

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Chivelstone **Ward:** Stokenham

Application No: 2852/18/FUL

Agent/Applicant:

Mr Richard Boyt
South Hams Planning Ltd
7 Manor Park
Kingsbridge
TQ7 1BB

Applicant:

Mr Mike Healey
2 Coastguard Cottages
East Prawle
Kingsbridge
TQ7 2BX

Site Address: The Old Rocket House, East Prawle, Kingsbridge, TQ7 2BY

Development: Conversion of Domestic Garage to Single Dwelling

Reason item is being taken to Planning Committee: Councillor Brazil has requested that the application be put to planning committee because of the impact of the proposal on the AONB, Heritage Coast and Conservation Area.



Recommendation: Approval

Conditions/Reasons for refusal (list not in full)

1. Time limit
2. Accord with plans
3. Slate roof to re-use existing slate where possible and match any new to the existing
4. Sample of weather boarding and door and windows.
5. Parking spaces shall be retained in use as parking spaces
6. No lighting
7. Unexpected contamination
8. Boundary treatment
9. Notwithstanding the plans, prior to commencement detailed drawings of the dormer to be submitted and approved.

Key issues for consideration:

Principle of development

Location of development

Impact on AONB, Conservation Area and Heritage Coast.

Financial Implications (Potential New Homes Bonus for major applications):

It is estimated that this development has the potential to attract New Homes Bonus of £1187.00 per annum, payable for a period of 5 years. Members are advised that this is provided on an information basis only and is not a material planning consideration in the determination of this application.

Site Description:

The building which is the subject of this application is currently a garage which is located at the end of the village, set away from the main built up area of the village. The building measures approximately 7 metres by 6 metres. It is currently used as a garage on the ground floor with some storage in the apex of the roof. There is no indication on the plans of any stairs to the storage area.

A public right of way lies along the road which runs in front of the garage building.

The site lies within the South Devon AONB and also is designated as Heritage Coast.

The Proposal:

To convert the garage building into an independent dwelling. The proposal involves raising the height of the building, incorporating a proper first floor, with a dormer window. Internal stairs are proposed with a living area on the first floor and a kitchen dining area and a separate bedroom and shower room on the ground floor. The current garage is set back from the road such that there is space for a vehicle to park in front. It is proposed that the surface water run-off from the site be attenuated on site before discharging to a new combined sewer.

Consultations:

- County Highways Authority: Standing advice
- Environmental Health Section: No comments
- Town/Parish Council: Object to planning application 2852/18/FUL due to the following reasons;
The proposed property will be a further burden on the already struggling main drainage system.
The proposed increase in roof height.
- Drainage: No objection

Representations:

Representations from Residents

No comments have been received.

Relevant Planning History

10/1752/93/3: FUL

Proposal: Demolition of redundant coastguard store and erection of private motor garage

Site Address: Site opposite Rosemary Cottage East Prawle Chivelstone.

Decision: Conditional approval: 04 Jan 94

ANALYSIS

Principle of Development/Sustainability:

The principle of the development falls to be considered against policies relating to development within the AONB (policies CS9 –Core Strategy) DP2 Landscape (Development Policies DPD); development not in the development boundary (policies CS1, SHDC1, DP15 emerging policy TTV31) and policies relating to the conversion of existing buildings in the countryside (Policies DP16)

The site lies outside of the development boundary for East Prawle as identified in Policy CS1 in the Core Strategy and SHDC1, a saved policy from the South Hams Local Plan and as such is deemed to be in the countryside and so subject to policy DP15 in the Development Policies DPD. That policy requires that any development which is located in the countryside must be justified on the basis of it being required for agriculture or forestry or a use which cannot be accommodated within a development boundary. The proposal does not comply with this policy.

The NPPF in para 11 indicates a presumption in favour of sustainable development. It also states that if the Local Planning Authority cannot demonstrate a 5 year housing land supply (which currently South Hams cannot) that the housing policies will be considered out of date. The presumption on sustainable development must therefore be the fall back position for consideration of housing in the countryside.

