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Please reply to: Darryl White
Service: Strategy & Commissioning
Direct Dial: (01803) 861247
E-mail address: Darryl.White@swdevon.gov.uk
Date:

Dear Councillor

SOUTH HAMS DEVELOPMENT MANAGEMENT COMMITTEE - WEDNESDAY, 5TH SEPTEMBER, 2018

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No Item

2. **Urgent Business - Application 4323/17/FUL (Pages 1 - 10)**

Brought forward at the discretion of the Chairman;

Application Number 4323/17/FUL: - The Crab Pot, Beesands, Stokenham, TQ7 2EH

Demolition of existing building and construction of a two bedroom house

Yours sincerely

Darryl White
Senior Specialist – Democratic Services

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Recommendation: Approval

Conditions

1. Time limit
2. Accord with plans
3. Samples
4. Unsuspected contamination
5. Obscure glazing on side elevation windows
6. Blinds to be added to 2nd floor observatory windows
7. Finished floor levels to be agreed
8. Removal of certain PD rights

Key issues for consideration:

Whether the principle of the development is acceptable; whether the design is acceptable. Impact on the AONB.

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

It is estimated that this development has the potential to attract New Homes Bonus of £1187.00 per annum, payable for a period of 5 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The building is located in the residential curtilage of a property formerly known as the Crab Pot, which has recently been granted consent for subdivision into 2 dwellings. The site lies along the seafront at Beesands. It sits within a line of properties with a variety of styles and heights. The Crab Pot is a large 2 storey with rooms on the roof (3rd storey) building on the corner, adjacent to the road into Beesands. Seacrest which is adjacent is a dormer bungalow.

The Proposal:

The proposal is to demolish the existing building and construct a 2 bedroom house. The existing building measures 7m x 5m. The proposed replacement measures 104metres squared footprint. The proposed replacement is over 3 floors, with the bedrooms on the ground floor and the living space on the first floor. The second floor is proposed as an observatory. The proposed replacement is this somewhat larger than the existing dwelling in terms of footprint and scale.

An existing garage is proposed to be part of the parking allocation for the proposed dwelling.

The proposal is for a contemporary dwelling with a flat roof, comprising a stone clad rectangular building at ground floor, with a slightly larger rectangular block clad in Hardie Board above and then over a smaller floor area at the rear of the proposed dwelling, an observatory on the second floor – also clad in Marley Board (Ocean Blue).

Consultations:

- County Highways Authority

Environmental Health Section: Request unsuspected contamination condition.

Town/Parish Council: Objection as this was a chalet and had never been a long term living accommodation so this proposal to knock down what was akin to a shed for a new three storey house would impose a brand new development in an AONB where flooding was an associated a problem. This was not felt to be acceptable development within an AONB where this part of Beesands was situated in an area of vulnerable coastline where ‘no active intervention’ was detailed in the current Coastal Intervention Plan and thus unsustainable. It was also felt to be overdevelopment with massing and possible overlooking of adjacent lower properties. If permission was considered this

proposal was still felt to be an unsuitable design in this location in view of the adjacent lower properties.

Marine Management Organisation: Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Line.

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

Marine Planning

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the East Inshore and Offshore marine plans were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our Marine Information System. The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist.

Drainage: This is a small scale minor development for demolition of existing two bedroom chalet and construction of a two bedroom house. A development of this scale requires a workable drainage scheme that prioritises the use of infiltration drainage in accordance with best practice SuDS design, (CIRIA C753).

Following our previous objection dated 5th February 2018, the applicant have provided updated drainage report to address the issues raised previously. Full surface water details have been provided however foul drainage issues are still outstanding.

Foul drainage information has now been submitted and the Drainage engineers are happy with the proposals.

Representations:

Representations from Residents

19 letters of representation have been received. One in support and 18 objecting to the development. In summary the concerns raised are:

- It will generate additional noise on top of the extra dwelling recently approved on the crab pot site
- Overdevelopment of an already cramped site
- The proposed dwelling has a footprint 2.5 times bigger than the existing timber chalet
- The glass fronted flat roofed proposal opposite the village green is out of character in Beesands and is over dominating
- It is not sympathetic to the AONB within which it sits
- Object on grounds of design, appearance, layout and density:
- Design is out of keeping with the surrounding buildings
- The three storey building will have unhindered line of sight into the adjoining properties front lawn and garden.
- It will dominate the surrounding bungalows.
- Out of character with this unspoilt fishing village
- There is a risk that the other buildings on the Crabpot site will also be redeveloped.
- The view from the footpath of a new tall building, whereas the existing building whilst not attractive itself it is unobtrusive
- The observation room would create light pollution in an area noted for the unspoiled views of the night sky.
- Will it become yet another second home?
- It will dominate the sea front.
- It is too high.
- It will generate more traffic
- The proposed building is more than twice the size of the existing building.
- The proposed dwelling is poor quality and flimsy design
- Beesands is not a sustainable village.
- The new dwelling will be overbearing on neighbouring properties and cause a loss of privacy.
- It will also block light to Seacrest to its north. The oblique views in the observatory will look into the front garden and could in the future be turned into a terrace.
- The area is subject to continued coastal erosion.

