

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Tavistock **Ward:** Tavistock South East

Application No: 2878/19/FUL

Agent/Applicant:

Mr Andrew Wilks - ADW Design Group
2 Winstone Beacon
Trematon
Saltash
PL12 4RU

Applicant:

Mr & Mrs Andrew & Georgia Thomas
4 Tilery
EX149LR

Site Address: Whitchurch Methodist Church, Whitchurch Road, Tavistock, PL19 9EG

Development: READVERTISEMENT (Revised Plans Received to remove external roof terrace) Conversion and alterations of former chapel to 2 No. dwellings and associated works



Reason item is being put before Committee

Councillors Sellis and Spettigue have requested this application be referred to the Committee for the following considerations to be assessed:

- Highway Safety;
- Loss of amenity due to overlooking.

Recommendation: Approve

Conditions

- Commencement;
- Approved drawings;
- Use of matching materials on external work;

Use of natural slates with hooks and copper nails.
Conservation Roof Lights;
Details of windows and doors to include materials, type of opening and vents;
CEMP (pre commencement)
Obscure Glazing on south east elevation with inward opening 150mm above 2m;
Cycle and refuse provision.
Habitat Mitigation Scheme.
No use of roof as terrace.

Key issues for consideration:

The key issues relate to the principle of the development, the impact on the character and appearance of the area, and the impact on residential amenity and highway safety.

Site Description:

The application site refers to a large detached redundant Methodist Church that is located on the south of Whitchurch Road, which is located on the entrance of Whitchurch a part of Tavistock.

The site is located within a Conservation Area but it is not listed.

The building is located in close proximity to residential properties at Anderton Close.

The Proposal:

This application is for planning permission to change the use of the building into two dwellings.

The works to the building will allow refurbishment and restoration of the original building. This will be achieved though re-slating the roof above unit 2 with natural slates, replacing existing lintels and brick work where required.

All the existing uPVC glazing will be replaced with timber or aluminium glazing.

1 car parking space will be provided in car port that fronts on to Whitchurch Road.

There will be refuse storage and bike storage within the building.

It is noted that the application has changed significantly through the application process in response to public consultation. The proposed roof terrace has been removed from the application and this was the subject of another full consultation.

Consultations:

- County Highways Authority – No objection
- Town/Parish Council – Object - Danger to highway from car accessing road from car port and no identified parking for potentially two cars to second home; Dev 10 - lacking outdoor amenities; Pedestrian access from the properties onto main road; no footpath available; Properties overlooking adjacent properties - condition of opaque glass being fitted to

windows. A site visit is strongly recommended. N.B. Councillor P Squire would like it noted that he opposed this decision.

- Conservation Officer – Support this application.

Representations:

As this application was the subject of two consultations all of the representations received are reported.

11 letters of objection are reported raising the following material planning considerations:

Car parking;
Access;
Highway safety;
Overlooking;
Noise and disturbance.
Request the need for obscure glazing.

Relevant Planning History

00223/2015 – Change of use/conversion of chapel to two residential units – Approved

0168/18/FUL - Change of use from redundant chapel to one dwelling – Approved

ANALYSIS

Principle of Development/Sustainability:

Policy TTV1 of the Joint Local Plan - Prioritising growth through a hierarchy of sustainable settlements identifies as settlement hierarchy. Part 1 of the hierarchy is The Main Towns – where it is identified that they will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider.

The application site is located within Whitchurch, which forms part of the settlement of Tavistock and as such the principle of residential development is supported in through Policy TTV1 of the Joint Local Plan.

Heritage/Design/Landscape:

The application site is located within a Conservation Area and as such Policy DEV21, Development affecting the historic environment, needs to be considered. This policy requires that development proposals need to sustain the local character and distinctiveness of the area by conserving and enhancing the historic environment, where appropriate.

The existing building, which although isn't listed, is an important building within the Conservation Area and is therefore a Designated Heritage Asset. The building is not occupied and although not in a state of disrepair is in need of investment to bring it back into

use. The fact that proposed development will bring the building back into use is critical in the preservation of this building as without a use it could deteriorate further and eventually be lost. As a result the principle of this supported through Policy DEV21 (5) which identifies development should help secure the long term future of a heritage asset. Furthermore Policy DEV21(2) indicates great weight should be given to the conservation of designated heritage assets.

