

# South Hams Development Management Committee



<b>Title:</b>	<b>Agenda</b>										
<b>Date:</b>	<b>Wednesday, 1st November, 2017</b>										
<b>Time:</b>	<b>2.00 pm</b>										
<b>Venue:</b>	<b>Council Chamber - Follaton House</b>										
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Cllr Steer</p> <p style="text-align: center;"><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 Brown</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 Brown	Cllr Pearce	Cllr Cuthbert	Cllr Rowe	Cllr Hitchins	Cllr Vint
Cllr Bramble	Cllr Hodgson										
Cllr Brazil	Cllr Holway										
Cllr Brown	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 Specialist- Democratic Services 01803 861185										

**1. Minutes**

**1 - 8**

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting of the Committee held on 4 October 2017;

**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**

To see Letters of Representation and further supplementary information relating to any of the Applications on the agenda, please select the following link and enter the relevant Planning Reference number:

<http://apps.southhams.gov.uk/PlanningSearchMVC/>

**(a) 2826/15/FUL**

**9 - 48**

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

**(b) 2224/17/FUL**

**49 - 62**

The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation

The Tea House, Beacon Hill, Holbeton

**(c) 2027/17/HHO**

**63 - 68**

Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace.

Brook Bakery, Riverside Road West, Newton Ferrers

**(d) 1743/17/FUL**

**69 - 74**

New dwelling

1 Old School House Cottage, Bickleigh

**7. Planning Appeals Update**

**75 - 80**

**8. Planning Performance Indicators**

**81 - 86**

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## MINUTES OF THE MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 4 OCTOBER 2017

Members in attendance			
* Denotes attendance		Ø Denotes apology for absence	
*	Cllr I Bramble	*	Cllr J M Hodgson
*	Cllr J Brazil	*	Cllr T R Holway
*	Cllr D Brown	*	Cllr J A Pearce
*	Cllr P K Cuthbert	*	Cllr R Rowe
*	Cllr R J Foss (Vice Chairman)	*	Cllr R C Steer (Chairman)
Ø	Cllr P W Hitchins	*	Cllr R J Vint

### Other Members also in attendance:

Cllrs Green, Tucker and Wright

### Officers in attendance and participating:

Item No:	Application No:	Officers:
All agenda items		COP Lead Development Management, Planning Senior Specialist, Planning Specialist, Deputy Monitoring Officer and Specialist – Democratic Services
	0549/17/OPA	Specialist – Place Making; AONB Manager;

#### DM.19/17 **MINUTES**

The minutes of the meeting of the Committee held on 2 August 2017 were confirmed as a correct record and signed by the Chairman.

#### DM.20/17 **DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered but none were made.

#### DM.21/17 **PUBLIC PARTICIPATION**

The Chairman announced that a list of members of the public and town and parish council representatives, who had registered their wish to speak at the meeting, had been circulated.

#### DM.22/17 **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:

**0549/17/OPA**

**Development site at SX 710 394, adjacent to**

## **Malborough Park, Malborough**

### **Parish: Malborough**

#### **Outline application with some matters reserved for erection of circa 50no. dwellings and means of access (all other matters reserved)**

Case Officer Update:

##### **Proposed change to recommendation – Section 106 Heads of Terms:**

A pedestrian link from the site into Malborough Park or Portlemore Close shall be provided in accordance with details approved by the Local Planning Authority prior to the occupation of the first dwelling or other phasing that may be agreed in writing.

Changes following Member debate:

##### **Additional clause for 106 proposed:**

The 50/50 option tenure split for affordable housing should only be used if it is demonstrated that the 30/30/40 split cannot be delivered.

##### **Amendment to proposed 106 clause to read:**

Access to and ongoing management and maintenance of POS, southern boundary hedgerow and SUDs in perpetuity

##### **Amendment to proposed informative 2:**

Any reserved matter(s) application should provide a mix of housing tenures, types and sizes to help support the creation of a mixed, balanced and inclusive community. The Council would normally seek a mix on the following basis:

35% 1 and 2 bedroom properties

35% 3 bedroom properties

30% 4 bedroom properties;

unless it can be demonstrated that the local need is for a different mix.

##### **Additional informatives:**

Any reserved matters application should reflect the need to provide a robust hedgerow/Devon bank along the southern site boundary and this hedgerow should not be included within any domestic curtilage but should be managed and maintained as part of the public open space management scheme.

Any reserved matters application should demonstrate adequate parking for residents and visitors. The Malborough Neighbourhood Plan proposes a policy that garages should not be counted as parking spaces and this should be taken into consideration.

Any future reserved matters application should have regard to the applicants Design and Access Statement, with particular reference to the provision of houses up to 1.5 stories only on the southern site boundary.

**Additional condition:**

Any reserved matters submission shall include details of how layout has sought to maximise passive solar gain

Speakers included: Supporter – Mr Richard May; Malborough Parish Council – Cllr John Sampson; and local ward Members – Cllrs Pearce and Wright

**Recommendation:** Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed s106 Agreement.

**Committee Decision:** Delegate to COP Lead Development Management, in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal agreement.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the COP Lead to refuse the application in the absence of an agreed S106 Agreement.

**The Section 106** should secure the following:

- 30% on-site affordable housing or 16 dwellings whichever is the greater; of which the mix will be either 50/50 affordable rent to shared ownership or
  - 5 social rent
  - 5 affordable rent
  - 6 intermediate (i.e., market discount at 75%)
 To be allocated in accordance with local allocations policy giving Band A-E preference to Parish applicants.
- The 50/50 option tenure split for affordable housing should only be used if it is demonstrated that the 30/30/40 split cannot be delivered.
- £164,407 towards secondary school infrastructure
- £23,332 towards secondary school transport
- £12,500 towards early years education
- £380 per resident towards improvements to the adjacent existing play area.
- £595 per resident towards improvements to Malborough Playing Fields.
- Access to and ongoing management and maintenance of Public Open Space, southern boundary hedgerow and SUDs in perpetuity.

- Implementation of LEMP in perpetuity
- £5000 for speed limit TRO
- £300 per dwelling for travel plan vouchers
- A pedestrian link from the site into Marlborough Park or Portlemore Close shall be provided in accordance with details approved by the Local Planning Authority prior to the occupation of the first dwelling or other phasing that may be agreed in writing.

**Conditions:**

- Std time outline time conditions
- Submission of reserved matters
- Accords with plans
- Materials to be agreed
- Boundary treatments to be agreed
- CEMP
- Roads to be constructed in accordance with details to be agreed
- Development in accordance with phasing programme to be agreed
- Off-site highway works to be completed prior to occupation of any dwellings
- No other development to commence until access road and footway on the public highway has been provided to base course level and site compound and car park constructed.
- Visibility splays to be provided
- Unsuspected contamination
- No development until a programme of archaeological work in accordance with a written scheme of investigation has been submitted and agreed. Development to take place in accordance with the agreed details.
- No development until a programme of percolation tests has been carried out and approved.
- No development until detailed design of proposed permanent surface water drainage management system is submitted and approved in writing.
- No development until detailed design of construction phase drainage scheme is submitted and agreed
- No development until details of adoption and maintenance arrangements for permanent surface water drainage scheme has been submitted and approved
- Pre-commencement – LEMP
- Pre-commencement - tree/hedgerow protection during construction
- Retention of all hedgerows except where their removal is permitted though this or subsequent planning consents
- Garages and parking areas to be provided in accordance with approved details prior to occupation and retained in perpetuity.
- Removal of PD – roof extensions, means of enclosure, hardstandings
- Lighting strategy to be submitted and agreed
- No external lighting in public areas other than that agreed in lighting strategy



- Arboricultural Impact assessment including details of hedgerow works to facilitate new access to be submitted and agreed
- Development in accordance with EclA
- Any reserved matters submission shall include details of how layout has sought to maximise passive solar gain

**0266/16/FUL**

**5 Christina Parade, Totnes**

**Parish: Totnes**

**Erection of 3 bed terrace house with garden and relocation of garages**

Case Officer Update:

- Land ownership has been established.
- Appropriate notices have been served on other landowners.
- Certificates have been appropriately signed.
- No further representations have been received.
- Some of the shrubs and undergrowth behind the existing garages will be removed to accommodate the new garages, all of which is in the applicants ownership.
- It will not result in the loss of any significant trees.
- The garages have been widened to 3 metres.

Speakers included: local ward Members – Cllrs Green and Vint, and Cllr Birch (statement read)

**Recommendation:** Conditional Approval

**Committee Decision:** Conditional Approval

**Conditions**

1. Time limit
2. Approved plans
3. Final drainage scheme
4. Garages not be used for commercial purposes
5. Removal of permitted development rights for means of enclosure
6. Construction Management Plan to be submitted
7. No external lighting on the garages
8. Landscaping scheme
9. Once completed a bat roost shall be provided

**2686/17/VAR      Admiral Court, Nelson Road, Dartmouth**

**Parish: Dartmouth**

**Application for variation of condition 2 of granted planning consent  
0901/16/FUL**

Case Officer Update:    -    None

Speakers included:        None

**Recommendation:**        Conditional Approval

**Committee Decision:**      Conditional Approval

**Conditions**

- Accord with plans
- Drainage to be agreed
- Materials to match existing units within site
- Unsuspected contamination
- Details of hard surfacing to be agreed
- Parking to be provided and retained

**DM.23/17      PLANNING APPEALS UPDATE**

Members noted the list of appeals as outlined in the presented agenda report. The COP Lead Development Management updated Members on a recent High Court decision.

**DM.24/17      PERFORMANCE INDICATORS**

The COP Lead Development Management introduced the latest set of performance indicators related to the Development Management service. A number of Members were concerned about the increasing number of enforcement cases.

It was then:

**RESOLVED**

That the latest set of performance indicators be noted.

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

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Chairman

## Voting Analysis for Planning Applications – DM Committee 4 October 2017

<b>Application No:</b>	<b>Site Address</b>	<b>Vote</b>	<b>Councillors who Voted Yes</b>	<b>Councillors who Voted No</b>	<b>Councillors who Voted Abstain</b>	<b>Absent</b>
0549/17/OPA	Development site at SX 710 394, adjacent to Malborough Park, Malborough	Conditional Approval	Cllrs Steer, Foss, Brazil, Vint, Hodgson, Pearce, Cuthbert, Holway, Bramble, Brown (10)	Cllr Rowe (1)	(0)	Cllr Hitchins (1)
0266/16/FUL	5 Christina Parade, Totnes	Conditional Approval	Cllrs Steer, Foss, Vint, Hodgson, Pearce, Cuthbert, Holway, Bramble, Brown, Rowe (10)	(0)	Cllr Brazil (1) (by virtue of not being in attendance for the original presentation)	Cllr Hitchins (1)
2686/17/VAR	Admiral Court, Dartmouth	Conditional Approval	Cllrs Bramble, Brown, Foss, Holway, Rowe, Vint, Pearce, Cuthbert, Hodgson, Brazil and Steer (11)	(0)	(0)	Cllr Hitchins (1)

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## PLANNING APPLICATION REPORT

**Case Officer:** Matt 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.

However, in the event that the Section 106 legal Agreement remains unsigned six months after this resolution, that the application is reviewed by the COP Lead Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the CoP to refuse to application in the absence of an agreed S106 Agreement.

**Conditions:**

1. Time, commencement within 18 months
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
  - £ 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
8. To be read in conjunction with S106

## **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 and policy TTV31 within the emerging Joint Local Plan.

The main issues associated with this application are:

- The principle of redeveloping the hotel and introducing 10 residential units in this location
- The acceptability of the development with specific regard to paragraph 116 of the Framework
- The appropriateness of the increased scale of the hotel on a realigned footprint in its landscape setting, having regard to the 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 onsite 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 approximately £12,000 per annum. The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards. 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

## **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. In 2016 there was an unsuccessful application to Historic England to individually list the building. Permissive parking for the public has at times been allowed on the car park associated with the hotel, however, there is no legal obligation to retain this facility. In 2017 there was an unsuccessful attempt to list the car park as an Asset of Community Value.

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.

In 2015 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 a new bedroom wing to form a 44 bedroom, 4\* hotel and the part change of use of the existing upper floors of the existing hotel to create 10 private residential 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, and 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.



In September 2016 this application was presented to Development Management Committee, who determined to approve the application. This decision was not issued as, following legal advice the officer report needed to be returned to Development Management Committee to ensure all material planning considerations were adequately addressed before making a decision.

The only changes to the scheme previously presented is the submission of updated viability information. This new information has been the subject of a fresh viability assessment. In summary, the Council's viability assessors concluded that the scheme could support £400k of planning obligations, but have subsequently revised that figure downwards to £150k within a draft report, following assessment of a supplementary viability statement submitted by the applicant.

During the life of the application viability work was also submitted by the third party group 'Keep South Sands Beautiful' which criticised the approach of both the applicant's and the Council's own instructed viability experts. The KSSB work has been considered by the Council's experts who maintain their current position within their draft report that the scheme is viable with a £150k planning obligation.

All viability work undertaken by all parties, with redactions where necessary, are viewable on the public website.

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
- Viability appraisal
- A completed Unilateral Undertaking in respect of a contribution of £400,000 towards affordable housing/Education

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 inhouse 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 14th 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 18th 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.’*

#### **July 2017 Addendum to previous consultation response(s) (see below).**

*Officers note that this proposed development which has been previously considered is once again being reviewed to allow for a debate to occur relating to the scheme’s viability and indeed acceptability with both national and local plan policy. Officers are of the understanding the scheme as now presented is exactly the same scheme that has been considered before, in terms of quantum of development, architectural treatment and positioning within the site. The scheme remains the same. Although a robust ‘Conservation Consultation Response’ has been offered previously (see below), Officers have been*

granted a further opportunity to comment on third party representation made during the life of the application.

### **Response to Third Party Representation.**

The 'Heritage Statement' submitted by 'Keep South Sands Beautiful' dated 24/04/2017 is worthy of much consideration.

This additional information supplied by third parties represents a most interesting and insightful document and although its authorship remains anonymous it does form a useful evidence base which should be considered in the decision-making process.

The documentary evidence cited within the report is enlightening and most fascinating with regards the provenance of the grade II listed 'Lifeboat Station' and aids the reader in gaining a fuller understanding and appreciation of this heritage asset.

Having read the contents of the report, Officers welcome an opportunity to review some of the views expressed within it.

Para 5.4.10 states: "the South Sands Hotel building does not dominate, nor particularly compromise the Lifeboat Station."

Officers would suggest that this statement is highly debatable and challengeable as it has always been a consistent Officer view that the introduction (and enlargement) of the South Sands Hotel, immediately adjacent to the Lifeboat Station has offered a significant disruptive and harmful impact on its setting.

Para 5.4.11 further seeks to downplay the impact of the adjacent South Sands Hotel on the setting of the Lifeboat Station by stating: "the negative impact of South Sands on the Listed Building and its original setting has been from the south only".

Again this view is highly challengeable as it dismisses the impact that the South Sands Hotel has had on the Lifeboat Station and its setting when viewed from its primary public vantage point, the east.

Para 5.6.6 suggests that the "stand-alone individuality of the listed building will be lost" (if the proposed hotel were allowed). Officers would argue that the immediately adjacent South Sands Hotel has already compromised the legibility of any stand-alone individuality that the listed Lifeboat Station once possessed.

