

## PLANNING APPLICATION REPORT

**Case Officer:** Wendy Ormsby

**Parish:** South Huish **Ward:** Salcombe and Thurlestone

**Application No:** 2101/19/FUL

**Applicant:**

Messrs Bird & Graham Lantern Lodge  
Hotels Ltd  
C/O Trinity Square Developments  
Airport House  
Purley Way, Croydon  
CR0 0XZ

**Site Address:** Lantern Lodge Hotel, Grand View Road, Hope Cove, TQ7 3HE

**Development:** Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 16 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)



**Reason item is being put before Committee:** At the request of Ward Member Cllr Pearce. As the previous application was refused by the Committee she considers it appropriate that the Committee should determine whether their reasons for refusal have now been overcome.

**Recommendation:** Recommendation: Delegate to Head of Development Management Practice (HoP), in conjunction with Chairman to conditionally grant planning permission, subject to a Section 106 legal obligation.

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

The terms of the Section 106 Obligation are:

- A contribution of £15,112.50 towards the following OSSR projects which have been identified in Hope's Cove:
  - New roof for the Fishermans Reading Room (which is regularly used by various groups including a play group and is a meeting area for training for Stand Up Paddle boarding (SUP) and Kayaking sessions which set off from the nearby beach. The outside garden area is also used by local groups including the pre-school); and/or
  - Creation of a parish circular walk (installation of waymarkers and production of a leaflet); and/or
  - Provision of shower unit at the beach to serve sporting activities such as SUP, Kayaking, Bodyboarding, Surfing and Canoeing; and/or
  - Improvements to the South West Coast Path (improving the surface of the 1km disabled access path at Bolberry Down and improved gate onto SWCP at Hope Cove entrance to Bolt Tail as current access very narrow); and/or
  - Creation of running guide for Bolt Head to Bolt Tail area including production of a map and installation of waymarkers on the ground
- Secondary school infrastructure financial contribution of £16,440.00
- Primary school infrastructure: £17,065
- Primary school transport: £26,600
- Secondary school transport £3,097.00
- Holiday units to be used for the provision of short term holiday lets, to be marketed and available for rent all year round and retained within the control of a single management company.

## Conditions

1. Time
2. Accords with plans
3. Details of a minimum of 10 integral nest sites (swift bricks) to be agreed and provided
4. Parking and turning to be provided and retained
5. Material details and samples for external materials including roof, fascia, render type and balcony balustrades.
6. Hard and soft landscape scheme (full details of species, sizes, densities and locations of plants) to include the retention and enhancement of the existing boundary hedgerow, and material samples of hard landscaping. Scheme to be based on Landscape Concept Plan CD/C/553-01 D.
7. No works to or removal of boundary vegetation until a management plan has been submitted to and approved in writing by the LPA.
8. Hedge and tree protection

9. A lighting strategy, to include locations, fixtures, lumens, and measures to reduce light spill for any external light fixtures.
10. Unsuspected contamination
11. CEMP
12. Provision of electric vehicle charging points
13. Details of levels
14. Holiday use restriction on the 9 holiday let apartments
15. Owner's accommodation to be used by person who is mainly occupied in the management of the holiday units.
16. Pre-commencement – adoption and maintenance of drainage
17. Pre-commencement – detailed surface water drainage management scheme
18. Pre-commencement – construction phase surface water drainage management scheme
19. Pre-commencement – evidence agreed discharge rates with SWW
20. Travel plan for staff.
21. Full details of living walls including supplier, construction detail, proposed planting medium and plants and a maintenance schedules for life of wall.
22. Details of any ancillary structures including any fencing, gates, signage, sculptural features.

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

The main issues are any potential loss of the employment use and tourist asset, the visual impact of the proposal and any impact on the South Devon AONB, access and parking, any impact on the amenity of neighbouring properties and whether or not the proposed market dwellings meet local housing needs. It is particularly relevant to consider if the scheme overcomes the recent reasons for refusing a similar development.

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

The Government have advised that the New Homes Bonus scheme will end after the 2019-2020 financial year and this year is the last year's allocation (which was based on dwellings built out by October 2018). A statement about a replacement scheme is expected.

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### **Site Description:**

The 0.245 hectare site lies in Outer Hope at the north western side of the settlement. The application building currently operates as a privately run bed and breakfast with 14 rooms to rent. To the front of the building, on the western elevation fronting the South West Coast Path, is an attached indoor swimming pool.

Lantern Lodge Hotel is bounded by residential development to the north, east and south. To the west of the site lies Cliff Road, which provides access to properties to the north of the site. To the west beyond the access road lies the South West Coast Path and the coastal cliffs.

The topography of the land slopes downwards from north to south. Properties to the north of Lantern Lodge Hotel, are at a higher level to Lantern Lodge, and Cliff House to the south is at a lower level. The main ridge levels to these properties step down following the natural topography of the land.

Viewed from the west seaward elevation, the existing building is two storeys in height with a main pitched roof over that runs in a north to south direction parallel to the coastal footpath. Three pitched roof projecting gables are a distinctive feature of the western elevation. The pitched roofs are clad in red tiles, the walls are predominantly painted render, windows and doors are white uPVC. Most of the first floor of the seaward elevation benefits from a projecting balcony. The building housing the swimming pool is single storey in height and projects out from the front face of the main building by

15.4m. The main view of the swimming pool from outside the site is of its flat roof which is clearly visible due to the topography, this is a negative, alien feature in the landscape.

The application site lies within the development boundary for Hope Cove as identified in the adopted Development Plan and lies within the South Devon Area of Outstanding Natural Beauty (AONB) and Heritage Coast

Public Rights of Way run along the western and northern site boundaries.

### **The Proposal:**

The proposed development is for the demolition of the existing hotel on the site which comprises 14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc and the construction of a mixed use development of 9 serviced short term holiday let apartments (providing total of 17 bedrooms), 1 unit of owner's/manager's accommodation and 5 residential apartments.

