

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Bigbury **Ward:** Charterlands

Application No: 162932 2879/16/FUL

Agent/Applicant:

Miss Wynn Chandra
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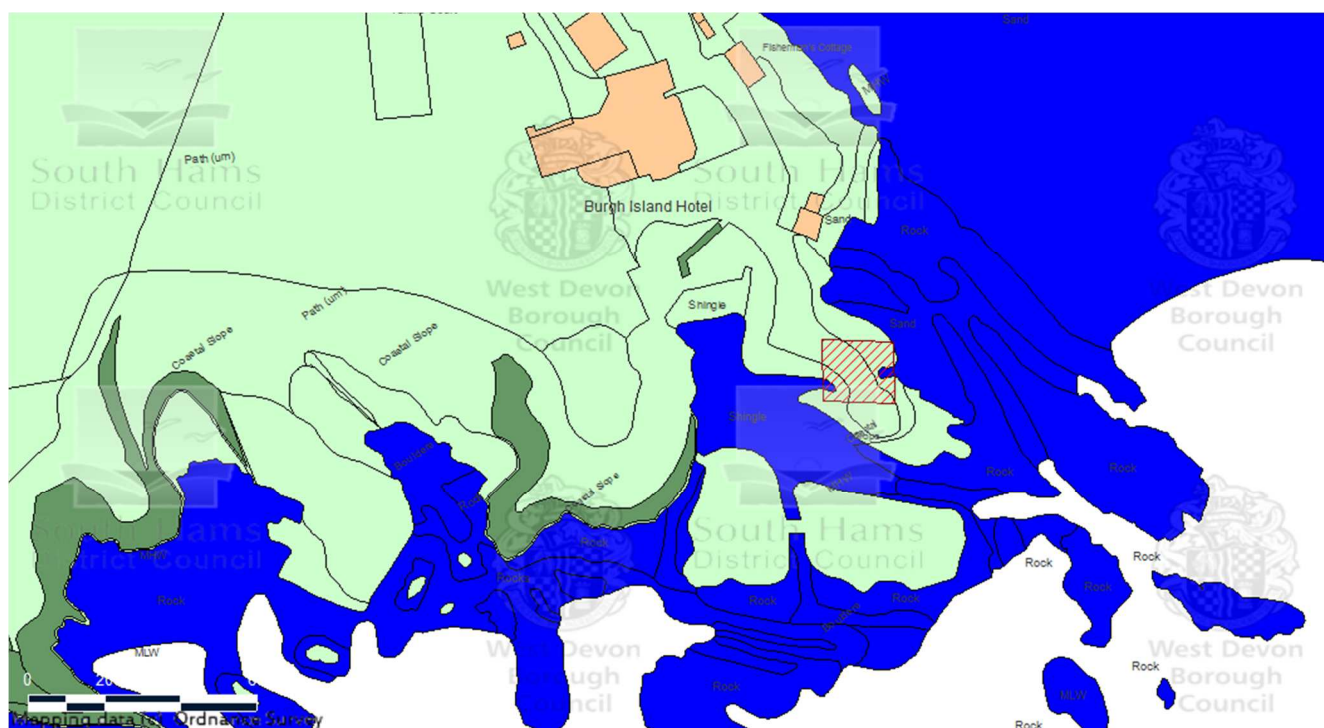
Applicant:

Mr Anthony Orchard
Burgh Island Hotel
Bigbury-On-Sea
South Devon
TQ7 4BG

Site Address: Development site at SX 649 438, South East side of Burgh Island, Bigbury

Development: Erection of new standalone hotel suite on Burgh Island to provide hotel additional accommodation

Reason item is being put before Committee: At the discretion of the CoP Lead due to the finely balanced nature of the recommendation, in light of no objection from the Parish and in view of the fact that the Ward Member for the area is newly elected.



Recommendation: Refusal

Reasons for refusal

1. Having regard to its prominent location on the eastern extremity of Burgh Island, protruding out above the sea, the proposed development will be intrusive in the landscape introducing an inappropriate, artificial, man-made structure into this rugged, natural coastline. As such the development fails to conserve or enhance the landscape and scenic beauty of the adjacent South Devon AONB and Heritage Coast contrary to Policies CS9 and DP2 of the South Hams

Local Development Framework, Policies SPT11, DEV24 and DEV27 of the emerging Joint Local Plan, The AONB Management Plan and the National Planning Policy Framework, in particular paragraph 115. The landscape harm arising is not mitigated or offset by any merits or benefits of the proposed development.

2 . Insufficient detail has been submitted to demonstrate the following:

- That the proposed development would be executed to the high standard suggested by the application
- That the geology and structure of the rock stack will ensure for sufficient time for this to be sustainable development and will not give rise for the need for protection from erosion by measures such as rock armour.
- That operational requirements will not arise for safety barriers/railings and lighting in the vicinity of the new building which may detract from the architectural quality, landscape character and setting of the listed building
- That paraphernalia such as outdoor furniture can be managed so as not to adversely impact on the landscape quality.
- The detail/size and means of construction of the utility trench that would be required across the headland to allow assessment of its ecological, landscape and heritage impacts.

