

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Bigbury **Ward:** Charterlands

Application No: 3545/17/FUL

Agent/Applicant:

Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

The Yin Family
Rosslyn Park Mews
Lyndhurst Road
London
NW3 5NJ

Site Address: Seafront, Marine Drive, Bigbury On Sea, TQ7 4AS

Development: Demolition of existing building and outbuildings and erection of 2no replacement dwellings including creation of new access off Marine Drive.



Reason taken to Development Management Committee:

Cllr Baldry has requested that this application be determined by Development Management Committee due to concerns regarding the following:

- 1. The continued level of public objection, even to the revised plans.*
- 2. The Parish Council objection.*
- 3. Bigbury on Sea is not a sustainable community*
- 4. The objection to the ridge height of the dwelling on plot 2. It is approx 1 metre higher than the existing garage on the plot. In order to maintain the staggered appearance as seen from coastal path and beach, it would be preferable if the height of the proposed dwelling on plot 2 could be reduced by 1 metre. I am aware of the sensible decision taken by DMC for Waves Edge, Challaborough.*
- 5. The drawings show a chimney. The preference is to be in keeping with other new builds in the area and to have a low level flue, preferably built into the roof. Chimneys provide nesting places or seagulls. All new dwellings on Marine Drive have flues. It has been suggested by neighbours that chimneys are an eyesore.*
- 6. I would ask for a construction management plan to ensure that construction vehicles do not enter the site from Warren Road, but do so from the new access on Marine Drive.[see letter of objection from Mr Peet of 10 December]. The corners are not wide enough for plant to turn in using Warren Road.'*

Recommendation: Conditional Approval

Conditions

Time

Accord with Plans

Roof specification, including solar panels, prior to installation

Materials samples prior to installation

Landscape plan prior to commencement

Accord with Japanese Knotweed mitigation, updated report prior to commencement

Accord with recommendations of ecological report

Retain garage for parking, plot two

Unsuspected contamination

Key issues for consideration:

The main issues are the scale, massing and design of the proposal, the implications of the previous dismissed appeal, the impact upon the AONB, neighbour impact, drainage, ecology, access and parking and land contamination

Site Description:

The application is the detached dwelling 'Seafront' and its curtilage and garage located within the village of Bigbury-on-Sea. The site is within the village Settlement Boundary, and is also within the South Devon Area of Outstanding Natural Beauty and the Undeveloped Coast. The SW Coastal Path is very close by to the South and the site is visible from the path, and from the beach below.

The building is a two storey property with twin gables facing towards the sea, finished in pebble dash and tile with a small chimney stack within the roof. It enjoys a disproportionately large garden in comparison to other properties within the vicinity. There is an existing access from Marine Drive.

In 2015 an application for a pair of two storey dwellings was refused on AONB grounds due the scale, massing and degree of glass within the seaward elevation. In 2016 the associated appeal was dismissed on the same grounds.

The Proposal:

Planning permission is sought for the demolition of the existing building and outbuildings and erection of 2no replacement four bedroom dwellings including the creation of a new access off Marine Drive.

This scheme is very different to that dismissed at appeal. The replacement dwellings are two bungalows set under hipped slate roofs with integral solar panels. The main ridge of each dwelling runs parallel to the beach and coastal path, but both have glazed gable elements projecting from their principal elevations. Both dwellings are lower than the existing dwelling on the site.

Both properties are set back into the site with the front gardens forming the principal outdoor amenity space. Soakaways are located within these garden areas. Private driveways provide vehicular access to garages at the rear. A new access is proposed from Marine Drive

The scheme has been revised during its lifetime, reducing the ground floor of the plot one by 500mm, and clarifying identified drawing errors.