The Design and Access Statement describes the development as follows:

*The proposals on the accompanying plans show three buildings that step down the site fully respecting both the fall of the land and the ridge heights of existing neighbouring buildings. Viewed from the prominent west, seaward elevation, the appropriate scale of the three buildings and their stepped appearance contribute towards the overall development sitting comfortably on the site.*

*Accommodation in the apartments is arranged over three levels. The use of gables and contemporary flat roof dormer windows enables area in the roof space of the buildings to be utilised as the upper level of accommodation.*

*The lower floor of each building on the seaward elevation is shown to be clad in natural stone. Smooth render and red clay hanging is used on the upper floor levels. On the east elevation the walls are a mixture of white render and natural slate hanging. The use of different materials acts to break up the visual mass of the buildings and adds interest to the elevations. The use of natural stone to the lower floor of the buildings on the seaward elevation will soften the visual appearance of the development and contribute to the buildings being assimilated into the landscape. Red clay is proposed for the pitched roofs over the buildings. This is in keeping with the traditional local vernacular.*

*Fenestration on the seaward elevation has been carefully designed to achieve a good balance between glass and solid walls. Fenestration at each level of the building is well proportioned. With regard to glazing, the design respects the sensitive coastal position of the site and the need to respect the character of the local vernacular and also avoid light pollution within the AONB.*

*Railings rather than glass as balustrade to the balcony areas add visual interest to the seaward elevation and reduces the use of glass within the development.*

*Upper level balcony areas are inset within the gables to the buildings. The upper level glazing within each gable on the seaward elevation is set back from the front face of the building. This feature will create a shading effect that will again act to reduce the visual mass of the building, add interest to the facade and reduce the visual impact of glass on the west elevation.*

*On the east elevation, fenestration has been designed to respect the relationship with*

adjacent neighbouring properties and keep to a minimum the effects of overlooking (both real and perceived). Apertures are much smaller on the east elevation compared to the west elevation. No balcony areas are proposed on the east elevation.

The north and south elevations of the development feature inset areas within which are hidden additional glazing. This is a design solution to achieve good levels of light and natural ventilation in the proposed buildings whilst at the same time respecting the relationship with neighbouring properties.

The southern most gable is clad in a living green wall that references the existing hotel. As with the existing, this will serve to soften the impact at this end and integrate the building into the landscape.

Outdoor amenity space is provided through communal gardens on the west, seaward side of the building. In addition, the apartments feature private balcony areas on the west elevation

The existing *Elaeagnus* hedge along the seaward boundary is to be retained and strengthened, with new planting to fill any gaps as required, and extended around to the northern boundary where a new mixed evergreen hedge is proposed to form an attractive physical and visual boundary of the site.

The proposed access to the site from Grand View Road will remain unchanged from the present layout.

The parking and arrival area will mainly be located at the rear of the building. Provision is made for 32 vehicles to park on-site with an additional area for temporary set down/overflow for up to 4 parking spaces.

This application has been amended since submission to better meet local housing need, this has resulted in two of the open market apartments moving to the ground floor where they can be wheelchair accessible/generally more accessible to persons with mobility restrictions.

The accommodation schedule is proposed as follows:

Name	Area	Area Schedule (GIA)		Comments
		Type	Area	
Unit 1	Floor Area	70 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Unit 2	Floor Area	98 m <sup>2</sup>		3 Bedroom, 6 People (open market)
Unit 3	Floor Area	61 m <sup>2</sup>		2 Bedroom, 3 People (manager apartment)
Unit 4	Floor Area	78 m <sup>2</sup>		3 Bedroom, 4 People (holiday let)
Unit 5	Floor Area	93 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Unit 6	Floor Area	61 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 7	Floor Area	89 m <sup>2</sup>		3 Bedroom, 5 People (holiday let)
Unit 8	Floor Area	49 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 9	Floor Area	71 m <sup>2</sup>		3 Bedroom, 4 People (holiday let)
Unit 10	Floor Area	86 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Unit 11	Floor Area	62 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 12	Floor Area	62 m <sup>2</sup>		2 Bedroom, 4 People (holiday let)
Unit 13	Floor Area	52 m <sup>2</sup>		2 Bedroom, 3 People (holiday let)
Unit 14	Floor Area	39 m <sup>2</sup>		1 Bedroom, 2 People (holiday let)
Unit 15	Floor Area	77 m <sup>2</sup>		2 Bedroom, 4 People (open market)
Office & Store	Office Area	20 m <sup>2</sup>		

Plant Store Area        6 m<sup>2</sup>  
Refuse Store Area       11 m<sup>2</sup>

Grand total 1083 m<sup>2</sup>

This can be summarised as:

4 x 1 no bed units  
7 x 2 bed no units (including 4 open market)  
4 x 3 bed no units (including 1 open market)

## **Community Engagement**

The Design and Access provides details of community engagement by the applicant over the past 2 years including an open exhibition advertised in the local press and by flyers. Following the recent refusal of planning permission for a similar development on site the applicants have engaged further with neighbours and the Parish Council.

### **Consultations:**

- County Highways Authority: The Highway Authority notes the increased parking numbers submitted with this application and as with the previous application has no objections subject to conditions
- Environmental Health Section : No objection subject to conditions.

Police AOL: Do not object to the proposal per se and have only ever sought reassurance that the on-site parking provision will be sufficient when balanced against the accommodation schedule and that the design and layout of the parking provides generous enough space for safe access and movement for both pedestrians and vehicles, and to accommodate vehicles of all shapes and sizes as this is likely to encourage the space to be used as intended and deter from parking off site. The increase in parking spaces goes some considerable way in alleviating the police's previous concerns.

- SWW: No objections subject to surface water being drained in accordance with the drainage strategy as submitted
- DCC Education: No objection subject to the following financial contributions to mitigate impacts :

£17,065.00 towards primary school infrastructure  
£16,440.00 for secondary school infrastructure  
£26,600 for primary school transport  
£3,097 for secondary school transport

- Natural England: The application could have potential significant effects on the South Devon AONB. Natural England requires a Landscape and Visual Impact Assessment in order to determine the significance. Without this information Natural England may need to object to this proposal.
- DCC Historic Environment (Archaeology): No comments to make
- DCC Flood Risk: No Objection subject to conditions
- AONB: No comment received

- SHDC Landscape: No objection
- SHDC OSSR: No objection subject to financial contributions towards necessary open space, sport and recreation projects
- SHDC Biodiversity: No objection
- Town/Parish Council: Objection:

*South Huish Parish Councillors have viewed the information received in respect of the above application. Again, the councillors are dismayed by the standard of the submission and the lack of understanding of the special nature of the area being an AONB and the impact the proposals would have on both the AONB and the local community.*

*At the September Council meeting the applicants confirmed that they had purchased the property as an investment property. They are not owners of hotels and had no intention of being so. The applicant states that the investment required to continue to operate the property as a hotel is too heavy to allow for a profit, however, there are other successful hotels in the immediate area who are investing in their businesses and seeing healthy dividends. Sadly, it is easier for the applicants to assume that objectors to the development have no idea of what profit levels are available in the area and so they continue to try and steamroller through plans be it via this new application or by taking 2066/18/FUL to appeal.*