And as such the impact of the proposed development cannot be fully assessed; these issues could have an adverse impact on the AONB, Heritage, Ecology and the setting of the Listed Building which would be contrary to Policies CS7, CS9, CS10, DP1, DP2, DP4, and DP6 of the South Hams Local Development Framework, Policies SPT11, DEV24, DEV 25, DEV27, DEV28, DEV21 and DEV 22 of the emerging Joint Local Plan and the National Planning Policy Framework, 2012.

Key issues for consideration:

The principal and sustainability of the development in the countryside; impact on the setting of a Listed Building (the hotel); whether there is an adverse impact on the AONB and if so if the harm is outweighed by other benefits; impact on ecology; does the scheme present world class architecture and if so the weight to be given to this.

Site Description:

The site is on the edge of the tidal Burgh Island located opposite Bigbury-On-Sea and which forms part of Bigbury Bay. When the tide is low it is possible to walk to the island across Bigbury Beach; at high tide a sea tractor is used to access the island.

The site is within the curtilage of Grade II Listed Burgh Island Hotel.

The development would span the gap between the headland and coastal rocks sited between the sea and the man made tidal pool known as the Mermaid Pool on the eastern end of the island. The headland and the rock were once joined together but due to erosion the eastern most rock is now a stack standing away from the island.

The site lies outside of but adjacent to the South Devon Area of Outstanding Natural Beauty which includes Bigbury and the entire coastline visible from the island. The site forms part of the Heritage Coast.

Burgh Island is best known for the iconic, Grade II Listed, Burgh Island Hotel, a large white building that is very prominent in the landscape. Other buildings on the island include the historic Pilchard Inn, The Beach House (which functions as part of the hotel), Fisherman's Cottage (also part of the hotel), a World War II Bunker and World War II Lookout Ruin. The majority of the island is in the same ownership as the hotel.

The Burgh Island Hotel is well known for its 1930's architecture, in particular the authenticity of its interior; it has historical associations with Agatha Christie which has made this an important tourist attraction in its own right.

Public rights of way run around and through the island however the curtilage of the hotel is a private area, there are no rights of way in the vicinity of the application site.

The Proposal:

Background

The applicant bought Burgh Island in 2001 and has since restored the Grade II Listed Burgh Island Hotel; previously the hotel had been derelict for 25 years. The hotel is now a viable business and it is stated that it attracts approx. 12,000 guests each year, making a significant, positive contribution to the local economy.

The economic supporting evidence states that due to unpredictability of access the hotel relies upon the leisure rather than business market, the average stay is 2 nights and the hotel is not popular for families. This limits the potential for market expansion of the hotel compared to competing West Country hotels.

Burgh would like to expand its market to longer stays and offering local physical activities, such as surfing, this would appeal to younger people and families. The Beach House, an independent two bed unit within the hotel grounds is the most popular suite of accommodation and is typically booked for longer stays. The proposed development of 'The Pool House' would be to add a second independent unit within the hotel grounds to address this market demand and to improve the long term viability of the hotel. This more independent type of accommodation is becoming increasingly popular and despite its uniqueness Burgh Island still has to compete with other modern facilities in the South West.

It is argued that to provide a sustainable future, Burgh needs to broaden its appeal and cater for a wider range of holiday experiences; The Pool House would enable this and help to secure the future of the business and viable use of this Listed Building.

The applicant has engaged with the Council through the pre-application process which indicated that if any development were to be acceptable in this sensitive location it would have to be of the highest quality. The applicant then ran a formal design competition through RIBA which generated a good response despite the small scale of the development. The current proposal was selected through this process.

The development:

The proposal is for one single storey building to operate as a stand-alone hotel suite within the grounds of the hotel. The mass and form of the new building is proposed as an arched bridge, reaching from the top of one small projecting rocky headland to an adjacent rock stack of a similar height. The building is sited at a similar level to other buildings on the island such as the Beach House and Fisherman's Cottage; it is set below the level of the main hotel building.

The building will have an irregular shape, with three longer curved elevations joining three more angular end elements. The curved plan is designed to re-connect the headland with the stack and

with the three ends located to make the most of the beautiful views. The building will have a flat, green roof which will be set lower than the headland; the building will not be visible from the ground floor of the hotel. The green roof will include the same plant species as the peninsula turf.

It is proposed that the external walls are made from local stone to match the cliffs. It is proposed that Yennadon stone is used. The windows will be deeply recessed into the walls by a minimum of 500mm and treated so as to minimise glare/reflection. The arch itself will be made from textured concrete with shot blast gravel stone to create a textured surface that will blend with the stone wall above and surrounding rock faces.

The islet, or stack that will be bridged by the Pool House will be accessed by the guests in the Pool House. It is proposed to form an oval mound on the flatter surface of the stack which would be clad in local turf and lined on the inside with stone. Above this a frameless glass balustrade of 900mm is proposed, to prevent falls. This will create an enclosed outdoor amenity area for guests.

