

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Bigbury **Ward:** Charterlands

Application No: 4774/21/FUL

Agent/Applicant:

Jonathan Finch - Avalon Planning & Heritage
The Generator
King's Wharf
Exeter
EX2 4AN

Applicant:

Burgh Island Ltd
Burgh Island
Bigbury On Sea
TQ7 4BG

Site Address: Burgh Island Hotel, Burgh Island, Bigbury On Sea, TQ7 4BG

Development: READVERTISEMENT (Revised plans) Extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements.



Reason item is being put before Committee: The Head of Development Management has asked for the application to be heard by the Committee because of the nature of the proposal and the sensitive landscape within which the development is proposed.

Recommendation: Approval, subject to a Section 106 agreement to secure the Tamar SAC contributions and the off-site parking requirements.

Conditions (list not in full)

1. Time limit
2. Accord with plans, including AIA
3. Joinery details to be submitted
4. Materials to be submitted
5. Stonework to match existing
6. Extraction equipment to be submitted and agreed with the LPA prior to bringing the restaurant in The Pilchard into use.
7. EA Future raising of flood wall.
8. EA flood resilience measures
9. CEMP required
10. LEMP required
11. Details of mitigation requirements for nesting birds to be submitted prior to commencement
12. BNG of 10% shall be provided. If this cannot be provided on the island then an offsite contribution will be required.
13. Details of the measures to avoid the spread of invasive species shall be so included in the CEMP.
14. Lighting proposals shall be included in the LEMP and the CEMP
15. Reptile mitigation measures shall be included in the CEMP
16. At least one integrated bird box/brick be built into the new staff accommodation building to offer nesting opportunities for small passerine birds
17. No unnecessary lighting should be installed and the cliff boundaries should remain dark.
18. The requirement for additional parking on land outside of the site shall be required to be provided in perpetuity prior to work commencing.
19. The nature, scale and appearance of any hoardings used to screen and secure areas of construction (all Phases);
20. The methodology / specification / appearance / duration details in relation to the enclosed roof, weather sheeted scaffold for the repairs to Chirgwin (Phase 3);
21. Specific phasing of works to the island footpaths and island landscape setting, broadly stated as between October 2022 and June 2025 (I note an indication of this is provided, but much of these works will be highly visible to island visitors and from the mainland).
22. Prior to the commencement of the development, the carbon reduction measures shall be submitted to and approved by the LPA and be in accordance with Policy DEV32.
23. Waste audit plan to be submitted

Key issues for consideration:

Principal of the development; impact on landscape, AONB and Heritage Coast; detailed design; ecology; drainage; carbon reduction.

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

The Government has previously stated that the New Homes Bonus scheme will be ending and that they will be inviting views on how they can reform the New Homes Bonus scheme for 2023-24, to ensure it is focused where homes are needed most.

A Policy paper is due to be issued by the Government in December 2022, which will state whether the New Homes Bonus scheme will continue for one more year into 2023-24.

If it does continue, the Council's allocation of New Homes Bonus for 2023-24 will be based on dwellings built out by October 2022.

Site Description:

The application site comprises development on Burgh Island. The island is located just off the coastline at Bigbury on Sea and is tidally cut off from the mainland. When the tide is out there is a sand causeway to provide access to the Island. The Burgh Island hotel is the largest structure on the Island, but there are other structures such as the Pilchard Inn, a private dwelling adjacent to the Inn and various buildings supporting the hotel. The rest of the Island is rugged and natural in character. The general public have access to the rest of the Island and there is a path up to the top of the Island where there is a Huers Hut and views out towards the sea and up and down the coastline.

Burgh Island Hotel was built almost 100 years ago and has had a series of owners and uses over the years. The Island upon which the hotel is situated is joined to the mainland via a tidal causeway, which has an impact on its operations. However it also adds to the uniqueness of the hotel. A tractor is provided for moving people and goods when the tide is in.

The hotel itself is grade II listed, with many of the associated buildings being curtilage listed. The hotel comprises the main hotel building, which has been extended over the years; The Chirgwin which was originally a private hotel in the 1920's, sits adjacent to the hotel and is curtilage listed and has more recently been used as staff accommodation.

Other parts of the island contain elements of the hotel, such as outside terracing, the mermaid pool, outside storage and an area of PV panels, an enclosed tennis court and a helipad. The Pilchard public house also lies at the edge of the island facing the land and has an outside eating terrace. A private house is adjacent to The Pilchard. In addition there is a small residential dwelling on the south eastern corner of the island known as Agatha Christie. There are also a number of other protrusions, two concrete pillboxes in the cliffs and adjacent to the second slipway (currently not used)

The Island itself is not part of the designated AONB landscape, but the mainland is within the AONB. The Island and the mainland are covered by the area designated as the Greater Horseshoe Bat Special Area of Conservation (SAC).

The Island and mainland lie within the Heritage Coast Designation and the island and the parts of Bigbury which are not developed also lie within the Undeveloped Coast designation in the Plymouth and South West Devon Joint Local Plan (JLP). The whole area is also within the Influence zone of the Tamar Estuary Special Area of Conservation, where a contribution is required for development which increase bed spaces to protect the SAC from the impact of recreational pressures.

The Bigbury Neighbourhood Plan includes the Island and the mainland of Bigbury and Bigbury on Sea.

The Island is within Flood Zone 1, whereas the coast around the mainland opposite the Island is in Flood Zones 2 and 3. The Pilchard Inn however, does, have historic reporting on very isolated occasions of pooling to the quay in bad weather.

The rest of the Island has some structures on it such as the Heuers Hut on the top of the Island, but otherwise is a natural landscape, cut through in places by informal paths eroded by use of the public when climbing to the top of the Island.

The Proposal:

The proposal has many elements to it and essentially comprises:

West wing extension

- comprising 12 guest bedrooms (24 bed spaces) as well as 2 staff bedrooms.
- Glazed link to the hotel core.

Extension to The Pilchard

- An artist studio above the Pilchard would provide 1 guest room.
- New restaurant – glazed extension.
- Replace café and cream teas in a building to the rear of the Pilchard.

Spa

- Reorder the basement: steam room; sauna; spa and treatment rooms; lobby for lift access.
- Remove existing and more recently added kitchen extensions.

Chirgwin Hotel

- Restore Chalet as historic veranda format.
- 6 staff rooms, staff offices, lounge, kitchen and bathrooms.
- Staff canteen joining Chirgwin and hotel – new extension

Staff Quarters

- Old tennis court is retained with existing solar panels.
- New tennis court slope to be re landscaped with new staff accommodation screened and integrated by ground form remodelling.
- 11no Rooms 13no Occupants

Nettlefold Bar

- Glazed enclosure and roof to east facing terrace to provide additional bar for diners in the Nettlefold Room.

Fisherman's Gardens

- Landscape walls and gardens to be reinstated.
- Shed for maintenance and storage including tractor and rib.

Mermaid Terraces

- Alternative proposal to wooden steps - stone steps up a regraded slope.

Bay View Restaurant (on mainland)

- Extend the existing Bay View Cafe to provide a larger restaurant and seating.
- Approx. 38no inside covers.

The reason the application has come forward is so as to ensure the continued profitability of the hotel into the future. The Island and Hotel are quite unique and provide a valuable asset to the local area. The hotel owners have provided a brief business case to support the proposal which indicates that *“it is imperative to expand the hotel to secure the future of this historic hotel, both in terms of the business and the buildings. Current costs of maintaining the building and offer appropriate accommodation to be able to retain staff are problematic.*

At its current size it is not capable of generating enough profit to give enough spare capital to carry out all of the above mentioned issues.”

