

PLANNING APPLICATION REPORT

Case Officer: Matt Jones

Parish: Salcombe **Ward:** Salcombe and Thurlestone

Application No: 2826/15/FUL

Agent/Applicant:

David Jobbins
30 Carlton Crescent
Southampton
Hampshire
SO15 2EW

Applicant:

Tides Reach (Salcombe) Harbour Hotel Ltd
C/O Agent

Site Address: Tides Reach Hotel, Cliff Road, Salcombe, Devon, TQ8 8LJ

Development: Refurbishment and extension of existing hotel including erection of new bedroom wing to form a 44 bedroom, 4* hotel and part change of use of existing upper floors of existing hotel to create 10 apartments with associated car parking

Reason item is being put before Committee

This application is placed before Members for consideration in view of acknowledging the sensitive nature of the site, the economic benefits likely to accrue as a result of the development, and the level of representation received.



Recommendation: That Development Management Committee delegates the authority to the CoP Lead to approve subject to the conditions listed below and the prior satisfactory completion of a Section 106 Agreement.

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

Conditions:

1. Time, commencement within 18 months
2. Accord with Plans and Supporting Information
3. Floor Levels
4. Construction Environment Management Plan (including details of all permits, contingency plans and mitigation measures for the control of pollution, biodiversity and manage production of wastes) – submission prior to commencement of works
5. Flood Compensation Area – submission of details prior to commencement of works
6. Spa area restricted to Spa use only
7. Flood resilient construction
8. Permanent surface water drainage strategy submitted prior to commencement
9. Adoption and maintenance arrangements – surface water
10. Design of Lower Terrace & Upper Terrace Wave Defence – details to be submitted prior to commencement of works
11. Landscape and Ecological Management Plan (detail and implementation) - submission prior to commencement of works
12. Landscape scheme incorporating flood mitigation
13. Travel Plan Strategy
14. Construction Management Plan (Highways) – submission prior to commencement of works
15. Specification of external finishing materials of building and hard landscaping (including details of parking surface no dig surfaces)
16. Implementation of Parking/Visibility Splays - prior to use of the hotel/apartments
17. Lighting Scheme ((reflecting requirements for avoiding impact on habitats used by bats)
18. Fume Extraction
19. Noise Levels & Mitigation for All Plant
20. Details External Appearance for Refuse Storage
21. Unsuspected Contamination
22. Control over Piling/Foundation Designs
23. Programme of Archaeological Work
24. Completion of hotel prior to occupation of dwellings
25. Scheme for protection and retention of trees
26. Adherence to mitigation measures detailed within section 4 of the EclA.
27. Confirmation of granting of licence prior to commencement

Section 106 Obligations

- A financial contribution of £400,000 disaggregated as:
 - £ 7,074 in education contributions
 - £ 392,926 towards Affordable Housing
- Provision of 5 pay and display parking spaces on site for use by the public within the hotel car park which are available for public use for a fee commensurate with public car parking rates within administrative district of the Council

Informatives

1. Proactive approach to development
2. Foul Drainage
3. Spa and Pool Management
4. Sustainable Drainage Systems
5. Discharge of Conditions
6. Protected Species Legislation
7. Public sewer within site
8. To be read in conjunction with S106

Key issues for consideration:

The site is within the countryside where there is a policy objection within local planning policy to new residential development under policies CS1, DP15 and SHDC1 and policy TTV31 within the emerging Joint Local Plan.

The main issues associated with this application are:

- The principle of redeveloping the hotel and introducing 10 residential units in this location
- The acceptability of the development with specific regard to paragraph 116 of the Framework
- The appropriateness of the increased scale of the hotel on a realigned footprint in its landscape setting, having regard to the building's relationship to local topography, existing buildings and impact on the setting of heritage assets.
- The design of the building and its landscaped grounds and whether or not the development will sit acceptably within its estuarine setting.
- The impact of the development on landscape character within the South Devon Area of Outstanding Natural Beauty and whether or not the purpose and quality of the AONB designation will be harmed.
- Impact on the local traffic network, including whether or not the proposal provides adequate onsite parking provision for the increased size of the hotel
- Whether or not the flood risk associated with the development is acceptable
- Whether or not the wider public benefits of the scheme, which include economic and social benefits, outweigh any harm identified
- Whether there is any material impact upon the amenities of nearby properties in terms of loss of privacy daylight/sunlight or outlook.

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 £12,000 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:

Tides Reach Hotel is situated at the northern end of the hamlet of South Sands, approximately 0.7km south west of the town of Salcombe. The town has historically been and remains an important tourist destination for both staying and day visitors.

The application site lies on the west side of Cliff Road, to the east of Cliff Road is South Sands Beach. Cliff Road forms part of the South West Coast Path.

The site is on a relatively flat floor of a valley, bounded by a public footpath and steep wooded valley side to the north, the existing hotel car park to the south, and agricultural land and a static caravan park

(Southern Mill Farm) to the west. Beyond the car park to the south is Combe Lane and the southern valley side.

The Lifeboat House, a Grade II listed building, lies to the south east of the existing hotel on the estuary side of Cliff Road. Immediately to the south of the Life Boat House is South Sands Hotel. Lying to the south of the application site is the car park that serves South Sands Hotel. Other designated heritage assets potentially affected by the proposal are identified by the Council as

- the Grade II Registered Park and Garden (RPG) at Overbecks
- Scheduled monument of Salcombe Castle
- Grade II listed Life Boat House
- The Grade II listed Moulton approximately 0.35 Km to the north east

Large predominantly detached residential properties lie to the north, south and south east of the hotel. The closest residential property to the site is Oversteps to the north east which is sited on higher ground level to the hotel.

The application site is approximately 0.6 hectares. It measures approximately 100m north to south and 50m west to east. A smaller area approximately 70m west to east and 20m north to south extends from the north west corner westwards along the valley side.

The existing Tides Reach hotel was constructed in 1934, the building has been extended and altered since original construction. The hotel ceased trading in Autumn 2013. In 2016 there was an unsuccessful application to Historic England to individually list the building. Permissive parking for the public has at times been allowed on the car park associated with the hotel, however, there is no legal obligation to retain this facility. In 2017 there was an unsuccessful attempt to list the car park as an Asset of Community Value.

The application site lies within the South Devon Area of Outstanding Natural Beauty and Heritage Coast. The Kingsbridge Salcombe Estuary is a designated Site of Special Scientific Interest (SSSI). The application has been advertised as a major development affecting the setting of public rights of way and affecting the setting of listed buildings.

In 2015 planning permission was granted for the *'Redevelopment of hotel to comprise of 51no. bedrooms, bar and restaurant, residents lounge, spa, swimming pool, ancillary service space and parking'* under reference 41/2576/14/F

The Proposal:

Planning permission is sought for the refurbishment and extension of existing hotel including erection of a new bedroom wing to form a 44 bedroom, 4* hotel and the part change of use of the existing upper floors of the existing hotel to create 10 private residential apartments with associated car parking and also including

- Bar and restaurant (approx. 86 covers)
- Spa facilities
- Swimming pool
- Ancillary service space

It is proposed that the bar, restaurant and spa will be open to non-residents. The originally submitted scheme was subject to a number of objections however, and following discussions and negotiations with the Planning Department, revised plans have been submitted which have been subject to further consultation. The consultation responses are summarised below. The scheme now introduces two new wings, one set back towards the rear of the site running parallel to the highway and additional wing, terminating in a gable.

In September 2016 this application was presented to Development Management Committee, who determined to approve the application. This decision was not issued as, following legal advice the officer report needed to be returned to Development Management Committee to ensure all material planning considerations were adequately addressed before making a decision.

The only changes to the scheme previously presented is the submission of updated viability information. This new information has been the subject of a fresh viability assessment. In summary, the Council's viability assessors concluded that the scheme could support £400k of planning obligations, but have subsequently revised that figure downwards to £150k within a draft report, following assessment of a supplementary viability statement submitted by the applicant.

During the life of the application viability work was also submitted by the third party group 'Keep South Sands Beautiful' which criticised the approach of both the applicant's and the Council's own instructed viability experts. The KSSB work has been considered by the Council's experts who maintain their current position within their draft report that the scheme is viable with a £150k planning obligation.

All viability work undertaken by all parties, with redactions where necessary, are viewable on the public website.

The application is accompanied by the following supporting plans and documents:

- Drawing numbers
- Design and Access Statement
- Planning Statement
- Transport Statement (including outline Construction Traffic Management plan)
- Heritage Statement
- Flood Risk Assessment
- Drainage Strategy
- Landscape Strategy
- Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment and Tree Protection
- Economic and Employment Impact
- Ecological Impact Assessment
- Computer Generated Images
- Viability appraisal
- A completed Unilateral Undertaking in respect of a contribution of £400,000 towards affordable housing/Education

This is a Major planning application.

Consultations:

- County Highways Authority

No objections subject to conditions relating to submission of CEMP and prevention of mud and stones on the highway:

Following addition of five parking spaces dedicated to a public parking facility: *'Not ideal as when the hotel is full there would be a parking demand issue, but in terms of refusal I would not wish to object noting the impact on the Highway would be mitigated either way and the hotel could manage its own travel plan for staff etc.'*

- SHDC Conservation Specialist

Heritage Impacts

In considering this application and assessing potential impacts of the development proposal against surrounding heritage assets the following policies, principles, guidance and recent case law have been considered:

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, Section 12 of the NPPF including paragraphs; 128, 129, 132, 133, & 134. The National Planning Practice Guidance (NPPG) particularly the Section: Conserving and Enhancing the Historic Environment. The Historic England guidance: The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning: 3. Recent Case Law in particular the East Northamptonshire DC v. Secretary of State for Communities and Local Government (known as the ‘Barnwell Manor’ case) and R. (on the application of (1) The Forge Field Society (2) Martin Barraud (3) Robert Rees) v Sevenoaks District Council [2014] EWHC 1895.

Preamble

Further to the submission of these latest proposals, Officers are mindful of a previous scheme (Ref:2576/14) that was submitted and subsequently approved (Feb 2015). That scheme allowed for the redevelopment of the hotel comprising of 51 bedrooms and associated facilities. At that time a robust Historic Environment Assessment (HEA) was submitted and a response offered by the Council’s inhouse Conservation Specialist was forthcoming (attached as an addendum to this consultation response).

