**RECOMMENDATIONS OF** Bigbury Parish Clerk

**ON APPLICATION FOR PRIOR APPROVAL REFERENCE 0470/18/PAA**

**To:** dm@swdevon.gov.uk

**Cc:** matt.jones@swdevon.gov.uk

**Proposal:** Prior approval applications for proposed demolition

**At:**  Bay Café, Marine Drive, Bigbury on Sea

**Objection for the reasons set out below**

Introduction

These representations on behalf of Bigbury Parish Council relate to the first of three applications that have been submitted by Mr Nick Bennett of Galion Homes for the demolition of buildings on the site of Warren Cottage and the Bay View Café, Marine Drive, Bigbury on Sea. This application provides further information with regard to the proposed demolition of The Bay View Café and follows a previous application for prior notification of demolition (Ref: 4383/17/PAD) which was submitted to South Hams District Council on 21 December 2017. The Council determined on 16 January 2018 that prior approval was required for the following reasons:

1. *Inadequate information had been submitted to the Authority to demonstrate that the demolition and/or restoration of the site will not involve disturbance of soil contaminated by Japanese Knotweed. Please provide clarification of the impacts of the demolition and restoration of the site on the extent of Japanese Knotweed contamination within your control.*
2. *In the event that the demolition and/or restoration of the site will disturb Japanese Knotweed, please provide details of how this will be mitigated and/or how the waste will be disposed of in a manner compliant with the relevant Environmental Health and Wildlife regulations.*
3. *Inadequate information has been submitted to the Authority to demonstrate how unacceptable impacts upon amenity of the adjacent Warren Cottage with regard to parking, traffic movements, hours of operation and noise and dust suppression measures.*
4. *Inadequate information has been submitted to the Authority to demonstrate how and by what means and materials the site will be restored. Please supply details of the proposed finishes and relandscaping of the site, including new levels, the finish of any areas of hardstanding, details of any soft landscaping and details and the finish of any retaining walls or other structures.*

This application now includes a Method Statement and Risk Assessment, an Ecology Report prepared by Acorn Ecology in August 2015, Plan 1808 DEM02 showing the buildings to be demolished comprising the Bay View Café and three outbuildings and Plan 1808 DEM 03 showing post demolition levels. There is also a covering letter from Ashfords Solicitors providing further information on how the applicant intends to deal with the problem of the site being contaminated with Japanese knotweed.

Potential illegal spread of Japanese knotweed to areas outside of the site

The Ecology Report that has been submitted with the application is the same as that which was submitted with planning application Ref: 1826/16/FUL for the redevelopment of the site. This application was refused planning permission by South Hams District Council and subsequently dismissed on appeal (Appeal Reference: APP/K1128/W/17/3171733). Surprisingly the more detailed ‘Proposal for Eradication of Japanese Knotweed' report prepared by Environet in October 2015 has not been submitted.

The letter from Ashfords states that ‘

‘*In relation to* *Japanese knotweed, the extent of the knotweed was identified during the most recent planning application in the Acorn Ecology report now resubmitted. The demolition of the former café will not impact on the knotweed which is limited to a two square metre area to the north west of the site as indicated in figure 3, at page 18 of the Ecology Report. This area will be separated and protected by Heras fencing during demolition as indicated on drawing DEMO2.’ (My underlining).*

These proposals for dealing with the problem of the contamination of the site is wholly inadequate and goes against the recommendations of Acorn Ecology that the Japanese knotweed should be satisfactorily treated or disposed of prior to construction/excavation works commencing.

Ashford Solicitors have not submitted the more detailed report entitled ‘Proposal for Eradication of Japanese knotweed, dated 23 October 2105 that was prepared by Environet UK Ltd. This report following a survey carried out two months later than that carried out by Acorn states

‘*The knotweed is located in the corner of the plot, in close proximity to to two neighbouring properties. An area approximately 4m2 was visible at the time of the survey, however it is likely that the area affected is significantly more than this’. (My underlining).*

The report also states at Table 1 that the infestation area at that time was 24m2.

