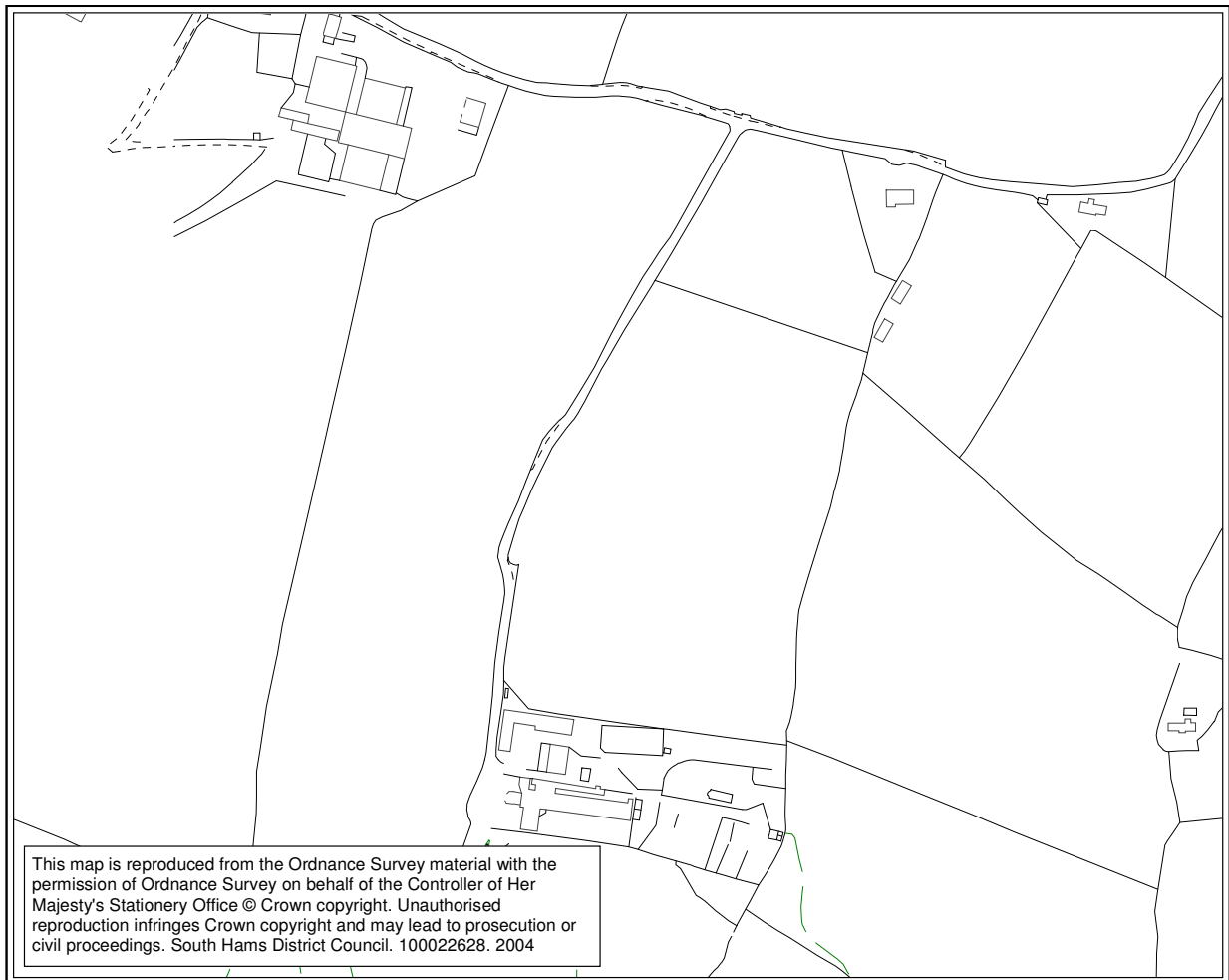


Case Officer: M Elliott
Site: Gara Rock Hotel, East Portlemouth, Salcombe, Devon, TQ8 8PH
Application No: 20/1102/04/F
Date Received: 7th June 2004
Agent: Barton Willmore Ltd 25 Marsh Street Bristol BS1 4AQ
Applicant: Aminghurst Ltd
Development: Demolition of existing hotel and replacement with 21 self contained apartments for holiday use, 1 staff apartment, swimming pool, gymnasium and restaurant, bar and car parking



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Policies

Area of Outstanding Natural Beauty
Coastal Preservation Area
Countryside

Consultations

Devon County Council – County Highways Authority
No objection in principle

South West Water
No objection

Environment Agency
No objection in principle

Environmental Health Section
No objection in principle

Other Consultees

Devon County Council Archaeologist
Archaeological Investigation required

Parish Council

East Portlemouth Parish Council make the following observations:-
Support - see letter

Letters of representation and supporting information are contained in Members' bundle

Case Officer Report

The Site and its Setting and Planning History

The Gara Rock Hotel enjoys a magnificent setting on a coastal headland directly adjacent to the peninsula coastal footpath. The site lies within the South Devon Area of Outstanding Natural Beauty, a Coastal Preservation Area and close to a Site of Special Scientific Interest. Much of the surrounding land is within the ownership of the National Trust.

