

## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
and Thurlestone

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

**Application No:** 4031/21/FUL

**Agent:**

Mr Edward Persse  
EJFP Planning Ltd  
49 Bannawell Street  
Tavistock  
PL19 0DP

**Applicant:**

Mr M Davies  
Sand Pebbles Hotel  
Inner Hope To Outer Hope  
Hope Cove  
TQ7 3HY

**Site Address:** Sand Pebbles Hotel, Inner Hope To Outer Hope, Hope Cove, TQ7 3HY

**Development:** Redevelopment of the existing hotel with owners accommodation to 7-holiday lets and 5 residential units

**Recommendation: Refusal**

### Reasons for refusal

1. The proposal for the replacement of the hotel with four buildings for part holiday let and part permanent residential development is an overdevelopment of the site, with the scale and massing failing to reflect the context of the site and being visually intrusive and out of character both in terms of design and scale with the surrounding area, contrary to policy DEV20 of the JLP and SH HBE3 of the South Huish Neighbourhood Plan as well as para's 126 and 130 of the NPPF 2021.
2. The site lies within the South Devon Area of Outstanding Natural Beauty and the scale and nature of the proposals including the choice of materials and style do not reflect the local vernacular and as a result would have an adverse visual impact on the surrounding character and landscape. The design would also lead to an increase in light pollution from the site to the detriment of the dark skies of the AONB in Hope Cove. As such the development would not serve to conserve or enhance the special qualities of the AONB landscape nor the nature of the development in this part of Hope Cove, contrary to policies DEV20, DEV23 and DEV25 of the JLP and policy SH Env2, SH Env6 and SH Env8 in the South Huish Neighbourhood Plan and NPPF paragraph 176.
3. The proposal fails to meet policy SH H2 of the SHNP, as it proposes 7 units of accommodation as unrestricted holiday lets, which does not support the housing needs of the Parish and does not support or strengthen the local community or economy.
4. The size of the dwellings and holiday lets fail to meet the requirements for house and room sizes laid out in the National Space Standards and as required by policy DEV10 of the Plymouth and South West Devon Joint Local Plan, further adding to the fact that the proposal is overdevelopment of the site.
5. The proposals fail to provide sufficient information in relation to climate change and biodiversity net gain in order to demonstrate that the proposal meets the relevant development plan policies, DEV32 for Climate change and DEV26 in the JLP and SH Env 3 in the South

Huish Neighbourhood Plan for Biodiversity as well as guidance in the NPPF 2021, contained in paragraphs 154, 155 and 157 (Climate change) and 180 (Biodiversity).

6. The proposal is for part holiday lets and part permanent residential properties, Policy SH H2 principal residence, requires that any new unrestricted second homes will not be supported at any time. Holiday lets by their very nature are the same as second homes because they are in operation for holiday purposes and are not lived in permanently? Whilst the 5 one bed studios could have a principal residence condition/Section 106 applied to them, the remaining 7 properties could not and so therefore the proposal is contrary to the principal residence policy in the South Huish Neighbourhood Plan.
7. The proposed development being larger and closer to boundaries than the existing property, will impact on the privacy and outlook of the surrounding properties to the detriment of their current residential amenity. The development would therefore fail to meet policy DEV1 in the Plymouth and South West Devon Joint Local Plan and Policy

**Key issues for consideration:** Principle; density of development; design; impact on neighbours; parking access and highway safety.

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

As part of the Spending Review 2020, the Chancellor announced that there will be a further round of New Homes Bonus allocations under the current scheme for 2021/22. This year is the last year's allocation of New Homes Bonus (which was based on dwellings built out by October 2020). The Government has stated that they will soon be inviting views on how they can reform the New Homes Bonus scheme from 2022-23, to ensure it is focused where homes are needed most.

---

**Site Description:**

The application site lies in the built up area of Hope Cove, along the road that leads directly to the centre of the village (known as Hope Cove By-pass). The site is on the north side of the road and on higher ground but with a slope down to the road. It is surrounded by residential dwellings some of which are used for holiday accommodation.

The site comprises the former Sand Pebbles Hotel, which is not currently in use. The site is overgrown in places. The existing site comprises the hotel (letting rooms x 10 over 2 storeys – first and second floors, with a restaurant bar, kitchen, sitting room and ancillary rooms on the ground floor. In addition there is a 3 bedroom owner's accommodation set partly on the ground and first floors. The hotel is constructed from block with a painted render finish with a slate roof with UPVC windows and doors. The hotel is currently boarded up.

The site is surrounded on all sides by existing housing. The land generally rises from the south to the north, with a gentle fall from the east to the west. Access to the site is proposed using the existing access off the adopted road.

The site is located in flood zone 1 and the site is located within the South Devon Area of Outstanding Natural Beauty and the South Devon Heritage Coast. It is outside the Hope Cove Conservation area.

**The Proposal:**

Redevelopment of the site, including the demolition of the existing hotel and the provision of 12 holiday lets with an indicative mix of –

5 x 1-bed units - Permanent residential

2 x 2-bed units – Holiday lets

5 x 3-bed units – Holiday Lets

14 parking spaces and amenity area.

The proposal indicates 4 buildings on the site.

Building 1 contains 5 x 1 bed studios opening onto the lower terrace.

Building 2 contains 2 x 2 bed apartments, with the lower apartment opening onto the upper terrace and the upper apartment accessed via an external stairway.

Buildings 3 and 4 contain 5 x 3 bed houses, arranged over 3 stories with the master suite at ground floor, beds 2 and 3 and family bathroom at first floor and the main living space at the top of the building.

Vehicular access to the site has been altered such that it moves from the diagonal access, which meets the road in the south east frontage of the site to a level access into an underground car park for 14 cars, which also contains space for cycle storage; bin stores, a storage area and a lift up to the floor above.

### **Consultations:**

- County Highways Authority: No objection subject to conditions
- Environmental Health Section:
- Affordable Housing: : No Comment

I refer to Policy Dev 8 of the Plymouth and South West Devon Joint local Plan, which states:

*“Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.”*

As this application is for 5 residential units, there is not a requirement for an offsite commuted sum.

- DCC Education The contribution sought for primary is £17,097

1.00 Primary pupils

£10 per day x 1.00 pupils x 190 academic days x 7 years = £13,300

0.60 Secondary pupils

£3.26 per day x 0.60 pupils x 190 academic days x 5 years = £1,858

Legal costs of £500.00

- Archaeology: No comments

- DCC Lead Local Flood Authority: No objection subject to the imposition of conditions.
- Parish Council: It is considered that these plans represent colossal overdevelopment in the parish. They intrude on all perimeters on the current site, taking light and privacy away from all neighbours.

If these plans were to be allowed to proceed there is the potential for disastrous consequences. The importance of the landscape must be recognised, not only is this in the heart of the AONB but there are also huge flood risks for neighbouring properties.