Para 6.7 states that the new development "runs the risk of precipitating the loss of the present viable and appropriate use of the building, putting the future accessibility, care and maintenance of the Listed Building in doubt". Officers are unaware of the evidence to substantiate such a claim.

The 'Heritage Statement' refers to illustrative viewpoints and upon examination are indeed useful in understanding potential impacts, however they would have been more useful if the existing adjacent development (South Sands Hotel) had also been referenced therefore depicting a more accurate reflection of the current status quo.

It is clear from the above that Officers do not concur with the author of the submitted 'Heritage Statement' (Keep South Sands Beautiful – 24/04/2017) in regards to the impact of the existing immediately adjacent South Sands Hotel on the setting of the listed building and its overall significance.

Nevertheless the conclusions that are reached in the above referenced statement echo those that Officers have proffered previously, in that the 'setting' of the lifeboat station would be impacted upon given the proposed quantum of development and that resulting impact can be categorised (in NPPF parlance) as a 'less than substantial' harmful impact.

*Therefore ‘great weight’ must be given to the Lifeboat Station’s preservation and that of its setting when considering the planning balance and assessing any attributed public benefits afforded by the development, a point very well-articulated within the introduction of the submitted ‘Heritage Statement’ (Keep South Sands Beautiful – 24/04/2017).*

*In summary, as the scheme is exactly the same scheme that has been presented previously and taken into account the above referenced third party representation Officers offer no further comment than that previously expressed. (see below).*

*As a final note; Officers are aware of the continued dereliction of the site of the former Tides Reach Hotel which has occurred over a number of years since the closure of the former hotel. Arguably this continued dereliction is in itself adversely impacting on the setting of the adjacent heritage asset (Lifeboat Station) and the immediate environs.*

- Historic England

No objection – refer to in house Conservation Expertise

- Environmental Health Section

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

- Affordable Housing Section

*‘The Affordable Housing contribution for 4 x 3 bed and 6 x 2 bed apartments is £452,089’*

- 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 overdevelopment 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'*

- 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 derogation tests, the compensatory provision will ensure the 3rd 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. 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.'*

- Devon County Council – Children's Services

No objection subject to a financial contribution £7,074 towards secondary school transport

- 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.

- SHDC Strategic Planning

*Please see the policy response to proposal 2826/15/FUL. The response focusses on the emerging policies contained within the Plymouth and South West Devon Joint Local Plan that was submitted for examination on the 31<sup>st</sup> July 2017, and is scheduled for Examination in Public at the end of January 2018. The case officer has given due consideration to the conformity of the proposal with the adopted development plan policies. Given the emerging status of the Joint Local Plan however, it is considered that weight can be given to draft policies that are not the subject of unresolved objections, as outlined in paragraph 216 of the NPPF. The policies listed below are not considered to have any unresolved objections, and as such the local planning authority affords these emerging policies significant weight in decision making.*

*Plymouth and South West Devon Joint Local Plan*

*SPT1 – Delivering Sustainable Development; the delivery of a significant number of jobs, much needed homes as part of environment conscious proposal accords with the wider aims of the JLP.*

*TTV2 – Delivering Sustainable Development in the Thriving Towns and Villages Policy Area; the proposal accords strongly with the aims of this policy, as it positively responds to the settlement hierarchy, in that the South Sands Hotel is well associated with Salcombe, despite being located outside the draft settlement boundary. Salcombe is identified as one of the 'Smaller Towns' within the TTV settlement hierarchy, and as such the proposal can be considered to be consistent with policy TTV2. The site effectively reuses a brownfield site, which contributes to this proposal being considered as a sustainable solution that encourages rural enterprise and tourism.*

*Policy TTV31 – Development in the Countryside; the proposal site is outside the draft JLP settlement boundary and adopted development boundary for Salcombe. The JLP uses walkability distances to promote the creation of linked neighbourhoods, with a distance of 800m, or a 10 minute walk, a well-established benchmark.*

*Whilst the proposal site sits outside the 800m threshold to meet the majority of services and amenities, a local café and bus stop are within the 10 minute walking range, allowing for access to local services*



*via public transport. The behavioural patterns of tourists should be considered as slightly different from residents, as often people on holiday will chose to walk, cycle or use public transport for journeys that they may otherwise have used the car for. There is also a water taxi from South Sands to Whitestrand in the centre of Salcombe, and from a tourism point of view, the detachment from the town centre is not considered to merit a clear policy conflict.*

*The provision of residential apartments in this location requires a different type of consideration, not least because applying the same argument as has been made for the behavioural pattern of tourists is required for consistencies sake, and concludes that people living, rather than holidaying, in this location would be less inclined to walk 800m to the nearest bus stop to access local shops and services, and would be more likely to take the car.*

*The residential offer is not going to meet an identified local housing need in terms of affordability, and nor will it contribute to a housing mix that benefits young, working families, or older people looking to downsize. This weighs against the proposal, and needs to be considered against the considerable economic benefits offered by the new hotel, and benefits of redeveloping a brownfield site adjacent to a town that is prominent within the wider TTV settlement hierarchy.*

*The proposal accords strongly with policy DEV15 – Supporting the Rural Economy; in that it is considered to be an appropriate expansion of an employment site, and also reuses suitable buildings for employment uses.*

*This policy response does not include consideration of specific impacts on the natural or historic environment, as comments from specialists in those fields will be of greater weight than a generic statement of policy compliance.*

*It is acknowledged that the balance of considerations is not straightforward in this case, and that the case officer is best placed to weigh the benefits and impacts that will inform their recommendation. There are some policy conflicts, but the proposal also strongly accords with other policies. Without having the benefit of the full suite of consultation responses, and recognising the sensitivity of the proposal site, it is not considered beneficial in this instance for the Policy Team to provide a formal support or objection, but to offer a clear indication of the relevant policies for consideration.*

- Salcombe Town Council

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

13/04/2017 - Objection if the assessment from this report is that the development is not viable.

- 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 90 letters of objection had been received at the time this report was originally presented to Development Management Committee in September 2016. All letters of representation can be viewed on the Council’s website. A further approximately 200 objections and 160 supports have been received following the scheme’s previous appearance at Development Management Committee. Please note, this includes subsequent representations made by individuals who had previously commented on the planning application.

The representations therefore 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
- Continued degradation of the site is harmful

- The lack of a parking area / closure of toilets is harmful to the local economy
- Reopening the hotel will lead to economic harm through increased competition with other business
- The 10 residential units are not necessary to ensure viability, especially as a 400k planning obligation is agreed
- Various criticism of the Council's and applicant's approach to viability assessment
- This could be a forerunner to a less policy compliant scheme

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 scheme seeks the redevelopment of the existing C1 Hotel use but also introduces a new C3 use with the ten proposed residential units. The provision of the ten C3 units makes this a major development and also a departure from the housing policies of the Development Plan. The scheme is also considered to constitute a major in AONB terms.

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

However, this policy (nor any other in the Development Plan) does not specifically address the issue of renovated and extended hotels. However, 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 policy team have also indicated that this scheme accords strongly with policy TTV2, although as an emerging policy this is given limited weight.

The residential element of the scheme leads it to conflict directly with local plan policies CS1, DP15 and SHDC1 and the equivalent policy TTV31 within the emerging Joint Local Plan which seek to direct new residential development into or near to residential areas within settlement boundaries, and away from isolated rural locations. Due to these policies, the Local Planning Authority is generally resistant to new residential development in areas such as the area around South Sands, and this approach is consistent across the current and emerging Development Plans. This recommendation of approval is at odds with these housing policies.

The implication of this policy conflict and residential development in this area is isolation from services, and a dependence on the motorcar; issues raised both by the policy team and within the planning balance. The emerging policy TTV31 also requires housing to meet a local need but again this is an emerging policy of limited weight, and it is also acknowledged that the scheme makes a near policy compliant off-site contribution to affordable housing.

In this case these new residential units are an element of the wider mixed use scheme for redevelopment of the existing 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 ten residential units are a necessary element of the scheme in order to secure its viability.

The proposed residential units will make a contribution to housing provision in a general sense. The emerging Joint Local Plan identifies a robust 5 year housing land supply, however the evidence base for this has yet to be tested; as such limited weight can be given to this at present. Officers have to take in to account the fact that the Council is currently unable to demonstrate a five year housing land supply and therefore the adopted policies which relate to the supply of housing have limited weight.

## Planning Obligations and Viability

The Council's Affordable Housing team has stated that planning policy triggers the requirement for a £452,089 off site sum to Affordable Housing provision within the South Hams.

The Council's independent assessment of the viability of the scheme has concluded, within the latest draft report, that the scheme would in normal circumstances fail to reach this figure and that £150,000 is the maximum viable payment that can be made. The Council's assessment has also tested the necessity of the ten apartments by exploring a high level scenario where one apartment is removed from the scheme and substituted with additional hotel rooms. The assessment indicates that removing an apartment from the scheme leads it to become financially unviable, and the Council therefore concludes that the ten residential apartments are necessary to render a viable development.

However, the agent has indicated that a 400k figure will be offered, based on the specific expertise and circumstances of the applicant, and the long term financial strategy of the applicant. Officers must therefore decide which figure to base the planning assessment upon.

The government's Planning Practice Guidance is helpful in guiding the Council's approach with regard to this matter and is a significant material planning consideration. It confirms in paragraph 002 that *'There is no standard answer to questions of viability, nor is there a single approach for assessing viability.'* It states in paragraph 015 that *'The National Planning Policy Framework states that viability should consider "competitive returns to a willing land owner and willing developer to enable the development to be deliverable" This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should therefore be avoided and comparable schemes or data sources reflected wherever possible'*

The agent acting for the applicant has stated that *'This particular case is unique because the developer is also the Hotel Operator and consequently can take a longer term view on both profit and incentive. Furthermore, the applicant has an established track record of delivering hotels in similar situations which reinforces the above.'*

*'The applicant fully accepts the need for the development to contribute towards the three dimensions to sustainable development and considers the £400k contribution to be justified whilst ensuring that the development provides sufficient return such that the development is both viable and deliverable. If approved the applicant intends to develop the site at the earliest opportunity and therefore is clearly incentivised.'*

*'I hope that, given the very clear advice into the NPPG regarding returns varying significantly between projects and the avoidance of the application of rigid profit levels, you will agree that not only is the development highly desirable in environmental and economic terms but also viable and deliverable in the specific circumstance of the applicant being able to take a longer term view of viability and profit margins.'*

Officers also note that the main area of dispute between viability experts is the value of the land. This is a subjective, professional judgment which is reflected in the difference in opinions. The Council's viability experts have agreed that analysis of the site value represents a *'rudimentary and subjective analysis'*

On the basis of these circumstances, the expertise and situation of the applicant, his long term financial strategy, and as the additional sum goes a significant way towards achieving the stated policy requirement for Affordable Housing, officers would accept the 400k contribution and the planning benefits to the scheme that it provides if members are minded to approve the application. The incentive to begin the development is also reflected within the recommended time limit condition, which requires commencement of the development within 18 months of the date of issue.

## Paragraph 116

As a major development within the AONB, paragraph 116 of the NPPF is engaged. 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.'*

The scheme seeks the renovation and redevelopment of the Tides Reach Hotel and cannot therefore logically or sensibly be accommodated elsewhere.

This is a brownfield tourist related site within a highly regarded tourist area. The hotel is closed, the site is degraded; it is currently harmful to the character and appearance of the environment. There is therefore a need for redevelopment of the site and it is in the public interest to secure it.

In the absence of any viable alternative, the impact of refusal would likely be the continued degradation and sterilisation of this tourist asset and the continued absence of any positive contribution to the economy.

The inclusion of ten residential units of accommodation is considered by the Council's viability experts to be essential to render a deliverable development.

It is the opinion of officers that viability is based on a complex number of variables and it would be inappropriate and overly simplistic to suggest that removal of certain elements of the proposal, such as the planning obligation, would necessarily lead to a net reduction in residential units or reduction in the massing of the proposed development and thus a reduction in its impact. It does not necessarily follow that a reduction in the number of units would lead to a reduction in massing nor that a reduction in massing itself would lead to an alternative scheme which would be more or less policy compliant.

In the purest terms any larger or extended building within the AONB could be argued to challenge character. In this case the proposal is the culmination of lengthy and prolonged discussion between the applicant and Council officers, and the development has clearly been designed in such a way as to lead to minimal intrusion and impact on the surrounding context, but also to ensure delivery of a development which is viable.

Having considered the merits of the design response and having now considered a multitude of expert opinions regarding viability, the Council is satisfied that there is no alternative scheme which should be supported, nor indeed has the Council been presented with robust or reliable evidence of any alternative scheme which should be supported. As such, officers conclude that the need for the development could not be met in some other way and are satisfied that the impacts of the development could not be further moderated.

No detrimental impact on recreational opportunities will arise. Also a benefit of redeveloping the site is the opportunity to replace the existing hotel buildings which are having a negative contribution to the character of the area and to provide a degree of controlled public parking, of which there is currently an absence. Although parking has been provided previously, this is purely circumstantial and is currently beyond any planning control.

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 redevelopment can be supported on the site and can be considered in the public interest. Officers are therefore satisfied that the proposal meets the requirements of paragraph 116 of the Framework.

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.

Although comments regarding any increased commercial competition resulting from this development are understood, the Council do not regard commercial competition to be a significant material consideration in this case; it has been well held and established that it is not the planning system's role to stifle commercial competition nor preserve existing commercial interests.

In addition to that point of principle it is also highlighted by officers that this is an existing hotel land use, and the development does not introduce a new enterprise into the area but ensures the renovation and retention of an existing business. All commercial decisions taken in the area for decades have been within the context of an existing hotel land use at Tides Reach, and any negative commercial implications of Tides Reach being redeveloped and reopened are considered to fall within the guise of being commercial not planning related, and not of significant material consequence to the outcome of this application. The applicant has supplied an appeal decision (APP/A2525/W/17/3171261) which

states that *'it is clear that planning is unable to impact on market forces through the prevention of competition'*

### 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 Heritage 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 Heritage Coast and 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. It is also within the Heritage Coast, a designation protected by local and national policy in its own right. The Heritage Coast designation seeks to protect the undeveloped quality



of the coast line and improve accessibility. Any adverse impact on the Heritage Coast needs to be afforded significant weight.

The existing building, owing to its degraded and abandoned state, is considered by officers to provide a negative visual contribution to the local context, Heritage Coast and wider AONB. Officers have carefully considered 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 overdevelopment 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.’*

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. This is not an undeveloped site, and its degraded state is harmful to the Heritage Coast Designation. The proposal serves the dual purpose of providing a high quality redevelopment well considered within the Heritage Coast setting whilst allowing accommodation within a reopened hotel and 5 public car parking spaces controlled through the planning system.

*‘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 and undeveloped character 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 the 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 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.

Officers are unconvinced that the redevelopment of this existing land use will prejudice the integrity of nearby tourist uses, and the demonstrable economic and employment benefits of retaining this existing land use, within the leisure context presented within the submission, is overriding.

### 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. Great weight should be given to the assets conservation. Where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless there are exceptional circumstances. Where less than substantial harm is caused this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. In respect of non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.

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

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, stating that:

*'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.'*

Due to the impact on the lifeboat house the scheme is in conflict with policies DP6 and CS9. However Officers concur with the assessment and overall conclusion reached by Conservation colleagues.

