

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Bigbury

Application No: 05/1229/15/F

Agent/Applicant:

Daniel Lethbridge
Andrew Lethbridge Ltd
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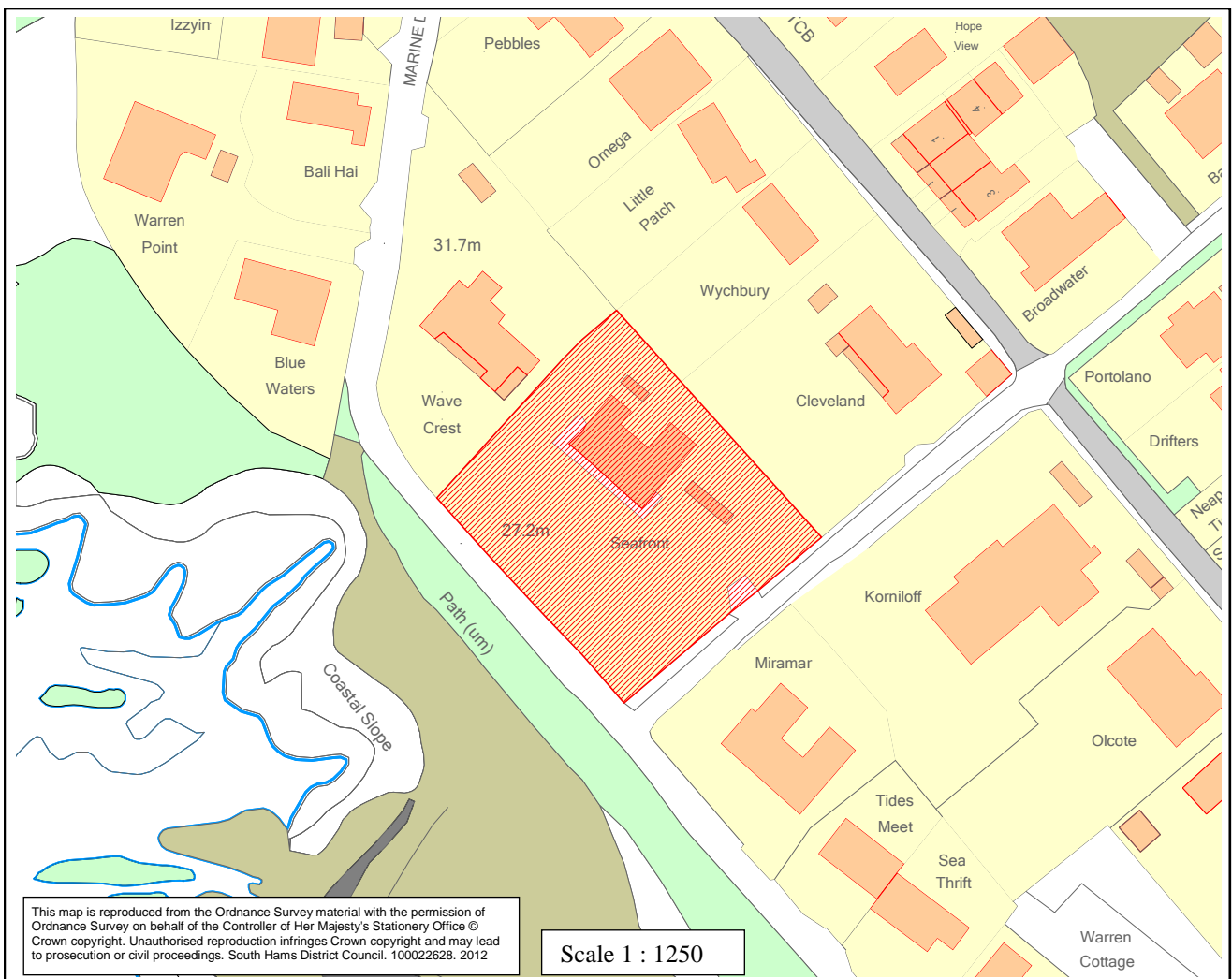
Applicant:

Mr & Mrs Yin
1 Rosslyn Park Mews
Lyndhurst road
London
NW3 5NJ

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

Development: 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).