Since that previous approval Officers have met with the applicants and their advisors on two further schemes (both being considered under the current planning reference: 2826/15/FUL). The latest scheme, the scheme that is under consideration now follows an earlier scheme that raised concerns both in terms of its architectural composition and its close proximity to the Listed Lifeboat Station and potential to offer a harmful impact. Officers subsequently worked in close liaison with the Applicant and their advisors to devise a scheme that sat both comfortably in both immediate and wider environs and one which sought to minimise the potential impacts on the surrounding identified heritage assets, with particular reference to the adjacent Listed Lifeboat Station.

Assessment of impact of the development proposal on surrounding identified heritage assets. As referenced above, heritage assets that have the potential to be affected by the redevelopment of this site have been previously identified and further assessed through previous applications. Once again turning one’s attention to this current proposal it is pleasing to see that the applicants have submitted a robust analysis of those heritage assets that are most likely to be affected and a subsequent impact analysis of the development proposals on those identified assets. (see- AC archaeology’s Historic Environment Assessment – ACD1267/1/0 – Nov 2015 & Historic Environment Assessment Addendum dated 14th June 2016.) The addendum to the original report is in response to the latest design iteration that is the subject of the current planning application.

Having examined and digested the contents of both reports I have no reason to offer an alternative view with relation to those identified assets most likely to be affected by the development proposal. This is a view that has previously been given in the ‘Conservation & Design’ response dated 18th November 2014. (see addendum to this report). However, it is felt that further to new assessment the potential for impact on a particular asset is worthy of further consideration. Although Officers do indeed concur with the findings cited in the recent Historic Environment Assessment Addendum with reference to the potential impacts on most of the identified heritage assets (namely; Overbecks RPG, Salcombe Castle and The Moulton) Officers would like to re-examine the potential for impact of the erection of a significant hotel development on the grade II listed Lifeboat Station and its setting.

With regards the Lifeboat Station, Officers broadly concur with the assessment of ‘setting’ made in the submitted HEA – Addendum and the contribution which that setting makes to the building’s overall significance and special interest. The HEA – Addendum when addressing potential harm to the listed Lifeboat Station and its setting concludes:

*“Using the widest sense of setting, the new designs may be considered to have a **negligible impact** upon the visual setting of the building when viewed from the water and beach to the east, but there will be no change to the visual setting when viewed from all other directions.”*

While Officers are content to concur with the second half of the above statement, in that the setting of the Lifeboat Station is unlikely to be affected when viewed in the context of every direction other than the East, it is perhaps this direction (from the East, the beach) that the assessment could be challenged to a degree.

It is clear that the Lifeboat House primarily served a functional role for the storage of boats and that it was never designed with any particular framed view in mind other than being deliberately situated facing east towards the sea for purely functional reasons. However, how this listed building (or indeed any heritage asset) is enjoyed and experienced contributes to its setting and its surroundings forms part of that experience. Whilst it is acknowledged that these ‘surroundings’ evolve (Officer comment has been previously made regarding the adverse impact of the adjacent South Sands Hotel on the Lifeboat Station and its setting) one must endeavour to identify what the change is (to the immediate surroundings) and then seek to categorise any potential impact that occurs.

Given the historic relationship between the Lifeboat Station and the area of the land immediately behind it and to the north I would suggest that any significant new structure placed in this location has the potential to affect the wider setting of the listed building when viewed from the east (the beach and estuary beyond). As such I would suggest that the proposed four storey southern block will offer an impact on the setting of the listed building although when seeking to further clarify that impact it could be said to be moderate, a categorisation informed through previous referenced assessment.

This challenge to the conclusions aired in the HEA documents does not negatively reflect the quality of the assessment as produced by the applicant, which is in itself both comprehensive and robust however Officers feel uncomfortable given the quantum of development proposed and the juxtaposition between development site and heritage asset to concur with the view that the impact on the Lifeboat Station and its setting would be negligible, rather suggesting moderate harm.

When placing this categorisation (of potential impact) in a NPPF context it therefore follows that the proposed development is likely to lead to a less than substantial harmful impact to the significance of the listed Lifeboat Station and in accordance with para 134 NPPF “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

Whilst Officers are of the view that this summary of potential impact is a robust one, it should be noted that it is also felt that the potential harmful impact falls on the lesser side of less than substantial.

When weighed in the balance, and giving consideration to previous consents and the planning site history, one might concur that the relatively minor harm identified is outweighed in this instance by the public benefits promoted by the delivery of a well-considered and well-designed hotel complex which through an appropriate architectural response will sit most comfortably in its immediate environs. For the reasons as stated above I therefore raise NO Objection.’

July 2017 Addendum to previous consultation response(s) (see below).

Officers note that this proposed development which has been previously considered is once again being reviewed to allow for a debate to occur relating to the scheme’s viability and indeed acceptability with both national and local plan policy. Officers are of the understanding the scheme as now presented is exactly the same scheme that has been considered before, in terms of quantum of development, architectural treatment and positioning within the site. The scheme remains the same. Although a robust ‘Conservation Consultation Response’ has been offered previously (see below), Officers have been

granted a further opportunity to comment on third party representation made during the life of the application.

Response to Third Party Representation.

The 'Heritage Statement' submitted by 'Keep South Sands Beautiful' dated 24/04/2017 is worthy of much consideration.

This additional information supplied by third parties represents a most interesting and insightful document and although its authorship remains anonymous it does form a useful evidence base which should be considered in the decision-making process.

The documentary evidence cited within the report is enlightening and most fascinating with regards the provenance of the grade II listed 'Lifeboat Station' and aids the reader in gaining a fuller understanding and appreciation of this heritage asset.

Having read the contents of the report, Officers welcome an opportunity to review some of the views expressed within it.

Para 5.4.10 states: "the South Sands Hotel building does not dominate, nor particularly compromise the Lifeboat Station."

Officers would suggest that this statement is highly debatable and challengeable as it has always been a consistent Officer view that the introduction (and enlargement) of the South Sands Hotel, immediately adjacent to the Lifeboat Station has offered a significant disruptive and harmful impact on its setting.

Para 5.4.11 further seeks to downplay the impact of the adjacent South Sands Hotel on the setting of the Lifeboat Station by stating: "the negative impact of South Sands on the Listed Building and its original setting has been from the south only".

Again this view is highly challengeable as it dismisses the impact that the South Sands Hotel has had on the Lifeboat Station and its setting when viewed from its primary public vantage point, the east.

Para 5.6.6 suggests that the "stand-alone individuality of the listed building will be lost" (if the proposed hotel were allowed). Officers would argue that the immediately adjacent South Sands Hotel has already compromised the legibility of any stand-alone individuality that the listed Lifeboat Station once possessed.

Para 6.7 states that the new development "runs the risk of precipitating the loss of the present viable and appropriate use of the building, putting the future accessibility, care and maintenance of the Listed Building in doubt". Officers are unaware of the evidence to substantiate such a claim.

The 'Heritage Statement' refers to illustrative viewpoints and upon examination are indeed useful in understanding potential impacts, however they would have been more useful if the existing adjacent development (South Sands Hotel) had also been referenced therefore depicting a more accurate reflection of the current status quo.

It is clear from the above that Officers do not concur with the author of the submitted 'Heritage Statement' (Keep South Sands Beautiful – 24/04/2017) in regards to the impact of the existing immediately adjacent South Sands Hotel on the setting of the listed building and its overall significance.

Nevertheless the conclusions that are reached in the above referenced statement echo those that Officers have proffered previously, in that the 'setting' of the lifeboat station would be impacted upon given the proposed quantum of development and that resulting impact can be categorised (in NPPF parlance) as a 'less than substantial' harmful impact.

Therefore 'great weight' must be given to the Lifeboat Station's preservation and that of its setting when considering the planning balance and assessing any attributed public benefits afforded by the development, a point very well-articulated within the introduction of the submitted 'Heritage Statement' (Keep South Sands Beautiful – 24/04/2017).

In summary, as the scheme is exactly the same scheme that has been presented previously and taken into account the above referenced third party representation Officers offer no further comment than that previously expressed. (see below).

As a final note; Officers are aware of the continued dereliction of the site of the former Tides Reach Hotel which has occurred over a number of years since the closure of the former hotel. Arguably this continued dereliction is in itself adversely impacting on the setting of the adjacent heritage asset (Lifeboat Station) and the immediate environs.

- Historic England

No objection – refer to in house Conservation Expertise

- Environmental Health Section

No objections subject to the imposition of conditions in respect of unsuspected contamination, noise from plant and external lighting;

- Affordable Housing Section

'The Affordable Housing contribution for 4 x 3 bed and 6 x 2 bed apartments is £452,089'

- South Devon AONB Unit

The South Devon AONB Office supports the principle of redeveloping the Tides Reach Hotel as a hotel and in a manner that is consistent with the landscape and environmental constraints of the site's location and setting. However, in its revised form, we feel the current scheme fails to achieve this.

The South Devon AONB Office made known its concerns about the earlier application 2826/15/FUL prior to its recent revisions. Having carefully reviewed the revised application materials we do not feel that there is any substantive material change to what is being proposed that warrants a change in this earlier viewpoint. Our view can be summarised by the following:

The mass, bulk, design and prominent location of the proposed buildings constitutes an overdevelopment of the site and would dominate the beach head. The proposed buildings including one of 5 storeys above an elevated base, would appear as over-bearing to beach goers on South Sands itself and dominate views of the cove on approach from the water.

The design style of the proposed buildings appears stark and is at odds with the more muted and informal style of most other buildings in the immediate vicinity, including the South Sands Hotel and adjacent former lifeboat station. The proposals fail to respect the built character of the area. The applicant's LVIA states that "there is no defining architectural style within the cove as many of the more recent properties are a mix of styles popular at the time of construction with varying degrees of sympathy to the AONB context." This does not justify consenting another substantial structure that is not in sympathy with the AONB context.

☐ *The extension of new built development across almost the entirety of the beach head will be harmful to the existing semi-informal character of South Sands.*

☐ *The applicant's LVIA states that "The beach and cove has a secluded and almost timeless feel ..." The proposal does nothing to conserve or enhance this landscape or scenic beauty.*

□ *Redevelopment of the Tides Reach Hotel offers an opportunity to both conserve and enhance the South Devon AONB as required by its statutory purpose. This is an opportunity to improve on the design quality, appearance and fit of any new building in the secluded landscape setting of South Sands. The current proposal does not achieve this.*

For these reasons, the AONB office raises an objection to the application.