The Emerging policy in the form of TTV31 has similar criteria, but also includes the following: *Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.*

In relation to the sustainability issue, it is important to consider the fact that the Inspectors, in reviewing the Joint Local Plan have requested that the previously identified sustainable villages within the AONB should be removed from the JLP. In stating that, they have suggested that each development proposed in the villages in the AONB should be considered on their own merits.

The proposal is on the very edge of the settlement and makes use of an existing garage building. The village has a number of facilities including a shop, two pubs and a village hall. These facilities are within an easy walk of the site. It is considered that the location of the site is sustainable and so in line with the NPPF there should be a presumption in favour of sustainable development.

Para. 77 in the NPPF indicates that development should reflect local needs. A local need has not been put forward to justify the dwelling. Policy DEV9 in the emerging JLP also indicates that there needs to be a housing mix in the Plan area and this type of accommodation could be described as meeting a particular housing need.

Emerging policy TTV31, makes reference to local need, No such needs have been put forward with this development proposal, however the proposal is a specific type of development, being a one bedroom property, which is not likely to be prevalent in the village and could provide an affordable home for a local person.

The weight to be currently applied to this policy is still limited as it is awaiting the outcome of consultation on the main modifications required by the Planning Inspectors having examined the proposed Joint Local Plan.

The NPPF 2018 states in para 79 that development of isolated homes should be avoided unless it is optimal use of a heritage asset; the development would be for a rural worker in order to live near to their work; it would re-use a redundant or disused building and enhance its immediate setting; it would involve the subdivision of an existing residential dwelling or it a design of exceptional quality.

Whilst the proposal is re using a building, it is unclear as to whether it is redundant or disused. However the proposal does not enhance the buildings immediate setting as the application site is restricted to a very tight space around the building.

It is development outside of any development boundary and as such is defined as countryside. However it is also not an isolated dwelling as it is located on the edge of a settlement which has a number of facilities accessible on foot.

So whilst the proposal is by definition in the countryside, it is located on the edge of a settlement with a number of local facilities which are walkable from the proposal site. It is thus sustainable. In light of the current policy situation and the lack of a 5 year housing land supply in South Hams the principle of this development is considered acceptable.

In addition the emerging planning policies, refer to the issue of local need and whilst no such justification has been put forward, it is clear that a one bedroom dwelling in the village would provide a house type which is quite rare in this area and so could provide for a local need.

Design/Landscape:

The site lies within the South Devon Area of Outstanding Natural Beauty and policy CS9 requires that great weight is given to the designated landscape in the decision making process. The garage building is located on the brow of the hill, with the land to the south sloping down towards the sea. Just to the south of the garage is a bunkhouse building which is associated with the seasonal camp site which lies to the south east of the garage.

There is some housing development located much further south just before the coastline, but is some distance away from the application site. The impact of the proposal because of its slightly isolated position, its location adjacent to a public footpath means it is highly visible in the landscape. However it is already in existence and the issue to be considered is whether the conversion of the building would have more of an impact on the landscape than the existing garage building.

The proposal does involve raising the roof of the building by approximately 800mm and incorporating 3 rooflights and a dormer window in the roof slope. As there is an existing building on the site and the footprint is the same as currently the increase in height whilst making it slightly more visible in the landscape, it is not significant enough to cause any additional harm to the AONB than the existing building.

In the emerging Joint Local Plan policy DEV27 relates to development within the AONB. At this stage is the progress of the JLP, it is a policy which is not being reconsidered through the Main Modifications consultation stage and so as such the policy can be given more weight in the decision making process. The Policy states:

The highest degree of protection will be given to the protected landscapes of the South Devon AONB, Tamar Valley AONB and Dartmoor National Park. The LPAs will protect the AONBs and National Park, including their setting, and the setting of Dartmoor National Park from potentially damaging or inappropriate development located either within the protected landscapes or their settings. In considering development proposals the LPAs will:

1. Refuse permission for major developments in within or detrimentally affecting the setting of the protected landscapes, except in exceptional circumstances and where it can be demonstrated that they are in the public interest.
 2. Give great weight to conserving landscape and scenic beauty in the protected landscapes.
 3. Give substantial weight to other natural beauty criteria, including the conservation of wildlife and cultural heritage in the AONBs and great weight to the conservation of wildlife and cultural heritage in Dartmoor National Park.
 4. Assess their direct, indirect and cumulative impacts on natural beauty.
 5. Encourage small-scale proposals that are sustainably and appropriately located and designed to conserve, enhance and restore the protected landscapes.
 6. Seek opportunities to enhance and restore protected landscapes by addressing areas of visually poor quality or inconsistent with character, securing through the development visual and other enhancements to restore local distinctiveness, guided by the protected landscape's special qualities and distinctive characteristics or valued attributes. Support proposals which are appropriate to the economic, social and environmental wellbeing of the area or desirable for the understanding and enjoyment of the area.
 8. Require development proposals located within or within the setting of the AONB a protected landscape:
 - i. Conserve and enhance the natural beauty of the area protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.
 - ii. Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.
- 6 Development policies
- iii. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place, or reinforce local distinctiveness.
 - iv. Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.
 - v. Be located and designed to prevent the erosion of relative tranquillity and, where possible use opportunities to enhance areas in which tranquillity has been eroded.
 - vi. Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to the distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.
 - vii. Retain links, where appropriate, with the distinctive historic and cultural heritage features of the area protected landscape.
 - viii. Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.
 - ix. Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.

In applying the appropriate level of weight to the AONB designation, firstly this is not a major development and so it should not be refused. Weight should be given to the landscape and scenic beauty.

The proposed development is on the edge of the village and so from a landscape perspective it is considered that a condition restricting the use of external lighting should be imposed so that no additional light pollution is imposed on the AONB, and the direct, indirect and cumulative impact should be assessed.

This proposal is to convert an existing building, which already exists in the AONB landscape. The issue that needs to be assessed is whether the conversion and the 800mm addition to its height has an impact on the landscape and scenic beauty. It is considered the existing building is of limited architectural merit and its standalone position is incongruous. It does not look like an agricultural building or a building you might expect and so it currently has a negative impact on the landscape character and scenic beauty. By converting it to a small dwelling, with only very minor additions and no extension to the footprint or the curtilage, it is respecting the status of the landscape. The potential cumulative impact is considered negligible as the building already exists and would remain in place if the application were not to be approved. It therefore already has an impact and in fact if it were to remain in its current form would protract the negative impact.

Criteria 5 in the policy encourages small scale proposals that are sustainable and appropriately located and designed to conserve, enhance the protected landscapes. The very limited additions proposed, the use of natural materials enhances the existing building and therefore the landscape. Its location on the edge of the built up area of the village, indicates that the proposal meets this criterion.

The policy also requires that the design of any development should be locally distinctive and does not introduce incongruous features. The original submission indicated a square pitched roof dormer which was considered to be incongruous, but a revision was submitted with a curved dormer which is a softer solution to dormer windows. Whilst this is considered to be an acceptable replacement, a condition has been added to further simplify the design. The proposal retains the use of natural slate on the roof, which is reminiscent of other properties in the village and introduces some timber elements which can reflect buildings in rural locations within the district. By improving the building in these ways, the proposal therefore does enhance and conserve the AONB.

The policy makes reference also to the tranquillity of the landscape and the need to maintain the dark landscape. In this case the building is on the edge of the village and so there will be light emanating from the buildings within the village. When viewing the proposed dwelling from the coast the impact of this additional dwelling would not be significant as it will be seen against the rest of the village. In addition the bunkhouse adjacent during the summer months will have light emanating from it as well as light from the camping in the adjacent field. A condition has been added to restrict the ability of the potential occupiers to erect external lighting thus protecting the dark landscape.

In conclusion, the proposal is to convert an existing building which currently has a negative impact on the AONB landscape to a small dwelling which is sustainably located and improved in design terms such that the impact will actually conserve and enhance the AONB landscape and so is considered to be in accordance with the policy.

East Prawle Conservation Area

The site also lies just within the East Prawle Conservation Area. A Conservation Area Appraisal and Management Plan has not been carried out for this Conservation Area, however the focus of the Conservation area appears to be on the very historic core of tight knit development and narrow streets and some areas of open space on the edge which help to afford long distant views of the surrounding countryside and coast. The fact that a Conservation Area exists does not mean that development within it should be resisted, but rather that development should not harm, but preserve and enhance the Conservation Area. In this case the building already exists so the question to be asked is whether the increase in height does not preserve and enhance the conservation area.