Access to the Pool House is recessed into the existing face of the cleft where it will have a minimal visual impact. The rock will be sculpted to receive both the building and the final curving set of access steps.

Consultations:

- County Highways Authority – No objection subject to a condition requiring a Construction Management Plan to be agreed
- Environmental Health Section – No comment
- Environment Agency – No objection
- Historic England – Does not wish to comment
- Police AOL – No comments
- SHDC Heritage –

I have assessed the proposal in terms of the character and setting of the grade II listed Burgh Island Hotel and the other undesignated heritage assets (pill box, Pilchard Inn etc).

The Hotel is undoubtedly remarkable in terms of its scale, appearance and the complex social history associated with it. It is fair to say it is a building of robust character; something that could never be built today. It presents a glorious contrast to its unique location in the manner of a latter day St Michaels Mount and in doing so it has become the centrepiece of the island, the village and Bigbury Bay.

Given the relatively modest scale of the proposed development it cannot be said to compete with the Hotel. It will, however, fundamentally change its setting when viewed from off the island. It appears that the new building would not be visible from the principal rooms and the terrace of the Hotel, though the roof at least will be seen from some bedrooms. This needs to be demonstrated using sections and sightlines.

Bearing in mind the positive encouragement given by Government for outstanding design (para 63 of the NPPF), I would not rule out the possibility of a truly world class building of modest scale becoming a new component of the heritage setting on Burgh Island. The challenge is to ensure that the build quality is so outstandingly good that it will gain respect and plaudits from around the world and be considered for top architectural prizes. If it is built and doesn't achieve that then it will not have been successful in my opinion. As I have said, it is relatively easy to create such a building in a computer model but you need to show conclusively how it will be translated into reality.

The Heritage Statement fails to assess the impact on setting adequately when viewed from Sedgewell beach, Folly hill, Bantham, BGC, River Avon etc. It will sit right in the foreground of these views towards the hotel which is why the use of materials to blend with the cliffs is so important.

If the answer to any of the following questions is no or unresolved I would strongly advocate a precautionary principle approach as the result would harm the setting of the listed building and could, frankly, be a disaster.

1 Are we yet convinced there will be no need for tonnes of rock armour to protect this structure in future? The eyesore of imported rocks on the mainland is testament to the dangers of this.

2 Will they commit to sourcing stone locally to match the distinctive cliffs which epitomise the setting? The importation of stone from the other side of Dartmoor or further afield is a very worrying suggestion that suggests it is not being taken seriously enough.

3 Will they commit to building in a single continuous contract? The prospect of phased building project over several years will harm the setting of the hotel.

Matters to consider:

- Materials – I am not convinced that Yennadon stone is a suitable match for the distinctive, multi-coloured, low grade slates and mudstones which make up the island.
- Access path – Surfacing, safety features, lighting.
- Lighting in the new building – I know this has been considered but you will need to show how it will look at night with the large areas of glass.
- Timescale for development – I have deep reservations over the idea of building over a period of years in successive January downtimes when the hotel is closed. The prospect of having a part built structure sitting there over two or more years is very unappealing. If an application were to be successful I think it would be reasonable for the Council as LPA to limit the build time from start to completion.
- SHDC Drainage – no comment
- Town/Parish Council

On behalf of Bigbury Parish Council I enclose the recommendations sheet for the above proposal and submit the following comments for your consideration.

Bigbury Parish Council has discussed this application in great detail and has taken into account the views of those residents who have taken the opportunity to either comment on the Planning Department website or make representations in person.

Having reviewed the many documents provided by the Planning Dept, the Parish Council find no reason to object to the proposal from a planning perspective.

However, the Parish Council would like to ensure the Planning Dept impose the following conditions:

- 1) This proposal is described as a standalone hotel suite – The Parish Council insist that no change of use be permitted in the future.
- 2) The structure must always remain, in perpetuity, as part of the hotel complex.
- 3) This structure must not be either re-developed or sold for any purpose other than that stated in this proposal.

- AONB Unit

*The South Devon AONB Unit **objects** to planning application **2879/16/FUL**.*

Although the application site lies outside of the South Devon AONB boundary, Burgh Island makes an established and extensive contribution to the setting of the South Devon AONB. The application site lies within the South Devon Heritage Coast for which the AONB Management Plan also serves as the management plan. The proposal conflicts with the Council's adopted AONB Management Plan policies, will cause harm to AONB special qualities and does not accord with emerging AONB Planning guidance currently in post consultation draft form.

The revised LVIA continues to significantly underplay impacts of the proposal upon: the natural beauty, landscape and scenic beauty of the South Devon AONB and South Devon Heritage Coast; landscape character; Burgh Island as an important setting to the South Devon AONB; the undeveloped coast; and the cultural heritage and historic environment of Burgh Island and its Grade II listed hotel.

The proposal does not restore the rock arch that once stood at the site some time ago and as a result of natural processes is no longer present. Introducing a building with glazing, hard edges and roof lines can in no way restore a natural rock arch and instead will read as contrived modern built form - an addition that jars with the character of this part of Burgh island.

