

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby
Noss

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

Application No: 170607 0607/17/FUL

Agent/Applicant:

Mr Evans
Cedar House
Membland
Newton Ferrers
PL8 1HP

Applicant:

Mr Friend
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EX16 7RE

Site Address: Yealm Hotel, 104 Yealm Road, Newton Ferrers, PL8 1BL

Development: Conversion and change of use of former hotel to 6 residential apartments; conversion and change of use of hotel annex apartments to 4 residential apartments; new build block of 4 residential apartments and new build single residential house; with associated landscaping, access and vehicle parking works.

Reason item is being put before Committee. At the request of both Ward Members for the following reasons: The sensitivity of the location; the appropriateness of the annex development in the AONB; overdevelopment; overlooking of neighbouring property, contentious.



Recommendation: That delegated authority be given to the COP Lead Development Management, in consultation with the Chairman of Development Management Committee, to grant conditional approval subject to satisfactory completion of a section 106 agreement to secure the following:

- Off-site contribution towards affordable housing: £122,710
- Education infrastructure: £49,322 (secondary school only)
- Education transport: £9,291
- Early years education: £3,750
- Contribution of £14,441.35 towards improvements to play and sports facilities in Butts park, Newton Ferrers.
- Contribution of £485.65 towards the Yealm Estuary Environmental Management Plan

Conditions

- Time
- Accords with plans
- Materials to be agreed
- Landscaping and woodland management plan to be agreed and implemented
- Pre-commencement - Detail of works to seek to secure retention of beech tree to be agreed and implemented
- Pre-commencement - Tree protection plan to be agreed and implemented
- Parking to be provided and maintained prior to occupation
- Pre-commencement* – further ground investigation of slope stability in relation to proposed soakaways to be agreed with LPA and DCC
- Pre-commencement* – detailed design of permanent surface water management system to be agreed.
- Pre-commencement* – full details of adoption and maintenance of surface water management to be agreed.
- Pre-commencement* – details of exceedance pathways and overland flow routes to be agreed.
- Universal condition for development on land affected by contamination
- Verification Report (contamination)
- Unsuspected contamination
- Pre-commencement - Construction Environmental Management Plan including pollution control measures.
- No mud, stones, water or debris to be deposited on public highway
- No works to 'Room 4' (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England.
- Development in accordance with Ecology Strategy
- Details of alternative bat perch to be agreed, implemented and retained
- No part of the new apartment block or new dwelling is to be occupied until a minimum of three of the apartments within the converted hotel building have been completed to the satisfaction of the local planning authority and made available for use.
- The new dwelling shall not be occupied or brought into use until all 6 of the apartments within the converted hotel building have been completed to the satisfaction of the Local Planning Authority and made available for use.
- Full details of doors and windows to be used in the converted hotel building to be agreed

- External lighting to be agreed
- Foul drainage to be agreed
- Boundary treatments to be agreed

(Pre-commencement conditions with * allow for the extended access way to be provided before these details are agreed to provide access for site investigations as required by other conditions)

Key issues for consideration: Impact on the AONB and on the character of the area in terms of design and density of development; impact on protected trees, heritage impacts, and highway impact. Whether any harm likely to be caused by the development is outweighed by benefits arising from it.

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

It is estimated that this development has the potential to attract New Homes Bonus of approximately £17,805 per annum.

The Government is implementing reforms to the New Homes Bonus scheme and the length of NHB payments will be reduced from 6 years to 5 years in 2017/18 and 4 years from 2018-19 onwards.

Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The application site occupies a prominent location overlooking the deep water pool of the river Yealm. The site is located approximately ¾ mile west of the village centre of Newton Ferrers and is approx. 0.8 hectares in size.

The existing main building is the former Yealm Hotel, this is a substantial attractive building in a commanding location overlooking the estuary, dating from the end of the 19th century. The building is currently vacant and in a state of disrepair, although some internal works to the building have recently commenced. The building has been boarded up for security reasons.

The hotel is set in large spacious grounds which have, for some time, existed as fairly unmanaged, overgrown scrubland. The plot also accommodates a two storey annex comprising four 2 bed self-contained hotel apartments to the west of the hotel building and a number of outbuildings. The annex was developed in the 1960s/70s and is an unattractive building typical of its era. The scrubland to the west, which was originally levelled to provide a tennis court, has recently been cleared of overgrown vegetation and some authorised tree works have taken place. This included the felling of a significant beech tree which was diseased.

A Woodland Tree Preservation Order and single Tree Preservation Order apply to the majority of the remaining trees within the grounds.

The site is within walking distance of the village facilities and services within the village itself; the nearest shop is within a relatively level walk approximately 800m away. The site directly

fronts onto a regular bus route and associated links to local public transport services including River Yealm Ferry service during the summer months (Easter to mid-September) which links Yealm Steps with Warren Point and Wide Slip. An independent water taxi from Yealm Steps in front of the site, also run by the same ferryman, operates between the 1st of April and 30th September.

There is an existing vehicular access onto Yealm Road and car parking for a minimum of 7 vehicles within the site.

