

PLANNING APPLICATION REPORT

Case Officer: Cheryl Stansbury
Thurlestone

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

Application No: 2133/19/VAR

Agent/Applicant:

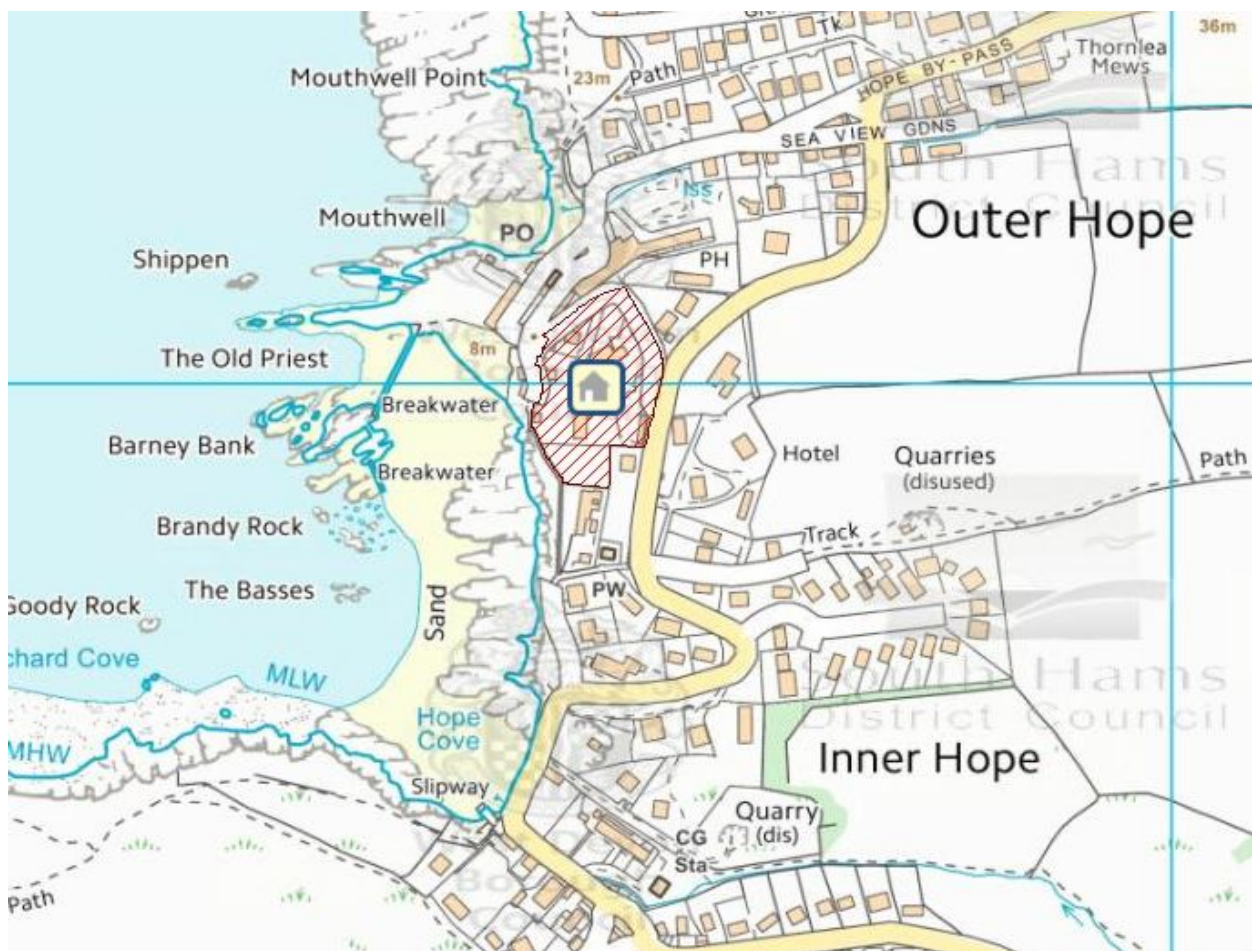
Mr Mark Puddicombe - Hart-Ireson
Limited
6 Yeo Business Park
Clyst St Mary
Exeter
EX5 1DP

Applicant:

Mr William Ireland
The Cottage Hotel
Hope Cove
TQ7 3HJ

Site Address: Cottage Hotel, Hope Cove, TQ7 3HJ

Development: READVERTISEMENT (Revised Plans Received) Application for variation of condition 2 of planning consent 46/2401/14/F



Update following deferral from Committee on 6th October 2021

Members will recall this application was discussed at great length at the meeting on 6th October and as recorded in the minutes for that meeting, the decision was deferred:-

“During the debate Members stated that this was a difficult decision to make with some Members feeling that the economic impact on the business was paramount while other Members felt that the increase in mass, size, and loss of amenity to the neighbours had a significant impact, with the Council’s Landscape Specialist and the AONB both raising concerns. Members also commented on the colour of the roof tiles. Members deferred the application so that mitigation could be explored as follows:-

- 1. Alternative roof safety railings*
- 2. Detailed landscaping scheme*
- 3. Roof tiles to be more like those agreed under conditions discharge*

Members also reiterated that when the remaining phases were built, they must be at the ridge height and size as approved in 2015.”

Letters of Representation

2 further letters of objection have been received raising the following points:

- The owners have knowingly contravened their planning permission. These violations of the planning rules are not insignificant.
- Fail to understand why this application has not been formally rejected by the planning committee given that it was submitted over two years ago.
- If the committee is serious about retaining the integrity of our country’s planning regulations, it must reject this application ASAP.
- Overdevelopment.
- Totally unsympathetic to Hope Cove and the AONB status

Applicant’s Response

The applicant has now confirmed the following:

1. Roof railings are to remain as existing
2. Landscaping drawing has been submitted
3. Roof tiles are to be sprayed with Liquid Weather

1. Roof railings: The applicant has stated he wishes to retain the current railings which surround the flat roofed area. Other systems have been investigated such as a harness line, a weighted Man Anchor with harness or a folding railing system. These alternatives have been discounted by the applicant as being a retrograde step; he has been advised by an engineer:

“...we understand that as part of your routine maintenance programme, quarterly access is required to the timber flat roof, for which the proprietary guarded edge protection was provided.

As the frequency of the access requirements is less than once a month; clause 3.4b of Approved Document K, states ‘it may be appropriate to use temporary guarding or warning notices’, citing both the CDM and Work at Height Regulations, which is in line with the guarding that has been provided.

As the frequency of the access is both low and controlled, the use of the adopted proprietary guarding system enabled a reduction in the loadings applied to the timber roof structure, for which it is designed to provide sufficient strength to support the guarded system. This eliminated the need to locally strengthen the roof to receive the guard rail posts. The installed

system also avoids the puncturing and dressing of the water proof roof membrane, and any associated increased potential for leaking and water ingress into the building.

There are a number of innovations currently on the market, which would provide an alternative to the installed proprietary guard rails, such as portable roof anchors, which can provide fall protection for a maintenance worker; such as those suggested by Kee Anchor. These are of the form of a weight, but are in the order of 250kg each, (and not very portable) that can be positioned on the roof; acting as an anchor to which a life line can be attached to the maintenance worker, via a harness. Alternatively, the life line can be attached to a safety line running between multiple weights or anchor points.