The retention tank for surface water coming off roofs is deliberately piped down the road into the leat by Foxbrook and Meadow View. The size of the retention tank is insufficient to cope, and the bulk of the water will inevitably be discharged onto the road and will then flow into the stream which has limited capacity at best. This will cause flood issues through the bottom of the valley and will affect up to 15 properties including a local pub. The report states that there is a one in 100 chance of flood, unfortunately, the truth is it's more like one in five years and there have been two minor incidents in the last month alone. There appears to have been no consideration of either the Atkins report or the neighbourhood plan policy regarding drainage which clearly states that the applicant must demonstrate no adverse impact on local streams, leat, flood channels and neighbouring properties. We note that no permission has been uploaded from South West Water and the drainage consultants have also recommended objection to this application.

New development that increases the level of artificial light is a factor that threatens the survival of protected and threatened local wildlife. It is essential that development does not detract from the unlit environment of the parish. The sheer size of the properties and the high levels of external glazing cannot help but impact on our dark skies when internally lit.

The plans state that there will be a total of 14 parking spaces. This is wholly insufficient for a development of this size. There must be a minimum of 24 spaces as per the policy detailed in the neighbourhood plan. There is a very limited public transport service from the parish, which is expected to reduce further in time. Furthermore, little consideration has been given to refuse collection or the parking needs of the many delivery vehicles which would be servicing the site.

Any overspill parking is expected to use public parking areas in the parish. However, there are already issues with limited parking in the parish, and this will only exacerbate them further, particularly during peak season. It may also result in higher crime rates if it is generally known that vehicles will be regularly left unattended overnight in public parking areas.

It is a great shame that no truly affordable, low cost housing has been provided within this development, however all new housing in the parish now comes with a principle residence clause. In respect of this application the Parish Council would like to see this adopted as a section 106 clause rather than a planning condition.

The counsellors felt that the plans were not fit for purpose as there was insufficient information regarding heights, sizing, dimensions and parking.

The plans state that heat pumps will be used. The noise from these will be unacceptable to neighbouring properties and, as we have already discovered at another site in the parish, there is insufficient power to achieve this. Much the same applies to EV charging points. There is insufficient power for fast charging this parish. The applicants must detail exactly how they intend to obtain sufficient power to the site before any decision is made.

The plans are a massive overdevelopment of the site and are completely out of keeping with the surrounding area, particularly so as the parish is in the heart of the AONB. It is clear from the mock-ups that the material used do not integrate with the local built surroundings, landscape, context and setting.

The counsellors noted the statement regarding there being a total of only 1.6 children within five three-bedroom properties all of which would have to be occupied as a principle residence. This figure would appear to be particularly low.

Finally, it was interesting to note from the planning portal that a lot of the supporting comments came from areas well outside the parish. It is also clear that there is an overwhelming objection from parishioners in respect of this application. Many material observations have been made, all of which must be considered before any decision is forthcoming.

Policies to take into consideration include:

Policy SH EC 01 Tourism related employment and retention of hotels

The change of use or redevelopment of a hotel to non-hotel use will only be permitted provided that:

- a) The proposed use would be compatible with the existing building and its surroundings and setting within the South Devon AONB;
- b) No significant loss of hotel accommodation in the Parish or detriment to local employment through the loss of hotel accommodation will result;
- c) Demand for the hotel accommodation no longer exists.
- Development may include:
- d) Rehabilitation, re-use or redevelopment of existing premises.
- e) Change of use to residential care or extra care which supports the Plan objectives to both provide employment and affordable housing for the elderly as stated in Policy SH H1 (Affordable Housing)
- Where the loss of a hotel or tourism related site is justified as no longer viable the applicant must demonstrate through an independent assessment that the vacant unit has been actively marketed and offered at a reasonable sale price (comparable with valuations achieved elsewhere in the District) for a minimum period of 2 years.

Policy SH Env2 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)

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

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

Policy SH Env3 Safeguarding the biodiversity and Green Infrastructure throughout the Parish

Where appropriate due to the size and scale development proposals should:

- a) Include a Green Infrastructure plan to show how the development can improve greenspaces and corridors for people and nature, in the context of the parish and where possible connecting to the broader green infrastructure of South Devon.
- b) Include a biodiversity action plan which includes details of how the development will achieve a net gain in biodiversity in compliance with national policy requirements.
- c) Retain on site natural features such as Devon Banks, stone walls, hedgerows, protecting existing mature trees beyond those protected within a Tree Preservation Order.
- d) Where possible replace any alien and foreign species of trees considered invasive or harmful with indigenous species.
- e) Promote where reasonable opportunities for improving access to heritage assets through new walking routes.

○

#### Policy SH Env 7, Drainage Impact

Development proposals should, where necessary demonstrate that the impact on the existing foul and water system has been assessed and include details of on-site mitigation if required. Any proposals in proximity of the Environment Agency flood risk area illustrated in figure 18 should take account of the Outer Hope Feasibility Study (assessing flood risk and mitigation) prepared on behalf of SHDC by Atkins in August 2013 (included as Appendix B18) and are expected to demonstrate no adverse impact on local streams, leat, flood channels and neighbouring properties.

#### Policy SH Env 8, Dark Skies and the avoidance of light pollution

Development should not detract from the unlit environment of the Parish. The use of a high proportion of glass in walls and roofs without consideration of the impact on the environment when internally lit will be discouraged.

Security lighting, outside lighting and floodlighting should be designed to minimise their impact on the night sky and lighting deflected downwards and switched off after midnight.

#### Policy SH H2 Principal Residence

- a) New open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a principal residence guaranteed through a planning condition or legal agreement.
- b) New unrestricted second homes will not be supported at any time.
- c) A principal residence is defined as one occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.
- d) Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition, and will be obliged to provide this proof if and when SHDC requests this information. Proof of Principal Residence includes but is not limited to residents being registered on the local electoral register and being registered for and attending local services including healthcare, and schools.

#### Policy SH T1: Car Parking

- a) Proposals which are likely to generate an increase in on-street car, trailer and boat parking will be resisted, unless designed as part of an overall parking strategy within a development.

- b) No development will be supported within the Parish that causes the loss in the number of public car parking spaces. Should the spaces be relocated, there should be no reduction in their convenience and proximity to the village centre.
- c) New residential development including sheltered housing must, as a minimum comply with adopted parking standards ensuring there is no increase in on-street car or boat parking. Where achievable the following parking standards should be met;
  - 1 bedroom 1 space plus 1 space per 3 dwellings for visitors;
  - 2 bedrooms 2 spaces;
  - 3 or more bedrooms 3 spaces.
- d) New car parking proposals which adversely affect the setting of a development and surrounding landscape features will be discouraged;
- e) Provision of car spaces and charging points for electric vehicles and other ultra-low emission vehicles will be supported.

### Policy SH HBE 2: Safeguarding Designated and Non-Designated Heritage Assets and the Conservation Area

All proposals in the Conservation Area and in the vicinity of Designated and Non-Designated Heritage Assets must comply fully with National Planning Policy and the Development Plan relating to the Historic Environment and:

- a) use high quality materials that complement the local and traditional palette of materials used within the Parish.
- b) where relevant, include design features such as setbacks, stone, or render walls and roof details that reflect the character and appearance of the surrounding buildings.
- c) for extensions, new doors, windows and roofing materials should be a similar appearance to those used in the construction of the exterior of the original building.