Consultations:

- County Highways Authority

No objection, standing advice

- Bigbury Parish Council

Objection – acknowledge improvements in design but maintain objection to houses height and roof pitch

Representations:

14 letters of representation have been received at the time of writing this report, 11 in objection and 3 letters of support. Concerns raised are summarised as follows:

- The scheme doesn't follow the descending ridge height across the street scene
- The properties are unnecessarily elevated above existing ground levels
- Will be harmful to the AONB designation
- The solar panels are inappropriate
- The Japanese Knotweed is an impediment to the development
- Prefer flues to chimneys
- Consideration should be made to access during construction
- There are errors in the drawings

Comments made in support of the scheme are summarised as follows:

- The design improves the standard of design within the village
- The applicant has listened to criticism
- The proposal addresses all points raised by the Inspector

Relevant Planning History

05/1229/15/F - Demolition of existing dwelling and outbuildings and erection of 2No replacement dwellings to include creation of new access (Resubmission of planning approval 05/2922/14/F) – Refused and appeal dismissed

Analysis

Principle of Development/Sustainability:

The site is within the Settlement Boundary, where the principle of new residential development is supported, subject to all other material planning considerations. The principle of two units was accepted by the Inspectorate when determining the previous appeal.

The current site, including the existing dwelling, owing to its design, incongruous massing and tired state, is considered by officers to present a negative contribution to the village. The site also presents a land contamination issue with four separate areas of Japanese Knotweed infestation.

The Dismissed Appeal

The previous, dismissed scheme is markedly different to that now proposed. Although the Inspector identifies the height of buildings to be an important factor for dwellings along Marine Drive, the primary reason for dismissing the appeal was the contrived two storey appearance of the proposed dwellings, achieved through the excavation of two storey buildings into the site, in combination with the extensive degree of glass within the principal elevations.

Design/Landscape:

The new scheme is not comparable as it shows two clearly identifiable bungalows, with a far better ratio of glass, wall and roof. Plot one is now set well below the ridge of the existing dwelling it would replace, and, although plot two is not lower in height than its previous iteration, it does not have a two storey appearance and is clearly identifiable as a well-designed bungalow.

In addition, the new scheme has also been itself revised during the lifetime of the application, taking into account third party comments, with plot one having been lowered by an additional 500mm, and it now sits at the same ground level as the existing dwelling. This achieves the stepping down of ridge heights across the street scene, as identified as a component of distinctiveness by the interested parties.

Overall, officers consider the scheme to have taken full account of third party, the Council and PINS' concerns, and it has gone above and beyond what was necessary to render the scheme acceptable in planning terms by providing a design response which adheres to local distinctiveness and which will sit most comfortably within the village without detriment to the AONB designation nor the undeveloped coast and the South West Coastal Path. .

Officers do not consider it reasonable or necessary to require a further reduction of the height of plot two to bring it in line with the height of the existing garage outbuilding. Such a further reduction is not considered necessary to make the scheme acceptable in planning terms.

With regard to the chimneys, there are examples of both chimneys and flues in use throughout the village, and, on this basis, either approach is acceptable in planning terms.

Japanese Knotweed

The site is partially infested by Japanese Knotweed, which is a highly invasive plant species, the spreading of which is prohibited under Environmental legislation. Although the site has benefited from an herbicide control strategy since 2016, clearly the development of the site, as proposed, does have the potential to disturb the knotweed and its rhizomes if not carried out by a suitably qualified professional.

As such, the applicants are now proposing the complete removal of the contaminated soil prior to the commencement of other development within the site. This will be ensured through the use of an

appropriately worded planning condition which will require an up to date survey, taking into account the most effective times of the year, to survey the existing level of infestation within the site.

Neighbour Amenity:

The neighbour impacts associated with this proposal are no different or greater than that from the existing dwelling, and there will be no undue loss of light, dominance or overlooking above and beyond that generally accepted within the locality.

Highways/Access:

The proposed accesses are consistent with others throughout the village and will not represent a specific highways safety issue. The proposal provides adequate onsite parking and turning. The dwellings will require retention of the garaging and hardstanding in perpetuity to ensure that turning on site is retained.