The existing hotel building, formerly a terrace of coastguard cottages has been much altered and extended over the years to provide hotel accommodation which contains 12 self-contained apartments of varying sizes together with a restaurant, lounge, games room, bar and hotel reception.

There are also 2 modern buildings within the curtilage of and used in conjunction with the hotel. An L shaped single storey building containing 8 holiday apartments is sited adjacent to the access road on the immediate approach to the hotel building (1508/76). The second modern building is 2 storey and is located between the main building and holiday units referred to. This building contains 5 self-contained holiday apartments and a staff flat (1312/79). There are additional ancillary buildings used for storage purposes. Later in 1997 permission was granted and implemented to improve the hotel accommodation and staff and management facilities (1806/97/3).

There are as such a total of 25 holiday apartments, 12 of which are contained within the original building and used in conjunction with the hotel business.

The Proposal

Full planning permission is sought for the redevelopment of the site. It is proposed to remove all buildings from the site and replace with a single 'L' shaped building of 2 and 3 storeys comprising 21 self-contained apartments for holiday use and 1 apartment for staff use. The proposal will include a swimming pool and gymnasium (for use by residents) and a restaurant and bar for public use. The proposal will include car parking for residents (32 spaces), and an additional car park of 27 spaces for use by patrons of the restaurant and bar and service area.

New sewage treatment plant facilities are also proposed.

The new building proposed is of a modern but not contemporary design and has been designed to take account of the sites topography. The building steps down the site and occupies a similar footprint to that of the existing building. The building presents a 2-storey elevation adjacent to the site entrance and car park ie west elevation. This is a split-level structure and will be read as a 3-storey building within part on the east elevation.

The proposed building will be predominantly three-storey building set within the existing footprint of the existing building.

The proposed building comprises two distinct elements. At the entrance to the development is a two-storey building containing at entrance level the bar with the restaurant above. Towards the front of this block are four apartments, two at each level with a rounded open aspect towards the sea. Below this entrance level are located the swimming pool, reception for the apartments, gymnasium and concierge's flat. This block abuts the eastern wing, which sits within the footprint of the existing building on the site and shares its open aspect towards the coastline to the south.

To accommodate the large changes of levels on the site, this block is set at a lower level than the western building. It contains 19 apartments with secure private parking arranged on the site levels towards the northern boundary of the site. The building is of two full storeys beneath as pitched roof, with bedroom accommodation for the upper apartments contained within the pitched roof, with dormer windows on the south elevation to take advantage of the views. On the seaward side, the ground floor apartments extend beyond the upper levels to provide terraces for the upper apartments.

The eastern end of the building is rounded to take greatest advantage of the spectacular panorama and also to soften the oblique views of the building from the coastal path to the east. The western block will also incorporate a rounded end and will include the swimming pool, gymnasium both for the use of the residents and restaurant/bar for public use and its kitchen and store.

The eastern 2-storey wing of the building runs the same length as the existing building and is no higher. The three-storey element of the building takes into account the change in level between the 2-storey wing and the upper entrance level.

This will be a landmark building finished externally in rendered walls with grey powder coated metal windows and doors set under natural slate roofs. The whole site area will be appropriately landscaped.

Representations

The East Portlemouth Parish Council agreed to support the plans subject to reconsideration being given to flat roof dormers proposed as part of the scheme and reinstate stone chimneys. Certain caveats were also proposed as set out in their letter copied in Members' bundle and concerned the following matters:-

- existing public rights of way maintained;
- concern over loss of pool/gym to public use
- control over size of vehicles during development process
- no demolition outside months between Oct-May; and
- need for a Section 106 Agreement.

In addition letters of representation have been received raising objection to the scheme including letters from the National Trust and The South West Coast Path Association. The concerns expressed are summarised below:-

- development is contrary to established planning policies;
- will detract from a major section of unspoilt coastline;
- particular concern to western 2 storey wing and its prominence;
- building will be highly visible
- will detract from Gara Rock lookout;
- will detract from setting of coastal footpath;
- loss of accommodation service for path walkers;
- loss of old coastguard cottages/modern development out of keeping;
- loss of hotel facility/accommodation and effect on employment;
- loss of use of garden for public use;
- introduction of a residential use is inappropriate;
- potential negative economic impact on the area; and
- request for Committee site inspection.