A substantial single residential property adjoins the site to the south east of the main building, a small informal builders yard lies on part of the west boundary and the rear (north boundary) comprises a steeply sloping woodland which has a public footpath along its boundary linking Yealm Road to Lower Court Road. To the north west of the site beyond the public footpath is a further, large dwelling.

The site is viewed against the backdrop of the existing substantial vegetation and trees. The estuary of the River Yealm fronts the site to the south, between which is Yealm Road.

The former Yealm Hotel was proposed for listing to Historic England who decided the building did not merit listing. It is none the less considered to be a non-designated heritage asset worthy of retention. A Statement of Historical Significance forms part of the application submission. Whilst the building has fallen into dis-repair it appears to be structurally sound. It has been empty and boarded up since 2011.

The site is within the Development Boundary of Newton Ferrers. It is within the South Devon Area of Outstanding Natural Beauty and Heritage Coast.

The Proposal:

The proposed development includes the following:

Change of use and conversion of the Yealm Hotel to 6 residential apartments. There will be additional dormers added into the roof slopes and modest extensions at the side and rear. The principal façade which fronts the river will remain for the most part unchanged. Since submission the plans have been amended to improve the design of the new dormers so that they are more in keeping with the building

The annexe building will be upgraded and raised in height through the provision of a larger roof with a more traditional pitch. The building will be converted into 4 apartments.

To the west of the site, in the vicinity of the old tennis courts a new block of four apartments will be constructed in a contemporary version of vernacular design and materials, including traditional pitched natural slate roofs with slate hanging and render to the elevations.

To the east of the site, on the site of an existing raised terrace a new 2 storey, 3 bed dwelling is proposed. This is of contemporary architecture being a simple cubic, flat roofed building including a mostly glazed front elevation set underneath an overhanging eaves and balcony. Materials include a zinc roof and timber clad elevations. Since submission the plans have been amended to drop the height of the house by setting it lower in the ground.

26 on-site parking spaces are proposed.

The existing access will be used. The access road will be extended further into the site, to the north west to provide access to the new apartment block. The plans show that the large beech tree on the site, which is subject to a TPO as being felled. The applicants intend to try to retain the tree if possible but the proximity of the necessary access road does put the life of the tree at risk. Mitigating planting is proposed if the tree is lost.

Small formalised amenity areas are proposed adjacent to the buildings however the remainder of the site (approx. half the site) which is proposed to be retained as a managed woodland will be available as communal amenity space.

Ridge heights of the buildings will be as follows:

Main converted hotel building –	29.26
Annexe Building	25.70
Apartment block	26.41 rising to 27.76
New dwelling	22.65

Existing floor space on the site is 1187.07 sq m; as proposed this will increase by 531.17 sq m to a total of 1718.24 sq. m

Total accommodation is 10 x 2 bed units and 5 x 3 bed units ranging from 49 sq m. to 135 sq m in size

Consultations:

- County Highways Authority: No objection subject to conditions. *The Highway Authority notes the access is poorly aligned and has poor visibility to the right for drivers exiting into Yealm Road. However, the proposals will reduce the amount of traffic using the existing access and also the proposals provide the added benefit that a more reasonable level of on-site parking is being provided.*
- DCC Flood Risk: No in-principle objection subject to conditions
- DCC Education: No objection subject to financial contributions
- Police AOL: No objection, detailed comments provided.
- Environmental Health Section: No objection subject to conditions
- SHDC Landscape: No objection. – detailed comments provided
- SHDC Trees: No objection – detailed comments provided
- AONB Unit: No comment
- Open Space Sport and Recreation: No objection subject to financial contribution towards improved play provision at Butts Park, Newton Ferrers.

- Natural England: The site is in close proximity to the Plymouth Sound and Estuaries SAC. The LPA should determine whether the proposal is likely to have significant effect on any European site. They recommend the following:

To prevent potential recreational disturbance, we understand that Cornwall Council and Plymouth City Council have set up a strategic approach to collect contributions in order to mitigate pressures associated with recreational disturbance. The contributions provide funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group, or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC. In addition, the funding is utilised to support recreation linked projects/actions identified in the Tamar Estuaries Management Plan, Yealm Estuary Environmental Management Plan, any revisions or updates of these plans and/or other relevant management plans.

As such we advise that mitigation will be required to avoid such an effect occurring and enable you to reach a conclusion of “no likely significant effect”. You should not grant permission until such time as this mitigation has been secured.

No objection raised with regard to impact on the Yealm Estuary SSSI subject to pre-commencement conditions to provide a SUDs drainage scheme to protect water quality and the provision of the Construction and Environmental Management Plan to control construction phase impacts.

- Ecology: *The Ecological Appraisal advises that one of the store rooms under the hotel (referred to as Room 4) is used as a night time feeding perch by an individual lesser horseshoe bat. This use will be lost as part of the proposed development and accordingly an EPS Licence will subsequently be required from Natural England to allow the works to proceed. Where a Habitats Regulations offence (in this case loss of resting place) is triggered, the LPA is required to consider the 3 derogation tests and accordingly whether NE is likely to subsequently grant a EPSL.*

If you consider the first 2 tests met, then I would suggest Natural England would be likely to grant an EPSL in this case.

