

PLANNING APPLICATION REPORT

Case Officer: Tom French

Parish: Chivelstone **Ward:** Stokenham

Application No: 2964/17/FUL

Agent/Applicant:

Mrs Debbie Crowther
9 Lyte Lane
West Charleton
Kingsbridge
TQ7 2BW

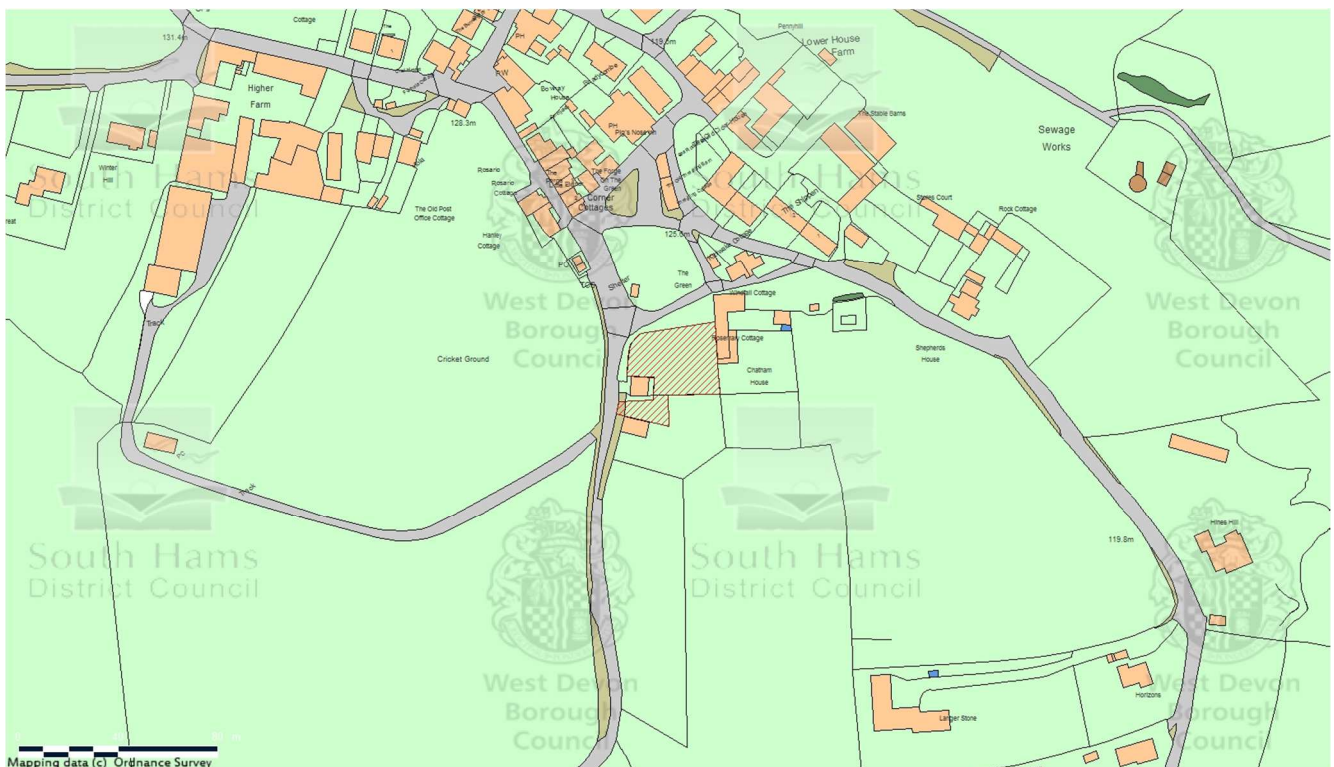
Applicant:

Sally O'Connell & Jane Toofan
The Bungalow
Fore Street
Ivybridge
PL21 9AE

Site Address: Plot adjacent Old Coastguard Store, Prawle Point Cottages to East Prawle Green, East Prawle, Devon, TQ7 2BY

Development: Proposed construction of dwelling, with associated access, parking and landscaping works

Reason item is being put before Committee: Referred by Cllr Brazil due to concerns over loss of public amenity, landscape impact, sustainability and housing need.