### Policy SH HBE 3: Design Quality within the Parish

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

- They are innovative and locally distinctive using a palette of materials that respond to and integrate with the local built surroundings, landscape context and setting. The use of local stone is supported and imported stone from outside the South Hams discouraged. A contemporary design solution will be supported providing it respects the context and setting.
- Building setbacks reflect adjoining buildings;
- They incorporate the principles of sustainable and low carbon design as defined by Joint Local Plan Policy Dev 32;
- It has regard to the requirements of CPtED and 'Secured by Design' to minimise the likelihood and fear of crime and acts of anti-social and unacceptable behaviour and community conflict in the built environment;
- It reduces the dependence on the private car by supporting and connecting directly, where achievable to other more sustainable modes such as walking, cycling and public transport;
- It retains and protects, wherever possible existing trees and hedges in situ. Any lost trees or hedges should be replaced elsewhere on site if possible;
- It does not exacerbate flooding risks;
- Existing footpaths or public rights of way must be retained, or acceptable diversions agreed.

The subdivision of existing plots will only be supported where there is no loss in character or environmental quality of the surroundings, there is suitable highway access on at least

one boundary, plot and unit sizes are comparable with adjacent properties, adequate amenity space is provided and the amenity of adjoining properties is not compromised.

Other relevant policies include, but are not limited to:

Joint Local Plan: Dev 2, Dev 10, Dev 20, Dev 21, Dev 23, Dev 24, Dev 25, Dev 31, Dev 32, Dev 33, Dev 35.

Re DEV8, it should be noted that we are not a thriving town/village and there is no demand for new builds in the housing needs survey and SHDC have a deliverable housing supply allocated for a period of over five years. The Joint Local Plan states there is no need for this development.

On the basis of the above, along with the policies of the Joint Local Plan and NPPF, South Huish Parish Council reiterate that they unanimously object to this application.

### Second PC response 16/6/2022

**South Huish Parish Council have reviewed the plans and OBJECT to this application.**

Many of the comments made in our previous response still stand.

Documents between the architect/flood team discuss the practicality of piping surface water down the bypass, into New Road and then to discharge into the leat. The information received is based on average annual rainfall and not by average winter rainfall which is significantly higher. From the information submitted it would appear that the surface water runoff will be so immense that it cannot be disposed of without causing flooding via the leat. With this in mind, the development itself must be too big and overbearing for the site and should not be permitted.

Air source heat pumps: There are 12 apartments, all appear to have heat pumps sited along the back wall. With one heat pump servicing each apartment, the noise pollution to neighbours will be horrendous irrespective of sound baffling – and this will intensify further as soon as there are issues with any of the pumps. They are sited in a confined space, why should neighbours be expected to tolerate this?

The new plans are considered to be an aggressive looking development that would be far better suited to a built up area than the heart of the AONB near to both listed properties and non-designated heritage assets. At our recent meeting, the design was likened to some type of military pillbox, quite out of keeping in our parish. It is incongruous with all surroundings and would appear to show contempt for neighbours, the community, the AONB, Coastal Preservation Area as well as the various policies in the NPPF, JLP and SHPC NDP.

Major excavations would be required if this were approved, yet no indication has been given as to how neighbours would be affected by this. Furthermore, and we do appreciate this is a non-material consideration, this development would be on the main road into the parish, the impact of works taking place on this road would be potentially devastating to the tourism industry as well as a huge disruption to local residents. How would this be managed? This road cannot simply be closed for periods while the works take place.

Again, this is another non-material consideration, but must be noted to prevent a similar situation to that being experienced at the old Lantern Lodge development. There is simply not enough electricity supply in the area for more heat pumps, charging points etc. Have the applicants researched this sufficiently and can they adhere to the submitted plans - we think

not. The impact on the entire village could be catastrophic. There is no mention of solar panels nor renewables. Why not, this is essential?

The parking/rubbish store is wholly inadequate. The plans show fourteen parking places, three of which are EV charging points. According to planning policy SH T1, the minimal number of spaces required for the proposed development is not less than twenty six!

The bin store is incredibly small and certainly nowhere near large enough to service this number of houses and apartments, if the bins are insufficient we can only assume that excess rubbish will have to be left covering parking spaces – creating further havoc.

The applicants need to consider how to lessen the impact of any development on the local community rather than increasing the potential of both power cuts and floods, to say nothing of parking issues, waste storage and the negative impact the design will have on the AONB. Finally, we would like to note that the developers were invited to our meeting by the Parish Chairman, they chose not to attend.

The planning policies from the South Huish Neighbourhood Plan have not been adhered to. We are aware that other planning policies have been referenced in feedback submitted by local residents, these must also be taken into account.

Other policies (previously referred to) include, but are not limited to:

Joint Local Plan: Dev 2, Dev 10, Dev 20, Dev 21, Dev 23, Dev 24, Dev 25, Dev 31, Dev 32, Dev 33, Dev 35.

Re Dev 8, it should be noted that we are not a thriving town/village and there is no demand for new builds in the housing needs survey and SHDC have a deliverable housing supply allocated for a period of over five years. The Joint Local Plan states there is no need for this development.

As such, unless there are significant changes to the application as well as receipt of acceptable evidence in respect of policy SH EC 01, this application should be refused.

- **SDAONB unit:** The South Devon AONB Unit objects to the proposed design of this development on the grounds that:
  - its excessive size and bulk is detrimental to the character of the area;
  - its design and materials are unsympathetic to the local vernacular; and
  - it has the potential to impact on the dark skies of the AONB.

The development therefore conflicts with policies SH Env2 and SH EC 01 of the South Huish Neighbourhood Plan and policy DEV25 of the Plymouth & South West Devon Joint Local Plan.

Landscape: Holding objection.

### **Representations:**

There have been letters in support and in opposition to the development. The comments are summarised below but can be read in full on the Councils website, <http://apps.southhams.gov.uk/PlanningSearchMVC/Home/Details/214031>

Letters in support: 20

- The scheme fits well with surrounding area and will bring much needed trade to the village
- The run down hotel is an eyesore

- The architecture is modern without being too modernist
- Better accommodation options for the future
- Good to see investment in Hope Cove for the next generation of tourists
- Good to see other accommodation types in the area.
- It is sure to attract new tourists
- 1005 in favour of the redevelopment which would benefit local businesses
- Lots of buildings are out of date, we need new investment into the area
- Quality accommodation
- Quality and versatile accommodation will encourage more people to visit and drive inward investment.
- Massing tries to reflect what it is replacing and remain in keeping with the area.
- The development would bring new life into the area.
- Need to bring the building back into use.