- *DP3 Residential Amenity – the proposals will have an unacceptable impact on the living conditions of the owners of nearby properties. There will be an overbearing impact. Significantly increased vehicles will cause noise and disturbance at all hours as well as associated odours and fumes. The parking provision inadequate and will lead to vehicles parking on Grand View Road. This is not acceptable to the Highway Authority. Parking on Grand View Road would restrict access to residents' land/garages as well as hindering delivery vehicles and, more importantly, it would prevent emergency vehicle access.*
- *DP6: Historic Environment – the demolition and replacement of the existing structure will detract from both the character and appearance of the area. The property is not beyond repair or reuse and evidence exists to show that the viability of the existing property should not be in question.*
- *DP7 – Transport Access & Parking – Hope Cove is located in a rural area; the local transport services are infrequent, and access is mostly by private car. Parking is a particularly contentious issue in the South Hams and especially so in Hope Cove. This application does not give priority to pedestrians or cyclists over the private car. There is no safe easy and direct movement available for those with mobility issues. There is inadequate manoeuvring area for all modes of transport and furthermore the highway safety and traffic movement will be severely impacted when the overflow vehicles then park on Grand View Road – something not accepted by the Highways Authority or the Police.*
- *DP9 Local Facilities – Change of use should not be given unless there is alternate provision, absence of demand for the facility or it can be shown as non-viable. The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework.*



*The National Planning Policy with reference to development in Coastal Villages states that in these locations it is important to strike a balance and to maintain/improve viability while being of appropriate scale AND meeting the needs of LOCAL people. If developers can truly prove that Lantern Lodge is not viable and can then give an option to make changes that comply to the letter of this document, councillors may reconsider.*

*However, at a South Huish Parish Council meeting on 15<sup>th</sup> August 2018, the applicant, Mr Bird, clearly stated to the councillors and the other 45 attendees that the Lantern Lodge is neither making nor losing money – we would argue that an unviable business is loss making. If Mr Bird is putting no effort into this business in the form of investment or marketing and it is still not making a loss the overall business can hardly be deemed unviable.*

*At the same meeting, a parishioner commented that the turnover of this established B&B could be easily developed further by increasing the food/beverage offering to provide lunches, dinners and a fully licensed bar area. There is a large lawn and significant passing trade to allow for increased seating with an outstanding view during fine weather. The current turnover is minimal in comparison to properly run hotel – and a direct comparison would always be shown as detrimental to viability. A local stock auditor with knowledge of similarly located venues has also confirmed that turnover could be very significantly improved by the Lantern Lodge providing an increased food/drink offering as you would expect from a venue of this nature.*

*Lantern Lodge Hotels Ltd was formed in July 2017 for this development – it is listed as a business for development of building projects. Proof that owners did not ever intend to run the property as a hotel and only ever purchased it to develop it and sell on, contrary to Section 12 local plan, 1. Provide 2 years of occupancy. Advertise hotel as going concern at market rate for one year. The current owners have not listed it for sale and it has not been run as a hotel, only as a B&B. The accounts ended 2018 are not representative of a hotel and show distorted figures with closure of the hotel for 5m having only been run for 3m. Virtually nothing has been spent on advertising/marketing – a simple method of distorting success and viability.*

- *DP11 Housing Mix & Tenure - Hope Cove currently stands at 80% second homes. These second home figures are damaging to the community – a community that will not be sustainable if this type of development continues. The proposals incorporate 9 holiday apartments, one manager property and 5 homes for sale on the open market. This immediately increases the second home percentage as **no consideration has been given to local affordable housing in an area with an exceptional need.***

*There are no guarantees in place that the properties won't, in time, all be sold off as residential properties thus further negatively impacting the local community and economy.*

- *DP12 Tourism & Leisure – The South Hams is renowned for being a very popular tourist destination and Hope Cove relies on tourism for the survival of its economy. It is true that there is pressure in Hope Cove to convert tourist accommodation to other uses, particularly from hotels to residential uses. If this can happen the appeal of Hope Cove will be threatened, and the local economy will suffer as a direct result.*



*When staying at hotels, guests often eat out and shop locally compared to those staying at holiday lets who are now shown to be using supermarket deliveries and eating at home thus directly depriving the local economy as money spent does not remain in the area.*

*The proposed residential properties will become second homes as their market price will be outside of that afforded by residents.*

*We have already shown that the existing owner had no intention of running the property as a hotel and has allowed the property to become further run down to aid with proof of unviability, however, despite these efforts, the owner has also declared that the hotel is neither making nor losing money, the Lantern Lodge Hotel could clearly be a perfectly viable property given the right management. There is a proven demand for the Lantern Lodge Hotel and it most certainly does make a positive contribution to the economy.*

*The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework.*

- *AONB - There will be cumulative effects that will have a great impact on the AONB, if this is successful, other applications will be forthcoming with similar proposals to reduce hotel space in Hope Cove with a view to increased second home ownership.*

*Re Section 15, July 2018 NPPF, Paragraphs 170, 171 and 172 should all be given great consideration, the applicant has failed to establish any contribution or enhancement or to recognise the land instability of the immediate surrounding area. The application falls into the Area of Outstanding Natural Beauty which has the highest status of protection, yet the plans want to increase the footprint/height of the building, reduce trees, shrubs/hedges and to mar the stunning views from the world renown South West Coast Path.*

*Development on the site will affect the AONB landscape and increase the incidence of cliff falls.*

*Current guests are generally adults with few children, the proposed development will bring more children to the area. There is currently signage in place stating, "unstable cliff stay away". The proposed removal of the trees/hedges will affect root structure and there are no plans for any additional safety features on the cliff edge. This is clearly a very significant Health & Safety issue as well as being detrimental to the AONB and the geology of the area.*

*Noted that there have been two recent cliff falls.*

- *The new building gives no consideration to local housing need and, as already stated, the market value housing will be outside of the affordability of those who have local housing need. Being in an AONB it has been determined that Hope Cove is a small village with no requirement for new housing to be built. We request that South Hams give very careful consideration to the impact on the AONB and how it complies with other policies, including the housing mix being appropriate. The properties will fail to meet any housing need if they are used as second homes.*
- *This site is within the Heritage Coast and policy is clear that development should only be supported in exceptional circumstances. These are not exceptional circumstances.*

- *The JLP has a recurring theme that development should respond to an identified local need ie, policies TTV27, – no such consideration has been given to local need and although the application shows a manager's flat this would be housing for an employee which could be sold at any time for significant profit. The applicant has already made it clear that this has been purchased as an investment, it must be anticipated that they are seeking to maximise profit and as such will not retain a management property for long when it could be sold on the open market to a second home owner for a very significant sum.*
- *The change of use from hotel to apartments/open market housing should not be allowed as per policy DEV14. Furthermore the proposal would reduce the employment and balance of jobs in the area and is therefore contrary to DEV15.*
- *These proposals will not conserve and enhance the landscape, the visual impact will be detrimental to the Heritage Coast and AONB including via increased light pollution. There is nothing about the development that has taken into account the needs of the local community and therefore the application is contrary to DEV23 and DEV24.*
- *Finally Policy DEV25 Nationally protected landscapes should be very carefully considered prior to any decision being made:  
The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park.  
The LPAs will protect the AONBs and National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:  
1. **Refuse permission** for major developments within a protected landscape, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*