- South Hams Landscape Team

'Landscape Character and Visual Impact

The current proposal follows an earlier approved scheme for the redevelopment of Tides Reach hotel. The present hotel has been empty for a number of years and no longer contributes positively to the local character as it deteriorates. The proposed development differs from the existing approved scheme in a number of ways including design, scale and form, and also use of the part of the scheme for 10 apartments.

A Landscape and Visual Impact Assessment has been prepared by Cornwall Environmental Consultants (CEC Ltd) with the submission of an Addendum (CEC2672a). This has been reviewed and considered with reference to the current designs. It is the officer view that the current scheme, although differing in appearance from the approved scheme, is not considered to be substantially different in terms of impact on landscape character and visual amenity. For greater detail on these specific points and assessment of the baseline landscape character, please refer to my previous comments (41/2576/14/F).

Whilst the proposed development is within a highly sensitive landscape, this has again been recognised within the design approach and against the baseline position with the existing hotel.

Visual impacts of the new proposal have been assessed. As previously noted, the baseline conditions are poor in terms of the hotel and will be enhanced overall. Specific concerns raised over changes to views at beach level are noted; however, overall the scenic beauty will be conserved given the scale and form of the new proposal in the context of the valley and setting of South Sands.

In conclusion the overall impacts on both the landscape and visual amenity have again been carefully considered. The majority of affects are slight to negligible, with those noted as moderate, acknowledged; the resulting development is considered to be acceptable. The landscape character is conserved as a result of the re-development and therefore meets with current policy.

No objection raised.

Protected Landscape

The comments of the South Devon AONB are acknowledged. In noting the previous comments made by officers in relation to the former approved scheme, and with the same assessment of the current proposal, no overall objection is made. As noted within the NPPF (115), great weight is given to conserving landscape and scenic beauty. The AONB Management Plan 2014 – 2019 identifies the 'special qualities' and as stated, these have been duly considered in assessing the proposed redevelopment of the hotel. In particular, policies as set out in section 5.1.1 Landscape Character are noted. In view of the outlined policies and with an understanding of the local and wider landscape character and visual amenity, the principles are broadly met. The overall character and high scenic value have been conserved and mitigated through sensitive design. No objection raised.

Trees

The revised and updated Arboricultural Impact Assessment is agreed. A considered approach has been given to tree retention and opportunities for new tree planting which contribute to the landscape strategy

are supported. Trees adjacent to the site have been considered (also subject to TPOs) and no adverse impacts are anticipated. Recommendations and mitigation will be secured by condition including the submission of an Arboricultural Method Statement, Tree Protection Plan and site monitoring.

No objection subject to conditions

RECOMMENDATION: No objection subject to conditions as subsequently agreed

CONDITIONS: Arboricultural Method statement, tree protection plan and site monitoring, LEMP – to secure ecological enhancement and revisions to the final landscape scheme, Detailed landscape scheme'

- Natural England

Register concern regarding potential risk of nutrient enrichment,
Will not damage interest features of SSSI
Concern regarding potential impact within AONB
Request biodiversity enhancements

- SHDC Ecologist

No objection subject to a planning condition securing adherence to the recommendations within the submitted ecological report. *'The removal of the pitched roof would result in the loss of a summer, non-maternity common pipistrelle bat day roost. Demolition could also result in the killing and/or injuring of common pipistrelle (up to three individuals).'*

As a Habitats Regulations offence would result, an application for an EPS Licence will be required. The EPSL application will detail relevant mitigation measures including timed demolition of the building supervised by an ecologist, as well as compensatory bat box provisions. With respect the 3 derogation tests, the compensatory provision will ensure the 3rd Favourable Conservation Status test is satisfactorily met. With respect to the Imperative Reason of Overriding Public Interest test, the proposal will bring the site back into activity use, with economic benefits to the local area as a result of tourism.

There will also be housing which will contribute to meeting local need. With respect to the No Satisfactory Alternative test, the existing building cannot be retained in such a way which would maintain the existing pitched roof (and roost space). The options are to redevelop the building, with loss of the roost, or demolition. Accordingly there is no realistic alternative option that would retain a roost, however the proposal will ensure longevity of alternative roost space which will maintain the conservation status of the species concerned.

The 3 tests are considered met and it is reasonable to expect that Natural England would grant a EPS Licence.

Conditions:

- Adherence to mitigation measures detailed within section 4 of the EcIA.
- Pre-commencement submission of lighting scheme (reflecting requirements for avoiding impact on habitats used by bats)
- Works to remove the pitched roof shall not in any circumstances commence unless the LPA has been provided with either:
 - a) evidence that a European Protected Species Licence for bats has been issued by Natural England authorising the works to go ahead; or
 - b) a statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a licence.'

- Environment Agency

No objection subject to conditions. Highlight need for sequential test to be undertaken

- South West Water:

No objection provided surface water is not discharged to the public sewer. This has been confirmed by the applicants within their Drainage Strategy. Notice that public sewers on site will require diversion *'In response to the comments made by Natural England would confirm that the public foul drainage facilities are able and have adequate capacity to accommodate the development.'*

- Devon County Council – Children's Services

No objection subject to a financial contribution £7,074 towards secondary school transport

- Devon and Cornwall Police

Wish to see the proposals designed to full Secured by Design (SBD) certification and detailed comments are offered in respect of this.

- Flood and Coastal Risk Management Team

Objected to the original proposals due to the absence of a Drainage Strategy however, this has now been provided and the consultee is not objecting subject to conditions.

- SHDC Strategic Planning

Please see the policy response to proposal 2826/15/FUL. The response focusses on the emerging policies contained within the Plymouth and South West Devon Joint Local Plan that was submitted for examination on the 31st July 2017, and is scheduled for Examination in Public at the end of January 2018. The case officer has given due consideration to the conformity of the proposal with the adopted development plan policies. Given the emerging status of the Joint Local Plan however, it is considered that weight can be given to draft policies that are not the subject of unresolved objections, as outlined in paragraph 216 of the NPPF. The policies listed below are not considered to have any unresolved objections, and as such the local planning authority affords these emerging policies significant weight in decision making.

Plymouth and South West Devon Joint Local Plan

SPT1 – Delivering Sustainable Development; the delivery of a significant number of jobs, much needed homes as part of environment conscious proposal accords with the wider aims of the JLP.

TTV2 – Delivering Sustainable Development in the Thriving Towns and Villages Policy Area; the proposal accords strongly with the aims of this policy, as it positively responds to the settlement hierarchy, in that the South Sands Hotel is well associated with Salcombe, despite being located outside the draft settlement boundary. Salcombe is identified as one of the 'Smaller Towns' within the TTV settlement hierarchy, and as such the proposal can be considered to be consistent with policy TTV2. The site effectively reuses a brownfield site, which contributes to this proposal being considered as a sustainable solution that encourages rural enterprise and tourism.

Policy TTV31 – Development in the Countryside; the proposal site is outside the draft JLP settlement boundary and adopted development boundary for Salcombe. The JLP uses walkability distances to promote the creation of linked neighbourhoods, with a distance of 800m, or a 10 minute walk, a well-established benchmark.

Whilst the proposal site sites outside the 800m threshold to meet the majority of services and amenities, a local café and bus stop are within the 10 minute walking range, allowing for access to local services

via public transport. The behavioural patterns of tourists should be considered as slightly different from residents, as often people on holiday will chose to walk, cycle or use public transport for journeys that they may otherwise have used the car for. There is also a water taxi from South Sands to Whitestrand in the centre of Salcombe, and from a tourism point of view, the detachment from the town centre is not considered to merit a clear policy conflict.

The provision of residential apartments in this location requires a different type of consideration, not least because applying the same argument as has been made for the behavioural pattern of tourists is required for consistencies sake, and concludes that people living, rather than holidaying, in this location would be less inclined to walk 800m to the nearest bus stop to access local shops and services, and would be more likely to take the car.

The residential offer is not going to meet an identified local housing need in terms of affordability, and nor will it contribute to a housing mix that benefits young, working families, or older people looking to downsize. This weighs against the proposal, and needs to be considered against the considerable economic benefits offered by the new hotel, and benefits of redeveloping a brownfield site adjacent to a town that is prominent within the wider TTV settlement hierarchy.

The proposal accords strongly with policy DEV15 – Supporting the Rural Economy; in that it is considered to be an appropriate expansion of an employment site, and also reuses suitable buildings for employment uses.

This policy response does not include consideration of specific impacts on the natural or historic environment, as comments from specialists in those fields will be of greater weight than a generic statement of policy compliance.

It is acknowledged that the balance of considerations is not straightforward in this case, and that the case officer is best placed to weigh the benefits and impacts that will inform their recommendation. There are some policy conflicts, but the proposal also strongly accords with other policies. Without having the benefit of the full suite of consultation responses, and recognising the sensitivity of the proposal site, it is not considered beneficial in this instance for the Policy Team to provide a formal support or objection, but to offer a clear indication of the relevant policies for consideration.

- Salcombe Town Council

08/08/2016 – ‘No objection but a Highway condition survey and construction management plan was requested’

13/04/2017 - Objection if the assessment from this report is that the development is not viable.

- Malborough Parish Council

Objection - The Parish Council, agreed at their July 2016 meeting, that the site does need redevelopment but this has to be appropriate to the site with supporting infrastructure and a considered build strategy re access and impact. These concerns need to be addressed before the Council can approve any re-development.

Representations:

Approximately 160 letters of support and 90 letters of objection had been received at the time this report was originally presented to Development Management Committee in September 2016. All letters of representation can be viewed on the Council’s website. A further approximately 200 objections and 160 supports have been received following the scheme’s previous appearance at Development Management Committee. Please note, this includes subsequent representations made by individuals who had previously commented on the planning application.

