

Ward Tale Vale

Reference 18/2583/FUL

Applicant Mrs Nicki Collas

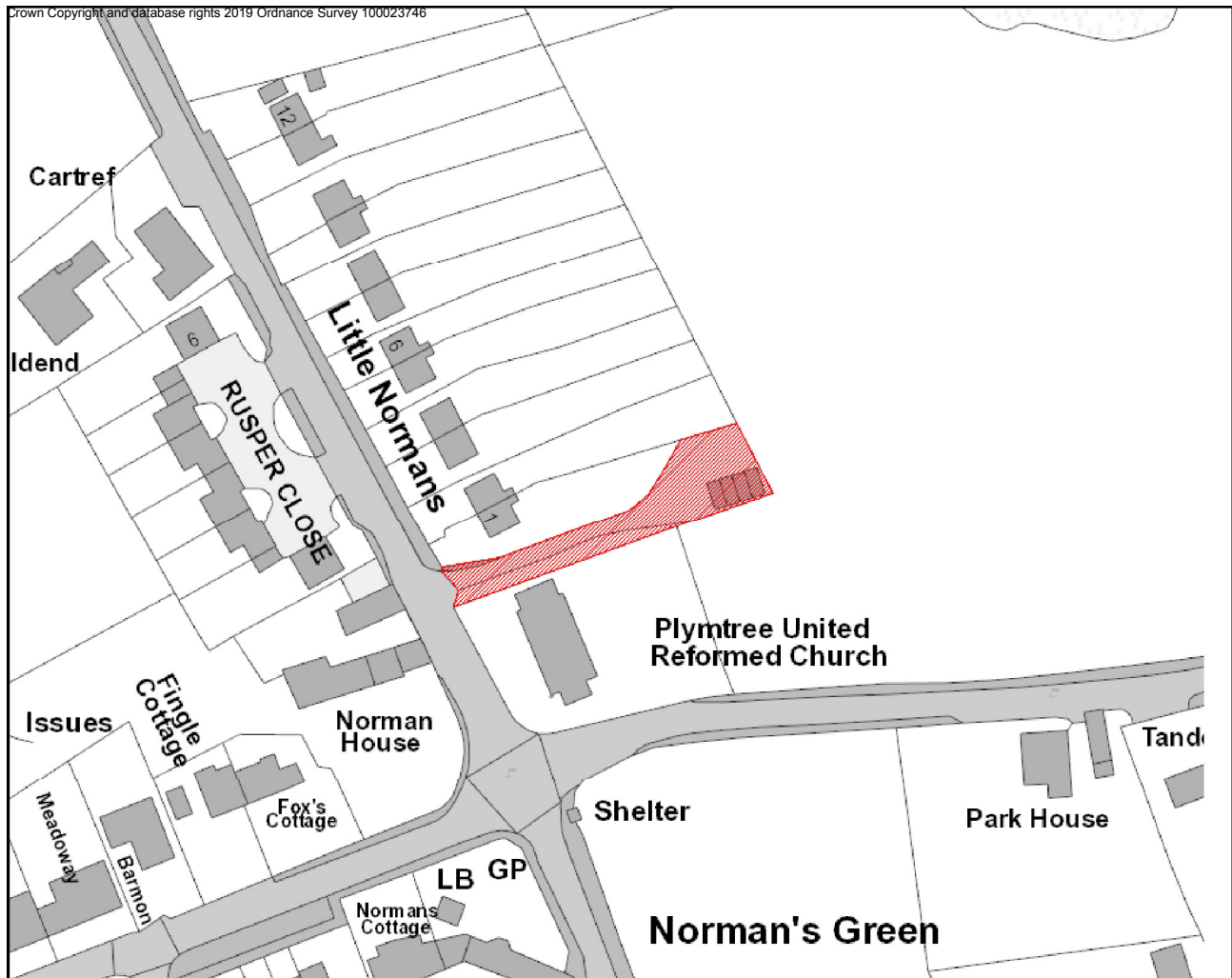
Location Plymtree Garages Plymtree

Proposal Removal of garages and construction of dwelling



RECOMMENDATION: Refusal

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		Committee Date: 11th June 2019
Tale Vale (PLYMTREE)	18/2583/FUL	Target Date: 01.02.2019
Applicant:	Mrs Nicki Collas	
Location:	Plymtree Garages Plymtree	
Proposal:	Removal of garages and construction of dwelling	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members as the Officer recommendation is contrary to the view of the Ward Member.