## **Representations:**

Approx 13 letters in objection to the development have been received raising issues that include the following:

- 75% of homes in Hope Cove are holiday homes – residents should be protected from more holiday homes
- Loss of an existing hotel is against policy, detrimental to tourist industry and an undesirable precedent.
- Out of character with the area
- Overflow car parking close to the coast will impact on the AONB
- No provision for boat or trailer parking
- Disruption during construction
- Risk of cliff instability and possible loss of footpath
- Hope Cove is not a sustainable settlement in the JLP
- Not needed
- Too large
- Highway safety issues.
- Traffic assessment is flawed and underestimates traffic movements and vehicles sizes
- Insufficient parking
- Visual impact assessments do not consider 4 overflow parking spaces forward of building
- Negative impact on existing holiday rentals
- Will reduce use of pubs and restaurants
- Structural impacts of attenuation tanks on cliff stability
- Car spaces don't look big enough
- Existing hotel makes a positive contribution to village and should be retained.
- Inadequate sewage capacity

2 letters have been received in support of this application raising issues that include the following:

- Design is in keeping with recent developments in Hope Cove and represents progress
- Huge extension to Cottage Hotel allowed on basis that hotels need to be big to be viable – the same arguments supports this scheme justifying the fact that the existing small hotel is not viable.
- Do not want another derelict eyesore in Hope Cove

Support from neighbours at Cove House and Cliff House:

- The developers have addressed their previous concerns
- Recognise the site needs to move forward
- Increased parking overcomes concerns about parking on congestion on neighbouring streets
- Moving southern building line to the north has reduced overbearing impact on Cliff House
- Changes to rear aspect reduce overlooking of Cove House
- Design is more in keeping
- Roads locally not suited to a busy commercial hotel
- Suitable mixed use development in keeping with the area

## **Relevant Planning History**

1333/16/FUL: Demolition of the Lantern Lodge Hotel and construction of 5 Dwellings

Lantern Lodge Hotel Grand View Road Hope Cove Kingsbridge TQ7 3HE

Refused for the following reasons:

*1. The application proposes the loss of a valued tourist facility in a prime location without any explanation of why an alternative solution cannot be found to maintain a business providing tourist services and some local employment. The loss of such a facility would be harmful to the purposes of the AONB designation and is contrary to policies DP12, DP14 of the South Hams Development Policies DPD and the National Planning Policy Framework.*

*2. The proposed development does not provide affordable housing provision in an area with an exceptional and demonstrable local need. No justification has been provided by way of submission of a suitable viability study that indicates that such provision would compromise the overall viability of the development. As such the proposed development is considered contrary to South Hams Core Strategy Policy CS6 and the provisions of the South Hams Affordable Housing SPD.*

2066/18/FUL: Demolition of hotel (14 guest bedrooms, 4 staff bedrooms, indoor swimming pool, lounge/bar/dining areas etc) and construction of mixed use development of 9 serviced short term holiday let apartments (providing total of 15 bedrooms), 1 unit of managers accommodation and 5 residential apartments (resubmission of 2066/18/FUL)

Refused planning permission on 15 Feb 2019 for the following reasons:

- 1. Having regard to the scale, massing, design and siting of the proposed development it fails to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and is out of character with the area. As such the proposed development is contrary to Policies DP1, DP2, CS7 and CS9 of the South Hams LDF Development Plan Policies and Policies DEV10, DEV20, DEV24 and DEV27 of the*

*emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paras 127, 130, 170, 172 and 173.*

- 2. Having regard to the extent to which the proposed development fills the plot, the number of apartments to be provided and inadequate provision of on-site parking the proposal represents an overdevelopment of the site that is likely to lead to over-spill parking onto the adjacent road(s) causing inconvenience to users of the highway and adversely impacting on residential amenity. As such the proposed development is contrary to Policies DP1 and DP7 of the adopted South Hams LDF Development Plan Policies and Policies DEV 20 and DEV31 of the emerging Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework in particular paragraphs 127 and 102.*
- 3. Having regard to the scale, massing and siting of the proposed development it will have an overbearing impact on and result in an unacceptable level of overlooking to its neighbours to the south and east of the site. As such the proposed development is contrary to Policy DP3 of the adopted South Hams LDF Development Plan Policies and Policy DEV1 of the emerging Plymouth and South West Devon Joint Local Plan.*

This refusal is currently at appeal awaiting a decision.

## **ANALYSIS**

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

This application is very similar to the scheme refused earlier this year. The previous scheme was not refused on the grounds of any matter of principle, it was refused instead on grounds of landscape/AONB impact, overdevelopment of the site (lack of parking) and impact on neighbour amenity. The current scheme seeks to address these three issues.

Since the previous refusal of planning permission there has been a material change in circumstance in that the Plymouth and South West Devon Joint Local Plan (JLP) has been adopted.

In draft form the JLP included Hope Cove in the list of sustainable villages capable of accommodating a limited amount of additional development. The adopted JLP however does not include any AONB villages within the list of sustainable villages referenced in Policy TTV25 as insufficient evidence had been made available to the local plan inspector to demonstrate that the impact on the AONB of development in these villages would be acceptable. As such the principle of development in AONB villages needs to be assessed on a case by case basis.

Hope Cove contains a number of local facilities such as pubs, cafes, restaurants and a post office and has a bus service.

The development site is a brown field site containing an existing hotel. The principal of tourist related development on this site has therefore already been established and the existing building is not a heritage asset. There is no objection in principle to the re-development of this site.

The proposed development will provide 9 holiday letting units, 1 unit of manager's accommodation and 5 open market dwellings.

### **Economic considerations.**

Policy DEV 15 of the JLP states, inter alia, that:

- *Support will be given to proposals in suitable locations which seek to improve balance of jobs within the rural areas and diversify the rural economy. The following provisions apply:*

- *Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.....*
- *The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility.*

*Development proposals should:*

- i. Demonstrate safe access to the existing highway network.*
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.*
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.*
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.*

This application is supported by a Commercial Viability Statement which seeks to demonstrate through the submission of recent accounts that the existing bed and breakfast business is not profitable and considerable investment would be needed to convert the property into a modern hotel; it is argued however that such re-development would not be viable as the market for smaller hotels is diminishing. The report quotes competition from the expansion proposals at the Cottage Hotel in Hope Cove and a shift in market demand to self-catering holidays reinforced through enterprises such as Air BnB.

The report sets out that the number of tourist bedroom will increase from 14 to 16 through this proposal and that it is possible that some of the market dwellings will also be rented out as holiday lets, adding to the number of beds. Servicing the nine holiday lets is expected to generate the same staffing requirements as the current business. There will be no loss of tourism accommodation.

