

**Application Number**

P/2016/0159

**Site Address**Beacon Cove  
Park Hill Road  
Torquay  
TQ1 2EP**Case Officer**

Mrs Ruth Robinson

**Ward**

St Marys With Summercombe

**Description**

Provision of five residential beach huts and kiosk; access steps; alterations to retaining wall

**Executive Summary**

This is a detailed application for the erection of 5 'overnight' beach huts at Beacon Cove. A similar scheme has been approved previously but is now time expired. The scheme is to a good design and is beneficial in terms of the creation of good quality tourist accommodation with attendant benefits to the local economy. It will introduce natural surveillance to this attractive beach which suffers from some anti-social behaviour.

The main objections relate to the possibilities of parking within the grounds of Imperial Court, the large block of flats immediately to the east of Beacon Cove, the retention of unauthorised car parking set into the cliff side overlooking Beacon Cove and possible noise and disturbance.

The applicant, who is the freeholder of Imperial Court, has been asked to detail what measures can be put in place to ensure that parking in association with the beach huts is properly managed to avoid nuisance within the curtilage of Imperial Court and the unauthorised parking deck has been deleted from the scheme and is a matter that will be dealt with separately to this application.

The scheme has a limited impact on trees and ecology but these are capable of mitigation.

The scheme is therefore acceptable in terms of design, operation, impact on landscape and biodiversity and will have a positive benefit on the local economy. As such it is compliant with policies SDT2, TO1, SS10, DE1, DE3, TA2, TA3, C4, ER1 and NC1 of the Adopted Local Plan.

**Recommendation**

Approve: subject to conditions as detailed below and to a Deed of Variation to tie payment of a £1000 monitoring contribution, already secured via a Unilateral

Undertaking, to this application.

This is necessary to ensure that the accommodation is used for holiday use only.

### **Statutory Determination Period**

This is a minor form of development and should have been determined by the 6th May to meet the 8 week target. Representations from residents were received towards the end of the consultation period which accounts for its late presentation to Members. An extension of time to the 6th July has been agreed.

### **Site Details**

Beacon Cove is located close to Torquay town centre, south of Beacon Hill and to the east of Living Coasts. The beach huts are proposed to be located towards the base of the sloping cliff face to the east of the cove above an existing stone wall which formed the plinth of a former building on the site.

Imperial Court, a seven storey block of flats borders the cliff face to the east, the access driveway to Imperial Court and the public highway which forms part of the South West Coast Path borders the cliff edge of the Cove to the north.

A public footpath, which runs along the northern boundary of Living Coasts provides access to the cove from the Beacon Quay Car Park. Beyond this is a concrete ramped access to the beach.

The site of the proposed beach huts is sloping and covered in vegetation, including self-set trees. An overgrown and disused footpath, bordered by the remains of a stone wall winds up the eastern cliff face to Imperial Court.

Overlooking the cove and within the grounds of Imperial Court is a roughly made car parking deck which extends out from the cliff edge. This unauthorised structure is included in the 'redline'.

Beacon Cove was a busy beach in the past and included a number of buildings to meet the needs of visitors. These have now gone although remnants remain. It is now less well used and there are incidents of anti-social behaviour as it lacks surveillance.

The site is located within the defined town centre and within the Torquay Town Centre and Harbour Strategic Delivery Area (Policy SDT2 in the Adopted Local Plan). It is within a community investment area and prominent within the Torquay Harbour Conservation Area. It is adjacent to the Torbay Marine Conservation Zone (MCZ) and the designated SAC (Lyme Bay and Torbay). It is within 500m of the Daddyhole SSSI and 900m of the Meadfoot Sea Road SSSI.

The site borders the Coastal Change Management (Policy C3) along its southern boundary. To the north, on the other side of Beacon Road and Parkhill Road is St

Johns Wood Urban Landscape Protection Area (Policy C5). Beacon Hill is part of the South West Coast Path National Trail (Policy SS9).

### **Detailed Proposals**

The proposal is for the construction of five two storey beach huts with overnight accommodation and a small retail kiosk. These would be built in a crescent shaped terrace at the base of the cliff facing towards the sea on a natural stone plinth which includes the remnants of the former building on the site.

The huts would include a living area on the ground floor, with kitchenette and WC/wet room, and sleeping accommodation on a mezzanine level.

They are to be constructed in thermally insulated block work with timber cladding to the front elevation and zinc standing seam cladding to the side elevations and roof. It is to a contemporary design, including folding timber shutters to the ground floor with double glazed windows with timber 'brise soleil' louvres to the first floor sleeping accommodation.

To the front of the huts would be a shared timber deck terrace and balcony.

Access would be from the existing footpath to Beacon Quay car park to the west and reinstated footpath steps to the rear. The footpath to the rear would connect with a new access path immediately behind the beach huts with a retaining wall against the cliff. A bin store would be provided at the southern end of the access path.

A waste water treatment unit would be located in the void beneath the deck. Treated foul water and surface water would discharge into the sea.

The proposals also include retention of an unauthorised car parking deck within the grounds of Imperial Court and the inclusion of an additional access to the foreshore which takes the form of concrete steps. These last two elements are of some concern as will be explained in the body of the report.