Planning permission is sought for the demolition of a block of four garages and the construction of a new dwelling. The garages are accessed from a driveway adjacent to existing properties and located to the rear of a terrace of properties known as Little Normans.

The site is located within the hamlet of Normans Green, a cluster of residential properties centred around the cross roads and adjacent to Plymtree United Reformed Church, which together with its boundary wall are Grade II Listed Buildings.

In planning terms the site is located within the countryside, as there is no built up area boundary (BUAB) for Normans Green. Other than the neighbouring church there are no services or facilities within the locality and the site is considered to be unsustainably located. Whilst an appeal for the provision of a dwelling within Plymtree considered that site to be sustainable located due to the range of services and facilities it has (despite Plymtree not having a BUAB), Plymtree is approximately 0.5 miles from the site accessed via a narrow unlit country lane.

The design of the proposed dwelling is single storey, having been amended and reduced in scale from that originally submitted. It is considered to sit relatively comfortably within the site, with appropriate levels of amenity for any future occupiers, and is not considered to result in the loss of amenity for existing residents. It will not harm the setting of the adjacent listed church and wall.

Whilst there are some merits to the proposal it terms of tidying up the site and providing an additional residential dwelling, it is considered that its location remote from facilities and services is unsustainable and would result in future

residents being over-reliant on the use of private motor vehicles contrary to Strategy 7 and Policy TC2 of the adopted Local Plan. As such the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

Neutral response. The Parish Council wished to express the view that the current site would benefit from improvement.

Tale Vale - Cllr P Skinner

I have visited this site with the applicant.

This is a site that although one would say is at the edge of the village it sits very firmly within the cartilage of built up development.

It sits with a bank of council type housing to it's left and a church to it's right, opposite this site is a number of houses which all form a part of this particular end of the village.

The road network is quite wide at this point as it sits right on the crossroads so just to add weight to it's actual suitability within the village.

The big question which is one of sustainability has already been tested by a previous application and was refused by our authority but was in fact overturned by the planning inspector whom has deemed Plymtree as a village with many facilities such as two churches, a village shop, village pub, plus an array of sport facilities including a cricket pitch and tennis courts and last but certainly not least a primary school.

The question I would ask is, if this application were to be refused it would surly be overturned by a planning inspector a second time, that wouldn't sit very comfortably for me.

All of that to one side I am going to SUPPORT this application for the following reasons;

1/ I believe first and foremost it is making excellent use of what one could deem as a brown field site as it sits on an old garage site.

2/ A reason for refusal around a principal of sustainability has already been tested and failed.

3/ This is likely to be a self build project, which I very much support.

I would ask that this application goes to committee where I will have the opportunity to support in person.

I do reserve the right to change my view, if indeed evidence of which I was not aware came to light after these comments were written.

Technical Consultations

County Highway Authority

The site is located on the Old Bridge Road, C213.

The proposal utilises an existing access with dedicated off-carriageway parking being maintained, in addition to a turning head so that vehicles can manoeuvre off-carriageway and exit the site in a forward gear motion.

I believe the replacement of the garages with one dwelling may well see a reduction upon traffic on the local highway network and therefore I do not foresee this development causing a traffic capacity problem.

The existing access is far enough away from the near Junction and in any case as the development is utilising an existing access for a similar traffic volume the County Highway Authority (CHA) has fewer constraints over the provision.

Therefore in summary the CHA has no objections to to raise as part of this development.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

Conservation

The site is a historic rural landscape. The grade II listed church and grade II listed wall and gateway were built in 1850. Following the construction of this, the pattern of dwellings followed in a linear development along Old Bridge Road.

The listed Plymtree United Reformed Church and associated listed boundary wall form one South-East, prominent corner of the entrance into the proposed site. They form a significant contribution to the character of the adjoining site.