#### Letters against: 111

- Ill thought through project
- The developer is trying to maximise their return by cramming in as many residences as possible
- No regard for the surrounding properties, or the village as a whole.
- Loss of privacy to neighbouring dwellings.
- Impact on the road system and surface water
- Impact on the dark skies of Hope Cove
- Hope Cove does not need a modern block of flats
- Overdevelopment of the site
- Poor relationship with residents living alongside
- The applicant should revert to the original plan which says the front of the building renovated and redeveloping the rear.
- Concern about the proposed surface water strategy. All water is to be piped into an underground attenuation tank to bypass the road. The rainfall figures are based on average rainfall not the peak rainfall during our winter months.
- The leat it will drain to is inadequate.
- The leat runs through 3 properties downstream, additional surface water threatens these properties.
- The Leat floods every year. It was never intended to cope with the surface water from a developing village.
- This is a constant source of anxiety for local residents
- Flies in the face of contributing to sustainable development.
- Scale and siting compared to the existing and adjoining properties.
- Impact on the AONB
- Inappropriate design and materials.
- An appropriate density for rural areas is typically 30 – 40 per hectare. The proposal is 96 per hectare.
- The entire scheme is too dense
- It is over 5 levels adjoining a small historic 19<sup>th</sup> century fisherman's cottage. It is totally out of scale.
- Parking does not meet adopted parking standards.
- It does not reflect the local vernacular, character or scale of adjoining development.
- It does not follow the building line along the road
- Major excavation is required which may affect adjoining properties.
- Loss of space around the buildings
- Impact of noise and light in adjoining properties.
- Over dominance
- The proposal is in contravention of the Neighbourhood Plan

- Is the proposal for 12 holiday lets or 7 holiday lets and 5 open market houses?
- No financial statement has been provided to justify why the open market dwellings support the holiday lets.
- No affordable housing is proposed
- The hotel's turnover has decreased because of the lack of investment in it over the last few years.
- Retention of the hotel use should be encouraged to enhance the villages' appeal. There is an oversupply of second homes and holiday rentals in the village.
- Way too big, insufficient parking and overlooks all the neighbouring properties.
- Leat leakage to the properties downstream occurs at the moment and this will exacerbate that problem.
- Impact on the narrow road to the local facilities
- Excavation for the car park and 3 buildings instead of one is appalling.
- Existing services in Hope Cove are already overloaded.
- Excessive scale and height
- The creation of an underground car park presents risks to the structural integrity of the ground and risks destabilising the surrounding properties.
- It will dominate the hillside
- Too many properties on the site
- Those in favour of the development do not live in the village
- The development does not maintain the character of the village
- On road parking will occur because of the lack of spaces on site which will result in access to the beach being blocked. This will also restrict emergency vehicles
- Pedestrians using the road (where there are no pavements will be endangered by the development and the amount of additional traffic.
- Completely out of proportion with the surrounding development.
- The flats will be likely bought as holiday homes adding to the number of second homes in the village.
- Delivery during construction will block the road.
- Infrastructure issues, there is no reasonable public transport to the village, therefore car use will be increased; sewers will not be able to cope
- Profit appears to be the driver rather than appropriate to the location.
- House Martins nest on the building and have done so for years. We should show more care for our natural world.
- The impact of this development on our planet also appears to have been ignored. The impact of additional vehicle movements during and after construction; the waste removal
- No need for this massive development / overbearing impact.
- The village needs homes for local residents who work locally, not for holiday homes
- Surrounding properties will be dominated by the proposal, including loss of views, daylight and enjoyment of their homes.
- The development is contrary to Local Plan and NP policies.
- The previous application (4031/21) should be implemented.
- The noise and disruption during construction would be enormous.
- Hope Cove is already suffering from a lack of hospitality venues. This proposal will exacerbate this.
- Self-sufficient holiday flats will not add to the economy.
- It is a major development in a small Devon coastal village.
- Grotesque
- Object to the use of the decking and gravel pathways in the calculation of greenspace.
- Impact on views of the sea from many properties in the vicinity.
- The design is well below the standards required in an AONB location
- The Sea Captain's Houses, Ashleigh and Tarqua, are listed in the N Plan as Non-Designated Heritage Assets. Many value these characterful properties, which will be negatively impacted by the proposed development.

- Does the proposal conserve and enhance the AONB?
- This application is yet another example of an abomination in the South Hams! This proposed development is going to be completely out of character for Hope Cove. Far, far too big!!
- The landscape has already had a huge blot on it in the form of The Cottage Hotel extension (also way too big, how's that got through?), it doesn't need another so quickly afterwards.

### **Relevant Planning History**

46/0365/07/F

Sand Pebbles Hotel, Hope Cove Kingsbridge Devon TQ7 3HY  
Erection of owner's accommodation to the rear of existing hotel

**Approved** 5/4/2007

46/0732/10/F

Sand Pebbles Hotel, Hope Cove Kingsbridge Devon TQ7 3HY  
Renewal of extant permission 46/0365/07/F for erection of owner's accommodation to rear of existing hotel.

**Conditional approval**, 26/5/2010

46/1268/13/F

Sand Pebbles Hotel, Hope Cove Kingsbridge Devon TQ7 3HY  
Renewal of extant planning approval 46/0732/10/F for erection of owner's accommodation to rear of existing hotel.

**Conditional approval**, 15/7/2013

2130/20/CLE

The Managers Flat Sand Pebbles Hotel Hope Cove TQ7 3HY  
Lawful development certificate for existing use of The Managers Flat as dwelling

**Cert of Lawfulness (Existing) Certified**

2281/20/PR4

Sand Pebbles Hotel Inner Hope to Outer Hope Hope Cove Devon TQ7 3HY  
Pre Application Enquiry for the Proposed Change of Use from C1 (hotel), including owners accommodation, to Single Holiday let (sui generis), including owners accommodation.  
Extension of permitted first floor balcony with new balustrading and access stairs.

**No officer support**, 15/10/2020.

3294/20/FUL

Sand Pebbles Hotel Hope Cove TQ7 3HY  
Change of use from hotel/guesthouse with owner's accommodation to 5no. holiday lets and owners accommodation.

**Conditional approval** 10/12/2020.

2055/21/PR6

Sand Pebbles Hotel Inner Hope to Outer Hope Hope Cove Devon TQ7 3HY  
Pre Application Enquiry for - The redevelopment of the existing hotel incl to provide 13 holiday lets

No Officer support, 28/7/2021.

### **ANALYSIS**

Principle of Development/Sustainability:

The principal of development must be considered against the relevant Development Plan policies. The Local Authority have an up to date Development Plan in the form of the Plymouth and South West Joint Local Plan (JLP) adopted by the Council in March 2019 and the South Huish Neighbourhood Plan (SHNP), which was made in May 2021 and covers both Outer and Inner Hope Cove and Galmpton.

The JLP policies SPT1 and SPT2 are the strategic policies of the JLP and determine that sustainable development is the key theme running through the JLP. Policy TTV1 provides a hierarchy for growth in the Thriving Towns and Villages policy area. The policy seeks to encourage most development in the main towns of the Policy Area. Then the smaller towns and villages followed by the sustainable villages and finally the 4<sup>th</sup> tier which is the countryside and small hamlets where development is more restricted in order to protect the countryside from development which would be harmful both in terms of sustainability and in terms of potential visual harm in the rural areas.