In each case these systems safely support the loading in arresting any fall or during any foreseeable rescue. It is important to note that the Work at Height Regulations state that any safe guard or personal fall protection system should normally only be used, if no other safer work equipment cannot be reasonably provided, so going between a guarded situation to a fall protection system is really a backward step, with correctly fitted harnesses attached to trained personnel now being required for the required occasional maintenance.”

Whilst compliance with Building Regulations is not a planning matter, for Members' information, Approved Document K can be found at this link https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996860/Approved_Document_K.pdf

3.4b, as referred to above, states:

Guarding of areas used for maintenance

For all buildings

- 3.4** Where people will use the stairs or ladders to access areas for maintenance they should comply with one of the following.
- a. If access will be required frequently (e.g. a minimum of once per month): follow provisions such as those suggested for dwellings in this Approved Document (see Diagram 3.1).
 - b. If access will be required less frequently than once a month: it may be appropriate to use temporary guarding or warning notices. The Construction (Design and Management) Regulation 2007 and the Work at Height Regulations 2005 give provisions for such measures.

The Work at Height Regulations 2015 can be viewed at this link <https://www.legislation.gov.uk/uksi/2005/735/contents/made>

The Regulations do not dictate exactly what must be provided and the relevant extracts are pasted below:

Schedule 1: Access or egress at height.

Every existing place of work or means of access or egress at height shall—

- (a) be stable and of sufficient strength and rigidity for the purpose for which it is intended to be or is being used;*
- (b) where applicable, rest on a stable, sufficiently strong surface;*

(c) be of sufficient dimensions to permit the safe passage of persons and the safe use of any plant or materials required to be used and to provide a safe working area having regard to the work to be carried out there;

(d) possess suitable and sufficient means for preventing a fall;

(e) possess a surface which has no gap—

(i) through which a person could fall;

(ii) through which any material or object could fall and injure a person; or

(iii) giving rise to other risk of injury to any person, unless measures have been taken to protect persons against such risk;

(f) be so constructed and used, and maintained in such condition, as to prevent, so far as is reasonably practicable—

(i) the risk of slipping or tripping; or

(ii) any person being caught between it and any adjacent structure;

(g) where it has moving parts, be prevented by appropriate devices from moving inadvertently during work at height.

Schedule 2 – Guard rails, barriers and means of protection

1. Unless the context otherwise requires, any reference in this Schedule to means of protection is to a guard-rail, toe-board, barrier or similar collective means of protection.

2. Means of protection shall—

(a) be of sufficient dimensions, of sufficient strength and rigidity for the purposes for which they are being used, and otherwise suitable;

(b) be so placed, secured and used as to ensure, so far as is reasonably practicable, that they do not become accidentally displaced; and

(c) be so placed as to prevent, so far as is practicable, the fall of any person, or of any material or object, from any place of work.

3. In relation to work at height involved in construction work—

(a) the top guard-rail or other similar means of protection shall be at least 950 millimetres or, in the case of such means of protection already fixed at the coming into force of these Regulations, at least 910 millimetres above the edge from which any person is liable to fall;

(b) toe-boards shall be suitable and sufficient to prevent the fall of any person, or any material or object, from any place of work; and

(c) any intermediate guard-rail or similar means of protection shall be positioned so that any gap between it and other means of protection does not exceed 470 millimetres.

4. Any structure or part of a structure which supports means of protection or to which means of protection are attached shall be of sufficient strength and suitable for the purpose of such support or attachment.

5.—(1) Subject to sub-paragraph (2), there shall not be a lateral opening in means of protection save at a point of access to a ladder or stairway where an opening is necessary.

(2) Means of protection shall be removed only for the time and to the extent necessary to gain access or egress or for the performance of a particular task and shall be replaced as soon as practicable.

(3) The task shall not be performed while means of protection are removed unless effective compensatory safety measures are in place.

Schedule 4 - Arresting Falls

2. A safeguard shall be used only if—

- (a) a risk assessment has demonstrated that the work activity can so far as is reasonably practicable be performed safely while using it and without affecting its effectiveness;*
- (b) the use of other, safer work equipment is not reasonably practicable; and*
- (c) a sufficient number of available persons have received adequate training specific to the safeguard, including rescue procedures.*

Schedule 5 - Fall Protection Systems

1. A personal fall protection system shall be used only if—

- (a) a risk assessment has demonstrated that—*
 - (i) the work can so far as is reasonably practicable be performed safely while using that system; and*
 - (ii) the use of other, safer work equipment is not reasonably practicable; and*
- (b) the user and a sufficient number of available persons have received adequate training specific to the operations envisaged, including rescue procedures.*

2. A personal fall protection system shall—

- (a) be suitable and of sufficient strength for the purposes for which it is being used having regard to the work being carried out and any foreseeable loading;*
- (b) where necessary, fit the user;*
- (c) be correctly fitted;*
- (d) be designed to minimise injury to the user and, where necessary, be adjusted to prevent the user falling or slipping from it, should a fall occur; and*
- (e) be so designed, installed and used as to prevent unplanned or uncontrolled movement of the user.*

3. A personal fall protection system designed for use with an anchor shall be securely attached to at least one anchor, and each anchor and the means of attachment thereto shall be suitable and of sufficient strength and stability for the purpose of supporting any foreseeable loading.

4. Suitable and sufficient steps shall be taken to prevent any person falling or slipping from a personal fall protection system.

2. Landscaping: The Council's Landscape Specialist viewed the submitted drawing and requested further detail be submitted because there was a lack of detail for the planters to show the planted medium and space would be sufficient to provide suitable growing conditions for any plants to establish well.

A further drawing was submitted, 327/01 Rev A, and it is considered this addressed previous concerns:

“Phase 1 planting plan and details by Redbay Design are an improvement, with confirmation that there will be a 1m wide planting bed to the front of the gabions, and better quality specification for planting implementation and maintenance. No further concerns about this phase of the planting proposals.”

It should be noted that this only refers to phase 1, and not the other phases of the build.

3. Roof tiles: As a reminder, the decision notice discharging the construction materials under application 3667/17/ARC referred to a materials schedule which stated the roof would be finished using Marley Eternit Red Smooth tiles. Instead, orange pantiles have been used.

The applicant has confirmed that he will apply a single coat of Liquid Weather to the tiles fitted on the roof using a long arm sprayer at the original strength i.e. not diluted. Officers will have a sample of the original tiles and a tile treated with Liquid Weather which the applicant has provided for Members to view at the meeting.

Liquid Weather is described on the company website as a product to:

- “
- ...solve the common problem of unsightly mismatching masonry.
 - Matches and blends new and old surfaces in one easy application to give a natural, aged appearance that is otherwise only achieved by years of weathering.
 - Permanently tones down Brick, Stone, Tile, Render, Mortar, Concrete and Earthenware in Walls, Paths, Roofs and Gardens.
 - Easy to use with a brush, spray, sponge or roller. Dilution with water gives a lighter shade, while a darker effect is readily achieved by applying more than one coat.
 - A safe water-soluble formula with no dangerous chemicals.”