The topography of the site rises up from the road to the single storey garages. The landscape from this point appears to level off giving direct views across the field to neighbouring listed buildings such as, Perhams Green Farm and Perhams House.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

In principle the proposal to build a self-build dwelling is supported. The contemporary barn style design and materials are in context to the agricultural surroundings.

What the plans do not make clear is the relationship to the neighbouring church and the impact of the setting and proposed ridge height have against the listed building and listed wall. It is recommended that the proposal should appear to be subservient, at least in height, to the setting of the listed building. This concern also extends to the further views through to the other heritage assets, as it is assumed they will be on a similar ground height to each other. The impact of the height of the ridge appears not

to have been assessed against the neighbouring dwellings that face onto the road either.

It is not clear from the drawings if it is the intention to set the ground floor at the existing level of the hard standing or to respond to the slope and neighbouring buildings. The concern is, if this is not the case, it would become rather overbearing and dominate the immediate area, partly, due to its assumed elevated position.

There appears to be minimal information regarding the other part of the proposal for "widening of access". There may be scope for improvement, but it is important that the listed boundary wall of the church is not harmed in any way. This could possibly be resolved by a condition, however, it is recommended that this information is resolved at an earlier stage. This also encompasses the site boundary treatment and a sympathetic design to this rural setting.

In conclusion;

In principle this could be a successful scheme, however, without further details addressing the concerns, at present, the scheme is not supported.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Further comments:

CONSULTATION REPLY TO
LISTED BUILDING CONSENT/CONSERVATION AREA
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Plymtree Garages, Plymtree.

GRADE: Adj II APPLICATION NO: 18/2583/FUL

CONSERVATION AREA: NA

PROPOSAL: Removal of garages and construction of dwelling and widening of access.

AMENDED PROPOSAL

These comments are in addition to the initial comments made. The design has clearly focussed on reducing the impact of the ridge height, whilst retaining a similar internal volume. There is merit in the ridge height reduction, however, the revised ridge is much more elongated.

The proposed dwelling is likely to retain a strong presence within the context of a rural setting and adjacent to a heritage asset, in part due to the elevated topography of the site.

There continues to be minimal information regarding the proposal for "widening the access". Concern remains regarding any works affecting the grade II listed boundary wall to the church.

The church wall listing description is as follows for reference;

Plymtree United Reform Church - churchyard walls and gateway GV II Churchyard walls and south gateway. Probably 1850, contemporary with the church (q.v). Grey limestone laid to courses, cast iron railings, gate and overthrow. Low wall around south and west sides of the churchyard curving round the corner which includes the gateway. Plain square section gateposts with soffit-chamfered caps. Wrought iron overthrow enriched with scrolls and including an ornate lamp brack. Gate has plain rails and crest of an ornate fleur-de-lys. There were low cast iron railings in similar style to the gate but these have been replaced by a hedge although short lengths remain each side of the gateway.

In conclusion;

In addition to the initial comments made, without further details addressing the concerns, at present, the scheme remains not supported.

PROVISIONAL RECOMMENDATION - PROPOSAL UNACCEPTABLE

Contaminated Land Officer

I have considered the application and the previous history of the site. It is possible that some historic waste materials will have been left on site and will be present in the oversite layers. It is likely that this will be removed during preparation works for building but I recommend that the following condition is applied to any approval in order that unforeseen contamination is removed or otherwise remediated:

Should any contamination of soil and/or ground or surface water be discovered during excavation of the site or development, the Local Planning Authority should be contacted immediately. Site activities in the area affected shall be temporarily suspended until such time as a method and procedure for addressing the contamination is agreed upon in writing with the Local Planning Authority and/or other regulating bodies.

Reason: To ensure that any contamination existing and exposed during the development is identified and remediated.

Other Representations

One representation has been received raising objections to the proposal on the following grounds

- Understood that there are covenants preventing development of the site
- An existing access from the site to the rear gardens is at risk
- No provision for off street parking for existing vehicles that use the site
- Height of dwelling should be reduced to ensure privacy of existing residents

No further comments have been received in respect of the revised submissions

PLANNING HISTORY

No planning history

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The application site comprises a block of four garages and associated hardstanding area located at Normans Green, Plymtree. It is around 0.5 miles from the centre of the Plymtree that is located to the south-west of the site down a narrow unlit country lane. "Little Normans" is to the west of the site and forms a line of semi-detached properties with long rectangular gardens. The garages sit at the end of a long driveway running parallel to the houses and gardens.