Relevant Planning History

53/0139/86/1: OPA

Proposal: Chalets and a swimming pool

Site Address: The Crabpot and Cosy Nook Beesands Stokenham.

53/1085/93/3: FUL

Proposal: Use as private dwelling house

Site Address: The Crabpot Beesands Stokenham.

Decision: Conditional approval: 25 Aug 93

53/1584/93/3: FUL

Proposal: New boundary hedge/bank to road

Site Address: The Crabpot Beesands Stokenham.

Decision: Conditional approval: 29 Nov 93

53/1105/94/3: FUL

Proposal: Amendment to approved plans 9/53/1548/93/3 for boundary hedge/bank (alteration to position)

Site Address: The Crabpot Beesands Stokenham.

Decision: Conditional approval: 31 Aug 94

2535/17/FUL

Change of use from a single dwelling house to use as two single dwelling houses, including alterations, extensions and reopening original access.

Conditional approval 28/ 9/2017

3526/17/ARC

Approval of details reserved by condition numbers 3 (Driveway Details)

and 5 (Surface Water and Foul Drainage Details) of planning consent 2535/17/FUL

Discharge approved 13/ 3/2018

Planning history on a site further along the row, which accepted the principle of the development but was refused on access grounds.

1814/17/OPA

Outline planning application with some matters reserved for construction of dwelling

Refusal 19/ 7/2017

ANALYSIS

Principle of Development/Sustainability: The principle of this proposal firstly needs to be considered against Policy CS1 which provides the villages within the South Hams which are subject to development boundaries. Beesands is not such a settlement. As a result in the past the Council have resisted new residential development as it has considered Beesands to be an unsustainable location. However, the Joint Local Plan for Plymouth and South West Devon is an emerging plan and there is a slight shift in policy with regards to the sustainability of Beesands. It is listed in the emerging plan as a sustainable village. ~The emerging plan also proposes a settlement boundary for Beesands. The application site lies within that proposed boundary. Whilst the weight to be given to the emerging plan is limited in its current form, it is well advanced in the progress towards adoption and so its policies are material planning considerations.

In addition at the moment the Council is unable to demonstrate a 5 year housing land supply. Paragraph 11 of the recently approved NPPF indicates that policies are considered out of date where the Council cannot demonstrate a 5 year housing land supply and planning permission should be granted for a proposal which is considered sustainable. The fact that the Council in its evidence base and consequently through the production of the JLP are acknowledging Beesands as a sustainable location. As such the principle of a dwelling within the settlement boundary is accepted provided it meets the other policies that are of relevance both locally and in the NPPF.

Design/Landscape:

The proposed dwelling is a modern contemporary design, which is quite different to any of the existing dwellings in the area, which are a mix of houses and bungalows and dormer bungalows. They have a more traditional approach with pitched roofs and rendered exterior walls. There is however not a particular style which predominates in the immediate area. Further along to the west of the road there are a predominance of two storey terraced properties built in the early 1900's.

Policies CS7 and DP1 encourage high quality design and require developers to show an understanding of and respect for the context of a development. Many of the objections received are concerned about the contemporary style of the dwelling proposed, which they suggest is not in keeping with the area. However as previously stated, there is not a predominant style across this stretch of development and it has to be acknowledged that we should be designing buildings which are of this time, rather than a pastiche of previous times. What is important is that the dwelling sites well within its setting and in terms of scale and massing does not stand out. It is acknowledged that

the existing building (chalet) is small and relatively insignificant in the overall street scene. The proposed dwelling would have a bigger impact in that scene. However it steps down from the massing of the Crabpot, and represents an acceptable transition between the Crabpot and Seacrest, in terms of scale. It is also along the same building line as the properties either side of it.

Amendments have been made to the proposal which have reduced the amount of glazing in the front elevation and changed the materials.

Impact on the AONB:

Policy CS9 in the South Hams Core Strategy indicates that The AONB should be given great weight in the decision making process. The NPPF Para. 172 states: "*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*"

The impact of any proposal on the AONB is therefore a material consideration in the planning balance and it must be given great weight in the balance.

The proposal replaces an existing building which has been on the site for many years. The proposed dwelling is larger in scale than the existing building and as such there will be a visual impact as a result of the development. The question is whether the impact is significant and whether within the context it would cause harm to the AONB and its special beauty and character.

Beesands is a small coastal village which primarily sits in the coastal plain, with land rising behind. Most of the development is located on the lower coastal plain. The application site lies well within the built up area of Beesands, with development existing on all sides, except that fronting the sea. The Crabpot and Lobster Pot pair of dwellings are the largest building in the immediate environment of the site. The Design and Access Statement contains an image indicating the proposal in the street scene. It is apparent that once constructed the development behind the site, on slightly higher ground will still be visible above, (when viewed from the road in front of the proposal site) and so as such the new dwelling would be sat within a context of built form.