Consultations:

- County Highways Authority: No objections subject to a legal agreement securing in perpetuity the offsite parking provisions set out in the Highway technical note. Some of the parking provision is proposed to be provided on third party land off site and will require securing prior to occupation of the Island Hotel or staff accommodation. Conditions are also requested to be added to any planning permission.
- Environmental Health Section:
No concerns
- Town/Parish Council:
Proposals in relation to the Burgh Island Hotel
This meeting was convened primarily to discuss applications 4774/21/FUL and 4775/21/LBC to SHDC in respect of developments planned to:
 - increase room capacity in the Hotel;
 - extend and increase restaurant capacity of the Pilchard Inn;
 - use hut opposite Pilchard Inn as a tea room;
 - create permanent staff accommodation on the Island on the site of the tennis court;
 - provision of vegetable gardens and a building for the tractor, boat store and workshop on the site of the existing refuse storage area, north west part of the island, called Fisher Fields in the application;
 - proposals for treatment and disposal of sewage;
 - proposed and potential sources of renewable energy projects;
 - demolition and replacement of the Bay View Café to increase its capacity;
 - develop at the rear of Warren Cottage to provide further staff accommodation.

Background

It is stated in the Heritage Design and Access Report accompanying the application that the present hotel capacity is insufficient for it to be run profitably enough, to allow proper ongoing maintenance and the capital expenditure necessary for its survival, thus the need to extend the hotel. An increase in the number of guests requires an increase in staff numbers, which in turn requires an increase in staff accommodation to allow staff to live on site, as local accommodation is too expensive and local transport is inadequate for staff to commute daily to and from the island from further afield and during the hours required to be worked.

The NPC noted and regretted the absence of a business plan to demonstrate viability of the proposed development. The committee considered that a business plan is essential in order to justify the increase in staff numbers which, in turn, explains the need for the extra staff accommodation.

The committee also noted that most of the proposed development on the Island (the west wing of the hotel, the staff accommodation on the tennis court and the estate building at Fisher Fields) will be on land allocated in the Bigbury Neighbourhood Plan as ‘Local Green Space’ (Policy BP15 and Appendix 14A), a basic fact seemingly overlooked/ignored by SHDC planners during their pre-application meetings and in the Planning Statement. The policy states that ‘there will be a presumption against all

development except in exceptional circumstances'. Justification for the development proposed has not been provided in the application.

Sustainability issues were raised and the provision of a wind turbine in a prominent location on the island was questioned and considered to be wholly unacceptable.

The reference in the pre-application meeting notes to the provision of yurts and pods as provision for 'glamping' in the north west part of the island Fisher Fields was questioned and thought undesirable.

The committee looked at the individual components of the development as follows.

The Pilchard Inn

This is identified in the Bigbury Neighbourhood Plan (BNP) as a locally listed asset. It was considered that the proposed large extension in a prominent location on the seaward side of the Pilchard Inn would result in significant harm to the setting of the Pilchard Inn when viewed from the beach and the mainland. The proposed extension was also too large in scale and its modern design including substantial glazing was felt to be unsatisfactory and out of keeping with the existing building original structure and harmful in its impact on the open green space of the island. In the absence of a business plan the need for increased restaurant capacity was questioned and it was thought unlikely to make much difference to the use of the inn off season.

Staff Quarters on the Island

The proposal is for staff quarters on the island to be built on the site of the tennis court, resulting in a structure which would be harmful in its impact on the Local Green Space and although to be bunded, partially screened and dug into the topography would be harmful to the appearance of the island from the mainland. It would still be visible from the public footpaths on the island and from the Huers Hut.

Warren Housing/Bay View Cafe

It was noted that Warren Cottage and the Bay View Café are 'locally listed' assets in the BNP and that the Café has proved to be a successful and profitable enterprise and a popular addition to the attractions of Bigbury on Sea (BoS). The proposal to rebuild and extend the size of the café to increase capacity was supported.

However, the building of additional staff accommodation at the rear of the site was problematical for properties in BoS within sight of it, whose visual amenity would be harmed even with the provision of a flat roof replacing the previously proposed pitched roof. The proposed flat roof would also be contrary to the design guidance for Bigbury on Sea as set out in Appendix 9 of the Bigbury Neighbourhood Plan and the proposed design would be in conflict with the vernacular of BoS. Also it was thought that the proposal would constitute inappropriate high density development, in conflict with the BNP and its massing and scale would adversely impact on the appearance of BoS and the AONB. The NPC would prefer the site it would occupy to remain as unbuilt and able to be used as car parking for the extended café.

It was also noted that the application makes no mention of the intended use of Warren Cottage and it was considered that this should continue to be used for staff accommodation which itself would reduce the need to provide such a large and inappropriate development on the land at the rear of the café.

Burgh Island Hotel

The NPC felt that all development on the island would impact on the island's green open space but that the design of the proposed extension and alterations to the hotel would work well aesthetically, when viewed both from the island and the mainland. The NPC did not object to the proposed west wing, the penthouse suites, the spa, 'Nettlefold' extension and the proposals to refurbish and extend the Chirgwin building to provide improved staff accommodation.

Cream Tea Hut

The NPC have no objection to the hut opposite the Pilchard Inn being used as a tea room and noted that it had previously been used for this purpose. They also had no objection to the proposed terrace for outside seating adjacent to the tea room.

Proposals to alter footpaths on the Island

The NPC questioned the need for 'improvements' to footpaths on the island. The reasons for any change to the footpaths were unclear.

Mermaid Steps

The NPC did not object to the proposed improvements for the 'Steps'

Additional comments

The NPC questioned whether the matter of additional sewage disposal had been adequately dealt with; also, that the committee was not supportive of glamping on the island. It was also noted that the Planning Statement made no reference to some of the objections made by several members of the public at the exhibition.

The NPC was again critical of the lack of attention by SHDC planners to the matter of this development's impact on the unbuilt parts of the island which is designated as 'Local Green Space' and considered that the applicants should have been made aware of this designation, the presumption against development on this land and the need to demonstrate 'exceptional circumstances' during the pre-application meetings.

- South Devon AONB unit: No comments received.
- Landscape Specialist: Initially had an objection to the development. The applicant has since provided additional information, which has resulted in the objection being lifted by the Landscape Specialist.
- Tree Specialist: Initially raised objection to the proposal as being contrary to Policy DEV28 in the Plymouth and South West Devon Joint Local Plan. Upon submission of a revised Arboricultural Impact Assessment (AIA): TH/B263/0422 7th April 2022, the Planning Application is now considered suitable for approval on Arboricultural merit subject to inclusion of the noted AIA as an approved document if planning consent follows.
- DCC Ecologist: No objections subject to biodiversity net gain of 10% to be achieved. Additional conditions relating to a LEMP; CEMP; reptile mitigation.
- Archaeologist: The proposed development appears from aerial photographs and LiDAR data to be located within areas already disturbed. Therefore I would consider that the archaeological impact of the proposed development to be low and, as such, the Historic Environment Team has no comments to make on this planning application.

- Natural England:

Habitats Regulations Assessment - Recreational Impacts on European Sites.

This development falls within the 'zone of influence' for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA, as set out in the Local Plan. It is anticipated that new housing development in this area is 'likely to have a significant effect' when considered either alone or in combination, upon the interest features of European Sites due to the risk of increased recreational pressure caused by that development.