The existing B & B use is open for only 7 months of the year, the holiday letting units will be available for letting year round; they are likely to attract longer, one or two week stays rather than shorter weekend visits currently common at the B&B. The consequence is that the extended season, greater number of letting rooms and longer stays could generate a greater economic benefit to the local area.

Objectors to the application believe the hotel use could be viably reinstated and that hotel or B & B use has greater local economic benefit as people are required to use external catering services. The only evidence regarding viability however indicates it would not be viable to bring the building back into use as a hotel. Whilst self-catering accommodation does allow for guests to cook their own food, when on holiday there is a tendency for people to eat out often, and when shopping to use local food suppliers if available as this is part of the holiday experience.

On balance Officer's consider that the proposed re-development of the site is likely to enhance the local economy and the principal of redeveloping the hotel site to provide holiday letting accommodation is acceptable and accords with the JLP.

## Principle of Housing Development

The proposed development, in addition to the 9 holiday letting flats includes a 2 bed manager's apartment and 5 open-market dwellings. The applicants states that the open market dwellings are necessary to fund the wider site re-development costs to ensure a viable, high quality form of development.

The manager's accommodation would be controlled by planning condition to be retained for the life time of the development for occupation only by the site manager (and dependents). This effectively results in the provision of a more affordable dwelling on the site.

The principal of providing new homes on this site falls to be considered against a number of JLP policies.

Policy TTV1 (prioritising growth through a hierarchy of sustainable settlements) states that the LPAs will distribute growth and development delivering homes and jobs in accordance with a hierarchy of settlements, enabling each town and village to play its role within the rural area.

Within sustainable villages development to meet locally identified needs and to sustain limited services and amenities will be supported.

Within smaller villages, hamlets and the countryside development will be permitted only if it can be demonstrated to support the principles of sustainable development and sustainable communities (Policies SPT1 and 2) including as provided for in Policies TTV26 and TTV27.

Of particular relevance within Policy SPT1 is part 3i where the effective use of land is encouraged for development through optimising reuse of previously developed sites, therefore reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes.

Of particular relevance within Policy SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) are the following statements:

- The LPAs will apply the following principles of sustainable linked neighbourhoods and sustainable rural communities to guide how development and growth takes place in the Plan Area. Development should support the overall spatial strategy through the creation of neighbourhoods and communities which:
- Have reasonable access to a vibrant mixed use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services and community facilities, and includes where appropriate dual uses of facilities in community hubs.
- Provide for higher density living appropriate to the local area in the areas that are best connected to sustainable transport, services and amenities, as well as appropriate opportunities for home working, reducing the need to travel.
- Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs.
- Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services.
- Are well served by public transport, walking and cycling opportunities.
- Have a safe, accessible, healthy and wildlife-rich local environment, with well-designed public and natural spaces that are family friendly and welcoming to all.

- Have services and facilities that promote equality and inclusion and that provide for all sectors of the local population.
- Have the appropriate level of facilities to meet the identified needs of the local community, including provision of education and training opportunities, employment uses, health care, arts, culture, community facilities, open space, sport and recreation, and places of worship.
- Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.
- Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.

The proposed development accords with Policies SPT1 and SPT2 in that it involves development of a brownfield site to deliver a greater number of tourism beds, one unit of 'affordable' managers accommodation and 5 open market dwelling on a site that is in easy walking distance of the local services and community of Hope Cove. As will be discussed in more detail later the scheme is well related to natural open spaces, protects the natural environment and reflects local identity in its design. The building is designed to be a significant improvement on the current building in terms of energy efficiencies and carbon emissions.

Policies TTV26 and TTV 27 are referenced in Policy TTV1 as being relevant for the consideration of development proposals in the smaller villages, hamlets and countryside. Policy TTV26 considers development in the countryside, the application site is very much part of the built up area of Hope Cove where the provisions of Policy TTV26 are not appropriate.

Policy TTV27 (Meeting local housing need in rural areas) is essentially an exception site policy to consider development sites adjoining or very near to an existing settlement. This application site is within the village of Hope Cove where the application of this policy is also inappropriate.

Policy TTV25 considers development in the sustainable villages and states that the LPA will support development that meets the identified local needs of local communities and development which responds positively to the indicative housing figures set out in Fig 5.8 of the JLP. AONB villages such as Hope Cove are not allocated an indicative housing figure in Fig 5.8 having regard to the great weight that needs to be given to conserving their landscape and scenic beauty, and Policy DEV25 sets out the policy approach to considering development proposals in AONBs.

As such, subject to consideration against Policy DEV25, the principal of providing new dwellings in AONB villages could be acceptable provided it meets the identified local need.

As set out in the draft SPD, new housing proposals can demonstrate that they meet local need by providing homes for people with a local connection to the Parish; this can be controlled through s.106 obligations restricting occupation of the new dwellings to persons with a local connection only. This generally has the knock on impact of suppressing value of the new home(s). On greenfield, windfall sites this impact can still lead to viable development.

In this case the development site is a brownfield site which is delivering a mixed use scheme of mainly tourist accommodation to retain and enhance the economic benefits of the site which, the applicant states, is enabled through the provision of 5 open market dwellings. The applicant is very clear that if a local occupancy restriction were to be applied to the scheme it would not be viable. Having considered the information provided officers are satisfied that in the case of this brownfield, mixed use re-development scheme a local occupancy restriction is likely to significantly impact on the viability of the scheme to the detriment of the economic and environmental benefits that this scheme can deliver.



## Housing Mix

Policy DEV8 of the JLP considers 'meeting the local housing need in the thriving towns and villages' policy area stating, inter alia:

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

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

- i. Homes that redress an imbalance within the existing housing stock.*
- ii. Housing suitable for households with specific need.*
- iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.*

This application is supported by a detailed statement addressing this policy requirement.

ONS data for the South Huish Parish indicates a need for smaller housing units. This proposal delivers one x 2 bed 'affordable' managers apartment, 4 x 2 bed open market apartments and 1 x 3 bed open market apartment. The scheme has been amended so that 2 of the open market dwellings are on the ground floor, accessible by wheelchair and/or by persons with mobility restrictions. The apartments are not unusually large with 3 of the 5 units at or only just above National Space Standards and will offer opportunities for downsizers within the community and meet the local need for smaller housing units.

The housing mix meets local needs and accords with Policy DEV8 of the JLP

## Conclusion on the principal of development

The principal of developing brownfield sites is supported by the JLP as is development that will enhance the rural economy and retain or enhance tourism facilities including accommodation. Sustainably located rural housing development that meets local housing needs and which accords with Policy DEV25 (Nationally protected landscapes) is also supported by the JLP.

Subject to all other material planning considerations the principal of the proposed development is considered to be acceptable and in accordance with the JLP.