The South Devon AONB Officer has registered objection to the application, and his letter is also copied in Members' bundle.

Whilst raising no objection in principle to the proposed development acknowledging there are merits in some aspects of the scheme. Objection is raised to the increased height and mass of the western wing creating a more conspicuous intrusion into one of the finest and most undeveloped sections of the coastline in the AONB.

A written response to the above concerns/objections has been made on behalf of the applicant. The agents letters dated 6th July and 13th August are copied in Members' bundle of letters.

DCC Archaeologist – comment that the existing buildings still form a significant and very visual element of the historic environment and are an important part of its recent history and consider that a record of the former coastguard cottages should be made prior to demolition. An appropriate planning condition is as such recommended. The preferred approach would

however have been for this element of the building to have been incorporated into the redevelopment proposals.

It must however be acknowledged that the building is not listed as being of architectural or historical interest and has been much altered over the years.

Planning Policy Considerations

The application has been advertised as a departure from the Development Plan as it constitutes a redevelopment of the site in open countryside. The existing buildings and hotel/holiday apartment use must however be a material consideration in the determination of this application.

It is clearly acknowledged that development in the open countryside must be very strictly controlled. Structure Plan and Draft Structure Plan policies **S4 and ST16** apply.

Tourist development in rural areas is covered by adopted Structure Plan and Draft Structure Plan (2001-2016) Policies **E6 and T03**, would permit self-catering units with the conversion of country houses and associated outbuildings. New build development for self-contained holiday accommodation would not be permitted.

The thrust of County Policy in this respect is continued in South Hams Local Plan policies **SHDC3 and TSR3** of the SHLP are relevant.

There is no specific policy which protects the loss of hotels outside the designated resorts of Dartmouth, Salcombe, Hope Cove, Thurlestone and Torcross.

The landscape considerations are of paramount importance and Structure Plan policies **C2, C4 and C7** and Draft Structure Plan policies **C01, C03 and C05** apply. The distinctive qualities and features of the landscape should be sustained and enhanced. The conservation and enhancement of the natural beauty is to be given priority over other considerations. Within AONB's development will only be provided for where it would support conservation or enhancement or would foster the areas social and economic well-being provided that such development is compatible with the areas conservation. As the site also lies within the Coastal Preservation Area development will only be permitted when it would not detract from the unspoilt character and appearance of the coastal area.

The policy context has been expended further in the agent's supporting statement copies to the Members' bundle of letters.

Analysis

The proposed use

If this development was on a greenfield site there would be no question of support being offered. This is not however the case. The Gara Rock Hotel is a well established tourist use offering a mix of accommodation on one of the most important coastal locations in the district. A total of 23 holiday apartments occupy the site (12 within the main building) and enjoy the communal facilities offered by the hotel. It is the existence of the hotel and self-contained apartments which distinguishes the site from others (particularly greenfield sites) which is a material consideration which Officers consider justifies support for the application against the

normal presumption against the type of holiday development under Structure Plan Policies E6 and TO3.

There is considered to be no objection in principle to the site's redevelopment subject to the new development being tourist based. It is accepted that an unrestricted residential use would not constitute a sustainable form of development and would result in a loss of the tourism based facilities which exist. Such a loss would, it is considered, be detrimental to the local economy.

The proposal is for 21 units for holiday occupation and it is considered essential that these units are retained for holiday use. Should Members be minded to approve this application, an appropriate holiday occupancy restriction should be imposed i.e. to ensure holiday use only and that no one person occupies any one unit for a period in excess of eight weeks in any one year.

In addition, it would be considered essential for the restaurant and bar facilities to comprise part of the same build programme. A condition would require these facilities to be completed before any holiday unit is occupied. These facilities will be available for public use and will provide an attractive tourist attraction.

The agents have confirmed that these facilities will be available for functions and weddings. It is also indicated that there will be no loss of jobs, the bar and restaurant will be open throughout the year and whilst the apartments will be available for use throughout the year, an occupancy rate of approximately 40 weeks is expected. It is in fact anticipated that an increase in number and quality of local jobs will result.

Officers are satisfied that the new tourist accommodation and facilities offered by this proposal will contribute to the local economy and will not be significantly different from the current usage of the site as a whole.

Landscape Setting and Design

Notwithstanding the above considerations the importance of the buildings design, scale and visual impact on this very important coastal setting is not to be underestimated. Central Government advice and the Development Plan policies firmly establish the need to ensure that harm does not result from any development proposal.

