

PLANNING APPLICATION REPORT

Case Officer: Graham Smith

Parish: Wembury **Ward:** Wembury and Brixton

Application No: 2748/23/FUL

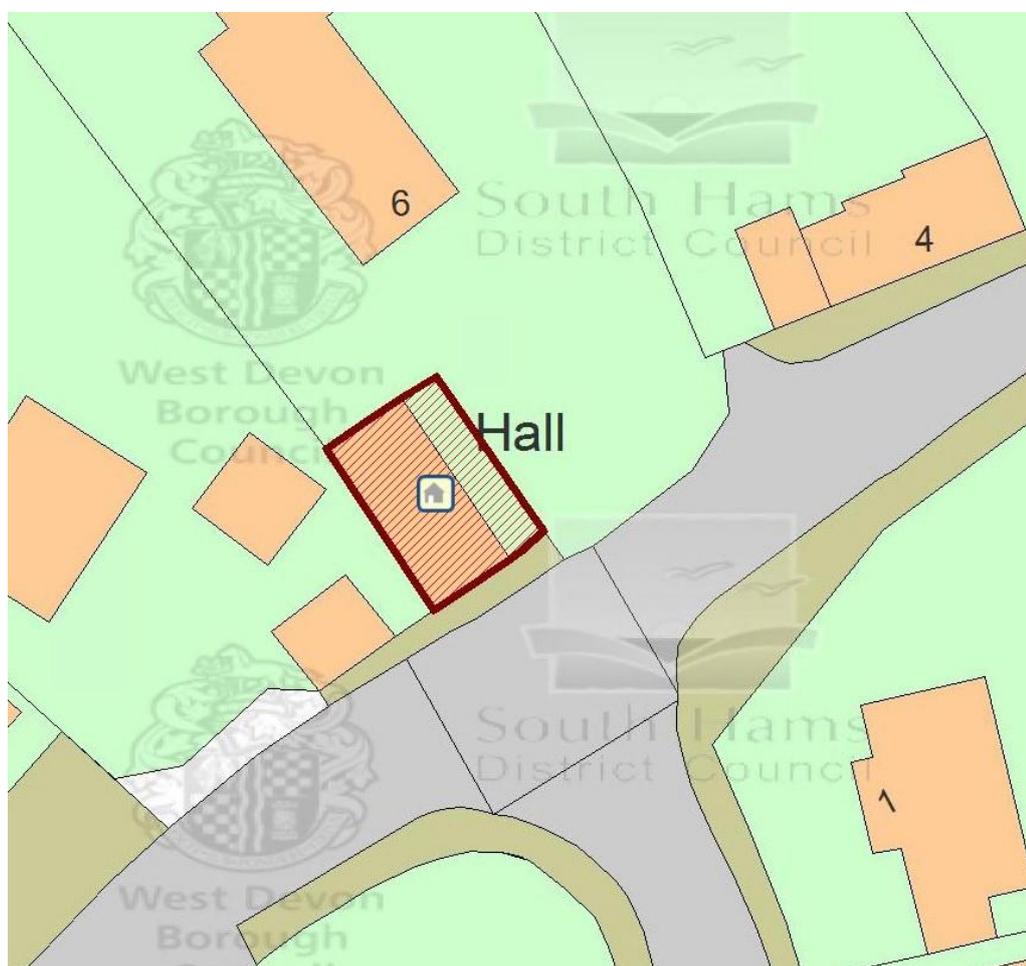
Agent/Applicant:

Mr James Wells - James Wells Planning
Limited
Pendeen
Plymouth
PL9 9BQ

Applicant:

Mr Mark Barnett
15 Brownhill Lane
Wembury
PL4 0JQ

Site Address: Land At SX 524 495, Ford Road, Wembury





Development: Detached garage with storage above

Reason item is being put before Committee: at the request of Cllr Alison Nix - *I wish to bring this to committee due to concerns regarding scale and neighbour amenity. The Parish Council also objected to the application.*

Recommendation: **CONDITIONAL APPROVAL**

Conditions:

1. Time
2. Accord w/plans
3. Use restriction domestic only
4. Construction Management Plan
5. Bird bricks
6. Velux to incorporate obscure glazing

Key issues for consideration:

Principle of Development, Design, Highways, Residential Amenity, Biodiversity, Carbon Reduction

Site Description:

The site comprises a rectangular shaped area of land which historically contained a chapel but currently contains a mound of building rubble facing onto the junction where Highfield Drive and Ford Road meet. The site is built up level with the road and relatively flat, but levels fall away to the north-west of the road. The nearest dwellings, nos. 6, 8 and 10 Ford Road, have frontage parking but are set back from the road and, as a result of the fall in levels, sit relatively low in the streetscene. In contrast, levels rise on the opposite (south-east) side of the road, with the dwellings on Highfield Drive set on progressively rising land. The area is predominantly residential however there is a hair salon and dog groomers in the vicinity to the north east and on street parking on this side of the road is common.