The smaller villages in the South Devon AONB, including Hope Cove have been excluded from the Sustainable village's policy because of their location in the sensitive AONB landscape and thus sites within those villages are subject to consideration of policy DEV25. So whilst these villages may have some sustainable characteristics, the impact of development within the AONB carries more weight in the decision making process.

The South Huish Neighbourhood Plan (SHNP) has identified a settlement boundary around the Inner and Outer Hope Cove and also Galmpton. Policy SHEnv1 provides the settlement boundaries and indicates that development within them will be supported in principal subject to National policy and the Development Plan. Any development outside will be considered development in the open countryside.

The application site sits within the settlement boundary for Hope Cove. And as such can be seen to comply with the above policy. The principal of development on the site is therefore given due weight in the planning balance. However, consideration needs to be given to other policies within the Development Plan. The impact on the AONB for example needs further consideration in the Landscape section below.

Also relevant to the principal of development within the village are the Tourism policies in the JLP and the SHNP.

Policy DEV15, in the JLP sets out measures to support the rural economy. In particular it explains that chalet or similar holiday facilities that respond to an identified local need will be supported, provided they are compatible with the rural road network and have no adverse environmental impact. This policy also indicates that development proposals should demonstrate a safe access to the existing highway network and avoid a significant increase in the number of trips requiring the private car.

The evaluation of new tourism development turns on whether or not the site is sustainable; whether it is acceptable with regards to its landscape impact (this being particularly important in designated landscapes) and whether it is compatible with the rural road network in terms of safe access and avoids significant increases in trips.

In terms of sustainability, Hope Cove is considered to have sustainable characteristics. The site is within walking distance of two beaches at Hope Cove, a convenience store and post office, café, pub and large public car park. The applicant's agent in the Planning Statement seems to suggest that the proposal meets with the general thrust of criterion 7 and focuses

on the fact that the proposal is still providing holiday accommodation. However the specific criteria in policy DEV15 require more detailed consideration and the fact that the change is to holiday lets and permanent residential means that there will be a heavier reliance on the use of the private car to a village which has limited access to public transport. Hotel accommodation often caters for coach travellers as well as private individuals. Not so with holiday lets.

Indeed if applicants are relying on Policy DEV15 to justify their proposals, a Sustainable Travel Plan must be provided to demonstrate how the traffic impacts of the development have been considered. This has not been provided.

The policy also requires that the holiday accommodation demonstrates a positive relationship with existing buildings, which in this case (because the existing building is being demolished) would be with the surrounding residential development. Again this will be assessed later in the report.

The aim of policy DEV15 is to secure employment in rural areas. The change of the use of the site from hotel to holiday lets and permanent residential development would it is considered reduce employment opportunities. The chefs, waiting staff as well as cleaning staff required by a hotel would not be required for holiday letting accommodation or indeed the residential properties.

The other consideration in policy DEV15, for holiday accommodation is that it is compatible with the rural road network. This will again be explored later in the report. The proposal does therefore not comply with Policy DEV15.7 and DEV15.8

Turning to Policy SH EC01 Tourism employment and retention of hotels (SHNP), which encourages the retention of hotels and tourism related hospitality uses as they play a key role in the Parish's economy. The policy states that change of use or redevelopment of hotels to non-hotel use will only be supported if:

- "a) the proposed use would be compatible with the existing building and its surroundings and setting within the South Devon AONB;*
- b) No significant loss of hotel accommodation in the Parish or detriment to local employment through the loss of hotel accommodation will result;*
- c) Demand for the hotel accommodation no longer exists.*

*Development may include:*

- d) Rehabilitation, re-use or redevelopment of existing premises.*
- e) Change of use to residential care or extra care which supports the Plan objectives to both provide employment and affordable housing for the elderly as stated in Policy SH H1 (Affordable Housing).*

*Where the loss of a hotel or tourism related site is justified as no longer viable the applicant must demonstrate through an independent assessment that the vacant unit has been actively marketed and offered at a reasonable sale price (comparable with valuations achieved elsewhere in the District) for a minimum period of 2 years"*

In this case,

The proposed use is: *Redevelopment of the existing hotel with owner's accommodation to 7-holiday lets and 5 residential units.*

The area of the village within which the application is sited, has a predominantly residential focus, however it is unclear how many of these residential properties are actually holiday homes. In addition, the property known as Thornlea Mews on the other side of the road

caters for holiday visitors. The change of use from hotel to holiday lets may be acceptable in this part of the village, however the nature of the development as proposed, with three buildings replacing one will be considered further on in the report, and the fact that 5 of the 12 units are actually for permanent residential use is a concern and would result in a loss of tourism related bed spaces, which in essence would not comply with SH EC01 (b).

SH EC01 (c) is also of relevance, no evidence has been submitted to demonstrate there is no longer a demand for hotel accommodation in the area and neither has evidence of the marketing of the site been provided to indicate that the hotel use is no longer viable as required by the last part of the policy. Indeed, with the Covid Pandemic, officers would suggest that staycation holidays have become more popular and therefore the demand for hotel accommodation may well be very high.

The provision of 5 permanent residential units is clearly also contrary to this policy and the fact that they are required in order to finance the holiday lets is not a consideration of either of the policies mentioned.

The agent makes mention of the approval in 2020 – 3294/20/FUL, which allowed for the conversion of the hotel to 5 holiday lets and the provision of owners accommodation. This was in fact a very different proposal to the current one, whereby the proposal was to convert the existing building to holiday lets and for the owner's accommodation to remain as it is currently. So in terms of impact, the building existed as a hotel; there were minimal external changes to the building and as such the visual impact on the area and the AONB was minor in nature; the proposal did involve the loss of hotel use; the applicant indicated that the hotel had seen consistent reductions in turnover; the tourism use was retained on the site. So whilst not entirely consistent with policy SH EC01, was much more so than the current proposal where there is a further change of use to permanent residential and the existing building is being demolished.

Policy DEV8 in the JLP seeks to ensure there is a mix of house types within settlements and seeks to provide in particular for

*i. Homes that redress an imbalance within the existing housing stock.*

*ii. Housing suitable for households with specific need.*

*iii. Dwellings most suited to younger people, working families and older people who wish to retain a sense of self-sufficiency.*

There is also a particular need for smaller properties as identified in the SHMNA. This scheme proposes what are described as 1 bed 1 person studios, which would meet the need for smaller properties in the Plan area as a whole. However the ONS data for Hope Cove indicates that there is an overprovision of 3 bed dwellings in the South Huish Parish and that 1 bed properties are roughly in line with the South Hams average. The provision of 3 bed holiday lets therefore does not meet a local housing need in the Parish and whilst it is acknowledged that the proposed properties are for holiday lets, there is still a failure to provide for properties which the Parish needs. The only sized dwellings in this scheme which might meet a local need are the 2 bed houses, of which there are only 2 in a proposal of 12. When considering the whole scheme in relation to DEV8 therefore the scheme does not meet local housing needs and as such would be considered to be at odds with policy DEV8.