In reaching this judgment officers have had special regard and given great weight 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 redeveloped 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 does not set minimum parking standards and 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 test 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 3rd 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.

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.

It is noted that the Joint Local Plan has been submitted for examination and therefore paragraph 216 of the NPPF is relevant. This enables the decision maker to give some weight to relevant emerging policies within the Joint Local Plan. Due to the stage of this plan, and the third party representations the plan has received, it is the officer view that only limited weight can be given to emerging policies.

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 in 2015 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 that 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 and the emerging housing policies of the Joint Local Plan which seeks to prevent residential development within isolated countryside locations. 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 Council's independent viability assessors have indicated that the ten residential units are necessary in order to secure the viability of the hotel redevelopment.

In addition, the proposed residential units will make a contribution to housing provision, and the scheme makes a material contribution towards Affordable Housing.

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 and Heritage Coast 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 is considered to be adequate 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 also weighs in favour of the scheme.



Considerable weight is afforded to the economic, environmental and social benefits of the scheme and these benefits outweigh the adverse impacts, 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.'* Officers are now satisfied that this scheme represents the optimum viable use for the Tides Reach site.

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 identified conflicts with policy are 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 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.

## **11. 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

## **Plymouth and South West Devon Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The development plan has primacy over national guidance, but given the position the Council is in regarding the age of its adopted policies and nascent policies within the JLP, it is considered appropriate to make specific reference to the NPPF, as well as referencing the emerging policies where there are no unresolved policy objections.

SPT1 – Delivering Sustainable Development  
TTV2 – Delivering Sustainable Development in the Thriving Towns and Villages Policy Area;  
TTV31 – 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.

### **Planning Conditions**

1. The development to which this permission relates must be begun not later than the expiration of eighteen months 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.

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 cowl 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)

### **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:** Jacqueline Houslander  
Yealmpton

**Parish:** Newton and Noss **Ward:** Newton and

**Application No:** 2224/17/FUL

**Agent/Applicant:**

Deborah McCann  
9 Station Road  
South Brent  
TQ10 9BE

**Applicant:**

Mr G.S Sayers  
Carswell Farm  
Holbeton  
Nr Plymouth  
PL8 1HH

**Site Address:** The Tea House, Beacon Hill, Holbeton, PL8 1HH

**Development:** The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation.

**Reason item is being put before Committee:**

Councillor Baldry wishes the application to be presented to Committee as discussions at both Parish Councils were supportive, and significant local support



## **Recommendation: Refusal**

### **Reasons for refusal:**

1. The proposed development of a holiday unit within the ruins of the Old Tea House is in an unsustainable location with no specific justification in terms of the hierarchy for tourist accommodation as required by Policies CS12 of the South Hams Core Strategy and DP12 of the Development Policies DPD.
2. The proposed development within an undesignated heritage asset in the area designated as Heritage Coast would harm the character of the asset, and the surrounding area, such that it would not serve to conserve and enhance the historic environment; it will privatise the asset, will create light pollution in an otherwise dark environment; and would intrinsically change the asset and its setting contrary to policy CS9 of the South Hams Core Strategy, Policy DP6 of the Development Policies DPD and Policies DEV 21 and Dev 22 of the emerging Joint Local Plan
3. The proposed development lies within the South Devon AONB, where great weight is given by to the preservation and enhancement of these designated areas. The proposal would harm the undeveloped nature of this part of the coastal environment and ultimately domesticize it which would be detrimental to the special qualities and character of the area, contrary to policy CS9 of the South Hams Core Strategy, policy DP2 of the Development Policies DPD, the NPPF and the emerging Policy DEV27 in the Joint Local Plan as well as policies within the South Devon Area of Outstanding Natural Beauty Management Plan (Lan/P1; Lan/P4; Lan/P5; Lan/P6).
4. The teahouse lies within an area designated as undeveloped coast and the proposed alterations would change the nature of the undeveloped coast and cause harm to the landscape, by adding a form of development in an otherwise undeveloped and unspoilt part of the coastline, contrary to Policy DEV24 and Policy DEV25 in the emerging Plymouth and South West Devon Joint Local Plan.

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

The impact of the development on the undesignated heritage asset

The acceptability of the proposal in relation to the tourism policies

Impact on the AONB

Impact on the undeveloped coast and heritage coast

Impact on the south west coast path

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**Site Description:** The site is a ruined building located on a prominent headland along the South West coast path. There is no vehicular access to the site. A footpath exists from the nearby road. The land forms part of the organic dairy farm known as the Carswell Estate. The farm has other forms of holiday accommodation within it.

The site is on the South West Coastal footpath, lies within the South Devon Area of Outstanding Natural Beauty, is designated heritage coast and the ruins are an undesignated heritage asset. The structure sits on an area of raised ground, above the coastal footpath.

### **The Proposal:**

The proposal has been described by the applicant as the consolidation and safeguarding of the existing Tea House and the creation of additional subterranean accommodation to provide a modest one bedroom holiday unit. The proposal involves creating a new weather proof envelope which will sit within the ruin, below the existing stone top walls and set back off the existing inner masonry. It will be

constructed from a mixture of light deflecting baffles and flat gun metal grey form. The access and secondary accommodation are all subterranean.

The applicant has submitted a design and access statement which describes the proposal as follows:

*“Above ground the structure remains*

*The new weatherproof envelope sits within the ruin, below the existing stone top walls and set back off the existing inner masonry*

*A combination of louvered light deflecting baffles and flat gun metal grey form in essence a floating box which slides between the four stone corners*

*The access and secondary accommodation are all subterranean and hidden from view, the silhouette, skyline and form of the ruin remains unchanged*

*Issues identified – ecology, AONB, light pollution, services and servicing, non-designated heritage asset*

*The proposal is approached via a footpath from the north and follows the contour of the headland. The path remains at a 96.5 m level for the final approach to the ruin and its point of arrival to the rear is therefore hidden (being circa 2.5m below the surrounding ground level of the structure).*

*The below ground construction is designed as a series of interconnected volumes, positioned to mitigate disturbance of the existing structure during construction. The volumes are incidentally lit from above by ground level toughened glass openings which in themselves are virtually hidden within the surrounding coastal flora and fauna.”*

A Landscape and Visual Impact Assessment has also been carried out in support of the proposal. It concludes:

*“Having analysed the various component parts that form the landscape and visual aspects of the site, and reviewed relevant planning policy, it is concluded that the site could successfully accommodate development of the proposed scale.*

*Careful consideration has been given to the layout, design and mitigation proposals which have been assessed within this report and indicate that the proposed mitigation will successfully eliminate the majority of identified significant adverse landscape and visual impacts.*

*The development offers an ability to showcase exemplar, high quality and highly innovative design within a sensitive landscape setting with truly minimal impact. In addition, the development of this dwelling will provide social landscape and biodiversity benefits to the users of the South West Coast Path, the local community and its surrounding environs through the retention, preservation and reuse of a historic structure. Given the scale of the proposed development it is considered that the effects identified and concluded in this assessment are appropriate in terms of landscape character and visual impact.”*

An extended phase 1 Habitat Survey and Bat monitoring report was also submitted in support of the proposals. It concludes: Although care needs to be taken during the construction phase, the biodiversity of this part of the South West Coast Path could be increased as a result of the scheme and that there are no bats using the existing ruin as a roost. There would be no impact on any bat activity within the area as a result of the proposal, although the importance of controlling any light pollution from the use of the proposed holiday accommodation was highlighted.

A heritage report was also submitted in support. It concludes:

The Tea House is not a listed building but has been considered for the purposes of the report as an undesignated heritage asset. Two archaeological investigations into the history of the site have been carried out and their reports form part of the supporting documentation for this application.

**Impact on fabric and appearance;** the repair of the surviving fabric would secure its long term preservation; the proposal involves a modern predominantly glazed pod. This would have very little impact on the historic fabric, but would subtly change the buildings appearance. The chosen design approach allows the ruinous walls to be expressed as they are, with the modern structure set within them.

**Impact on aesthetic significance:** Care has been taken to conserve and express the simple form of the ruin and to contrast this with the modern accommodation pod. This has been met with critical acclaim

elsewhere – e.g. Glencoe Hall Cumbria, or the Dovecote Studio at Snape Maltings, Suffolk, both having received architectural wards.

**Impact on setting and community significance:** There would be some impact on the setting and the coast path, however the changes to the space would be kept to a minimum. Great care has been taken to hide any potential domestic paraphernalia below ground in order that the impact is kept to a minimum. Once construction work was completed, there would be no access to the site for motorised vehicles. The proposal has been carefully designed to avoid light pollution. Intensive activity would be confined to the basement and the upper living space would be lit using low lumen lamps, equivalent in brightness to candles. The impact on the setting of the listed Eastern Lodge would be minimal because of the distance between the two buildings.

**Additional information has been submitted recently indicating the intent to serve tea and cake at the premises for 3 days a week, see below:**

***“Tea and Cake at The Tea House:***

*Walkers and Tea House guests will be able to stay at The Tea House for either one or two nights’ maximum.*

*Changeover days will be Monday, Wednesday, Friday and Sunday for the two night stays.*

*Guests will therefore stay on Monday and Tuesday nights, Wednesday and Thursday nights or Friday and Saturday nights.*

*On changeover days, guests are requested to leave by 10.00 am in order to either continue their walk along the coast path or return to their car at Lambside Farm on foot.*

*New guests will be able to arrive from 15.00, once again either on foot direct from the coast path or on foot from Lambside Farm.*

*This will give the cleaning team time to clean, and serve Tea, Coffee, cake and other light refreshments between 10.30 and 14.30 on three days a week, at which point locals and walkers on the coast path will be able to enjoy Tea, Coffee and Cake in the Tea House while enjoying the fabulous views.*

*There will be a discreet sign on the coast path and also at Tea House cross and Stoke Beach car park.*

*Locals be able to enjoy and appreciate the continued access to the structure and the overall experience. “*

**Consultations:**

- County Highways Authority: Standing Advice
- Environmental Health Section: No comments
- Town/Parish Council; Holbeton: No comments to make  
Newton and Noss Parish Council No objections
- County Archaeological Officer:  
The proposed development will have an impact upon setting of the ruinous historic building here and groundworks have the potential to expose archaeological or artefactual material associated with the use of the building. This building has been variously interpreted as a Napoleonic signalling station or a ‘pleasure house’ a building from which to appreciate the landscape.

For this reason and in accordance with paragraph 141 of the *National Planning Policy Framework (2012)* I would advise that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95 and English Heritage guidance as set out in ‘*Understanding Historic Buildings: Policy and Guidance for Local Planning Authorities - 2008*’, whereby:



*“No development to which this permission relates shall commence until an appropriate programme of (i) historic building recording and analysis and (ii) archaeological monitoring and recording has been secured and implemented 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 District Planning Authority.*

#### Reason

*'To ensure, in accordance with guidance in paragraph 3.69 for South Hams Development Policy DP6 and paragraph 141 of the National Planning Policy Framework (2012), that an appropriate record is made of the historic building fabric and archaeological deposits that may be affected by the development.'*

Please note that the above wording is a variation of the usually recommended archaeological condition.

I would envisage a suitable programme of work as taking the form of:

- i) A written, photographic and drawn record of the extant building fabric and
- ii) The archaeological monitoring and recording of all groundworks associated with the construction of the new holiday accommodation.

The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report.

- Rights of Way Warden:

The planning application below will have an impact on the South West Coast Path (SWCP) and those who seek to enjoy the unspoilt nature of the location. The historic building can be seen from the coast path and is visited by many people. A change of use to holiday accommodation will affect the amenity of the local vicinity and will impact on the remote and natural surroundings. The site is within the Heritage Coast designation which aims to protect natural landscapes.

Development of the site should not be allowed to impact on the use of the SWCP or adjoining public rights of way.

- Natural Environment and Recreation Team response

	Comments	No objection	Objection	Conditions
	✓			
Landscape Character	✓		✓	
Visual Impact	✓		✓	
Protected Landscape	✓		✓	

#### **Landscape Character and Visual Impact**

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute “major development” in the context of paragraph 116, due to the scale and size of development. However, any effects on the landscape and environment of the AONB should be given great weight in this planning balance.

This application is made with reference to 4046/16/FUL which is of a similar nature and location (east along the same stretch of coastline). The submitted LVIA is noted (AECOM: dated August 2016). The proposed development lies within the highly distinctive, rural seascape of Bigbury Bay. This falls within the Devon Character Area (DCA) 04 – Bigbury Bay, and locally within LCT 1B - Open coastal plateaux. The site itself is close to the boundary of the adjacent LCT 4D – Coastal slopes and combes and just beyond this LCT 4H – Cliffs. The south-west coast path passes within metres to the south and views of the derelict building can clearly be seen on the approaches and skyline.

This landscape is sensitive to change, with the various landscape elements within it contributing to its high quality and scenic beauty. Whilst the proposed development seeks to sit within the ‘ruin’ and below ground, there will be inevitable change that will adversely affect the character and nature of the local landscape. Walkers of the coast path (high sensitive receptors) enjoy expansive views with little or no impact from settlements apart from the occasional ruin or isolated farm as in the proposal, which provide isolation and tranquillity beyond limited development such as Revelstoke. Highlighted in the character assessments, views and perceptual qualities note

#### LCT 1B

- from rights of way along the coastal edge of this landscape type there are extensive views of the adjoining dramatic cliff landscapes
- most of the LCT is contained within the South Devon AONB, contributing to special qualities including ‘iconic wide, unspoilt and expansive panoramic views’
- the variety and complexity of coastal features and the dynamic nature of the coast provide experiential, historic and natural interest reflected in the Heritage Coast designation

#### LCT 1D

- Extensive coastal rights of way including the South West Coast Path with steep paths down to beaches. Many areas are owned and managed by the National Trust.
- This LCT falls wholly within the South Devon AONB, including special qualities identified in the AONB Management Plan such as ‘fine, undeveloped, wild and rugged coastline’ and ‘deeply incised landscape that is intimate, hidden and secretive away from the plateau tops’
- Coastal influence in exposure, vegetation and extensive views

Within the relevant landscape character assessments the following specific sensitivities are raised:

#### LCT 1B

- The iconic unspoilt and expansive panoramic views of the sea and the adjoining dramatic cliffs, from the undulating coastal plateau
- Expansive seascapes under big skies influenced by the changing sea moods and skies
- The seemingly remote, windswept character of the high open plateau, sparsely settled with high levels of tranquillity and in places, where the undulating topography limits light pollution from nearby major conurbations, dark night skies can be experienced

#### LCT 4D

- the variety and complexity of coastal features and the dynamic nature of the coast provide experiential, historic and natural interest reflected in the Heritage Coast designation
- remote, intimate, sheltered and tranquil qualities

In consideration of the landscape character assessments it can be concluded that this highly sensitive landscape is particularly susceptible to harmful change through development. It is the officer view that the proposed development of this isolated building will result in adverse, harmful change to the existing character and as a result is contrary to current policy because it fails to conserve or enhance

the special qualities. The proposed development lies within the South Devon AONB, where great weight is given by virtue of the NPPF and Development Plan; Policy CS9 of the South Hams Core Strategy seeks to conserve and enhance these designated areas. The proposal would harm the undeveloped nature of this part of the coastal environment. It also conflicts with a significant portion of policies in the South Devon AONB Management Plan (Lan/P1; Lan/P4; Lan/P5; Lan/P6). It is within the undeveloped coast as noted with the emerging JLP.