Therefore, we advise that specific measures will be required to prevent such harmful effects from occurring as a result of this development. We recommend that permission should not be granted until such time as the implementation of these measures has been secured.

Natural England's advice is that this proposed development, and the application of measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017(as amended).

- Marine Management Organisation: The MMO advised the Local Planning Authority to make the applicant aware that an application for a Marine Licence where appropriate based on the Marine Licensing help pages.
- Devon and Cornwall Police: No objections but recommend utilising windows and doors which meet current security measures, which would be covered under Building Regulations.
- Waste planning: This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

Representations:

Representations from Residents

Comments have been received and cover the following points:

Objections: 13 letters.

General

- It will be the ruin of a very special area that could never be returned to its natural beauty.
- The hotel is a listed building in an area of outstanding natural beauty and should not be allowed to be ruined by building new structures, particularly to house staff.
- The investment from one source in such a small community will drive local people out and new people will not be able to make their home in the area and Bigbury on sea will become an area for members only.
- The overdevelopment will impact on the landscape people come to enjoy
- The roads are already dangerous at weekend and car parking is very limited.
- These plans dramatically affect an important undeveloped coast and detract from our green spaces and AONB.
- This is another example of blatant commercialism and unnecessary development to add value to the islands owners assets.

The Pilchard

- The building of the extension to the Pilchard next to the Sea wall would block our access to the beach

- Two septic tanks are located in our garden serving the pub which need to be accessed regularly to be emptied
- Extra tables and chairs on the roof would mean more noise and lack of privacy
- Existing extractor fan is already noisy and causes problems with food smells and vibrations
- Is it necessary to expand a successful business so much?
- The extension would mean that the front view of the café would be permanently changed and impact on the view of the pub from the mainland and the beach
- The proposals are not in keeping with this historic building – too large and too modern
- Many of the proposals are on the designated open spaces

The Hotel

- Such a large expansion of hotel rooms and by default staff accommodation seems over optimistic after Covid.
- The inability to attract staff is due to Brexit and other global problems not just the lack of accommodation.

Relevant Planning History

05/2499/14/F and 05/2500/14/LB

Bigbury On Sea Tq7 4bg Burgh Island Bigbury On Sea Devon TQ7 4BG

Solar panel array (200 panels, 335m², 50kW) on former tennis court. Approved 5/3/2015

1430/18/CLE

Burgh Island Hotel Access to Burgh Island Burgh Island Bigbury On Sea Devon TQ7 4BG

Application for a Lawful development certificate for existing use of property as a hotel with use of buildings ancillary to that use and use of Pilchards Inn as public house. Certificate of Lawfulness refused, 21/1/2019

0437/19/CLE

Burgh Island Hotel Access to Burgh Island Burgh Island Bigbury On Sea Devon TQ7 4BG

Application for a lawful development certificate for existing use of property as a hotel with use of buildings ancillary to that use (Resubmission of 1430/18/CLE). Certified. 4/4/2019.

4775/21/LBC

Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG

Listed Building Consent for extension and refurbishment to Hotel and associated buildings together with the development of new staff accommodation, extension to Pilchard Inn, extension to Bay View Café and site wide landscape and biodiversity enhancements.

Refused, 4/4/2022

1273/22/LBC

Burgh Island Hotel Burgh Island Bigbury On Sea TQ7 4BG

Listed Building consent for extension & refurbishment to Burgh Island Hotel & associated buildings together with extension to Pilchard Inn & associated landscape enhancements,

Approved 27/9/2022

ANALYSIS

Principle of Development/Sustainability:

The Plymouth and South West Devon joint local Plan is the Development Plan for this area and was adopted in 2019. The underlying presumption in the Plan is to encourage

development which is sustainable as is also promoted through the NPPF 2021. Policy SPT1 sets out the 3 arms of sustainable development as it relates to Plymouth and South West Devon and SPT2 provides the more detailed aspects of a sustainable community.

Policy TTV1 in the JLP indicates a hierarchy for growth in the Thriving Towns and Villages policy area. Most growth should be focussed in the main towns, followed by the smaller towns and villages. The countryside is the 4th and final tier of the hierarchy where development will be more restricted and will only be permitted where *“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.”*

Bigbury on Sea is not identified as a sustainable settlement because it is located within the South Devon Area of Outstanding Natural Beauty where the sensitive landscape takes priority. Policy DEV25 is of specific relevance. However Burgh Island is bizarrely not included within the AONB designated landscape, development on it would clearly have an impact on the setting of the AONB landscape.

Bigbury Neighbourhood Plan does include Burgh Island, but the settlement boundary for Bigbury on Sea is tightly drawn around the existing built development in the village. As such the site is located in what would be described as the countryside. Policy TTV26 is therefore relevant. The policy seeks to restrict development to that which is essentially necessary in rural areas, by virtue of being for agricultural or forestry development or occupational need; secure the re use of redundant buildings or to secure the long term future and viable use of a significant heritage asset.

The policy also makes a difference between those developments which are isolated and those which are more generally in the countryside. It is considered that the Island and hotel is not isolated (bearing in mind the Braintree and Bramshill court of appeal cases). The village of Bigbury on Sea is a short walk or tractor ride away, where some services and facilities are available.

In this case the development would protect and improve public rights of way on the Island; re use the historic hotel and improve it; would not prejudice any agricultural development as there is no such use on the rest of the Island; respond to an occupational need for additional accommodation to secure the long term sustainability of the hotel and the works proposed are necessary interventions to ensure its continued success on the Island into the future. Additionally the works to the other parts of the Island will enhance the setting of the hotel and also seeks to work with the existing landscape and enhance it where appropriate.

Officers consider that the proposal is in compliance with policy TTV26 and this has some weight in the planning balance.

Policy DEV15 in the JLP also bears some relevance to this case. The purpose of the policy is to protect and support the rural economy. Whilst the Island and hotel are intrinsically linked to the village, it does fall within the classification of countryside in the JLP and Policy DEV15 indicates that development should support the balance of jobs in rural areas and accepts the following provisions:

“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.”

This provision is adequately provided for in the development proposals. The retention of the hotel on the Island relies on it being viable over the longer term and that has been described earlier in the report. In order to survive into the future the hotel has to expand and to provide accommodation for staff which will allow them to live locally and to attract the nature of staff required for this higher quality hotel.

An assessment of the impact of the proposals on the Island environment has been provided through the LVIA submitted with the application. It concludes that the impact will be neutral on the current landscape character of the island overall; a positive effect on the cultural landscape and no effect on the prevailing landscape ambience. Whilst the landscape Specialist had concerns about the LVIA initially because of the lack of consideration of the cumulative impact of the developments on the landscape, subsequent information assured her that the LVIA was correct.

“Support will be given to the reuse of suitable buildings for employment uses.”

The hotel is an employer and has over a recent years had difficulty attracting and retaining staff because there are very few housing opportunities for the staff in the local area. By providing suitable accommodation, provides the opportunity to attract and also retain staff to support the hotel business.

The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility.

The proposal does not involve losing tourist development, but this part of the policy clearly indicates support for the retention of tourist development, because of the wider benefits to the area that is achieved through tourist development.

Development proposals should:

i. Demonstrate safe access to the existing highway network.

A slightly unusual, but nevertheless safe access to the local highway network is provided.

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.