The following condition should be applied:

- *No works to ‘Room 4’ (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead, or confirmation from a suitably qualified ecologist that a licence is not required.*

Impact on SSSI: Agree with assessment within Ecological Appraisal Report, a prior to commencement CEMP must be conditioned and contain pollution prevention measures.

In line with Natural England comments and following consideration of the Habitat Regulations a contribution of £485.65 towards the Yealm Estuary Environmental Management Plan should be secured via a Section 106 agreement to mitigate impact on the Yealm Estuary

- Affordable housing: No objection subject to a financial contribution of £122,710 towards off-site affordable housing provision

- Ministry of Defence: No objection
- SHDC Conservation: No objection (verbal discussion)
- Town/Parish Council: Objection:

Newton & Noss Parish Council, whilst approving the plans for the main hotel building and existing annex improvements, objected to the application in relation to the two additional buildings for the following reasons;

1. Local Plan MP12 - development which would significantly alter the density of buildings or damage the landscape and character of Policy Area 1 (specific to that area of Newton Ferrers.) Reason – since this policy was instigated (1996) permission for only 1 new single dwelling property has been given in Policy Area 1. This application proposed 15 dwellings and 2 new buildings
2. NPPF Para 15 - failure to give “great weightto conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty.” Reason – overdevelopment of site (buildings’ footprint to double, unbroken line of development, 3m between hotel and the proposed house.)
3. NPPF Para 7 – failure to support socially and economically sustainable development. Reason – 8 out of 14 flats were considered to be of a limited size, thus ensuring the likelihood they would be sold as second homes rather than meet downsizing identified in the Parish Housing Needs Survey.
4. LDF SO18 and DP 2 – failure to conserve and enhance the quality of the District’s countryside and coastal landscapes. Reason – overdevelopment of site (buildings’ footprint to double, unbroken line of development, 3m between hotel and the proposed house.)
5. LF SO 22 – failure to achieve development whichrespects its location. Reason – the proposed house was out of character with surroundings.
6. LDF DP 3 – unacceptable impact on living conditions of occupiers of nearby properties. Reason – the new annex would overlook the garden of Yealm House resulting in a loss of privacy.
7. The Design and Access Statement stated that South Hams District Council 5 year housing targets were not met. This was not thought to be correct. The proposal was therefore not supporting a specific national or local housing need.
8. Over development.
9. The proposals were not appropriate in an Area of Outstanding Natural Beauty– it was understood that the AONB unit had not yet formally responded but that they may have a number of serious concerns.
10. A specialist heritage planning officer from South Hams District Council advised the Parish Council in October 2015 that there was no formal process to identify a building or structure as a ‘non-designated heritage asset’. He did however confirm that the River Yealm Hotel was a building he would judge to be a heritage asset, even though it had been rejected for listing by Historic England. If and when an application was received to alter, extend or demolish the building, or to build within its setting, then

paragraph 135 of the National Planning Policy Framework (NPPF) would be applied by officers in making their planning assessment.

Para 135 stated 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

If a major re-development scheme came forward the officer advised that it would be hoped that a developer would use SHDC pre-application service and would be willing to pay for a Design Review process. South Hams District Council was aware of the recommendations of para 62 of the NPPF in this regard.

11. The proposed house was too close to the boundary and hotel

12. Conversion of non-residential to residential.

13. A construction management plan was imperative.

Representations:

Approximately 8 **letters of support** have been received which include reasons as follows

- Proposals are appropriate for size of site
- Sensitive to former hotel
- New buildings are appropriate and well designed
- Developer should be commended for retaining hotel building
- Landscape setting will be enhanced
- Site has been an eyesore for years
- Will not generate more traffic than the hotel did in its heyday.
- Makes best use of derelict buildings
- Provides accessible apartments for people to downsize into.

Approximately 11 **letters of objection** have been received which include reasons as follows:

- (Pleased hotel is being retained)
- Adverse impact on waterfront
- Will dominate the view from the Pool and River Yealm
- Woodland at rear needs to be preserved – could be on peppercorn lease to village
- 2 bed flats at only 49 sq. m are below RIBA guidelines of 61 sq. m and so will be used as holiday lets only.
- Inadequate parking which will lead to congestion elsewhere
- Loss of tree – adverse impact on AONB
- Poor quality design in the AONB
- Overdevelopment of site
- Noise pollution
- Increase in traffic
- Loss of green space
- Modern house design is inappropriate and unsustainable
- Contrary to planning policy – MP12, NPPF

- Only one new house approved in low density policy area in last 20 years
- Inadequate capacity of mains drains
- Trees have already been removed from the site to facilitate this development
- CGI images are misleading taken only from in front of the hotel building, colours have been used to minimise impact (incorrectly) and trees will not always be in leaf.
- Needs Construction Management Plan
- No ecology strategy
- Over large annexe will dominate the site
- Alterations to Hotel building are unsympathetic
- Encroachment of development to west in this wooded setting
- Buildings will merge together making them appear as one continuous development
- Light pollution from glazing
- Loss of trees has and will make the site more visible from the river
- Loss of views from public footpath at rear of site
- New planting will take years to mature
- Adverse impact on setting of lifeboat house
- Traffic survey took place at quiet time of the year – November
- Will be used as second homes and will not meet local housing need

3 undecided comments were submitted which include comments reference above and also:

- Units should have restriction to prevent use as second/holiday homes
- Will the buildings contain lifts?