Further information can be viewed through this link <https://masonryclinic.com/product/liquid-weather-brick-stone-tile-tinting/>

Other matters

Email discussions have also taken place in regards to conditions imposed upon the granting of application 46/2401/14/F, which the Council has no record of discharging, and although not strictly being sought agreement for under this applicant, are of some relevance.

The conditions are:

3. The development hereby permitted shall not be commenced until a programme of trial holes and percolation tests (BRE digest 365 standard tests) are carried out in accordance with a scheme to be prior agreed in writing with the Local Planning Authority. SUDS to be designed for a 1:100 year event plus 30% for climate change. If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority and thereafter installed, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

It is considered this condition has been addressed by agreement to 2 other surface water drainage conditions (4 and 5) under which adequate details were submitted and agreed. No further details are required.

7. Prior to the commencement of use of any phase of the approved development a lighting management policy shall have been submitted to and agreed in writing by the Local Planning Authority and shall thereafter be implemented in perpetuity. The lighting policy shall include details of;

(i) low level and low energy lighting to all terrace and balcony areas;

(ii) internal circulation areas to be operated by PIR motion sensors with timer controls to reduce energy and light pollution;

(iii) all glazing to windows, doors and balconies to be non-reflective glass to reduce solar reflection and the amount of artificial light emitted from the building.

Reason: In the interest of visual amenity of the area and to safeguard the residential amenities of occupiers of nearby properties.

The applicant has submitted a report, dated 2015, in an attempt to satisfy this condition but due to there not being adequate information as required by the condition and it referring to lights which were discontinued in 2017 owing to increased energy conservation measures, should permission be granted, this condition will need to be re-imposed.

13. Full details of all window and door design and the type of glazing to be installed shall have been submitted to and agreed in writing by the Local Planning Authority prior to any installation. Such agreed details shall be thereafter implemented and so maintained.

Reason: To ensure that there is sufficient information to enable the detailed design to be agreed in the interests of promoting good design build in a sensitive area.

The drawings submitted for this application provide sufficient detail for Phase 1. Should permission be granted a further condition would be needed to secure similar details for the remaining phases.

Other conditions would also need re-imposing as follows, should Members be minded to approve this application (no time limit condition is required for commencement given works have commenced):

- Accord with plans (plans submitted for this application and original plans where not superseded
- Implementation of previously agreed drainage scheme, unless amended and further agreed in writing
- Standard unexpected contamination
- Implementation of landscaping as agreed and amended by this permission
- Use of previously agreed stonework
- Adherence to previously agreed Construction Management Plan
- Adherence to previously agreed ecological mitigation and enhancement measures
- Adherence to agreed materials schedule, except where amended by this permission
- No additional windows or doors to the side elevations facing 'Atlantic Lodge' and 'Old Colonial House' without prior written agreement
- Retention of existing parking, completion and phasing of additional parking

As well as an additional informative to remind the applicant that the other phases of the build should remain at the originally agreed height, and not the height of Phase 1, additional conditions would be required as follows:

- Application of treatment to roof tiles for all phases; to be carried out within 3 months of the date of permission for Phase 1
 - Lower ground floor rooms to be used as storage only for the hotel and not as additional bedrooms or any other purpose
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ORIGINAL REPORT

Reason item is being put before Committee: Given the sensitivity of the site's location within Hope Cove, the South Devon AONB and Heritage Coast that this application relates to a previous application that was determined by Committee, and in light of significant public interest it is considered Committee determination is necessary.

Recommendation: Refuse.

Reasons for refusal

1. The development, by reason of its size, massing, increased height and use of orange roof tiles has an overbearing and bulky visual impact upon the character and setting of Hope Cove village. Whilst it is recognised that permission has been granted for the redevelopment and a significant expansion of the hotel, as a result of the multitude of changes made during the construction in comparison to the approved scheme, the proposal is considered to have a significant adverse impact on this sensitive, protected landscape, failing to demonstrate it will conserve and enhance the natural beauty of the South Devon Area of Outstanding Natural Beauty and the special character of the Heritage Coast. The development is therefore considered contrary to policies DEV15, DEV20, DEV23, DEV24, and DEV25 of the Plymouth and South West Devon Joint Local Plan, the National Planning Policy Framework including, but not limited to, paragraphs 11, 176, 177 and 178, South Devon Area of Outstanding Natural Beauty Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and South Huish Neighbourhood Plan policies EC01, ENV2 and HBE3.

2. The development, by reason of its scale, form, increased height, extent and close proximity, would have an unduly overbearing and unneighbourly impact on the adjoining dwelling 'West View', further emphasized by the orange tiles and railings on the roof. As such the development is contrary to policies DEV1, DEV15 and DEV20 of the Plymouth and South West Devon Joint Local Plan, the National Planning Policy Framework paragraph 11, 176, 177 and 178, South Devon Area of Outstanding Natural Beauty Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and South Huish Neighbourhood Plan policies EC01, ENV2 and HBE3.

Key issues for consideration:

Is the development (Phase 1, as constructed and not in accordance with the approved plans) acceptable in terms of landscape/AONB impacts, and impacts upon nearby residential properties.

Site Description:

The Cottage Hotel first opened as a small guest house in 1927. It has since been much altered and extended over the years; the applicant's family have run the business since 1973.

The hotel occupies a prominent location in Outer Hope Cove, in an elevated position above the immediate old village to the north and west. More modern development adjoins the link road to Inner Hope Cove to the east and south. The South West Coastal footpath adjoins the western site boundary.

The hotel enjoys panoramic views of the coast and as a consequence of its relatively elevated position, the site is also open to views from much of the surrounding coastal area and footpaths.

The site lies wholly within the South Devon Area of Outstanding Natural Beauty and Heritage Coast; it is outside the Undeveloped Coast. A Scheduled Ancient Monument, the Iron Age cliff castle known as Bolt Tail Camp, lies approximately 350m to the south west.

The site lies within the settlement boundary of Hope Cove, as defined in SHNP Policy SH Env 1.

The hotel is accessed from the road to the east. The hotel car park is located on the upper part of the site adjacent to the road. The whole site is generally open with little landscaping. Work has started on Phase 1 of the previously approved scheme (46/2401/14/F), appearing near complete externally.

The closest residential properties not in the ownership of the hotel, are 'Atlantic Lodge' approximately 27m to the north east and directly adjoining the vehicular access to the hotel and harbourside; 'West View' approximately 16m to the south east, sharing a boundary with the site and directly overlooking it to the north and west; and 'Old Colonial House' immediately to the south, also sharing a boundary with the site.

The Proposal:

This application seeks, via Section 73 of the Town and Country Planning Act, to vary condition 2 (approved plans) of the previously approved application 46/2401/14/F, in order to regularise works that have taken place on Phase 1; the approved scheme comprised of 4 phases, relating to the entire hotel building. Phase 1 represents an extension to the southern end of the building.