In this case whilst the site is described as countryside, it is not so remote as to require a sustainable travel plan, because there is access to local buses in Bigbury on Sea, walking to the Island is an obvious choice when the tide is out and a local tractor service is provided when the tide is in.

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

The proposed extension is attached to the existing hotel and demonstrates a positive relationship; the extension to the Pilchard, whilst attempting to be separate in order to protect the historic significance of the building is a positive addition, reflecting the roof pitch of the adjoining buildings and the glazed elevations allowing glimpses through the extension to the existing building.

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.

In this case there are a number of buildings on the Island, but during pre app discussions, it became apparent that there were none that could support the number of staff rooms needed. Chirgwin provides a few but not enough. Many types, sizes and styles of staff accommodation were discussed, but all of them were felt by officers to negatively impact on the landscape value of the Island. Through discussions with planning and heritage officers a solution was found that did not impact to such an extent on the landscape value but provided the number of rooms that were required.

The proposal involves building on land under the existing tennis court which is not required and also has quite a significant visual impact (with the green fencing that can be seen from the mainland). From the mainland with the reordering of the land form in this location, the staff accommodation will not be visible. The Parish Council have expressed views that the accommodation will be visible when walking on the Island, which will be the case, but the use of green roofs as well as the additional landscaping, officers consider, mean that the impact will not be significant.

The proposal therefore meets many of the requirements of Policy DEV15.

Design: The design of each aspect of the proposal has been the subject of detailed discussion and revision over the last 2 years. The heritage officer, the planning officer, the landscape specialist, the AONB unit and an independent Design Review Panel have been involved in the discussions.

The extent of the proposals has been questioned by some of the letters of objection and was a concern to officers when presented with the pre app. The landscape and heritage value of the Island and the buildings is of paramount importance. In Heritage terms the first Listed Building application was refused because of the proposed rooftop suites – its impact being considered to *“harm the character, significance and special interest of the listed building, in particular with regard to the rooftop accommodation/suites that would compete with, and detract from, the historic cupola and stair tower which are original surviving features of the hotel”*

This aspect of the proposal was subsequently removed from the applications. The proposed staff accommodation originally proposed behind the Bayview café was also removed, after significant local objection and concerns over the design and scale of the proposal.

The proposals will now be individually assessed.

Extension to the Hotel:

The size, design and layout of the proposed extension was given considerable thought during the pre app phase of this proposal and indeed was talked about at length by the Design Review Panel which took place earlier this year. The architect presented a number of options and had many constraints to manipulate to create a proposal which worked functionally but also visually was pleasing. The DRP, the Heritage officer and the planning case officer all considered the western end of the hotel to be the most appropriate location for the extension. There was a lot of deliberation in relation to the form of the extension and the design of the windows on the extension as to whether the window sizes and shapes should reflect the existing hotel (which in itself already has different sizes and styles); whether it should be

more glazed to take advantage of the views, whether they should be rectangular or square (more akin to those on the existing hotel).

The final proposal, which took account of the DRP views and those of officers, proposes a thin rectilinear joining element to the existing hotel as a vertical separation between the existing and proposed wings, and an extension at 90 degrees to the main hotel, with curved ends. The openings are rectilinear and in proportion to the vertical emphasis in the glazing bars on the main building, External balconies are light weight and help to extend the horizontality of the balconies on the main building. The extension steps up slightly from the roof line of the existing hotel. The Heritage assessment comments as follows.....

“The proposed addition respects and extends the horizontality of the 1930s rooflines and reiterates the relationship of the architecture of the hotel to the island landscape, butting into rising ground at the W end of the building.”

Officers have been involved with the Burgh Island proposal for some years and have had influence over the evolution and final presentation of the proposed extension and their comments and views as well as those of the Design Review Panel have been taken on board by the applicant and his team. The result is a proposal which respects its setting and the listed building, ensures the continued presence of the hotel on Burgh Island and will deliver a landscape design which helps it to assimilate into the island landscape in time. Officers are content that the extension has been well considered and will add to the story of the hotel over the years to come. It complies with policy DEV20 of the JLP.

Chirgwin.

This was the original guest house on the Island and was a typical 20th Century coastal building. It has most recently been used as staff accommodation and its setting has been diminished by the back of house type additions (north side front of the hotel). The proposals see the removal of these additions to the hotel and the provision of a lightweight link between the hotel and Chirgwin.

The existing “bungalow” is of painted timber construction, with a pitched roof. It is proposed to restore the existing building, to replace the former veranda together with some minor decorative timberwork and to recover the roof with a natural slate. The proposal is to paint the building white, but this would need to be subject to a planning condition. The building is proposed to be used for staff accommodation rooms as well as a staff canteen and lounge and two offices. The proposed link to the main hotel building will be lightweight and glazed with a flat zinc roof.

Whilst Chirgwin has always been separate from the hotel, for functional reasons it has been proposed to be joined physically. There may be some concern about this, but the architects have created the link in a manner which is as lightweight as possible and officers consider that it does not impact on the significance of Chirgwin as the original guesthouse. The historic assessment of the building and the impact of the proposal is that:

“Historic

Minimal historical impact on a building that will retain the original bungalow character that links it with Bigbury-on-Sea.

Aesthetic

Minimal impact. The mass and roof profile of the Chirgwin building is unchanged as is its relationship by contrast to the 1931 hotel.”

The changes proposed will ensure the continued existence of the building and make it more useable and functional. Officers consider the changes are in compliance with policies DEV20 in the JLP.

The Bigbury NP policy BP23 gives great weight to the conservation of designated and non-designated heritage assets (a list of which are included in Appendix 13 of the document). Preservation of the asset and its special architectural or historic features is required. Original proposals for the Chirgwin building included, a potential extension underneath the building, however the heritage officer insisted that the historic significance of Chirgwin must be preserved, resulting in the more intrusive and damaging proposals for the building being removed and a simpler repair is now proposed.

The Pilchard and cream tea hut.

The Pilchard is currently operated as a café facility, selling cream teas as well as food and drinks. It is a 1930's building and constructed of stone (painted) and slate roof. The proposals for this area of the Island are to add a single storey extension to the quay side of the Pilchard building. The works will also serve to improve the internal kitchen and toilet and cellar facilities. A small external terrace is proposed on the landward side of the building above the proposed kitchen area.

During the pre app and DRP process this form of the extension was given a lot of thought. It was recognised that the building as existing has a particular character, which needed to be respected. A flat roof highly glazed structure was considered, but the final proposal for a pitched roof (separate) building was felt to be the most appropriate means by which to respect the historic building and read as a later addition. The pitch of the existing building has been respected with the pitch of the proposed extension and a flat roof link section provides the connection to the original building.

The wall of the extension does extend to the edge of the sea wall on the quay and there have been concerns raised by the Environment Agency about the resilience of the building during rough weather, but this has now been addressed through a detailed study and will be considered further later in this report.

The proposed extension will be glazed on the eastern and southern elevations with louvring to act as a break in the glazing but also as a shading mechanism. The roof will be natural slate. Officers consider that the thought put into this extension has been considerable and the design reflects the smaller pitched roof buildings found both on the island but also in the design of properties in Bigbury on Sea. Its scale reflects the smaller buildings and responds positively to the main building with its position slightly away from the building frontage. Whilst it is the most obvious visual change to the Island (besides the extension) it is considered to be respectful and responsive to its context.