Officers do not agree with the conclusions of the submitted LVIA which significantly underplay the nature and importance of the building in its current form and the experience of high sensitive receptors walking the SW Coast path. In Table 9, sensitivity to change will remain high, as will the magnitude of change, at the very least medium, after construction because the ruin will have been significantly altered and noticeably changed. Whilst the suggested impacts are noted and with which officers do not agree, visual impact is still noted as significant within the report for a high sensitive receptor. Officers' assess the impacts as being major and therefore contrary to policy.

RECOMMENDATION: Objection

### **POLICY:**

The proposal is contrary to policy CS9 of the South Hams Core Strategy and policy DP2 of the Development Policies DPD.

### **DP2: Landscape Character**

1. Development proposals will need to demonstrate how they conserve and / or enhance the South Hams landscape character, including coastal areas, estuaries, river valleys, undulating uplands and other landscapes, by:

- a. reflecting the needs and issues set out in identified landscape character areas;
- b. ensuring its location, siting, layout, scale and design conserves and/or enhances what is special and locally distinctive about the landscape character (including its historic, biodiversity and cultural character);
- c. avoiding unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution; and
- d. respecting the unspoilt nature and tranquillity of the area

2. The undeveloped coast (defined on the JLP Proposals Map) will be protected and proposals will be considered against regional policy and relevant local guidance.

### **Representations from Residents**

Comments have been received and cover the following points:

#### **Objections:**

- It is in an AONB, the tea house is part of the landscape character
- Safeguarding the existing building could be done with a good stonemason
- The teahouse is a part of the history of the Revelstoke estate. Turning it into a holiday flat is immoral.
- The Tea house has always stood out as a beacon. The fact that it has fallen into disrepair is part of its charm. People picnic next to it, children explore it anyone can access it.
- The agricultural additions of stock proof fencing, barbed wire, it would not be long before the same thing happened to the tea house preventing passers by from approaching it.
- The building is a dramatic and stark landscape feature that enhances the cliff top and AONB. It is of artistic importance and acts a reminder of the history of the area.
- The applicant has previously applied to turn it into a holiday home and it was refused, which is the right decision. Nothing has changed since that decision.
- The letters of support are from many who don't live in the area, who want to rent it. Local people should be heard.
- This is a stunning location and beautiful and should be able to be enjoyed by everyone.
- We need our wild landscapes.

- If this is allowed there would be a rush of other applications for other tea houses, which would then be hard to resist.
- Very little difference in this planning application compared to the one that was recently rejected.
- Regular maintenance would be required, cleaning, rubbish collection. The landmark should be safeguarded through careful restoration.
- Visual impact on the South west Coast Path, Britain's longest National trail. The trails importance to the economy of the south west is enormous.
- Please do not allow this application in such an iconic place.

#### In support:

- It will become a pile of rubble if left to its own devices, it seems appropriate as it was originally constructed for domestic use that this becomes its future use.
- With the contrast in architectural styles, it may make it a more interesting feature in the landscape.
- The impact on the surrounding area has been kept to a minimum with subtle design and restrictions on vehicular access.
- The applicant already owns several properties in the area and these are all well maintained.
- Ruins are costly to maintain, and whilst no one likes change the Tea House is too important to lose.
- It would be a tragedy if this extremely rare C18th folly was allowed to disappear altogether.
- The plans are sensitive and historically literate and imaginative.
- The renovations will restore the folly to its original purpose, whilst allowing the walls and outline of the building to be enjoyed by visitors.
- Provided no cars are allowed, the footpath is not obstructed and light pollution is prevented, the application should be supported.
- The proposed alterations are entirely in keeping with its original purpose, extremely subtle, with minimal visual or environmental impact.
- Surely people should realise that if the building is not maintained then it will fall further into disrepair thereby losing the local landmark.
- A glass box seems an acceptable compromise.
- The plans are completely in keeping with the original and will help to preserve it for future generations.
- It will enhance the beautiful landscape surrounding it.
- It is important to give the building a use to keep the structure in good condition.
- If it were to fall down it would be tragic.
- It will add to the appeal of the coast path.
- It is an exciting, positive and progressive project.
- The plans appear to maintain the ruined appearance, whilst providing novel accommodation to experience the coastline from.
- If the design is approved it would become a much visited tourist site with real added benefit to the local economy.
- I am in favour of the fact there will be no vehicular access, which will ensure the peace and beauty of the area is maintained.

#### **Relevant Planning History**

4046/16/FUL - The safeguarding and reuse of the Tea House Beacon Hill as one bedroom holiday accommodation. Refused 23/03/17

#### **ANALYSIS**

##### Principle of Development/Sustainability:

The principle of this development needs to be considered in terms of its historic interest as an undesignated historic asset; the impact on the landscape; the impact on the AONB and the impact on a Public Right of Way; the creation of a holiday unit in this location.

The site does not lie within a defined settlement boundary as outlined in policy CS1 and so as such is development in the countryside. Policy DP15 seeks to ensure that development in the countryside meets either an agricultural or forestry need or a need which cannot be met in a settlement. The proposed use could be located within any number of nearby settlements and so it cannot be described as essential in this location.

Policy CS12 in the Core Strategy relates to Tourism development. It promotes a sequential approach to the location of tourist development, including tourist accommodation. Town centres being the first location followed by area and local centres; within development boundaries; outside but adjacent to development boundaries and finally elsewhere.

The proposal would clearly fall within the final element of the hierarchy. The location of the tea house is as it is and so therefore no evidence can be provided to justify that the sequential approach has been used to determine the location, such accommodation could be provided in nearby settlements and so the proposal does not accord with Policy CS12.

DP12 in the Development Policies DPD, states that amongst other things that tourist accommodation should be located in sustainable and accessible locations. In this case the location of the proposal is isolated and access to services is only possible by walking along rural lanes with no designated footpaths. The nearest settlement being over 3 kilometres away. The site is therefore in an unsustainable location and inaccessible. In addition there has been no justification put forward that justifies that the accommodation needs a rural location. The only justification possible would be that the ruin is clearly where it is, but as that location has already been identified as being unsustainable, the application is contrary to this policy.

Policies STP1 and TTV31 in the emerging Joint Local Plan for Plymouth and South West Devon are also of relevance to the consideration of this proposal. STP1 Delivering Sustainable Development seeks to ensure that development secures a sustainable future. Criterion 2.iii is relevant to the consideration of this proposal “- *Important cultural and heritage assets are protected for the benefit of current and future generations.*” As is criterion 3.i *Efficient use of land is made for development, reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes.*

Whilst not all heritage assets are listed, they still have an important role to play and are thus considered as non-designated heritage assets. In this case the ruins are considered as a non-designated heritage asset and because of the open and undeveloped nature of their location do play an important role in the landscape and can contribute to the protection of the remote and tranquil natural coastal environment.

Policy TTV31 is similar to Policy DP15 referenced above and seeks to ensure that development in the countryside has an agricultural or forestry justification. It is more specific about isolated development in the countryside, and states that it should be avoided and only permitted in exceptional circumstances. Those circumstances being....meeting an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; securing the long term future and viable use of a significant heritage asset; securing the re-use of redundant or disused buildings and brownfield sites for an appropriate use; securing a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting and is sensitive to the defining characteristics of the local area.

In this case the proposed use would help to secure the long term future and viable use of a heritage asset, however the question to arise from that is whether it can be argued that in doing so, does it significantly enhance the immediate setting and is it sensitive to the defining characteristics of the local area?

Having regard to the Landscape officers concerns, it is considered that the proposal would not enhance the immediate setting, but rather be detrimental to it and it would have an impact on the special qualities of this open, natural area of coastline.

#### Design/Landscape:

The current ruin lies along the route of South West Coastal Footpath and having consulted with the PROW team they have concerns with regard to the impact of the proposal on the unspoilt nature of the area and the remote and natural surroundings.

The site lies within the area designated as the South Devon AONB. Policy CS9 in the South Hams Core Strategy highlights the importance of Areas of Outstanding natural Beauty and stresses that their conservation and enhancement will be given great weight in the decision making process. In this case the site is along an isolated stretch of coastline which is pleasing because of its remoteness and natural beauty. The imposition of a holiday use would fundamentally change the character of the coastline.

The site also lies within the area designated as Heritage Coast where policy CS9 in the Core Strategy also applies. The policy seeks to protect the historic and natural environment particularly those areas which are protected. It states... *"The character of the undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for"*. In addition it also states... *"The quality, character, diversity and the local distinctiveness of the natural and historic environment will be conserved and enhanced. Within identified landscape character areas development will conserve, enhance and where appropriate restore landscape character. Specific landscape, wildlife and historic features which contribute to local character will be conserved and enhanced."*

The landscape officer has assessed the application and has raised an objection to the proposal. It has been assessed with reference to the fact that it is within the AONB and Heritage coast and the undeveloped coast (emerging JLP) as well as the landscape character as defined by the .Landscape Character Assessments (Devon Character Area (DCA) 04 – Bigbury Bay, and locally within LCT 1B - Open coastal plateaux0. From a landscape and AONB perspective the development proposed is unacceptable.

Policy DP6 of the Development Policies DPD, relates to the historic environment. The policy seeks the preservation and enhancement of historic features and environments. The policy seeks to ensure that when new development is proposed the context is respected in terms of design, siting, bulk, height, materials, colours and visual emphasis. The applicant has suggested that the proposal which comprises some considerable underground work and a box of glass and metal work which sits within the ruins achieves that. However it is considered that the impact of the development would severely affect the natural and unspoilt nature of the environment and also the impact on the historic asset would be such that it would become private and not be able to be explored by the general public

The emerging JLP contains a number of policies which are relevant to this proposal from a heritage perspective. Policy DEV21 Conserving the historic environment, seeks to protect and enhance the character and special interest of heritage assets, designated areas and their setting of areas of acknowledged importance, including non-designated heritage assets. It is supportive of heritage led regeneration and encourages developers to see historic and cultural led regeneration as a method to achieve a quality legacy. It concludes that development should make a positive contribution to local character and the enhancement of local distinctiveness.

In this case whilst the application is seeking a positive use for the heritage asset and has attempted to bury the significant proportion of the accommodation so as to reduce the visual impact of it. The

landscape considerations and concerns and the fact that the asset will be private and inaccessible to the public; it will create light pollution; it will inevitably result in other paraphernalia around the building would lead to the fact that the nature of the area would intrinsically change.

Policy DEV22 is also relevant to this consideration. The policy seeks to ensure that development proposals sustain the local character and distinctiveness of the area and conserve or enhance the historic environment, heritage assets and their settings. Criterion 4 is of particular relevance: *Adverse impacts on locally important heritage assets and/or their settings should be avoided. Where proposals are likely to cause substantial harm to or loss of locally important assets, permission will only be granted where the public benefit outweighs the asset's historic or archaeological interest, having regard to the scale of any harm or loss and the significance of the heritage asset. The features of interest should be preserved in situ, but where this is not justifiable or feasible, provision must be made for appropriate preservation by record.*

In this case the heritage asset is of local significance being a non-designated heritage asset, where permission would only be granted if the public interest outweighs the assets historic or archaeological interest.

This asset is clearly of both historical and archaeological significance and the result of the proposal would effectively be to privatise the asset for much of the time, albeit there would be some public access during changeover. The impact of this proposal on the designated landscapes, the potential impact of the setting of the building and the fact that public access to it in its raw form would be removed, leads to the conclusion that it would not be to the benefit of the public to allow for this proposal to proceed.

Criterion 5 does seek to ensure the long term sustainable future for heritage assets, in particular those identified as being of greater risk of loss and decay and that might have a community benefit. The applicant has argued that the ruin could fall into further disrepair if these works are not carried out, however the asset has not been formally identified as being at risk of loss and the use proposed is not one which will provide community benefit other than during the limited hours of changeover for 3 days a week. The primary benefit would therefore be to the landowner. As with the criterion above the public benefit does not outweigh the heritage concerns.

Policies DEV 24 Landscape Character, DEV 25 Undeveloped coast and DEV 27 all relate to the landscape and designations and are all emerging policies in the JLP..

With reference to DEV 24, development should avoid significant and adverse landscape impacts, proposals should respect their scenic quality and maintain a distinct sense of place; conserve and enhance the characteristics and views of the area and be of high quality architectural and landscape design appropriate to its context; be located and designed to prevent erosion of relative tranquillity and intrinsically dark landscapes; restore positive landscape characteristics; be supported by LVIA's that secure the enhancement so proposed developments and seek to avoid, mitigate and where appropriate compensate for residual adverse effects.

The architectural proposal in this case has been sensitively considered, by locating a lot of the development underground, however the appearance of a door in an otherwise wild hillock would be quite obscure and harmful to the existing wildness and undeveloped nature of the area. The erection of a grey box, with glazing which will create a light source in an otherwise unlit area, both will have an adverse visual impact on the landscape character. In addition in order to achieve the underground element of the building some significant excavation would be required which may be shortlived, but would still have an impact on the landscape for some time.

The Landscape officer has reviewed the LVIA which was submitted in support of this application, and concludes that *"Officers do not agree with the conclusions of the submitted LVIA which significantly unplay the nature and importance of the building in its current form and the experience of high sensitive receptors walking the SW Coast path. In Table 9, sensitivity to change will remain high, as will the magnitude of change, at the very least medium, after construction because the ruin will have*

*been significantly altered and noticeably changed. Whilst the suggested impacts are noted and with which officers do not agree, visual impact is still noted as significant within the report for a high sensitive receptor. Officers' assess the impacts as being major and therefore contrary to policy. "*

In terms of undeveloped coast, policy DEV25 protects the area from any detrimental impacts to unspoilt character, appearance of tranquillity of undeveloped coast, estuaries and the Heritage Coast. It is clear that development will not be permitted except in exceptional circumstances, the first one being that it can demonstrate that it needs a coastal location. So whilst the building is where it is, the use does not require the location. It therefore cannot reasonably be located outside the undeveloped coast. The third relevant criterion refers to whether the proposal protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.

The proposal does not comply with this policy because it is a use which can be provided elsewhere outside of the undeveloped coast; it will impact on the unspoilt character of the coast and it does not protect and enhance the unique landscape and seascape character.

DEV 27 relates to the AONB and is similar to Policy CS9 in that great weight is given to the conservation of the landscape and scenic beauty. That weight is equally given to cultural heritage in AONB's. The policy states development within AONB's should:

- " i. Conserve and enhance the natural beauty of the area.*
- ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.*
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.*
- iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.*
- v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.*
- vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.*
- vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the area.*
- viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.*
- ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects."*

Many of the criteria to be met are similar to those required for the undeveloped coast and heritage coast, which have been referenced earlier in this report.(criteria i,ii,iii,iv,v,vi,vii,viii) as such the proposal is considered to be contrary to this policy.

#### Neighbour Amenity:

There are no immediate neighbours, as such there are no residential amenity issues.

#### Highways/Access:

Access to the site is restricted to by foot only as there is currently no vehicular access to the site, lying as it does on the coastal footpath. No comments have been received from the Highways Officer in relation to this proposal. However in order to carry out this development there would need to be some form of access created merely for the construction of the proposal, which again would be harmful to the landscape character albeit for a temporary period.