The selected location is not appropriate for development and a compelling case has not been made for development in this sensitive and unsustainable location.

Reasons for response

National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

Footnotes 9 and 10 to NPPF paragraph 14 restrict the normal presumption in favour of sustainable development and given the site's prominent location in the setting of the South Devon AONB, effectively transfer the starting point for assessing this application to NPPF paragraph 115. Great

weight should therefore be given by the Planning Authority to conserving landscape and scenic beauty in the AONB when weighing the planning balance for this application. NPPF para 109 reinforces this approach “The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes...”.

The introduction of the proposed structure in the location applied for would negatively impact upon the conservation of landscape and scenic beauty.

Paragraph 114 to the NPPF gives explicit mention to Heritage Coasts:

“Local Planning Authorities should ... maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.”

The proposal would fundamentally change the character of a currently undeveloped portion of the island and would not protect or enhance the island's distinctive landscape. For clarity, as the application site is located outside of the AONB, the provisions of NPPF paragraph 116 do not apply in this instance.

Duty of regard and the AONB purpose

In considering this planning application, the Planning Authority is reminded of its overriding statutory duty of regard for the purpose of conserving and enhancing the natural beauty of the AONB (Countryside and Rights of Way Act 2000, s 85) and of the policies in the Council's adopted statutory management plan for the South Devon AONB.

The duty is relevant in considering development proposals such as this one that are situated outside the AONB boundary, but which have an impact on the setting of, and implementation of the statutory purpose of, the AONB.

South Devon AONB Management Plan and Planning Guidance Annex

The South Devon AONB Management Plan 2014-19 is a statutory document and a material consideration in determining this application. The AONB Management Plan assists decision-takers in applying the provisions of the NPPF and in responding to the legal duty of regard for the AONB purpose. Information is provided within the Plan and its Annexes to enable decision-takers to fully understand:

- what makes the South Devon AONB a valued landscape;
- aspects of landscape and scenic beauty to be conserved and enhanced;
- AONB special qualities;
- forces for change acting on the AONB;
- the AONB policy framework and priorities for action;
- and emerging AONB Planning Guidance, currently in post consultation draft form.

Particularly relevant policies from the South Devon AONB Management Plan include:

- **Lan/P1** The special qualities, distinctive character and key features of the South Devon AONB landscape will be conserved and enhanced.
- **Lan/P2** The use of landscape and seascape character assessments and historic landscape and seascape characterisation will be advocated so that land use and marine planning and management decisions respect, maintain and where possible enhance the special qualities of the South Devon AONB.
- **Lan/P4** Levels of tranquillity throughout the South Devon AONB will be maintained, and where practicable enhanced, in order to ensure this special quality is not further devalued.
- **Lan/P5** The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought

together with improvements to reduce the visual impact of unsightly past development. Priorities include protection against intrusive energy generation, transmission and communications infrastructure; external lighting that creates night time scenic intrusion; and visually dominating buildings that are inconsistent with landscape character.

- **Lan/P6** The open undeveloped seascape seen from the coast forms a defining setting for the South Devon AONB: the long uninterrupted views, wild character and natural horizons will be protected and sustained.
- **Lan/P7** The deeply rural character of much of the land adjoining the AONB boundary forms an essential setting for the AONB and care will be taken to maintain its quality and character.
- **Plan/P2** Development management decisions give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB.
- **Mar/P1** The tranquil and undeveloped character of the coast will be protected. Opportunities will be sought for improvements in the condition of degraded sites.
- **Hist/P1** The identification, protection and active conservation of the AONB's cultural and historic environment will be promoted and supported.
- **Acc/P9** A sustainable, year-round tourism industry which benefits from and contributes to the environmental quality of the area will be supported. The loss of accommodation and facilities for visitors will be resisted. Activities and initiatives to extend the main tourism season and to assist in promoting the area to overseas visitors will be supported.

The proposal is contrary to these policies within the adopted Management Plan for the South Devon AONB. Support from Policy Acc/P9 is not triggered in this instance as the test of contributing to the environmental quality of the area is failed by the impacts of this proposal.

The proposal site lies within a highly sensitive view shared from multiple viewpoints where the eastern side of Burgh Island dominates. Despite the designation history for the South Devon AONB reflecting that the island should have been included within the designated AONB area should a boundary review ever take place, the island remains in the setting of the AONB. Reflecting its landscape, scenic quality and cultural heritage Burgh Island's eastern side is one of the most photographed views in South Devon and has featured heavily in photography competition entries and every iteration of the AONB management plan to date, including upon the current front cover.

AONB Special Qualities

The AONB special qualities most pertinent to this application are:

- Fine, undeveloped, wild and rugged coastline.
- Iconic wide, unspoilt and expansive panoramic views
- A landscape with a rich time-depth and a wealth of historic features and cultural associations.
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- A variety in the setting of to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.