The Tea Hut proposal seeks to re-use an existing small pitched roof building used as garaging previously but now used as an informal staff breakout area. The proposal is to convert this to a cream tea hut. The appearance will be the same as it is currently with corrugated roof, painted render walls and timber cladding. A second set of doors will be incorporated where the garage door currently exists.

Both the Tea Hut and the Pilchard extension comply with policies DEV20 and DEV21

Staff Accommodation

The hotel had originally had two tennis courts, one of which has been previously occupied by solar panels. The other tennis court it is understood very rarely gets used. Its impact can be

seen from the mainland because of the green fencing that surrounds it. The location of the remaining tennis court has high winds associated with it and as such is very rarely used.

The existing tennis court is on raised land with the footpath alongside being a good storey below the height of the tennis court. During the pre app process, officer suggested that if the tennis court is not used then perhaps staff accommodation could be placed on the land under the court, thereby meaning that another visible building would not be required and it makes good use of a piece of land already developed in a non-impactful way.

The proposal is therefore to construct a building into the lower slope, with the slope being replaced against the rear wall of the building (east). The building will be a u shape into the sloping land at the lower level, with a courtyard immediately outside the building. It will result in the footpath which currently runs alongside the tennis court to be relocated to allow for the new sloped bank to hide the rear wall of the development.

11 rooms are provided, 9 single and 2 doubles with access to them either through the courtyard of the corridor located at the rear of the proposed building. There is also a living and dining room space at one end of the building. Each room has a shower and WC. The building has a flat roof, which will be part slate and part green (sedum). The internal walls will be rubble stone facing and timber (cedar wood infill panels).with privacy screens on external benches outside each room. Evacuated tube solar collectors are also proposed for hot water.

This is an innovative design solution to accommodate staff, which is a key requirement for the hotel, with staff currently being unable to find cheap accommodation locally. The building will not be visible from the mainland. Clearly it will be visible to visitors at the top of the Island, but its impact will be minimal because of the small space it occupies. This is considered to be in compliance with the JLP policies.

The Neighbourhood Plan policy BP15 has a presumption against the loss of green spaces and has identified the green areas of Burgh Island as one of those spaces. It could be argued that the loss of the tennis court was a loss to the green space and in reality there will be a small loss. The natural landscape of Burgh Island is an intrinsic part of its natural beauty and officers are very conscious of this when considering the proposals. The preamble to Policy in the NP states: *“The natural beauty and openness of the landscape is much valued by the local community and it is important that the openness and natural beauty of the landscape is maintained.”*

Appendix 14 identifies why the whole Island has been identified as a local Green Space (even the areas where the hotel extension is located). It states: *“Openness of land outside existing built up part of the hotel complex is demonstrably special to local community due to its outstanding beauty, an important visual amenity, significant recreational value, an area of tranquillity, rich in wildlife, a tourist attraction and important to the South Devon Heritage Coast, setting of the AONB, and setting of the Grade II listed hotel.”*

The green space allocation includes all green space around the existing hotel, including the area owned by the hotel. The Parish Council in their comments make reference to the potential loss of greenspace as identified in the NP, but also at the same time accept the extension the Nettlefold’ extension and the proposals to refurbish and extend the Chirgwin building to provide improved staff accommodation, all of which also lie in the allocated green space, but do not accept the proposed staff accommodation and the extension to the Pilchard.

The extension to the Pilchard has no impact on the Local Greenspace allocation because it is on the quay and the impact of the staff accommodation has been specifically designed so as to reduce its visual impact from the mainland by setting it into the land, rather than placing it on top; providing a green roof so as to help it recede into the landscape. Officers consider that the staff accommodation on the Island as proposed is far better than one of the alternatives which would have been timber huts over a much larger area. As a result whilst officers understand that the importance of the local green spaces in the BNP, it is considered that the development proposed will not impact on the landscape quality of the green space, but it will support the continued existence and sustainability of the hotel on the Island into the future.

Fisherman's gardens:

The fisherman's gardens used to be located in the northern part of the Island beyond the second slipway. The landscape architects for the proposal found historic plans and documents which identified their location. This area is currently used by the hotel as an area for rubbish, storage containers, informal stores and temporary structures. It is an eyesore and needs to be addressed as it does not conserve and enhance the landscape qualities of the area. The proposals for this area are to consolidate storage into a flat roof building, which would provide a tractor and safety boat store, a workshop adjacent, with the rest of the land being set out as gardens (in line with the old fisherman's gardens).

The two buildings are proposed to be at the back of the space, with their rear walls abutting the existing seaward bank, which will also have additional planting upon it. The buildings will be dug in so as to be as un-intrusive as possible. There is a chance that the roofs of these buildings will be visible initially above the bank, but because the roofs will be oriented away from the bank, they will recede into the landscape beyond. The additional planting will also soon serve to hide them.

Whilst the erection of these buildings is not ideal, it is much better than the random and unmanaged area that currently exists, which as well as being untidy and unattractive is probably also a health and safety risk.

The wider landscaping of the Island is discussed elsewhere in the report. However in terms of Design, it is considered that the proposals meet the current Development plan policies.

There has also been a listed building application in association with this planning application which has already been approved and the Heritage officer summarises that "*Due to the carefully considered nature of the alterations and extensions proposed officers are of the view that they do not represent harm to the character, significance or special interest of the heritage assets.*"

Nettlefold bar:

The Nettlefold bar will also be altered and again the form and design of this have been intensively discussed with officers and the Design Review Panel, with the glazing again being the most difficult aspect to resolve.

Bay view restaurant will be made larger and provide for 38 covers.

The extension to the Bayview café, respects the existing Warren Cottage and there is adequate space on the site to allow for the additional space that is provided.

Mermaid pool steps:

Prior to the submission of this application some wooden steps had been installed down the Cliffside to gain access to the mermaid pool and beach from the hotel. These steps had not been authorised and were considered by the heritage officer to be unacceptable in visual terms and essentially in the curtilage of the listed building. The current application therefore seeks to resolve that situation and has instead proposed a more natural solution utilising the existing path down to the beach but reinforcing the path and making the route shallower to allow access for all. A hand rail is also proposed.

Heritage assets

Policy DEV21 in the JLP, requires a full justification for development proposals, which should avoid any harm to the significance of a designated heritage asset. Policy BP23 in the BNP also insists that great weight should be given to the preservation of heritage assets and their setting. The hotel is a grade II as is The Pilchard Inn and Chirgwin buildings. Listed Building consent has already been granted for the works to the historic assets on the Island. The heritage officer in his report on the Listed Building application indicated that *“the hotel is a monument of considerable presence and character that can sustain a degree of sensitive change. There are also opportunities for the removal of items detracting from the architectural quality of the place.”*

He goes on to say that the extension to the hotel would become another component of the multiphase heritage asset which is demonstrated in the submitted historic documentation. The Nettlefold addition is accepted after the reconsideration of the design and the changes to Chirgwin and its link to the hotel... *“allows for removal of some untidy functional structures and represents enhancement.”*

The heritage officer concludes in relation to the extension of the hotel that *“Subject to the details required by condition being of the high design standard expected it is considered that these additions will cause no harm to the significance, character or special interest of the main listed building.”*

In relation to the Chirgwin building the assessment by the heritage officer is that whilst its significance declined when the Nettlefold hotel (the original part of the Burgh Island Hotel) was constructed, its significance is its important role in the social history of the place. The proposed improvements to the building will enhance its contribution to the setting of the main listed building.