River Yealm and District Association – object for reasons including the following:

- (Support principle of retaining hotel building on site)
- Overdevelopment of the site
- Contrary to NPPF para 115, AONB policies, Policy MP12.
- Siting is out of character with area (not random)
- Transport Statement is based on irrelevant data as the survey took place in winter and since the hotel was last fully operational traffic situation was very different and a lot less busy/congested

Planning History

4120/16/TPO - Proposed work to protected trees - T1: Cypress - Fell. T2: Yew - Fell. T3: Holm Oak - crown reduction over site by 3m. T4: Monterey Pine - remove major deadwood over site. T5: Beech - crown raise to 5m. G1: Holm Oak - Fell trees on bank and top of bank – Allowed December 2016

ANALYSIS

Principle of Development/Sustainability:

Para 14 of the NPPF sets out a presumption in favour of sustainable development; development that accords with the Development Plan should be approved without delay 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 (such as in the AONB)

The site is located within the Development Boundary of Newton Ferrers where the principal of development is normally supported subject to all other material planning considerations.

The site is also a brownfield site, Policy CS5 of the South Hams LDF states that at least 50% of new housing should be on previously developed land. The NPPF at para 51 encourages the use of empty buildings for housing.

The site, while towards the edge of the village is well related to Newton Ferrers offering a relatively level walk to the nearest shop and top of the main street. In terms of its location this is considered to be a sustainable site.

Saved policy MP12 from the South Hams Development Plan, 1996 is referred to by objectors to this application. This states, inter alia, that development which would significantly alter the density of buildings or damage the landscape and character of Policy Areas 1 and 2 on the Proposals Map will not normally be permitted. The site lies within Policy Area 1.

This policy has limited weight when considered in the context of the NPPF. It is more appropriate to consider each application on its merits against the character and landscape qualities of the area. The application site is set in an area characterised by low density development. The proposed development will increase the density of development on the plot however the overall density of the development will remain relatively low with a significant proportion of the site remaining as managed woodland. The landscape and character impacts of the development are explored further later in this report.

The Newton and Noss Neighbourhood plan is now at Reg 14 stage and proposes to include the low density policy and policy areas. This plan currently carries little weight

Concerns have been raised by local residents about the likelihood of the dwellings to be used as second homes. Policy M3P-12 of the Neighbourhood Plan proposes a policy restricting new dwellings to use as permanent homes only. This policy carries insufficient weight at present to justify a planning restriction on this basis

Loss of tourism

Policy DP12 states that:

Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be permitted where there is no proven demand for the facility and it can no longer make a positive contribution to the economy.

The Yealm Hotel closed in 2011 after a number of years operating at a reduced level. The site has been marketed and no offers came forward to purchase the site for tourism purposes. To renovate and restore this hotel and the site as a whole requires significant investment if it is to be done sympathetically. There has also been a changing trend in tourism such that hotels in less accessible locations are becoming less popular for longer 7-14 night stays, with an increasing demand for self-catering accommodation.

It is considered that there is no proven demand for the facility and it can no longer make a positive contribution to the economy

Affordable housing and viability

The proposal is eligible for Vacant Building Credit in respect of calculations of affordable housing contributions. The proposal will contribute a sum of £122,710 towards off-site affordable housing. This is in line with policy after taking the Vacant Building Credit into account.

The application has been subject to a viability assessment which has indicated that the scheme can only support contributions up to £200, 00 in total. The requested policy compliant contributions amount to £229,433.65 (affordable housing, education, recreation and ecology)

In this instance it is proposed to reduce the contribution towards Butts Park to £14,441.35 to bring the total contributions within the viable limits of the development

Landscape Impact

The site is within the AONB and Heritage Coast and therefore in a very sensitive location. The landscape and arboricultural impacts of this application have been assessed by the Council's landscape specialist as follows:

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

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

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "*major development*" in the context of paragraph 116, due to its scale and form on the settlement edge. In consideration of the location of the proposal within the South Devon AONB, great weight will be given to this fact in the planning balance.

In reviewing the proposed development, consideration has been given to the scale, location and form; initial assessment of the design and limited mitigation raised a number of concerns with officers. On this basis, discussions were convened to highlight these, and provide for positive engagement in addressing specific elements that may conflict with policy and the objectives of the SD AONB Management plan.

As a result, the proposed scheme has been amended and refined, with greater consideration given to mitigation, acknowledging the sensitivity of the landscape and need to conserve the

character and visual amenity. On this basis the overall scheme has been reviewed and following submission for the amendment is now supported and no objection raised. The woodland and individual beech tree (to front of annexe building), within the grounds are subject to TPO 933 (as confirmed with modifications).