The representations therefore reflect comments submitted regarding both the previous scheme and the revised scheme which has been subject to full formal readvertisement and reconsultation. Comments made within the submitted letters of objection are summarised as follows:

- Will erode the rural character of South Sands
- Will harm the character and appearance of the South Devon AONB
- The additional massing is excessive
- Will harm the special interest of the adjacent listed building
- Will lead to loss of light to public areas
- Will lead to flooding of adjacent sites
- Extension of new building across open areas in AONB and on Heritage Coast is not appropriate
- The footplate and volume amount to overdevelopment of the site
- Unsuitable design for AONB or Heritage Coast or within setting of Heritage assets and the Ancient Monument
- Blocking of view from a number of vantage points in the AONB, Heritage Coast, including from estuary and East Portlemouth
- Obstruction of open views from the existing mobile home park and public footpath
- Choice of many materials not in keeping
- Design does not complement existing built form
- Proposed building elements are discordant and alien
- Design out of keeping with locality
- Loss of existing visual break between the new buildings and the Life Boat House/South Sands Hotel
- Loss of rural character of South Sands
- Overbearing impact on small beach
- Loss of sunlight to beach in later parts of the day
- Loss of public parking provision and storage for boat trailers.
- Site is isolated from public services and transport
- Change of existing use from public parking to private not acceptable unless new public parking provided elsewhere.
- Inadequate level and type of new parking proposed
- Questions TRICS data used in Transport Assessment
- Oil tanks, calor gas storage positions not acceptable
- Light Pollution
- Noise during construction
- Noise Pollution from hotel use
- Noise from refuse collection and recycling
- Odours/fumes
- Increased use of lane down to the beach should not be permitted
- Questions reality & degree of positive local economic impact
- Effect of excessive increase in hotel bedrooms on viability of existing hotel
- Loss of existing local business related to beach because of removal of parking
- Questions whether or not employment will be for local people
- Negative impact on tourism and related employment by virtue of the area becoming overbuilt, spoilt and generally less attractive
- Impact on drainage/sewage disposal
- Stability of public footpath adjacent hotel & parking excavations
- Impact on footpath during construction should be minimised
- Individual neighbour notification not carried out
- The applicant is orchestrating a campaign of third party support
- New residential development will enhance community spirit
- Hotel on site is vital for economic wellbeing of the area
- Continued degradation of the site is harmful

- The lack of a parking area / closure of toilets is harmful to the local economy
- Reopening the hotel will lead to economic harm through increased competition with other business
- The 10 residential units are not necessary to ensure viability, especially as a 400k planning obligation is agreed
- Various criticism of the Council's and applicant's approach to viability assessment
- This could be a forerunner to a less policy compliant scheme

Comments made within the letters of support are summarised as follows:

- Will make a positive contribution to the character and appearance of the area
- Compliments its surroundings
- Will sit well within valley
- Will be attractive
- The site is in need of redevelopment and is an eyesore
- Will boost the local economy supporting other businesses
- Will lead to creation of employment for local area
- Will bring more tourists into the area
- Will provide additional restaurant facilities
- Will provide acceptable levels of parking provision

Officers acknowledge that a number of letters of support are submitted using a standardised letter template.

Relevant Planning History

The existing hotel has been subject to numerous planning permissions relating to various extensions between the years 1975 and 2010. Two applications that were refused by the Local Planning Authority are:

- 41/0689/81/3 Estuary wing extension. Refused 28th May 1981
- 41/1323/89/3 Alterations and extensions to staff and guest accommodation. Refused 6th July 1989. This application involved the addition of a storey of accommodation with pitched roof on the existing south west guest accommodation wing. The reasons for refusal of the application were:

(a) The site is situated within the South Devon Area of Outstanding Natural Beauty and the proposed development would be detrimental to the character and appearance of this area where there is a presumption against new development except where this is necessary to the economic or social wellbeing of the area or where it will enhance its character neither of which criteria are applicable in this case.

(b) The site falls within a Coastal Preservation Area within which the Local Planning Authority will normally only permit certain development as identified in the County Structure Plan. The proposal is not one of these and therefore is contrary to that Plan.

The application was dismissed at appeal on 28th December 1990. The central issue in the appeal was the impact of the proposal on the character and appearance of the local landscape. The Appeal Inspector considered that the proposal would make the accommodation more prominent and intrusive because of its extra bulk and height. The Inspector found that the impact on views from public vantage points would materially harm the landscape amenity of the area.

Detailed consideration in the analysis section of this report is given to the impact of the current proposals on the character and appearance of the area and the Area of Outstanding Natural Beauty, Heritage

Assets and also to economic, environmental and social benefits. Whilst acknowledging previous planning refusals on the site, it is important to recognise that planning policies have fundamentally changed since these decisions. The current proposals must be assessed against existing development plan policies and advice contained within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

- 41/2576/14/F - Redevelopment of hotel to comprise of 51no. bedrooms, bar and restaurant, residents lounge, spa, swimming pool, ancillary service space and parking – Conditional approval

Analysis

Principle of Development

The scheme seeks the redevelopment of the existing C1 Hotel use but also introduces a new C3 use with the ten proposed residential units. The provision of the ten C3 units makes this a major development and also a departure from the housing policies of the Development Plan. The scheme is also considered to constitute a major in AONB terms.

With regard to the redevelopment of the hotel, one of the key policies to consider in the determination of this application is DP12 Tourism and Leisure.

However, this policy (nor any other in the Development Plan) does not specifically address the issue of renovated and extended hotels. However, the investment into the site, replacing the existing tired buildings with a modern purpose built hotel, will support the objectives of rural regeneration. Whilst not explicitly referenced in Policy DP12, the proposed development has benefits very much in the spirit of the Tourism and Leisure Policy. As such, the principle of redevelopment of the hotel can be supported. The policy team have also indicated that this scheme accords strongly with policy TTV2, although as an emerging policy this is given limited weight.

The residential element of the scheme leads it to conflict directly with local plan policies CS1, DP15 and SHDC1 and the equivalent policy TTV31 within the emerging Joint Local Plan which seek to direct new residential development into or near to residential areas within settlement boundaries, and away from isolated rural locations. Due to these policies, the Local Planning Authority is generally resistant to new residential development in areas such as the area around South Sands, and this approach is consistent across the current and emerging Development Plans. This recommendation of approval is at odds with these housing policies.

The implication of this policy conflict and residential development in this area is isolation from services, and a dependence on the motorcar; issues raised both by the policy team and within the planning balance. The emerging policy TTV31 also requires housing to meet a local need but again this is an emerging policy of limited weight, and it is also acknowledged that the scheme makes a near policy compliant off-site contribution to affordable housing.

In this case these new residential units are an element of the wider mixed use scheme for redevelopment of the existing site and the planning application must be considered on its overall merits within the planning balance. As stated above, the applicants have submitted that the ten residential units are a necessary element of the scheme in order to secure its viability.

The proposed residential units will make a contribution to housing provision in a general sense. The emerging Joint Local Plan identifies a robust 5 year housing land supply, however the evidence base for this has yet to be tested; as such limited weight can be given to this at present. Officers have to take in to account the fact that the Council is currently unable to demonstrate a five year housing land supply and therefore the adopted policies which relate to the supply of housing have limited weight.

Planning Obligations and Viability

The Council's Affordable Housing team has stated that planning policy triggers the requirement for a £452,089 off site sum to Affordable Housing provision within the South Hams.

The Council's independent assessment of the viability of the scheme has concluded, within the latest draft report, that the scheme would in normal circumstances fail to reach this figure and that £150,000 is the maximum viable payment that can be made. The Council's assessment has also tested the necessity of the ten apartments by exploring a high level scenario where one apartment is removed from the scheme and substituted with additional hotel rooms. The assessment indicates that removing an apartment from the scheme leads it to become financially unviable, and the Council therefore concludes that the ten residential apartments are necessary to render a viable development.

However, the agent has indicated that a 400k figure will be offered, based on the specific expertise and circumstances of the applicant, and the long term financial strategy of the applicant. Officers must therefore decide which figure to base the planning assessment upon.

The government's Planning Practice Guidance is helpful in guiding the Council's approach with regard to this matter and is a significant material planning consideration. It confirms in paragraph 002 that *'There is no standard answer to questions of viability, nor is there a single approach for assessing viability.'* It states in paragraph 015 that *'The National Planning Policy Framework states that viability should consider "competitive returns to a willing land owner and willing developer to enable the development to be deliverable" This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should therefore be avoided and comparable schemes or data sources reflected wherever possible'*

The agent acting for the applicant has stated that *'This particular case is unique because the developer is also the Hotel Operator and consequently can take a longer term view on both profit and incentive. Furthermore, the applicant has an established track record of delivering hotels in similar situations which reinforces the above.'*

'The applicant fully accepts the need for the development to contribute towards the three dimensions to sustainable development and considers the £400k contribution to be justified whilst ensuring that the development provides sufficient return such that the development is both viable and deliverable. If approved the applicant intends to develop the site at the earliest opportunity and therefore is clearly incentivised.'

'I hope that, given the very clear advice into the NPPG regarding returns varying significantly between projects and the avoidance of the application of rigid profit levels, you will agree that not only is the development highly desirable in environmental and economic terms but also viable and deliverable in the specific circumstance of the applicant being able to take a longer term view of viability and profit margins.'

Officers also note that the main area of dispute between viability experts is the value of the land. This is a subjective, professional judgment which is reflected in the difference in opinions. The Council's viability experts have agreed that analysis of the site value represents a *'rudimentary and subjective analysis'*

On the basis of these circumstances, the expertise and situation of the applicant, his long term financial strategy, and as the additional sum goes a significant way towards achieving the stated policy requirement for Affordable Housing, officers would accept the 400k contribution and the planning benefits to the scheme that it provides if members are minded to approve the application. The incentive to begin the development is also reflected within the recommended time limit condition, which requires commencement of the development within 18 months of the date of issue.

Paragraph 116

As a major development within the AONB, paragraph 116 of the NPPF is engaged. It reads that: *'Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.'*

Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;*
- *and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

The scheme seeks the renovation and redevelopment of the Tides Reach Hotel and cannot therefore logically or sensibly be accommodated elsewhere.

This is a brownfield tourist related site within a highly regarded tourist area. The hotel is closed, the site is degraded; it is currently harmful to the character and appearance of the environment. There is therefore a need for redevelopment of the site and it is in the public interest to secure it.

In the absence of any viable alternative, the impact of refusal would likely be the continued degradation and sterilisation of this tourist asset and the continued absence of any positive contribution to the economy.

The inclusion of ten residential units of accommodation is considered by the Council's viability experts to be essential to render a deliverable development.

