

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Wembury

Application No: 58/1014/15/F

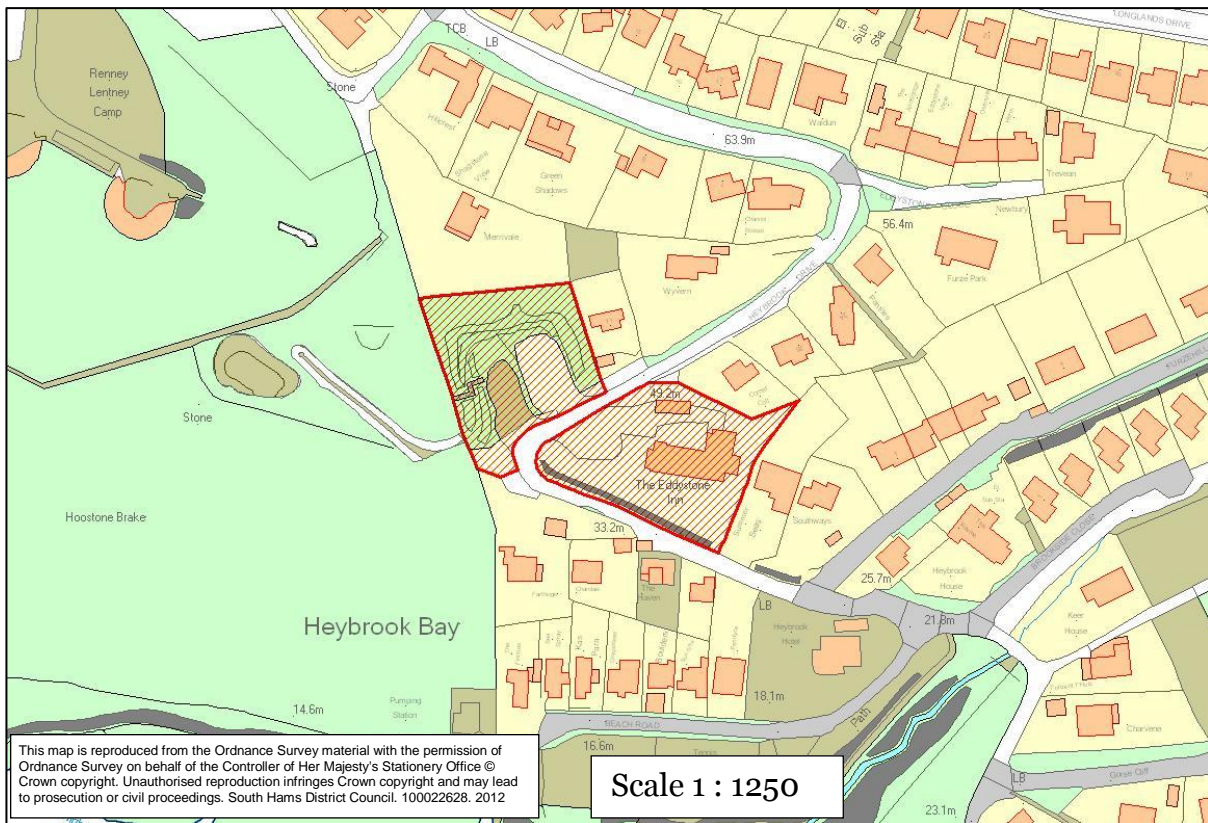
Agent/Applicant:
Mr A Coughlan
Drake Cottage
Riverside Road West
Newton Ferrers
PL8 1AD

Applicant:
Eddystone Inn Ltd
The Eddystone Inn
Heybrook Drive
Heybrook Bay
Plymouth
PL9 0BN

Site Address: The Eddystone Inn, Heybrook Bay, Plymouth, PL9 0BN

Development: Redevelopment of site to provide replacement public house and restaurant and 10no. holiday units with owners apartment. Construction of 6no. 2 bed apartments on associated land

Reason item is being put before Committee: *This application is before Committee at the request of Councillor Brown, mindful of the levels of representation received.*



Recommendation:

Conditional approval delegated to the Community of Practice Lead, subject to Natural England withdrawing their objection.

Conditions

Time limit for commencement

In accordance with plans

Holiday use restriction for holiday units

Materials

Construction Management Plan

Contaminated land

Percolation tests

Key issues for consideration:

The main issues with this application are the principle of development of this site, which occupies a position within the development boundary. In addition the design and appearance of the proposed buildings and their impact upon the AONB is of consideration, as is any effects upon neighbouring properties. Furthermore, impacts upon ecology and designated areas and highways are further considerations.