Landscape Character and Visual Impact

In considering the potential impacts of this proposed development it is important to understand the baseline landscape character and the visual amenity. The submission does not include an LVIA but landscape has been considered as part of the Design and Access statement; this is noted. In addition to this, further discussion has seen the appointment of a landscape architect by the applicant. The appointment has seen the submission of more detailed landscape mitigation, and a reduced height of the single dwelling to the east of the hotel. The importance of the protected tree has been acknowledged and there is a genuine wish to retain this, however, more substantial mitigation has been offered should the tree have to be removed to implement access to the western part of the site.

The proposed development is within the settlement boundary of Newton Ferrers, on the heavily wooded headland at the confluence between the River Yealm and Newton Creek. Whilst this part of Newton Ferrers is settled at low densities, the characteristics are significantly different to the main settle area above Newton Creek to the north-east and the adjacent village of Noss Mayo. The headland remains sylvan in nature, with a predominance of mixed species woodland trees, extending down the full length of the steep slope to the water's edge. This is interspersed with larger residential buildings but more dominantly, the Yealm hotel.

It is acknowledged that the site is within the settlement boundary and there is residential development within this riparian landscape. However at this specific location is it much lower in density with defined, modest individual buildings such as the hotel, and to the west, Yealm House, appearing as such within a strongly treed setting. Additionally, across the lower slopes and close to the tidal waters, the landscape is punctuated with mature trees that provide largely uninterrupted canopy across the headland. In assessing the impacts, conserving this character will be important and shall guide mitigation.

In assessing the landscape character, reference is made to the Devon Character areas (LCA) and the Local Character types (LCT). The site is within *LCA 47 Plymouth and Modbury Farmlands* but is influenced greatly by the immediately adjacent *LCA 4 – Bigbury Bay Coastal Plateau*. These have high scenic qualities, with picturesque villages often centred on a square towered church. The LCT is *3G - River valley slopes and combs*, which is recognised for key characteristics noted above, with well wooded slopes that fringe the creeks and rivers, emphasising the landform. Settlements are in a clustered pattern of historic villages, sheltered by the landform. These include some larger historic riverside settlements on the lower reaches of the main estuaries, such as Newton Ferrers on a creek off the River Yealm. Historically the growth and prosperity of these settlements was strongly linked with the rivers and estuaries, including fishing, trade and boat building.

In terms of *views and perceptual qualities*, the often wooded slopes provide a sense of enclosure and seclusion. There is a strong visual and topographical link with the rivers and estuaries, with views empathised from the readily accessible water, where the landscape changes and contrasts between the undeveloped, often wooded slopes and the adjacent nestled settlements. At this location, the settlement is sparser and more dispersed, and therefore highly sensitive to change though the introduction of new development and remodelling of buildings, in particular where this is seen as linear or continuous built form.

Key landscape sensitivities include protecting the secluded, rural tranquil valley landscape from modern larger scale development; maintaining intact historic settlement patterns, with distinct Devon vernacular in riverside settings.

Similarly *LCT 4a - Estuaries* form dynamic landscapes which change with tides and weather conditions. They are strongly naturalistic and tranquil, and have semi-natural habitats that are highly important for biodiversity. But also recognised for settlements that are often associated with the estuaries and form a popular destination for both land and water based activity. This includes clustered areas of moorings, marinas and boating infrastructure, seen locally here within the River Yealm. Again, *views and perceptual qualities* are sensitive to change and noted as generally tranquil, although some parts are influenced by nearby or adjacent urban development. Where neighbouring areas are settled, this can have a major impact on visual unity and tranquillity.

In understanding the baseline character and visual amenity, a comparison can be made to the impacts of the proposal and the resultant changes, and subsequently considered in a policy context which shall seek to conserve and/or enhance the special qualities of the landscape character and visual amenity. In doing this, the proposed development with more recent amendments has been carefully considered to ensure the character is broadly conserved and the appearance of the whole scheme is acceptable. This includes making sure the development does not appear as a continuous linear form, with variation introduced through designs and screening with new and existing planting.

The potential loss of the significant beech tree, within the site, is noted because its loss will have a detrimental impact upon the character and visual amenity where it currently contributes to the wooded slope, and screens the annexe building. However, it is acknowledged that attempts have been made to retain this important tree but should it be removed, the offered mitigation will contribute over time and will replace the present benefits through continuous canopy down across the site.

In consideration of the above appraisal, the proposed development in its revised form better conserves landscape character and visual amenity, and is therefore acceptable. The principal of bringing the Yealm Hotel back into occupied use, as residential apartments is supported, and accepting the large grounds in which it stands, provides opportunities for delivering additional residential units, the current proposal broadly achieves this whilst establishing a hierarchy between built form and treed setting. On this basis, no objection is raised.

Protected Landscape

As noted the proposed development is with the South Devon AONB, which is given the greatest of weight in the planning balance. The current proposed development will have an impact on the South Devon AONB; however, this is limited through design, scale and mitigation. It is acknowledged that some development is acceptable in combination with the renovation of the hotel, and that the current proposal broadly achieves this, with the overall character, special qualities and visual amenity conserved.