It should be noted that the site is in separate ownership from the housing in the immediate vicinity with the applicant living some 280 metres south east further into Wembury. The site is within the South Hams Area of Outstanding Natural Beauty (AONB).

The Proposal:

Permission is sought for a detached garage with upper floor storage. The garage is shown as being 9.7m x 5.5m with a shallow pitched roof design. The garage would measure 4.7m in height to the ridge and 3.2m to the eaves. An internal staircase would lead from the ground level to an upper floor storage area. The development would take up most of the site leaving a small gap along the sides and rear but providing direct access onto the road at the front. Externally, the building would be finished with rendered walls and a roof clad with fibre cement slates. A uPVC window is proposed to the front elevation above the garage door and 4no. velux roof lights are proposed within the roof.

Consultations:

- County Highways Authority – No Highways Implications
- Town/Parish Council – **OBJECTION** – due to the amount of concern from residents, inconsistencies in planning application, scale of development, rear staircase, access to highway, lack of mains lights, no EV charging point as expected for a garage and overlooking neighbours. Also the council recommend solar panels be a condition of any permission.

Representations:

9 letters of representation were received from 8 residents objecting to the development. The points made can be summarised as follows:

1. Changes made to a previously refused scheme are considered minor tweaks and nowhere near enough to change this to an approval.
2. The previous building on this site was demolished many years ago and the fact that it was at this site shouldn't have any bearing on the decision. It is said that the previous building wasn't as big as that proposed and did not have vehicular access.
3. The footprint is unchanged from the previous refusal and hipped roof incongruous.
4. The building would seriously undermine the AONB and is not of a high enough quality.
5. The plans are not accurate as, once the floor level is provided, it will need to be higher than as shown.
6. The building would dominate the nearest neighbours and have an adverse impact on their amenity resulting in overshadowing and a loss of privacy.

7. Why are skylights required for a storage room? There is electricity available and unclear why it wouldn't be used to provide light.
8. The floor plans and elevations do not correspond and levels and site area don't accurately correlate with what the situation is on site. The opening method for the proposed doors would be contrary to previous Highways advice.
9. The proposal will be detrimental to road safety. This part of the highway is busy with speeding vehicles and it will add congestion and increase hazards.
10. This development is to be used for commercial storage not domestic purposes with the applicant a builder living some distance away.

Relevant Planning History

1454/23/FUL – Construction of detached building to form new double garage with storage area over (Resubmission of 0778/23/FUL) **REFUSED** 20 July 2023

ANALYSIS

1. Principle of Development/Sustainability:

- 1.1 A number of overarching policies in the Plymouth and South West Devon Joint Local Plan (JLP) set the context for what the LPA considers sustainable development in the plan area (Policies SPT1 and SPT2). Policy TTV1 sets out a hierarchy of named settlements which are to receive proportionate amounts of growth over the plan period and which can be used to inform whether a proposal is sustainable or not.
- 1.2 Wembury is not a settlement named in the hierarchy of Policy TTV1 and falls into the fourth tier where it is significantly more challenging to meet the requirements of sustainable development. A development of this nature and scale however, on a brownfield site within the built up area does not trigger any higher level considerations and is acceptable in principle subject to assessment against the relevant Policies.

2. Design/Landscape:

- 2.1 Policy DEV20 of the JLP places an emphasis on locally distinctive design as a means of achieving successful places. Materials and design should be resilient to their context and have proper regard to the context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, detailing, landscaping and character. Policy DEV23 requires consideration of scenic quality, a sense of place and promotes design quality as a means of conserving and enhancing townscapes.
- 2.2 Policy DEV25 gives great weight to protecting the AONB by resisting incongruous features in the interests of conserving and enhancing the visual qualities of the protected landscape and townscape and reinforcing local distinctiveness.
- 2.3 On this part of Ford Road many of the dwellings access onto the street and feature parking and domestic garages on the roadside. Given that Nos. 6, 8 and 10 Ford Road are set back from the road and situated at a lower level, any development on the application site will be relatively prominent. However, the siting of the building is not considered out of character, dwellings further along Ford Road to either side fronting onto the road.

2.4 The design of this proposal has been amended from the previous refusal and what is proposed in this application is lower with a hipped roof at the rear. Alternative materials have been selected from the previous refusal including render and roof tile. The materials selected are considered to be more durable and a variety that is more in keeping with the surroundings at this part of the street. Officers would still consider that what is proposed will be prominent however, the small changes made are considered to have provided a design solution that fits more comfortably in with its surroundings. As such officers do not consider that such a proposal conflicts with Policy DEV20, DEV23 and DEV25 of the JLP.