Recommendation: Conditional Approval

Conditions:

1. Three Years statutory period for commencement
2. Development in accordance with approved drawings
3. Hard and soft landscaping
4. Surface water drainage
5. Removal of permitted development rights
6. Parking to be provided/retained
7. Unexpected contamination
8. Tree protection measures
9. Landscape management plan
10. Ecology report recommendations to be carried out

Key issues for consideration:

The main issues are the design, massing and associated visual impact of the proposal within the street scene and wider AONB, any impact on the amenity of neighbouring properties, ecology, drainage, access and parking

Site Description:

The application site is located immediately to the south of the Green at East Prawle. The site area comprises 0.10 hectares of land.

The village of East Prawle is centred around the Green, with The Pigs Nose Inn and Piglet Stores and Cafe lying to the north of the Green and Chivelstone Parish Community Hall beyond. Residential properties in the main lie to the north of the Green, and also to the east and south east. Public toilets are situated to the west of the Green and public parking is available immediately adjacent to the Green to the west and south.

A rough road to the north of the application site separates the application land from the Green. The application site is bounded by a public road to the west which provides access to Prawle Point car park and Prawle Point Coastguard Cottages.

The public road to the west of the site is also a Public Right of Way (PRoW); Chivelstone Byway 14. The Byway runs from the Green to just south of Prawle Point car park where it links with Chivelstone Footpath 11 and the South West Coast Path. Immediately to the east of the plot of land lies Rosemary Cottage a two/three storey dwelling. To the south west of the land lies a private garage building in separate ownership. Immediately to the south of the garage is an access gateway into Mollie Tucker's Field, a Caravan Club Certified Site. This access also currently serves the application site. It is proposed that this existing access would form the vehicular access to the dwelling to the south of the access gateway, lies a single storey detached building, known as the Old Coastguard Store. Further to the south east of the site, separated by the camp site and agricultural land lies further residential development

The application site lies within and on the southern edge of East Prawle Conservation Area. The Conservation Area also includes a separate parcel of land comprising a number of dwellings to the south east of the site. The whole area lies within the South Devon Area of Outstanding Natural Beauty and falls within the Undeveloped and Heritage Coast designations.

The Proposal:

This planning application seeks full planning permission for the construction of a new 3-bedroom dwelling with associated access, parking and landscaping.

Access to the dwelling is provided by the existing vehicular access from the public road to the west of the site. The proposal makes provision for on-site turning and parking of vehicles to the west of the dwelling.

The proposal is for a two storey building of a traditional local vernacular. The eastern end of the property comprises a single storey lean-to element. The submitted plans show lounge, dining room, kitchen and utility on the ground floor with bedroom accommodation and family bathroom arranged on the first floor.

Consultations:

- County Highways Authority: Standing advice applies
- Chivelstone Parish Council:
 - Chivelstone Parish Council object to planning application 2964/17/FUL and feel that planning permission should be refused as
 - it will not meet the affordable housing criteria for local people struggling to find a house.
 - it is not being built to be a home for the planning permission applicants, with a high probability that it will become another second home.
 - it sets a precedent for all the fields in that location.
 - whilst the trees would currently screen the proposed dwelling they will only be there for a further 20 years and the house will be in full view.
 - it would block the view from the village Green.

Representations:

Representations from Residents

Comments have been received and cover the following points:

- Site is outside settlement boundary and within the South Devon AONB
- Proposed dwelling is overly large
- Loss of light to Chatham House and overlooking
- Loss of light and views to the village green
- Negative impact on tourism
- Other properties for sale in village
- No need for further second homes
- Harmful impact on conservation area
- Location plan shows land not owned by applicant
- Proposed dwelling has good proportions and appearance, however too large for the plot
- Would set a precedent for further development in the AONB
- Previous refusal on the site in 1984
- Affordable housing need in East Prawle
- Result in increased algae growth on western side of Rosemary Cottage

Representations from Internal Consultees

Landscape Officer/AONB

- Whilst the development would comprise a new visible built feature, the context of the village combined with the proposed design, scale and materials of the new plot would provide an acceptable means to develop the site with a single dwelling without adversely affecting the local landscape character, protected landscape or visual quality of the area. I would therefore raise no objection to the application on landscape grounds.

Suggested Conditions

- Implementation of Tree Protection measures and AMS
- Landscape management plan
- Consider removing PD rights to the garden/curtilage.