For the benefit of Members, the approved application was detailed as follows in the Officer's report:

The proposed development relates to extensions and alterations to The Cottage Hotel to provide 56 bedrooms, 3 staff and owners' accommodation, new parking facilities, new restaurant bar, lounge and function room. A new two storey car parking decks is to be constructed to the rear of the hotel, in the position of the existing car park. 38 spaces are located at ground floor and 40 spaces at first floor. The upper parking level is open and no higher than the existing car park.

A proposed phasing plan has been put forward, following in depth conversations with both the owners and operators of the hotel and construction specialists, to ensure that the hotel itself can be maintained and run during the individual construction phases. This is central to the applicant's business plan.

The phasing of the proposed extension and internal alterations to hotel are to be broken down into approximately four phases.

Drawing no. 6634/320 comprises an existing and proposed identification drawing showing the proposed extensions and alterations together with an outline of the existing hotel area and footprint. This drawing is able to show that two extensions are to be constructed on both sides of the existing structure together with extensions to the rear of the existing hotel. The area indicated to the front of the hotel is the restaurant and lobby area only together with a conference centre at lower ground floor and does not extend up to the full height of the overall building. This is clearly indicated on elevational and floor plan drawings included within this application.

The existing car parking arrangements will be retained during phases 1 and 2. The new two storey parking decks will be constructed as part of phase 3 and completed prior to occupation. The new hotel servicing arrangements will also be included in phase 3.

PHASE ONE

Phase One of the proposed works will not require the demolition or alteration to the existing as this will be a new extension to the East side of the existing hotel that will be interconnected to the inner corridors by a temporary weathered and covered walkway. The proposed phase will offer three lettable rooms at ground floor level and an owners apartment at both first floor and second floor level, this having a separate access from the rear of the hotel and integral parking within the unit.

PHASE TWO

This phase will require the demolition of the end East wing of the hotel and allow for Phase One to be connected to the main hotel, this incorporating four bedrooms at ground floor level together with the increase in the restaurant capacity and enhancement to the main internal kitchens and lounge entrance lobby area to the restaurant.

Rear stairs and service corridors will also be created in this phase, this incorporating the tunnelling out for the lower ground floor level conference centre.

At first floor level there will be an additional three bedrooms together with all of the laundry and rear storage areas for the hotel.

This proposed phase will also include the rear fire escape staircase and secondary lift shaft for use by hotel guest in the East wing.

Two additional bedrooms and three stores will be created at roof level.

To the underside of the new restaurant extension the shell will be constructed and finished with windows and glazing doors.

PHASE THREE

This phase will incorporate the alteration to the existing hotel and the creation of the new main feature staircase and bank lifts, the retention and alteration to the existing front lounge and demolition and removal of the existing reception and Cove Room at ground floor level.

At first floor level a steel frame will be erected over the existing hotel and the creation of eight new bedrooms at first floor level together with ancillary staff accommodation, binstorage and snooker rooms, arcade and gym will all be constructed.

At second floor level eight new bedrooms will be created together with the new main entrance lobby and reception/offices for the running of the main hotel, this including the entrance lounge and luggage stores.

At roof level an additional eight bedrooms will be created with interconnection between Phases Two and Three.

PHASE FOUR

Phase Four is the West extension to the main hotel and will create at ground floor level four new rooms.

At first floor level five rooms together with the main fire escape to the end of this section of the building.

Second floor level will have seven new rooms together with ancillary stores and storage for staff use.

At roof level an additional three rooms will be created again with storage.

The application was originally submitted in order to include the 4 additional rooms that have been constructed at lower ground floor levels. These were designed as bedrooms, but in light of Parish concerns, have been changed to “storage”. During consideration of the application it was discovered that several elements that have been constructed did not accord to the approved plans. To avoid any possible misunderstanding of the proposal, an additional drawing was requested to clearly illustrate the differences, particularly the differences in height.

The following are the elements that differ to the approved plans:

- Height increase of approximately 0.58m to the ridge of the southern end, and 0.82 to the ridge of the gable; this excludes the railings that have been fitted around the roof
- A lower floor has been installed comprising of 4 rooms
- Gabion baskets have been placed to the front of the building, below the additional rooms
- Windows are of different sizes/positions and additional windows have been installed
- The balcony/screening differs to that approved
- The internal layout has been reconfigured (does not materially affect the application)
- The roof covering was approved via conditions discharge as Marley Eternit Smooth Red; orange pantiles have been fitted

Following the Case Officer’s site visit, it is apparent that works to the car park at the rear have not been carried out in accordance with the approved plans in so far as the car park being bound by wire fencing; the approved plans showed timber boarding with planting around the car park, providing a good degree of screening; this does not form part of this planning application however and the applicant has stated works have not yet commenced on this part of the approved scheme. The approved landscaping scheme appears not to have not yet been implemented across the site, and in light of the changes made during construction, it is likely this could not be implemented as approved.

Furthermore, several conditions attached to the original permission requiring details to be agreed prior to commencement or installation appear to remain outstanding, those being condition 3 - details of drainage, condition 7 – details of lighting and condition 13 – details of windows (prior to their installation.) This application does not seek to include those details or address the conditions.

Consultations:

County Highways Authority: No highways implications

SHDC Landscape Specialist: Objection. Will have harmful effects on this sensitive, protected landscape. Has not demonstrated it will conserve and enhance the natural beauty of the AONB, nor the special character of the Heritage Coast, and therefore considered contrary to policies DEV23, DEV24 and DEV25 of the JLP.

AONB Manager: Objection. Concurs with SHDC Landscape Specialist

South Huish Parish Council:

9th April 2021 - South Huish Parish Council reviewed this application in their April meeting and unanimously approved to support the Variation of Condition 2

16th June 2020 - Object. If approved, the following conditions are essential:

1. The rooms are to be used for storage only and will not, at any time, be allowed to be converted to hotel or ancillary accommodation
2. All windows in the storage rooms must be permanently screened
3. The gabion wall must be conditioned to ensure it is planted to allow natural vegetation to grow

20th September 2019 - SHPC have reconsidered their response. We withdraw previous comments and have no objection

15th August 2019 - strongly object due to the following:

If the storage area is converted to bedrooms there will be no storage available and due to the size of the hotel, storage will clearly be required. It is not acceptable to lose this storage area only to seek to build an alternate storage area at a later date. Has it been ascertained where the items for storage will be kept and why there is no longer a need for such a sizeable storage area? These answers need to be provided prior to any decision being made.

The additional bedrooms will put further strain on an already struggling sewage system. No further accommodation is acceptable at this location.

The increase in bedrooms will have a further negative impact on the parking situation. There is already insufficient parking at this site. Additional bedrooms will cause a further detrimental impact leading to vehicles parking and blocking the busy road to the property.

Negative impact on the environment and to the AONB.

This application supports no essential needs, is not complimentary to the surrounding area and SHPC unanimously OBJECT.