## **Design/Landscape:**

The site is in a sensitive and prominent location in the AONB and Heritage coast and sits adjacent to the very well-used SW Coast Path.

Adopted policies DEV24 and DEV25 require that landscape character should be conserved and that great weight should be given to conserving landscape and scenic beauty. This reflects the provisions of para 172 of the National Planning Policy Framework.

The previous scheme was refused for reasons including that *the scale, massing, design and siting of the proposed development would fail to conserve and enhance the landscape and scenic beauty of this part of the South Devon Area of Outstanding Natural Beauty and is out of character with the area.*

The current differs from the refused scheme in the following key ways:

- The height of the gable ridges have been decreased further by approximately 300mm
- The main roof will be clad in red clay tiles to reference the existing hotel and in response to previous local comment that a red tiled roof would be preferred and more in keeping with Hope Cove
- The Southern-most gable will be clad in a living green wall, softening the impact of the building and helping it to blend into the landscape, as with the existing hotel
- The landscaping has been amended to allow level access to units 1 and 2.
- The southern building line has moved approx. 3.6m to the north, significantly increasing the visual gap between the new building and the neighbour to the south.

This application has been considered by the Council's landscape specialist, who in consultation with the AONB has commented as follows:

*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;*
- *Sections 12 and 15 of the NPPF in particular paragraphs; 127, and 170, 172 & 173;*
- *The National Planning Practice Guidance (NPPG) particularly Section 8-036 to 8-043 on Landscape; and*
- *The South Devon AONB Management Plan and its Annexes.*

*As set out previously, in respect of the principle policy tests in the NPPF, this application is not considered to constitute "major development" in the context of paragraph 172, due to the replacement nature of the proposals, in the context of an existing settlement.*

*The previous application successfully addressed officer concerns in respect of the design, scale and massing of the proposals. The current scheme is broadly comparable with the earlier iteration in terms of landscape and visual impact, with welcomed minor changes to the site layout, scale and detailed finish. As previously noted, subject to high quality materials and finishes (the render and fascia boards should not be white to avoid a stark finish, and the roof/wall tiles should be a muted red clay shade), the replacement building would not be considered to be overly prominent or harmful to character.*

*There remains opportunity to secure enhancement to the character and appearance of the site. The removal of the flat-roofed swimming pool building would remove a built feature noticeably extending seawards of the building line on this stretch of the South West Coast Path. Its removal would improve close-proximity views from the coast path.*

*If we accept the arguments given for the need to replace the hotel with a building accommodating the level of accommodation now proposed, as before I would consider that the changes to the site as a whole resulting from the proposed development would not conflict with the landscape policy objectives of DEV23, DEV24 and DEV25, and would therefore raise no objection to the application on landscape or AONB grounds.*

It is noted that Natural England have indicated that they consider a full LVIA should be submitted in support of this application. The Council's landscape specialist in consultation with officers from the AONB consider that the information already submitted is adequate to assess the impacts of this scheme.

The reduction in scale and massing and increase in space around the building, in particular to the south, reduce its visual impact in the AONB compared to the refused scheme. The use of red roof tiles reflects the character of the existing building and the unusual prevalence of red tiles in Hope

Cove, therefore in keeping with local character. The proposed development is well considered and sympathetic to its setting, it will conserve and enhance this part of the South Devon AONB in accordance with local and national planning policy and conserves the local identity of Hope Cove.

### **Neighbour Amenity:**

The previous scheme was refused for reasons that *the scale, massing and siting of the proposed development would have an overbearing impact on and result in an unacceptable level of overlooking to its neighbours to the south and east of the site.*

The current scheme has been amended in the following ways to address these issues:

- The proposed southern building line has been moved in line with the southernmost wall of the existing hotel. The gap between boundary wall to the proposed building line has now increased from approx. 4.6m to 8.2m, as per the proposed site plan. This will reduce any potential for an overbearing impact on the neighbour to the south.
- The upper level windows to the East elevation, that overlook Cove House will now include a louvre screen, to direct the line of sight away neighbouring windows. This is notwithstanding the fact that the distance between the new building and Cove House is over 23m, which exceeds recommended standards.

The occupiers of the adjoining properties of Cliff House and Cove House have written in support of the current application.

Officers are satisfied that the impact on neighbours will be acceptable with regard to any loss of light, privacy and noise disturbance and the development accords with Policy DEV1 of the JLP.

### **Highways/Access:**

The previous application was refused on the ground that having regard to the extent to which the proposed development would fill the plot, the number of apartments to be provided and inadequate provision of on-site parking the proposal represented an overdevelopment of the site that was likely to lead to over-spill parking onto the adjacent road(s) causing inconvenience to users of the highway and adversely impacting on residential amenity. The previous scheme proposed the same number of apartments with 26 off site parking spaces.

The current scheme proposes 32 permanent parking spaces with 4 overspill spaces in the front garden area of the site, providing 36 spaces in total.

The Highway Authority raised no objection to the previous application and noting the increase in parking provision raise no objection now. The Police AOL is now satisfied with the parking provision.

The LPA has no adopted parking standards but generally applies the following criteria to assess parking need:

- 1 space per 1 bedroom unit
- 2 spaces per 2 -3 bedroom units
- 3 spaces per 4 bedroom plus units

This would equate to a requirement for 25 spaces and up to 36 spaces are now provided.

Objections have still been received with regard to adverse impacts from additional traffic on the approach roads, inadequate parking spaces and that boats or similar would fill up the car parking causing overspill onto the road.

The proposed number of parking spaces meet the requirements of DCC, and this Council has no policy that requires a greater provision. It is not reasonable to suggest that provision needs to take into account potential parking of boats where this is not a requirement in other tourism related developments.

It is considered that impacts on the safety and convenience of users of the highway is acceptable

### **Open Space Sport and Recreation:**

Impacts on open space, sport and recreation have been considered by the Council's relevant specialist who has commented as follows:

*My response to application 2066/18/FUL dated 7<sup>th</sup> August 2018 (reproduced below) remains valid, and should be read in conjunction with this response.*

*It should be noted that the Joint Local Plan has now been adopted and the new policies setting out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community are DEV3, DEV4 and DEV27.*

*Until a new Supplementary Planning Document (SPD) is adopted, levels of reasonable contributions for OSSR are detailed within the SHDC OSSR Supplementary Planning Document (2006), and thus the financial contribution requested in my previous response remains unchanged.*

#### OSSR Comments – 7<sup>th</sup> August 2018

*SHDC Core Strategy Policy CS8 and SHDC Development Plan Policies DPD (2010) Policy DP8 set out the rationale for seeking OSSR provisions as key infrastructure for securing the delivery of sustainable development and meeting the various needs of the community. Levels of reasonable contributions based upon existing deficiencies and future demand for various OSSR provisions are detailed within the SHDC OSSR SPD (2006).*