The report states that the target date for completion of the treatment programme is ‘*prior to the commencement of development’ and that the treatment or removal of the knotweed from the site should be carried out by a specialist contractor.*

Permitting the spread of knotweed into the wild is illegal and whatever method is chosen for the eradication of the knotweed this does need to be done prior to the commencement of development including demolition works.

The Japanese Knotweed Eradication Report was prepared nearly two and a half years ago and the knotweed is likely to have spread significantly since this report was prepared. It grows at 20cm per day in the summer months both underground and overground and the extent of the knotweed on the site at present is not known. The plant is dormant in the winter months and the extent of the knotweed will only become evident once the new shoots appear in June or July.

Fencing off the area shown visibly to be affected in 2015 is not sufficient to ensure that no infected soil would be removed as a result of this demolition, clearance of the debris, the base, and levelling of the site which will inevitably involve removal of soil. The extent of Japanese knotweed on the site is not known and in any case should be treated or removed prior to any demolition works taking place.

On these grounds alone the application for prior approval for demolition should be refused.

Restoration of site following demolition

The applicants have not provided satisfactory details of how the site will be restored following demolition to ensure that it is left in a clean, safe and tidy condition. Reason 4 of the Council’s reasons for requiring prior approval requested details of any areas of hardstanding, details of any soft landscaping and details and the finish of any retaining walls or other retaining structures.

The Method Statement refers to proposals to dig out the slab and foundations and to then level the site to the surrounding levels. However this will leave an area of exposed soil which unless planted with shrubs or grass will end up covered in weeds and look extremely unsightly.

We note in the covering letter provided by Ashfords that following demolition:

 ‘*The site will be fenced with a mix of solid timber board fencing and Heras fencing depending on ground conditions and site levels. The fencing will remain in place and be maintained in the future to safeguard against members of the public entering the site for their own safety’.* NB No details have been provided about the height of this fence.

We are most concerned about the proposal to provide fencing around the site which would be maintained and presumably left in place until its future redevelopment. As there is currently no planning permission for the redevelopment of this site in place this fencing might remain for several months and possibly years. This site is in a prominent position on the seafront and it is wholly unacceptable to demolish a building, which is non designated heritage asset and to put unattractive fencing around the site merely to avoid members of the public being able to gain access to a site.

The Method Statement refers at item 23(n) states as follows:

*‘Once the structures have been demolished the machine will load way the hard-core. The slab and foundations will be dug out by machine and loaded away. The garage will then be removed and loaded away. The site will then be levelled to the surrounding profiles.’*

As it is the intention to remove all debris from the site and to level the ground there would be no need to fence off the site in perpetuity. The Method Statement refers to hoardings being placed around the site during demolition works but does not go on to state that these need to be retained following demolition, clearance and levelling of the site. Plan 1808 DEM04 entitled ‘Post Demolition Levels’ also shows the ‘*existing vegetation and boundaries to remain’.*

 The proposal to leave the fencing in place and to be maintained in the future is a statement made at item 4 of Ashfords letter only. There would appear to be no need on safety grounds to leave this fencing in place unless it was the intention of demolishing Warren Cottage only and leaving the Bay View Café in place and we strongly object to this proposal on grounds that it will greatly harm the appearance of this site which is in a prominent location on the seafront, within the AONB and South Devon Heritage Coast and adjoins the South West Coastal Path.

There is no reason to demolish these buildings and the proposal to demolish a much loved local heritage asset and to leave the site in such an unsatisfactory state is another reason on why this application should be refused.

Reason for demolition

The applicants have not provided any satisfactory reason for the demolition of the Bay Café. It is a listed ‘Asset of Community’. The site will still remain in lawful use in residential and Class A3 café/restaurant use even if the building was to be demolished and the policies of the adopted Local Plan and emerging Joint Local Plan seek to protect community assets of this type. The café would therefore need to be rebuilt as part of any future development on this site.

The building despite being vacant is not in a derelict or unsafe condition and should therefore remain.

For all of the above reasons we consider that the application for the demolition of these premises should be refused.

Name (not signature) RICHARD MATTHEWS (Bigbury Parish Council Clerk)

Date 19th February 2018