Representations from Residents

All representations can be viewed in full on the Council's website at:
<http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/192133>

14 objections (from 9 individuals) have been received following 3 consultation periods and cover the following points:

- Consent was granted against officer advice. The Exceptional Circumstances to do so are not clear
- The original approval should have been "called in"
- No business case has been put forward for damaging the AONB or Hope Cove
- The extra height and extra floor should be rectified; there is no good reason for such errors
- Panoramic views across Bigbury Bay are about to be destroyed
- Phase 1 is part of a larger project and any increases now will continue for the rest of the development, inflicting further damage on the AONB. Construction of Phase 1 began with a clear breach of planning
- The view from Bolt Tail is now dominated by the hotel
- Lighting to the pathways is too bright and at waist height rather than foot level, causing considerable light pollution
- Question how the development has been able to proceed with more than 30 amendments
- Disproportionate to the character of the original hotel and not in keeping with the village
- The height is anti-social and unnecessary; more overbearing than originally agreed
- Reduces light to neighbouring properties
- Significant impacts on immediate full time residential properties, including bank slippage
- Dust and noise pollution; windows have to be kept shut throughout the year
- Works often take place on Sundays and Bank Holidays, and no warning is given
- The roof tiles were never agreed as bright orange pantiles; they are inappropriate and further dominate views and harm the AONB
- The roof is even higher than approved (0.58 and 0.82m, plus the additional height of the railings) and also includes railing that are ugly and higher than approved; why are railings necessary?
- The lower floor has been changed into bedrooms without approval
- Impacts upon views from properties
- Hope Cove is a small, picturesque fishing village which tourists flock to for its quaintness. Now it is witnessing the most monumental destruction on a grand scale
- Inconstant planning decisions – residential properties are not allowed to extend or improve, but this overdevelopment has been allowed
- If allowed, the height should be reduced by 1 storey to account for the extra rooms built at lower ground floor level
- Illustrations that supported the original approval were misleading, showing a smaller, grey building with grey roof tiles
- Additional windows have been installed and views can be gained from the balconies into neighbouring properties because the screening is now much lower
- An arguably over-dominant 3 storey building has become a definitely dominant 4 storey building, dwarfing the rest of the village

Comments also made concerning the lighting of the Lobster Pod area, that it is intrusive at night; those do not form part of this application

147 letters of support have been received, summarised as follows:

- As a regular visitor over a number of years it is a real shame to read some of the objections being put forward from what appear to be non-permanent residents of Hope Cove
- The family have one goal, to improve the hotel and amenities for the benefit of all
- The hotel is the heartbeat of the village and whilst staying, guests use other village businesses
- Out of season, hotel guests keep income coming in to Hope Cove.
- Hope Cove will still be very beautiful, hopefully more people will come to visit more regularly and everyone will benefit in the uplift the hotel will provide

- Consider it is a sensible outcome to allow the extra 4 bedrooms created from the store rooms in the new part of the Hotel
- In a village where at least 5 hotels have closed, extra rooms would be a great tourism asset
- The Cottage Hotel is a major employer in the district and one of the only two hotels left in the village. Allowing this development would help to ensure the long term viability of the Hotel
- Note the landscape objection has only been carried out from an office
- The objections are subjective and changes marginal
- SHDC has not been proactive and the delays are costing money
- Change is inevitable

Relevant Planning History

The hotel has been subject to many planning decisions over the years relating to alterations and extensions to the property. Of particular significance by reason of the nature and size are the following:

46/1012/80/3: Remodelling and extensions of The Cottage Hotel. Refused and subsequently dismissed on appeal, decision letter dated 22/12/1982

46/909/81/O: Alterations to The Cottage Hotel and new staff accommodation. Refused and subsequently dismissed on appeal, decision letter dated 22/12/1982. The Inspector found the central consideration to these appeals to be the economy and visual impact and effect on neighbour amenity. The proposals related to extensions comprising a 62 bedroom hotel and not dissimilar scale to the approved proposal. The general massing and scale was considered to have an unacceptable impact on the AONB.

46/0936/83/3: Alterations and extension to hotel including indoor swimming pool. Approved August 1983

46/340/87/3: Alterations and extensions to The Cottage Hotel. Refused April 1987

46/2401/14/F - Development and extension of hotel to provide 56 bedrooms, 3 staff and 1 owner's accommodation, new parking facilities plus new restaurant, bar, lounge and function room. Approved by Committee against Officer recommendation

It is worth mentioning here that prior to the submission of 46/2401/14/F, pre-application discussions were held (1490/13/PREMAJ), which included presentation to the Council's Design Review Panel on two occasions. The letters may be viewed in full on the Council's website.

The Panel's conclusions were:

- The proposed building would harm the village and its setting, in part to its excessive size (the justification for which remains unconvincing) but also to the client-led design approach which, in turn, is a result of the requirement to preserve and build around the existing structure.
- The suggested 7-year building programme would likely cause immense and protracted disruption to this small, relatively inaccessible community due to noise and heavy traffic.

It is understood some design amendments were made prior to the application submission, but these were not considered sufficient enough to enable Officer support.

ANALYSIS

Principle of Development/Sustainability:

The approved application, 46/2401/14/F, was judged against the previous development plan, being South Hams Local Development Framework Core Strategy (2006), South Hams Rural Areas Site Allocations Development Plan Document(DPD) 2011 and 'Saved' policies from the South Hams Local Plan (1996). This new application must be judged against the current policies and development plan, which is the Plymouth and South West Devon Joint Local Plan (JLP) and the South Huish Neighbourhood Plan (SHNP). The NPPF has also been updated, and it should be recognised that additional weight has been placed on conserving and enhancing protected landscapes such as AONBs; this has been reinforced through the recent (2019) Glover Review.

Paragraphs 2, 8 and 11 of the NPPF establish that applications will be determined in accordance with the Development Plan (documents listed above) unless material considerations indicate otherwise; and that where considered to be sustainable development, permission should be granted.

NPPF paragraphs 81 and 84 are of particular relevance, requiring significant weight to be placed on supporting economic growth, including sustainable rural tourism that respects the character of the countryside.

Spatial Policies in the JLP provide a policy steer for decision making in line with the sustainability objectives.

Policies SPT1, "Delivering sustainable development" and SPT2, "Sustainable communities" are key to every development decision. These support sustainable economic growth, require development to utilise low carbon technology and building methods, support service provision in and the assets of communities, including accessible greenspace, that meet the needs of local people (discussed in more detail later in this report).

SPT12, "Strategic approach to the natural environment" is also of relevance, noting that development will conserve and enhance the landscape and scenic beauty of the South Devon AONB, protect and enhance within the South Devon Heritage Coast. Paragraph 1 requires development to avoid harmful impacts, and where these are unavoidable, to adequately mitigate or, as a last resort, fully compensate.

The next level in the policy hierarchy is the Thriving Towns and Villages Policy Area, the TTV policies.

Policy TTV1, "Prioritising growth through a hierarchy of sustainable settlements", stating growth will be distributed in a hierarchy of settlements as follows:

...enabling each town and village to play its role within the rural area:

- 1. The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area.*
- 2. Smaller Towns and Key Villages - which will receive support for growth commensurate with their roles in supporting the small villages and hamlets.*
- 3. Sustainable Villages - where development to meet locally identified needs and to sustain limited services and amenities will be supported.*

4. Smaller villages, Hamlets and the Countryside - where 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.

The adopted JLP does not include any AONB villages within the list of sustainable villages referenced in Policy TTV25 (Development in the Sustainable Villages) as insufficient evidence was made available to the local plan Inspector to demonstrate that the impact on the AONB of development in these villages would be acceptable. However, this does not preclude all development in the AONB; the principle of development in AONB villages needs to be assessed on a case by case basis against relevant planning policies

As Hope Cove is not a listed village under TTV1, it falls under Tier 4, as a smaller village.