Arboricultural Impact

The site is subject to TPO 933, which seeks to protect the woodland and an individual beech tree within the grounds of the former hotel. The submitted management plan is noted and would positively contribute to the future retention and management of the woodland. The loss

of other mature trees are noted and the impacts resulting from these trees being felled, although it is noted that in arboricultural terms, these were over-mature or in a poor condition. There is a strong intention to retain the protected mature beech tree but may be lost to facilitate access to the additional units on the former tennis court. This tree has significant amenity value in arboricultural terms, its contribution to the landscape character and as a screen to existing buildings. However, through negotiation, if the tree is felled, substantial new planting will be established to reduce the immediate impacts and longer term retention of these important landscape features.

Recommendation

In consideration of the above assessments no objection is raised subject to conditions securing amendments and substantial mitigation.

Officers concur with the view of the landscape Specialist, that this proposal does not constitute major development in the AONB.

The landscape specialist recognises the great weight that must be given to conserving the AONB and raises no objection on grounds of landscape impact.

Design/Heritage

The site is not in a Conservation Area nor within the setting of a Conservation Area. The main Yealm Hotel building however is considered to be a non-designated heritage asset. Para 135 of the NPPF states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

This proposal has the significant benefit of retaining the non-designated heritage asset, restoring it and bringing it back into a viable use to secure its future. The building is considered to be a significant feature within the landscape that is highly valued locally. Representations submitted in respect of this application are supportive of the re-use of the hotel building even if not supportive of other aspects of the scheme.

The proposed conversion of the hotel building is considered to be sympathetic with minimal changes to the principal façade.

The annexe building exists, it is an unattractive building with a very shallow pitch roof but currently does sit quietly in the site. The proposed conversion includes a new larger roof and will change the building from 2 storey to 2.5 storey. The height of the building will increase by approx. 2.5m. Additional glazing will be added in the two new front facing gables, otherwise the amount of glazing remains similar.

The annexe remains set well back from the front of the main hotel and as converted will be approx. 3.5m lower than the main hotel. It will remain subservient to the main hotel building and will not detract from the prominence and setting of this heritage asset. The appearance of the annexe building will be enhanced; it will use traditional materials and the use of gables and triangular roof lights relate well to the hotel building.

If it is not possible to retain the protected beech tree the annexe will become more visible within the site until mitigation planting becomes established.

New build is proposed by way of the new apartment building to the west of the site and the contemporary dwelling to the east. Objections have been raised to these new buildings on the grounds that they represent overdevelopment of the site.

The applicant has submitted viability information which has been reviewed by the Council. The information has shown that this level of enabling development is required to cross fund the conversion of the existing buildings on site. The retention of the hotel building as a viable building is highly desirable and this should be weighed against any harm that may arise from the necessary enabling development.

The apartment building is a substantial building set in the western portion of the site. The building is well articulated with varying roof heights which step down towards the hotel building; the footprint is set around a corner, it will not present as a single facade when viewed from the river.

The design form is traditional using a pitched slate roof with render and slate hung elevations, relative to many modern buildings the amount of glazing is not excessive.

Existing trees on the site boundary and below on Yealm Road provide significant screening between the hotel building and the proposed apartments, a number of these trees are evergreen holm oaks. Due to the landscaping and siting of the apartments they will not read as a significant part of the setting of the hotel building as they are effectively around the corner. Viewed from the river the most significant relationship is with the attractive lifeboat building below on the water's edge which is a historic stone building. For this reason the external materials proposed for the apartments now include slate hanging to reflect the heavy grey materials in the lifeboat building.

The proposed new dwelling sited to the east of the hotel is contemporary in form, being flat roofed and of a simple regular shape including a mostly glazed front elevation. This elevation will be overhung by eaves and a balcony which will serve to reduce some of the potential light pollution from the building. Timber brise-soleils are also proposed to soften the appearance. Representations have been submitted about the inappropriate contemporary form of this dwelling as well as criticism of the way in which this infill will reduce the visual separation of buildings within the site.

The nearest neighbour to this site to the east is a substantial two storey dwelling that has very large windows in its front elevation surrounded by rectangular rendered walls. The roof appears to be shallow pitched and due to this and the dark colour the roof is not at all prominent. When viewed from the river this building has the appearance of a more contemporary, highly glazed, angular building. The proposed new dwelling will not be out of place in this context.

The contemporary design, including a flat roof keeps the bulk of the building to a minimum such that it will appear as a very recessive building compared to the hotel; due to the height difference there will still be a feeling of space between the hotel and the eastern site boundary. The contemporary design contrasts with the heritage architecture of the hotel and helps to maintain the primacy of this building. There are also established trees which will screen much of the new dwelling from views from the river.

Objections have been raised in respect of the small size of some of the units. Two of the apartments are 49 sq. m. These are within the converted annexe building and reflect the size of the existing units. The provision of smaller units does offer a more affordable type of accommodation on the site and serves to widen the variety of housing mix on the site in accordance with policy HP11 of the South Hams LDF.

The proposed development will secure the long term future of a valued non-designated heritage asset and will restore a derelict site which had become unsightly in the landscape. It has been demonstrated that the scale of additional new build on the site is necessary to achieve a viable form of development. The proposed design, scale and layout of the development is considered to be acceptable and proportionate to the size of the site. The proposed development is in accordance with policies DP1 and DP6 of the South Hams LDF

Neighbour Amenity:

Concern has been raised about the potential for overlooking from the new apartment building into the large dwelling sited to the north-west. Due to site levels there is no potential for overlooking into the house itself, only to its gardens. The common boundary, which includes a public right of way, is well treed but there are some gaps between them.