The Pilchard Inn has also been added to over the years, but does incorporate historic fish cellars and the original Inn. Later extensions on the northern end have no historic interest. They detract from the historic parts of the building and are becoming no longer fit for purpose. As referenced earlier the extension has been through a number of different iterations and the heritage officer is now satisfied that it will read as *“a neatly designed modern addition in place of the poor existing extension that does not seek to mimic the older parts.”* In relation to the extension to the Pilchard, the heritage officer indicates that *“Although the proposed extension will step forward of the truly historic parts of the Inn it will not obscure them in the key views from the mainland. As with the hotel extensions the addition to The Pilchard Inn will be a legible addition that does not detract from the heritage values of the place.”*

Overall in relation to the proposals the heritage officer in the Listed Building application concluded that *“Due to the carefully considered nature of the alterations and extensions proposed officers are of the view that they do not represent harm to the character, significance or special interest of the heritage assets.”*

It is accepted that this view may not be shared by some and that is understood. Even if the proposals were to represent 'less than substantial harm' they do offer significant enhancements and will secure and sustain the 'optimum viable use' of the assets in accordance with NPPF 202 and JLP policy DEV21(5)."

Landscape:

Burgh Island is located in the area designated as Undeveloped Coast and the Heritage Coast designation. The NPPF describes the Heritage Coast as follows: *"Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character"*

Policy DEV24 in the JLP relates to development in the undeveloped Coast and Heritage Coast. The policy seeks to ensure that development in the Undeveloped Coast actually has a good reason to be there. The undeveloped and unspoilt character, appearance or tranquillity of the undeveloped and Heritage coast is paramount in considering applications in these areas.

The Heritage coast has a number of specific objectives outlined in the AONB Management Plan

- *"To conserve, protect and enhance the natural beauty of the coasts, including their terrestrial, littoral and marine flora and fauna, and their heritage features of architectural, historical and archaeological interest.*
- *To facilitate and enhance their enjoyment, understanding and appreciation by the public by improving and extending opportunities for recreational, educational, sporting and tourist activities that draw on, and are consistent with, the conservation of their natural beauty and the protection of their heritage features.*
- *To maintain and improve (where necessary) the environmental health of inshore waters affecting Heritage Coasts and their beaches through appropriate works and management measures.*
- *To take account of the needs of agriculture, forestry and fishing, and of the economic and social needs of the small communities on these coasts, by promoting sustainable forms of social and economic development, which in themselves conserve and enhance natural beauty and heritage features."*

The Island is excluded from the AONB designation, but is within the setting of it and as such must be considered against the policies for the designated area. Policy DEV25 in the JLP and policy BP18 in the Neighbourhood Plan are of relevance as well as the guidance in the NPPF. The NPPF specifically refers to major development within the AONB and states:

"177 When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁰ 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 question therefore arises as to whether the development proposed is major development. The footnote (60) in the NPPF indicates that *“For the purposes of paragraphs 176 and 177, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined”*

The Town and Country Planning (Development Management Procedure Order 2015 major development other than for houses is classed as,.....

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

The site area has been indicated on the application form as 1868.00 square metres (1.8 hectares). As a result if applying this definition of major the proposal would be classed as major. However referring back to the footnote in the NPPF however it is more than just the size that dictates the decision as to whether the development is major development within the AONB. The nature scale and setting are also relevant considerations to the decision as to whether a development is major or not.

In this case there are a number of separate elements to the proposals, all taking place on different parts of the Island and the mainland. The extension to the hotel, is significant, but in relation to the whole building is approximately 1/3 more accommodation (currently the hotel has 24 guest bedrooms) In terms of its nature and scale, it includes some staff accommodation and 12 hotel rooms and 2 staff rooms, over 4 floors. It is designed so as to read as an extension to the building (a contemporary addition) but also to reflect the vernacular and materials of the existing hotel. It is located to the west of the existing building, so as to reduce the visual impact from the mainland. It is also set into the slope which rises from the existing hotel on the western end.

The extension will be seen from Bigbury on sea, but also from the more oblique angles and views experienced from Bantham beach and headland and further north along the coastline from Bigbury on Sea.

The Chirgwin building will be only altered in minor ways with a few small window and door openings altered. As part of the overall proposal these changes are minimal.

The staff accommodation to be located on land under the existing tennis courts will create 11 staff rooms, whilst also respecting the landscape, removing the very obvious green fencing and with the landscaped bank to its northeast will have minimal landscape and visual impact from the mainland. The fisherman’s gardens area is currently an eyesore and contains a number of random containers and paraphernalia associated with waste management for the hotel. The proposals will tidy this area and create two small buildings which will serve to remove the rubbish into the buildings and restore an historic feature to the Island, albeit not to be used as fisherman’s gardens.

The extension to the Pilchard is the most obvious change from views from the mainland. By being set forward of the main historic part of the building, it will be more obvious from the mainland and the approach from the beach and some of the objections have said that it will impact on the historic significance of the Pilchard. However the building has been designed

to read as a very obvious extension, it is also light weight with its glazed elevations so that on closer inspection the original building will still be clearly recognised.

The staff accommodation does involve the movement of the existing path across the bottom of the Island and it is also proposed in the landscape masterplan to change the orientation of the footpath which extends up the slope to the top of the Island, from straight up to a zig zag route to avoid the steepness of the current route, making the top of the Island more accessible to those less able to manage the steep existing path. This will change the nature of the undeveloped part of the Island. Additional landscaping is also proposed on the lower parts of the Island both within and outside of the hotel grounds. That within the hotel grounds will be more manicured in nature whilst also proposing appropriate species, whereas the landscaping elsewhere seeks to provide indigenous specimens.

What is also relevant to this decision is the fact that the Island is not actually in the AONB. Officers consider that the development is not major development in the AONB, and that individually the various elements of the scheme are not major developments. The fact that they are being requested under one planning application may lead to a conclusion that in combination it is a major development, but when considering the overall potential impact of each part of the development, it is not considered to be major development,

It is not therefore necessary to carry out the tests identified in the NPPF, para. 177.

The NPPF, in relation to the Heritage Coast designation states: *“Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.”*

Having concluded that the proposal is not major development, the development can be considered as appropriate, in a Heritage Coast designation provided that the development respects the special character of the area and the importance of its conservation.

The heritage officer has concluded that the carefully considered approach of the architects results in the proposals in relation to Chirgwin, the Pilchard and the hotel do not harm the historic significance of the buildings.

The staff accommodation, has been carefully considered to sit into the landscape rather than on top of it,, and views of it from the mainland and even from the path in front will be limited if not invisible because of the land form and additional landscaping proposed in front. It is considered that the provision of a building for 11 staff members has been designed very effectively so as to avoid harm to the landscape quality of the Island.

The reinstatement of the fisherman’s fields is considered to be an important reference to the historic layout of the Island and tidying this part of the Island is considered a benefit overall.

As well as the built development proposals the application has also considered the landscape setting and proposes through a landscape master plan a series of landscape interventions:

- Replacement of the mermaid wooden steps with a more natural redesign of the existing path down to the beach.
- Seats with stone backs in the landscape above the hotel
- Landscaping proposals in and around the hotel.

- Retention of the Monterey Pine and succession planting for it
- Intensive green roofs on the two wings of the west wing extension
- Re provide the historic hedging around the fisherman's gardens
- Reinforcements of the banks at the back edge of the fisherman's gardens
- Field gate to the new compound
- New pathway to the kissing gate
- Green roof on the staff accommodation and new landscaping to the east bank.