#### Other matters:

There have been a number of letters objecting to the proposal but there have also been a number in support of the proposal. The objections relate to the unspoilt nature of the coastline and the impact on



the AONB and the Heritage coast and the effect on the accessibility of this non designated heritage asset. . It is clear from the amount of objection that the ruins are considered to be an intrinsic part of the natural coastline environment and its history and significance are held in high regard by members of the public who use the footpath

The letters in support focus on the fact that if it is converted then that in itself will secure the future of the non-designated heritage asset. And without that it will become a pile of rubble. In addition the letters of support suggest that the proposal allows for the building to be used for its original purpose - which was for domestic purposes.

The previous application for the same proposal albeit slightly different architecturally, was refused earlier this year for similar reasons as set out at the beginning of this report.

#### Planning balance

Whilst the arguments to suggest that the building would fall into further disrepair without the works and the idea of a holiday unit in such a location would be quirky and quite attractive to visitors to the area, there are also strong landscape policy reasons why the proposal would fall short. The area is subject to many designations - Heritage Coast; undeveloped coast, AONB, the latter of which must carry great weight in the decision making process. The additional information with regard to the use of the building for serving teas and coffees for a limited time during the week also adds another dimension to the proposal. Whilst this would clearly relate to the original use of the building, it will be for limited periods and in itself would still potentially add to the interruption of the natural coastal environment.

In terms of public benefit, the applicant has offered to open the unit as a tea house during change over times, which in practical terms would be difficult and even then is only for limited time periods. The implication is also that the ruin would fall into further disrepair without the proposal, which is suggested would mean the loss of a landscape feature. However the ruin is part of the landscape and its wild quality – reminding us of a previous time. That historical quality would be lost with the conversion.

This is an important wild and natural environment, acknowledged by the vast designations which apply to it. The value of this natural landscape to the area is why many visit and sue the South West Coast Path. The introduction of a holiday unit in such a location would intrinsically alter the natural character and harm the special qualities of the area and as such outweighs the limited benefit of the proposal. The proposal is therefore recommended for refusal.

***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**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

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

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

**Development Policies DPD**

DP1 High Quality Design

DP2 Landscape Character

DP5 Conservation and Wildlife

DP6 Historic Environment

DP7 Transport, Access & Parking

DP16 Conversion and Reuse of Existing Buildings in the Countryside

**South Hams Local Plan (please delete as necessary)**

SHDC 1 Development Boundaries

**Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

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

SPT1 Delivering sustainable development

TTV31 Development in the Countryside

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

**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 APPLICATION REPORT

**Case Officer:** Clare Stewart

**Parish:** Newton and Noss **Ward:** Newton and Yealmpton

**Application No:** 2027/17/HHO

**Agent/Applicant:**

Research & Design  
The Plymouth Science Park  
1 Davy Road  
Plymouth  
PL6 8BX

**Applicant:**

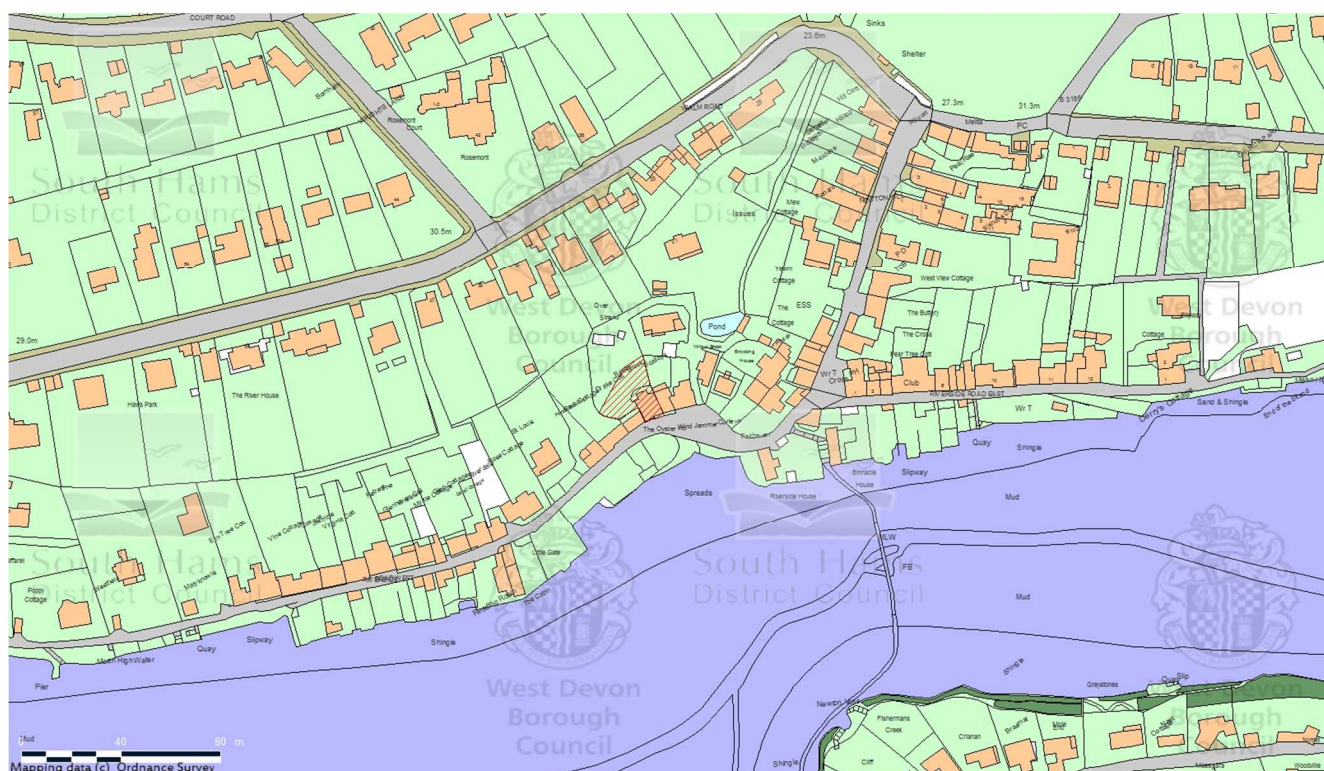
Mr And Mrs Hotham  
Brook Bakery  
Riverside West  
Newton Ferrers  
PL8 1AD

**Site Address:** Brook Bakery, Riverside Road West, Newton Ferrers, Devon, PL8 1AD

**Development:** Householder application for refurbishment and renovation of existing cottage, new garage/boat store and replacement of rear extension including a new roof terrace.

### Reason item is being put before Committee

Brought by Cllr Baldry due to concerns expressed by the Parish Council particularly regarding overlooking. Sufficient weight has not been given to location of site within the Conservation Area or the need to protect/enhance the AONB.



**Recommendation:**  
Conditional Approval

**Conditions**

Standard time limit  
Adherence to plans  
Unexpected contaminated land  
Adherence to ecological mitigation  
Privacy screen for southern boundary of upper terrace  
Boat store door to be retained in timber

**Key issues for consideration:**

Design, impact in Conservation Area, impact on AONB, neighbour amenity.

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**Site Description:**

The site is situated adjacent to Riverside Road West with views across the estuary. Brook Bakery is a two storey property which forms part of a terrace. The south (principle) elevations retains some historic charm. To the rear is an existing flat roof extension with terraced amenity space beyond which is elevated above street level. Internal accommodation is arranged across two levels.

The site is located just inside the Newton Ferrers Conservation Area, with the nearest individually listed building to the south west (Rock Cottage, Grade II). The site is also within the South Devon AONB.

**The Proposal:**

Permission was granted in 2016 for the erection of a replacement porch and extensions to the rear of the property (LPA ref. 1191/16/HHO). The approved plans show part of the approved rear extension being higher than the ridge line of the existing main dwelling, although the Officer report notes that sight lines would restrict views from road level and from within the Conservation Area.

The current application includes an extension to the rear to provide additional accommodation (bedroom and dining space), with a terrace area between the proposed extension and the existing dwelling. The proposed projecting extension would have a standing seam roof similar to that previously approved, but set further back into the site. The existing upper level of accommodation would also be extended with a sedum roof covering. The internal layout of the main dwelling would be reconfigured, including the introduction of a boat store area on the lower ground floor. The door to the boat store would be constructed in timber.

The submitted plans also show the existing slate roof being refurbished, with existing UPVC windows to be replaced with timber on the original cottage.

**Consultations:**

- County Highways Authority – No highways related issues
- Historic England – Do not wish to be consulted
- Newton and Noss Parish Council – Objection – “1. The extension will affect the privacy of the neighbouring property. 2. Overbearing. 3. Visual impact in a Conservation Area – the rear roof line will be higher than the existing roof line and will be visible from the river and Noss Mayo.”

## **Representations:**

3 letters of objection/reservations have been received with concerns raised summarised as follows:

- Overlooking from roof terrace to bathroom window of Drake Cottage. Request a semi-solid screen at an agreed distance.
- Overlooking to Overstrand
- Undermining effect on construction of adjoining houses. Request condition survey and appropriate mitigation as a condition of any planning approval.
- Flood risk from removal of stone wall in front of Brook Bakery, flood barrier should be designed into plans.
- Surface water drainage
- Roll-over garage door not in keeping with surroundings, conventional opening wooden double door more appropriate
- Boat store not in keeping with surroundings in Conservation Area
- Living spaces inside property would be dark
- Disruption during building works due to limited access

One letter of support has been received subject to the front shared wall being protected from sea damage and damp once the retaining wall outside the Bakery is removed, reassurance that rear foundation works do not impact neighbouring property Scallops, and that loud ground and foundation work is done outside the summer season.

## **Relevant Planning History**

- 1191/16/HHO READVERTISEMENT (Revised Plans Received) Householder application for erection of replacement porch and rear extensions. The Bakery, Riverside Road West, Newton Ferrers. Conditional Approval: 16 Sep 16.

## **ANALYSIS**

Principle of Development/Sustainability:

The principle of alterations/extension to the existing dwelling raises no planning policy objections. Other material considerations are set out below. It needs to be noted that consent for a similar rear extension was granted relatively recently and could still be lawfully implemented.

Design/Heritage:

The refurbishment of the original cottage would offer an aesthetic improvement to the property, with the replacement of UPVC windows and doors with timber more in keeping with its historic character. The proposed extension to the rear would not be any more visible above the ridge line when viewed from the south than the previously approved scheme, and the overall character of the Conservation Area would still be preserved. As noted above the upward projecting rear extension would not be readily visible from street level. As with the approved scheme there would be views of the projection from the water and from across the estuary at Noss Mayo, but the scale of development would not appear significant or detrimental to the character of the area. The door to the boat store/garage is shown on the submitted plans to be constructed in timber, and a condition to ensure it is retained as such forms part of the Officer recommendation. On this basis Officers consider it would not be significantly out of keeping with the area. Overall the character and appearance of the Conservation Area would be preserved, and there would be no harm to the setting of any nearby individually listed buildings.

Notwithstanding third party comment it is considered the proposal would provide an acceptable level of amenity for the occupiers of the extended property, and does not constitute poor design in this regard.

#### Landscape:

The scale and location of development proposed will have no adverse impact on the landscape setting of the AONB.

#### Neighbour Amenity:

It is considered the proposal would not result in an undue degree of overbearing or loss of privacy such that the application could be refused on this basis. There are already substantial degrees of overlooking from the application site into the neighbouring properties on either side. The proposed upper terrace would result in a slightly greater degree of overlooking to one of the rear windows serving Drake Cottage in particular as it would be easier to stand much closer to it, and a condition to secure a solid screen along the southern boundary of this terrace forms part of the Officer recommendation.

#### Highways/Access:

No concerns raised.

#### Flood risk:

The site lies just outside Flood Zones 2 and 3, and the scale of development proposed does not require the submission of a formal Flood Risk Assessment or substantiate mitigation measures.

#### Other Matters:

Whilst it is acknowledged that access to the site for construction vehicles etc. is constrained, the scale of development proposed is not considered sufficient to warrant a Construction Management Plan (bearing in mind the existing consent does not have such a requirement and it is not normally considered necessary for householder scale developments). Noise/disturbance complaints during construction would be investigated by Environmental Health as required, and construction vehicles would not have any legal right to obstruct the public highway.

The potential for damage to neighbouring properties arising from the development proposal is a civil matter and not a material planning consideration.

#### The Planning Balance:

The proposed development is considered acceptable in general design terms, and the appearance and setting of the Conservation Area would be preserved. There would be no adverse impact on the AONB. The proposal is considered to accord with the relevant Development Plan policies and there are no material planning reasons to justify refusal. The application is recommended for approval subject to conditions as detailed above.

***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

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

***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

***South Hams Local Plan***

SHDC 1 Development Boundaries

**National Planning Policy Framework**

**Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

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

SPT1 Delivering sustainable development

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV27 Nationally protected landscapes

DEV37 Managing flood risk and Water Quality Impacts

### **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.

#### **Officer 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 EX01A, GA01, GA02, GA03, GA04, GA05, GA06, GA07, GA08, Design and Access Statement received by the Local Planning Authority on 29th June 2017.

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

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

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

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

4. 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 Ecology Survey dated 28 June 2017 from Accorn Ecology Ltd, including precautions during building works and timing of operations.

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).

5. Prior to be brought into use details of a privacy screen to be constructed along the southern boundary of the upper terrace shall be submitted to and agreed in writing. The approved privacy screen shall thereafter be installed prior to the upper terrace being brought into use and thereafter so retained and maintained.

Reason: In the interests of the amenities of neighbouring residential occupiers.

6. The door to the boat store shall be constructed and thereafter retained and maintained in timber.

Reason: In the interests of the visual amenities of the site which lies within a Conservation Area.



## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Bickleigh **Ward:** Bickleigh and Cornwood

**Application No:** 1743/17/FUL

**Agent/Applicant:**

Mr Jeremy Maddock  
Elford Maddock Arch'l Practice  
23 Fore Street  
Bere Alston  
Yelverton  
PL20 7AA

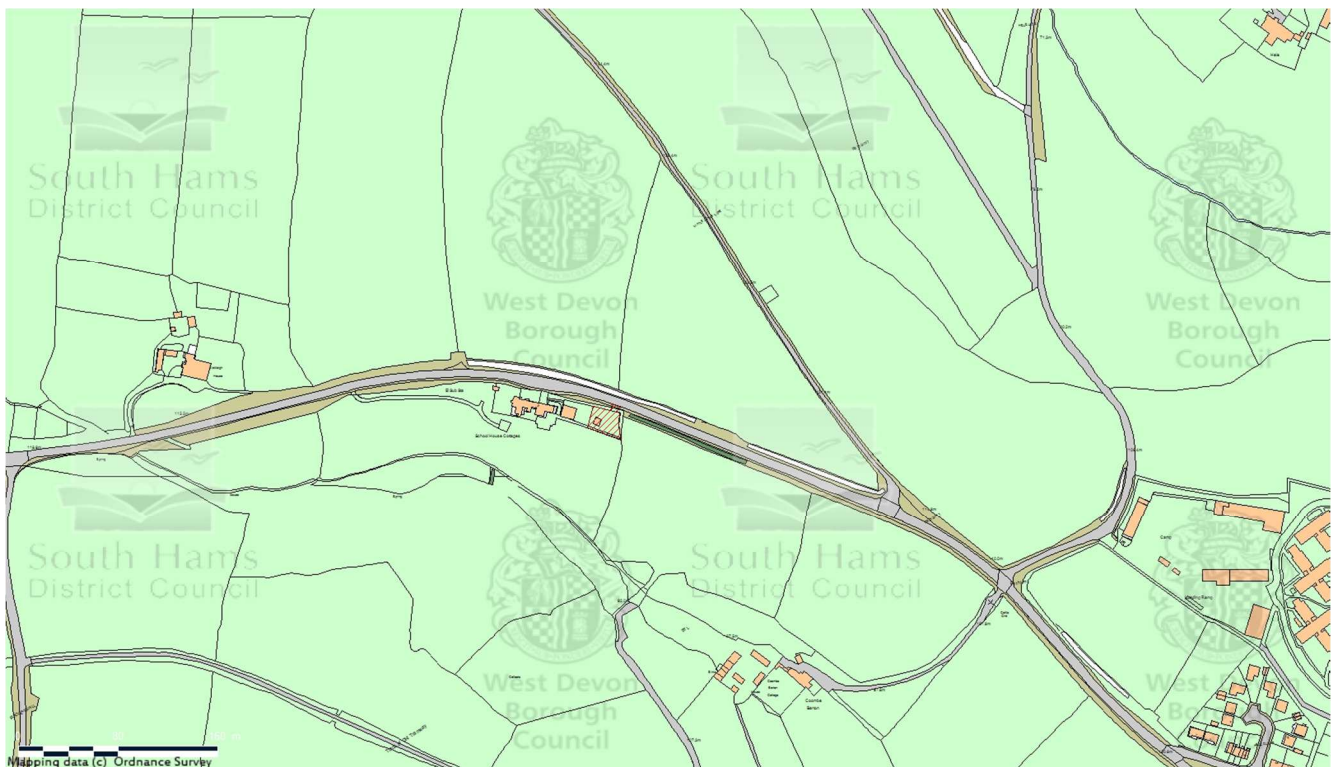
**Applicant:**

Mr & Mrs F Turner  
1 Old School House Cottage  
New Road  
Bickleigh  
PL6 7AG

**Site Address:** 1 Old School House Cottage, Bickleigh, PL6 7AG

**Development:** New dwelling

**Reason item is being put before Committee:** Referred by DM CoP Lead following discussions with applicants in regard to planning history on the site.



## **Recommendation: Refusal**

### **Reasons for refusal**

1. The proposal would result in unessential, unsustainable development in the countryside, isolated from any recognised settlement or local services, without demonstrable justification contrary to policies CS1, DP7 and DP15 of the South Hams Local Development Framework and the National Planning Policy Framework
2. The proposal would result in an inappropriate and discordant development within a rural area, which would fail to protect the intrinsic rural character of the landscape or protect the landscape's sense of tranquillity and unspoiled character contrary to policies DP1, DP2, CS1, CS7 and CS9 of the South Hams Local Development Framework and the National Planning Policy Framework

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

Principle, design, amenity, highways

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### **Site Description:**

Bickleigh is a rural community and parish located to the north east of the City of Plymouth. The parish is an important green buffer separating the urban fringe of Plymouth from Dartmoor National Park to the north. The character of the parish is ostensibly rural, with isolated dwellings punctuating the agricultural fields that surround them.

Bickleigh village is the only notable settlement in the parish and does not have a recognised Development Boundary and, owing to its lack of services and facilities, is not highlighted within policy CS1 of the Local Development Framework as a settlement able to accommodate limited residential infill or expansion. The countryside surrounding the settlement, including the application site, is also isolated from any development boundary.

The area offers a number of well used green lanes and cycle ways, notably the multi user 'Drake's Trail' which offers tourists and locals the opportunity to enjoy the natural, largely undeveloped area, in contrast to the urban settlement of Plymouth nearby. The intrinsic rural character of the parish offers economic, social and environmental vitality worthy of strict protection.

The actual site for this proposed development is an area of land currently occupied by a small number of single storey, utilitarian buildings and accessed from the highway by an existing vehicular access. The site is immediately adjacent a number of residential dwellings within what was once the parish C of E primary school. Although new residential development in the countryside represents a departure from the Local Plan an exception was made, following a previous refusal, for the conversion of the school into residential use in 1987 in order to secure the preservation of a former community building of social and historic importance.

The grade II listed Bickleigh House is nearby, although, its visual contribution to the area is limited by the landscaped trees which bound its gardens.

### **The Proposal:**

Erection of a new detached single-storey two bedroom dwelling and with an attached garage. 18m wide by 11m deep and 7.8m high to ridge of main house and 5.6m to ridge of garage. It would have a total floorspace of 122sq.m (not including the garage)

Materials: Natural slate roof, rendered elevations, windows aluminium.

### **Consultations:**

- County Highways Authority – No objection
- Environmental Health Section – unsuspected contamination condition
- Bickleigh Parish Council – It was AGREED to RECOMMEND APPROVAL subject to no neighbour objection.

### **Representations:**

Support comments received

- Proposed dwelling well located and well designed, in keeping with its surroundings
- Support for the applicants and their desire to stay within the locality

### **Relevant Planning History**

- 2407/16/FUL – New dwelling - Refused
- 04/1158/87/3 – Conversion of school and cottage to two dwellings with car parking – Conditional approval
- 04/0822/92/3 – Erection of field shelter in paddock – Conditional approval
- 04/1397/92/3 – Erection of private garage – Conditional approval
- 04/0973/10/PREMIN – Pre-application enquiry for single dwelling – Officer support not forthcoming
- 04/1150/11/O – Outline application with all matters reserved for detached dwelling - Refused and appeal subsequently dismissed
- 04/3005/13/F – New detached dwelling - refused

### **ANALYSIS**

The application for the dwelling is identical to application 2407/16/FUL. This application includes information which supports the applicant's arguments against that refusal, primarily on grounds of sustainability, access to services and policy compliance. Having reviewed the information submitted, officers are satisfied that the proposal does not constitute sustainable development and the assessment below remains pertinent to the consideration of this application.

#### Principle of Development/Sustainability:

This planning application proposes the construction of a new, isolated and unessential residential development in the countryside with no demonstrable local need in clear conflict with the provisions of the Development Plan, specifically policies CS1 and DP15.

The National Planning Policy Framework is explicit in seeking Local Planning Authorities to avoid '*new isolated homes in the countryside*' and the inspector when dismissing a previous appeal at the site was also unambiguous in describing the principle of new unessential residential development be unacceptable, also stating that the site is characterised by '*a clear and significant separation from the nearest urban centres*'.

While the applicant states the layby adjacent to the site is served by the no.59 bus service that provides 8 visits per day, the nearest bus stop is approximately 1.2km away from the site, with Bickleigh village approximately 0.8km away. It is likely that walking to and from the

bus stop within part of a commute would take around 30 minutes, and this would not include the subsequent onward bus journey and any walking necessary at the destination. In evaluating access to services the quality of any walk must also be considered, with this walk down a long, busy road dominated by motor vehicle travel with a lack of pedestrians with an associated exposure to noise, fumes, inclement weather and a general feeling of exposure and lack of safety.

Having considered the characteristics of the site officers conclude that it is highly unlikely that walking or cycling will predominate as a form of transportation, with the vast majority of trips to essential services such taken by way of motor car. This view is in agreement with that previously established by both the Local Planning Authority and Planning Inspectorate at the previous appeal. Although the previous refusal predates the adoption of the NPPF, that document also seeks to promote sustainable development. As this development is clearly unsustainable the publication of the NPPF does not erode but actually reinforces the clear policy objection to this proposal.

This application is therefore considered to conflict with the principles of policies CS1, DP7 and DP15 of the South Hams Local Development Framework and paragraphs 14, 17 and 55 of the National Planning Policy Framework.

#### Design/Landscape:

The site currently has a number of small scale, single storey utilitarian buildings within its boundary. Although it can be argued that such buildings are visually incongruous, the existing structures maintain a low profile and are not prominent when passing the site on the public highway.

In contrast, the proposed development would introduce a much larger, higher status dwellinghouse with a pitched roof into the local context which would present an overtly domestic and developed aesthetic within what is an area of intrinsically undeveloped, rural character. Although it is acknowledged that the applicant has proposed a palette of materials and design generally consistent with the adjacent old school, the principle and scale of residential development at this site is considered at odds with the existing rural character of the local area.

This application is therefore considered to conflict with the provisions of policies CS1, CS7, CS9, DP1 and DP2.

#### Neighbour Amenity:

No amenity issues are considered to be significant.

#### Highways/Access:

It is noted that when accepting the proposed access to be unsafe within the previous submission the planning inspector suggested that the details of the access could be secured by way of condition.

In addition, it is also accepted that the access is well established having been used for a variety of vehicles, including heavy machinery, in the past for a number of years. It is unlikely that the use associated with residential would be materially greater than the current situation. Having due regard to the existing situation and the comments of the Inspector it is not considered, on balance, justifiable to refuse the application by reason of the existing access.

#### Conclusion

Approval of the original conversion of the historic school building was made on the basis of preservation of an undesignated heritage asset and should not be utilised to justify new, unessential residential development in a rural location devoid from essential public services with an associated dependence on travel by private motor vehicle.

In addition, the application represents the development and domestication of an ostensibly rural location and the insignificant impact on housing supply associated with the construction of a solitary dwellinghouse is not considered an appropriate or sustainable long term solution to housing demand, which is being addressed by the Council at strategically located, sustainable sites elsewhere within the local area.

For the reasons outlined above this application is considered unacceptable and in conflict with the relevant development plan policies. This application is therefore recommended for refusal.

***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**

*All standard policies listed (delete where not relevant, add others as relevant, including 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

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development in the Countryside

#### ***South Hams Local Plan (please delete as necessary)***

SHDC 1 Development Boundaries

### **Emerging Joint Local Plan**

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV31 Development in the Countryside

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

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

**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.

**Agenda Item 7**

**South Hams District Council**  
**DEVELOPMENT MANAGEMENT COMMITTEE 1-Nov-17**  
**Appeals Update from 22-Sep-17 to 20-Oct-17**

**Ward Blackawton and Stoke Fleming**

APPLICATION NUMBER : **3076/16/PDM** APP/K1128/W/17/3176334  
APPELLANT NAME: Mr D Bradford  
PROPOSAL : Prior Approval for proposed change of use of agricultural building to dwelling (Class C3) and for associated operational development (Class Q(a+b))  
LOCATION : Land North Of Higher Cotterbury, At Sx82509, Blackawton, TQ9 7DA  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 27-July-2017  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 11-October-2017

APPLICATION NUMBER : **0896/17/PDM** APP/K1128/W/17/3183554  
APPELLANT NAME: Mr I Lethbridge  
PROPOSAL : Notification of prior approval for proposed change of use of agricultural building to 3no. dwellinghouses (Class C3) and for associated operational development (Class Q(a+b))  
LOCATION : East Down Farm, Blackawton, TQ9 7AW  
APPEAL STATUS : Appeal lodged  
APPEAL START DATE: 20-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Charterlands**

APPLICATION NUMBER : **4097/16/OPA** APP/K1128/W/17/3182100  
APPELLANT NAME: Messrs C & S Rodger, R & E Ogilvie-Smals, C& L Hall, J Davie  
PROPOSAL : READVERTISEMENT (Amendments to detail of proposed new access and road layout) Outline application with some matters reserved for residential development of circa 8 dwellings, open space and associated infrastructure with all matters reserved except for means of access (and associated off-site highway works)  
LOCATION : Proposed Development Site At Sx 663 471, St Anns Chapel, Bigbury  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 19-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **011623** APP/K1128/C/17/3183254  
APPELLANT NAME: Mr M Howell  
PROPOSAL : Operational development without planning permission erection of a raised platform on the rear elevation of the dwelling  
LOCATION : Aburghley, Parker Road, Bigbury on Sea, TQ7 4AT  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 13-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Dartington and Staverton**

APPLICATION NUMBER : **3674/16/FUL** APP/K1128/W/17/3177911  
APPELLANT NAME: Dr G Hammersley  
PROPOSAL : Change of use from agricultural land to garden.  
LOCATION : Old Orchard Barn, Blackler Barton Service Road, Ashburton, TQ13 7LZ  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 25-July-2017  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 12-October-2017

**Ward Dartmouth and East Dart**

APPLICATION NUMBER : **4182/16/FUL** APP/K1128/W/3174194  
APPELLANT NAME: Mr N Unwin  
PROPOSAL : Erection of 2 dwellings with associated parking and gardens  
LOCATION : Land at SX 861 510, Seymour Drive, Dartmouth  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 27-July-2017  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 11-October-2017

APPLICATION NUMBER : **0011/16/OPA** APP/K1128/W/173179884  
APPELLANT NAME: LDU Developments LLP  
PROPOSAL : Re-advertised (Additional Documents Recieved) Outline planning permission with some matters reserved; scheme includes residential development of up to 9 dwellings, utilising the existing access point  
LOCATION : Land at Four Cross, Paignton Road, Stoke Gabriel, TQ9 6QB  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 28-September-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

**Ward Ermington and Ugborough**

APPLICATION NUMBER : **4019/16/HHO** APP/K1128/D/17/3178034  
APPELLANT NAME: Mr T Hopwood  
PROPOSAL : Householder application for erection of a single storey rear extension.  
LOCATION : 2 Erme Bridge Cottages, Ermington, PL21 9NN  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 21-August-2017  
APPEAL DECISION: Dismissed (Refusal)  
APPEAL DECISION DATE: 29-September-2017

**Ward Newton and Yealmpton**

APPLICATION NUMBER : **2716/16/FUL** APP/K1128/C/17/3184427 & APP/K1128/W/17/3184130  
APPELLANT NAME: Airband Community Internet Ltd  
PROPOSAL : Without planning permission, operational development by way of the erection of a 24m high lattice mobile telecommunications mast and installation of ancillary equipment (including supporting radio equipment, housing power supply, 8no. consumer antennae Attached to the mast at approx. 20m high and 4no. backhaul radio antennae at approx.. 18m high)  
LOCATION : Land at Goodamoor Farm, Sparkwell  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 13-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **1843/16/CLP** APP/K1128/X/17/3184976  
APPELLANT NAME: Sovereign Park Home Developments Ltd  
PROPOSAL : Lawful Development Certificate for proposed use of land for the stationing of up to 30 static caravans for residential use  
LOCATION : Battisford Park, Plympton, PL7 5AT  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 13-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:



**Ward Salcombe and Thurlestone**

APPLICATION NUMBER : **1411/17/HHO** APP/K1128/Y/17/3186075  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Householder application for retrospective permission to retain natural oak finish to columns  
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 18-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **1412/17/LBC** APP/K1128/Y/17/3186075  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Listed building consent for retrospective permission to retain natural oak finish to columns  
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 18-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **1416/17/HHO** APP/K1128/Y/17/3186054  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Householder application to retain external straight steps and install a balustrade to match the colonnade  
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 18-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **1417/17/LBC** APP/K1128/Y/17/3186054  
APPELLANT NAME: Mr A Nicholls  
PROPOSAL : Listed Building Consent to retain external straight steps and install a balustrade to match the colonnade.  
LOCATION : The Grange, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 18-October-2017  
APPEAL DECISION:  
APPEAL DECISION DATE:

APPLICATION NUMBER : **2420/16/HHO** APP/K1128/W/17/317/1103  
APPELLANT NAME: Mr Peter Colclough  
PROPOSAL : Retrospective householder application for retention of concrete deck for use as car parking for adjoining residential property  
LOCATION : Salcombe Court, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 04-July-2017  
APPEAL DECISION: Upheld (Conditional approval)  
APPEAL DECISION DATE: 09-October-2017