Reason item is being put before Committee: *This application is before Committee at the request of Councillor Ward, mindful of the extent of representations received.*



Recommendation:

Conditional approval

Conditions:

Time limit for commencement

In accordance with plans

Samples of materials

Unexpected Contamination

Ecological mitigation to take place prior to demolition.

Erection of glazed screen at a height of 2.1m on the south eastern elevation of the balcony serving Plot 1

Permitted Development Restrictions

Key issues for consideration:

The main issues with this application are the acceptability of demolishing one existing dwelling and erecting two units on this site, which is within the Bigbury on Sea development boundary. The design and appearance and subsequent impact on the AONB, the impact on neighbouring properties are further matters for consideration.

Site Description:

The application site comprises a detached bungalow set within a large plot, which is on the corner of Marine Drive and Warren Road. The surrounding area is characterised by detached properties of differing styles and types. To the south, the aspect is open, with the beach and coastal environment beyond. The site is located within the Bigbury On Sea development boundary and is within the South Devon AONB.

The Proposal:

This application is for the demolition of the existing dwelling and outbuildings and for the erection of two replacement dwellings, to include the creation of new vehicular access off Marine Drive. The application is a resubmission following the withdrawal of a previous application (05/2922/14/F).

Consultations:

- County Highways Authority - Adherence to standing advice
- Environmental Health Section - Recommends unsuspected contamination condition
- Town/Parish Council - Recommend refusal, particularly found plot 2 least acceptable. The parish council consider the properties too dominant within the landscape when viewed from Burgh Island, Marine Drive and from the beach, and therefore both properties would be too intrusive on the street scene of Marine Drive. Both properties should be sunk low down into the site or be redesigned as two dormer bungalows.
- Ecologist – No objection subject to conditions

Representations:

Around 65 letters in objection making the following broad points, in no particular order:

- Impact upon the ANOB
- Massing and scale of the buildings, in particular being prominent and intrusive.
- Design contrary to established principles of the area and out of character.
- Impact on views from other parts of Bigbury, such as from Burgh Island and along Marine Drive
- Ecology impacts to badgers, dormice and bats
- Impacts to foul water & Sewage disposal from the site
- The properties do not support conservation or enhancement of its rural/coastal setting

Relevant Planning History

05/2922/14/F – Demolition of existing dwelling and outbuildings and erection of two replacement dwellings.

Withdrawn on 19/5/2015

ANALYSIS

Principle of Development/Sustainability:

The application site is located within the Bigbury on Sea development boundary and is situated in an area which is predominantly residential. Given the location, it is considered that subject to complying with all relevant development control policies that there are no fundamental “in principle” planning objections to the replacement of the existing building with two dwellings.

Design/Landscape:

The proposal seeks to provide two very different buildings in terms of architectural and aesthetic style, which would appear as two individual units rather than as a pair. Both properties taking on-board important existing site characteristics, namely, large front gardens, and the varying architectural styles of the surrounding area. Given the use of appropriate materials (which can be controlled by way of condition), the design and appearance is considered acceptable.

The proposals have attempted to address the sensitivity of its coastal character, and that of the surrounding village, the height of the buildings have been reduced through digging down by between 2m and 0.6m and the mass of the buildings sit within the context of the site, make efficient use of the land available and retain important characteristics of the location, such as large front gardens. It is noted that some objectors wished for further digging down of the plots within the site, however, in doing so, it would necessitate very large retaining walls and lead to a steep drive; neither of which would be a good design solution.

Although concerns are raised regarding the size and scale off the development, it is considered that the way in which the buildings are to be set into the landscape is acceptable, and the height of the unit at plot 1 will be no taller than the existing dwelling currently occupying the site. It is acknowledged that the design of plot 2 is contemporary, with a flat roof and modern overall appearance, however given the differing architectural styles that are evident in the surrounding area it is not considered it would appear out of keeping. Furthermore, the revision from the previously withdrawn application (which proposed a pitched roof) means that the roof-line will be 1.7m above that of the existing garage currently on the site in that position.

In the context of a setting with an existing townscape, Para 65 of the NPPF states that LPAs should not refuse applications on grounds of incompatibility with Townscape if the proposals can demonstrate that they are both sustainable and well designed. Para 17 of the NPPF further supports an endeavour to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings within the context of recognising the character and beauty of the countryside; and in this respect, the proposal is considered acceptable.