In addition when viewed from above from the road into Beesands, the proposal would be seen within the context of all of the other dwellings in the locality. The Crabpot is quite visible from above the village. The proposal will be seen as a slightly lower property between it and Seacrest. A condition requesting a finished floor levels plan will be imposed so as to control the finished floor height of the dwelling, to ensure it is constructed in the way it has been indicated on the drawings (as a transition between Seacrest and the Crabpot.

The third storey observatory, with its large window openings could create a problem in terms of light pollution in this quite remote coastal village. However consideration must be had to the other dwellings which will create some light pollution in general terms. It is suggested that a condition on the consent to incorporate blinds into those windows to prevent a large amount of light pollution could ensure that it is kept to a minimum.

It is considered that the proposal would not cause harm to the AONB as it is within a built up area and provided the condition with regard to the blinds is adhered then there will not be an impact from light pollution.

Neighbour Amenity: The objections have suggested that the proposal should be refused on the basis of impact on the residential amenity of neighbouring properties in particular Seacrest and Dolphins. The proposal does introduce windows at both first and second floor which do not exist at present and so as a result there may be an impact in terms of potential overlooking. However the windows on the east elevation are angled to face away from Seacrest and face south east. The windows in the observatory tower will have the ability to overlook Seacrest's front garden, however because of the height of the second floor and the fact that it is set back, the location of Seacrest's built form directly adjacent to the boundary, it is likely that only the very front of the garden to Seacrest would be

affected. In relation to Dolphins, it is located behind the existing garage which is proposed to be retained and the lack of windows in the west, would mean that the potential for overlooking of Dolphins is very limited.

There is a potential for the mass of the proposed building to lead to some overshadowing of Seacrest at certain times of the day, when the sun is in the south west for example, however the Crab pot prevents some of this and it would be for a limited amount of the day and over a limited amount of the garden. Seacrest has a very large garden area and so it is not considered that the overshadowing is a significant enough issue to warrant a refusal of the proposal.

Highways/Access: No comments have been received from the Highway Authority. Access is via an existing driveway which also serves the property now known as The Lobster Pot.

Impact on the marine environment: The proposal does not involve work in the area defined as mean high water.

Conclusion and planning balance:

This is quite a finely balanced case. The fact that Beesands is identified as a sustainable village in the emerging JLP, whilst not adopted policy as yet, it is a long way towards adoption and so as such the weight to be given to it is material. The proposal is located well within the settlement, with development surrounding it on 3 sides. The principle is accepted. The design and neighbour amenity concerns are valid considerations. The issue primarily with the design is the very modern approach taken as opposed to the mixture of styles from a range of times in the 1920's to 1990's. It will be different from those surrounding it, but the scale is appropriate being that it is sited between two quite contrasting scales and it forms the transition.

The materials have been altered to all natural materials which will soften the elevations, as the wood weathers. The neighbour amenity concerns have been addressed in the text above and there are no direct windows looking into adjoining properties and those windows that do are obscure glazed. It is not considered that the proposal would cause harm to the residential amenities of the adjoining dwellings to any significant extent and certainly would not warrant refusing the application on those grounds.

With regard to the AONB, the modern design could be seen to be inappropriate, however the fact that it is located within the built form of the village and is seen against that existing built form means that it will not cause harm to the AONB. The use of high quality natural materials and the condition to restrict the opportunity for light pollution, ensure that the impact on the AONB is minimised. It is not considered that the integrity of the AONB is affected by allowing this proposal.

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

Planning Policy

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

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Joint Local Plan

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

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

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

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

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

Neighbourhood Plan

There is currently no Neighbourhood Plan for this area.

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.

Proposed conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

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

2. The development hereby approved shall in all respects accord strictly with drawing number(s)received by the Local Planning Authority on

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

3. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

4. If, during development, contamination not previously identified is found to be present at the site, then no further development, (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: This condition is required where no desktop study has been carried out or if the desktop study failed to completely characterise a site.

5. The windows in the east elevation shall be obscure glazed only and shall remain so unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain privacy to the neighbouring dwellings.

6. Prior to the commencement of development a plan indicating the finished floor levels for the development hereby approved shall be submitted to and approved by the Local Planning Authority. The work shall be completed in accordance with the agreed plan.

Reason: To ensure the development is constructed at an appropriate level in relation to the surrounding development

7. Prior to the occupation of the dwelling hereby approved details of blinds to be placed in the windows of the 2nd floor observatory shall be submitted to and approved by the Local Planning Authority. The blinds shall be put in place prior to the building being occupied.

Reason: To ensure that the light emanating from the observatory during darkness can be restricted and so avoid light pollution in the AONB.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

- (a) Part 1, Class A (extensions and alterations)
- (b) Part 1, Classes B and C (roof addition or alteration)
- (c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(g) Part 40 class A & B (Installation of domestic Microgeneration Equipment)

(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re-enacting this Order).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.