Relevant Planning History

10/1278/95/3 - Erection of two cottages and provision of car park Withdrawn: 13 Sep 95

10/0557/84/3 - House and garage Refusal: 15 May 84

ANALYSIS

Principle of Development/Sustainability:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

Paragraph 14 of the National Planning Policy Framework states that *at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

Paragraph 15 of the NPPF states that:

Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

Policy DP 15 of the South Hams Development Plan Policies relates to development in the countryside and states;

Within the countryside, development will be permitted where it requires a countryside location and:

- a. supports the essential needs of agriculture or forestry interests; or
- b. meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within development boundaries.

The South Hams Development Plan Policies DPD was adopted in July 2010 and pre-dates the NPPF. The enforcement of strict development boundaries is not considered to comply with the guidance

within the NPPF as this does not follow the approach of the presumption in favour of sustainable development.

The current position therefore is that an assessment as to whether the proposed development is sustainable has to be undertaken. If it is, the presumption in favour set out in paragraph 14 of the NPPF will apply and planning permission should be granted where the development plan is absent, silent or relevant policies, as in this case, are out-of-date unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.'

However, if it was concluded that the proposal would not result in sustainable development, the presumption in favour would not apply. Footnote 9 states that the presumption in favour of sustainable development should not apply if '*specific policies... ..indicate development should be restricted.*'. This includes paragraph 115 which states that '*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*'

The main issue, therefore, in respect of whether the development is acceptable in principle is whether the proposal represents sustainable development and if it is, whether there are significant and demonstrable adverse impacts that would outweigh its benefits with strict regard to the AONB which is afforded the highest status of protection.

The site relates well to the village and reads as a natural infill, the emerging policies in the Joint Local Plan (JLP) make allowances for residential development adjoining or very near to an existing settlement where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

East Prawle is identified in the JLP as being able to accommodate 10 new dwellings within the plan period. The proposed settlement boundaries for the JLP are at a draft stage but is worth noting that the proposed JLP settlement boundary for East Prawle includes the application site.

Design/Landscape:

In considering this application and assessing potential impacts of the development proposal against nationally protected landscapes, in addition to the Development Plan, the following legislation, policies and guidance have been considered:

- Section 85 of the Countryside and Rights of Way (CRoW) Act;
- Section 11 of the NPPF in particular paragraphs; 109 and 114-116;
- The National Planning Practice Guidance (NPPG) particularly Section 8-001 to 8-006 on Landscape; and
- The South Devon AONB Management Plan and its Annexes.

In respect of the principle policy tests in the NPPF, this application is not considered to constitute "*major development*" in the context of paragraph 116, due to the context of existing built form of a comparable scale and appearance in the immediate locality.

Landscape Character & Visual Impact

The site lies within a highly sensitive landscape, designated as AONB and Undeveloped Coast, and lying within the Heritage Coast. However these designations wash over the village as a whole and do not preclude development where it is sensitively sited and designed so as to conserve and enhance the character of the area. As a well-defined plot of land with existing built form located both within and adjacent to the site and further to the south of the site area, the site reads as part of the village form rather than the surrounding coastal landscape, which is dominated by the undeveloped, wild and rugged coastline.

The settlement characteristics of the area include:

- Sparse settlement pattern, with isolated farms or large houses and several villages, often distinguished by their uniform appearance, and a few scattered small coastal resorts.
- Settlements often hidden by the dips in the topography.
- Roads generally comprise narrow rural lanes.

The proposed development is considered to sit comfortably within these characteristics, without impacting upon the surrounding protected landscape. It is therefore considered acceptable in principle to introduce a single dwelling here, continuing the existing pattern of development clustered around the green.

Views from the surrounding landscape may variously pick up the new dwelling ridgeline in views of the village, but the close association in scale, appearance and materials to the adjoining properties would not result in an adverse change to the views. In keeping the ridgeline below that of the adjacent dwelling, but at close proximity within the plot, the proposed building would not introduce a more visually prominent element to the village, and would not change its perception as a village within a coastal landscape. In respect of views from the village (and the village green) towards the coast, numerous coastal views are available as you pass through the village, seen between buildings, across roof tops and around vegetation. The proposed development would continue this character, and would not block a particularly striking or well-framed view of the coast; it would replicate the existing situation within the village area.