APPLICATION NUMBER : **AK/Salcombe/3796** APP/K1128/C/16/3162002  
APPELLANT NAME: Mr P Colclough  
PROPOSAL : Without planning permission, the erection of a concrete structure on the Land  
LOCATION : Salcombe Court, Cliff Road, Salcombe, TQ8 8JQ  
APPEAL STATUS : Appeal decided  
APPEAL START DATE: 24-February-2017  
APPEAL DECISION: Upheld (enforcement notice quashed)  
APPEAL DECISION DATE: 09-October-2017

APPLICATION NUMBER :	<b>3519/16/FUL</b>	APP/K1128/W/17/3174774
APPELLANT NAME:	Mr S Culley	
PROPOSAL :	Conversion of single dwelling house into two dwellings and extensions to front rear and sides.	
LOCATION :	Vantage Point, Bonaventure Road, Salcombe, TQ8 8BE	
APPEAL STATUS :	Appeal decided	
APPEAL START DATE:	16-June-2017	
APPEAL DECISION:	Upheld (Conditional approval)	
APPEAL DECISION DATE:	22-September-2017	

**South Hams District Council**  
**DEVELOPMENT MANAGEMENT COMMITTEE 1-Nov-17**  
**Appeal Hearings/Public Inquiry from 22-Sep-17**

**Ward Charterland**

APPLICATION NUMBER : **1826/16/FUL** APP/K1128/W/17/3171733  
APPELLANT NAME: Galion Homes (Bigbury) Ltd  
PROPOSAL : Demolition of existing buildings and the proposed development of 4 detached four-bedroom houses and new landscaping on the site formerly known as the Bay Cafe (resubmission of 2701/15/FUL)  
LOCATION : The Bay Café, Marine Drive, Bigbury On Sea, TQ7 4AS  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 08-September-2017  
TYPE OF APPEAL **Informal hearing**  
DATE OF APPEAL HEARING OR INQUIRY: 19-December-2017  
LOCATION OF HEARING/INQ:  
APPEAL DECISION:  
APPEAL DECISION DATE:

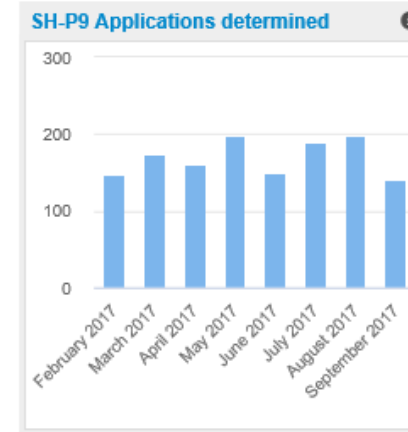
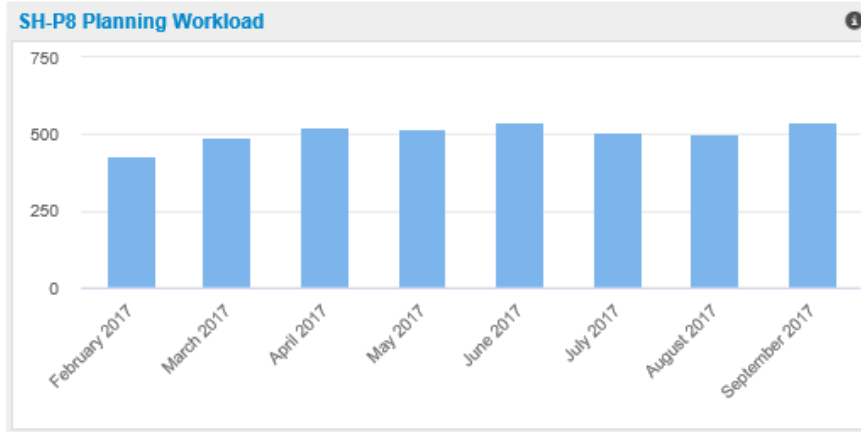
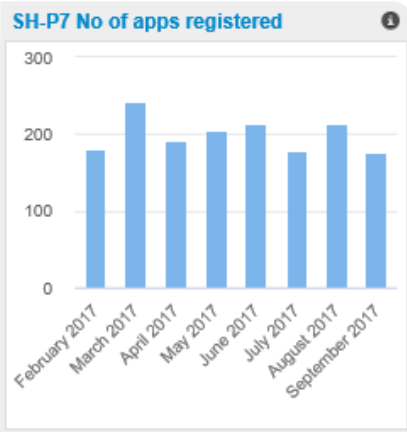
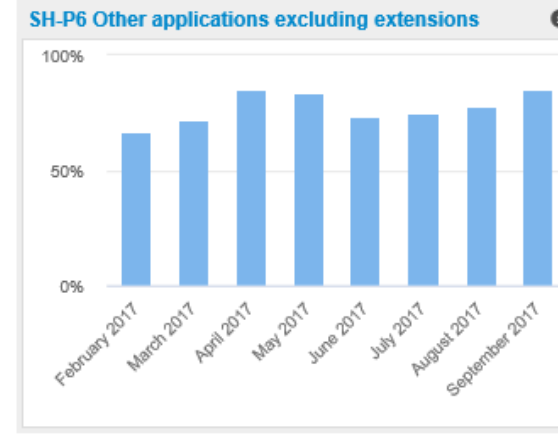
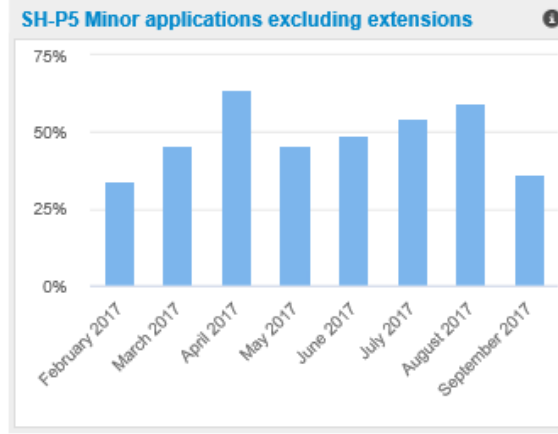
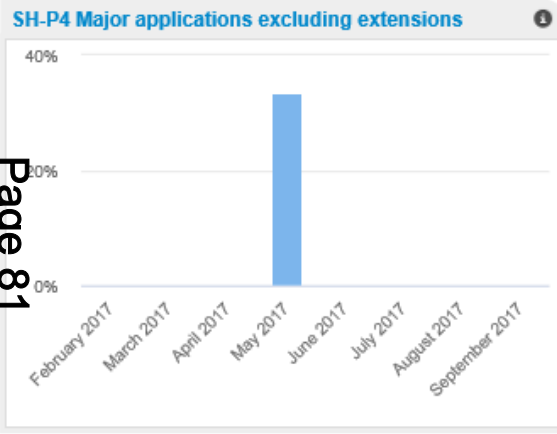
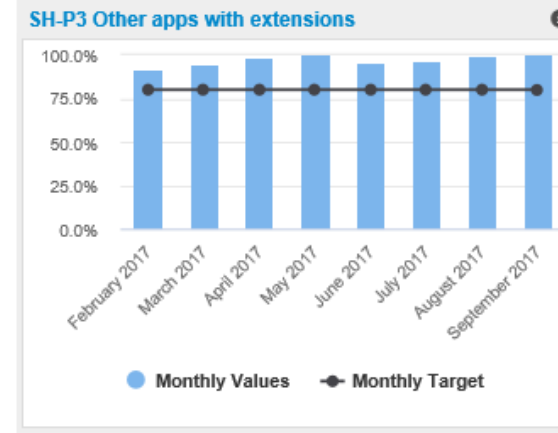
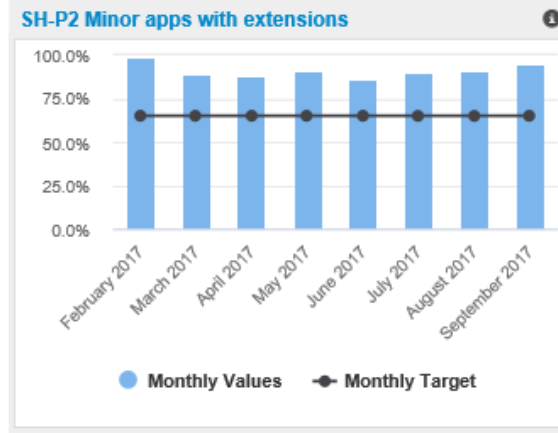
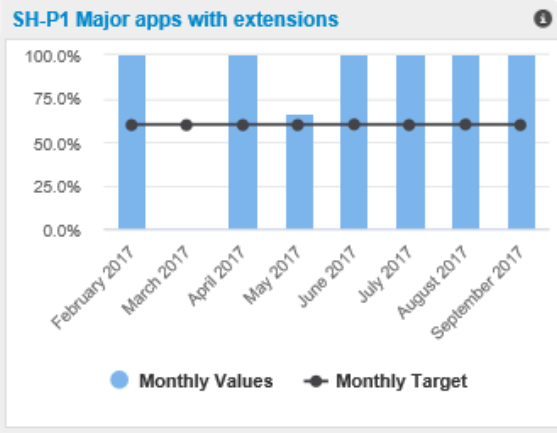
**Ward East Dart**

APPLICATION NUMBER : **0011/16/OPA** APP/K1128/W/173179884  
APPELLANT NAME: LDU Developments LLP  
PROPOSAL : Outline planning permission with some matters reserved; scheme includes residential development of up to 9 dwellings, utilising the existing access point  
LOCATION : Land at Four Cross, Paignton Road, Stoke Gabriel, TQ9 6QB  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 28-September-2017  
TYPE OF APPEAL **Informal hearing**  
DATE OF APPEAL HEARING OR INQUIRY: 22-November-2017  
LOCATION OF HEARING/INQ: Cary Room, Follaton House  
APPEAL DECISION:  
APPEAL DECISION DATE:

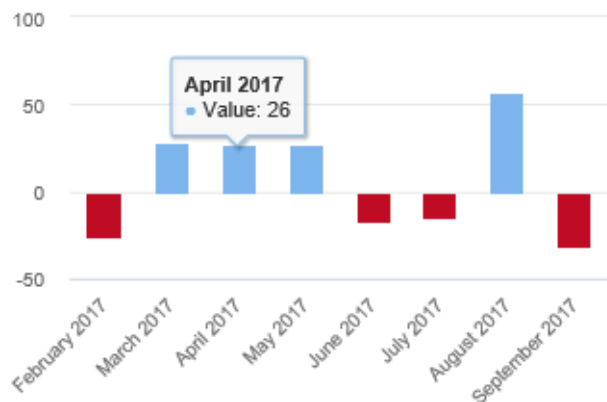
**Ward Newton & Yealmpton**

APPLICATION NUMBER : **Enf Little Acre** APP/K1128/C/17/3172258  
APPELLANT NAME: Mr & Mrs Duff  
PROPOSAL : Without planning permission the material change of use of the land from a mixed use of Equestrian for the keeping of horses and agricultural to a mixed equestrian and permanent residential use; and, without the grant of planning permission the material change of use of the agricultural building to a residential use.  
LOCATION : Little Acre, Yealmpton, PL8 2LL  
APPEAL STATUS : Appeal Lodged  
APPEAL START DATE: 06-June-2017  
TYPE OF APPEAL **Public Inquiry**  
DATE OF APPEAL HEARING OR INQUIRY: 07-November-2017  
LOCATION OF HEARING/INQ: Cary Room, Follaton House  
APPEAL DECISION:  
APPEAL DECISION DATE:

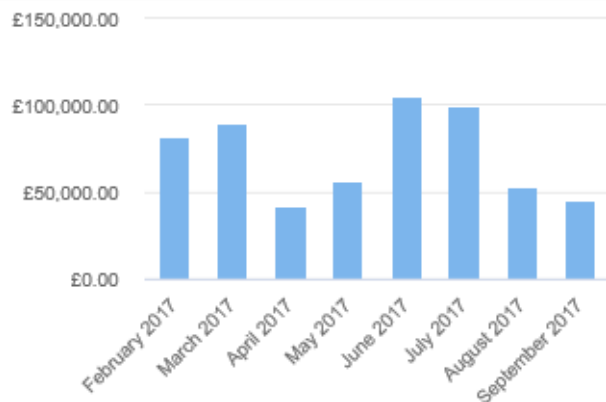
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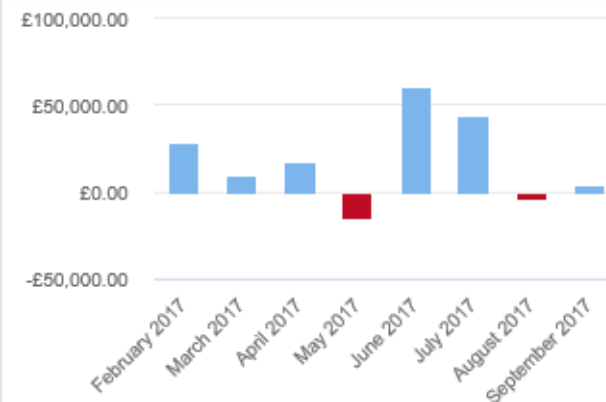
### SH-P10 Apps registered compared to last year



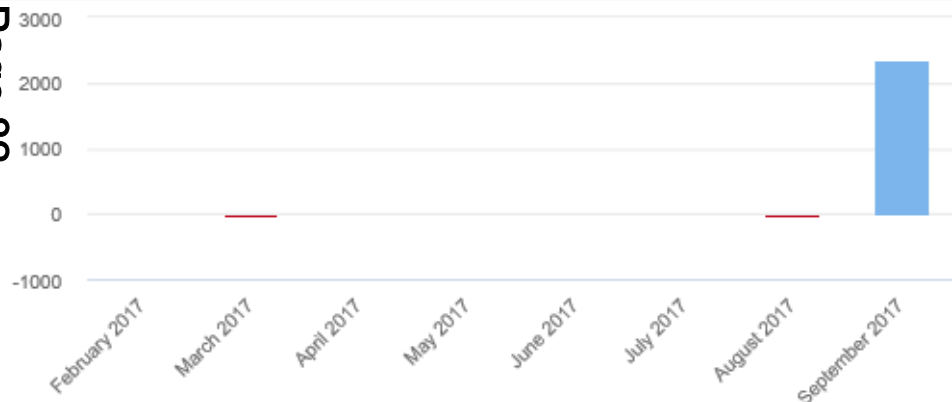
### SH-P11 Fee Income from Planning Apps