The scheme involves the felling of 3 individual trees and 3 small groups of trees.

A similar proposal was approved in 2012 but is no longer extant.

The applicant is the freeholder of Imperial Court.

### **Summary Of Consultation Responses**

Arboricultural Officer: Does not raise any objection to the loss of the trees considering them to be of limited landscape value and self-set.

Green Infrastructure Coordinator: recommends that the mitigation measures identified in the ecological appraisal are secured by condition. These are to limit

light spill during construction and operation of the site to reduce any impact on bats and to restrict removal of vegetation during bird nesting season. The need for a Construction Management Plan is identified along with ecological mitigation measures during the construction phase to ensure that impacts on biodiversity are minimised.

It is also recommended that comments are secured from the TCCT regarding impacts on geodiversity. These are awaited at the time of writing.

South West Water: No objection

Environment Agency: No objections, they raise the need for the structures to be resistant to wave action and debris that could be mobilised during a storm and that the council will need to consider if the proposal will be safe for its lifetime bearing in mind the effect of climate change on sea levels and wave action.

Drainage & Structures: No objection providing the scheme is constructed in accordance with the submitted FRA.

Marine Management Organisation: Raises no objection to the proposal.

Natural England: Has been consulted and a response is awaited. This will clarify whether a HRA is needed to assess the impact of the development on the Marine SAC.

### **Summary Of Representations**

There have been 15 letters of objection from nearby residents. These primarily relate to:

1. The reinstatement of the footpath along the cliff face linking Beacon Cove and Imperial Court and concerns that this will encourage the use of land around Imperial Court for pedestrian activity, parking, dropping off of luggage etc.
2. The retention of the unauthorised car parking deck being included in these proposals and concerns that this would generate significant vehicular and pedestrian activity within the grounds of Imperial Court.
3. Possible noise and disturbance arising from proposed use.

### **Relevant Planning History**

The relevant history in relation to the beach huts:

P/2008/1226: Construction of 8 beach huts, kiosk, shower room and terrace: Approved 21.11.2008

P/2011/0298: Extend time limit - construction of 8 beach huts, kiosk, shower room and terrace - application P/2008/1226/PA: Approved 13.06.2011

P/2012/1265: Construction of five 'overnight' beach huts and kiosk: Approved

3.05.13 .

The relevant history in relation to the car park deck:

P/2010/0701: Creation of 3 car parking spaces. Refused 4.10.10

P/2010/1334: Creation of 3 car parking spaces. Refused, subsequent appeal dismissed on the grounds of serious harm to the view of the Bay from the SWCP.

P/2015/0394: Retention of platform containing 3 car parking spaces: Refused 9.07.15.

### **Key Issues/Material Considerations**

The key issues are as follows.

1. The principle of development.
2. Design.
3. Parking/Access.
4. Flooding and resilience of structure to storms.
5. Impact on Biodiversity.

### **Principle and Planning Policy -**

The most relevant policies are SDT2 and TO1 which encourage regeneration and tourism related activity in the locality, SS10 relating to the impact on the character of the Conservation Area, DE1, DE2 and DE3 relating to the quality of the design and impact on amenity, TA2 and TA3 relating to access and parking, C2, C3, C4, relating to coastal landscape, coastal management, trees and natural landscape features, NC1 relating to biodiversity and ER1 relating to flood risk and resilience.

1. Principle of Development.

A similar proposal for 'overnight' beach hut accommodation was previously approved in 2012, (P/2012/1265). This followed on from earlier approvals for more traditional day huts in 2008 and 2011. This application is no longer extant.

There has been no material change in planning policy to indicate that the provision of overnight huts in a beachside location such as this is unacceptable as a matter of principle.

Indeed, the current condition of the beach and the incidence of anti-social behaviour may be ameliorated by the natural surveillance introduced through occupation of these huts. However, it does need to be shown that there are no adverse impacts on local amenity, biodiversity and that occupation is demonstrably safe from flooding or wave action during storms.

Clearly, the use of the beach huts must be restricted by condition to holiday occupation only. They would be wholly unsuitable for permanent residential

occupation due to their location and restricted size.

The provision of beach huts for overnight occupation on this beach would enhance the beach environment through increased activity and surveillance and the economic benefits of improved tourism facilities would comply with policies SDT2 and TO1 of the adopted Local Plan.

## 2. Design

The design has been modified slightly from that approved in 2012. It proposes a more simple and elegant design solution mainly achieved through the deletion of the pitched glazed gable feature which formed a key element of the previous approval on the site. This rather fussy roofline has been replaced by a lower, consistent flat roof line with zinc standing seam roof and a simple timber frame which includes at ground floor level, timber vertically opening shutters and at first floor level a full width double glazed window with timber brise soleil.

It is considered that the revised proposal succeeds in balancing contemporary design with the traditional design of English seaside beach huts. It is a high quality design that would fit in with the landscape setting and enhance the character of the Conservation Area. Therefore, the design accords with Policies SS10 and DE1 DE2 and DE3 of the Local Plan.