The application submission provided an LVIA to assess the various view points of the proposals and determine what the impact on the landscape. The LVIA found that the proposals collectively have a neutral effect on the current landscape character, with some of the proposed landscaping improvements providing a positive effect on the landscape and visual impact. The LVIA also concluded that" *there is positive effect on the cultural landscape, being a reinforcement of existing functions, typical activity & built form and aware of past activity, with island history better celebrated.*

• *there is no effect on the prevailing landscape ambience, being a replication of existing functions, typical activity & built form."*

But did go on to say....."• *subject to design, future development of greater scale & degree beyond these proposals under consideration might tip the balance of 'occupied' vs 'unoccupied' landscape and alter the island and coastal landscape character detrimentally."*

The landscape proposals and the proposals as a whole have been considered by the Council's Landscape Specialist. Initially there was a holding objection from the Specialist on the basis that "*The development needs to satisfactorily demonstrate that any potential detrimental effects on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, and the Heritage Coast, and to the setting of the South Devon AONB, is outweighed by the benefits of the proposals in order to accord with adopted JLP policies DEV23 Landscape Character, DEV24 Undeveloped Coast and Heritage Coast and DEV25 Nationally Protected Landscapes."*

Whilst broadly concurring with the conclusions of the LVIA, there was concern that there needed to be more consideration of the timescale some of the mitigation measures would take to establish and the construction period needed further thought. In addition the landscape specialist was s=concerned that the cumulative impacts of the development proposals and the potential increased tourist related activity on the island had not been covered in sufficient detail.

The applicant therefore subsequently submitted information to address the concerns raised by the landscape specialist. A more detailed phasing plan with mitigation proposals was submitted.

The Landscape specialist comments....." *I note the overall approach to phasing of development, which gives consideration to the balance of a number of factors, including the control of landscape and visual impacts, as well as limiting the intensity of works, in order to retaining access to the island and to the hotel for visitors.*

The General Mitigation approach is supported, and the general phasing of works is noted.

It may be prudent to impose conditions to approve specific details where visual impacts might be intrusive, such as:

- *the nature, scale and appearance of any hoardings used to screen and secure areas of construction (all Phases);*
 - *the methodology / specification / appearance / duration details in relation to the enclosed roof, weather sheeted scaffold for the repairs to Chirgwin (Phase 3);*
 - *specific phasing of works to the island footpaths and island landscape setting, broadly stated as between October 2022 and June 2025 (I note an indication of this is provided, but much of these works will be highly visible to island visitors and from the mainland).*
- However, I also note that a CEMP will be conditioned, which may address the points I have raised above.*

Conclusion and Recommendation:

The additional information submitted in relation to the approach to phasing of development and the general mitigation approach satisfactorily demonstrates that any potential detrimental effects on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, and the Heritage Coast, and to the setting of the South Devon AONB will be appropriately considered. Mechanisms will be put in place to ensure that these are addressed through the construction phases of the proposed development, in order to accord with adopted JLP policies DEV23 Landscape Character, DEV24 Undeveloped Coast and Heritage Coast and DEV25 Nationally Protected Landscapes.

On this basis, I would remove my objection on landscape grounds”

Whilst no comments have been received from the AONB unit, the AONB management plan has been considered in the Planning Balance. The management Plan indicates that *“This plan is a material consideration in the plan making and decision-taking process”*

One of the key themes of the Management Plan reflects Policy DEV25 in the JLP, which is to conserve and enhance the landscape policy of the AONB.

Another is: *“To conserve and enhance the AONB’s historic features and distinctive vernacular buildings as part of a living and working landscape ensuring mechanisms are in place to secure their continued long-term management and care.”*

“To conserve and enhance the natural beauty, special qualities and natural processes of the AONB’s coastline and neighbouring areas of sea.”

“To ensure tourism, access and recreation develop at sustainable levels whilst maintaining and contributing to the conservation and enhancement of the AONB”

“To use planning policy and the mitigation hierarchy to conserve and enhance AONB special qualities”

In this case, the proposed development has been given careful and considered thought, over a long period of time and clearly the driver for the development is based on a commercial need, however the time taken and many changes made to the proposal in order to meet the needs of the Heritage officer and the landscape and planning officers reflect a concern to provide a proposal which conserves and enhances the landscape character and does not harm the qualities of this sensitive landscape. Officers are of the view that the time spent and the views sought have resulted in a proposal which does not harm the landscape character of the Island.

Neighbour Amenity:

There has been local interest in the proposals for the Island and some concerns about the extent of the development, the impact of the development on the natural beauty of the Island and also many concerns about the original proposal to build staff accommodation on the car park located behind Warren Cottage. The applicant has now managed to secure an alternative building for staff accommodation within Bigbury on Sea (Korniloff) as such the proposal for the building on the car park has now been removed from the application proposals. The alterations to the café are however still part of the proposal. The car park will remain in use for the benefit of the hotel.

There is a private dwelling on the Island currently which is adjacent to The Pilchard. The owners have raised some concerns with regard to the proposed extension. In summary their concerns are around:

Blocking of existing access to the beach

Two septic tanks in the garden of the property serve the pub and need to be accessed regularly to be emptied – additional use of the facility would lead to an increase in this process;

The extractor fan on the roof of the building would create smells, vibrations and noise.

Some of the matters raised (the access to the beach and the septic tank emptying are private matters which would need to be addressed to the owners of the hotel. With regards to the noise and smells associated with any extraction equipment, this would be covered by separate legislation under environmental Health. However it is proposed to place a condition on any consent seeking the approval of the extraction equipment to be secured prior to the restaurant opening.

Highways/Access: Burgh Island is not accessible by car during certain times of the tide. A tractor is provided by the Island during periods of high water. There are also very few places on the Island where cars can park. The hotel currently has a car park behind the Warren Cottage on the mainland which can accommodate approximately 13 cars. It is utilised by guests of the hotel. The Supplementary Planning Document prescribes how many spaces should be provided for the hotel. The car park behind Warren cottage currently provides 13 car parking spaces, which would leave a shortfall of 22 spaces needed as well as potentially some for the staff.

The Highway Authority have stated that they would need the correct number of parking spaces to be provided. During the processing of the planning application, alternative means of providing the additional parking have been explored but were not able to be confirmed. It is therefore proposed to place a condition on the planning consent which prevents occupation of the new hotel rooms until such time as the additional parking spaces have been provided and are available in perpetuity.

Drainage: The drainage strategy indicates the foul and surface water drainage proposals for the application. The surface water proposals is for the surface water to be discharged to sea, as per the existing scenario.

For foul drainage, there are no public sewers available on the island and whilst technically feasible is not being pursued at this stage. Having investigated a number of options the drainage strategy concludes that a discharge to sea via the use of a package treatment works off the western part of the island is proposed.

Initially the DCC LLFA objected to the development proposal on the basis that there was insufficient information provided. Upon receipt of additional information from the applicant, the objection was withdrawn.

The Environment Agency also initially objected to the development because the submitted Flood Risk Assessment (FRA) had not properly considered flood risk from wave action for elements of the proposal, namely the pub extension and the store building.

Subsequent studies around the tides and wave action around the Island has been carried out and the Environment Agency are now content subject to a condition providing additional information they have withdrawn their objection.

Climate change: The Island already has a series of solar panels which contribute to their electricity consumption, The proposals are indicating:

- Photo voltaic panels on the roof of the hotel laid flat to avoid the sawtooth impact they can create.
- Building fabric of the new builds being highly thermally efficient
- The west wing extension will be provided with heat recovery ventilation systems
- The Chirgwin building will have additional insulation internally

Whilst a number of other measures are discussed in the energy statement many of these require further investigation and may not be appropriate on the Island. It is proposed that a condition be placed on any consent to ensure that the carbon reduction measures are further investigated prior to work commencing on site.

Ecology and Biodiversity: An ecology assessment was provided with the application which has been reviewed by Devon County Councils ecologist. The assessment identifies that the site lies within the Start Point to Plymouth Sound and Eddystone SAC and there is a potential risk of pollution as a result. However this can be dealt with via a planning condition on the consent.

Natural England were also consulted and confirmed that they had no objection to the development proposed.

In terms of biodiversity net gain, the development does involve some loss of biodiversity due to the extension to the hotel, the buildings on the fisherman's gardens. A condition will be added to any consent to ensure the 10% net gain as required by the Supplementary Planning Documents is achieved.

Tamar Estuary SAC:

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by unilateral Undertaking, and this approach has been agreed by Natural England.

The approval of the planning application would be subject to the successful completion of that agreement.

Conclusion and Planning Balance:

The proposed developments on Burgh Island and the mainland are to ensure the sustainability of the hotel into the future and ensure that the Island and its valuable landscape can also be retained and accessible to the public into the future. Whilst the Island is not in the

AONB it does lie in the Heritage Coast and the undeveloped coast and as such its landscape value is acknowledged and an important material consideration. The report has indicated that the proposals are not major development and the extent to which the applicants have gone to take account of officers concerns as well as those of the Design Review Panel, result in a carefully considered development proposal, which respects the landscape character and the historic buildings on the site (demonstrated by the Listed Building consent already having been granted). The proposal meets the Development Plan policies and therefore it is recommended for approval..

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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

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

SPT4 Provision for employment floorspace

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

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
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan: Bigbury Neighbourhood Plan (BNP) was made in April 2020 and is now part of the Development Plan for the area. The relevant policies are:

BP7 General design principles for new development
BP11 Tourism related development
BP15 Local Green Spaces
BP16 Open Spaces and recreation
BP17 Footpaths and cycle tracks
BP18 Areas of Outstanding Natural Beauty
BP20 Wildlife sites and biodiversity
BP21 Coastline, beaches and the Avon Estuary
BP22 Views and Vistas
BP23 Built Heritage
BP27 Parking Provision
BP29 Renewable energy

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

- South Devon AONB Management Plan
- Plymouth and South West Devon Joint Local Plan Supplementary Planning Document.

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.

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

Proposed conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall in all respects accord strictly with drawing number(s)received by the Local Planning Authority on

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. No work shall commence on site until full details of all new joinery have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour in respect of new windows, doors and other glazed or timber panels. The work shall thereafter be carried out in accordance with the approved details and shall thereafter be permanently retained in that form unless otherwise agreed in writing with the Local Planning Authority.

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

4. PRE-COMMENCEMENT CONDITION

No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

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

5. All new stonework shall be pointed in a mortar to match the colour and texture of the existing wall(s).

Reason: To ensure that the finishes and colours are appropriate to the locality.

6. Prior to the Pilchard restaurant café being brought into use, the extraction system proposed for the kitchens shall be submitted to and approved by the Local Planning Authority. The agreed system shall be implemented and retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of the neighbouring property.

7. The extension to the Pilchard restaurant shall not be commenced until such time as a detailed scheme to raise the height of the sea wall has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and subsequently maintained in accordance with the agreed details.

Reason: To reduce the risk of flooding over the lifetime of the development.

8. The extension to the Pilchard restaurant shall not be commenced until a scheme to minimise flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and maintained in accordance with the approved details.

To minimise the damage to the building from flood events.

9. Prior to the commencement of any of the development hereby approved, a detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. All approved mitigation and enhancement proposals in the CEMP shall be implemented in accordance with the agreed CEMP

Reason: To ensure the protection of

10. Prior to the commencement of development a Landscape and Environmental Management Plan shall be submitted to and approved by the Local Planning Authority. The mitigation and enhancement measures shall be implemented in accordance with the agreed plan

Reason: To ensure the appropriate mitigation is in place to protect the environment and wildlife and their habitats.

11. Prior to the Commencement of the development, details of the mitigation requirements for nesting birds shall be submitted to and approved by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the agreed requirements.

Reason: To protect the birds from harm during the construction process.

12. Prior to the commencement of the development, a biodiversity metric plan shall be submitted indicating that the 10% net gain (as required by policy DEV26 in the JLP) shall be submitted to and approved by the Local Planning Authority. The works to provide the net gain shall be implemented in accordance with the metric provided.

Reason: To ensure a net gain in biodiversity is achieved from the development.

13. Details of the measures to avoid the spread of invasive species shall be incorporated within the CEMP.

Reason: To prevent invasive species threatening the local landscape.

14. There shall be no external lighting on the Island without the prior written consent of the Local Planning Authority. The lighting proposals should be included within the LEMP and CEMP.

Reason: To ensure the lighting does not impact on the dark skies in this sensitive landscape.

15. Measures to protect reptiles on the island shall be provided in the CEMP.

Reason: to ensure the protection of reptiles during the construction process.

16. An integrated bird box/brisk shall be incorporated into the new staff accommodation on the Island, The details and location of these measures to be included in the LEMP.

Reason: To offer nesting opportunities for passerine birds.

17. Prior to the occupation of the new hotel rooms, a scheme for the provision of the additional parking required for the site shall be submitted to and approved by the Local Planning Authority. That parking shall be provided before the occupation of the new hotel rooms and shall be provided in perpetuity.

Reason: To ensure there is adequate parking for the hotel.

18. Prior to any works on the site taking place the nature, scale and appearance of the hoardings used to screen the construction, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the hoardings are appropriate in this sensitive landscape location.

19. Prior to works to Chirgwin, specifications including any weather sheeted scaffolding proposed, the methodology and details of the duration of the works shall be submitted to and approved by the Local Planning Authority in writing. The construction phases shall be carried out in strict accordance with the details submitted.

Reason: To minimise the visual impact and timescale of the works in the interests of the landscape.

20. Prior to the commencement of works, a detailed phasing plan for both the built works and the landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. The phasing shall take place in accordance with that phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the construction works are carried out in a phased manner, thereby reducing the impact on the landscape.

21. Prior to the commencement of development, the specific carbon reduction measures to be implemented on the Island shall be submitted to and approved in writing by the Local Planning Authority. The measures shall accord with policy DEV32 in the Plymouth and South West Devon Joint Local Plan.

Reason: To ensure carbon reduction measures are installed and meet the requirements of the policy.

22. Prior to the commencement of the development hereby approved, a waste audit plan to include any re use of materials on the Island shall be submitted to and approved in writing by the Local Planning Authority. The waste plan shall be implemented in accordance with the agreed audit.

Reason: To ensure waste is properly managed on the site.

23. Prior to the commencement of the development a detailed proposal for dealing with the foul waste shall be submitted to and approved in writing by the Local Planning Authority. The proposal shall be installed in accordance with the agreed proposal.

Reason: To ensure there is adequate and appropriate means to dispose of the foul water.

24. Notwithstanding the plans submitted, prior to the commencement of the works on the Chirgwin building, a sample of the paint colour shall be submitted to and approved in writing by the Local Planning Authority, The building shall be painted in the agreed colour.

Reason: In the interests of visual amenity.