Our own objective appraisal of this proposal finds that it does not conserve or enhance these special qualities of the South Devon AONB. If consented, the proposal will result in harm to the first four AONB special qualities listed above.

Landscape, Visual Impacts and Scenic Beauty

Though steps have been taken to mitigate this proposal through the approach to design and to some degree choice of preferred materials, the end result is a building in an inappropriate location.

The assessment findings summarised in 2.2.2 of the updated LVIA significantly underplay the landscape and visual effects within up to 500m of the site. We would strongly encourage decision-takers for this application to visit the wide expanse of beach area of Sedgwell cove at various tide

states together with the causeway and consider the implications of building in the location proposed upon the vast numbers of beach and water users that visit this iconic location all year round.

South Devon Heritage Coast

Heritage Coasts are the finest stretches of undeveloped coastline in England and Wales. The island falls within the defined South Devon Heritage Coast which extends 2km out to sea. Settlement is relatively contained to the north-eastern side of the island with the island's overall character being mostly undeveloped, wild and rugged. The character at the proposal's specific location is undeveloped and contributes to the island's undeveloped coastline. As such the proposal would change the character and negatively impact upon the South Devon Heritage Coast in this location.

Cultural Heritage and Historic Environment

The Grade II listed Burgh Island Hotel was designed and located to be the focal point of Burgh Island and whilst at the time of construction it did change the island's character, it did this in a positive way, added to character, sitting within the landscape and strengthening the island's character as a result. This proposal however jars badly, particularly when read in conjunction with the hotel and other current buildings, adding a contrived structure perched on top of actively weathering rock structures in a manner that does not respect the listed hotel building nor the island's landscape and seascape character.

Montage 2 to the submitted LVIA does not show the proposal in combination with the existing hotel, yet for many visitors to Sedgewell, Bigbury-on-Sea or Bantham beaches and the surrounding area this is a more realistic prospect.

Alternative locations

Policy CS9 of the adopted Core Strategy clearly states that "The character of the undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for." The applicant has not demonstrated that a coastal location is required, that this specific location is required or that the development would contribute to the protection of the character of this undeveloped part of the coast.

In combination and cumulative effects

Taken in combination with a series of other developments in the area this part of the South Devon AONB and its setting is seeing its character cumulatively compromised through a series of unsympathetic changes and I would caution against consenting another development that would add to this effect. Development and land uses that detract from the natural beauty of the area include: Sedgewell rock armour and gabion baskets, Bigbury on sea car parking, temporary container use, Bigbury-on-Sea apartments, Challaborough, interior and exterior lighting, Burgh Island storage and car parking to the north west of the Hotel, windsock and helipad, tennis court and fencing. During hours of darkness, the development would increase the number of properties on the island emitting light at night and extend the overall area from which interior lights are visible.

I could not find a lighting strategy for the proposal and remain concerned that additional exterior lighting would be imposed at a later date due to safety considerations.

Summary

*For the reasons outlined above the South Devon AONB Unit **objects** to this application.*

Representations:

Support

1 letter of support has been received making comments including the following:

- Design is of the highest quality
- Will create a restrained but sensuously uplifting place for guests to take delight in this stunning location
- Will be an outstanding piece of architecture
- Forms and materials respond to and respect the character and appearance of the place

10 letters of objection have been received raising issues which include the following:

- Effectively part of the AONB even if not technically
- Visually unattractive
- Contrary to AONB guidelines
- No public benefit
- Potential for pollution and damage to wildlife during construction and use
- Light pollution
- MMO should be consulted
- Out of keeping with area and existing buildings
- Contrary to South Hams LDF Policies CS9, DP2 and DP6
- Adverse impact on setting of the listed hotel building.
- Will set a precedent for development around listed buildings in the area.
- Over-development
- Poor design
- Adverse landscape impact
- Adverse impact will then impact adversely on tourism economy
- Obstruction to navigation and chart updates have not been addressed
- The Maritime and Coastguard Agency and Hydrographic office should be consulted
- Treatment of waste needs extensive design to prevent pollution
- A carbuncle

South West Design Review Panel

The applicant instructed the South West Design Review Panel to assess the application. The detailed response can be viewed in full on the website. Their comment included the following:

- Landscape impact from distant viewpoints is minimal
- Landscape impact from closer views is appreciable
- There is no serious adverse landscape impact from anywhere – this judgement is influenced by the fact that the site, whilst rugged, is not in its natural state but within the hotel grounds adjacent a man-made tidal pool and there are other existing buildings in the vicinity – but dominated by the hotel which draws the eye.
- This is a visually recessive building consistent with the landscape character.
- The building will make a positive contribution to the natural setting forming a beautiful sculptural extension to the cliffs
- Has the potential to bring the highest quality architecture that will enhance the island and add to public enjoyment.
- Longer term economic/viability issues for the hotel are also material considerations
- Does not materially affect the setting of the Listed Building
- Recommend clarification of some detailed matters to ensure a top quality building is delivered with no adverse impacts
- Subject to the additional details requested the design panel gives it support to the scheme which would result in an exciting, perhaps iconic, piece of architecture likely to be celebrated nationally and internationally.