One aspect of the proposal which is less successful in terms of design is the introduction of a further set of steps to provide access to the beach from the huts. The beach is currently dominated by concrete ramps/terracing and the introduction of more inappropriate structures should be resisted unless there are good reasons for their provision. The applicant contends that this new access is needed in case the Council prevents access from the huts to the beach over the public footpath which extends close to the proposed beach huts. This seems an unlikely proposition and it would be preferable to wait until the concern was real rather than imagined. The applicant has been asked to withdraw this element of the scheme.

## 3. Parking/Access

There is a considerable level of objection from residents of Imperial Court relating to the potential impact of parking and vehicular activity being generated within the curtilage of their homes arising from the use of the reinstated footpath and from utilising the unauthorised car park deck for parking and dropping off luggage which is shown to be retained as part of this proposal.

In terms of the footpath, the applicant has been requested to be more specific about where the footpath joins Imperial Court, how the footpath will be used and management measures that can be put in place to reduce nuisance to existing residents and to prevent users of the beach huts parking within the grounds of

Imperial Court.

The applicant is the freeholder of the wider site and so can exercise direct control over these matters.

The public car park at Beacon Quay is in close proximity and more than suitable to provide for the parking needs of this development.

The car park deck, which features strongly in resident's objections, is roughly made, overlooks the Cove and was originally refused planning permission in 2010. The proposal was subsequently dismissed at appeal on the grounds of adverse impact on views from the South West Coast Path. It was constructed subsequent to this ostensibly as permitted development during construction works on the new dwelling on the adjacent site. A more recent planning application to retain this structure was also refused planning permission. The applicant has been advised to withdraw this element of the proposal from the submitted plans.

Action must be considered to secure either removal of this structure or amelioration of its visual impact on the character of the conservation area.

#### 4. Flooding and Resilience

The site is within the defined Coastal Change Management Area and this requires assessment of the proposal against the Shoreline Management Plan. It is necessary to consider whether the location of the proposal close to the sea exposes occupiers to risks from flooding and wave action. This issue has been assessed by the Council's Drainage & Structures department and by the Environment Agency and no objection has been raised.

The response from the Environment Agency confirms that the proposed floor level and access/egress route are both elevated well above still tide water levels.

In terms of their resilience to wave action during storms this has previously been shown to be achievable and requires only a condition to ensure a robust design is secured.

Therefore, the proposal is acceptable with regard to flood risk and accords with Policy C3 of the Adopted Local Plan.

#### 5. Impact on Biodiversity.

A Preliminary Ecological Appraisal was submitted with the application. This stated that there is a low-medium risk that bats could be using the site for day roosting and commuting. This states, in line with Natural England Standing Advice, that the need for a bat survey could be avoided by assuming that there is

some use of the site by bats and managing the site in a bat friendly way will mitigate any harm. The appraisal includes appropriate bat mitigation measures that will be conditioned .

The Preliminary Ecological Appraisal also recommended that the timing of the works is crucial in order to avoid disturbance to breeding birds and biodiversity could be enhanced by replacing the non-native and self-sown trees, which are of low ecological and aesthetic value, with native flowering trees and shrubs appropriate to the location. Conditions will be applied accordingly to ensure compliance with policies C2 and NC1 of the adopted Local Plan.

### **S106/CIL -**

Due to the size of the proposed beach huts, no site acceptability or sustainable development contributions are required. However, a monitoring charge of £1,000.00 is required to monitor that the development is used for holiday purposes only. This is in accordance with paragraphs 5.6-5.8 of the Planning Contributions and Affordable Housing SPD.

The applicant has already paid this charge via a Unilateral Undertaking. A deed of variation is required to tie this payment to the new application.

### **Conclusions**

The proposal is for well-designed contemporary style beach huts that would enhance the character of the Conservation Area and also boost tourist facilities with benefits to the local economy.

The beach is a little overgrown and neglected, this will help regenerate the local area and the natural surveillance that this proposal will introduce may help in reducing anti-social behaviour.

Much of the concern from neighbours to the site relates to the impact of car parking and vehicular activity within the curtilage of Imperial Court. This has been remedied by requesting that the unauthorised car park deck be deleted from this proposal and by securing greater clarity about management measures that could be put in place to prevent car parking within the confines of this site. The public car park at Beacon Quay is in close proximity and more than suitable to provide for the parking needs of this development.

Flooding resilience, impacts on biodiversity, bats and the marine environment can be dealt with through appropriate conditions as already detailed.

### **Recommendation**

Approve: subject to conditions as detailed below and to a Deed of Variation to tie payment of a £1000 monitoring contribution, already secured via a Unilateral Undertaking, to this application.



This is necessary to ensure that the accommodation is used for holiday use only.

### **Conditions**

1. Holiday use only.
2. Samples of materials.
3. Large scale details.
4. Implementation of ecological mitigation measures pre and post construction including revised landscape scheme.
5. Construction Method Statement (to include hours of operation and means of lighting)
6. External lighting detail.
7. Details of waste water treatment.
8. Details of waste disposal
9. Details of construction to ensure resilience to wave action.
10. Parking strategy.
11. Details of footpath reinstatement and measures to mitigate nuisance.

### **Relevant Policies**

-