It is the opinion of officers that viability is based on a complex number of variables and it would be inappropriate and overly simplistic to suggest that removal of certain elements of the proposal, such as the planning obligation, would necessarily lead to a net reduction in residential units or reduction in the massing of the proposed development and thus a reduction in its impact. It does not necessarily follow that a reduction in the number of units would lead to a reduction in massing nor that a reduction in massing itself would lead to an alternative scheme which would be more or less policy compliant.

In the purest terms any larger or extended building within the AONB could be argued to challenge character. In this case the proposal is the culmination of lengthy and prolonged discussion between the applicant and Council officers, and the development has clearly been designed in such a way as to lead to minimal intrusion and impact on the surrounding context, but also to ensure delivery of a development which is viable.

Having considered the merits of the design response and having now considered a multitude of expert opinions regarding viability, the Council is satisfied that there is no alternative scheme which should be supported, nor indeed has the Council been presented with robust or reliable evidence of any alternative scheme which should be supported. As such, officers conclude that the need for the development could not be met in some other way and are satisfied that the impacts of the development could not be further moderated.

No detrimental impact on recreational opportunities will arise. Also a benefit of redeveloping the site is the opportunity to replace the existing hotel buildings which are having a negative contribution to the character of the area and to provide a degree of controlled public parking, of which there is currently an absence. Although parking has been provided previously, this is purely circumstantial and is currently beyond any planning control.

The specific characteristics and attributes of this site and its setting are considered by officers to provide the exceptional circumstances where a mixed hotel and residential redevelopment can be supported on the site and can be considered in the public interest. Officers are therefore satisfied that the proposal meets the requirements of paragraph 116 of the Framework.

This analysis will now consider the proposed development in relation to the economic, social and environmental dimensions of sustainable development as set out in the NPPF

Economic Impact

The proposal will result in investment to provide a much improved 4* hotel on the site. This will contribute significantly to the local economy both during construction and thereafter creating in the region of 65 full time jobs and investment in the local area. In the submitted Economic and Employment report it is stated that

'Total direct employment generated by the development and extension of the existing hotel will be 43 worker-years of employment, which can be considered equivalent to four Full Time Equivalent (FTE) permanent jobs in the local economy. The operation of the hotel, spa and restaurant will create a further 60 jobs (54 FTEs). Because of the rural location of the hotel and the likelihood that it will draw visitors to the local area who would not visit the area otherwise, we have assessed the impact of those visitors' additional spend in the wider local economy as £369,000 per year. We have also looked at the impact of new residents' spend on convenience goods in the local economy, and estimated that at £70,000.'

The Government is committed to securing economic growth in order to create jobs and prosperity. Significant weight should therefore be placed on the need to support economic growth through the planning system. (Paragraphs 18 & 19 of the NPPF). The NPPF states 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 (Para 28).

Sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside should be supported. It is therefore clear that the proposals will contribute significantly to the economic well-being of the area and, in addition, will enhance the tourism offer of the South Hams and within the South Devon AONB.

This is particularly welcome as the applicants have evidenced that investment in the hospitality industry has been in decline and that some 13 hotels have closed across the South Hams in the last 20 years. Investment in this important site is therefore supported and encouraged by the NPPF. Nonetheless, these significant benefits need to be assessed against the other material planning considerations in the planning balance.

Third parties have questioned the accuracy of the economic detail submitted in support of the application but the Council has seen no substantive evidence to reach that opinion and the Council affords significant weight to the economic benefits associated with the proposed development.

Although comments regarding any increased commercial competition resulting from this development are understood, the Council do not regard commercial competition to be a significant material consideration in this case; it has been well held and established that it is not the planning system's role to stifle commercial competition nor preserve existing commercial interests.

In addition to that point of principle it is also highlighted by officers that this is an existing hotel land use, and the development does not introduce a new enterprise into the area but ensures the renovation and retention of an existing business. All commercial decisions taken in the area for decades have been within the context of an existing hotel land use at Tides Reach, and any negative commercial implications of Tides Reach being redeveloped and reopened are considered to fall within the guise of being commercial not planning related, and not of significant material consequence to the outcome of this application. The applicant has supplied an appeal decision (APP/A2525/W/17/3171261) which

states that *'it is clear that planning is unable to impact on market forces through the prevention of competition'*

Design, massing and proposed materials

Paragraph 60 of the Framework states that *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*

Officers have fully considered the concerns raised by third parties and consultees regarding the design response, notably relating to its scale, massing, design, use of materials and its subsequent impact upon the designated landscape and the setting of heritage assets.

The scheme is considered by officers to reflect a sound appreciation and understanding of the character of the site and wider constraints, and presents a range of buildings which, through scale, positioning, orientation and finish materials sit within the site in a reposeful manner. The building has its own identity but presents elements of the local vernacular which show an appropriate adherence to local distinctiveness. The scheme is considered to represent a well-articulated and appropriate, high quality design response.

Visual Impact, landscape character and the AONB

Visual Impact and landscape character

Part of the consideration of the environmental sustainability of the development proposal is the impact on visual amenity and landscape character. The issues of scale and design of the proposals are central to understanding how visual amenity and landscape character will be affected. It is unavoidable that the introduction of new built forms within this environment will lead to a greater physical presence within the site which will challenge retained rural character. However, the design of the proposal takes a clear reference from and understanding of its sensitive setting and, due to its specific design and form, will not appear incongruous within this location.

The renovation and remodeling of the existing hotel building, including the introduction of twin gables to the waterside, will lead to an enhanced building with a greater conformance to the local vernacular and a positive contribution compared to the existing building.

The separate wing, again, proposes a gable end but will be set back from the front of the site. The middle element will be substantially set back and provides a simple design which, coupled with its positioning, will allow it to be recessive in its visual impact. In particular, the setting back of the development and its design will prevent the buildings at the beachhead reading as a singular mass, and will allow for a visual break between the separate buildings.

The area surrounding the site is already developed to an extent by other buildings and the redevelopment as proposed will not have a harmful impact upon the undeveloped character of the Heritage Coast. The success of this design approach is dependent on the quality of material finishes and a condition is therefore imposed requesting samples of finish materials prior to their installation. Similarly, the scheme proposes a well-considered landscaping scheme which mitigates for the loss of felled trees and will further and demonstrably assimilate the development into the site.

Impact upon the Heritage Coast and South Devon AONB

The application site is situated within the South Devon Area of Outstanding Natural Beauty, which is a land designation afforded the highest status of protection by local and national planning policy and by the Local Planning Authority. It is also within the Heritage Coast, a designation protected by local and national policy in its own right. The Heritage Coast designation seeks to protect the undeveloped quality

of the coast line and improve accessibility. Any adverse impact on the Heritage Coast needs to be afforded significant weight.

The existing building, owing to its degraded and abandoned state, is considered by officers to provide a negative visual contribution to the local context, Heritage Coast and wider AONB. Officers have carefully considered the response from the AONB unit but respectfully disagree with elements of its findings and respond as follows:

‘The mass, bulk, design and prominent location of the proposed buildings constitutes an overdevelopment of the site and would dominate the beach head. The proposed buildings including one of 5 storeys above an elevated base, would appear as over-bearing to beach goers on South Sands itself and dominate views of the cove on approach from the water.’

Officers believe that the built form is on an adequate ratio of the site, avoiding overdevelopment of the plot. Officers do not agree that the scheme will dominate the beach head as the new elements, particularly the middle section, are both set back into the site. The setting back of these elements aid the assimilation of the proposal into the site and its surroundings and this is further accomplished both by a high quality and well considered materials palette, and through the provision of appropriate landscaping. This is not an undeveloped site, and its degraded state is harmful to the Heritage Coast Designation. The proposal serves the dual purpose of providing a high quality redevelopment well considered within the Heritage Coast setting whilst allowing accommodation within a reopened hotel and 5 public car parking spaces controlled through the planning system.

‘The design style of the proposed buildings appears stark and is at odds with the more muted and informal style of most other buildings in the immediate vicinity, including the South Sands Hotel and adjacent former lifeboat station. The proposals fail to respect the built character of the area. The applicant’s LVIA states that “there is no defining architectural style within the cove as many of the more recent properties are a mix of styles popular at the time of construction with varying degrees of sympathy to the AONB context.” This does not justify consenting another substantial structure that is not in sympathy with the AONB context.’

Officers do not agree that the surrounding architecture is muted or informal; the repetition of the dormers within the South Sands Hotel for instance, its large and singular massing and the prominent and decorative gable of the listed lifeboat house are not considered to be either informal or muted.

Overall, the proposed development is considered to demonstrate a design response which is modern in outlook but features elements of the local vernacular, such as the gables, and achieves a degree of interest without sacrificing an adherence to local distinctiveness.

‘The extension of new built development across almost the entirety of the beach head will be harmful to the existing semi-informal character of South Sands.’

Officers have evaluated the character of the beach head and note that its original openness and undeveloped character has already been largely compromised by the presence of the caravan and camping site, the South Sands Hotel and the existing Tides Reach building itself.

Again, although views from the water are an important receptor and one from where the visual impact of the proposal will be most noticed, this view has already been changed and compromised significantly by the existing group of buildings at South Sands. This is not an open and unaltered natural landscape but a landscape with existing manmade structures at the beachhead.

The introduction of additional built forms into this area will, by its very nature, challenge a degree of rural character and the relative openness of the site and this change will be experienced from public receptors on the water and on the land, as submitted within the LVIA and by interested third parties.

However, although the visual impact upon the AONB is acknowledged, officers also believe that the specific design response, the setting back of elements of the building, the clever use of materials and the implementation of a sympathetic landscaping scheme reduce this visual impact to the extent that the harm is restricted to being from specific vantage points, is considered to be minor and that, overall, landscape character and the AONB designation are broadly conserved.

Although there will be a greater degree of light emission from the larger development, officers consider it reasonable, enforceable and proportionate to attach a planning condition to this recommendation which will manage and control the lighting specification at the site.

As users of the SW Coastal Path pass onto the beachhead they enter an area which contains a noticeable level of built development. The proposed development, by virtue of its design, will sit appropriately within this context and will not prejudice the integrity of the SW Coastal Path. Officers have carefully considered the content of the AONB Management Plan as a material planning consideration when reaching this view

Trees

The revised and updated Arboricultural Impact Assessment is agreed. A considered approach has been given to tree retention and opportunities for new tree planting which contribute to the landscape strategy are supported. Trees adjacent to the site have been considered (also subject to TPOs) and no adverse impacts are anticipated. Recommendations and mitigation will be secured by condition including the submission of an Arboricultural Method Statement, Tree Protection Plan and site monitoring.

