

BEER & BRANSCOMBE
(Beer)

08/0766/FUL

Target Date: 12/05/2008

Applicant: Jimmy Green Marine
Location: Garages at Lanehead Road, Beer
Proposal: Alterations and conversion of garages to create dwelling

CONSULTATIONS

County Highway Authority

No objection. Refers to comments made by the Highway Authority relating to 07/1345, i.e. "on the basis that the development proposal for a new dwelling would replace a block (containing two garages and a storage area), I consider it would be unreasonable to raise a highway objection in that the development is likely to lead to less or a similar volume of traffic being generated compared with the existing lawful uses. The proposed side by side car parking [on the previous scheme] adjacent to the building may present access problems to the nearby garage, but in this location, the provision of just one car parking space would be acceptable".

The same comments and recommendation apply to the current application. Further comments awaited on parking matters.

TOWN/PARISH COUNCIL

"We understand that the patio/parking area is on a covenanted right of way and wish this to be considered. We wish the objection to the height of the pitched roof to be taken into consideration. The application should be for Lanehead EX12 3BY"

WARD MEMBER(S)

No comments received

REPRESENTATIONS

Objections

5 letters have been received raising the following points:

- invasion of privacy of properties in Highfield Terrace by overlooking from garden and building on site;
- loss of light to buildings/gardens to north of site;
- lack of garages and storage in Beer;
- existing access to and turning area for adjacent garages will be restricted;
- restrictive covenants exist over this private road with which the proposed parking and amenity space provision would conflict, and
- proposal would set precedent for similar conversions.

Support

1 of the above letters also noted:

- no objection to the change of use to residential as this would be an improvement to the building involved and overall ambience of the area.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
07/1345/COU	Alterations and extension to create dwelling	Withdrawn	25.09.07
92/P1253	Conversion of existing double garage and office to bungalow and new roof	Refused	27.10.92

PLANNING POLICIES

Government Guidance

PPS1 – Delivering Sustainable Development
PPG3 - Housing
PPG4 – Industrial, Commercial Development and Small Businesses
PPG13 - Transport
Emerging Regional Spatial Strategy for the South West, Development Policy 9

Devon Country Structure Plan (2001-2016)

Policy ST1 – (Sustainable Development)
Policy ST3 – (Self Sufficiency of Devon's Communities)
Policy ST4 – (Infrastructure Provision)
Policy ST5 – (Development Priority 2001 to 2016)
Policy ST16 – (Local Centres and Rural Areas)
Policy ST18a – (Mix and Type of Housing)
Policy ST20 – (Re-Assessing and Safeguarding Employment Land)
Policy CO3 – (Areas of Outstanding Natural Beauty)
Policy CO6 – (Quality of New Development)
Policy CO11 – (Conserving Energy Sources)
Policy TR1 – (Devon Travel Strategy)
Policy TR2 – (Co-ordinating Land Use/Travel Planning)
Policy TR5 – (Hierarchy of Modes)
Policy TR7 – (Walking and Cycling)
Policy TR10 – (Strategic Road Network)

East Devon Local Plan (1995-2011)

Policy S4 – (Development Within Built-up Area Boundaries)
Policy S7 – (Infrastructure Related to New Development)
Policy D1 – (Design and Local Distinctiveness)
Policy D2 – (Sustainable Construction)
Policy D4 – (Landscape Requirements)
Policy EN1 – (Developments Affecting Areas of Outstanding Natural Beauty)
Policy EN18 – (Adequacy of Foul Sewers and Sewage Treatment Works)
Policy EN21 – (Surface Run-Off Implications of New Development)
Policy H1 – (Residential Land Provision)
Policy H3 – (Range and Mix of New Housing Development)
Policy H4 – (Affordable Housing)
Policy E3 – (Safeguarding Employment Land and Premises)
Policy RE3 – (Open Space Provision in New Housing Developments)

Policy TA1 – (Accessibility of New Development)
Policy TA7 – (Adequacy of Road Network and Site Access)
Policy TA9 – (Parking Provision in New Development)

Supplementary Planning Guidance

Beer Village Design Statement

SITE LOCATION AND DESCRIPTION

The pair of garages subject of this application is located within a predominantly residential area of central Beer, served by a narrow single width private road (Higher Meadows) leading from Clapps Lane. Two garages and storage space are provided within a modern flat roofed, rendered block, which stands above the level of adjacent rear gardens of properties on Highfield Terrace. Other detached bungalows and houses to the south of the building stand slightly above or level with the site. To the immediate east a block of four garages is accessed by the same private lane as serves the site and a further garage to its west. On the east side of Higher Meadows a two storey workshop building is presently in commercial use, although outline planning permission has been granted for its development for three homes.

The site lies within the built up area of Beer in the East Devon Area of Outstanding Natural Beauty, but outside the Conservation Area.

PROPOSED DEVELOPMENT

This application is presented to Committee as a member of the Council has a family interest in the scheme.

Full planning permission is sought for the conversion of the existing building, and the erection of a new dual pitched roof over the existing structure. Windows to serve the sole bedroom and the lounge are indicated to replace the existing garage doors in the south west elevation, facing garages further along the lane. An existing window in the north east elevation is shown as reduced in size, with restricted opening to limit overlooking from this habitable room towards the rear gardens of Highfield Terrace properties. A high-level roof light to serve the proposed bathroom is the only opening proposed in the north west face of the building (indicated on the floor plans – corrected elevation drawings awaited). No use of or natural lighting for the roof space is indicated. Amended plans indicating a reduced height ridge have been requested.

A portion of the concrete apron between the application building and garaging to the west is indicated as being fenced off to provide a patio garden and single parking space beyond. The applicant has suggested the omission of the car parking space, and amended drawings showing this are awaited.

The applicant's intention is to let the accommodation to a person with local connections as an affordable unit of which there is a shortfall in Beer (Housing Needs Survey – Rural Housing Trust).

CONSIDERATIONS AND ASSESSMENT

Background

This application is a revised resubmission following the withdrawal of a similar proposal in September last year. The current application has omitted the inclusion of gable end windows in the new roof structure, and all accommodation is now proposed within the ground floor of the building.

The main planning considerations relevant to this proposal are:

- the principle of residential development on this site;
- the loss of employment premises;
- the impact of the design of the scheme on the character and appearance of the locality, within the East Devon Area of Outstanding Natural Beauty;
- amenity issues;
- access (including disabled access) and transportation matters; and
- the sustainability credentials of the scheme.

Residential Development Principle

The area is predominantly residential in nature, and this brownfield site represents a suitable location for a new dwelling at an appropriate density, in accordance with advice in PPS3 and the development plan. The mix of scale and tenure of housing in Beer would not be harmed by this scheme. It is not considered necessary to restrict the occupation of the building as a formal “affordable housing” unit by means of condition or legal agreement.

Employment Premises Loss

No evidence of a marketing exercise for the property, to attract alternative employment use of the building has been provided, but the applicant’s agent states: “the building has never been used directly for employment purposes, it having been built as a double garage and used latterly for storage purposes initially by a plumber and more recently for occasional and incidental storage in association with Jimmy Green Marine. The intended change of use would not prejudice the employment potential of the applicant’s business since the company has access to other storage facilities within Beer. Given the site’s position within a predominantly residential area coupled with its unsatisfactory access arrangements for commercial traffic, the long term economic development potential of the building is highly questionable. May we also respectfully point out that this issue did not materialise in the officer’s report to Committee in connection with 07/1345/COU [withdrawn]. Attention is drawn to the fact that adjacent workshops were recently granted consent to allow redevelopment comprising 3 dwellings.

Although the policy presumption is clearly in favour of retaining employment premises, in this case it is considered that the operation of a different B1 (office, light industrial or research and development use) or B8 (storage and distribution use) use could be significantly harmful to the quality of the locality, in particular through traffic generation using the sub-standard access route to the building. Clause 1 of Policy E3 of the East Devon Local Plan makes exception to the general protection of employment premises use for the grounds indicated above, and therefore the scheme is felt to satisfy the criteria of Policy E3.

Design

The existing building makes a poor contribution to the visual quality of the area. The flat roof and lack of relief on the building compound the ugliness of adjoining modern garaging on this hillside location. Close range and longer distance views of the site would be improved by the addition of a pitched roof over the building, provided its overall bulk is appropriate and good quality natural materials are used to complete the scheme. The proposal cites horizontal boarding to clad the building’s gable ends, and stone walls and timber fencing to define its amenity space. Precise details of these features are awaited, or may be controlled by the suggested condition. The proposals demonstrate, or are believed to be capable of, compliance with the design standard criteria set out in PPS1, Policy CO6 of the Structure Plan and Policies EN1 and D1 of the Local Plan, as well as guidance in the Beer Village Design Guide.

Amenity Issues

Amended plans are awaited indicating the lowering of the proposed ridge for the new pitched roof over the building. Although standing to the south (sun-ward side) and above gardens and housing on Highfield Terrace, the additional height and mass of the proposed pitched roof is considered not likely to damage the degree of sunlight enjoyed by and aspect of residents in these properties.

No windows in this revised ground floor only scheme would overlook the same properties; conditions are suggested to prohibit new openings in the building that could allow overlooking, and the restriction on transparency and aperture for the kitchen window should also adequately preserve the privacy of adjoining dwellings.

Access and Transportation

It is considered acceptable that a new dwelling in this close-to-centre location could be created without dedicated on-site car parking. The agent has suggested the purchase of an annual season ticket for parking space within the nearby public car park, should this be a requirement. Negotiations regarding the size and shape of the proposed patio garden are on-going, with a view to overcoming the potential conflict with manoeuvring space for other car users in this private lane. Traffic implications for the scheme generally are considered to be an improvement on the current situation. The front entrance to the building is via a short flight of steps (manageable for ambulant disabled with a hand-rail) but level access (for wheelchairs) appears possible from the garden entrance into the lounge, from which all areas of this single storey accommodation would be accessible.

The site lies within easy walking distance of a range of services and facilities in Beer, and to links with other settlements and service centres via public transport (bus). Cycle parking is not indicated on plan, but space is available for safe and convenient storage within the site.

Sustainability

The proposed dwelling would be sited in a sustainable location, its design would provide an improvement to the architectural quality of the streetscene, and the development would comprise an acceptable re-use of a brownfield site.

The ecological value of the existing premises has been assessed: a bat and nesting bird survey was carried out in June 2007, which reported no evidence of bat or nesting bird use of the building, and concluded that the building did appear to be a suitable roosting, hibernating or nesting venue. The site currently hosts no vegetation, but has capacity to provide some 'green' elements, details of which can be supplied via compliance with the recommended landscaping condition. The amount of amenity space that can be provided on-site is very limited, so the normal requirement of the Council for the development to make a contribution to off-site provision of public open space is applicable (i.e. a Section 106 Agreement or a Unilateral Undertaking to secure this is sought).

While no specific measures are proposed in the scheme, the development provides the opportunity to improve the energy and resource efficiency credentials of the building through the responsible removal and disposal of demolition waste, the choice of materials for new construction and the installation of thermal and water saving equipment (low flush toilets, good levels of insulation). The recommended condition relating to the achievement of Level 3 of the Code for Sustainable Homes underlines the expectation to address this issue in all new housing projects.

CONCLUSIONS

Subject to the receipt of appropriately amended plans, the scheme is considered to be in accordance with national and local planning policy and guidance.

RECOMMENDATION

APPROVE subject to the applicant submitting a Unilateral Undertaking to secure:

- public open space provision

and the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(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. Prior to the commencement of the development hereby permitted details of the type, colour, texture and finish of all external materials for the building (including walls, roofs, fenestration, doors, rainwater goods, soffits, fascias and barge boards) shall have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
(Reason – To secure an appropriate standard of appearance for the development, in accordance with criteria set out in PPS1, Policy CO6 of the Devon Structure Plan 2001 to 2016, Policy D1 of the East Devon Local Plan 1995 to 2011, and the Beer Village Design Guide 2006)
3. Prior to the commencement of the development hereby permitted details of the hard and soft landscaping of the site, including materials specifications for all external areas and boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details before the end of the first planting season following the first occupation of the dwelling, unless otherwise agreed in writing with the Local Planning Authority.
(Reason – To secure an appropriate standard of appearance and ecological value for the development, in accordance with criteria set out in PPS1, Policy CO6 of the Devon Structure Plan 2001 to 2016 and Policy D4 of the East Devon Local Plan 1995 to 2011)
4. Prior to the first occupation of the dwelling hereby permitted provision within the site shall have been made for the safe and convenient storage of one bicycle and for recyclable and waste materials in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and such provision shall be retained for the duration of the occupation of the dwelling.
(Reason – To ensure adequate storage facilities for the dwelling, to encourage sustainable transportation and waste management practices by its occupants, in accordance with criteria set out in PPS1, PPG13, Policies CO11, TR5 and TR7 of the Devon Structure Plan 2001 to 2016, and Policies D2, TA1 and TA9 of the East Devon Local Plan 1995 to 2011)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no openings in any wall or roofplane of the south east, north east or north west elevations of the building, nor any openings above 2.2 metres above the finished floor level of the building in the south west elevation of the building (other than those expressly authorised by this permission) shall be constructed.
(Reason – to protect the amenities of nearby residents in accordance with Policy D1 of the East Devon Local Plan 1995 to 2011)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no works shall be undertaken within Schedule 2 Part 1 Classes A, B, C, D or E for the enlargement, improvement or other alterations to the dwelling hereby permitted, other than works that do not materially affect the external appearance of the building, or for the provision within the curtilage of any building or enclosure, swimming or other pool, [other than any enclosure approved as part of the landscaping details].
(Reason – to prevent the overdevelopment of this small site, and to protect the amenities of nearby residents, in accordance with criteria set out in PPS1 and Policy D1 of the East Devon Local Plan 1995 to 2011)
7. The lower half of the window in the north east elevation of the development hereby permitted (to serve the kitchen) shall be completed using obscure glazing, and shall be side hung as indicated on the approved plans with an aperture restricted to a maximum of 90° from the wall plane, and shall be retained thereafter as such, unless otherwise agreed in writing by the Local Planning Authority.
(Reason – To protect the amenities of nearby residents, in accordance with criteria set out in Policy D1 of the East Devon Local Plan 1995 to 2011)

Informatives

1. The requirement to provide off-site public open space may be met by financial contribution towards the Council's costs of making such provision, of the amount set out in the attached calculation.

Reasons for approval

1. The development as controlled by the above agreements and conditions is considered to accord with national and local planning policy and to be satisfactory in relation to all other material considerations, with specific reference to

National Planning Guidance

PPS1, PPS3, PPG4, PPG13, Emerging RSS for the South West Development Policy G.

Devon Structure Plan 2001 to 2016

Policies ST1, ST3, ST4, ST5, ST16, ST18, ST20, CO3, CO6, CO11, TR1, TR2, TR5, TR7, TR10

East Devon Local Plan 1995 to 2011

Policies S4, S7, D1, D2, D4, EN1, EN18, H1, H3, E3, RE3, TA1, TA7 and TA9 and SPG Beer Village Design Guidance 2006.

Approved plans

CN06

List of Background Papers

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