3. Neighbour Amenity:

3.1 Policy DEV1 of the JLP safeguards the residential amenity of existing residents and potential impacts will be considered carefully to ensure that no significant loss occurs. The design of this proposal has been modified from the previously refused scheme with this proposal containing a hipped roof at the rear which, by its nature will be less imposing and minimise any overshadowing. The orientation and position of the garage will inevitably result in some overshadowing to the front of No.6 Ford Road to the north-west but officers would not consider this to be sufficient enough to necessitate refusal of the application. The properties will still receive an adequate amount of sunlight and daylight. The proposal is for storage and, whilst some neighbours have suggested that if this were to be approved the upper floor could be used as a habitable room, conditions can suitably restrict both the usage and require the rooflights to be obscure glazed. As such it is not agreed that the development would lead to an unacceptable loss of privacy. As many of the neighbours have noted the site has been vacant for many years since the previous building was demolished. Given the levels it is inevitable that a building on this site will have an impact however the impact of the revised proposal is not considered to result in an unacceptable loss of amenity for the closest residents. As such the proposal is considered to accord with Policy DEV1 of the JLP.

4. Drainage:

4.1 Policy DEV35 of the JLP requires cognisance to be given to drainage and flooding matters and seeks to achieve sustainable solutions. The flood maps show that the site is not within an area prone to flooding and the application was accompanied by some correspondence from SWW confirming that due to the scale of the development and lack of alternatives surface water could be discharged into the combined system in this instance. No foul drainage is proposed. As such it is considered that the proposal does not conflict with Policy DEV35 of the JLP.

5. Ecology:

5.1 Policy DEV26 of the JLP requires cognisance to be given to habitats and species and for developments to provide proportionate biodiversity enhancements. In terms of protected species the requisite checklist has been submitted demonstrating that the development is unlikely to have any adverse impact on any species or habitat and officers would agree with that. The site does not currently contain any habitat of worth and there is limited scope within the confines of the site to provide any. This proposal does however contain two bird bricks which will provide additional nesting opportunities. In the circumstances officers would consider that these can provide a proportionate enhancement for the development and it is not therefore considered to conflict with Policy DEV26 of the JLP.

6. Carbon Reduction:

6.1 Policy DEV32 of the JLP requires developments to contribute to a low carbon future both in terms of construction and through their lifetime. A development of this nature will not require any heating and the applicant has confirmed that it also requires no electricity. Durable materials are proposed and the roof pitch could accommodate solar panels PV should electricity be required at a later date. The velux will provide natural light to the storage area. It is considered that such a development will not generate significant energy and that its nature and scale will have a significant carbon footprint and it is not therefore considered to be contrary to Policy DEV32 of the JLP.

7. Conclusion:

7.1 Officers note the concerns raised by neighbours and the Parish Council in respect of this development. However, officers consider that the changes made to the previously refused scheme have reduced the impact, both in terms of the development's compatibility with the streetscene and in terms of impact on the nearest residents. On balance, whilst development at this location will inevitably have an impact on the streetscene and neighbouring residents, it is no longer considered that the impacts of this will be so significant to warrant refusal of the planning application. In light of this officers recommend conditional approval.

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

Planning Policy

Relevant policy framework

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. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in

the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Neighbourhood Plan – No adopted Neighbourhood Plan

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

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.

Recommended 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 approved shall in all respects accord strictly with drawing numbers:

Location Plan
Block plan
Existing and proposed Site Plan Layouts, Floor Plans and Elevations (revision A July 2023)

Received by the Local Planning Authority on the 10 August 2023

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The development hereby permitted shall be used for domestic parking and domestic storage only and shall not be used for any other purpose including any form of residential use or any business or commercial activity.

Reason: To define the permission as a domestic a garage/store and in the interests of the amenities of nearby neighbours in accordance with Policy DEV1 of the Joint Local Plan.

4. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 08:00 and 18.00 Mondays to Fridays inc.; 09.00 to 13.00 Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the Planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the construction phase;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site obligations
- (k) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (l) Details of the amount and location of construction worker parking.
- (m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work, and any damage incurred to the highway as a result of construction vehicles to be made good within 3 months of completion of build);

Reason: In the interests of public amenity and highway safety and in accordance with Policy DEV1 of the Joint Local Plan.

5. The bird bricks as detailed on the plans hereby approved shall be installed prior to the completion of the development hereby permitted and retained thereafter for the lifetime of the development.

Reason: In order to provide a proportionate biodiversity enhancement in accordance with Policy DEV26 of the Joint Local Plan.

6. The velux windows as shown on the plans hereby approved shall be obscure glazed when first installed and thereafter be permanently retained as such.

Reason: In the interests of the amenity of neighbouring properties in accordance with Policy DEV1 of the Joint Local Plan.