There is a current planning permission for the building to be converted into a single dwelling as well as an expired consent for the building to be converted into two dwellings.

Turning to the works that are necessary to convert the building by and enlarge the works are internal. This will allow for the configuration of two residential dwellings. Externally the applicant has detailed that the works will be sensitively undertaken to maintain the historic fabric through replacing existing concrete lintels with natural stone, the re-roofing of part of the building with natural slate and replacing unsympathetic uPVC windows with timber or aluminium. New roof lights are proposed but these are conservation specification roof lights.

An enlarged window is being proposed on the north west elevation to facilitate the conversion this is a more modern window, this is on the second part of the building where there are other modern openings on the southern side. As a result this is considered acceptable and further details will be required via condition. It is also noted a window was permitted when planning permission was granted in 2018.

There is two windows proposed on the north east elevation. The new gothic style window would add to the visual interest of the building and subject to further details is acceptable.

A car port will also provide parking, this is integrated within the building and face out onto the road.

Overall the nature and type of repairs will conserve and enhance the character of the Conservation Area and is supported by Policy DEV21 of the Joint Local Plan.

In terms of the quality and standard of amenity provided Policy DEV10 identifies that new development should be of high quality in terms of its design and resilience, and provide adequate space to achieve good living standards. As already discussed the character and design of the proposal is of high quality for this Conservation Area.

The conversion of the building will provide spacious and well laid out flats. The larger unit 1 will provide 154 sq.m, which for a 3 bedroom 2 storey dwelling is 50% larger than the Nationally Described Space Requirement of 102 sq.m. The smaller Unit 2 that provides 2 bedrooms over 2 storeys provides 86 sq.m of floor space. This is in excess of the 79 sq.m that the aforementioned national guidance requires.

In terms of external space the Nationally Described Space Standards does not require external space. Instead the Council have an emerging Supplementary Planning Documents (SPD), which is not adopted and therefore can only hold limited weight. This guidance identifies that 50 sq.m of communal space is the minimum requirement, which includes conversions.

The opportunity for external amenity space for this development is limited given the constraints of the site and the limited curtilage the building sits within. A small area is

provided to the front of the building, which measures 23 sq.m, but this is shorter than the emerging guidance.

Whilst the shortfall is acknowledged part 4.139 of the SPD identifies that the sites location and proximity to parks and open space does need to be considered on a case by case basis. In this regard the site is on the edge of Whitchurch and there are public footpaths to the north east of the site providing access to Dartmoor as well as some amenity space and cycle paths in and around the village. As a result, and taking into account the generous sized flats, it is considered that this shortfall is not sufficient to justify the refusal of planning permission.

It is also worth noting that external amenity space was originally provided. This was subsequently removed following public consultation and a site visit which identified that the provision of an external terrace would have an unaccepted impact on amenity through over dominance, loss of privacy and noise and disturbance. A planning condition will also prevent the roof being used as a terrace in the future.

The internal space standard is just one element of requiring good standard of accommodation. In addition the layout and level of natural light it also important. In this regard the relationship with the existing residential properties along Anderson Close is a constraint. Whilst there are existing windows the residential land use would give rise to a different nature of occupation. As a result the windows will need to be obscurely glazed and fixed shut. This results in 2 of the 5 total bedrooms being obscurely glazed. This does mean that there will be no outlook but will allow for natural lighting. This is considered acceptable on balance. The remaining living areas will have windows fronting out of the property.

Finally Policy DEV8 requires a mix of homes, this development provides a 2 and a 3 bedroom dwelling and this is considered appropriate for this area. Furthermore the Council records show that there is a shortage of flats within Tavistock, with the data showing only 17% of development being flats and 31% of units being 2 bedroomed. Additionally there is limited scope within the physical size of conversion to alter the mix. As a result this mix of sizes is considered acceptable.

Overall it is concluded that this development will provide good quality development to meet the needs of future occupants.

Neighbour Amenity:

The site is tightly constrained by existing residential development which surrounds the site, including Anderton Close to the west. A site visit to two of the properties adjoining the west of the site was undertaken as part of the application process.

Following the site visit discussions where held with the applicant and concerns about the impact of the terrace on residential amenity were identified, and as a result the terrace was removed.