*The application is for the demolition of the existing hotel (comprising 14 guest bedrooms and 4 staff bedrooms) and replacement with 9 holiday let apartments (16 bedrooms), 1 unit of managers accommodation (2 bedrooms) and 5 residential apartments (2 x 3 bedrooms and 3 x 2 bedrooms).*

*The proposed development is unable to incorporate levels of open space, play and pitch as required by policy on site at the proposed development, however the additional new residents (within the five residential apartments) will generate increased pressure on existing local open space, sports and recreation facilities off site within Hope Cove.*

*A financial contribution will therefore be required in accordance with the SHDC OSSR SPD to assist with making the local facilities sustainable. On the understanding that the proposal is for 2 x 3 bed residential apartments and 3 x 2 bed residential apartments, which applying Table 3 of the SPOD gives an anticipated 15.5 occupants, a contribution of £15,112.50 should be sought.*

*The contribution would be used towards the following OSSR projects which have been identified in Hope's Cove:*

- *New roof for the Fishermans Reading Room (which is regularly used by various groups including a play group and is a meeting area for training for Stand Up Paddle boarding)*

(SUP) and Kayaking sessions which set off from the nearby beach. The outside garden area is also used by local groups including the pre-school); and/or

- Creation of a parish circular walk (installation of waymarkers and production of a leaflet); and/or
- Provision of shower unit at the beach to serve sporting activities such as SUP, Kayaking, Bodyboarding, Surfing and Canoeing; and/or
- Improvements to the South West Coast Path (improving the surface of the 1km disabled access path at Bolberry Down and improved gate onto SWCP at Hope Cove entrance to Bolt Tail as current access very narrow); and/or
- Creation of running guide for Bolt Head to Bolt Tail area including production of a map and installation of waymarkers on the ground.

## Drainage

The application has been considered by Devon Flood Risk who raise no objections subject to conditions. South West Water raise no objections to the application.

## Ecology

The application is supported by a recently updated Ecological Appraisal, which considered amongst other matters, bats. No evidence of bats or nesting birds was found.

Ecological impacts of the development are acceptable.

## Low Carbon Development

This application is supported by an Energy Statement, the summary of which reads as follows:

*For this development the recommended strategy is the implementation of a 'fabric first' holistic approach that is based on ensuring the building fabric and core services are designed and installed correctly. This has allowed the proposed dwelling to achieve a compliance Fabric Energy Efficiency specification.*

*In order to achieve the required 20% DER<TER an element of renewable technology in the form of Solar PV and air sourced heat pumps are required. For this development it is proposed that 3.60 kW peak of PV is specified to achieve a 20.24% reduction which meets the reduction target from South Hams District Council.*

*Table 5.a shows the reduction in kWh and tonnes of CO2 per year through the recommended fabric improvements and energy efficiency system measures which ensure the development will meet and exceed current building regulations, whilst also demonstrating the improvement over the existing hotel*

### Contribution from renewables:

	<b>Tonnes CO2 per year</b>	<b>kWh/year</b>
Existing Hotel using CIBSE TM46	61.50	323,661
Part L Baseline	27.03	77,460
'Be lean' & 'Be clean' specification	22.84 (-15.50%)	44,007 (-43.19%)
'Be lean', 'Be clean' & 'Be Green' specification	21.30	41,038
Reduction over Building Regulations target	-21.20%	-47.02%
Reduction over existing hotel	65.37%	87.32%

This report demonstrates that the proposed development will significantly reduce carbon emissions when compared to the existing hotel building and the proposed development will comply with Policy DEV32 of the JLP

### **Cliff Stability**

Concerns have been raised about the impact on cliff stability of redevelopment of the site. The proposed building will be set well back from the cliff edge, the building line set back further than the existing building. No evidence has been provided to suggest this site cannot be developed safely and construction methodology will be assessed and controlled via the Building Regulations process

### **Representations that the current hotel is a viable business concern and should be retained**

A number of representations, including the Parish Council have stated that the existing hotel should be retained and its business model improved to make it viable.

The existing building is not of an age or quality to be defined as a non-designated heritage asset and so there is no in-principal objection to its demolition.

It is not the role of the planning process to determine if there are better alternatives for a site; the role of the planning process in this context is to consider the proposal put to the LPA and to determine whether or not it accords with local and national planning policy and guidance.

### **Proposed additional contributions**

The applicant has stated that following suggestions by locals they would be prepared to contribute up to £25,000 to the Breakwater Fund and to undertake remedial works to the coast path including signage. Neither of these proposals are necessary in planning terms to make the development acceptable and so cannot be included as s.106 obligations. If the applicant wishes to pursue these matters they would have to take place outside of the planning process.

### **Planning Balance**

The proposal will redevelop a brownfield site to deliver a greater number of holiday bed spaces than currently present, low cost accommodation for a manager and 5 market dwellings which meet local need in terms of size and type, delivering local economic benefit and adding to the housing stock.

The proposed development is sympathetically designed such that it is in keeping with the local character and will conserve and enhance the AONB.

The scale, siting, massing and design will not adversely impact on neighbouring amenity.

Adequate parking and turning is provided within the site to prevent any significant increase in danger or inconvenience to users of the highway.

The proposed development represents sustainable development, accords with the development plan and has overcome all of the previous reasons for refusal. As such it is recommended that conditional planning permission be granted subject to the S.106 obligations set out at the beginning of this report.

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

## 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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
TTV25 Development in the Sustainable Villages  
TTV26 Development in the Countryside  
TTV27 Meeting local housing needs in rural areas  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV14 Maintaining a flexible mix of employment sites  
DEV15 Supporting the rural economy  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEV36 Coastal Change Management Areas



## Neighbourhood Plan

South Huish Neighbourhood Plan - Regulation 7 stage so carries no weight

### 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.

### Proposed 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 the following documents and drawing numbers:

General Plan	Site Plan & Site Section A&B	100	Rev E
Proposed	Site Plan	100	Rev E
Proposed	Ground Floor Plan	101	Rev E
Proposed	1st Floor Plan	102	Rev F
Proposed	2nd Floor Plan	103	Rev E
Proposed	Roof Plan	104	Rev F
Proposed	North & South Elevations	105	Rev C
Proposed	East Elevation	106	Rev C
Proposed	West Elevation	107	Rev C
Proposed	Contextual Elevation East	108	Rev C
Proposed	Contextual Elevation West	109	Rev C
Proposed	Section 1	110	Rev C
Proposed	Section 2	111	Rev C
Proposed	Office, Store and Refuse	112	Rev C
Proposed	3D Visual Impact Assesment 01	114	Rev B
Proposed	3D Visual Impact Assesment 02	115	Rev B
Proposed	3D Visual Impact Assesment	116	Rev B

Proposed	Proposed Drainage Layout & Details	202	Rev A
Proposed	Landscape Concept Plan	553-01	Rev D
Additional	Surface Water Drainage Strategy		

Design & Access General Plan	D&A Statement Construction Management Plan
General Plan	Appendix 2 Site Logistics
General Plan	Appendix 3 Outline Construction Programme
General Plan	Appendix 4 Traffic Management Plan and Appendix 5 Delivery Details
General Plan	Appendix 6 Current Exit & Entrance Photographs
General Plan	2019 Update Ecological Appraisal
General Plan	Site Waste Management Plan
Statement	MES Energy Statement

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

3. Notwithstanding any details shown on the approved plans, prior to their installation details / samples of facing materials, and of roofing materials to be used in the construction of the proposed development, including details of balcony balustrading, facias and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity.