Protected Landscape

The Council's Landscape Officer and the South Devon AONB Team were involved in pre-application discussions around this site, and raised no principle objection to the proposals for the above reasons. Their concerns related to the design of the building and its need to reference the style of buildings in East Prawle, the location of the development within the plot, and the height of the building in relation to the adjacent plot and the trees. These issues have been addressed with the design, scale and appearance of the proposal coming forward.

Detailed Design / Landscape Design

The proposed materials and finish to the building are considered to be in keeping with the surrounding built form. The design is modest and traditional, without excessive use of glazing or other visually prominent features often seen on modern buildings. The design is of a traditional vernacular and the use of slate roofing and painted rendered walls with traditional glazing patterns are suitable for the conservation area setting.

The location of the proposed dwelling within the plot itself is also considered to be appropriate; clustering built form together, and avoiding the introduction of taller built form into the outer edges of the site where it may have been more visually dominant on the approach from the south. The location on the north eastern edge maximises the opportunity for screening from the trees, and the takes maximum advantage of the context of the existing village built form in minimising the impact of the dwelling.

It is apparent that the boundary treatments would remain as they are currently, and there are no principle issues with this. a landscape management plan condition is recommended to ensure that the hedge and trees are appropriately managed going forwards, given their importance as landscape features on the approach to and leaving the village. Permitted development rights are recommended to be removed for extensions as well as curtilage outbuildings and means of enclosure, so that the council retains control over the erection of outbuildings, fencing and other ancillary structures which may be visually prominent in this sensitive location.

Arboricultural Impact

The submitted Arboricultural Impact Assessment provides a fair assessment of the trees on site, showing them to be retained through the proposed development. The protection measures and

methodology set out in the Arboricultural Method Statement (AMS) are appropriate and would be effective in the protection of the trees throughout the construction of the development.

Following completion of the development, as the trees are within a Conservation Area, control over works to the trees remains with the council, and we can therefore be confident over their retention or replacement in the longer term as necessary.

I would therefore raise no objection to the application on arboricultural grounds subject to a condition requiring the implementation of the submitted tree protection measures and AMS.

Policy

Adopted and emerging local plan policies seek to conserve and enhance landscape character, avoiding significant and adverse landscape and visual effects. They place great weight on the landscape and scenic beauty of the AONB and the character of the coastal landscape. The AONB Management Plan similarly seeks to conserve and enhance landscape and scenic beauty and protect the Special Qualities of the designation through its policies.

As noted above, the impacts of the proposed development are considered to be acceptable; not adversely affecting the landscape and visual amenity of the area, or the Special Qualities of the AONB. It would therefore meet the above policy tests.

Neighbour Amenity:

The building would be located at such distance from neighbouring property, principally 'Chatham House' to the East so as not to give rise to unacceptable levels of overshadowing or result in an overbearing impact or outlook issues.

The eastern boundary of the site forms the boundary with Rosemary Cottage at the northern end, which adjoins Chatham House whose western elevation forms the mid-section of the eastern boundary with its garden area to the south forming the remainder of the boundary. The two storey section of the proposed dwelling is sited 5.3 metres from the western elevation of Chatham House with a 2.5 metres from the ground floor lean to section.

Rosemary Cottage has 1 no small window on the western elevation, which is set forward of the proposed dwelling and will not be impacted. Chatham House has 2 no roof lights in the western slope of the roof. Due to the separating distances and position of these roof lights it is considered that the development will not result in a significant loss of light to these roof lights. The first floor windows on the south elevation are set sufficiently in from the boundary to afford limited oblique views into the garden area of Chatham House and this would not warrant refusal of the application.

In order to ensure protection of neighbour privacy in perpetuity it is considered appropriate to withdraw permitted development rights for extensions and alterations, which will include the insertion of windows.

Highways/Access:

Vehicular access will be via an existing entrance, which serves the camping field to the south. It is considered acceptable in terms of highway safety and has no negative impacts on visibility.

The site has sufficient off-street parking for the size of the proposed dwelling and a condition is recommended to ensure that it is provided prior to occupation and maintained thereafter.

The highway is also a public right of way that leads to Prawle Point, the site has sufficient space for the accommodation of building materials and therefore a construction management plan is considered to not be required for the development.

Other Matters:

Foul drainage will be discharged into the existing main sewer line and surface water drainage is proposed via soak-aways. A condition requiring the surface water drainage works to be agreed is recommended.