### Design

The site is currently occupied by one building, albeit extended at the rear, in terms of footprint, it is one of the larger building footprints in the area.

The proposal is for 3 separate buildings on the same plot and proposes significant amounts of under build to take advantage of the sloping nature of the site. The result however is a 4 storey building (front building) onto Hope Cove by pass significantly increasing the massing onto the road and at complete odds with the other properties fronting onto the by-pass.

A hedgerow or vegetation boundary is a particular characteristic of the properties along the north side of Hope Cove by pass, bar one or two. The site adjacent has a stone wall and has been set back to accommodate parking spaces at the road level and there is one property which has replaced the hedgerow edge with a rendered wall. These are however in the minority and the vegetated boundary characteristic predominates. The hedgerow also in most cases acts as a retaining feature because the properties themselves are at a higher gradient than the road. None of the existing properties have built form (except for a single garage serving Green Barns), at the road level. The planted hedgerow also occurs on the other side of the by-pass where the properties are set down slightly from the road level. This is a particular characteristic which the proposal would run contrary to.

It must be acknowledged that the existing frontage of Sand Pebbles does have an area of rendered retaining wall as well as a bank with grass and so is not currently responding to the predominant character, however when looking to replace an existing building, opportunities should be sought to re-introduce lost characteristics (as described in Policy DEV20.7 in the JLP). The over engineered response in this proposal is not considered to be an appropriate solution.

The proposal is considered to be too urban in character for this location. A much larger area of the site is to be developed with buildings forward and backwards of the existing footprint, resulting in much more built form and the resultant increase in mass and scale on the site. The existing building is set at the higher level of the site, where as the proposal seeks to utilise the front part of the site to take advantage of the levels and insert 2 levels below the upper part of the site, completely urbanising the site and providing a development with none of the local vernacular. It is a building which would be more appropriate in a larger town or city locale. When considering the character of the development surrounding the site, in this part of Hope Cove it is one of detached properties on reasonably sized plots with land and garden surrounding them. The proposed built form leads to a much smaller area of land around the development at odds with the surrounding development.

[It should also be noted that the street elevations are very misleading with a high degree of planting shown along the front, which do not exist currently and will take a considerable amount of time to grow to the maturity indicated on the drawings].

Whilst it is acknowledged that the existing building on the site is larger than many of those surrounding it, there is still space around the existing building for parking and amenity space, its replacement with 3 new buildings is excessive, resulting in very little amenity space. An attempt has been made to include terraces at the first floor level, however the built nature of these terraces does present a harder urban solution, which is contrary to many of the surrounding plots.

Whilst the ridge lines do reflect some of the surrounding development the sheer scale and amount of additional built form on the site creates a mass of development, at complete odds does not reflect the plot ratio's in the vicinity. The proposal does not meet the requirements of Policy DEV20.2 and DEV20.3 in the JLP, which requires that the context of the site should be reflected in any new development.

Policy DEV10 relates to good quality housing and encourages good quality housing development. One requirement of the policy is to meet the nationally designed space standards.

The revised plans indicate on the proposed level 1 (CA-712-P010B) that the floor areas of the units will be 37.7 sqm. The national space standards indicate that this is an appropriate size for a 1 bed 1 person house with a shower room rather than a bathroom. However the floor plans indicate a double bed in the bedroom for these units. A 1 bed 2 person house needs to have a floor area of at least 50 sqm. These properties fall short if 2 people were to occupy them. The bedroom space is also of sufficient size to accommodate the 2 bed spaces.

The 3 bed 6 person houses are also far short of the required 102 sqm for a 2 storey dwelling at 75sqm. As a result the properties do not meet policy DEV10. This policy also attempts to ensure there is sufficient amenity space associated with new residential properties. The JLP SPD provides guidance on the size of the outdoor amenity space according to the type of property. A semidetached property for example should have a garden size of 75sqm or more. Many of the properties on the site do not have sufficient garden sizes. The proposal therefore fails to meet the requirements of JLP policy DEV10.

#### Landscape:

Policy DEV25 in the JLP and policy SH Env2 in the SHNP seek to protect the AONB landscape and they along with the NPPF place great weight in the decision making process on this national designation. The South Devon AONB Management Plan is a material planning consideration and under Part IV, Section 89 of the Countryside and Rights of Way Act 2000. It provides guidance and support to statutory undertakers and any public body or person holding public office to fulfil the Section 85, *'duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB'*

Policy DEV25 seeks to ensure that development both conserves and enhances the AONB landscape. The SHNP policy is specific in asking for evidence of how the proposed development maintains the intrinsic character of the landscape and how this assessment has taken place and how opportunities for improving public access to and enjoyment of the coast have been included.

The South Devon AONB unit have indicated that the application should be refused as the proposal is:

- Excessive in size, bulk and detrimental to the character of the area
- Design and materials are unsympathetic to the local vernacular
- Potential for impact on the dark skies of the AONB.
- Conflicting with policies: SH Env1, SHEC01 of the South Huish NP and DEV25 of the JLP.

The consultation response makes reference to the specific policies in the South Devon AONB Management Plan, indicating specific guidance, *"Proposals for tourism development that have the potential to harm the AONB include:*

• *Large new or replacement hotels and leisure complexes which are out of scale with their settings and neighbouring buildings"* (p102).

*"Proposals for housing development that have potential to harm the AONB include:*

• *Development that is poorly related to an existing settlement, or fails to respect or reinforce its character, scale and density;*

- *Developments detracting from the vernacular building style through inappropriate scale, mass or design”.*

The Unit comment's that in this case the proposal is significantly larger and bulkier than the existing hotel and an unsympathetic design to the vernacular. The response also reminds the LPA of their overriding statutory duty to have specific regard to the purpose of “*conserving and enhancing the natural beauty of the South Devon AONB required by s85 to The Countryside and Rights of Way Act 2000.*”

The Landscape Specialist similarly has a holding objection and highlights that “*The proposals would intensify the amount of built form on the site above that which already exists so changing the character of the site. Similarly in character terms, the contemporary design of the proposed blocks do not appear to be make noticeable reference to the distinctive vernacular of Hope Cove in terms of material and detailing making the proposals appear somewhat incongruous to their landscape setting.*” The specialist goes on to state that “*There is concern about the potential for light spill adversely affecting the dark sky of the AONB particularly in relation to the amount of glazing to the southern elevation of the proposed development.*” And, “*the current arrangement of the two northern blocks is considered to present a dominant mass when seen in both the northern and southern elevations despite the presence of small separating gap between the two northern blocks.*” Further commenting that there would be limited adverse effect on the general visual amenity of the wider landscape owing to the proposed scale and massing over that which currently exists.

There is clear concern from both of these consultees with regard to the size and scale of the proposal and also of the design / style which is unsympathetic to the local vernacular, as well as the potential impact on the dark skies of the AONB, with the large amount of glazing on the southern elevation. In light of both the AONB Unit and Landscape Specialist comments, the proposal fails to comply with Policy's DEV23 and DEV25 in the JLP and policies SH Env1 of the South Huish NP.