Tourism

Officers have carefully considered the content of the AONB Management Plan as a material planning consideration. Officers note that a successful, viable and sustainable tourism sector makes an important contribution to the economy, character and attractiveness of the AONB and that this scheme is an opportunity to provide a tourist asset with a significant and long term economic impact within the designated landscape.

Officers are unconvinced that the redevelopment of this existing land use will prejudice the integrity of nearby tourist uses, and the demonstrable economic and employment benefits of retaining this existing land use, within the leisure context presented within the submission, is overriding.

Impact on Heritage Assets

As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether or not to grant planning permission, special regard needs to be given to the desirability of preserving the setting of any listed building affected by the development. Section 12 of the NPPF expands on the requirements of Local Planning Authorities in decision making on development affecting listed building and their settings. Great weight should be given to the assets conservation. Where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless there are exceptional circumstances. Where less than substantial harm is caused this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. In respect of 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 asset.

A detailed Historic Environment Assessment (HEA) accompanies the planning application. This document identifies the heritage assets and their settings affected by the development as:

- The grade II Registered Park and Garden (RPG) at Overbecks
- Scheduled monument of Salcombe Castle
- Grade II listed Life Boat House

- The Grade II listed Moulton approximately 0.35 Km to the north east

This Registered Park and Garden lies approximately 200m to the south of the development site. However, as stated in the submitted HEA, most of the designed views from the gardens face south and east and while there are glimpses of Tides Reach from paths on the north side, these views are mostly hidden by trees and thick foliage. It is therefore considered again that the development would not result in any harm to its setting.

The Moulton (grade II)

The Moulton lies approximately 0.35 Km from the site. Although the new development would not be visible from the house itself, its summerhouse or Mews Cottage, it would be possible to see it from the walled garden in its grounds, which is listed by association. Again, most views of the new, proposed building are those that currently include the existing one, which is not sympathetic in its current form. Furthermore, the principal views from this space, strongly accentuated by the gradient, are over the water, rather than back to South Sands. For these reasons, the proposal is considered to have a neutral impact on the setting of The Moulton and not to result in harm. Scheduled Monument of Salcombe Castle (SAM)

Again the potential impact upon this Scheduled monument is considered within the submitted HEA. Officers agree that the significance or setting of this heritage asset will not be harmed as a result of the proposals.

Lifeboat House (grade II)

The submitted HEA and subsequent addendum in respect of the revised proposals advises; *"The current designs for the new extension have taken into account the comments of South Hams District Council and maintain a development gap in the landscape to the west of the Lifeboat House. The design and location of the new extension will reduce the potential visual influence of the hotel in views up the valley from South Sands Beach.*

We consider that the scheme will have a negligible impact upon the visual setting of the Lifeboat House when viewed from certain directions, but no change from all other views. The historic setting forms part of the significance of the building and this will remain unchanged.

The development will therefore have no change on the significance of the Lifeboat House. No change on the significance of other nearby designated heritage assets is predicted."

The juxtaposition of the proposed gable end to the listed Lifeboat House will render a moderate harmful impact on the designated heritage asset, as has been identified by the Council's heritage specialist.

The Council's heritage specialist has qualified this to be 'less than substantial' and is not objecting, stating that:

'When weighed in the balance, and giving consideration to previous consents and the planning site history, one might concur that the relatively minor harm identified is outweighed in this instance by the public benefits promoted by the delivery of a well-considered and well-designed hotel complex which through an appropriate architectural response will sit most comfortably in its immediate environs. For the reasons as stated above I therefore raise NO Objection.'

Due to the impact on the lifeboat house the scheme is in conflict with policies DP6 and CS9. However Officers concur with the assessment and overall conclusion reached by Conservation colleagues.

In reaching this judgment officers have had special regard and given great weight to the desirability of preserving the setting of any listed building affected by the development as required by Section 66(1)

of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether or not to grant planning permission.

Historic England has confirmed that it does not intend to comment and is satisfied to let the Council consider the potential impact upon heritage assets in accordance with national and local policy and having regard to specialist heritage advice.

Neighbour Impact

The application site is positioned at a low point within the valley. The nearest residential property is Oversteps. This dwelling is sited to the north on higher ground. The topography of the land and the distance between Oversteps and the hotel means that there will be no significant impact on amenity for the occupiers of Oversteps such as dominance, overshadowing, privacy and loss of outlook. Other properties to the north of the site are positioned even further away from the proposed development and will not be so affected in terms of residential amenity to justify a refusal of planning permission.

To the south east of the application site lie a number of residential dwellings including the Old Cottage, Little Cottage and Monte Petri. South Sands Hotel is positioned between these dwellings and the proposed site of the redeveloped hotel. The distance between the dwellings and the proposed development, and the presence of the South Sands Hotel, means that the proposed development will have little impact on these dwellings in terms of residential amenity.

Dwellings to the south and south west of the application site (including South Sands Lodge, Lazylands and Many Steps) will be separated from the new development by the proposed car park, existing car park to the South Sands Hotel and Combe Road.

Residents of properties along Combe Lane will view the hotel against the backdrop of steeply rising woodland. Whilst removal of trees will increase visibility of buildings on the site, it is nevertheless considered that an acceptable neighbour relationship would exist between the development and existing dwellings

Southern Mill Farm Caravan Park comprises approximately 60 permanent caravans. A recreation area separates the caravan plots from the application site. Officers consider that by reason of the existing use of the site as a hotel, the distance separating the caravans from the new building, and the partial screening of the development offered by trees, the proposal will not result in an unacceptable loss of amenity to the occupiers of the caravans.

Concerns have been raised in representations about light pollution at night from the hotel building and also from lights of cars using the car park. Concerns have also been raised about impact of noise from guests using the building, noise from plant associated with the hotel, noise arising from recycling and noise associated with vehicles using the parking area.

With regard to light pollution from the development and lighting to external areas during hours of darkness, a condition is proposed to be attached to any planning permission to enable the Local Planning Authority to control lighting details (emission from glazed areas of the building itself and luminance physical external lighting proposed). Such control is necessary in terms of limiting the impact of light pollution on the locality within the Area of Outstanding Natural Beauty, limiting impact on neighbour amenity and limiting light pollution for ecological reasons.

In terms of the impact of car lights in hours of darkness to occupiers of the adjacent caravan site, the detailed landscaping of the parking area will be important to minimise harm. This issue may be controlled under the proposed Landscape and Ecological Management Plan condition.

Given the existing use of the site as a hotel, the increase in noise associated with the use of the new hotel building and car park area by guests etc will not result in any significant increase in noise pollution beyond the level that could be expected under the present situation. A condition has been

recommended by Environmental Health to control the level of noise that will be emitted from plant associated with the development.

The position for rubbish storage adjacent to the public toilets and opposite South Sands Hotel has raised some concern in representations. It is considered appropriate by officers that the main rubbish storage facility is in close proximity to Cliff Road where collection can easily take place. Concerns about rubbish vehicles blocking the road cannot be substantiated given the nature of roadside rubbish collection that generally exists across the district. Details of the storage facility have not been provided and so this issue is subject to a condition to enable the Local Planning Authority to control the detailed design and appearance of the structure for reasons of visual amenity and to control odours.

The residential element of the scheme has been designed in a way which provides a good standard of amenity for all future occupants of the residential units.

A degree of noise and disruption during the construction phase is unavoidable but can be, so far as is reasonable, managed through the requirement to submit a Construction Environment Management Plan condition prior to the commencement of development.

Highways and Access

Cliff Road is a relatively narrow road that connects Tides Reach Hotel with Salcombe. Cliff Road is a shared route for pedestrians (as part of the South West Coast Path), cyclists and vehicle drivers. It is proposed to use the existing point of access to the car park from Cliff Road to the south of the existing hotel to serve the hotel and spa. The proposed apartments will have dedicated car parking and turning adjacent to the entrance to the apartments such that no harm to highway safety will arise.

Devon County Highways have confirmed that they have no objections to the proposals subject to the imposition of conditions requiring the submission and approval of a Construction Traffic Management Plan and also requiring no waste to be deposited on the public highway. A number of objectors have stated that the proposals will result in the loss of public car parking. This is not the case. The site is privately owned and any public car parking has been on a strictly permissive/discretionary basis.

As part of the discussions with the applicants, it has been agreed that 5 public pay and display car parking spaces will be provided. The highways officer has indicated that the provision of five parking spaces to serve the public is acceptable in planning terms. Even with the five parking spaces, the applicants have demonstrated that a parking space will be provided to serve each apartment and each hotel room. The five public parking spaces will be legally tied to the s106 agreement. The provision of formalised public parking which is secured through legal agreement is a betterment compared to the current informal arrangement.

In terms of parking provision, the Local Planning Authority does not set minimum parking standards and must only consider what level of parking is necessary for the development to function without causing safety concerns to the local highway network. Officers are satisfied that the proposed parking will be adequate for the scale of the development. The Travel Plan can be required by condition and will include a section to address travel arrangements for staff.

Flooding and Drainage

The preparation of the Drainage Strategy has been an iterative process informed by discussions with the Council, the applicant, Devon County Council, the Environment Agency and South West Water.

Foul sewage will be disposed of to the main sewer, as is the current situation. Surface water will be disposed of to an existing watercourse. Features have been incorporated into the design of the surface water drainage network to protect water quality. These features are outlined in section of the submitted Drainage Strategy. This will be an improvement on the existing drainage arrangement whereby surface

water is discharged into the combined sewer. There will be a large reduction in peak flow from the combined drainage network.

South West Water has confirmed that it raises no objection to the development, as do the lead flood authority, Devon County Council, subject to appropriate conditions. Based on the drainage strategy submitted, in addition to the input of specialist consultees, officers are satisfied that the scheme presents appropriate methods for the attenuation and disposal of surface water runoff and the disposal of foul water without the potential for nutrient enrichment within the adjacent SSSI.