Policy TTV2, “Delivering sustainable development in the TTV Policy Area” states:

The LPAs will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver a prosperous and sustainable pattern of development. In addition to the provisions of Policies SPT1 and SPT2, specific objectives of rural sustainability to be supported through development include [limited to those of relevance to this application]:

- 3. The growth and expansion of rural businesses and enterprise.*
- 5. The delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.*

The final policy tier to consider is “Development Policies”. The most applicable to the principle of the development is DEV15. Whilst supporting the rural economy, it is considered applicable to this situation. DEV15 notes:

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.

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 proposal does not raise any issues in terms of points i, ii or iv above, but point iii must be considered; this is discussed later in this report.

In terms of the South Huish Neighbourhood Plan (SHNP), it is noted that one of the key objectives is to safeguard the local economy and tourist industry. Policy SH EC01 relates

specifically to tourism related employment, but seeks to retain hotels by preventing the change of use, so is not strictly relevant to this proposal.

Another key objective of the SHNP of great relevance to this proposal is :

Respecting the unique setting and qualities of the parish within the South Devon AONB.

Taking the above into consideration, and together with the previous approval, it is clear that the principle of the expansion of the hotel, that is, development for the purposes of tourism in this location, is compatible with the general objectives of the NPPF, the JLP and the SHNP.

The development is wholly contained within the hotel grounds, will naturally have some social and economic benefits, albeit these have not been quantified; environmental impacts are considered later in this report. The principal of introducing additional accommodation is acceptable, however, the acceptability of what has been built must be judged against all other policies and guidance, with clear demonstration that any benefits outweigh the harm.

Major Development in the AONB

Paragraph 176 of the National Planning Policy Framework (NPPF) states that “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.*”

Paragraph 177 follows on that planning permission should be refused for major developments in these designated areas “*...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) 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;*
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. ”*

The NPPF makes it clear that whether a proposal amounts to 'major development' is a matter to be determined by the decision maker, taking into account the nature, scale and setting of the proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. It is not synonymous with the definition of a 'major planning application', that is in terms of floor/site area or the number of dwellings, but whether the development could be construed as major development in the ordinary meaning of the word, having regard to the character of the development in its local context.

The application concerns an extension to an already sizeable building, seeking retrospective consent via a variation of the approved plans condition for the changes listed in the proposal section above. The building is not considered to be small-scale. In fact, it is the opposite, and the largest in the village. Whilst development is contained within the existing site boundaries, the hotel is highly apparent when viewed from public vantage points in all directions. The

building is particularly visible at its full extent (now appearing as 4 storey given the under build that has occurred) from the beach/harbour, and the coastal footpath.

Having regard to the character, nature and scale of the proposed development, and taking the local circumstances and context into account, the Council considers the proposal is paragraph 177 major development in the context of the South Devon AONB.

This application has not been accompanied by any supporting information or justification, which makes it difficult for Officers to assess it against the criteria above and conclude there are exceptional circumstances that justify approval, and that development is in the public interest (criterion a), particularly when mindful there is already a consent in place which provides for the expansion of the hotel at a level which was deemed sufficient by the applicant at that time.

Clearly the development cannot take place outside of the designated area (criterion b).

As discussed later in this report, the increase in height, massing and use of orange roof tiles are considered to be harmful to the character and appearance of the protected landscape, and these cannot be moderated in any way (criterion c).

Therefore, it is considered there is a clear conflict with paragraph 177 and this directs that development should be refused in the absence of exceptional circumstances or public interest.

Design/Landscape

In considering this application, the Local Planning Authority must give due regard to the overriding statutory duty of conserving and enhancing the natural beauty of the AONB (set out in the Countryside and Rights of Way Act 2000, s85) as well as policies in the NPPF, the JLP and the management plan for the South Devon AONB. It is not a case that an approval already exists, so that duty is set aside.

JLP Policy SPT1 “Delivering sustainable development” requires development, amongst other criteria, to meet the needs of local people, avoid environmental impacts and respect, maintain and strengthen sense of place and local distinctiveness through high standards of design.

SPT2 “Sustainable linked neighbourhoods and sustainable rural communities” requires development to provide a positive sense of place, through good design and protection and enhancement of the natural and historic environment.

TTV2 “Delivering sustainable development in the TTV Policy Area” supports the growth and expansion of businesses, and sustainable rural tourism which benefit communities, visitors, and respect the character of the countryside and historic settlements

JLP Policy DEV15 supports:

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,

requiring development to:

iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.

DEV20 “Place shaping and the built environment” requires development to meet good standards of design, contributing positively to townscape and landscape giving proper regard to the wider development context, visual impact, scale massing height, landscaping and character

DEV23 “Landscape character” requires development to conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Adverse effects should be avoided, mitigated or compensated.

DEV24 “Undeveloped Coast and Heritage Coast” states :

Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquility of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:

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

DEV25 “Nationally protected landscapes” states:

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 landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.*
- 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.*
- 3. Give substantial weight to other natural beauty criteria, including the conservation of wildlife and cultural heritage in the AONBs and great weight to the conservation of wildlife and cultural heritage in Dartmoor National Park.*
- 4. Assess their direct, indirect and cumulative impacts on natural beauty.*
- 5. Encourage small-scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore the protected landscapes.*
- 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape’s special qualities and distinctive characteristics or valued attributes.*

7. *Support proposals which are appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area.*
8. *Require development proposals located within or within the setting of a protected landscape to:*
 - i. *Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.*
 - 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 tranquility and, where possible use opportunities to enhance areas in which tranquility 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 protected landscape.*
 - 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.*

South Huish Neighbourhood Plan Policy SH ENV2 "Impact on the South Devon Area of Outstanding Natural Beauty" requires development;

In addition to National and Development Plan policies and guidance controlling development in the South Devon AONB, Undeveloped Coast and Heritage Coast, development within the Parish should, where necessary due to the size and scale of the development must demonstrate:

- a) how it maintains the intrinsic character of the landscapes affected;*
- b) why it cannot be accommodated reasonably outside the Heritage Coast and Undeveloped Coast designations;*
- c) How the natural assets and constraints of a development site have been assessed. Substantial harm to or loss of irreplaceable habitats such as ancient woodland and within historic boundary features, banks and ditches should be wholly exceptional;*
- d) how opportunities for improving public access to and the enjoyment of the coast have been included.*

Policy SH HBE 3: "Design Quality within the Parish" states:

Development proposals in South Huish Parish should demonstrate high quality design and will be supported where:

- They are innovative and locally distinctive using a palette of materials that respond to and integrate with the local built surroundings, landscape context and setting. The use of local stone is supported and imported stone from outside the South Hams discouraged. A contemporary design solution will be supported providing it respects the context and setting.*

Regard must also be paid to the South Devon AONB Management Plan, mindful that AONBs have a single statutory purpose, that being the conservation and enhancement of the natural beauty of an AONB, which is enshrined in the Countryside and Rights of Way Act 2000. The South Devon AONB Management plan, required by and prepared under the same act, is a

material consideration in determining this application. Amongst other things the plan sets out the policy framework for AONB management together with priorities for action. Where there is a perceived conflict between policies, the statutory purpose for AONBs overrides following the established Sandford Principle:

Where irreconcilable conflicts exist between conservation and public enjoyment, then conservation interest should take priority

This principle was updated in the 1995 Environment Act, to say;

If it appears that there is a conflict between those purposes...attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.