Relevant Planning History

05/2499/14/F – Solar panel array (200 panels, 50kW) on former tennis court – Conditional Approval

ANALYSIS

Principle of Development/Sustainability:

The application site is within the countryside, adjacent the AONB and within the South Devon Heritage Coast.

Within the countryside, outside of an identified settlement boundary, Policy CS1 of the South Hams Local Development Framework (LDF) states that development will be strictly controlled and only permitted where it can be delivered sustainably and in response to a demonstrable local need. This is supported by Policy DP15 which states that within the countryside development will be permitted where it requires a countryside location and supports the essential needs of agriculture or forestry or meets the essential small scale needs of a settlement that cannot be met within the development boundary.

Bigbury-On-Sea, opposite Burgh Island is a settlement identified within Policy CS1 as suitable for development, Burgh Island lies just outside this settlement.

Policy CS12 of the LDF states that new tourism and leisure facilities should be located to accord with a sequential approach, using previously developed land or buildings wherever possible. The sequential approach favours town centres and sites in the countryside, such as in this case, are the least favoured.

Policy DP12 of the LDF states that:

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

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

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

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

The proposed development is close to but outside of a development boundary and is not essential for either agriculture, forestry or to meet other essential local needs. As such the development would be contrary to Policies CS1 and DP15.

With regard to the sequential approach set out in Policy CS12, as the proposed development is to serve as an extension to the existing hotel accommodation there is no possibility of locating the development anywhere but the island, which falls into the last 'elsewhere' category of the sequential approach. It is accepted that there is no sequentially preferred site that this development could reasonably be located at (other than elsewhere on the island) and as such the development does accord with Policy CS12.

In terms of part 1 of Policy DP12 the proposal:

- a) is located in a sustainable and accessible location – access is from Bigbury-On-Sea which is identified in Policy CS1 as a sustainable location. Visitors park or arrive in Bigbury-On-Sea

and the hotel provides transport to the Island, visitors do not use their private cars to access the site;

- b) the development will increase tourism within the area and will support the vitality and viability of nearby settlements;
- c) the development will provide a high quality attraction and accommodation; and
- d) will encourage an extended tourist season.

As the site is in the countryside part 2 of Policy DP12 is also relevant. The proposal is associated with the expansion of an existing facility and by improving the long term viability of the hotel and adding to the local economy, will support the objectives of rural regeneration.

The proposed development is in accordance with Policies CS12 and DP12.

Despite the restrictive approach of Policies CS1 and DP15, Policy DP12 sets out a further exception to where development in the countryside may be acceptable. These policies all form part of the LDF and must be viewed together. It is concluded that the principle and location of the proposed development does accord with local planning policy subject to all other material planning considerations.

Paragraph 14 of the National Planning Policy Framework sets out a presumption in favour of sustainable development

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay (unless material considerations indicate otherwise); and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted (for example AONB, Heritage Coast and locations at risk of flooding or coastal erosion).

It is relevant therefore to consider if the proposed development accords with the development plan unless the relevant policies are absent or out-of-date

Design

Policy DP1 of the LDF requires that all development will display high quality design, which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape.

The NPPF also promotes good design. Paragraph 61 states that:

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 62 continues:

Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review. In general, early engagement on design produces the greatest benefits. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

And Paragraph 63 states that:

In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

The applicant has, through the RIBA architecture competition to identify the design solution for this site, made best endeavours to secure the highest quality architecture for this highly sensitive location and setting. This scheme has been assessed by an independent regional Design Review Panel who have concluded that the proposed development has the potential to bring the highest quality architecture that will enhance the island and add to public enjoyment and subject to detail, would result in an exciting, perhaps iconic, piece of architecture likely to be celebrated nationally and internationally. As set out in the NPPF regard is to be given to the opinion of the Design Review Panel.

The proposed development combines highly contemporary forms that through the fluid curved lines of the building, its irregular but harmonious footprint, combined with the predominant use of natural stone elevations and the siting on the headland, arching out over the sea to meet the adjacent rock stack will create a unique building that blends gracefully into its setting whilst at the time making a subtle but highly contemporary architectural addition to the island.

Officers consider that the proposed development represents a very high standard of architecture that is without doubt innovative; if properly executed to deliver the quality indicated in the supporting drawings this could be outstanding design. As set out in the NPPF great weight has to be given to this.

A number of objections have been received that have different view, stating that the building will be an eyesore and a carbuncle.

Notwithstanding the positive comments above however clarification of some matters is required pre-determination, to ensure the high quality design promised is delivered, in particular:

- That the geology and structure of the rock stack will ensure for sufficient time for this to be sustainable development and will not give rise for the need for protection from erosion by measures such as rock armour.
- That operational requirements will not arise for safety barriers/railings and lighting in the vicinity of the new building which may detract from the architectural quality, landscape character and setting of the listed building
- That paraphernalia such as outdoor furniture can be managed so as not to adversely impact on the architectural and landscape quality and setting of the listed building.
- The detail/size and means of construction of the utility trench that would be required across the headland to allow assessment of its ecological, landscape and heritage impacts.