Ecology

The ecological report identifies that the demolition of the existing building will lead to the loss of bat habitat, specifically the occasional, not maternal use of the roof space by bats as a roost. However, in this case, the removal of the incongruous site and replacement with a well-designed scheme providing a positive contribution to the village justifies the loss of the existing building and its habitat in the public interest.

Works to renovate and retain the existing building appear to be extensive and unsatisfying aesthetically, and in themselves would likely disturb the roost. Leaving the building alone and unoccupied would likely cause its loss in the long term, leading officers to conclude that there is no satisfactory alternative.

Maintenance of Favourable Conservation Status is achieved through adherence to the recommendations of the submitted ecological report, and the Council's ecologist has raised no objection to the technical aspects of the ecological work or its findings and recommendations.

Other Matters:

Surface water drains to on site, individual soakaways and foul is connected to the sewer. Officers are satisfied that the front gardens of each plot will provide capacity for a suitably specified on site soakaway.

The connectivity of the site to Marine Drive and Warren Road, combined with the onsite space for storage of materials, leads officers to conclude that it is not necessary or proportionate to impose a CEMP condition in this instance.

Although officers acknowledge that Bigbury-on-Sea itself can be poorly connected during the summer months, it is found that it is unreasonable to impose blanket time restrictions on construction during certain times of the year, and, in any case, such an approach would likely extend the construction period, and therefore the inconvenience to affected third parties.

Conclusion

Significant alterations and concessions have been made in comparison to the appeal scheme and further amendments have been made during the planning process made pursuant to third party and Parish comments.

These amendments mean that the scheme now goes above and beyond what was required to make this acceptable in planning terms; the bungalows will sit harmoniously within the village without detriment to its streetscape, public receptors or land designations, and the scheme provides a social

benefit through housing provision and an environmental benefit through the removal of an incongruous site and the Japanese Knotweed infestation.

The scheme represents sustainable development and is recommended for approval subject to appropriate conditions.

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
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

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

South Hams Local Plan

SHDC 1 Development Boundaries

Emerging Bigbury Neighbourhood Plan

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
PLY49 Sherford Community Park Strategic Greenspace
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
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
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV35 Renewable and low carbon energy (including heat)

Considerations under Human Rights Act 1998 and Equalities Act 2010

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

Planning Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with the following drawing numbers:

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. The roofs of the buildings shall be clad in natural slates, fixed in the traditional manner with nails rather than slate hooks. Prior to installation, a full roofing specification including the types and sizes of natural slates to be used, together with the type, colour and profile of the ridge tiles, hip detailing, a section through the solar panels, and chimney stack and pot detailing shall be 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 unless otherwise agreed in writing.

Reason: To ensure that the development displays good design practice and to allow the Local Planning Authority to assess the details of the scheme to ensure that is maintained.

4. Prior to installation, a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces shall have been first 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 unless otherwise agreed in writing.

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

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development, details of the location and finish of all new areas of hardstanding, details of new terracing and the form and finish of retaining walls.

All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

6. Notwithstanding the details within the approved plans and documents, prior to the commencement of development a Japanese Knotweed Survey and Removal/Mitigation Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The document will include:

- A detailed survey of the current extent and location of Knotweed contamination within influence of the application site.
- Details of how the knotweed will be removed and disposed of prior to the commencement of development and/or how further land contamination will be prevented during the course of the development
- Details for the provision of onsite monitoring by a suitably qualified ecologist during the demolition, excavation and construction phases

The Survey and Removal/Mitigation Strategy will be strictly adhered to during the course of the development.

Reason: To ensure that the development does not spread or cause land contamination

7. The recommendations, mitigation and enhancement measures of the Ecological Report, by David F Wills dated 7 September 2017, shall be strictly adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

8. The garages and hardstandings hereby permitted shall remain available in perpetuity for the parking and turning of motor vehicles in association with the use of the dwellings.

Reason: To ensure that the off-street parking facilities remain available in the interests of highway safety.

9. 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 [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this

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

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