Support is given to this application through Policy Acc/P1 "Sustainable Tourism" which seeks a sustainable, year-round tourism industry which benefits from and contributes to the environmental quality of the area. Activities and initiatives to extend the main tourism season and to assist in promoting the area to overseas visitors will be supported, and Policy Econ/P1 "Rural economy" which states the growth of the area's economy will be supported where sustainable economic growth and the health of natural resources sustain each other. Employment sectors having a traditional association with the AONB and which conserve or enhance the AONB's special qualities will be promoted and supported.

However, these policies cannot be taken in isolation and must be read together with the remainder of the Management plan, where strong policy conflicts exist:

Lan/P1 Character - The special qualities, distinctive character and key features of the landscape and Heritage Coast will be conserved and enhanced

Lan/P2 Technical Assessments - The use of Landscape Character Assessments will continue to be advocated so that decisions respect, maintain and where possible enhance landscape character contributing to the special qualities of the AONB.

Lan/P5 Skyline and Views - The character of skylines and open views into, within and out of the AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought with improvements to reduce visual impacts of unsightly past development.

Plan/P1 Plan-making - Planning policies will give great weight to the purpose of conserving and enhancing the natural beauty and special qualities of the AONB, while supporting limited development that is appropriate to its setting, is in keeping with its character, and meets the economic and social needs of local communities.

Plan/P2 Decision-taking - Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the AONB, supporting development that is appropriate and proportionate to its setting, seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB.

The Council's Landscape Officers had previously observed that the overall height of the building would not be increased, commenting that the front elevation, with additional stonework on the lowest storey and glazed openings, would increase the overall massing and

dominance of the seaward elevation when seen from highly sensitive viewpoints to the south-west (including Bolt Tail), and at closer quarter from the SW Coast path. With the belief that there would be no increase to the overall height above the approved proposal, the margin of increased harm was deemed not significant and an objection was not raised.

However, following the receipt of additional drawings which enabled a thorough comparison to be made between approved and “as built”, it is now evident there is an increase in the roof height from that approved of between 0.58 and 0.82m (excluding the additional height of the railings), affecting the majority of the ridgeline of the redeveloped building (Phases 1, 2, 3 and 4); this raises legitimate concerns that the higher, cross wing gable sections in Phases 2 and 3 will therefore increase in height by an equivalent amount.

In light of the identified increase in height of Phase 1 and possible equivalent increase in height of subsequent phases of the build, the margin of harm identified is now deemed significant. The subsequent phases of development will need to tie in with the as-built Phase 1 roof and the likely ‘knock-on’ effects of the increased roof height in Phase 1 must be taken into consideration.

The Landscape Officer is of the opinion that the increased height of the proposal is unacceptable as it increases the overall massing and dominance of the seaward elevation. It will also increase the adverse visual effects on views experienced from the neighbouring property, West View. The Case Officer and AONB Manager concur with this view.

To elaborate on the concerns raised, the creation of a new, lower ground floor to include four rooms with glazing creates a significant amount of additional under-build to the development. The use of these can be conditioned to prevent them being bedrooms, but their use makes little difference in terms of visual impacts. This underbuild effectively turns a 3 storey building into 4 storey, resulting in a significant increase in massing and therefore additional visual impacts, particularly when viewed from the beach and coastal footpath from Bolt Tail direction. This increased amount of under-build, combined with the hard gabion retaining features rather than the originally approved soft landscape surrounding the southern extension to the building, results in further adverse visual effects.

The gabion basket wall appears filled with randomly sized, grey stones, not very well packed or finished, and visually not particularly attractive. These gabions did not feature on any approved plans, nor on the landscaping plans, and only appear on the plans submitted for this current application. However, this element could be dealt with by way of a planning condition for more appropriate stone to be used, if approved.

The Landscape Specialist also noted the drawings indicate a list of climbing plants for the base of the baskets, although confusingly also indicate that the proposed plants may trail down over the gabions. There is insufficient detail submitted to indicate how this will be achieved and no indication of how the wider site layout and landscaping will be amended to respond to these new features.

Concern is also raised in relation to the approved Landscape Strategy and detailed planting plans. The external layout illustrated on the Proposed Site Plan for the application now under consideration and the layout of the external areas illustrated on the approved landscaping plans are very different. What has now been constructed for Phase 1 will affect the approved landscaping, and possibly make it undeliverable, at least in the southern part of the site, so revised plans would be required for approval; this could be conditioned.

A further concern is also noted in that the orange tiles used on the as-built are not what was agreed through conditions discharge (Marley Eternit Red Smooth), and are uncharacteristic of the local area. These tend to draw the eye towards the building, and further add to its dominance. Attention is drawn to references in the approved scheme mentioning that grey clay tiles or slates might be more attractive; the illustrations indicated muted red/grey roofing, which blended in with surroundings. What exists now is very different to that previously shown.

Even though it was granted permission, the previous development was acknowledged to result in adverse harmful impacts on the landscape character and visual amenity, and to the protected landscape in particular, due to the form, scale and massing of the proposal. Approval was given by Members because the benefits were deemed to outweigh the harm.

Whilst it is recognised that permission has been granted for the redevelopment and a significant expansion of the hotel, and that is a material consideration lending weight in support, Officers are unable to support any further increase in the form, scale and massing of the scheme above that approval, which would occur if this retrospective application is approved. As a result of the multitude of changes made during the construction in comparison to the approved scheme, the proposal is considered to have a harmful effect on this sensitive, protected landscape. Overall, the application has not demonstrated that the proposals will conserve and enhance the natural beauty of the AONB, nor the special character of the Heritage Coast, and would therefore be considered contrary to policies DEV15, DEV20, DEV23, DEV24, and DEV25 of the adopted JLP, NPPF 11, 176, 177 and 178, AOB Management Plan policies Lan/P1, Lan/P2, Lan/P5, Plan/P1 and Plan/P5, and SHNP EC01, ENV2 and HBE3.

Neighbour Amenity:

As previously detailed, there are a handful of directly adjoining neighbouring properties.

‘Atlantic Lodge’ sits approximately 27m to the north east of the hotel, directly adjoining the vehicular access point. This is at the opposite end to Phase 1 where works have taken place and it is not considered the proposal would have any detrimental impacts upon its occupiers.