To the north east of the site is open countryside, with the gardens of the neighbouring properties to the north-west. Plymtree United Reformed Church and churchyard lie to the south of the site and driveway. The church and the roadside boundary wall are both Grade II Listed Buildings

Proposed Development

Planning permission is sought for the demolition of the garages and their replacement with a detached dwelling. As originally submitted a two storey dwelling was proposed, however during the course of the application the proposal has been amended and a single storey property is now proposed. A flat roofed block is proposed in the position of the garages which would accommodate two/three bedrooms and associated bathroom facilities, with the living accommodation proposed in a projecting mono-pitched element.

Externally there is a grassed amenity area to the north of the proposed building, and a parking and turning area to the front (west) of the dwelling.

The proposed materials comprise rendered block work to the flat roofed element, with timber cladding under a metal seam roof to the mono-pitch extension.

ANALYSIS

The main considerations relate to the principle of development in this location; design and visual impact of the proposal; and any impact on residential amenity, heritage assets, ecology, trees and access and right of way considerations.

Principle of Development

Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

The site lies within the hamlet of Normans Green, a small hamlet located within the open countryside around 0.5 miles to the north east of the village of Plymtree and its services. Apart from the church adjacent to the site, there are no other services or facilities in the Normans Green. Plymtree has some additional facilities, including a primary school, shop and public house, but the distance and nature of the roads, being narrow and lacking in footpaths or streetlighting is such that access to these would not encourage high levels of walking or cycling and therefore generally be made by private vehicle. It should be noted that Plymtree itself does not have a Built-up Area Boundary.

Due to the lack of facilities, distance from settlements with a full range of facilities and poor public transport options, Normans Green is not considered to be a suitable location for housing growth, and consequently does not have a built up area boundary (BUAB) within the adopted East Devon Local Plan. The lack of services in Normans Green, and the lack of public transport options, with a very infrequent bus service, mean that the site is unsustainably located in planning terms.

The location of the site is not within a settlement listed in Strategy 27, which sets out those considered suitable to support housing growth and as the proposal is for an open market rather than affordable dwelling it is not considered that there are any other policies in the plan that would support new residential development in this location.

It is accepted that the current use as garaging would give rise to a certain amount of traffic. However it is considered that this would be in conjunction with properties already within the village unlike the introduction of an additional property in what is considered to be an unsustainable location.

Although Plymtree does not benefit from a Built-up Area Boundary, as stated above it does offer a limited range of services and facilities (Primary School, pub, post office store and recreation field) and on this basis a recent appeal determined that a site within the centre of Plymtree was suitably located for a dwelling.

Whilst this single appeal (17/2022/FUL) allowed the principle of a dwelling within Plymtree against local plan policy, the application site is located a further 0.5 miles from Plymtree within the hamlet of Norman's Green with access via a narrow unlit country lane without footpaths or meaningful public transport. On this basis the site is not considered to be well located to a range of services and facilities and as such is contrary to Strategy 7 and Policy TC2 of the adopted local plan that seek to direct new housing to location that are served by a range of services and facilities and reduce reliance upon the use of the car.

Design and Visual Impact

The site is well set back from the road when viewed from the front access, and the revised design, due to the loss of the the first floor has reduced visibility of it from the road, and this together with the modest design mean that there are not considered to be any concerns regarding its visual impact.

Initial concerns regarding the scale and visual impact of the original scheme, particularly in views from the road to the east of the site have been overcome by the revised design, and whilst the majority of the dwellings in the immediate vicinity, particularly those on Little Normans form a linear row fronting the road, the modest nature of the proposal will be viewed in association with their long rear gardens and domestic paraphernalia and will sit comfortably within this context.

Development would provide some benefits in tidying up the site.

Residential Amenity

The site would be set around 37m from the nearest dwelling to the west and it is not considered it would be overbearing, visually intrusive or result in any loss of privacy or overlooking.