The north elevation of the apartment block provides 3 small windows at first floor level and one full height narrow window on the corner furthest from the neighbour. Having regard to the distance from the boundary, change in levels, existing tree screen and size of the windows proposed it is considered that there will be no significant loss of privacy to the neighbouring property.

The proposed single dwelling will not overlook the existing neighbour to the east nor will it cause any significant loss of light.

Impact on amenity is considered to accord with Policy DP3 of the LDF.

Highways/Access:

The Highway Authority raise no objection to this application. In reaching this view they will have considered the lawful use of the site; whilst it may not have been operating at full capacity for a number of years before closing, the lawful use remains as a hotel and this use could recommence at any time. The Highway Authority will have taken into account the amount of traffic a fully functioning hotel could generate and this would be appropriate.

Ecology

The Ecological Appraisal advises that one of the store rooms under the hotel (referred to as Room 4) is used as a night time feeding perch by an individual lesser horseshoe bat. This use will be lost as part of the proposed development and accordingly an EPS Licence will subsequently be required from Natural England to allow the works to proceed. Where a Habitats Regulations offence (in this case loss of resting place) is triggered, the LPA is required to consider the 3 derogation tests and accordingly whether NE is likely to subsequently grant a EPSL.

Derogation tests

1. Imperative reason of overriding public interest: The bat feeding perch is located in a building that is currently in a derelict state but which is a valued non designated heritage asset. The proposed development would bring the building back into a long term viable use. In addition additional housing will be provided. The development would therefore bring about a positive overriding public benefit
2. No satisfactory alternative: This part of the building is required to provide a lift access into the main building, without which the site would remain inaccessible to persons with mobility restrictions. There is nowhere else that the lift could be sited and as such there is no satisfactory alternative.
3. Maintenance of favourable conservation status: An alternative perch will be provided within the development in accordance with details to be agreed with the LPA

It is considered that the derogation tests have been met and as such it is expected that Natural England would issue the relevant licence.

The site is in close proximity to the Plymouth Sound and Estuaries Special Area of Conservation (SAC). In order to mitigate any impact on this designated site financial contributions should be paid in order to mitigate pressures associated with recreational disturbance. The contributions provide funding and support for the Tamar Estuaries Consultative Forum and Yealm Estuary Management Group, or appropriate funding and support for the management structures undertaking the management scheme work in relation to the SAC. The contribution should be calculated in accordance with an agreed per-household formula which in this instance amounts to £485.95

Subject to the proposed conditions and financial contributions the ecological impacts of this development are considered to be acceptable.

Drainage

No objections have been received from DCC Flood Risk, It is considered that the site can be adequately drained

Planning balance

The proposal seeks to redevelop a brown field site, located within the settlement boundary which will bring back into viable use, through a sympathetic conversion, a locally valued non-designated heritage asset. This weighs strongly in favour of the development.

The development will provide market housing and contributions towards off site affordable housing at a time when this Council cannot demonstrate a 5 year housing land supply. This weighs in favour of the development.

The proposed development will increase the density of development in an area characterised by low density development, however the overall density of development will remain relatively low. The character of the site will change to some degree however and this weighs against the development.

The site is located within the AONB and the conservation of the AONB must be given great weight. The landscape impact is considered to 'broadly conserve' the AONB; there will be a change in the appearance of this part of the AONB as a consequence of the development but

the scale, design and siting is considered to be sympathetic. Any adverse impact will be limited but weighs against the development and through para 115 of the AONB this has added weight.

After careful consideration it is concluded that the benefits of the development outweigh any adverse impacts and as such it is recommended that conditional planning permission be granted

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

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

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

MP 12 Newton Ferrers and Noss Mayo

Emerging Joint Local Plan

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

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

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

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

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION as considered by the Full Councils end Feb/Early March 2017)
SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
SPT11 Strategic approach to the natural environment
SPT13 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
TTV29 Site allocations in the Smaller Towns and Key Villages
TTV30 Empowering local residents to create strong and sustainable communities
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV4 Playing pitches
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV21 Conserving the historic environment
DEV22 Development affecting the historic environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Planning 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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Development shall take place strictly in accordance with drawing numbers xxx

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 with.

- 3 Notwithstanding any details indicated on the submitted and approved drawings and documents, prior to their installation details and samples of facing materials, roofing materials, windows, doors and glazing to be used in the construction of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those samples as approved.

Reason: In the interests of visual amenity, to preserve the setting of the non-designated heritage asset and to ensure an appropriate landscape impact.

- 4 Prior to its installation full details of any exterior lighting shall first be agreed in writing by the Local Planning Authority. External lighting shall be designed to minimise its landscape impact. Development shall take place in accordance with the approved details.

Reason: To protect the countryside from intrusive development

5. Prior to the commencement of the development hereby approved (with the exception of the westward extension to the access road), details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the building. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the locality, to ensure that the development is adequately drained and in the interests of ecology and public health.

