

# PLANNING APPLICATION REPORT

**Case Officer:** Mr Alex Sebbinger

**Parish:** Bigbury

**Application No:** 05/0383/15/F

**Agent/Applicant:**

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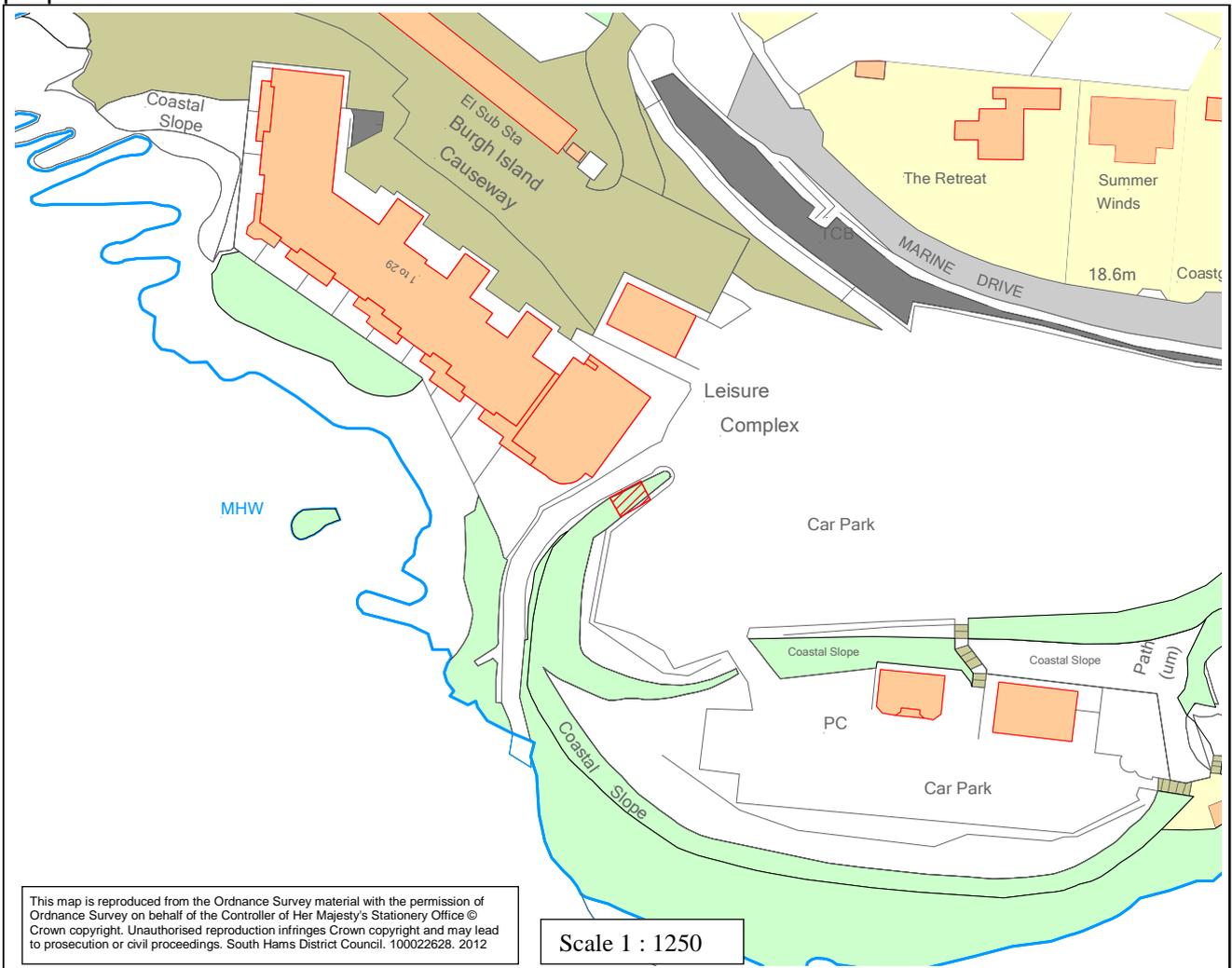
**Applicant:**

The Venus Company Ltd  
Mr & Mrs M Smith  
Halwell Business Park  
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**Site Address:** Proposed beach hut/kiosk, Land at SX 6508 4421, Bigbury on Sea

**Development:** Excavation and formation of retaining wall for erection of temporary beach hut/kiosk with change of use of land

**Reason item is being put before Committee** – Due to strength of local opinion against the proposal



## **Recommendation: Conditional Approval**

### **Conditions**

Time frame for commencement of development

Accordance with plans

Seasonal use & removal out of season

Loading/unloading materials

Materials

### **Key Issues for Consideration**

The proposal relates the excavation of an existing grassed bank and formation of a concrete base with retaining walls to provide a kiosk building which would provide light refreshments to takeaway. It would be in operation from July until mid September, catering for the additional seasonal demand. The works are considered to be relatively small scale and low key with limited visual impact and would not appear out of place within this developed coastal location or cause harm to the AONB. Officers are satisfied that there would not be any significant impact on highway safety.