These details have been requested from the applicant but not yet submitted.

Landscape:

The site is located adjacent to the South Devon AONB and within the Heritage Coast.

Policy CS9 of the LDF states that in designated AONB's their conservation and enhancement will be given great weight; the character of undeveloped parts of the coast will be protected and development not requiring a coastal location will not be provided for; the quality, diversity and local distinctiveness of the natural and historic environment will be conserved and enhanced.

Policy DP2 of the LDF has similar aims but also specifies that development should avoid unsympathetic intrusion in the wider landscape, such as detrimental impact on the character of skylines or views from public vantage points and light pollution and respecting the unspoilt nature and tranquillity of the area.

Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in the AONB, which has the highest status of protection in relation to landscape and scenic beauty.

The South Devon AONB Unit have raised a strong objection to this application, their detailed response is included in full within this report. The Council's Landscape Specialist agrees with the nature of the objection.

The AONB Unit state that although the application site lies outside of the South Devon AONB boundary, Burgh Island makes an established and extensive contribution to the setting of the South Devon AONB. The application site lies within the South Devon Heritage Coast for which the AONB Management Plan also serves as the management plan. The proposal conflicts with the Council's adopted AONB Management Plan policies, will cause harm to AONB special qualities and does not accord with emerging AONB Planning guidance currently in post consultation draft form.

It identifies the special qualities of the AONB most pertinent to this application are:

- Fine, undeveloped, wild and rugged coastline.
- Iconic wide, unspoilt and expansive panoramic views
- A landscape with a rich time-depth and a wealth of historic features and cultural associations.
- Areas of high tranquillity, natural nightscapes, distinctive natural soundscapes and visible movement.
- A variety in the setting of to the AONB formed by the marine environment, Plymouth City, market and coastal towns, rural South Hams and southern Dartmoor.

The AONB Unit finds that the proposed development does not conserve or enhance these special qualities of the South Devon AONB. If consented, the proposal will result in harm to the first four AONB special qualities listed above.

The AONB Unit also considers that the proposal jars badly, particularly when read in conjunction with the hotel and other current buildings, adding a contrived structure perched on top of actively weathering rock structures in a manner that does not respect the listed hotel building nor the island's landscape and seascape character.

The AONB Unit was critical of the methodology used to prepare Landscape Visual Impact Assessment (LVIA) submitted in support of this application, the LVIA has been amended to address these criticisms. The LVIA concludes that the overall significance of visual impact on all distant views of the site is low or low to insignificant. From the beach it is moderate to significant.

It is the close up view of the buildings that are significant; thousands of people visit the beach at Bigbury each year and many take part in water sports which allow close proximity to the island even during a higher tide.

The supporting documents point out the presence of a number of smaller buildings on the island set below the level of the hotel, mostly visible from the beach and Bigbury; the proposed building will be set at this lower level and will be subordinate to the dominating structure of the hotel. It is argued that this is not an undeveloped 'wild' island, but a small hamlet wherein the addition of one sympathetically designed building would not be inappropriate. The new building would sit adjacent to the Mermaid Pool, a man made tidal pool. The prominent hotel, now deemed as iconic, would most probably not be permitted today due to its landscape impact, but has become a focal point for many visitors to the area, adding to the attraction of Bigbury.

The AONB Unit considers that the east side of the island is undeveloped and rugged in character where the introduction of a contrived man made structure extending out from the island into the sea would have a significant adverse impact on the landscape character of this area of the AONB and Heritage Coast which this LPA has a duty to protect. Great weight has to be given to the objection and opinion of the AONB Unit.

The proposed development is contrary to national and local planning policy as it fails to conserve and enhance the scenic beauty of this area of the AONB and Heritage Coast.

Ecology

The application is supported by a Phase 1 habitat survey which concludes that subject to:

- The use of track mats to protect the ground from machinery during construction;
- A construction management plan
- Sensitive lighting plan to reduce the potential impact on seabirds

The proposed development is unlikely to have any impact on other protected species.

During construction there is the potential for pollution of the marine environment, a construction management plan would be needed to secure adequate controls and protection.

Economy

Tourism is an important element of the South Hams economy, particularly in rural coastal areas such as Bigbury-on-Sea.

Paragraph 28 of the NPPF states, inter alia, that;

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

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

The application is supported by a statement which sets out the need for the hotel to remain competitive within the market; the introduction of this stand-alone hotel suite would allow the hotel to tap into a different market and it predicts it will increase revenue by 8%. Maintaining a viable business at Burgh Island ensures the long term future of this Grade II listed building with the added economic benefits to the local economy such as employment, buying in of local services and tourism spending.

If permitted there is a strong possibility that the new building could become an attraction in itself, the design has already gained significant positive publicity for such a small scale development. This could help to raise the profile of Devon and the South Hams and could promote additional tourism to the area.

Some local concern has been raised stating that the building will adversely impact on the character of the island and will adversely impact on the quality of the AONB and Heritage Coast which will reduce visitor numbers, thereby adversely impacting on the local economy.