‘West View’, a modest sized detached bungalow lies approximately 16m to the south east of the original hotel building, shares a boundary with the Hotel, to the north and west, but now the Phase 1 extension has taken place, is set directly behind it, just under 13m distant; the boundary of the dwelling is around 5m from the hotel rear elevation. This property is set on higher ground than the ground floor of the hotel, although due to the land rising up to the rear, the hotel car park is on a similar level to the property.

‘Old Colonial House’ immediately to the south, also shares a boundary with the Hotel, and is set at a similar level to the ground floor.

Objections have been received from West View and Old Colonial House.

The previous approval must be taken into consideration when determining what the impacts are upon all residential properties, and not just those who have made representations. There can be no doubt that the scheme, as approved, would have resulted in detrimental impacts upon residents, and in fact, this formed one of the 2 proposed refusal reasons:

The proposed extensions, by reason of their scale, height, extent and close proximity, would have an unduly overbearing and unneighbourly impact on the adjoining dwelling 'West View'. As such the development would be contrary to the provisions of South Hams Development Policies DPD policy DP3.

Members considered the resultant harm was outweighed by the benefits the proposal would bring, although it does not appear these were quantified and nothing has been put forward to support the current application.

However, the development, as built, stands higher than approved, as well as there being an extra lower ground floor through underbuild. Railings have also been installed on the roof, and together with the bright orange pantiles, which differ from the agreed red roof tiles, further emphasising and drawing attention to the imposing nature of the building in relation to neighbouring properties.

The entire view from West View, both inside the property and on its seaward facing terrace (its immediate garden area) is now dominated by the roof and rear elevation of the hotel, reducing its outlook to what Officers consider to be harmful and unacceptable. The carpark boundary treatments, which also do not accord to the approved plans in that it is not fenced or screened, also results in an unneighbourly impact and the ability for car headlights to shine directly into the side of West View. However, this is not part of the current application and as the applicant has stated is part of a later phase, is not a factor to weigh into the balance for this application.

Given the levels in relation to Old Colonial House, whilst there can be no doubt this property has been impacted, the height increase above the approved scheme is not so significant, and matters raised in relation to overlooking from balconies and additional windows could be controlled by way of a planning condition, were a scheme to be approved.

The overarching aim of the NPPF, in section 2, is achieving sustainable development; this includes a social objective meeting present and future needs of all. Section 12 of the NPPF seeks to achieve "well-designed places" requiring applicants to take account of community views, demonstrating active engagement (paragraph 132).

JLP Policy DEV1 "Protecting health and amenity" requires development to safeguard the health and amenity of local communities. Paragraph 1 is of particular relevance and states:

"Ensuring that development provides for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance for both new and existing residents..."

Furthermore, given Hope Cove is not a named settlement in TTV2, it is considered appropriate to refer to Policy DEV15, "Supporting the rural economy". Paragraph 1 supports business growth where there are no adverse impacts on neighbouring uses, and paragraph 8 *iii. requires development to demonstrate a positive relationship with existing buildings, including scale, design, massing and orientation.* The application fails to do this.

As set out above, the increase in height, rooftop railings and use of bright orange pantiles, result in an overbearing and incongruous development and one which significantly reduces the outlook from West View to unacceptable levels, which is in clear conflict to the aims of the NPPF and Policies DEV1 and DEV15.

Highways/Access:

The application, given it just relates to changes to the building, raises no highways implications. There are no conflicts with DEV29 or NPPF Section 9.

Other Matters:

- Site drainage and ecology are not affected by this application.
- A question has been raised regarding a possible “call in” by the Secretary of State (SoS), to enable consideration as to whether the application should be referred to him for determination under s77 of the Town and Country Planning Act 1990. It is noted that a referral request was submitted to the SoS when application 46/2401/14/F was being considered, and in that case, the Council were directed to not issue permission until the SoS had considered the proposal and it was eventually decided that the Council could go ahead and make the decision. In that instance, however, the letter noted “This direction does not, of course, prevent your Council from considering the application, forming a view as to the merits or, if they are so minded, refusing permission.”

No such direction from the SoS has been received at the time of writing this report and Officers have contacted the Planning Casework Unit (PCU) to establish if a call-in request has been submitted to the SoS. The response from the PCU is:

The Secretary of State does not act on a third party request to call in a planning application, until or unless the relevant Planning Committee have resolved to approve the application. The decision to approve or refuse should be taken by the Council under normal due process regardless as to whether or not a request to call it in has been made.

A premature request was made to call in this application by a third party. That third party was advised...to make a request via PCU only if the Council is minded to approve the application and their concerns remain.

To my knowledge no further request has been made.

Given the Officer recommendation is one of refusal, should Members be minded to agree, there is no prohibition to issuing the decision.

- Objectors comments referring to how the applicant has been allowed to build not in accordance to the approved plans and not relevant to the determination of the application. However, Officers do believe that some of the plans originally approved did not accurately reflect existing ground levels as cross section drawings appear to show the hotel building set lower than it is now in relation to neighbouring properties.
- Whilst some conditions imposed on approval of 2401/14/FUL were agreed, Officers can find no record of conditions 3, 7 or 13 being agreed; these required details of glazing, lighting and drainage. However, that in itself is not a matter for this planning application, but for an application to discharge those conditions or enforcement.

Planning Balance:

As set out in the AONB Management Plan under Policy Part/P1 “Legal duty of regard”, local planning authorities must have regard for the purpose of AONB designation in the conduct of their functions and decision making, as required by Section 85 of the Countryside and Rights of Way Act 2000.

Officers recognise that permission has been given for a substantial extension and redevelopment of the hotel, albeit approved by Development Management Committee against Officer recommendation. That is a material consideration which lends weight towards approval of this application. The scheme will also, undoubtedly, provide benefits in terms of employment and the local economy, although it is noted that no supporting documentation has been put forward to support that.

However, the NPPF has an overarching aim of sustainable development, which includes economic, social and environmental objectives, and decisions must be taken in accordance with the development plan as a whole. As identified in this report, the development conflicts with many local and national policies.

The increase in height, additional lower floor and the use of orange pantiles for the roofing push the development beyond what can be considered acceptable, to the point where it fails to conserve and enhance the protected landscape as required by local and national policy.

Further harm is caused to the neighbouring property directly at the rear, in that the building is now so overbearing and unneighbourly in that it dominates the outlook from that property, resulting in significant harm to the amenities and living conditions of its occupants.

Therefore, the recommendation is one of refusal.

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

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities

SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
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
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
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
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan

The South Huish Neighbourhood Plan was adopted by the Council on 20th May 2021, after referendum on 6th May 2021. Relevant policies include:

- EC01 Tourism related employment and retention of hotels
- ENV1 Settlement Boundaries
- ENV2 Impact on the South Devon AONB
- ENV5 Locally important views
- HBE3 Design quality within the Parish

Other material considerations include the policies of the National Planning Policy Framework (NPPF and guidance in Planning Practice Guidance (PPG)). Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and SW Devon Supplementary Planning Document
- South Devon AONB Management Plan 2019-24
- Part IV Countryside and Rights of Way Act 2000 (particularly s84 and s85)
- Glover Review of England's Designated Landscapes (Sept 2019)

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.