### **Site Description:**

The application site is a small grassed bank situated to the top of the beach access ramp within the south western corner of the main coastal car park in Bigbury on Sea. Burgh Island Causeway, an apartment block, lies immediately to the west of the site. The site lies within the South Devon Area of Outstanding Natural Beauty and Countryside.

### **The Proposal:**

The application seeks planning consent for the erection of a timber framed kiosk building formed from excavating the existing grass bank and creating a new structural concrete platform and steps with retaining walls to the north, east and south elevation. Guardrails to a height of 1.1m are proposed on top of the retaining walls. The footprint of the concrete base is approx 24 square metres. The new kiosk building would be set back approx 1.5m from the highway, behind timber decking.

The proposed building would measure approx 2m by 4m with a height of 2m rising to approx 3m to the ridge. It would be clad in painted timber horizontal boarding with a double pitch roof to be covered externally in felt.

The kiosk would provide ice creams, teas and coffees and other light refreshments and would be in position on the site between 1<sup>st</sup> July and 15<sup>th</sup> September in any given year.

### **Consultations:**

- |                                |              |
|--------------------------------|--------------|
| • County Highways Authority    | No objection |
| • Environmental Health Section | No objection |
| • Town/Parish Council          | Objection    |
| • AONB unit                    | No objection |
| • Natural England              | No objection |

## **Representations:**

At the time of writing the report, 8 objections have been received raising the following concerns: -

- Overdevelopment
- Concerns over public safety
- Already adequate number of food outlets
- Set an undesirable precedent
- Detrimental to AONB
- Questions regarding land ownership
- Concerns regarding land stability
- Inappropriate design
- Potential noise from generator

## **Relevant Planning History**

None

## **ANALYSIS**

The application seeks planning consent for the excavation of the existing grassed bank and formation of concrete platform (with retaining walls) to facilitate a timber framed kiosk building which will provide light refreshments to takeaway.

### Principle of Development/Sustainability:

There is no objection in principle with the proposed development. Par 28 of the NPPF stipulates that planning policies should support economic growth in rural areas to create jobs and prosperity. Sustainable rural tourism and leisure developments are fundamental to this, benefiting business in rural areas, communities and visitors. Policy CS13 supports the diversification of the rural economy providing a development is compatible with its location and setting and does not cause any 'unacceptable' harm to the surrounding landscape. Policy DP12 supports proposals for tourism and leisure where it is demonstrated they support the objectives of rural regeneration and are situated within sustainable locations. The proposal constitutes a small scale, low key kiosk building which would serve tea and coffees, ice creams and other light refreshments. The building would be on site between 1<sup>st</sup> July and 15<sup>th</sup> September each year, catering for the additional seasonal demand.

### Design/Landscape:

The existing site is already characterised by built development, namely the car park, Burgh Island Causeway apartment block and beach shop with the backdrop of Bigbury on Sea village and the site is already a popular, local tourist destination. The proposed kiosk building and associated engineering works would not appear visually out of place within this developed coastal landscape. The proposed kiosk building and associated engineering works are considered to be relatively small scale and low key, being largely set into the roadside bank. The kiosk would be a timber framed building, clad in horizontal timber boarding, appropriate within this coastal location. The applicants intend to remove the building when it is not in operational use.

### Neighbour Amenity:

Officers are satisfied that the proposal would not cause any harm to the living conditions of the residents at Burgh Island Causeway situated immediately to the east of the site. Concerns have been raised regarding potential noise disturbance and odours from the generator however this element is no longer included within the application. Revised drawings have been submitted accordingly.

### Highways/Access:

While concerns regarding public safety are noted, officers do not consider that the harm caused from the development would be so significant and Devon County Council Highway Officers have raised no objection on this basis. Although there is separate pedestrian access point from the main car park to the beach this requires steps and in reality individuals who park their vehicles close to the application site access the beach via the existing road. The kiosk building would be set back from the road behind a platform and it is unlikely that individuals would be queuing on the road.

### Recommendation

The proposal is considered to satisfy the objectives of the national and local development plan and is recommended for approval subject to conditions.

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

### **Planning Policy**

#### ***South Hams LDF Core Strategy***

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS13 Rural Diversification

#### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP7 Transport, Access & Parking

DP12 Tourism and Leisure

DP15 Development in the Countryside

### **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.