Aside from the older wing of the hotel, the former coastguard cottages, which themselves have been much altered, the existing buildings on site possess no design merit and detract from the general setting of the site, particularly the accommodation blocks constructed in the 1970's and 80's.

The proposed development will rationalise the built form on this site. The building will be larger in so far as the new western wing comprising the pool, gym and accommodation, bar and restaurant facilities over, will present a two and three storey building. A two-storey building is presented to the site entrance/approach.

A basement entrance to the rear of the eastern wing is set under the three storey building element. It is the western wing of the development which will be most pronounced. The development will be seen as a landmark building in this very sensitive setting. A high standard of design quality is presented and both wings of the building relate well. The

buildings appearance, although modern, is not fussy. The eastern wing respects the scale of the existing building.

Whilst the reservations expressed in representations is well understood, this is seen as an opportunity to secure the enhancement of the site rather than its detriment. Officers feel able to support the quality design presented, accepting that it will result in a greater mass of building. There are real benefits in achieving a better built quality on this site and the design quality is such that this development would succeed as an important landmark building on this coastal site.

Other Detailed Matters

- The developer has agreed that building demolition should only take place out of season and a restriction of vehicle size is reasonable and could be controlled by planning condition.
- A comprehensive landscape plan for the whole site is being prepared and will secure the further enhancement of the site's setting, including car park areas.
- Public rights of way will not be obstructed by the development. Measures will be taken to ensure they are kept open during the development process. An appropriate planning condition can be imposed.
- Foul drainage will be dealt with by new treatment plants. The Environmental Health Officer raises no objection to this. The detailed design of percolation areas can be controlled by planning condition.
- The County Engineer does not raise objection to the scale of development having given due consideration to the existing use. A construction period traffic plan can be secured by planning condition.

Conclusion

There is no doubt that this proposal presents a very important and sensitive scheme of development. Officers consider this presents an opportunity to achieve a development which will make a clear statement, a quality landmark building, in a very popular and important coastal location. The proposals present a modern tourist development which is not significantly different from the character of development which exists and whilst representing a departure from policy, material weight must be given to the nature of use and quality/scale of buildings which exist.

Having carefully considered all the issues which have been raised and concerns expressed it is considered that the proposal merits support subject to appropriate conditions being imposed.

Human Rights

The development has been assessed against the provisions of the Human Rights Act and in particular Article 1 of the First Protocol and Article 8 of the Act itself. In arriving at this recommendation due regard has been given to all representations received about the policy conflicts, landscape impact and nature of the proposed use. However in the individual

circumstances of this case and having full regard to the objectives of the Development Plan policies and Government Planning Guidance it is considered that the applicants reasonable expectations could be realised.

Recommendations

Conditional Approval

Conditions

- 1 - STN3 (Standard Time Limit)
- 2 - Non Standard
Holiday Occupancy
- 3 - Non Standard
Accord with Plans
- 4 - Non Standard
Materials
- 5 - Non Standard
Natural Slate
- 6 - Non Standard
Windows/Doors
- 7 - Non Standard
Levels
- 8 - Non Standard
Car Parking
- 9 - Non Standard
Landscaping
- 10 - Non Standard
Demolition Period
- 11 - Non Standard
Restaurant/Bar Completion Period
- 12 - Non Standard
Public Rights of Way maintained
- 13 - Non Standard
Construction Period Traffic Plan
- 14 - Non Standard
Drainage
- 15 - Non Standard
Archaeological Investigation
- 16 - Non Standard
Rainwater Goods
- 17 - Non Standard
Dormer Window Detail
- 18 - Non Standard
Lighting Detail
- 19 – Non Standard
Staff Accommodation

Reasons for Approval

- 1 This application has been determined in accordance with Section 54A of the Town and Country Planning Act 1990 which states that planning applications should be

determined in accordance with the Development Plan unless material considerations indicate otherwise. This application has been determined in accordance with approved Development Plan Policies (which are contained in the Devon County Structure Plan and the South Hams Local Plan); relevant Government planning policy guidance; and approved in the absence of any other overriding material considerations and having given due weight to all other matters raised in this application including technical and other representations received. The relevant Policies are Structure Plan and Draft Structure Plan Policies C2, C4, C7, S4, ST16, C01, C03, C05, E6 TO3; South Hams Local Plan Policies SHDC3 and TRS3.

Special regard has been given to the representations about landscape impact, conflict with Development Plan, scale, design, loss of hotel use/tourist facility and effect on local economy but these were not considered to be overriding because the proposed use retains a tourist based facility on the site which can be effectively controlled by condition. Notwithstanding the Development Plan Policy context due consideration has been given to the existing use and extent of buildings on the site. It is further considered that the proposal presents a quality design and new landmark building which is considered will contribute to a landscape setting of acknowledged importance.