#### Neighbour Amenity:

A number of letters of representation have been received in relation to the development, the majority of which are opposed to the development. Letters of support have also been received, however many of these letters are from people who do not live in the local community, but rather from those who enjoy spending their holidays in Hope Cove.

Of the objections received many express concern about the design and nature of the development. Others express concern at the impact of the mass on the surrounding properties in terms of loss of privacy, over shadowing and being overbearing. Policy DEV1 in the JLP, indicates that “*new development provides for satisfactory daylight, sunlight, outlook, privacy and the protection from noise disturbance for both new and existing residents, workers and visitors. Unacceptable impacts will be judged against the level of amenity generally in the locality.*”

The level of amenity currently enjoyed by the surrounding properties with the building as it stands as a hotel, would clearly vary according to the time of year, with the summer and holiday times being busier than the winter months. Arrivals and departures at the hotel are likely to be at the weekend and so these will be busier than mid-week. The use of part of the site for holiday lets is likely to repeat such activity. The permanent residential however is likely to reflect the use of those surrounding properties in permanent residential use.

There will therefore be some times of the week and year where the hotel use creates a more activity, as with all types of holiday accommodation. It is not considered that the level of activity on the site will be too different than the existing use.

In terms of sunlight and daylight, the application site is located to the south of the properties along Cliff Road. The proposed building whilst no higher than the existing is wider and bulkier than the existing hotel. It is therefore likely that at certain times of the year and day the larger building mass will impact on the amount of daylight and sunlight currently enjoyed by the properties at the rear.

Outlook and privacy are also key considerations when considering the impact of development on surrounding residents. The outlook from the rear and each side will change considerably.

Buildings 3 and 4 at the rear of the site are within 11.5 metres of The Puffins at the rear and 15 metres from Coaching House. The buildings at the rear at a higher elevation and so in effect look down or out towards the proposed development. This is the closest of any of the properties with others in the vicinity of the site. The mass of the building has increased from the rear perspective as well as the width of the development. The outlook from the two identified properties at the rear will therefore be substantially different, whereas currently there may be views across the valley, this would be impacted by the proposed development.

Beacon Cottage to the east of the application site, will have a two storey building within 9 metres of it and a terraced area forward of its front elevation.. Whilst views from private properties are not material planning consideration, the outlook from the property will be substantially altered and within such a short distance may feel overbearing.

In terms of privacy, the JLP SPD contains guidance on acceptable distances between properties but the existing situation should also be a consideration. Window to window distances according to the SPD guidance should be 21 metres. In this case, window to window to The Puffins at the rear is approximately 12 m. It is however also noted that for the 3 bed properties at the rear of the site, all but one of the living spaces only have one window for a room 9m in depth. This would result in the areas of the room furthest from the opening to be very dark and possibly not in compliance with the Building Regulations for ventilation. Whilst the current plan does not show windows in the rear elevation it is anticipated that such windows would ultimately be installed because of the lack of natural light. One of the properties does have a rear window and as the living area is on the first floor of these properties it is likely that it will cause loss of privacy to the property at the rear which is only 12 metres away.

It is therefore concluded that the proposal would impact on the living conditions of neighbouring properties and as such be in contravention of policy DEV1 in the JLP.

Of the many letters of objection and indeed the substantial objections from the Parish Council, the issues are dealt with in this report.

#### Highways/Access:

The proposals for the access to the site are to make alterations to the existing access. Currently the access to the site is provided at a diagonal angle from the Hope by Pass in the far south eastern corner of the site and is locally acknowledged as being quite dangerous when emerging from the access.

The proposal is to relocate the vehicular access to the middle of the site frontage and create level access from the road to the undercroft parking area. The new access provides an area either side of the entrance to the car park measuring 3 metres deep and 17.5 metres wide, with diagonal retaining walls each side. This space is proposed to be used for the stationing of refuse vehicles and delivery vehicles to the site.

The revised access position and layby is considered to be safer than the existing access to the site, however the resultant development is not considered to comply with many policies in the JLP and in the NP.

Pedestrian access is from two places off Hope by pass, which has no pedestrian footways because of the narrowness of the road particularly at this point. The main entrance is through the car parking area, so shared with vehicles and cycles. The second access located in the south east corner is an external stairway up to the lower terrace. There is a further stair from the lower terrace to the upper terrace and further steps up to the rear garden area from the upper terrace. The pedestrian access is not considered to be accessible to all and were it not for the lift (which may be restricted access) the scheme would not meet the disabled access requirements of the Building Regulations.

The existing site has 10 parking spaces to serve 16 hotel rooms. The proposal is for 14 larger spaces, with 3 spaces providing EV charging points. A secure cycle storage area is also provided in the car park area with 8 two tiered stands (16 cycles). There is also a space for storage – surfboards etc.

In terms of parking spaces, the Plymouth and South West Devon Joint Local Plan SPD indicates that the proposal should provide 17 spaces, based on residential parking standards. The units which are proposed as holiday lets may however only bring one car to the site, so 17 would potentially provide some visitor parking and allow for a second car for each of the holiday units. The highway authority in their consultation response indicates that the existing hotel has a parking shortfall of around 5 spaces and therefore the existing shortfall is worse or at equal numbers to what is being proposed. However in order for the development to be acceptable in planning terms it is considered that the full 17 spaces should be provided. The proposal is thus contrary to policy DEV29 in the JLP and does not comply with the parking requirements of the SPD.

Other Matters:

**Drainage:** A Flood Risk Assessment was submitted with the application, which concluded that the soakaways on the site was not appropriate and therefore recommended an attenuation system, which would discharge to a nearby water course. Quite a few of the objections to the development have indicated that the watercourse is not appropriate to receive additional surface water from this development. However the Lead Local Flood Authority have indicated that whilst initially having concerns that the proposal did not include surface features to deal with the water running off the site, these concerns have been addressed by the applicant, who indicated that *“due to the site specific constraints, topography and architectural layout, above ground sustainable drainage systems are not feasible in this instance. Instead the redevelopment will propose a significant betterment in terms of the amount of runoff discharged from the site.”*

The LLFA therefore conclude that *“The runoff from the site will be attenuated in an underground tank and discharged at a restricted rate into the sewer requisition which will discharge into the watercourse/culvert downslope. The proposed strategy will present a betterment in terms of the runoff regime in the area. The applicant has confirmed that the*

*drainage network will be maintained by a management company.”*

The flood risk authority have removed their objection subject to the imposition of a pre commencement condition.

**Climate change:** Policy DEV32 in the JLP requires amongst other means to reduce the impact of development on the climate, and that *“All major development proposals should incorporate low carbon or renewable energy generation to achieve regulated carbon emissions levels of 20 per cent less than that required to comply with Building Regulations Part L.”*

This information would ordinarily be provided in a document such as an energy statement. However no such statement has been provided by the applicant in this case. Whilst there do appear to be annotations on some of the drawings indicating the use of photo voltaic panels on the south facing roof slopes and heat pumps, There is no reference to this in either a specific statement or the planning statement

The D & A does provide some bullet points in the section entitled Sustainability.