Flood Risk and Sequential/Exceptions Test

The application site straddles Flood Zones 1, 2 and 3a and 3b. Paragraph 101 of the NPPF states that;

“The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

The Environment Agency has confirmed that it has no objections to the development subject to the imposition of conditions, which are indeed imposed, and to the Council undertaking the sequential and exceptions tests in accordance with the NPPF. These tests are undertaken as follows:

Sequential approach to the development proposal

In relation to the sequential test, officers have considered whether the development could take place on an alternative site outside of flood zones 2 and 3. However, as with the previously approved application, Officers have taken the view that the search area should be restricted to the town of Salcombe and area bordering the Kingsbridge – Salcombe Estuary. The reason for this is the strong contribution that tourism makes to the local economy in this highly scenic area within the South Devon

AONB. It is concluded that the development could not reasonably take place elsewhere due to a combination of factors such as;

- The small number of existing hotels within the identified area none of which would be capable of accommodating the same scale of development without causing substantial harm;
- The absence of a 5-year Housing Land Supply which effectively renders the Council's Housing policies out of date (Paragraph 49 of the NPPF). The residential component has been shown to be necessary to bring the development forward and therefore it is considered that the development as a whole cannot be reasonably achieved elsewhere;
- The stated benefits of regenerating the existing site within the AONB would not be achieved by directing the development to an alternative site.

Having regard to the above it is considered that the development passes the sequential test as no reasonable alternatives exist outside of Flood Zones 2 and 3 which would achieve the same objectives.

The Exceptions Test

Paragraph 102 of the NPPF further states;

‘If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*

- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

Both elements of the test will have to be passed for development to be allocated or permitted. In this case, it is considered that the development provides wider sustainability benefits to the community that outweighs the flood risk. These benefits include the enhancement of the site and the re-introduction of a viable and vibrant hotel with associated bar, restaurant and spa facilities. The investment into the local economy will also generate significant local employment opportunities and will support indirectly local businesses through increased spend and business with the hotel.

In addition, a Flood Risk Assessment has been submitted which confirms that the development will be safe for its lifetime taking into account the vulnerability of its users and that flood risk will not be increased elsewhere.

As a result, it is considered that both the sequential and exceptions test are met. Officers note the comments made by the landowner directly behind the site. Following discussion with the applicants it has been confirmed by them that *'the leat will be removed and a simple sluice can be used to fill the pond with no impact upon the adjoining land'*. Details of this can be confirmed within the landscape condition.

Ecology

The ecological appraisal submitted by the applicant indicates that there will be not harmful impact on ecology and the adjacent SSSI, and Natural England are not objecting to the proposal. South West Water has not objected to the proposal which indicates that the proposal can be accommodated within the existing sewage network and will not lead to additional nutrient enrichment.

The Council's ecological specialist has confirmed no objection subject to a planning condition securing adherence to the recommendations within the submitted ecological report. The removal of the pitched roof would result in the loss of a summer, non-maternity common pipistrelle bat day roost. Demolition could also result in the killing and/or injuring of common pipistrelle (up to three individuals).

As a Habitats Regulations offence would result, an application for an EPS Licence will be required.

The EPSL application will detail relevant mitigation measures including timed demolition of the building supervised by an ecologist, as well as compensatory bat box provisions. With respect the 3 derogation tests, the compensatory provision will ensure the 3rd Favourable Conservation Status test is satisfactorily met. With respect to the Imperative Reason of Overriding Public Interest test, the proposal will bring the site back into activity use, with economic benefits to the local area as a result of tourism. There will also be housing which will contribute to meeting local need.

With respect to the No Satisfactory Alternative test, the existing building cannot be retained in such a way which would maintain the existing pitched roof (and roost space). The options are to redevelop the building, with loss of the roost, or demolition. Accordingly there is no realistic alternative option that would retain a roost, however the proposal will ensure longevity of alternative roost space which will maintain the conservation status of the species concerned.

The 3 tests are considered met and it is reasonable to expect that Natural England would grant an EPS Licence.

Other Matters

The Council has completely and correctly discharged its obligations to fully advertise the application to the general public. Officers consider that, given the distance that the hotel is set back from Cliff Road,

and given the topography of the land which rises around the hotel, the development will not have any significant impact on sunlight to the beach.

There is a Public Right of Way adjacent to the site but it is the responsibility of the developer to ensure that work does not prejudice the structural integrity of the PROW.

It is noted that the Joint Local Plan has been submitted for examination and therefore paragraph 216 of the NPPF is relevant. This enables the decision maker to give some weight to relevant emerging policies within the Joint Local Plan. Due to the stage of this plan, and the third party representations the plan has received, it is the officer view that only limited weight can be given to emerging policies.

Letters or representation are taken in good faith and it is the responsibility of the author to ensure that the letter is valid and not fraudulent. Weight is given to letters received in accordance with the planning content.

The Fall Back Position

Officers are mindful that the Council gave planning permission for the redevelopment of the hotel under reference 41/2576/14/F in 2015 and the Council affords weight to this site history as a material planning consideration. This weight is, however, limited by the evidenced unviability of the previous scheme as it is acknowledged by the Council that it is unlikely that the development will be brought forward.

Conclusion

The site is in need of regeneration otherwise it is likely that it will continue to deteriorate to the detriment of the AONB and wider area. The regeneration of the site is in the public interest.

The inclusion of ten residential units within this redevelopment, by nature of the site's location outside of any Development Boundary, leads the proposal into conflict with policies CS1, DP15 and SHDC1 and the emerging housing policies of the Joint Local Plan which seeks to prevent residential development within isolated countryside locations. However, the residential units are an element of the wider mixed use scheme for redevelopment and regeneration of the site and the planning application must be considered on its overall merits. The Council's independent viability assessors have indicated that the ten residential units are necessary in order to secure the viability of the hotel redevelopment.

In addition, the proposed residential units will make a contribution to housing provision, and the scheme makes a material contribution towards Affordable Housing.

The introduction of additional built forms into this area and the associated felling of trees will, by its very nature, challenge a degree of retained openness and rural character. However, although the visual impact upon the AONB and Heritage Coast from certain public receptors is acknowledged, officers also believe that the specific design response, the setting back of elements of the building, the clever use of materials and the implementation of a sympathetic landscaping scheme will reduce this visual impact to the extent that the degree of harm from specific vantage points is considered to be minor and that, overall, landscape character and the AONB designation are both broadly conserved.

The Local Planning Authority has afforded the AONB the highest status of protection is reaching this conclusion.

Highway safety will not be compromised and the provision of car parking is considered to be adequate and the Highways Authority confirms that the proposals are acceptable from a highway safety perspective. The increase in capacity of the resultant mixed use development will lead to an additional dependence on unsustainable transport forms and this weighs against the proposal.

The applicant is willing to utilise five parking spaces as public pay and display and this is a betterment, compared to the current uncontrolled situation, which also weighs in favour of the scheme.

Considerable weight is afforded to the economic, environmental and social benefits of the scheme and these benefits outweigh the adverse impacts, the conflict with policies which directly influence housing provision, dependence on the motorcar, and the less than substantial harm to the adjacent heritage asset.

The Framework states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* Officers are now satisfied that this scheme represents the optimum viable use for the Tides Reach site.

With regard to flood risk, it is clear that the proposals pass the sequential and exceptions test such that the development is acceptable from a flood risk perspective. This is reinforced by the lack of objection from the Environment Agency.

Planning Balance

When weighed in the balance, and giving consideration to previous consents and the planning site history, officers conclude that the identified conflicts with policy are outweighed in this instance by the public benefits promoted by the delivery of a well-considered and well-designed mixed-use hotel complex which through an appropriate architectural response will sit most comfortably in its immediate environs and provide a social benefit through housing provision and a substantial economic benefit as a tourist asset. These identified benefits are considered to outweigh the negative impacts of the proposal.

Whilst a substantial number of letters of support and objection have been received, it is concluded that, on balance, the proposals are worthy of support and that they comply with the thrust of advice within the NPPF and Development Plan such that planning permission can be granted.

The specific characteristics and attributes of this site are considered by officers to provide the exceptional circumstances where a mixed hotel and residential development can be supported on the site, and can be considered in the public interest.

The application is therefore recommended for approval subject to appropriate conditions.

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

National Planning Policy Framework

1. Building a strong, competitive economy

The Government is committed to securing economic growth in order to create jobs and prosperity. Significant weight should be placed on the need to support economic growth through the planning system. (Paras 18 & 19, NPPF)

In Chapter 3. Supporting a prosperous rural economy Para 28 states:

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.

2. Promoting sustainable transport

- Para 29 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7. Requiring good design

Para 57 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Para 57 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.

Para 62 In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.

10. Meeting the challenge of climate change, flooding and coastal change

Para 101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Para 102 If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- Both elements of the test will have to be passed for development to be allocated or permitted.

Para 103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment²⁰ following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

11. Conserving and enhancing the natural environment

Para 115 Great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

Para 116 Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the
- need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Para 125 By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

12. Conserving and enhancing the historic environment

129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Decision Taking

187 Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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
DP12 Tourism and Leisure
DP15 Development in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Plymouth and South West Devon 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 development plan has primacy over national guidance, but given the position the Council is in regarding the age of its adopted policies and nascent policies within the JLP, it is considered appropriate to make specific reference to the NPPF, as well as referencing the emerging policies where there are no unresolved policy objections.

SPT1 – Delivering Sustainable Development
TTV2 – Delivering Sustainable Development in the Thriving Towns and Villages Policy Area;
TTV31 – Development in the Countryside

South Devon AONB Management Plan

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 eighteen months beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Except for any details required by any of the conditions attached to this permission, the development hereby approved shall accord with the detailed drawings and other submitted documentation hereby approved. A schedule of said approved drawings and documentation is set out in the "Informatives" section of this decision notice.

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

3. The entrances shall be no lower than 4.93m AOD (internal or external) and flood resistance and resilience measures shall be applied as detailed in the Flood Risk Assessment. All internal hotel rooms and equipment areas must have finished floor levels at 5.6m AOD or higher. The area for the proposed spa facilities in the basement shall be at a finished floor level of 2.6m AOD and shall be restricted for this use only and not used for any other hotel function, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the risk and consequence of flooding.

4. No development shall take place until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

5. Prior to the commencement of any construction work, the detailed design of the flood compensation area and the proposed maintenance regime shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include the maintenance regime and control method to prevent storage under the lower decking or within the 'underground' area.