4. Prior to development continuing above slab level details of a minimum of 10 integral nest sites (swift bricks) to be provided within the site shall be submitted to and agreed in writing by the Local Planning Authority. The nest sites shall be provided in accordance with the approved details prior to the occupation of the building and shall be retained for the lifetime of the development.

Reason: In the interest of biodiversity.

5. Prior to the commencement of development details showing how the existing hedges and/or trees will be protected throughout the course of the development shall be submitted to and approved in writing by the local planning authority. The details shall include a tree and hedge protection plan, in

accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved tree and hedge protection plan.

Reason: In the interests of visual and residential amenity.

This needs to be a pre-commencement condition to ensure the protection of the trees/hedges before any activity commences on site.

6. Vehicle Parking and turning shall be laid out in accordance with the approved plans and shall be made available for use by occupants of the apartments/dwellings(s) to which it relates prior to the occupation of the related apartment(s)/dwelling(s). Parking areas shall be retained for the primary purpose of the parking of private vehicles or commercial vehicles directly related to the operation of the holiday letting units only for the lifetime of the development and shall not be used for boat, trailer, caravan or similar types of non-car storage.

Reason: In the interests of the safety and convenience of users of the highways and in the interests of amenity

7. Prior to the first planting season following commencement of the development hard and soft landscaping details which shall include detailed landscape designs and specifications for the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscape designs and specifications shall include the following:

(a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;

(b) A specification for the establishment of trees within hard landscaped areas including details of space standards;

(c) Details of any changes of level across the site to be carried out.

(d) Details of ground preparation prior to importation of topsoil, including decompaction of material and removal of any debris including plastic, wood, rock and stone greater in size than 50mm in any dimension;

(e) Details, including design and materials, of ancillary structures such as bin stores and signage, gates, sculptural features, etc;

(f) Details of all boundary treatments

(g) Details of hard landscape materials including samples if requested by the local planning authority;

(h) A timetable for the implementation of all hard and soft landscape treatment

All hardsurfacing, planting, seeding or turfing comprised in the approved details of landscaping, shall be carried out in accordance with the approved timetable for implementation. Any trees or plants which, within a period of 5 years from the completion of any phase of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity

8. No works to or removal of boundary vegetation shall take place until a landscape management plan has been submitted to and approved in writing by the LPA. Thereafter the landscape management shall be strictly adhered to for the lifetime of the development

Reason: In the interest of visual amenity and biodiversity.

9. Prior to occupation of the first dwelling, if exterior lighting is to be provided, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall specify the method of lighting (if any) (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land through the submission of a isolux contour plan and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity; to protect existing and future residential amenity; and in the interests of biodiversity.

10. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

(a) the timetable of the works;

(b) daily hours of construction;

(c) any road closure;

(d) 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 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) 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;

(g) 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;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site (k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(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;

(o) Details of noise impacts and controls

(p) Dust impact assessment and proposed control in accordance with the Institute of Air Quality Management guidance for dust assessment from construction sites.

This approved CEMP 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 interests of the safety and convenience of users of the highway, the in interests of residential amenity and in the interests of biodiversity.

This needs to be a pre-commencement condition as the agreed details need to be implemented immediately upon commencement of development or prior to the commencement of development.

11. Prior to the laying of any new foundations details of the levels of all new buildings, parking and landscaped areas shall have previously been submitted to and approved by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

12. Units 4, 6 – 9 and 11 – 14 inclusive of the apartments hereby permitted shall be used solely as holiday letting accommodation and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names and main home addresses of all owners/occupiers of the holiday units, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The development proposed is on a site where there is a presumption against the loss of tourism accommodation.

13. Unit 3, as identified on the approved plans, shall only be occupied by a person(s) whose sole or main employment is related to the management of the nine holiday letting units hereby approved, their spouse and any dependants and to no other person(s).

Reason: The development is proposed on a site where there is a presumption against the loss of tourism accommodation and where only a limited number of open market dwellings would be acceptable and because if this apartment were an open market dwelling a financial contribution towards affordable housing would be required

14. 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.*

15. Prior to development continuing above slab level the applicant shall submit for approval, full details of proposed electric vehicle charging points to be provided, these details shall include the location, number and power rating of the charging points. This shall accord with good practice

guidance on mitigating air quality impacts from developments produced by the Institute of Air Quality Management.

This agreed scheme shall be implemented as agreed and available for use prior to first occupation of any building approved by this permission, and retained as such.

Reason: In the interests of air quality

16. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Surface Water Drainage Strategy (Rev. C, dated October 2019). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

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

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

17. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

18. No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in 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.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

19. Prior to the commencement of development evidence of the agreement with South West Water for discharge into the combined public sewer network at 5.6l/s shall be submitted to the Local Planning Authority

Reason: To ensure the proper management of surface water and flood risk.

Reason for pre-commencement condition: A fully evidenced detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

20. Prior to the occupation of any of the apartments hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out means to encourage staff working at the site to access the site using means other than the private car, or if a car is to be used to demonstrate how car sharing will be promoted and achieved. The plan shall set out a mechanism for the on-going implementation and monitoring of the provisions of the plan for the lifetime of the development, the details of which shall be made available to the Local Planning Authority within 10 working days of request.

Reason: In the interests of the safety and convenience of users of the highway and in the interests of air quality.

21. Prior to development continuing above slab level full details of the living wall(s), including supplier, construction detail, proposed planting medium and plants and a maintenance schedules for life of wall shall be submitted to and approved in writing by the LPA. Development shall take place in accordance with the approved details and the maintenance schedule implemented for the lifetime of the development.

Reason: To ensure the living wall has the best opportunity to establish and grow, in the interests of amenity.

22. Prior to their installation details of any ancillary structures including any fencing, gates, signage, sculptural features shall have previously been submitted to and approved in writing by the LPA. Development shall take place in accordance with the approved details.

Reason: In the interests of amenity