*“• The proposed scheme enhances an existing brownfield site, and reduces the need to build on greenbelt.*

- Fabric first approach will be taken, with use of solar gain, thermal mass, shading, high levels of insulation, and improve air-tightness. This will provide a significant enhancement over the existing building, which is in a poor condition.*
- Building layout and orientation has been considered:*
- Buildings 2, 3 and 4 are all dual aspect to improved daylight and natural ventilation.*
- Building 1 will benefit from the thermal mass of being semi submerged in the landscape.*
- On-site green energy production through PV cell arrays on buildings 2, 3 and 4.*
- Air source heat pumps (ASHP) with acoustic barriers will provide the schemes heating requirements. This will be linked with the PV Array on the roof.*
- Electric vehicle charging points (20% of spaces) will be linked to the PV cells arrays.*
- Local materials will be sourced where possible, with local stone used for the lower levels of the building.*
- Demolition waste to be utilised in construction where possible.*
- Low-Lux external lighting with luminosity / PIR sensors to minimise impact on the Dark Skies / AONB.*
- Rainwater shall be collected in an attenuation tank and used for irrigation. This will significantly reduce site run-off and water usage.*
- Ecology enhancement through landscape strategy.”*

Whilst some of the principles identified are appropriate and may well lead to carbon reduction 20% over the Building Regulation requirement. This has not been demonstrated anywhere in the submission. And whilst there are PV panels in some areas, the air source heat pumps are not identified on a plan. The policy requires that to be demonstrated and in addition as from 1<sup>st</sup> June the new Building Regulations regime comes into play and whilst not yet enshrined in planning policy will be required by Building Regulations.

The list also indicates that buildings 2, 3 and 4 are dual aspect, however as shown on the plans the first floors of the 3 bed units in buildings 3 and 4 are single aspect.

The proposal therefore acknowledges the need for carbon reducing initiatives, but does not refer to the planning policy or provide sufficient information to demonstrate compliance with it. Officers therefore conclude that it is contrary to Policy DEV32 in the JLP and

**Biodiversity and ecology:** An ecological assessment was submitted with the application, which did not note any bat roosts or bat activity associated with the existing building, but did note some passing commuting by a couple of species of bat. The shrub boundary provided nesting possibilities for birds. Its loss during the demolition stage, would result in the loss of the habitat.

Mitigation measures are proposed including exterior lighting should avoid light spill around the site's boundaries in particular and along the lane (which has no street lights); tree and shrub planting should be incorporated to provide replacement nesting habitat for birds – native species preferred; bird nesting season should be avoided for the demolition and clearance of shrub border; due to the presence of a Schedule 9 listed species – any topsoil within 3m of the clump should be removed from site and taken to a licensed landfill. In addition, 2 x integrated in the eastern end wall at a minimum of 4m above ground level bat boxes, 3 x bird boxes and 3 x multi chambered sparrow boxes

To increase the biodiversity value of the proposed lawn areas within the site, they should be sown with a flowering lawn (Emorsgate mixture EL1).

Policy DEV26 in the JLP supports the protection, conservation, enhancement and restoration of biodiversity and geodiversity and.. *“Enhancements for wildlife within the built environment will be sought where appropriate from all scales of development.”* SHNP policy SH Env3 seeks to safeguard biodiversity and green infrastructure. There is a requirement that planning applications should submit a biodiversity action plan, which includes details of how the development will achieve a net gain in biodiversity. Whilst this application has included mitigation measures in the ecology assessment, there is no biodiversity action plan and no demonstration that the severely reduced area around the proposed buildings will be sufficient to provide any enhancements on the site.

Plan no. 712 P090 Rev A indicates planting in areas which are actually decked terraces where the ability to access soil is impossible. Areas identified as lawn and for tree planting here would therefore not be possible. The plan also indicates a considerable number of uprighters which depending on their lux level could have a significant impact on both wildlife and the dark skies of the AONB.

The County Ecologist has indicated that *“There doesn't appear to be any ecological concerns.*

*The building is assessed to be unfavourable for roosting bats. It is noted that there is one crevice that could be used by roosting bats, but given the size of the crevice the consultant ecologist deems these unlikely to support roosting bats and feels that further survey would not be proportionate in this instance. This conclusion is deemed sufficient from an ecological perspective.”* A condition is recommended if the application is approved in relation to external lighting.

### **Conclusion and planning balance**

The proposed development is considered by officers to be an overdevelopment of the site, resulting in inadequate space around the building for amenity space or biodiversity enhancements. The scale, massing and design of the proposal is urban in scale and design and does not respect the local characteristics of the local vernacular. Being in the South

Devon AONB, where great weight is given to that designation, it is concluded by both the AONB unit and the landscape specialist that the proposal is unacceptable. There is also insufficient information in some areas to allow the LPA to give due consideration to biodiversity net gain or whether the hotel use is no longer viable. When considering the Development Plan as a whole the proposal must be recommended for refusal on a number of grounds.

## **Planning Policy**

### Relevant policy framework

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

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

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

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

The relevant development plan policies are set out below:

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

SPT12 Strategic approach to the natural environment

SPT14 European Protected Sites – mitigation of recreational impacts from development

TTV1 Prioritising growth through a hierarchy of sustainable settlements

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

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area  
DEV9 Meeting local housing need in the Plan Area  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

**Neighbourhood Plan: South Huish Neighbourhood Plan was a Made plan in May 2021.**

The relevant planning policies are:

Policy SH EC 01 Tourism related employment and retention of hotels  
Policy SH Env2 Impact on the South Devon Area of Outstanding Natural Beauty (AONB)  
Policy SH Env3 Safeguarding the biodiversity and Green Infrastructure throughout the Parish  
Policy SH Env 7, Drainage Impact  
Policy SH Env 8, Dark Skies and the avoidance of light pollution  
Policy SH H2 Principal Residence  
Policy SH T1: Car Parking  
Policy SH HBE 3: Design Quality within the Parish

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 2, 8, 11, 2, 62, 83, 124, 126, 130, 134, 154, 157, 159, 174, 176, 178? 179, and 180 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:  
South Devon Area of Outstanding Natural Beauty Management Plan.

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

**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.

**The above report has been checked and the plan numbers are correct in APP and the officers' report. As Determining Officer I hereby clear this report and the decision can now be issued.**

**Name and signature:**

**Date:**

<p><b>Ward Member - Cllr Pearce</b></p> <p>Date cleared - 15/7/2022</p> <p>Comments made - I authorise delegated refusal of this application.</p> <p>Kind regards</p> <p>Judy</p> <p>Cllr Judy Pearce</p> <p>Member Salcombe and Thurlestone Ward</p>	<p><b>Ward Member – Cllr Long</b></p> <p>Date cleared - 15/7/2022</p> <p>Comments made – Over the telephone Cllr Long agreed the refusal.</p>