Site Description:

The application site is split into two; land currently occupied by a two storey public house with associated car parking, terraces and amenity areas, and land currently vacant having been formerly used as a quarry. The public house site is located on the eastern side of Heybrook Drive, where land slopes down to the south. The surrounding area is predominantly residential and both parts of the site are within the development boundary. The former quarry site is overgrown and largely vacant, and land to the north is at an elevated position in relation to the site. Due to topography the public house and quarry are set into the hillside.

The Proposal:

This application is for the redevelopment of the site to provide a replacement public house and restaurant and for the construction of ten holiday units with owners' flat and for the construction of six two bedroom apartments on the quarry land opposite the site.

Consultations:

- County Highways Authority – No objections subject to conditions
- Environmental Health Section – No objection subject to contaminated land condition.
- Ecologist – No objections
- Natural England – Objection based on insufficient information in respect of the impact of the development on the SSSI.
- Drainage Engineer – no objections subject to conditions.

- Devon County Council Education – Contribution towards infrastructure and secondary school capacity sought. £19,673.55 for school transport costs and £16,416.90 for use towards additional school facilities.
- South West Water – Will need to be aware of any works within three meters of a sewer or lateral drain.
- Affordable Housing Officer – no contributions are due.
- Natural Environment and Recreation Team – Having reviewed the Open Space, Sport and Recreation SPD and South Hams Playing Pitch Strategy, an OSSR calculation of £12,188 has been calculated (assuming 12.5 occupiers from 5 additional 2 bedroom residential dwellings). This is to be broken down as follows: Play – Contribution towards improvements at Down Thomas Play Area, Wembury £4,750. Sport – Contribution to Wembury Recreation Ground £7,437.
- Police Architectural Liaison: Should only be one main entrance to bar and restaurant. CCTV will be needed. All internal seating should be visible from the bar. No overriding objections.
- Parish Council – No objection however there is a lot of public concern about the effect of this development on Heybrook Bay regarding extra traffic on narrow roads, noise generated by the holiday units, parking provision, precedent for apartments in Heybrook Bay and the aesthetics/height of the apartment block.

Representations:

Around 20 letters of objection and 9 letters of support making the following broad comments, made in no particular order:

Objection:

- Loss of view
- Three storeys out of keeping in AONB
- Impact on wildlife
- Impact on Human Rights
- Site not sustainable
- Dominance of buildings in landscape
- Impact on neighbouring properties
- Loss of daylight and sunlight
- Overbearing impact
- Encouraging tourism to this area a huge mistake
- More cars and traffic
- Danger to road users
- Lack of car parking
- Overdevelopment of site
- Concern about drainage of former quarry area
- Inn and Holiday apartments will not provide homes
- No affordable housing

- Covenants on site
- Impact on bats
- Overlooking
- Concern regarding ground stability
- Concern regarding road safety
- Discrepancies regarding the height of the quarry

Support

- Old Eddystone Inn not a focal point for the village.
- New pub is needed
- New development is attractive
- Removes unsightly quarry area

Relevant Planning History

The site has been subject to applications in connection with the former use of the Public House but none are specifically relevant to this application.

ANALYSIS

Principle of Development/Sustainability:

The site is located within an area which, although is semi-rural in nature and is of a coastal position, is situated within the Heybrook Bay Development Boundary. This application is for the removal of an existing disused public house and for the redevelopment with a larger building to comprise a replacement pub/restaurant and ten holiday apartments plus an owners' flat. The quarry site, which is also within the development boundary is to be cleared and a building to comprise six apartments (open market). As the site is within a residential area, within a Development Boundary the principle of development of this redevelopment is considered acceptable in principle under established planning policies.

Consequently it is considered that the principle of a development of this nature is acceptable subject to compliance with all other relevant development control policies.

Design/Landscape:

It is acknowledged that the proposed development on the site of the public house will be larger than the building that it will replace, however in terms of the overall height of the building, this is comparable to the existing public house. The building will be set into the hillside and will take advantage of the topography to provide lower levels. The aesthetic appearance is modern, and despite the lower ridge line than the existing building will provide development over three storeys (the public house has two storeys plus rooms in the roof), with a curved style roof. The surrounding style of built development is quite varied and it is considered that the proposed building on the site of the public house will not appear out of character when compared with the scale of surrounding buildings.