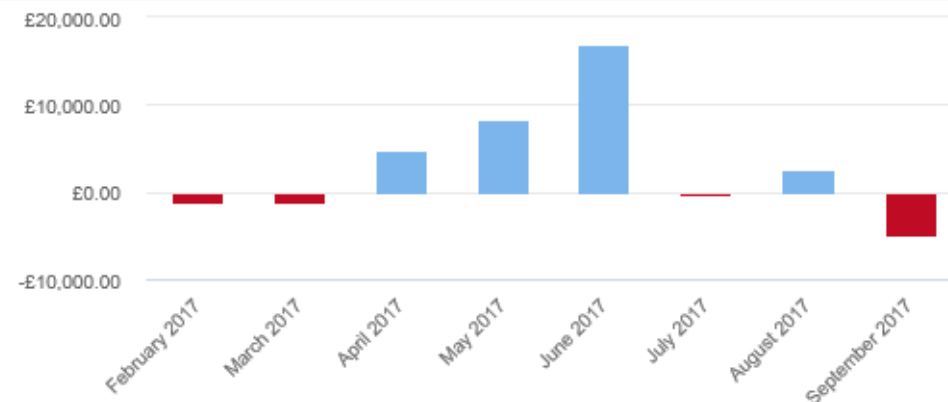
### SH-P12 Fee Income Vs Last year



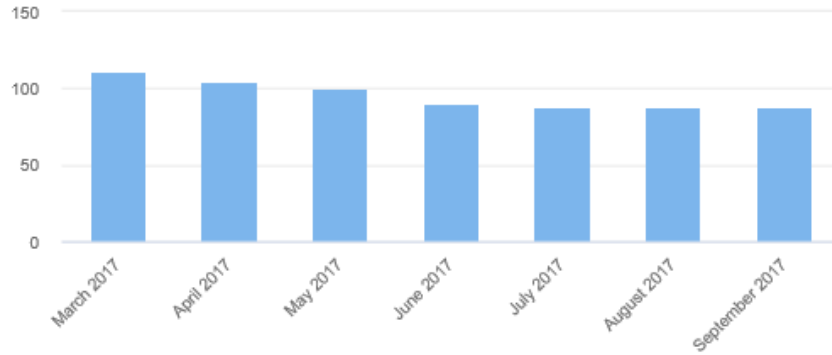
### SH-P13 Pre-Apps received compared to last year



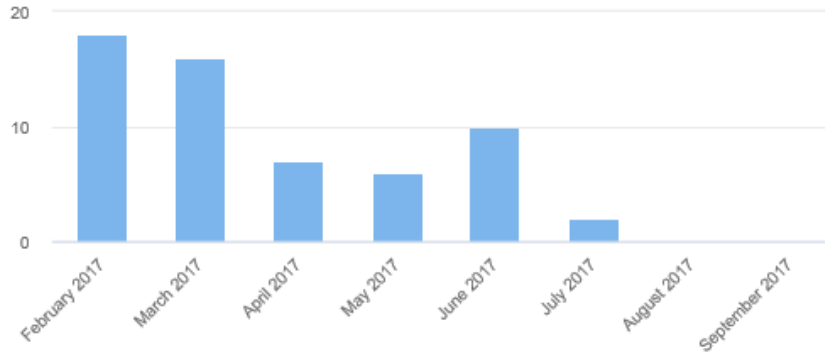
### SH-P14 Fee Income from Pre-Apps compared to last year



SH-E1 Enforcement Cases Outstanding Backlog



SH-E2 Enforcement Cases Closed Backlog



SH-E3 Enf Cases Received (since March 2016)



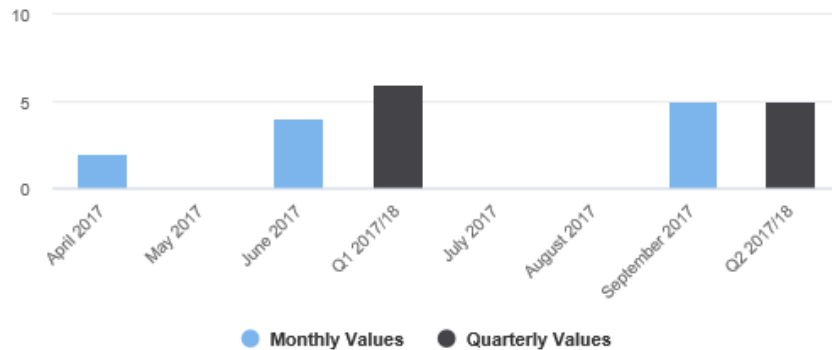
SH-E4 Enf Cases Closed (since March 2016)



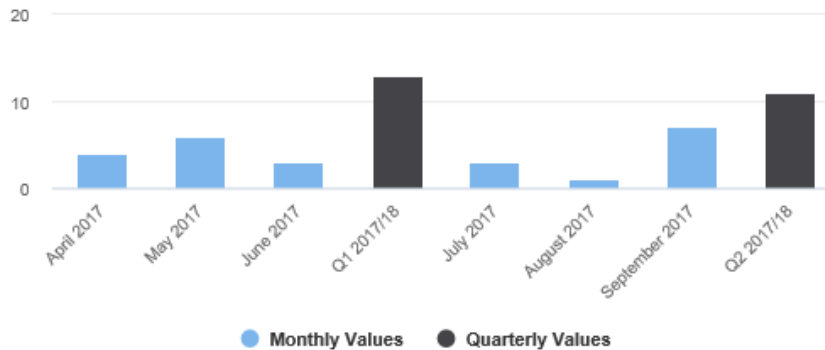
SH-E5 Enforcement Cases Outstanding



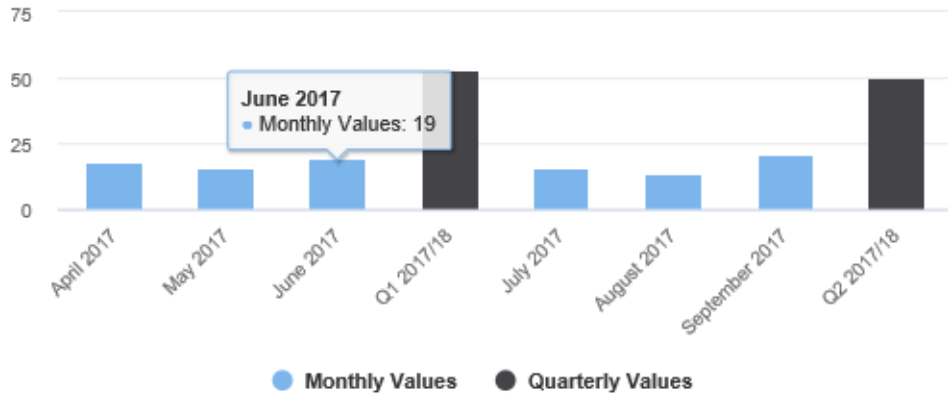
Enforcement cases closed: Retrospective applications



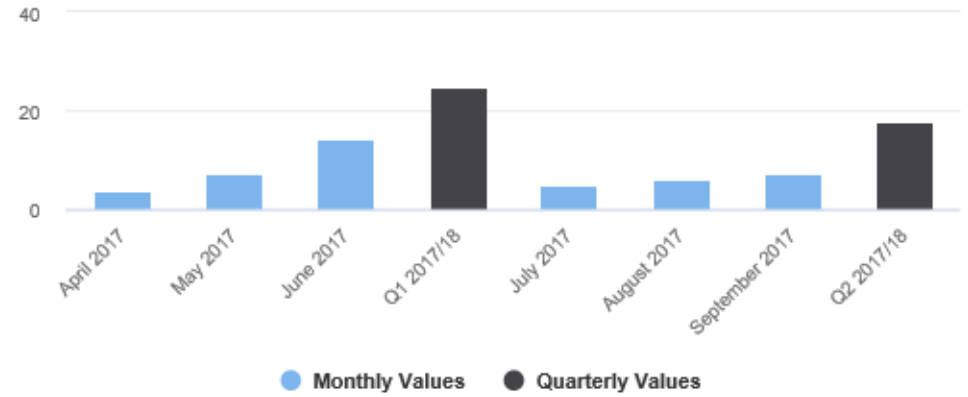
Enforcement cases closed: Remedial action



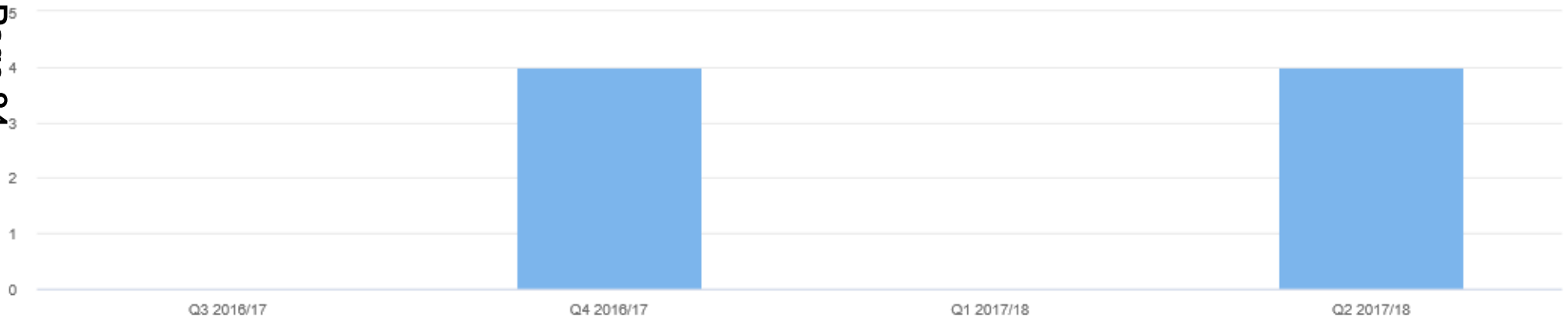
Enforcement cases closed: No breach found



Enforcement cases closed: Not expedient



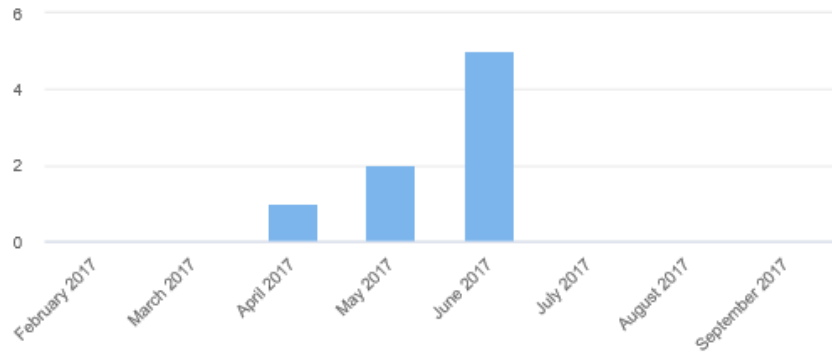
Enforcement cases closed: Enforcement action





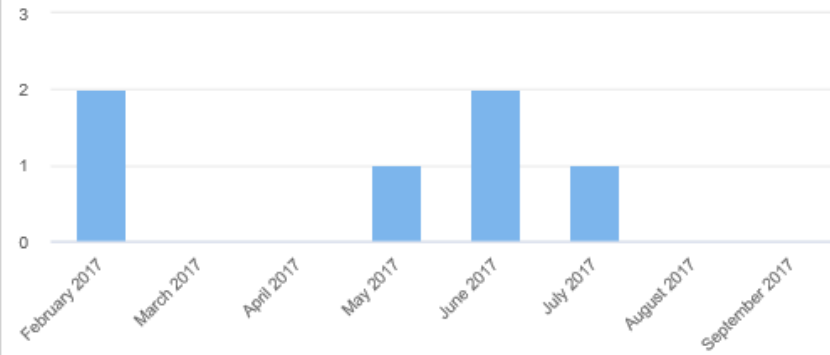
W2PEC 30 Appeal Decisions (Officer Delegated)

1



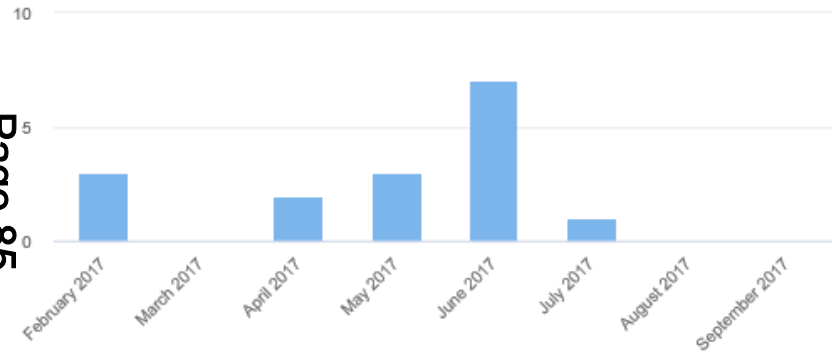
W2PEC 31 Appeal Decisions (Committee)

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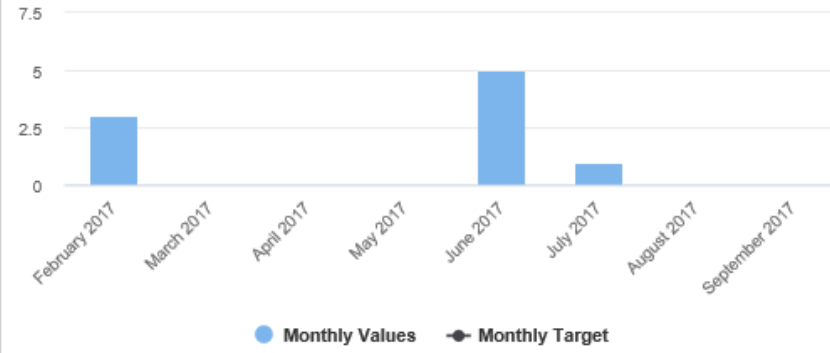
W2PEC 28 Appeal Decisions

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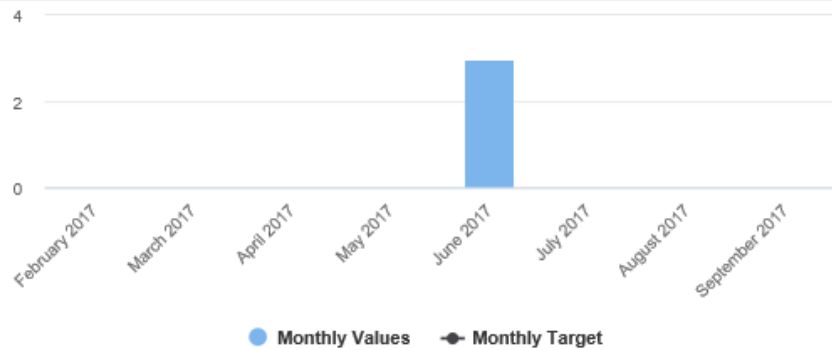
BV204a Total planning appeals allowed

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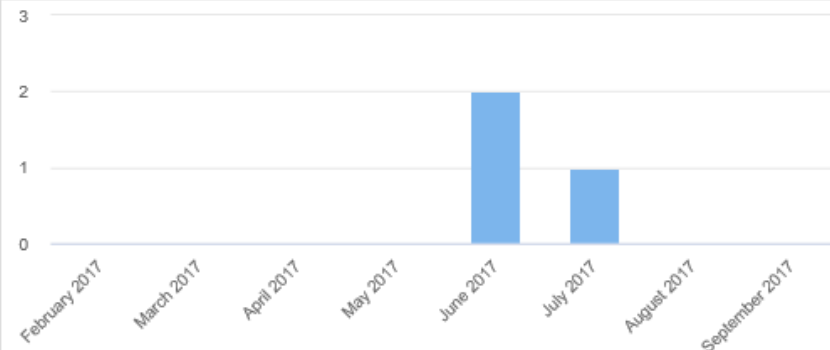
W2PEC A Appeals allowed - officer decision

1



W2PEC 29 Appeals allowed - member against officer decision

1



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