Neighbour Amenity

No Letters of representation have been submitted in relation to the proposal.

Highways/Access

Two parking spaces have been provided which would be sufficient for a one bedroom unit.

Other Matters

The garage is located on a limited plot size and whilst parking has been provided on the site, there is no private amenity space and whilst ideally private amenity space is desirable, it may be that the dwelling would be provided at a more affordable price because of the lack of amenity area and as such would meet the need for more affordable homes in the coastal villages.

It is proposed to impose a condition regarding unsuspected contamination because of the change from a garage to a dwelling, which is a more sensitive use.

Appeal Decision on the adjacent site dated 28th November 2018.

A planning application on the land to the rear of this site was refused by the Council on 10th November 2017 (2964/17/FUL). The applicant appealed and the result of the appeal has just been received. The appeal was allowed. The Inspector considered there to be two main issues: 1. the

effects of the proposed development on the character and appearance of the area with particular regard to whether it would preserve the landscape and scenic beauty of the South Devon Area of Outstanding Natural Beauty (AONB) and the character or appearance of the designated East Prawle Conservation Area (EPCA); 2. the suitability of the proposed development having regard to local planning policies on the location of residential development and accessibility to services.

In relation to the first issue the Inspector concluded that:” *I find the proposed development would not give rise to any unacceptable harm to the character and appearance of the area. Specifically, the proposed development would not fail to conserve or enhance the landscape and scenic beauty of the AONB. Similarly it would not fail to preserve the character or appearance of the EPCA or its significance as a heritage asset. As such it would comply with the adopted South Hams Core Strategy (December 2006) (the Core Strategy) Policy CS9, the adopted Development Policies (July 2010) (SHDP) Policies DP2 and DP6 and Sections 15 and 16 of the revised Framework.*”

In relation to the second issue the Inspector concludes,
“I have also concluded that no unacceptable harm would result on the settlement or the countryside..... although in breach of Core Strategy Policy CS1 and SHDP Policy DP15 I find the proposed development would nevertheless be sited in a suitable and accessible location which would be in line with the intentions of those policies.”

This appeal decision has considerable relevance to the consideration of this proposal as it involves constructing a new dwelling in the land immediately to the north east of the application site. The inspector considers that the dwelling would not harm the AONB or the Conservation Area and is a suitable location for a dwelling and is an accessible location.

The proposal now before us utilises an existing building making minor alterations to it in terms of height and additional windows. In terms of any possible harm to the Conservation Area and AONB, the current proposal has far less impact than the dwelling now approved next door. The Appeal decision provides a clear steer that in this location additional dwellings can be found to be acceptable and would not harm the AONB or Conservation Area and is accessible to the facilities within the village.

Conclusion

With regard to the principle of the development, it does not meet the criteria identified in policy DP15, however with the current lack of a five year housing land availability and the very close proximity to the village centre means that it is in a sustainable location and therefore the presumption in favour of sustainable development is relevant.

The fact that the garage is already in place and already has an impact on the landscape means that the additional 800mm in height and the addition of a dormer window would not create any additional harm to the AONB or the Conservation Area.

The NPPF and the emerging policies focus on the need for housing in villages, and because of the small size of the proposed development it is likely that it will provide a more affordable unit in this popular coastal village and so could be providing for a need which is unmet in this area, however those policies are currently of limited weight and so have a limited impact on decision making at this stage.

On the planning balance with the policy situation as it currently is, the recent appeal decision it is considered that the proposal could be accepted and is thus recommended for approval.

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

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP5 Conservation and Wildlife

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP16 Conversion and Reuse of Existing Buildings in the Countryside

South Hams Local Plan

SHDC 1 Development Boundaries

Status of emerging JLP policies for decision makers

The Plymouth & South West Devon Joint Local Plan is currently undergoing a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that the emerging policies are all compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF, policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the new NPPF.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area

DEV20 Place shaping and the quality of the built environment

DEV27 Nationally protected landscapes

DEV28 Protecting and enhancing biodiversity and geological conservation

Neighbourhood Plan

There is currently no Neighbourhood Plan in place for East Prawle.

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.