There may be an increase in activity levels on the site, although the potential nuisance that could arise from a more intensive use of the garages could be significant, and there is not considered to be any objection to the proposal in terms of loss of amenity in this respect.

The garages are no longer related to the adjacent dwellings and as such they will not lose any amenity from the loss of the garages.

Heritage Impact

The neighbouring United Reformed Church and its boundary wall are both Grade II Listed Buildings and form a strong visual influence on the character of the hamlet. As originally submitted there was a suggestion that some alteration to the access arrangements was proposed, and the impact of this on the listed wall was unclear and raised some concerns/questions from the Conservation Officer. However it has been confirmed that no alterations are proposed and that the wall will remain unaffected by the proposed development. This addresses the Conservation Officer concerns.

In terms of impact on the setting of the listed church, the removal of the first floor accommodation, and redesign of the building is considered to be less prominent than the original submissions and the concerns raised by the Conservation Officer in respect of the relationship with the adjacent building are considered to have been addressed in the revised design, which is modest in form and would sit comfortably within the site and behind existing boundary hedging without creating any harm to the setting of the listed structures or their setting.

Ecology

An ecological report submitted with the application has found that there is no evidence of bats within the site, and no ingress for cavity nesting bird species within the garages on the site. On this basis the site is considered to be of negligible ecological importance and only precautionary mitigation is required.

Trees

There are a number of relatively low value trees on the boundaries of the site, with only one Common Yew located in the adjacent Church Yard providing material conservation value. This tree would be unaffected by the proposed development.

It is considered that the proposal offers the opportunity to improve the landscape value of the site and that additional boundary planting and landscaping should be encouraged if the application is approved.

Highways

The proposal utilises an existing access with dedicated off-carriageway parking being maintained, in addition to a turning head so that vehicles can manoeuvre off-carriageway and exit the site in a forward gear motion.

The Highway Authority consider that the replacement of the garages with one dwelling may well see a reduction upon traffic on the local highway network and therefore do not foresee the proposed development causing a traffic capacity problem.

The existing access is far enough away from the near Junction and in any case as the development is utilising an existing access for a similar traffic volume the County Highway Authority (CHA) has fewer constraints over the provision.

Other Matters

It was noted on site that there was an access gate that led into a neighbouring garden at 2 Little Normans. The owner has submitted a letter stating that they have prescriptive rights over the access road leading to their garden along the access road.

East Devon are still the owners of the land and advice has been sought from the Estates Team, who have stated that:

‘Firstly, The Plymtree garages have not yet been sold, as far as I understand we are still considering revisions to the transfer arrangements made by the potential buyers.’

‘Regarding the history of the access that No.2 have - this was never formally agreed. It goes back a long time when a previous owner put a gate in without permission. That owner was in dispute with EDDC in 1998-1999 as we told her to seal the boundary as no access rights had been agreed; she refused and it looks like we took the suggestion of offering her a licence to the January Housing Committee meeting in 1999. This was agreed, but there were conditions attached and there is no evidence of this ever being resolved. I have attached various documents and minutes from the committee meeting for your information.’

These are therefore considered to be civil matters outside of the remit of the planning system.

CONCLUSION

The proposed development would make a very modest contribution to the housing supply on a previously developed site and would provide some limited benefits during construction to the local economic community as well as provide some visual improvements to the site.

However it is not considered that the location is sustainable for new residential development (being contrary to Strategy 7 and Policy TC2 of the Local plan) with future occupiers unacceptably reliant on private motor vehicles for day to day living. It is not considered that the material benefits overcome this identified harm and the application is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reason

1. The site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan and is, therefore, within the open countryside where residential development is restricted. The proposed development, by reason of its unsustainable location in the countryside, remote from essential services and facilities required for daily living, would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access the services, and would result in a development that would not be physically or functionally well related to the built form of the settlement. As such, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), Strategy 27 (Development at the Small Towns and Larger Villages) and Policy TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 and the guidance within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this

application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

D04	Location Plan	05.12.18
D02 REV D : PROPOSED	Layout	26.02.19
D03 REV C	Proposed Combined Plans	26.02.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.