The proposed apartments on the site of the quarry are also of a contemporary design and are of a staggered height to take into account variations in topography. The proposed building is to feature a sedum roof and wooden cladding, with stone and rendered elevations. The proposed structure is set into the site of the former quarry and will lie beneath the top of the

existing quarry ridge. Although it is acknowledged that both new buildings will be of increased prominence in the hillside compared to the existing situation, it is considered that the design that has been adopted is acceptable, and given comparable roof-lines with existing development that the proposal is acceptable in terms of the impact on the AONB. Refusal on the basis of size and scale would be difficult to justify on appeal.

Overall, no design or landscape issues are considered to arise from this redevelopment.

Neighbour Amenity:

Significant concern has been raised regarding the impact of this development on existing neighbouring properties in respect of the proposal being overbearing, causing loss of light and overlooking. The nearest property to the development on the quarry site, "Dancing Waters" and concern is made regarding the potential for this development to lose outlook from this property and be overbearing. Reference to the submitted plans shows that the apartment building will largely be set below the existing top of the cliff line, but when viewed from "Dancing Waters", the rooftop element will be visible from the ground floor of that property by approximately 1.5m from above the ground level in front of that property. Whilst any loss of outlook is regrettable, it is considered that the distance of the proposal (in excess of some 17m from that property) will ensure that the development would not be significantly overbearing. Furthermore, the loss of a view over land which is in different ownership cannot be a reasonable reason for refusal. In terms of the layout of the apartment building, no part of it is considered to give rise to serious or adverse levels of overlooking.

The replacement public house building will be larger than that which it replaces, however given the fact that no part of this development would be significantly taller than the existing building to be replaced, and bearing in mind it is sited broadly in the same position, it is not considered that the proposal would give rise to significant harm to "Corner Cott" or "Summer Seas" (which both adjoin this site). Although properties opposite the site on Heybrook Drive may perceive additional levels of overlooking arising from the upper levels of the proposed building, given the set back into the site (and the topography), these would be no worse than the current situation. It is acknowledged that the works will remove the existing steep driveway and access, revealing more built development to the public perspective, but properties opposite the site are considered to be of significant distance away from this development (across the road) to ensure that levels of overlooking would not be serious or adverse.

Due to the siting of the proposals in relation to surrounding properties (and the fact that the rear elements are to be set into the hillside), it is not considered that any aspect of the proposals would be overbearing or give rise to loss of light.

Highways/Access:

The application as submitted received objections from the Highways Officer, on the basis of lack of information regarding visibility splays. That information has now been provided and these officers are of the opinion that parking and access are acceptable, and therefore no highway objections are raised.

Although concern has been raised regarding highway safety, in light of the lack of objection from Highways, this would be difficult to substantiate. A condition is recommended for the submission of a Construction Management Plan.

Ecology:

The Council's Ecologist raises no objections to the application, stating that the detailed surveys of the building found no evidence of bats or protected species using the existing building. They conclude that the proposed demolition would not trigger an offence under Habitats Regulations and therefore raise no concerns.

Natural England have objected to the application based upon lack of information regarding the impact of the proposals on the Wembury Point Site of Special Scientific Interest. The applicant has advised that verbal discussions have taken place with Natural England, and supporting information is to be submitted for comment. An indication has been made that subject to an adequate report, no objections are to be raised. Members will be updated

Financial Contributions:

Although the application proposes a number of holiday units, the development in total provides a net gain of five open-market residential dwellings (one exists on site at present, and ten of the units are holiday apartments). In light of the recent High Court Judgement regarding development under five units being liable for financial contributions, this development would now be eligible for off-site contributions.

This application proposes to retain the public house facility and has been accompanied with viability information that demonstrates this development would not be viable were financial contributions for education and off-site affordable housing levied. It is also the case that the pre-application advice and the preparation of this application was made on the basis of the former policy, which excluded "tariff-style" contributions for developments of five units or under, and that the policy changed at a stage very late in the 'lifetime' of this application, after the statutory target date for determining the submission.

In light of this, it is considered reasonable to adopt a pragmatic approach in this particular instance to revert to the previous guidance. It is also the fact that the Government has been given leave to challenge the High Court decision to quash the guidance, so it is considered that this stance is reasonable on this occasion. The Council's Affordable Housing Officer agrees with this approach.

Conclusion:

The application is considered to be acceptable and is therefore 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
CS12 Tourism

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
DP15 Development in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Open Space, Sport and Recreation SPD

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.