In terms of the wider landscape impact upon the AONB, the proposals will not exceed the ridge height of that of the existing dwelling on the site, and the sub-division of the plot (which is very large in relation to the existing dwelling) is not considered to give rise to a cramped appearance. Overall the development will be read in connection with the existing established residential development and the impact upon the AONB will be negligible.

Neighbour Amenity:

In terms of the impact on amenity, the site slopes from north east to south west, and the properties are proposed to be dug down into the site and when viewed from the neighbouring properties to the rear, only the upper section of the roof for plot 1 will be seen and a section of the flat roof for plot 2, therefore impacts to amenity aspects such as privacy and overbearing are minimal.

The impacts to the property immediately adjacent, 'Wavecrest' are more noticeable, the proposed position of plot 1 brings the building closer to the boundary than the existing dwelling 'Seafront', however, this distance has been reduced from the original submission (15/2922/14/F) from 7m, to 9.2m away from the south east elevation of 'Wavecrest' and from 3.5m to 5.9m when measured from the proposed elevation of Plot 1 and the boundary. Given the context of the site, the distances between the boundaries and distances between the two plots, results in two properties which are evenly spaced within their site and subsequently the revised position of plot 1 has reduced the sense of overbearing between plot 1 and the neighbouring property 'Wavecrest'.

In terms of privacy impacts to 'Wavecrest' there are two windows which face towards this property, the closest one, serves a WC and is partly obscured by the boundary hedge, the other window serves the main living space, with a balcony but is 20 meters away from the south east elevation of 'Wavecrest'. It is considered the impacts to privacy are low, however, it is considered necessary to ensure there is a privacy screen for balcony on the South East elevation

Overall it is not considered that any aspect of the proposal would be detrimental to neighbouring amenity.

Highways/Access:

No highways issues arise, and Highway Officers raise no objections, referring to existing standing advice. Given the existing access onto Warren Road, the movement is not considered to cause any safety implications, and the new access onto Marine Drive has sufficient visibility to ensure that the development will not adversely affect highway safety.

Other Matters:

The Council's Ecologist has commented raising no objection and makes the following comments in respect of three derogation tests:

Given the presence of a resting place for bats, the proposed development would require a EPS Licence to proceed. Where a Habitats Regulations offence will result from a development and an EPSL required, the LPA must consider whether the proposal meets the '3 derogation tests' and these are considered below:

- Imperative Reason of Overriding Public Interest (IROPI) – The applicant has indicated that the existing building is constructed of low quality, thermally inefficient materials, and that it is not economically viable to retain and improve the existing building. Taken from a supplementary document titled '3 Derogation tests for bats', the applicant advises that *'The new dwelling erected in its place will provide a quality family home, constructed to a high standard with an energy efficient fabric and the potential for on-site energy generation in the form of solar roof panels. The second dwelling proposed on the site will also be constructed using high quality, thermally efficient materials.'* As well as the public interest in more energy efficient buildings, the applicant also argues that there is more architectural merit in the proposed two dwellings than the existing building. While I would not advocate demolition of existing habitable dwellings, should the case officer consider that the proposed demolition and replacement with two dwellings is acceptable in planning terms, then this test could be considered met (i.e. it can be argued that there is some public interest in more energy efficient and aesthetically pleasing dwellings).
- No Satisfactory Alternative – The applicant argues that it is not economically viable to improve the existing buildings to today's living standards. To meet current building regulations a new roof would be required (with associated implications for bats). It is considered that with respect to the identified public need, there is no viable or satisfactory alternative to that proposed (i.e. no alternative which would meet the identified need and have less impact on bats).
- Maintenance of Favourable Conservation Status – The ecologist has outlined necessary mitigation and compensation measures which would minimise likelihood of disturbance/injury to bats during works, and would secure a compensatory roost space within the new dwellings appropriate to the significance of the existing roost ensuring long term roosting space for the species recorded. This test is met and no further action on this aspect is required.

No objections are raised subject to a condition in respect of seeking a licence from Natural England in respect of bats.

Conclusion:

The application is considered to be acceptable and is recommended for APPROVAL.

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

Planning Policy

NPPF
NPPG

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
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

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.