- 6 Prior to their installation full details of any boundary treatments, including any fencing, railings or balustrades, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to preserve the setting of the non-designated heritage asset.

7. Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the following:
- The timetable for the construction process including details of any proposed phasing.
 - Details of the location of any storage compounds/ location of where materials, equipment and machinery will be stored during the construction process.
 - Hours of construction and deliveries to and from the site which shall be limited to the hours of 8am to 6pm Monday to Friday and at no time on Saturdays, Sundays and Bank Holidays
 - Details of the size of vehicles and type and size of plant and machinery that will be used
 - Details of how the construction process will be managed to minimize the risk of pollution into the marine environment.
 - Details the method(s) of controlling noise, dust and other potential environmental impacts during the construction phase.

Development shall take place in accordance with the approved details

Reason: In the interests of the amenity of the area and in the interest of ecology

8. PRE-COMMENCEMENT - No development shall take place until such time as details showing how the existing trees and hedges that will be affected by the development will be protected throughout the course of the development, how works to the trees and hedges will be undertaken and an Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The details shall include a hedge/tree protection plan, in accordance with BS:5837:2010, which shall include the precise location and design details for the erection of protective barriers and any other physical protection measures and a method statement in relation to construction operations in accordance with paragraph 7.2 of the British Standard. Development of each phase shall be carried out in accordance with the approved hedge protection plan.

Reason: In the interests of visual and residential amenity.

9. PRE-COMMENCEMENT – No development shall take place until full details of how construction of the new access road will take place in the vicinity of the protected beech tree in the centre of the site, to ensure the tree has the best possible chance of survival, have been submitted to and approved in writing. Development shall take place in accordance with the approved details

Reason: In the interest of amenity.

10. No development of the new buildings above slab level shall take place until a detailed scheme of hard and soft landscaping and details of the proposed woodland management scheme have been submitted to and approved in writing by the Local Planning Authority. The schemes submitted shall be fully implemented in the planting season following the completion of the development, or in accordance with a timetable to be agreed with the LPA. All new plants shall be protected, maintained and replaced as necessary for a minimum period of five years following the date of the completion of

the planting.

Reason: In the interest of visual amenity in order to protect and to enhance the amenities of the site and locality.

11. All parking areas shall be laid out and provided prior to the occupation of the dwelling/apartment to which they relate and shall be retained for the parking of private motor vehicles only in perpetuity.

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

12. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A preliminary risk assessment/desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The phase I assessment has identified the need for further assessments to be undertaken. The condition covers the full range of measures that may be needed depending on the level of risk at the site. If the LPA is satisfied with the information submitted with the application they can decide to delete any of elements 1 to 4 no longer required. The LPA may still decide to use the whole condition as this would allow them to declare the information no longer satisfactory and require more or better quality information if any problems are encountered in future.

13. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring

carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: Without this condition, the proposed development on the site may pose an unacceptable risk to the environment. This is listed as a separate condition as it gives the LPA the option to choose a later control point: i.e. prior to occupation, rather than commencement of the development for the main phase of the remedial works.

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

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

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

- 15 No mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: In the interest of highway safety

16. No works to ‘Room 4’ (as per the Ecological Appraisal Report room numbering) should be undertaken until the LPA has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the works to go ahead, or confirmation from a suitably qualified ecologist that a licence is not required.

Reason: In the interests of wildlife conservation

17. Development shall take place in accordance with the recommendations as set out in the Ecological Appraisal Report prepared by Engain Ltd and dated 13 February 2017.

Reason: In the interests of wildlife and ecology.

- 18 No part of the new apartment block or new dwelling is to be occupied until a minimum of three of the apartments within the converted hotel building have been completed to the satisfaction of the local planning authority and made available for use.

Reason: To ensure the works to secure the long term viability of the non-designated heritage asset take place as proposed.

- 19 The new dwelling shall not be occupied or brought into use until all 6 of the apartments within the converted hotel building have been completed to the satisfaction of the Local Planning Authority and made available for use.

Reason: To ensure the works to secure the long term viability of the non-designated heritage asset take place as proposed

- 20 Prior to their installation full details of doors and windows to be used in the converted hotel building, including detailed cross sections shall be submitted to and approving in writing by the Local Planning Authority. Development shall take place in accordance with the approved details.

Reason: In the interests of historic building conservation.

21. No part of the development hereby permitted (except the westward extension of the access road) shall be commenced until further ground investigation considering the slope stability of the site in relation to the proposed soakaways has been completed and the results submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority.

Reason: To ensure that any surface water being discharged into the ground would not significantly reduce the stability of the slope. Also, depending on the geology of the slope, surface water discharged into the ground could seep out of the slope further downhill.

22. No part of the development hereby permitted shall be commenced (except the westward extension of the access road) until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Proposed Drainage Strategy (Drawing Number: 16034-010, dated January 2017) and WinDes Calculations (Report Ref. 16034, First Issue, dated February 2017).

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

23. No part of the development hereby permitted shall be commence (except the westward extension of the access road) until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

24. No part of the development hereby permitted shall be commenced (except the westward extension of the access road) until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design

standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed.