park from Cliff Road to the south of the existing hotel to serve the hotel and spa. The proposed apartments will have dedicated car parking and turning adjacent to the entrance to the apartments such that no harm to highway safety will arise.

Devon County Highways have confirmed that they have no objections to the proposals subject to the imposition of conditions requiring the submission and approval of a Construction Traffic Management Plan and also requiring no waste to be deposited on the public highway.

A number of objectors have stated that the proposals will result in the loss of public car parking. This is not the case. The site is privately owned and any public car parking has been on a strictly permissive/discretionary basis.

As part of the discussions with the applicants, it has been agreed that 5 public pay and display car parking spaces will be provided. The highways officer has indicated that the provision of five parking spaces to serve the public is acceptable in planning terms. Even with the five parking spaces, the applicants have demonstrated that a parking space will be provided to serve each apartment and each hotel room. The five public parking spaces will be legally tied to the s106 agreement. The provision of formalised public parking which is secured through legal agreement is a betterment compared to the current informal arrangement.

In terms of parking provision, the Local Planning Authority must only consider what level of parking is necessary for the development to function without causing safety concerns to the local highway network. Officers are satisfied that the proposed parking will be adequate for the scale of the development. The Travel Plan can be required by condition and will include a section to address travel arrangements for staff.

### **Flooding and Drainage**

The preparation of the Drainage Strategy has been an iterative process informed by discussions with the Council, the applicant, Devon County Council, the Environment Agency and South West Water. Foul sewage will be disposed of to the main sewer, as is the current situation. Surface water will be disposed of to an existing watercourse. Features have been incorporated into the design of the surface water drainage network to protect water quality. These features are outlined in section of the submitted Drainage Strategy. This will be an improvement on the existing drainage arrangement whereby surface water is discharged into the combined sewer. There will be a large reduction in peak flow from the combined drainage network.

South West Water has confirmed that it raises no objection to the development, as do the lead flood authority, Devon County Council, subject to appropriate conditions. Based on the drainage strategy submitted, in addition to the input of specialist consultees, officers are satisfied that the scheme presents appropriate methods for the attenuation and disposal of surface water runoff and the disposal of foul water without the potential for nutrient enrichment within the adjacent SSSI.

### Flood Risk and Sequential/Exceptions Test

The application site straddles Flood Zones 1, 2 and 3a and 3b. Paragraph 101 of the NPPF states that;

*“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”*

The Environment Agency has confirmed that it has no objections to the development subject to the imposition of conditions, which are indeed imposed, and to the Council undertaking the sequential and exceptions tests in accordance with the NPPF. These tests are undertaken as follows:

### Sequential approach to the development proposal

In relation to the sequential test, officers have considered whether the development could take place on an alternative site outside of flood zones 2 and 3. However, as with the previously approved

application, Officers have taken the view that the search area should be restricted to the town of Salcombe and area bordering the Kingsbridge – Salcombe Estuary. The reason for this is the strong contribution that tourism makes to the local economy in this highly scenic area within the South Devon AONB. It is concluded that the development could not reasonably take place elsewhere due to a combination of factors such as;

- The small number of existing hotels within the identified area none of which would be capable of accommodating the same scale of development without causing substantial harm;
- The absence of a 5-year Housing Land Supply which effectively renders the Council's Housing policies out of date (Paragraph 49 of the NPPF). The residential component has been shown to be necessary to bring the development forward and therefore it is considered that the development as a whole cannot be reasonably achieved elsewhere;
- The stated benefits of regenerating the existing site within the AONB would not be achieved by directing the development to an alternative site.

Having regard to the above it is considered that the development passes the sequential test as no reasonable alternatives exist outside of Flood Zones 2 and 3 which would achieve the same objectives.

### The Exceptions Test

Paragraph 102 of the NPPF further states;

*'If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:*

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

*Both elements of the test will have to be passed for development to be allocated or permitted.'*

In this case, it is considered that the development provides wider sustainability benefits to the community that outweighs the flood risk. These benefits include the enhancement of the site and the re-introduction of a viable and vibrant hotel with associated bar, restaurant and spa facilities. The investment into the local economy will also generate significant local employment opportunities and will support indirectly local businesses through increased spend and business with the hotel.

In addition, a Flood Risk Assessment has been submitted which confirms that the development will be safe for its lifetime taking into account the vulnerability of its users and that flood risk will not be increased elsewhere.

As a result, it is considered that both the sequential and exceptions test are met.

Officers note the comments made by the landowner directly behind the site. Following discussion with the applicants it has been confirmed by them that *'the leat will be removed and a simple sluice can be used to fill the pond with no impact upon the adjoining land'*. Details of this can be confirmed within the landscape condition.



## **Ecology**

The ecological appraisal submitted by the applicant indicates that there will be not harmful impact on ecology and the adjacent SSSI, and Natural England are not objecting to the proposal. South West Water has not objected to the proposal which indicates that the proposal can be accommodated within the existing sewage network and will not lead to additional nutrient enrichment.

The Council's ecological specialist has confirmed no objection subject to a planning condition securing adherence to the recommendations within the submitted ecological report.

The removal of the pitched roof would result in the loss of a summer, non-maternity common pipistrelle bat day roost. Demolition could also result in the killing and/or injuring of common pipistrelle (up to three individuals).

As a Habitats Regulations offence would result, an application for an EPS Licence will be required.

The EPSL application will detail relevant mitigation measures including timed demolition of the building supervised by an ecologist, as well as compensatory bat box provisions. With respect the 3 derogation tests, the compensatory provision will ensure the 3<sup>rd</sup> Favourable Conservation Status test is satisfactorily met. With respect to the Imperative Reason of Overriding Public Interest test, the proposal will bring the site back into activity use, with economic benefits to the local area as a result of tourism. There will also be housing which will contribute to meeting local need. With respect to the No Satisfactory Alternative test, the existing building cannot be retained in such a way which would maintain the existing pitched roof (and roost space). The options are to redevelop the building, with loss of the roost, or demolition. Accordingly there is no realistic alternative option that would retain a roost, however the proposal will ensure longevity of alternative roost space which will maintain the conservation status of the species concerned.

The 3 tests are considered met and it is reasonable to expect that Natural England would grant an EPS Licence.

## **Other Matters**

The Council has completely and correctly discharged its obligations to fully advertise the application to the general public.

Officers consider that, given the distance that the hotel is set back from Cliff Road, and given the topography of the land which rises around the hotel, the development will not have any significant impact on sunlight to the beach.

With regard to the impact of the proposal on the commercial viability of adjacent land uses, it is not the role of the planning system to control competition between providers of various services and goods.

There is a Public Right of Way adjacent to the site but it is the responsibility of the developer to ensure that work does not prejudice the structural integrity of the PROW.

Letters or representation are taken in good faith and it is the responsibility of the author to ensure that the letter is valid and not fraudulent. Weight is given to letters received in accordance with the planning content.

## **The Fall Back Position**

Officers are mindful that the Council gave planning permission for the redevelopment of the hotel under reference 41/2576/14/F last year and the Council affords weight to this site history as a material planning consideration. This weight is, however, limited by the evidenced unviability of the previous scheme as it is acknowledged by the Council that it is unlikely the development will be brought forward.

## Conclusion

The site is in need of regeneration otherwise it is likely that it will continue to deteriorate to the detriment of the AONB and wider area. The regeneration of the site is in the public interest.

The inclusion of ten residential units within this redevelopment, by nature of the site's location outside of any Development Boundary, leads the proposal into conflict with policies CS1, DP15 and SHDC1. However, the residential units are an element of the wider mixed use scheme for redevelopment and regeneration of the site and the planning application must be considered on its overall merits. The applicants have evidenced that the ten residential units are included in order to secure the viability

In addition, the proposed residential units will make a contribution to housing provision, including affordable housing, and the Council cannot currently demonstrate a five year housing land supply. These factors weigh in favour of the proposal.

The introduction of additional built forms into this area and the associated felling of trees will, by its very nature, challenge a degree of retained openness and rural character. However, although the visual impact upon the AONB from certain public receptors is acknowledged, officers also believe that the specific design response, the setting back of elements of the building, the clever use of materials and the implementation of a sympathetic landscaping scheme will reduce this visual impact to the extent that the degree of harm from specific vantage points is considered to be minor and that, overall, landscape character and the AONB designation are both broadly conserved. The Local Planning Authority has afforded the AONB the highest status of protection is reaching this conclusion.

Highway safety will not be compromised and the provision of car parking meets the Council's standards and the Highways Authority confirms that the proposals are acceptable from a highway safety perspective. The increase in capacity of the resultant mixed use development will lead to an additional dependence on unsustainable transport forms and this weights against the proposal.

The applicant is willing to utilise five parking spaces as public pay and display and this is a betterment, compared to the current uncontrolled situation which weighs in favour of the scheme.

Considerable weight is afforded to the significant economic, environmental and social benefits of the scheme and these benefits outweigh the limited harm to visual amenity, the conflict with policies which directly influence housing provision, dependence on the motorcar, and the less than substantial harm to the adjacent heritage asset.

The Framework states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'*

With regard to flood risk, it is clear that the proposals pass the sequential and exceptions test such that the development is acceptable from a flood risk perspective. This is reinforced by the lack of objection from the Environment Agency.

### Planning Balance

When weighed in the balance, and giving consideration to previous consents and the planning site history, officers conclude that the relatively minor harm to the setting of the listed building identified is outweighed in this instance by the public benefits promoted by the delivery of a well-considered and well-designed mixed-use hotel complex which through an appropriate architectural response will sit most comfortably in its immediate environs and provide a social benefit through housing provision and a substantial economic benefit as a tourist asset. These identified benefits are considered to demonstrably outweigh the negative impacts of the proposal.

Whilst a substantial number of letters of support and objection have been received, it is concluded that, on balance, the proposals are worthy of support and that they comply with the thrust of advice within the NPPF and Development Plan such that planning permission can be granted.

The specific characteristics and attributes of this site are considered by officers to provide the exceptional circumstances where a mixed hotel and residential development can be supported on the site, and can be considered in the public interest.

The application is therefore recommended for approval subject to appropriate conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Planning Policy**

### **National Planning Policy Framework**

#### **1. Building a strong, competitive economy**

The Government is committed to securing economic growth in order to create jobs and prosperity. Significant weight should be placed on the need to support economic growth through the planning system. (Paras 18 & 19, NPPF)

In Chapter 3. Supporting a prosperous rural economy Para 28 states:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

#### **2. Promoting sustainable transport**

Para 29 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### **7. Requiring good design**

Para 57 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Para 57 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore,

planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Para 62 In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

## **10. Meeting the challenge of climate change, flooding and coastal change**

Para 101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Para 102 If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- Both elements of the test will have to be passed for development to be allocated or permitted.

Para 103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment<sup>20</sup> following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

## **10. Conserving and enhancing the natural environment**

Para 115 Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Para 116 Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Para 125 By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## **12. Conserving and enhancing the historic environment**

129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### **Decision Taking**

187 Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

### **South Hams LDF Core Strategy**

CS1 Location of Development  
CS7 Design  
CS9 Landscape and Historic Environment  
CS10 Nature Conservation  
CS11 Climate Change  
CS12 Tourism

### **Development Policies DPD**

DP1 High Quality Design  
DP2 Landscape Character  
DP3 Residential Amenity  
DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP6 Historic Environment  
DP7 Transport, Access & Parking  
DP12 Tourism and Leisure  
DP15 Development in the Countryside

## **South Hams Local Plan**

SHDC 1 Development Boundaries

## **South Devon AONB Management Plan**

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Except for any details required by any of the conditions attached to this permission, the development hereby approved shall accord with the detailed drawings and other submitted documentation hereby approved. A schedule of said approved drawings and documentation is set out in the "Informatives" section of this decision notice.

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

3. The entrances shall be no lower than 4.93m AOD (internal or external) and flood resistance and resilience measures shall be applied as detailed in the Flood Risk Assessment.

All internal hotel rooms and equipment areas must have finished floor levels at 5.6m AOD or higher.

The area for the proposed spa facilities in the basement shall be at a finished floor level of 2.6m AOD and shall be restricted for this use only and not used for any other hotel function, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk and consequence of flooding.

4. No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

5. Prior to the commencement of any construction work, the detailed design of the flood compensation area and the proposed maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include the maintenance regime and control method to prevent storage under the lower decking or within the 'underground' area.

Prior to occupation of the site it shall be demonstrated to the Local Planning Authority that the flood compensation area has been completed in accordance with the approved details and timetable. The area shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the flood compensation area is managed in perpetuity to prevent storage of equipment/garden furniture etc. in this area to ensure that there is no increase in flood risk to third parties and to ensure.

6. The area for the proposed spa facilities in the basement shall be restricted for this use only and not used for any other hotel function unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk and consequence of flooding.

7. No development approved by this permission shall be commenced until a scheme to minimise potential flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The details shall include flood boards/gates, non-return valves, water resistant materials and raised electrical fittings. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To minimise the damage to the building, particularly the basement floor and spa, from flood events.

8. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy (Report Ref. 246299-00, Rev. 1, dated 5th August 2016). This must also include details of the source control SuDS components which will be provided on-site to manage the quality of the surface water discharged into the SSSI off-site.

Reason: To ensure that surface water from the development is managed in accordance with the principles of sustainable drainage systems.

9. No part of the development hereby permitted shall be commenced until details of the adoption and maintenance arrangements for the entire site's permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

10. Prior to the commencement of any construction work, the detailed design of the lower terrace and upper terrace wave defence shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall be in line with the measures detailed in the Flood Risk Assessment. Prior to occupation of the site it shall be demonstrated to the Local Planning Authority that the lower terrace and upper terrace wave defence has been completed in accordance with the approved details and timetable. The area shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce the risk and consequence of flooding.

11. Prior to commencement of the development hereby permitted, a Landscape Ecology Management Plan (LEMP) and detailed scheme for landscaping shall be submitted to and agreed in writing by the Local Planning Authority. All elements of the approved Landscape Scheme and LEMP, including the approved programme of phasing and biodiversity gains, shall be implemented and thereafter managed and maintained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of public amenity, wildlife and local landscape character.

12. Prior to the commencement of development, a detailed landscaping scheme for the hotel and its carparking shall be submitted to and approved in writing by the Local Planning Authority. This will:

- incorporate the detailed design of the flood compensation area (land lowered to 3-3.2mAOD) and the proposed management regime; and
- show that the functional flood route will permanently remain unobstructed by structures, walls, fencing or planters.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the agreed scheme has been completed in accordance with the details and timetable agreed. The landscaping and flood compensation area shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the required flood mitigation measures, including the flood compensation works and functional flood route, are constructed and remain deliverable to reduce flood risk to the hotel and elsewhere.

13. Prior to any use/occupation of the development hereby permitted, a Travel Plan Strategy detailing the long term strategy to promote sustainable travel and to offer realistic choices for all journeys associated with the new hotel facilities shall be submitted to and approved in writing by the Local Planning Authority. This Strategy shall include, but not be limited to, commuting journeys by staff/employees; main journeys by guests and non-residents to and from the hotel; and journeys made by guests during their stay. Thereafter, the approved Travel Plan Strategy shall be fully implemented and complied with in its entirety.

Reason: To seek to reduce the impact that the development will have on the local highway network and to maximise the use of non-car modes of transport in the interests of sustainability.

14. No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic exceeding 7.5 tonnes, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6.00pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;



- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works;
- (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;
- (l) details of wheel washing facilities and obligations;
- (m) details of the amount and location of construction worker parking;
- (n) photographic evidence of the condition of adjacent public highway prior to commencement of any work; and
- (o) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information.

This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

15. Notwithstanding details indicated on the approved drawings, prior to construction of the hotel building above slab level (or alternatively in accordance with a previously approved timetable for submission of details as set out below), a schedule of materials and (colour) finishes and samples of materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

- (a) details of all external finishing materials to the proposed hotel building;
- (b) cross-sections, design, appearance (including thresholds), profiles, reveals, surrounds, materials, finish and colour (at full or half scale) of all doors and windows, including their method of opening and proposed finish, and all lintels and sills;
- (c) the locations, heights, sizes, materials of construction and colour finishes of all ducts, flues, rainwater goods, vents, meters and other external attachments;
- (d) heights, materials, design, appearance and (colour) finish of any balustrading, railings and associated attachments;
- (e) external facing materials (and colour finish) of all retaining walls;
- (f), hardsurfacing materials (including colour finish), of terraces, steps, surfacing edge restraints to all roads, service strips, drainage channels, pathways and parking/turning areas, and method of delineation of parking spaces.

The final approved details shall have been fully implemented and completed prior to any use and occupation of the development (or alternatively in accordance with a timetable previously submitted to and approved in writing with the Local Planning Authority), and thereafter so retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: In the interests of public amenity and highway safety and in the interests of the character and appearance of the Area of Outstanding Natural Beauty.

16. Prior to any use and occupation of the new hotel development hereby permitted, the proposed visibility splays for access onto the public highway shall have been carried out in accordance with the details indicated on the approved drawing no. and all parking and turning spaces provided in accordance with the approved drawings and details required by condition.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 (any any order revoking and re-enacting that Order), no structure, erection or other obstruction, including trees or shrubs, to vision over 0.6 metres above the nearest edge of the public highway shall be constructed, placed, planted or allowed to grow on any part of the approved visibility splays.

The approved parking facilities shall be kept available for the parking of motor vehicles in perpetuity and kept permanently free from any other forms of obstruction (including the parking of non-motorised vehicles such as horseboxes, boats and caravans), unless the Local Planning Authority gives prior written approval for the use of the parking facilities for any alternative purpose.

Reason: In the interests of public safety and convenience and to ensure that adequate on-site parking facilities remain available in the interests of highway safety. 14. Lighting Scheme

17. Notwithstanding details indicated on the approved drawings, details of any external lighting (including security lighting) to be erected, placed or operated on the site (including on the hotel building and terraces) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation/construction. Such details shall include the positions, heights, type, luminance/light intensity, direction and cowling of all external lights to the buildings and other parts of the application site. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of limiting light pollution within the Area of Outstanding Natural Beauty, visual amenity and the amenities of the occupiers of neighbouring residential properties and to ensure conservation and enhancement of landscape character and any habitats associated with protected species.

18. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter the approved scheme shall be implemented prior to any occupation and use of the development hereby permitted. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect residential amenity.

19. Prior to bringing into use any plant associated with the use hereby permitted, the applicant shall undertake an assessment of the likely impact from the plant in accordance with BS:4142. Where the report identifies that the expected noise levels would have a marginal or significant impact on the noise environment, the applicant shall provide to the Local Planning Authority details of a scheme of mitigation for approval. This scheme shall thereafter be implemented and maintained in perpetuity.

Reason: In order to protect residential amenity.

20. Prior to commencement of development, details of the design, appearance, means of construction and type and colour of external finishing materials of the proposed bin/rubbish store structure shall be submitted to and approved in writing by the Local Planning Authority prior to

its construction. The bin/rubbish store structure shall thereafter be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity within the Area of Outstanding Natural Beauty.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise approved in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, 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 and to ensure that there is no risk of pollution to controlled waters from site development.

22. Piling or any other foundation designs using penetrative methods shall only be permitted where it has been demonstrated by the applicant/developer to the Local Planning Authority that there will be no resultant unacceptable risk to groundwater. No such piling or other foundation works shall be carried out until the Local Planning Authority has provided its approval of the details submitted by the applicant/developer, such approval being provided in writing within 28 days of receipt of said details. The development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent pollution to groundwater.

23. No development shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

24. The redevelopment of the hotel shall be fully completed and the hotel ready for occupation prior to the occupation of any of the residential units hereby approved.

Reason: To ensure that the economic benefits hereby considered are delivered prior to the occupation of a residential element of the scheme.

25. No works or development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development, until a scheme for the protection of the retained trees and hedgerows has been fully implemented in accordance with details previously submitted to and approved in writing with the Local Planning Authority. This scheme shall be in accordance with British Standard 5837:12 - Trees in Relation to Design, Demolition and Construction, the Arboricultural Impact Assessment and Tree Protection Plan. Additional information to be submitted shall also include:

(a) a schedule of tree works within an Arboricultural Method Statement for all the retained trees in the paragraphs above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, Recommendations for Tree Work;

(b) a scheme of supervision for the arboricultural protection measures required as approved. This scheme will be appropriate to the scale and duration of the works and will include details of:

i. Induction and personnel awareness of arboricultural matters.

ii. Identification of individual responsibilities and key personnel.

iii. Timing and methods of site visiting and record keeping, including updates.

iv. Procedures for dealing with variations and incidents.

v. The scheme of supervision shall be carried out as agreed.

vi. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

(c) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs;

(d) the details of the working methods to be employed for the installation of works within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction;

(e) the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: Reason: In the interests of public amenity, wildlife and local landscape character.

26. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat Survey

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

27. Works to remove the pitched roof shall not in any circumstances commence unless the LPA has been provided with either:

a) Evidence that a European Protected Species Licence for bats has been issued by Natural England authorising the works to go ahead; or

b) A statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a licence.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

## PLANNING APPLICATION REPORT

**Case Officer:** Charlotte Howrihane **Parish:** Stoke Fleming **Ward:** Blackawton and Stoke Fleming

**Application No:** 1618/16/VAR

**Agent:**

Mr Michael Bailey  
9 Swan Court  
Victoria Road  
Dartmouth  
TQ6 9EA

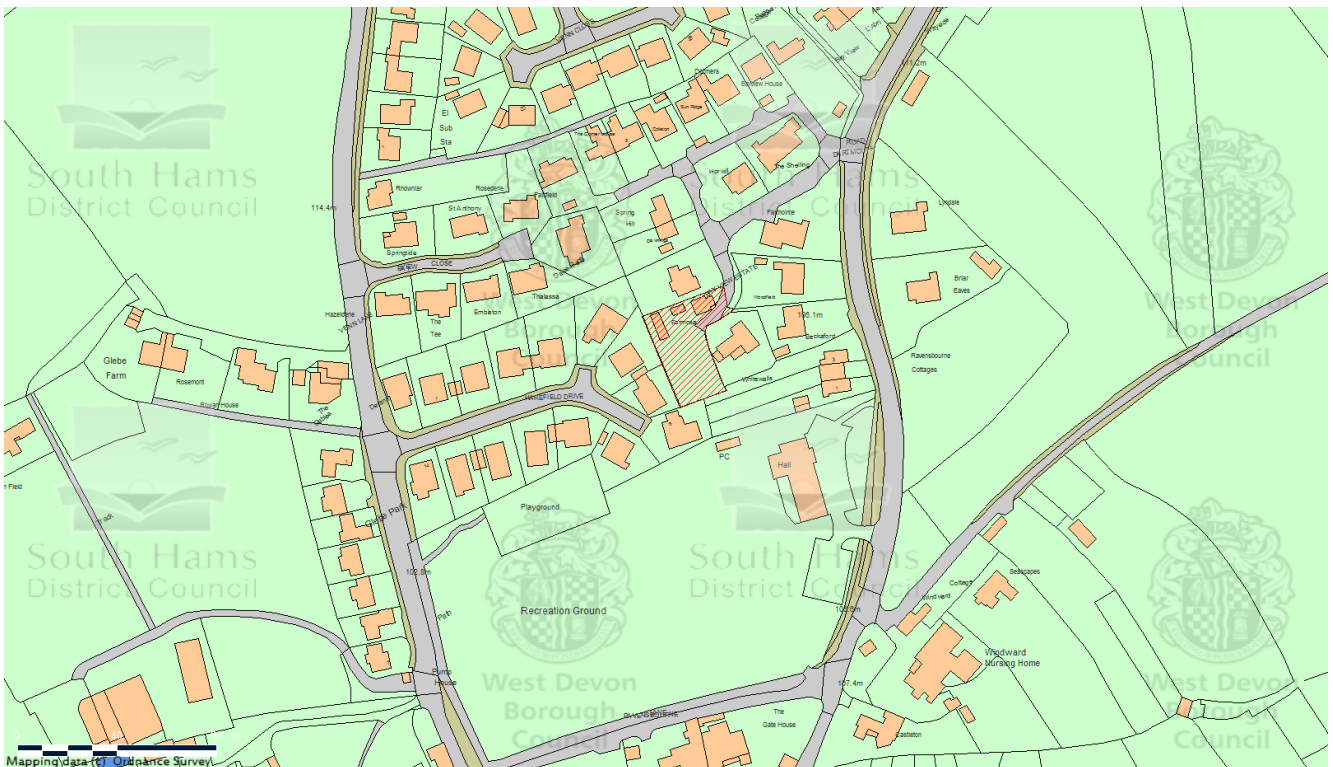
**Applicant:**

Mr Ferris  
Ferris Builders Yard  
Bay View Estate  
Stoke Fleming  
TQ6 0QX

**Site Address:** Ferris Builders Yard (Plot1), Bay View Estate, Stoke Fleming, TQ6 0QX

**Development:** Variation of condition no. 2, 3 and 4 of planning consent 51/0207/02/F to allow for a minor material amendment to plot 1

**Reason application is at Committee:** Cllr Hicks has requested the application to be heard by the Committee due to the serious concerns raised by the Parish Council, and his own concerns that the proposal does not constitute good design.



**Recommendation:** Conditional approval

**Key issues for consideration:**

Design, Neighbour Impact

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**Site Description:**

The site is a former builders' yard situated at the end of the Bay View Estate in Stoke Fleming. Various planning permissions have previously granted approval for the erection of two bungalows on the site. One of the bungalows is partially built, with a caravan on the site of the second bungalow currently whilst the building work takes place. A large boundary wall runs along the eastern and southern boundary of the site, which borders properties in Harefield Drive, and a large hedge runs along the northern boundary between the site and Formosa, a two-storey dwelling to the north of the site.

**The Proposal:**

The application seeks to vary planning approval 51/0207/02/F, which granted permission for two bungalows. This application seeks to amend the design of the northern bungalow (plot 1) to allow living accommodation at first floor level. This would involve re-orientating the property layout, and raising the roof to link the garage to the property. A dormer would be constructed to the south elevation, to facilitate a games room, with a long, thin dormer to the north elevation, where a landing/hall area and shower room would be situated. The roof heights vary through the property, but at the highest point would measure 5m, approximately 0.3m higher than the highest point of the previous approval.

**Consultations:**

- County Highways Authority- no comment
- Parish Council- Stoke Fleming Parish Council objects to the proposal: '*Overdevelopment on a small site. It is too close to neighbours' boundaries and too high to encroaching on privacy of adjacent dwellings. This proposed plan is not a minor variation but a complete change from the original accepted plan.*' The revised plans were then sent to the Parish Council, who still wish to object to the application.

**Representations:**

Eleven objections have been received from four residents; three have sent more than one letter with additional information. The objections are available in full to read on the Council website but can be summarised as follows:

- The description of the application as a minor amendment is incorrect
- A two-storey building on the site has been refused previously
- No measurements are given and so the application is misleading
- The additional height would impact on neighbours
- Overdevelopment
- The proximity of the house to the boundary would cause a noise disturbance to the gardens of neighbours
- The bungalows which were granted permission nearly 20 years ago have not been completed and the site is an eyesore

- The bungalow would be right on the boundary of the neighbour 'Formosa'
- The proposed dormer would overlook Formosa. As Formosa is higher than the application site, they would end up looking out over the roof of the proposed dwelling
- The increase in roof size is of an inappropriate scale
- There is no space for turning or parking on the site, the entrance is narrow and access restricted
- The supporters of the proposal are friends of the applicant and will not be affected by the proposal
- Enforcement action on the site has not been adhered to
- Planning permission has been refused for similar projects in 1996 and 1997

Three letters of support have also been received, which can be summarised as follows:

- The proposal would enhance the site and blend in well
- There would be no more overlooking than already exists within the estate
- Not everyone wants a large garden
- The proposal is more attractive than the builder's yard which was previously on the site
- The overall volume of building on the site would be less than the warehouse and builder's yard which was previously there, and so the proposal could not be considered overdevelopment
- Questions the objection that the proposed roof would be visible, as roofs can generally be seen from neighbouring dwellings

### **Relevant Planning History**

- 51/0984/96/1- Outline application for the erection of two bungalows- conditional approval
- 51/0984/96/1- Outline application for the erection of two bungalows- refusal
- 51/2078/96/3- Demolition of building and construction of two bungalows- conditional approval
- 51/0207/02/F- Renewal of permission 9/51/2078/96/3 for demolition of building and construction of two bungalows- conditional approval
- 51/2045/03/F- Demolition of builder's store and construction of two bungalows- conditional approval
- 51/1208/13/F- Revision to approved application 51/2045/03/F for the erection of two 1.5 storey homes- refusal

### **ANALYSIS**

#### Principle of Development/Sustainability:

The site is within the village development boundary. Within such an area policy permits development where it is compatible with the character of the site and its surroundings. Officers do not consider the proposed alteration to be substantially larger than the previously approved dwelling that the site would appear overdeveloped. There is an eclectic mix of houses within the Bay View Estate, both single-storey and two-storey, and so the proposed alteration to the approved design is considered to accord with these policy requirements.

#### Design/Landscape:

The design of the current scheme has a greater massing in comparison to the approved scheme, by virtue of the dormers and extra living space in the roof, and the linking of the

garage to the property, where it was previously detached. Concern has been raised about the design of the proposed dwelling. The design has been constricted to a certain extent by the attempt to prevent any overlooking or dominance to neighbouring properties, whilst maximising the living space available for the occupants of the new dwelling. On balance, the addition of dormers and increase in roof massing is considered to be an acceptable design, given the relatively obscured position of the site at the end of the cul-de-sac, particularly the northern dormer, which would be very close to the large boundary hedge to the north of the site.

To the eastern boundary of the site is Harefield Drive, a cul-de-sac of bungalows with a very uniform appearance. However, as mentioned above, the Bay View Estate has less of a uniform appearance, with dwellings varying in both height and design. Whilst the design would be unique within its surroundings, the variety of building styles in the local area would allow the approved scheme to be amended without any significant impact on the street scene, and without impacting upon the character of the cul-de-sac.

The site is within a built-up residential area, and would not be visible from the public highway. As such, Officers do not consider that there would be any wider landscape impact, and the AONB setting would be preserved.

#### Neighbour Amenity:

Officers initially raised concerns regarding the increase in roof height, given the proximity of the site to bungalows in Harefield Drive (particularly no's 6 and 7). The application has now been amended to reduce the angle of the roof to the rear of the property, to minimise the overbearing impact of the proposal. This would mean that the highest part of the roof has now been moved back by 2.6m, and would now be 13.2m from the boundary with properties in Harefield Drive. Noting the relatively tall boundary wall between the two sites, Officers are satisfied that this distance is now great enough as to not have an overbearing impact on the bungalows to the rear. There would be no windows above ground-floor level to the east elevation, and so there would be no opportunity for overlooking from the application site, and the impact of the residential amenity of these neighbours would be no greater than that of the approved scheme.

Objections have also been received from the neighbours to the north, at Formosa. Although the proposed dwelling would be extremely close to the boundary with Formosa, there is currently a very tall, thick hedge which screens the two sites from one another. This hedge is not under the control of the applicant, but were it to be removed, Officers do not consider the proposal to be too dominant, as Formosa is a two-storey dwelling. As well as being a two-storey dwelling, Formosa is also at a higher ground level than the application site. This means that even with the increase in height of the proposed dwelling, the site would not dominate or be overbearing to Formosa. Part of the objection from the occupants of Formosa is that they would look out over the site onto the roof of the proposed dwelling. Impact on a view is not a material planning consideration and so this does not form part of the Officer's judgement of the proposal. The proposed dormer to the northern elevation has one window proposed, which is to be obscure-glazed, and so overlooking into Formosa would be possible. This window would be conditioned to be obscure-glazed, with no other windows permitted without LPA approval, as part of any approval granted.

The issue of the proximity of the dwelling to the northern boundary with Formosa has been raised several times by objectors. Whilst the dwelling would be close to this boundary wall, the nature of the site means that previously approved applications have also been relatively



close to the boundary. The applicant has also pointed out that were the separation distance wider, future owners of the site could create an access path to the north of the dwelling, which could also have implications on the privacy of Formosa.

The south elevation would face the bungalow constructed as part of the same original permission. As the garage for the other dwelling would be sited between the two dwellings, and there is a reasonable distance between the properties, Officers are not concerned about the impact of these properties on one another. Similarly, the west elevation faces the access road through the Bay View Estate, and so does not cause any concerns regarding neighbour amenity.

On balance, whilst Officers acknowledge that the proposal would have an impact upon neighbouring dwellings, they must bear in mind that permission for a dwelling has already been granted on the site. The proposed amendment to the design is not considered to be so significant in terms of height increase and design that the impact on neighbours would be greater than the previously approved proposal, and would not become harmful. No additional opportunities for overlooking or impact to privacy would be created, and Officers therefore consider the proposal to be acceptable with regard to neighbour impact and the considerations outlined in policy DP3.

#### Highways/Access:

No highways issues are raised

#### Other matters:

Several objections have commented that the proposal is not a 'minor amendment' to the approved scheme. Officers would agree with these comments, and that is why the application has been considered as a variation, rather than a minor amendment application. As the description does not have a bearing on the planning merits of the application or how Officers determine it, it was not considered necessary to re-advertise the application.

#### Enforcement:

Objections have mentioned enforcement action on the site. There is currently an enforcement case open on the site, regarding the siting of a caravan, as there is a dispute as to whether or not work on the site are ongoing. The Enforcement Officer is awaiting the outcome of this application to determine whether or not it is expedient to take action on the site.

#### Previous permissions:

One objection states that permission for similar proposals were refused in 1996 and 1997. The planning history has been listed earlier in the report, which shows a refusal but subsequent approval in 1996, but no history in 1997. Regardless of this, these applications are 20 years old, and different policy considerations would have been in place at that time. Officers must consider this proposal on its own merits, and in accordance with current local and national planning policies.

#### ***Recommended conditions:***

1. The development hereby approved shall in all respects accord strictly with the Site Location Plan, received on 2<sup>nd</sup> June 2016, and drawing number Bay View Plot 1.03 received by the Local Planning Authority on 22<sup>nd</sup> July 2016

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.

2. The proposed floor levels and ridges of the roofs of the development hereby permitted shall accord strictly with the details indicated on the approved plans.

Reason: In the interest of appearance and residential amenity.

3. The parking facilities for motor vehicles shall be provided for each dwelling. No dwelling shall be occupied until such provision and vehicular access thereto have been provided. These facilities shall be kept permanently available for the parking of motor vehicles.

Reason: To ensure that adequate off-street car parking facilities are provided.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment)(No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(d) Part 1, Class F (hardsurfaces)

(e) Part 1, Class G (chimney, flue or soil and vent pipe)

(f) Part 40 ,class A & B (Installation of domestic Microgeneration Equipment)

(g) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

5. Prior to the occupation of any of the residential units hereby approved, all hardsurfacing and means of enclosure shall have been provided in accordance with the approved plans and thereafter so retained and maintained.

Reason: In the interests of visual and residential amenity

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) the window hereby approved on the dormer of the northern elevation of the building (as shown on drawing number Bay View Plot 1.03) shall be glazed in obscure glass, be fixed closed, and thereafter so maintained.

Reason: To protect the amenity and privacy of residents of adjoining property.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re enacting this Order) no openings other than those authorised by this permission (if any) shall be at any time be inserted in the northern elevation at first-floor level of the development hereby permitted, without the prior permission, in writing of the Local Planning Authority.

Reason: To protect the amenity of neighbours.

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

**Planning Policy**

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

**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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Loddiswell **Ward:** Loddiswell and Aveton Gifford

**Application Nos:**

1570/16/FUL, 1571/16/FUL, 1572/16/FUL,  
1573/16/FUL, 1575/16/FUL, 1576/16/FUL,  
1577/16/FUL

**Agent/Applicant:**

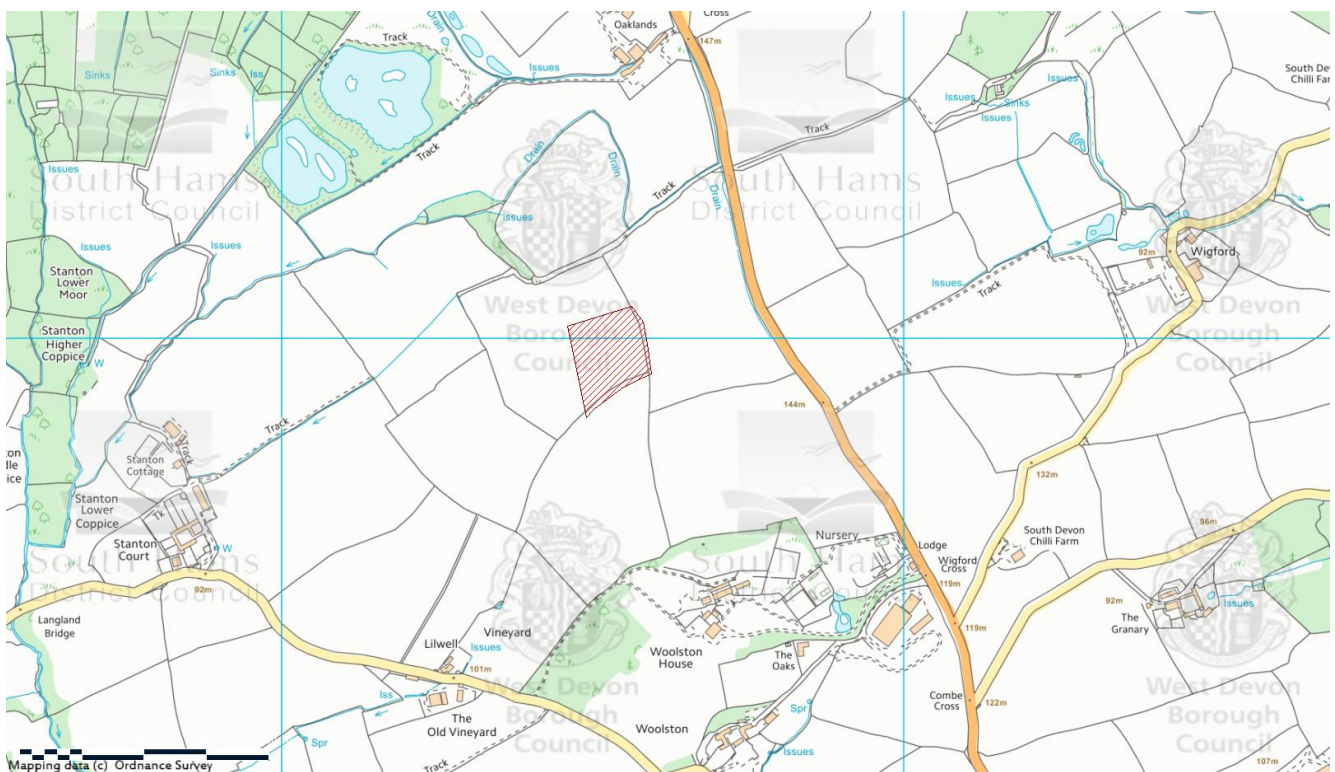
A Burden  
Luscombe Maye  
59 Fore Street  
Totnes  
TQ9 5NJ

**Applicant:**

David and Jenny Merrin  
Hendham View Farm  
Woodleigh  
Kingsbridge  
TQ7 4DP

**Site Address:** Woolston Farm, Loddiswell, Devon, TQ7 4DU

**Reason item is being put before Committee:** The applications have been brought to Committee by the Development Management Lead, as the cumulative impact of 7 large agricultural buildings on the same site just outside the South Devon AONB needs thorough consideration by the Council.



**Development: 1570/16/FUL**

Erection of agricultural livestock building (no.1)

**Recommendation:** Conditional approval

**Conditions**

1. Time limit
2. Accord with plans
3. Drainage details within 3 months of approval
4. Landscape scheme to be submitted within 3 months of approval
5. Landscape management and delivery plan to be submitted within 3 months of approval
6. Landscape inspection by LPA within 1 year
7. Agricultural use only

**Development: 1571/16/FUL**

Erection of agricultural livestock building (no.2)

**Recommendation:** Conditional approval

**Conditions**

1. Time limit
2. Accord with plans
3. Drainage details within 3 months of approval
4. Landscape scheme to be submitted within 3 months of approval
5. Landscape management and delivery plan to be submitted within 3 months of approval
6. Landscape inspection by LPA within 1 year
7. Agricultural use only

**Development: 1572/16/FUL**

Erection of agricultural livestock building (no.3)

**Recommendation:** Conditional approval

**Conditions**

1. Time limit
2. Accord with plans
3. Drainage details within 3 months of approval
4. Landscape scheme to be submitted within 3 months of approval
5. Landscape management and delivery plan to be submitted within 3 months of approval
6. Landscape inspection by LPA within 1 year
7. Agricultural use only

**Development: 1573/16/FUL**

Erection of agricultural livestock building (no.4)

**Recommendation:** Conditional approval

**Conditions**

1. Accord with plans
2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

**Development: 1575/16/FUL**

Erection of agricultural livestock building (no.5)

**Recommendation:** Conditional approval

**Conditions**

1. Accord with plans

2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

**Development: 1576/16/FUL**

Erection of agricultural building – general purpose silage clamp (no.6) "building 6"

**Recommendation:** Conditional approval

**Conditions**

1. Accord with plans
2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

**Development: 1577/16/FUL**

Erection of agricultural building – general purpose silage clamp (no.6) "building 7"

**Recommendation:** Conditional approval

**Conditions**

1. Accord with plans
2. Drainage details within 3 months of approval
3. Landscape scheme to be submitted within 3 months of approval
4. Landscape management and delivery plan to be submitted within 3 months of approval
5. Landscape inspection by LPA within 1 year
6. Agricultural use only

**Key issues for consideration:**

Consideration must be given to whether there is a need for the development proposed in the location identified, which lies within open countryside and the AONB. Great weight must be applied to the landscape and visual impact of the development on the AONB. Special regard must also be had to assessing any impact on heritage assets. Consideration must also be given to matters of design, highways, ecology, drainage and residential amenity.

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**Site Description:**

The application site lies within open countryside, which is just outside the South Devon Area of Outstanding Natural Beauty (AONB). The site is located to the north of the village of Loddiswell and south west of Blackdown Cross, on the western side of the B3196 (the boundary of the AONB follows the B3196). The application site measures approximately 1.35 hectares in area, and is separated from the B3196 by an adjoining field.

There are existing hedgebanks along the southern and eastern boundaries of the site. the northern and western boundaries are currently open to the rest of a larger field of which the application site forms a smaller parcel. Access to the site from the B3196 is via an existing agricultural track (which was considered to constitute permitted development under Class 6 to Schedule 2 of the GPDO, LPA ref. 1095/16/AGR). There is also a secondary access to the south west which connects to an unclassified road leading to Woolston Farm.

A dry storage building on the site has previously been deemed to benefit from permitted development rights under Class 6 to Schedule 2 of the GPDO (LPA ref. 1217/16/AGR). It has been observed that works to construct the silage clamps which are included in the current proposal have already commenced, along with the adjacent buildings (nos. 4 and 5).

There are no residential properties within a considerable distance of the application site.

### **Background Information:**

The Applicants purchased land at Woolston Farm in 2015 with a view to running the 200 acre holding as a separate beef finishing unit to their main holding at Hendon View (approximately 2.2 miles to the east) to expand their farming enterprise.

The proposed development at Woolston Farm is centrally located within the farm holding and has capacity for the Applicants' farming business and the 600-700 head of cattle they intend to keep on the holding. The Applicants are licenced to take calves from TB restricted farms in the local area. Animals under 10-11 months of age will be housed in the proposed buildings from around October until March (depending on the weather) and then turned out to graze on the 200 acre holding throughout the summer. On reaching 10-11 months of age the animals would be housed until they are finished at 16 months of age.

### **The Proposals:**

Application 1570/16/FUL seeks consent for an agricultural livestock building (no.1)

Building no.1 would be sited to the west of the dry storage building (approved by virtue of 1217/16/AGR). The building would be orientated west/east along its pitch and would measure approximately 27 metres long and 15.2 metres wide, with a floor area of 410.4 square metres. The building would have a ridge height of approximately 6.2 metres and an eaves height of approximately 4.6 metres. The external walls would be constructed in poured concrete at low level with Yorkshire boarding above set under an anthracite grey fibre cement roofing sheets. Steel livestock gates would run the length of the south elevation, with one gate on each of the east and west elevations.

Application 1571/16/FUL seeks consent for an agricultural livestock building (no.2)

Building no.2 would be sited to the north of building no.1 and west of building no.5 (see below). It would be identical in appearance and dimensions to building 1.

Application 1572/16/FUL seeks consent for an agricultural livestock building (no.3)

Building no.3 would be sited to the east of building 2 and south of the dry storage building. It would be identical in appearance and dimensions to buildings 1 and 2.

Application 1573/16/FUL seeks consent for an agricultural livestock building (no.4)

Building no.4 would be sited to the north of building 1 and east of building 5 (see below). It would be identical in appearance and dimensions to building 1, 2 and 3.

Application 1575/16/FUL seeks consent for an agricultural livestock building (no.5)

Building no.5 would be sited to the north of the dry storage building and east of building 4. It would be identical in appearance and dimensions to buildings 1-4.

Application 1576/16/FUL seeks consent for an agricultural building (general purpose silage clamp - "building 6")



Building 6 would be site to the north of buildings 4 and 5 and comprise a 45.7 metre long by 13.7 metres wide silage clamp orientated west/east across the site. 2.9 metre high walls would be constructed on all sides except the west.

Application 1577/16/FUL seeks consent for an agricultural building (general purpose silage clamp - "building 7")

Building 7 would be sited to the north of building 6 and would be identical in appearance and dimensions to building 6.

All 7 applications includes details of landscape scheme which seeks to mitigate the impact of the totality of development proposed. This includes a new hedgebank to the north and west of the proposed buildings.

Whilst the proposal has been split into 7 separate applications the siting is such that they would effectively constitute one large development. Officers have therefore assessed the proposed buildings cumulatively. As noted above, works to construct buildings 4-7 have already commenced on site.

#### **Consultations:**

- County Highways Authority – No objections
- Agricultural Consultant – satisfied necessary criteria are met, support subject to clarification on drainage/manure management
- Landscape – No objection subject to conditions
- Drainage – No objection subject to condition
- Loddiswell Parish Council - Objection – increased traffic, smell, flies, pollution, buildings on skyline, position of site and environmental health issues

#### **Representations:**

Four letters of objection have been received, with concerns raised summarised as follows:

- Massive development in the AONB
- Skyline development
- Applicants did similar development at Hendham View Farm, now equivalent in area to Churchstow industrial estate
- Runoff to watercourses
- Pollution
- Traffic impact on rural lanes
- Smell/Flies due to volumes of slurry would affect tourism and nearby businesses
- Barns already constructed should be removed, should not affect decision on current applications

#### **Relevant Planning History**

- 1217/16/AGR Application for prior notification of agricultural storage building. Woolston Farm, Loddiswell. Agricultural determination details not required: 12 May 16.

- 1095/16/AGR Application for prior notification of Agricultural and Forestry development, to provide access with vehicles and animals across land. Agricultural determination details not required: 5 May 16.

## **ANALYSIS**

### Principle of Development/Sustainability:

The National Planning Policy Framework (NPPF) is the most up-to-date guidance in relation to the proposal. In addition to this, the National Planning Policy Guidance (NPPG) provides more detailed topic-related guidance. Relevant policies can also be found in the Council's own Development Plan. The full list of relevant policies can be found at the end of this report.

The NPPF provides support for the rural economy. Policy DP15 of the LDF permits development in the countryside where it requires a countryside location and supports the essential needs of agriculture. The location of the site is reasonably sustainable considering its rural context and the need for agricultural development to be in the countryside. The Council's Agricultural Consultant has offered support for the development subject to clarification on drainage/manure management. In their analysis the Consultant comments that the proposed buildings are commensurate with the size of the holding and designed to meet agricultural need, and the siting of the proposal meets the needs of the enterprise.

The principle of agricultural development of the scale proposed can be supported in this location.

### Design/Landscape:

The current proposal comprises 7 new buildings split across separate planning applications, which would be sited adjacent to a previously approved agricultural building. The proposed layout is such that the development would read as three very large agricultural buildings sitting parallel to each other, with the two silage clamps sat immediately adjacent to the north. The detailed design of the buildings is clearly agricultural, and fairly typical of modern agricultural buildings seen across the District.

Paragraph 115 of the NPPF gives great weight to conserving landscape and scenic beauty in AONBs. Paragraph 116 goes on to state planning permission for major developments in the AONB should be refused unless there are exceptional circumstances and it is in the public interest. Paragraph 116 does not strictly apply in this case as whilst the cumulative size of 7 applications in a sensitive landscape could arguably be considered major development, the site is actually outside the AONB boundary (contrary to comments made in some letters of representation). However, the NPPG does make it clear that the "duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas." As such great weight still needs to be given to the preserving the setting of the ANOB in considering the development proposed.

The Council's Landscape Specialist has reviewed the submitted details and visited the application site and surrounds. It is acknowledged that a Landscape and Visual Impact Assessment (LVIA) for the proposals has not been submitted (as the development was submitted as 7 separate applications Officers could not decline to validate the applications as it was not technically a validation requirement, and whilst it was sought during the consideration of the applications it has not been forthcoming). Officers have therefore undertaken their own appraisal.

The site has been viewed from a number of viewpoints around the site; these include views from the west, south and north east where topography allows for some inter-visibility between known public receptors. The most sensitive receptor is the Iron age hillfort at Blackdown Ring to the north east, and within the South Devon AONB (approx. 1km distant).

The Landscape Specialists comments note that the site is within an area where farming forms part of the character of the landscape, and this character would broadly be conserved. Whilst there would be some harm arising from the scale and form of development proposed this would not be significant in the wider landscape. The nature of the barns, and positioning on rising ground to the north, limits the impression of ridgeline, with viewpoints to the south seeing the barns against rising land. When viewed from the north the landscape views are expansive across the wider plateau with the cluster of proposed livestock buildings having a limited overall impact which should be further reduced by new strategic planting to break up the roofscape. Due regard has been made to the South Devon AONB Management Plan given the proposal is within the setting of the AONB. It is considered that the proposal does not conflict with the objectives of the AONB Management Plan, with characteristic copse and tree planting achievable through condition to secure some enhancement.

In conclusion the Landscape Specialist raises no objection subject to conditions to secure more comprehensive landscape details. These conditions (which go beyond what is normally requested for agricultural buildings to take into account the scale and location of development proposed) for part of the Officer recommendation and includes details of maintenance and management and a landscaping inspection by the LPA..

#### Drainage:

Each application includes drainage details which state that new soakways will be constructed to manage surface water from the development. Concern has been raised by third parties regarding the high levels of slurry which would be generated at the site and the potential for water pollution, and the Council's Agricultural Consultant has suggested further details are required in respect of manure management.

The Council's Drainage Specialist has advised that the final drainage scheme can be dealt with by condition. As development forming part of the applications has already commenced on site, it is recommended that details be required within 3 months of the date of any approval. The Agent has clarified that the calves would be housed on straw bedding which would then be spread directly onto the land. The site will only produce dung and no slurry. Officers are satisfied that no further details in respect of dung/manure management are required from a planning perspective. (There are other regulations outside the planning process which the Applicant needs to comply with in respect of such matters.)

#### Ecology:

The applications subject if this report did not individually trigger the need for a Preliminary Ecological Assessment in accordance with the Council's Local Validation Checklist. The whole development would take place in what is currently an agricultural field, and does not include the breaking of any existing hedgerows. The submitted landscape scheme includes details of new planting which provides the potential for biodiversity enhancement within the site. Overall it is considered there are no ecological grounds for refusal of the application.

#### Neighbour Amenity:

There are no residential properties within the immediate vicinity of the application site. There has been some concern raised regarding the impact of traffic arising from the development on residents in the locality. As the site can be accessed via a main road, the Council's Environmental Health Officer has verbally advised that they do not consider the hours of operation of the business could reasonably be restricted on residential amenity grounds.

#### Highways/Access:

Following initial concerns being raised by Devon County Highways regarding visibility, turning and the intensified use of the site with size of vehicles to be used, the Agent submitted a Traffic Statement. This

statement how the site would previously have been used for arable farming in terms of traffic movements compared with livestock farming, and considers that the proposal would not actually result in a significant increase in traffic movements associated with the site. Devon County Highways subsequently removed their objections from all 7 applications.

Concerns have been expressed by third parties regarding the impact of large vehicles using the rural lanes around the site (citing experience of the growth of the Applicant's farming business at Hendham View). In the absence of an objection from the County Highway Authority, it is considered objection to the development on highways grounds could not be sustained.

#### Heritage:

The applications were not formally advertised as affecting the setting of any heritage assets, however the issue has still been given appropriate consideration. The closest asset which could potentially be affected is the fort at the Blackdown Rings (which is a Scheduled Ancient Monument). Upon visiting the site and surrounds Officers are satisfied there is no clear inter-divisibility between the application site and the fort due to the distance and intervening topography. Views of the site from the monument are glimpsed and distant. The proposal would not result in harm to the setting of any heritage assets.

#### Other Matters:

Some concern has been expressed by third parties regarding smells/flies arising from the development. The Council's Environmental Health Officer has verbally advised that such matters could be appropriately dealt with under statutory nuisance legislation should any problems arise.

It has been commented in letters of representation that development works have commenced on site, and this should not prejudice the Council in its decision making. As detailed above a dry storage building and access track to the site have previously been confirmed as permitted development so commencement of these elements would not require planning permission. Officers did note when visiting the site that the silage clamps and Buildings 4 and 5 have already been constructed. Whilst the applicant was advised not to carry out any further development works that that did not benefit from planning consent, it would not have been expedient to take any further action whilst the current applications were under consideration. If the applications were refused by the DM Committee, the Council would still have the option to take enforcement action to secure the removal of the unauthorised development works.

#### The Planning Balance:

Whilst the site is located just outside the AONB, having regard to the scale and nature of development proposed great weight has still been given to the impact of the proposal on the character of the landscape. Subject to conditions to secure additional details, the proposals are considered acceptable in landscape and visual impact terms. The development would not result in harm to the setting of any heritage assets. Other technical matters can be appropriately and proportionately addressed by condition. Notwithstanding concerns raised by third parties regarding traffic impacts, the County Highways Authority has raised no objection. The proposals are considered acceptable in all other planning respects.

Overall it is considered the proposals accord with the provisions of the development plan and national guidance, and as such all 7 applications referred to in this report are recommended for approval subject to conditions (which are set out in full at the end of this report).

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## **Planning Policy**

### ***NPPF***

### ***NPPG***

#### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

#### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

#### ***South Devon AONB Management Plan***

#### **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.

#### **Recommended Conditions for application 1570/16/FUL:**

**Please note – there will be 7 separate decision notices. The conditions would be the same except for the standard time limit for implementation (which would not need to be applied to applications 1576/16/FUL and 1577/16/FUL as works have already commenced to implement these works), and the accord with plans condition would refer only to the specific drawings relating to each application.**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s) Location Plan, Site Plan: Application 1, Proposed Cattle Shed - Building 1: Floor Layout Plan and Elevation Drawings, Drainage Details received by the Local Planning Authority on 9th June 2016; Traffic Statement received by the Local Planning Authority on 22nd July 2016; Design and Access Statement with Agricultural Justification (May 2016 - Revised September 2016) received by the Local Planning Authority on 16th September 2016.

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 details submitted, within 3 months of the date of this decision details of the final drainage scheme shall be submitted to and agreed in writing with the Local Planning Authority. The details shall include:

1. Percolation testing in accordance with BRE digest 365 will be required to support the use of soakaways. The report should include the trial logs and calculate the infiltration rate.

2. SuDS to be designed for a 1:100 year event plus 30% for climate change.

3. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

The drainage scheme shall be installed in strict accordance with the approved plans, 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.

4. Notwithstanding the details submitted with the application, within 3 months of the development commencing, full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- (a) a Landscape and Visual Impact Appraisal which informs any necessary mitigation to ensure the proposed landscape treatment conserves and enhances the special qualities of the setting to the AONB and responds to the landscape character of the area;
- (b) arrangements for stripping, storage and re-use of top soil;
- (c) details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;
- (d) details, including design and materials, of ancillary structures such as water storage and signage;
- (e) details of lighting including function, location, design and intensity;
- (f) details of new ground profiles including earth bunds and banks; (g) materials, heights, levels and extent of hard landscape treatment, including access points, tracks, roads and any hardstanding areas; (h) the location, number, species, density, form and size of proposed tree, hedge and shrub planting necessary to mitigate the scheme;
- (i) the method of planting, establishment and protection of all new tree, hedge and shrub planting, and existing hedgerows;
- (j) a timetable for the implementation of all hard and soft landscape treatment.

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of public amenity and local landscape character.

5. Notwithstanding the details submitted with the application, within 3 months of development commencing a schedule of landscape management and maintenance for a minimum period totalling 15 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for all maintenance of new planting areas, including weed control, replacement of dead, diseased or damaged trees, hedges and shrubs, protection and management thinning to 15 years. Development and future management shall be carried out in accordance with the approved schedule.

Reason: In the interests of public amenity and local landscape character.

6. Within 1 year from the date of this decision notice, the applicant/developer shall convene a meeting with the Local Planning Authority on site to inspect completed landscape works as detailed in Condition 5 - SUBMISSION OF LANDSCAPE SCHEME.

Reason: In the interests of public amenity and local landscape character.

7. The development hereby permitted shall be used solely for the purposes of agriculture or horticulture as defined under Section 336 of the Town & Country Planning Act 1990.

Reason: To ensure that the development hereby permitted is used solely for the purposes of agriculture and horticulture.

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## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Kingswear **Ward:** Dartmouth and East Dart

**Application No:** 1953/16/HHO

**Agent/Applicant:**

Mr Peter Frampton  
Oriol House  
42 North Bar  
Banbury  
OX16 0TH

**Applicant:**

Dr D Burston  
C/O Agent

**Site Address:** Coombe Cottage, Bridge Road, Kingswear, TQ6 0DZ

**Development:** Householder application for rear extension

**Reason item is being put before Committee:** The application have been brought to Committee by the Development Management Lead, as the Officer recommendation is contrary to advice given as part of a pre-application enquiry.



## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposed extension would be incongruous in respect of its design, scale and massing upon the character and appearance of the existing dwelling house and the visual amenities AONB. The proposal is therefore considered to be contrary to policies CS7 and CS9 of the LDF Core Strategy, policies DP1 and DP2 of the LDF Development Policies DPD and the National Planning Policy Framework.

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

Design and scale of development proposed, visual impact in the AONB.

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### **Site Description:**

The site is set in the hillside to the west of Kingswear a short distance from the landing stage used by the Higher Ferry, with access taken via a shared lane from Bridge Road. The original dwelling is of some age but has been significantly altered and extended, with external finishes now including render and thatch. The property is set within a large parcel of land that overlooks the River Dart.

The site is located within the South Devon AONB.

### **The Proposal:**

Consent is sought for a rear extension which would sit on top of a previously approved terrace facing the River Dart. The extension would have a two storey central turret, mimicking the form of the existing elevation but extending outwards, with single storey wings on either side. The two storey would extend forward of the main rear elevation of the dwelling by approximately 7.4 metres (compared with the existing turret which extends out by approximately 2.1 metres). The single storey extension elements would extend out from the rear elevation by approximately 5.3 metres, and span a significant width across the rear of the dwelling. The proposed extension would have a thatched roof, with rendered wall to match the main dwelling and hardwood door and windows.

The previously approved ground floor extension (which sits below the terrace) is proposed to be altered with a new door arrangement.

### **Consultations:**

- County Highways Authority – No highways related issues
- South West Water – No further permissions from SWW required
- Environmental Health Section – No objection subject to standard unsuspected contamination condition
- Kingswear Parish Council – Recommend refusal – *“Comment was made:  
The size of the development is out of keeping with other properties in the vicinity  
Unneighbourly – restricts the outlook for neighbouring properties  
Unacceptable for reasons of mass and overdevelopment  
Affects the setting within an Area of Outstanding Natural Beauty  
Similar applications have been refused.”*

## **Representations:**

No letters of representation from third parties have been received.

## **Relevant Planning History**

- 30/1382/15/F: Householder application for ground floor level extension. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Withdrawn: 02 Sep 15
- 30/0092/15/F: Householder application for a rear 2 storey extension. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Refusal: 10 Mar 15
- 30/2985/13/F: Householder application for second storey extension over previously approved single-storey extension (previous approval 30/0147/13/F) to rear of dwelling. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Withdrawn: 22 Jan 14
- 30/1105/13/F: Householder application for erection of a garage with ancillary accommodation. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Withdrawn: 20 Jun 13
- 30/0147/13/F: Householder application for single storey rear extension. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Conditional approval: 21 Feb 13
- 30/2804/12/F: Retrospective application for the erection of a timber garden room with terrace and associated landscaping works. Coombe Cottage Bridge Road Kingswear Devon TQ6 0DZ. Conditional approval: 13 Feb 13
- 30/2370/12/F: Resubmission of householder application 30/1052/12/F for extension to for conservatory on existing terrace. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Withdrawn: 07 Nov 12
- 30/2258/12/F: Retrospective householder planning application for alteration of garden levels and erection of garden retaining walls and swimming pool. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Conditional approval: 23 Nov 12
- 30/1052/12/F: Householder application for extension to form conservatory on existing Terrace. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Withdrawn: 30 Jul 12
- 30/ 0183/12/F: Resubmission of planning application 30/3103/11/F for householder application for timber garden room with seating. Coombe Cottage Bridge Road Kingswear Dartmouth TQ6 0DZ. Conditional approval: 28 Feb 12
- 30/3103/11/F: Householder application for timber garden room with seating. Coombe Cottage Bridge Road Kingswear TQ6 0DZ. Withdrawn: 16 Jan 12
- 30/0776/88/3: Replace flat roof on two extensions with pitched and thatched roof to match existing private residence. Coombe Cottage Bridge Road Kingswear. Conditional approval: 19 May 88

## **ANALYSIS**

Principle of Development/Sustainability:

The principle of alterations and extension to an existing dwelling raises no objection. Due regard must still be had to all other relevant planning considerations as detailed below.

#### Design/Landscape:

There has been a succession of proposals granted to extend the property dating a number of years, with the most recent approval in 2013 (LPA ref. 30/0147/13/F). Since then there have been a number of unsuccessful attempts to obtain planning permission for further rear extension. The most recent of these was withdrawn on the advice of Officers, but prior to that an application for a two storey rear extension was refused (LPA ref. 30/0092/15/F). The refused scheme was similar in form to the current proposal, but with the whole extension being two storey in scale.

The current application effectively amends the previously approved scheme by reducing the height of the extension on either side of the central turret to single storey. Whilst the applicant has sought to reduce the reason for refusal of the previous application, Officers consider the scale and massing now proposed would still result in an incongruous addition to the existing property and would harm the appearance and character of the existing dwelling and does not represent good design practice. The application now under consideration is not considered to be substantively different from the previously refused scheme to justify coming to a different conclusion.

The property is highly visible in public views from the River Dart and such an extension of the scale and massing proposed would adversely impact upon the setting of the AONB and local landscape.

#### Neighbour Amenity:

The proposed extension although of a significant mass and bulk it is not considered to result in any significant impact upon neighbouring properties due to the distances between the properties.

#### Highways/Access:

No alterations to the existing arrangement are proposed.

#### Ecology:

The application is accompanied by a Preliminary Ecological Appraisal, Bat Emergence Survey and Mitigation Strategy. Low numbers of bats were observed using the existing dwelling in three locations. These areas would not be directly affected by the proposed development but mitigation measures would still be required. Should the current application be approved, a condition to ensure the mitigation measures were followed would need to be applied to any consent given.

#### Other Matters:

The application has been advertised as affecting a Public Right of Way. There is a PROW running along the access lane to the north of the dwelling which would not be directly affected by the proposed development.

As noted above the application has been brought to DM Committee by the Development Management Lead as positive advice was given to the scheme during a pre-application enquiry. On this occasion it is considered by Officers that the pre-application advice given was inappropriate, but given that the application was then submitted in good faith taking it to DM Committee (rather than just refusing the application under delegated powers) was the best course of action.

#### The Planning Balance:

The proposed development does not represent good design and would be visually prominent in the AONB. Other concerns raised by the Parish Council have been given due consideration but are not considered to justify grounds for refusal. On this basis the application is recommended for refusal on design grounds only.

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

## **Planning Policy**

### ***NPPF***

#### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

#### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

#### **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.

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## PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Marldon Ward: Marldon

Application No: 1251/16/FUL

**Agent/Applicant:**  
Mr Michael Roberts  
30 Nelson Place  
Newton Abbot  
TQ12 2JH

**Applicant:**  
Ms Sadie Lyons  
Marldon Christmas Tree Farm  
Totnes Road  
Marldon  
TQ3 1RR

**Site Address:** Marldon Christmas Tree Farm The North Pole, Marldon, TQ3 1RR

**Development:** Use of land for 4no. holiday lodges and retention of shepherd hut with associated parking and patio areas

**Reason item is being put before Committee:** Ward Member notes that there is neighbour concern about access and noise.



**Recommendation:** Conditional Approval

### **Conditions**

See end of report

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

The key issues associated with the determination of this application relate to the principle of development, impacts on highway safety, landscape impact and the amenity of nearby residential properties and/or land users.

### **Site Description:**

The application site is Marldon Christmas Tree Farm, which is primarily a plantation of trees marketed as Christmas trees. The application site and its surroundings fall outside the development boundary within the countryside. The application lies on the south western edge of the village of Marldon and is sited north of the Totnes Road, a well-used route between Totnes and the A380.

The application site land level is higher than road level and comprises tree planting areas, hardstand parking areas and a circulatory road system. There are a number of buildings on the site located mainly on the western side which include storage/workshop buildings and a 'log cabin' style building which was granted planning permission for use as a tea room in 2014.

Access is from Totnes Road. This consists of a vehicular access with metal gates set back 14 metres from the highway, and a 1.5 metre high stone wall on either side of the access incorporating two permanent signs advertising the Christmas tree farm.

The site adjoins the Moorview residential development site.

### **The Proposal:**

This application seeks a change of use of part of the site to enable the provision of four single storey holiday lodges and the retention of the existing shepherd hut on the site for use as tourism accommodation to members of the visiting public throughout the year.

The lodges proposed are of stained timber log construction and will be located in small clearings to be formed within the existing Christmas tree plantation.

Each lodge will be served by two parking spaces and these will be provided in groups of four spaces with access directly from the existing circulation tracks within the Plantation.

The lodges are of a prefabricated nature and will be constructed above a timber raft.

The existing shepherd hut located within the site is also to be made available for tourist accommodation and retaining its existing position.

It is intended that the lodges will be located towards the higher eastern side of the site.



### **Consultations:**

- County Highways Authority – standing advice applies
- Environmental Health Section – no comment
- Town/Parish Council – Objects for reasons including the following:
  - Problems with highway access
  - Unneighbourly (possible noise)
  - Application incorrectly refers to site as a garden centre.
  - Could set a precedent for more lodges
- SHDC Landscape – no objection

### **Representations:**

Four letters of objection have been received for reasons including the following:

- Increase in noise nuisance to neighbours.
- Increase in traffic movements – adverse highway impact
- Visually intrusive in the landscape which is an area of natural beauty.
- Unauthorised residential use already occurs on site – this will extend this unauthorised use.
- Nuisance from lorry movements late at night already causes nuisance.
- Outside the development boundary
- Environmental Statement is required
- Noise impact will adverse impact on wildlife
- Light pollution
- Access unsafe
- Danger to pedestrians

### **Relevant Planning History**

34/0317/00/F: FUL

Marldon Christmas Tree Farm Farthing Lane Westerland Marldon

Construction of new access to Totnes Road and closure of two accesses to Farthing Lane

Conditional approval: 19 Feb 01

34/0818/04/AG: AGR

Marldon Christmas Tree Farm Totnes Road Marldon Paignton

Agricultural determination for provision of hard standing/loading area/car park

Ag Detmn - details not required: 17 May 04

34/0678/04/CU: COU

Marldon Christmas Tree Farm Totnes Road Marldon Paignton

Stationing of mobile home

Refusal: 25 May 04

34/1682/14/F - Side extension and creation of shelter to front - Conditional Approval

34/2884/13/F: FUL

Marldon Christmas Tree Farm The North Pole Westerland Marldon Paignton TQ3 1RR

Siting of caravan during November and December annually for security purposes

Conditional approval: 29 Jan 14

34/0846/07/F – Replacement of existing barn building with new barn - Conditional Approval

34/2590/14/F: FUL

Marldon Christmas Tree Farm The North Pole Westerland Marldon Paignton TQ3 1RR

Conversion of agricultural building to use as tea room (A3 class)

Conditional approval: 26 Mar 15

34/1999/15/F: FUL

Marldon Christmas Tree Farm The North Pole Westerland Marldon TQ3 1RR

Erection of 2no. new holiday let properties and change of use for shepherds hut to holiday let

Withdrawn: 19 Oct 15

## **ANALYSIS**

### **Principle of Development/Sustainability:**

#### Policy Context

There are a number of development plan policies that are relevant when considering the principal of this development which is located in the open countryside but in close proximity to the development boundary of Marldon:

Policy DP15 of the South Hams Local Development Framework (LDF) (Development in the Countryside) outlines the scope for development in the countryside. It is only permissive of new developments that require a countryside location or support the essential needs of agriculture or forestry interests, or needs of a settlement which cannot be met within development boundaries.

Policy DP12 of the LDF is permissive of proposals that would promote tourism where they:

- a. are located in sustainable and accessible locations;
- b. do not undermine the vitality or viability of nearby settlements;
- c. provide a high quality attraction or accommodation; and
- d. encourage an extended tourist season.

In addition, in the countryside proposals will only be permitted where they:

- a. demonstrate they require a rural location and cannot be accommodated elsewhere, or be associated with the expansion of an existing facility; and
- b. support the objectives of rural regeneration.

In addition Policy CS12 encourage tourism into the area and Policy CS13 promotes rural diversification.

Of particular relevance is Policy DP13 which considers proposals for holiday caravan, camping and chalet sites and states the following:

*Within AONBs and the undeveloped coast, proposals for new and extensions to existing caravan, camping and chalet sites will not be permitted. Alterations to existing sites should only be permitted where all the following criteria are met:*

- a. they would meet a demonstrable need;*
  - b. they would be of an appropriate scale in relation to their setting and would not diminish local amenity;*
  - c. they are sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape;*
  - d. the road network and the site's access can safely accommodate any traffic generated; and*
  - e. net environmental improvements to the site as a whole will result.*
- 2. Outside the AONBs and the undeveloped coast, proposals for new caravan, camping and chalet sites, and extensions or alterations to existing sites will be permitted where the criteria (a – e), above, are met.*

The NPPF (2012) promotes sustainable development and encourages LPA's to support a prosperous rural economy.

Of particular relevance is para 28:

*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:*

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- promote the development and diversification of agricultural and other land-based rural businesses;*
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;*

*And*

- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship*

Sustainability

The NPPF also promotes sustainable development. This site will encourage year round tourism aiding the local economy, there will be no significant adverse environmental impacts. The site has a well maintained footpath link into the village of Marldon, which whilst not hard surfaced is level and free from obstacles. The site is outside the development boundary but adjoins the residential development at Moorview which adjoins the village boundary. It is concluded that the proposed development is sustainable.

### **Design/Landscape:**

The proposed chalets are modest in scale relative to their setting; they will be set within the conifer plantations well within the site boundaries. The chalets will not be visually prominent, the only public views that may be afforded would be from the adjoining public footpath, but even from here the views will be restricted due to the plantation trees.

The design is typical of a timber holiday chalet and is appropriate for the conifer plantation setting.

The design and landscape impact is considered to be acceptable.

### **Neighbour Amenity:**

The nearest dwelling (excluding the Moorview development) is approx. 60m from the southernmost chalet (Cobble Stones), separated from the chalet by plantations, boundary screening and a road. Other properties are approx. 125m away, separated by plantation, a large building, boundary vegetation and a road (Thistleham and Meadow Cross) and approx. 90m away separated by plantation, boundary vegetation and the Totnes Road (The White Cottage).

Objections have been made on the grounds of possible noise disturbance from the chalets. Having regard to the distance of the units from neighbours it is considered that there would be no significant noise impact either from the occupation of the units or any associated vehicular movements.

There will be no impact at all with regard to privacy or light. It is unlikely the units will be visible at all to any of the existing nearby dwellings having regard to the boundary screening of the site its topography.

The impact on residential amenity will be acceptable.

### **Highways/Access:**

The proposed chalets will use the existing vehicular access to the Farm from the Totnes Road which has adequate visibility. The additional vehicular movements will not be significant relative to the existing use of the site and no highway objection has been raised from the Highway Authority.

There is safe pedestrian access from the site into the village of Marldon using the public footpath that runs around the sites southern and eastern site boundaries.

## **Ecology:**

Objections have been raised with regard to impact on wildlife and light pollution. A planning condition to agree the details of any proposed external lighting is recommended to avoid disturbance of possible bat corridors.

## **Other Matters:**

### Precedent:

Concerns have been raised that this will set a precedent for further chalet development on the site. Any further chalets would require planning permission and any such applications would be considered on their merits.

### Economy:

The site is well located for visitors wanting to visit Torbay and the South Hams; the scheme is proposed for year round use and introduces diversification of this rural forestry enterprise. The proposed development will make a positive contribution to the overall economy of the area.

## **Planning Balance:**

This site will encourage year round tourism aiding the local economy, there will be no significant adverse environmental impacts. The site has a well maintained footpath link into the village of Marldon, which whilst not hard surfaced is level and free from obstacles. The site is outside the development boundary but adjoins the residential development at Moorview. It is concluded that the proposed development is sustainable.

Having reviewed the details of the application in terms of design, landscape impact, ecological impact and highway impact and economic benefit, the proposal is considered to accord with Policy DP13 and other relevant local and national planning policy identified in this report

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

## **Planning Policy**

### ***NPPF***

#### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

#### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
DP7 Transport, Access & Parking  
DP12 Tourism and Leisure  
DP13 Holiday Caravan, Camping and Chalets Sites  
DP15 Development in the Countryside

### **Recommended conditions**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers Site Plan, MGR/16/0191E/08, MGR/16/0191E/05, MGR/16/0191E/04 and MGR/16/0191E/07 received by the Local Planning Authority on 10 June 2016.

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. The chalets hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday unit, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development proposed is in an area where there is a presumption against new residential development except where an agricultural or horticultural need has been established and because this permission has only been considered in terms of the permission sought, namely holiday lodges.

4. Prior to its installation full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of wildlife conservation.

5. Users of the holiday chalets hereby approved shall only use the existing site access from the Totnes Road for vehicular access to the site and no other access.

Reason: In the interests of highway safety

6. PRIOR TO COMMENCEMENT Prior to the commencement of the development, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority. Such approved drainage details shall be completed and become fully operational before the development is first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained

**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.

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## PLANNING APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Totnes **Ward:** Totnes

**Application No:** 1957/16/FUL

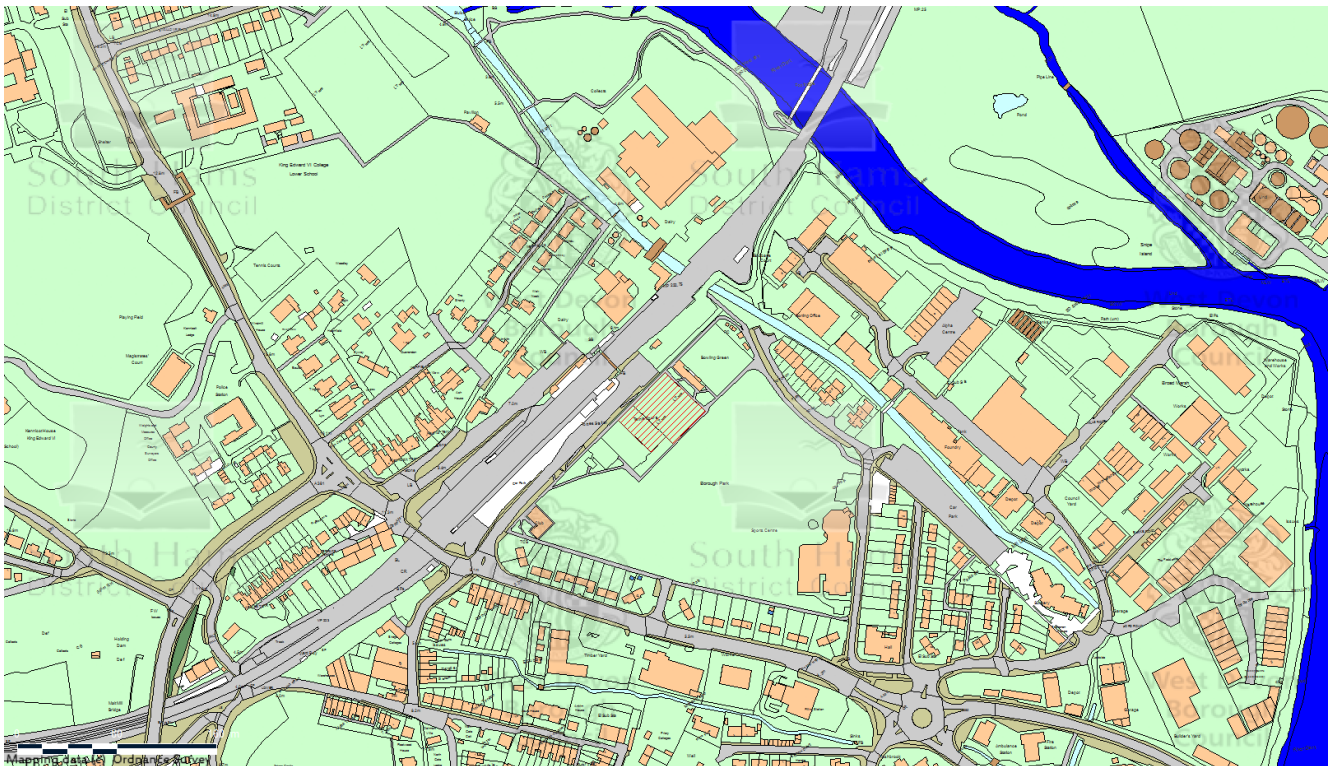
**Agent/Applicant:**

South Hams District Council  
Follaton House  
Plymouth Road  
Totnes  
Devon  
TQ9 5NE

**Site Address:** Borough Park, Borough Park Road, Totnes, Devon

**Development:** Additional ball stop fence to top of existing fence between existing multi use games area and existing tennis court

**Reason item is being put before Committee:** The application has been submitted by SHDC who are also the landowner.



**Recommendation:** Conditional approval

**Conditions (worded in full at the end of this report)**

1. Time limit
2. Accord with plans

**Key issues for consideration:**

Impact on local facility, visual impact.

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**Site Description:**

The site is situated on the north western side of Borough Park, which is itself close to the centre of Totnes between Totnes Station and the Pavilion. The area subject of this application lies within the existing sports courts to the south west of the Bowling Green.

**The Proposal:**

Permission is sought to construct a ball stop net above the existing fence between the MUGA (Multi Use Games Area) court (which lies at the southern end of the sports court area), and tennis court 4. The overall height of the fence once constructed would be 6 metres.

Whilst the development would be carried out by SHDC, the proposal requires planning permission as the height of the development exceeds 4 metres (and it is not therefore permitted development under Part 12 (Development by local authorities) of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Consultations:**

- County Highways Authority – No highway related issues
- Totnes Town Council – No objections

**Representations:**

No letters of representation from third parties have been received.

**Relevant Planning History**

- 56/2038/13/F: Retrospective application for retention of skate park lighting, Borough Park Borough Park Road Totnes. Conditional approval: 01 Nov 13
- 56/2674/12/F: Full planning application for erection of additional ball stop fence and installation of additional lighting to existing Multi Use Games Area - REGULATION 3 LPA OWN DEVELOPMENT. Borough Park Borough Park Road Totnes Devon.
- Conditional approval: 28 Jan 13
- 56/1112/94/10: Construction of additional tennis court, Regulation 3, LPA own development, Chief Executive delegated authority dated 26th. July, 1994, Adj.to existing tennis courts Borough Park Totnes. Conditional approval: 08 Sep 94

## **ANALYSIS**

Principle of Development/Sustainability:

The principle of additional sports-related development within an established recreational area raises no objection.

Design/Visual impact:

The proposed development would not appear out of keeping to the existing recreational facilities at Borough Park and would enhance the existing facility from a user perspective. There clearly be public views of the development from within the park, but no visual harm would arise. There is a bank of mature trees between Borough Park and Totnes Station which would limit views from this side.

Heritage:

The application has been advertised as affecting the setting of a listed building. Totnes Pumping Station lies to the north west of the application site beyond the railway line and is Grade II listed, as is the Signal Box Café. Given the scale and nature of development proposed and location on the opposite side of the railway line to these buildings, there would be no harm to their historic setting arising from the development.

Neighbour Amenity:

There are no residential properties within the immediate vicinity of the site.

Highways/Access:

No issues raised.

Other Matters:

The application has been advertised as affected a Public Right of Way. There is a PROW along the north western edge of the sports courts which would not be substantively affected by the proposed development.

The Planning Balance:

The proposal accords with the relevant development plan policies and there are no other planning reasons why permission should be withheld.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

### **Planning Policy**

#### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

#### ***Development Policies DPD***

DP1 High Quality Design

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking  
DP9 Local Facilities

***South Hams Local Plan***

SHDC 1 Development Boundaries

**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.

**Recommended conditions in full:**

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

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

2. The development hereby approved shall in all respects accord strictly with drawing numbers Location Plan, Proposed extension to Fence between Muga and Tennis court 4 and Design and Access Statement received by the Local Planning Authority on 5th August 2016.

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.

**South Hams District Council Agenda Item 7**  
**DEVELOPMENT MANAGEMENT COMMITTEE 28-Sep-16**

**Appeals Update from 22-Aug-16 to 15-Sep-16**

**Ward Dartington and Staverton**

APPLICATION NUMBER : **14/2500/15/VAR** APP/K1128/W/16/3145944  
APPELLANT NAME: Mrs S J Patchett  
PROPOSAL : Removal of condition (d) of planning approval 14/1745/95/3 to allow separate residential unit (resubmission of 14/1960/14/VAR)  
LOCATION : Glencoe Coach House, Dartington, Totnes, Devon, TQ9 6EU  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 16-May-2016  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 22-August-2016

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**Ward Newton and Yealmpton**

APPLICATION NUMBER : **37/1831/15/F** APP/K1128/W/16/3155335  
APPELLANT NAME: Mr and Mrs Williams  
PROPOSAL : Provision of new dwelling  
LOCATION : Development Site At Sx 552 481, Barnicott, Bridgend Hill, Newton Ferrers  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 22-August-2016  
APPEAL DECISION:  
APPEAL DECISION DATE:

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**Ward Salcombe and Thurlestone**

APPLICATION NUMBER : **0198/16/HHO** APP/K1128/D/16/3154586  
APPELLANT NAME: Mr J Walker  
PROPOSAL : Householder application for two storey rear extension; external alterations and new steps to extended sunken garden.  
LOCATION : 13 Courtenay Street, Salcombe, Devon, TQ8 8DQ  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 19-July-2016  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 30-August-2016

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APPLICATION NUMBER : **41/3102/14/CLE** APP/K1128/X /3133417  
APPELLANT NAME: Mr & Mrs T Edwards  
PROPOSAL : Certificate of existing use of dwelling  
LOCATION : Hangar Farm Bungalow, Beadon Road, Salcombe, Devon, TQ8 8JS  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 01-October-2015  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 25-August-2016

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APPLICATION NUMBER : **59/1456/15/F** APP/K1128/W/16/3151595  
APPELLANT NAME: Mr & Mrs Carson  
PROPOSAL : Erection of single storey dwelling  
LOCATION : Southbarn, Collapit, Kingsbridge, Devon, TQ7 3BB  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 16-June-2016  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 22-August-2016

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APPLICATION NUMBER : **2014/0292/BF** APP/K1128/C/16/3149049  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Enforcement Appeal - Erection of a shed without the benefit of planning permission  
LOCATION : The Grange, Cliff Road, Salcombe  
APPEAL STATUS : Appeal lodged  
APPEAL START DATE: 12-May-2016  
APPEAL DECISION: 30 August 2016  
APPEAL DECISION DATE: Enforcement notice upheld subject to variations

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