Prior to occupation of the site it shall be demonstrated to the Local Planning Authority that the flood compensation area has been completed in accordance with the approved details and timetable. The area shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the flood compensation area is managed in perpetuity to prevent storage of equipment/garden furniture etc. in this area to ensure that there is no increase in flood risk to third parties and to ensure.

6. The area for the proposed spa facilities in the basement shall be restricted for this use only and not used for any other hotel function unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the risk and consequence of flooding.

7. No development approved by this permission shall be commenced until a scheme to minimise potential flood damage to the proposed development by utilising flood resilient construction techniques to an appropriate level has been submitted to and approved in writing by the Local Planning Authority. The details shall include flood boards/gates, non-return valves, water resistant materials and raised electrical fittings. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To minimise the damage to the building, particularly the basement floor and spa, from flood events.

8. No part of the development hereby permitted shall be commenced until a detailed permanent surface water drainage management plan is submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority. This detailed permanent surface water drainage management plan will be in accordance with the principles of sustainable drainage systems, and those set out in the Drainage Strategy (Report Ref. 246299-00, Rev. 1, dated 5th August 2016). This must also include details of the source control SuDS components which will be provided on-site to manage the quality of the surface water discharged into the SSSI off-site.

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

9. No part of the development hereby permitted shall be commenced until details of the adoption and maintenance arrangements for the entire site's permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, with consultation with Devon County Council as the Lead Local Flood Authority.

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

10. Prior to the commencement of any construction work, the detailed design of the lower terrace and upper terrace wave defence shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall be in line with the measures detailed in the Flood Risk Assessment. Prior to occupation of the site it shall be demonstrated to the Local Planning Authority that the lower terrace and upper terrace wave defence has been completed in accordance with the approved details and timetable. The area shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To reduce the risk and consequence of flooding.

11. Prior to commencement of the development hereby permitted, a Landscape Ecology Management Plan (LEMP) and detailed scheme for landscaping shall be submitted to and agreed in writing by the Local Planning Authority. All elements of the approved Landscape Scheme and LEMP, including the approved programme of phasing and biodiversity gains, shall be implemented and thereafter managed and maintained in perpetuity unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of public amenity, wildlife and local landscape character.

12. Prior to the commencement of development, a detailed landscaping scheme for the hotel and its carparking shall be submitted to and approved in writing by the Local Planning Authority.

This will:

- incorporate the detailed design of the flood compensation area (land lowered to 3-3.2mAOD) and the proposed management regime; and
- show that the functional flood route will permanently remain unobstructed by structures, walls, fencing or planters.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the agreed scheme has been completed in accordance with the details and timetable agreed. The landscaping and flood compensation area shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the required flood mitigation measures, including the flood compensation works and functional flood route, are constructed and remain deliverable to reduce flood risk to the hotel and elsewhere.

13. Prior to any use/occupation of the development hereby permitted, a Travel Plan Strategy detailing the long term strategy to promote sustainable travel and to offer realistic choices for all journeys associated with the new hotel facilities shall be submitted to and approved in writing by the Local Planning Authority. This Strategy shall include, but not be limited to, commuting journeys by staff/employees; main journeys by guests and non-residents to and from the hotel; and journeys made by guests during their stay. Thereafter, the approved Travel Plan Strategy shall be fully implemented and complied with in its entirety.

Reason: To seek to reduce the impact that the development will have on the local highway network and to maximise the use of non-car modes of transport in the interests of sustainability.

14. No development hereby permitted shall be commenced until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) confirmation (by means of a site location plan) of the route(s) to and from the site to be used by delivery and construction traffic exceeding 7.5 tonnes, together with a details of temporary AA Road Signing Strategy;
- (d) any road closure;
- (e) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6.00pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays;
- (f) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (g) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (h) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (i) hours during which no construction traffic will be present at the site;
- (j) the means of enclosure of the site during construction works;
- (k) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site;

(l) details of wheel washing facilities and obligations;
(m) details of the amount and location of construction worker parking;
(n) photographic evidence of the condition of adjacent public highway prior to commencement of any work; and
(o) site management arrangements, including the site office and developer contact number in the event of any construction/demolition related problems, and site security information. This CMP shall be strictly adhered to during the construction of the development hereby permitted, unless variation is approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, public convenience and highway safety and preventing inconvenient obstruction and delays to public transport and service vehicles and to emergency vehicles.

15. Notwithstanding details indicated on the approved drawings, prior to construction of the hotel building above slab level (or alternatively in accordance with a previously approved timetable for submission of details as set out below), a schedule of materials and (colour) finishes and samples of materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

(a) details of all external finishing materials to the proposed hotel building;
(b) cross-sections, design, appearance (including thresholds), profiles, reveals, surrounds, materials, finish and colour (at full or half scale) of all doors and windows, including their method of opening and proposed finish, and all lintels and sills;
(c) the locations, heights, sizes, materials of construction and colour finishes of all ducts, flues, rainwater goods, vents, meters and other external attachments;
(d) heights, materials, design, appearance and (colour) finish of any balustrading, railings and associated attachments;
(e) external facing materials (and colour finish) of all retaining walls;
(f), hardsurfacing materials (including colour finish), of terraces, steps, surfacing edge restraints to all roads, service strips, drainage channels, pathways and parking/turning areas, and method of delineation of parking spaces.

The final approved details shall have been fully implemented and completed prior to any use and occupation of the development (or alternatively in accordance with a timetable previously submitted to and approved in writing with the Local Planning Authority), and thereafter so retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: In the interests of public amenity and highway safety and in the interests of the character and appearance of the Area of Outstanding Natural Beauty.

16. Prior to any use and occupation of the new hotel development hereby permitted, the proposed visibility splays for access onto the public highway shall have been carried out in accordance with the details indicated on the approved drawing no. and all parking and turning spaces provided in accordance with the approved drawings and details required by condition.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 (any any order revoking and re-enacting that Order), no structure, erection or other obstruction, including trees or shrubs, to vision over 0.6 metres above the nearest edge of the public highway shall be constructed, placed, planted or allowed to grow on any part of the approved visibility splays.

The approved parking facilities shall be kept available for the parking of motor vehicles in perpetuity and kept permanently free from any other forms of obstruction (including the parking of non-motorised vehicles such as horseboxes, boats and caravans), unless the Local Planning Authority gives prior written approval for the use of the parking facilities for any alternative purpose.

Reason: In the interests of public safety and convenience and to ensure that adequate on-site parking facilities remain available in the interests of highway safety.

17. Notwithstanding details indicated on the approved drawings, details of any external lighting (including security lighting) to be erected, placed or operated on the site (including on the hotel building and terraces) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation/construction. Such details shall include the positions, heights, type, luminance/light intensity, direction and cowl of all external lights to the buildings and other parts of the application site. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: In the interests of limiting light pollution within the Area of Outstanding Natural Beauty, visual amenity and the amenities of the occupiers of neighbouring residential properties and to ensure conservation and enhancement of landscape character and any habitats associated with protected species.

18. Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter the approved scheme shall be implemented prior to any occupation and use of the development hereby permitted. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: In order to protect residential amenity.

19. Prior to bringing into use any plant associated with the use hereby permitted, the applicant shall undertake an assessment of the likely impact from the plant in accordance with BS:4142. Where the report identifies that the expected noise levels would have a marginal or significant impact on the noise environment, the applicant shall provide to the Local Planning Authority details of a scheme of mitigation for approval. This scheme shall thereafter be implemented and maintained in perpetuity.

Reason: In order to protect residential amenity.

20. Prior to commencement of development, details of the design, appearance, means of construction and type and colour of external finishing materials of the proposed bin/rubbish store structure shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. The bin/rubbish store structure shall thereafter be constructed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity within the Area of Outstanding Natural Beauty.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise approved in writing with the Local Planning Authority) shall be carried out until the developer has submitted to, 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 and to ensure that there is no risk of pollution to controlled waters from site development.

22. Piling or any other foundation designs using penetrative methods shall only be permitted where it has been demonstrated by the applicant/developer to the Local Planning Authority that there will be no resultant unacceptable risk to groundwater. No such piling or other foundation works shall be carried out until the Local Planning Authority has provided its approval of the details submitted by the applicant/developer, such approval being provided in writing within 28 days of receipt of said details. The development shall thereafter be carried out in accordance with the approved details.

Reason: To prevent pollution to groundwater.

23. No development shall take place until the applicant/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

24. The redevelopment of the hotel shall be fully completed and the hotel ready for occupation prior to the occupation of any of the residential units hereby approved.

Reason: To ensure that the economic benefits hereby considered are delivered prior to the occupation of a residential element of the scheme.

25. No works or development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development, until a scheme for the protection of the retained trees and hedgerows has been fully implemented in accordance with details previously submitted to and approved in writing with the Local Planning Authority. This scheme shall be in accordance with British Standard 5837:12 - Trees in Relation to Design, Demolition and Construction, the Arboricultural Impact Assessment and Tree Protection Plan. Additional information to be submitted shall also include:

(a) a schedule of tree works within an Arboricultural Method Statement for all the retained trees in the paragraphs above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, Recommendations for Tree Work;

(b) a scheme of supervision for the arboricultural protection measures required as approved. This scheme will be appropriate to the scale and duration of the works and will include details of:

- i. Induction and personnel awareness of arboricultural matters.
 - ii. Identification of individual responsibilities and key personnel.
 - iii. Timing and methods of site visiting and record keeping, including updates.
 - iv. Procedures for dealing with variations and incidents.
 - v. The scheme of supervision shall be carried out as agreed.
 - vi. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.
- (c) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs;
- (d) the details of the working methods to be employed for the installation of works within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction;
- (e) the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: Reason: In the interests of public amenity, wildlife and local landscape character.

26. Notwithstanding the details set out on the submitted drawings, the development hereby permitted shall be carried out in accordance with the comments and recommendation set out in the Bat Survey

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as amended)

27. Works to remove the pitched roof shall not in any circumstances commence unless the LPA has been provided with either:

- a) Evidence that a European Protected Species Licence for bats has been issued by Natural England authorising the works to go ahead; or
- b) A statement in writing from Natural England or a suitably qualified ecologist to the effect that they do not consider that the works will require a licence.

Reason: To safeguard the welfare of a protected species of wildlife, in the interests of the amenity of the area and the Conservation (Natural Habitats) Regulations 1994 and the 1981 Wildlife and Country Act (as)

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.