Officers consider that the likely impact will be to have a positive impact on the local economy.

Heritage

This application has been considered by the Council's Heritage Specialist who raises no objection to the principal of the development but is concerned that the impact of the development on the setting of the listed building would only be acceptable if it is built to the high standards indicated in the supporting statements; an outstanding piece of architecture could enhance the setting of the Listed Building; a badly executed scheme could cause substantial harm to the setting of the Listed Building

Concern is raised about the use of Yennadon Stone which the Heritage Specialist considers will not match the existing rock faces as intended as is not a local stone. Materials however can be agreed through a planning condition.

The Heritage Specialist is concerned that in future there may be a need to place protective armour around the stack to prevent erosion; this matter has not been addressed in the application and could adversely impact on the setting of the Listed Building.

Concern is also raised about the phasing of the construction project and the adverse impact that could arise if the construction is pro-longed. This could be managed however through a planning condition.

To improve the likelihood of a high quality building it is recommended that the current award winning architects remain as project managers; a planning condition could require that the current architects are retained unless an alternative company is previously agreed with the LPA.

Flood Risk

The Environment Agency are satisfied that the design takes into account climate change and that safe access and egress can be provided.

Neighbour Amenity:

No neighbour amenity issues arise

Highways/Access:

Access will be as for other guests of the hotel. The hotel provides private transport for guests in 4x4 vehicles coming from Bigbury-on-Sea or by using the sea tractor during higher tides.

Planning Balance

The principal of expanding an existing tourism business within the countryside is supported by LDF policy and the NPPF, subject to all other material planning considerations.

The NPPF states that great weight should be given to permitting innovative and outstanding architecture. It also states that regard should be given to the opinions of Design Review Panels. In this case the Design Review Panel conclusions can be interpreted to be that the proposed development, subject to detail, would be innovative and outstanding architecture. Officers agree that the proposal is for very high quality, innovative architecture. This weighs in favour of the development.

Support for the design principles is caveated however and it is considered that some matters of detail should be addressed pre-determination to ensure the delivery of an outstanding piece of architecture. This weighs against approving the application in its current form.

The proposal will help to secure the long term viability of an iconic Grade II Listed Building; if delivered at the highest standard the building could enhance the setting of the Listed Building. This weighs in favour of the development.

Insufficient information has been submitted to assess the likely need for rock armour and also with regard to how habitation of the building will be managed to ensure the architectural integrity is not compromised by such things as hand rails, lighting and outdoor furniture. The weighs against approving the application in its current form.

The proposed development could add to the attraction of Bigbury and the South Hams as a tourist destination, the building becoming a point of interest in itself; the development will increase the potential number of guests using the hotel and it is hoped it will attract longer stays; the development will help to secure the long term viability of the hotel. All these factors make a positive contribution to the local economy. This weighs in favour of the development.

The NPPF states that great weight should be given to conserving the AONB and Heritage Coast. The AONB Unit consider the proposed development will have a significant adverse impact on the landscape character and quality of the area and object strongly to the proposal. The weighs heavily against the development.

The areas of uncertainty, regarding rock armour, domestic paraphernalia, safety railings etc, together with the adverse landscape impact identified by the AONB Unit weigh clearly against the development and as such the Officer recommendation for the application as currently presented is for refusal.

Were the areas of uncertainty fully addressed and it was demonstrated that all these issues would not impact on the outstanding quality of architecture, nor on the setting of the Listed Building the only issue weighing against the development would be the adverse landscape impact.

The NPPF requires that great weight is given to conserving the landscape and scenic beauty of AONBs and Heritage Coasts, this is supported by local planning policy. The NPPF also requires that great weight be given to innovative and outstanding design; whilst local planning policy supports high quality of design it does not allocate the same status to outstanding design as the NPPF. The LPA is the custodian of the AONB which is a finite resource.

Whilst a finely balanced judgment, it is considered that the adverse impact of the proposal on the character and appearance of the AONB and Heritage Coast weighs greater than the potential to achieve innovative, outstanding architecture that would also benefit the economy and help to secure the future of an iconic listed building. As such, even if the matters of detail mentioned in the report were to be satisfactorily addressed Officers would, on balance, recommend that planning permission be refused.

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

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change
CS12 Tourism

Development Policies DPD

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

Emerging Joint Local Plan

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

The development plan comprises:

- 2006 Core Strategy
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas
- Saved policies from 1996 Local Plan
- Devon Waste Plan
- Devon Minerals Plan

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

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

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

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by South Hams District Council, West Devon Borough Council and Plymouth City Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered to be consistent with the

policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).'

Relevant emerging JLP Policies:

SPT11 Strategic approach to the natural environment
DEV15 Supporting the rural economy
DEV 20 Place shaping and the quality of the built environment
DEV 21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape Character
Dev25 Undeveloped Coast
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV24 Landscape Character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV37 Managing flood risk and water quality impacts
DEV28 Coastal Change Management Areas

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.