An ecology report has been submitted as part of the application, which concluded "Given the limited biodiversity interest of the site, it is considered that the proposed development will not have a significant negative ecological impact and that, if the above measures are implemented, the development could result in an overall net positive impact on site biodiversity." The report suggests biodiversity enhancements, which will be conditioned to be provided.

The availability of other houses for sale and whether the proposed dwelling will be occupied full time are not material considerations for this planning application. Similarly, the light to a flank wall of the adjacent dwelling and the potential for algae growth on the wall are not a matter to be considered as part of this planning application.

An amended site location plan has been submitted which address the concerns raised, the amended red line did not require further consultation to be undertaken.

It is considered that the dwelling proposed would not result in harm to the tourist offering or attractiveness of east Prawle as a tourist destination.

All applications are dealt with on their own merits and would not set a precedent for further developments. There has been a previous refusal on the site, however the application has to be considered against current planning policy and the refusal was a significant time ago. The proposal is for an open market dwelling and has been assessed as such.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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
DP6 Historic Environment

DP7 Transport, Access & Parking
DP15 Development in the Countryside

South Hams Local Plan (please delete as necessary)

SHDC 1 Development Boundaries
KP 14 East Prawle

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

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

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT3 Provision for new homes

TTV31 Development in the Countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

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

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV21 Conserving the historic environment

DEV22 Development affecting the historic environment

DEV24 Landscape character

DEV25 Undeveloped coast

DEV27 Nationally protected landscapes

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.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding, turfing or hardsurfacing comprised in the approved landscaping scheme shall be carried out by the end of the first planting and seeding seasons following the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall be strictly adhered to during the course of the development and thereafter.

Reason: To ensure the provision of an appropriate landscaping scheme in the interests of the visual amenities of the locality and to assimilate the development into its surroundings.

4. Prior to the commencement of the development hereby approved, details of the surface water design including percolation test results and supporting calculations shall be submitted to and approved in writing by the local planning authority.

Details of maintenance and management responsibility for the drainage system must be submitted to and approved in writing by the local planning authority prior to commencement on site.

Such approved drainage details shall be completed and become fully operational before the development first brought into use. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Surface water drainage systems design and installation shall be in accordance with CIRIA C697 The SuDS Manual and CIRIA C698 Site Handbook for the Construction of SuDS.

Reason: To safeguard the amenities of the locality and environment and to ensure that the development is adequately drained.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (and any Order revoking and re-enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-
 - (a) Part 1, Class A (extensions and alterations including the insertion of windows or roof lights)
 - (b) Part 1, Classes B and C (roof addition or alteration)
 - (c) Part 1, Class D (porch)
 - (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
 - (e) Part 1, Class F (hardsurfaces)
 - (f) Part 14, class A & B (Installation of domestic Microgeneration Equipment)

(g) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order revoking and re-enacting this Order)

(h) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.

6. The dwelling hereby approved shall not be occupied until the parking, and garaging areas relating to them (and shown on the submitted drawings) have been properly consolidated, surfaced, laid out and constructed. The parking, servicing and garaging areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the garaging and parking of vehicles clear of all carriageways in the interests of road safety and amenity.

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately

8. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows as shown on the plans, including their root systems, or other planting to be retained as part of the landscaping scheme, by adopting the following:

- (i) All trees to be preserved should be marked on site and protected during any operations on site by a fence;
- (ii) No fires shall be lit within the spread of the branches of the trees;
- (iii) No materials or equipment shall be stored within the spread of the branches of the trees;
- (iv) Any damage to the trees shall be treated with an appropriate preservative;
- (v) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated, except in accordance with details shown on the approved plans.

Reason: In order to identify, and protect, trees of public amenity value

9. No works or development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall provide for the management and maintenance of public open space and green

infrastructure for biodiversity, landscape and informal recreation purposes. The LEMP shall include:

- (i) All existing boundary hedgerows and trees
- (ii) Submission of a lighting strategy for during and post construction (to show avoidance of light spill onto boundary and internal hedgerows, to be informed by bat survey results);
- (vii) Materials, heights and details of fencing and other boundary treatments;

All elements of the LEMP shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All work shall be completed in accordance with the timetable agreed.

Reason: In the interests of ecological and visual amenity

10. The recommendation sand mitigation measures contained within the submitted ecology report by Greenwood Ecology and Conservation shall be carried out in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of ecology and biodiversity.