As previously discussed the building is constrained by existing buildings and gardens to the south along Anderton Close. Whilst the nature of the existing building does allow for existing overlooking the residential land use will increase the potential for overlooking. These windows will serve largely bedrooms and given the relationship between the site and 3 Anderson Close where there is potential for direct overlooking with limited separation

distance it is considered necessary to condition that these windows are obscurely glazed and non opening above head height, this will ensure that no overlooking can occur and protect amenity.

Whilst one of the letters of objection cited noise as a concern with windows being openable it also needs to be considered the existing land use could give rise to disturbance. As a result allow windows to be openable above head height to allow ventilation does strike a reasonable balance with residential uses being able to be accommodated next to one another as they are compatible land uses.

Concern from neighbours has been raised about impact during construction. Whilst there will be some local disturbance during construction there are fairly minimal works involved in a conversion compared to new build development. Nonetheless a Construction and Environmental Management Plan (CEMP) restricted to details of contractor parking, details of any scaffold, construction waste disposal, working hours and method of delivery will be required.

Overall subject to conditions it is considered that this development will not give rise to a significant loss of residential amenity.

Highways/Access:

Access to the development together with car parking has resulted in a significant level of objections to this application. Land ownership and access rights are a civil issue between the applicant and landowner. The building does have access to the public highway and rights of access to the area of land to the north will need to be considered though separate negotiation.

Policy DEV29 of the Joint Local Plan requires that new development will be required to contribute positively to the achievement of a high quality effective and safe transport system. The Council currently has no adopted car parking standards within a Policy within the Joint Local Plan. Instead the emerging Supplementary Planning Document (SPD) provides some guidance to Policy DEV29 and identifies parking standards.

Part 8.7 of the SPD identifies that 2 spaces each are required for a 2 bed dwelling and 3 bed dwelling. This development provides a single parking space in total. Whilst this is a shortfall the Highway Authority have identified that the parking arrangements are the same as planning application that was approved under application 0223/15, and that consideration was given to the existing land use and the potential for parking.

This point is particularly relevant to this application as a D1 use such as a Methodist Church would create a parking demand. Based on the Council's SPD this would be 1 space per 22 sq.m. Based on the floor area original floor area of 110 sq.m this would be a parking demand of 5 spaces, compared to a demand of 4 as proposed by this development. As a result it is considered there is not a significant change in parking pressures proposed by this development. This view is consistent with the view of the Local Highway Authority. Despite this it is important to identify the conflict of the development from the emerging SPD.

Turning to the highway safety concerns the Local Highway Authority has advised: *The formation of an access in this location is not straightforward due to the gradient and slightly restricted forward visibility for right turning entering vehicles. Exiting visibility will be fine as it is located on the outside of the bend. On balance though, I would say that the*

proposed parking space is more acceptable in principle from a highway point of view than the prospect of a vehicle parked on the carriageway at this location. This is also having regard to the parking potential of the existing authorised use of the site as a place of worship.

As result it is concluded that whilst there is a shortfall in parking provision compared to the SPD the access proposed does not give rise to significant highway safety concerns.

Other Matters:

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site can be appropriately secured by condition, and this approach has been agreed by Natural England.

The applicants have confirmed with South West Water that the scheme can connect to the foul sewerage system. In terms of surface water drainage as this is a conversion and there are no new areas of hard surfacing or building it will not materially impact on the surface water system.

The application has been submitted with a high level contaminated land assessment. An unexpected contamination conditions will be used.

The application has been submitted with a Wildlife Trigger table, which demonstrated that no ecological report was required.

Conclusion and planning balance.

This development will provide a new use to a designated heritage asset that will provide a long term and viable use for the building. The development will provide two good sized new dwellings that will provide a good standard of amenity for future occupants in a sustainable location. Whilst there is a conflict with the level of car parking provided compared to the SPD this is outweighed by the benefits the development will deliver. Furthermore the SPD is not adopted and as such can hold limited weight.

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

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be 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 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

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
SPT3 Provision for new homes
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
SPT14 European Protected Sites – mitigation of recreational impacts from development
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV3 Strategic infrastructure measures for the Main Towns
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Meeting local housing need in the Plan Area
DEV10 Delivering high quality housing
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV27 Green and play spaces
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV30 Meeting the community infrastructure needs of new homes

DEV31 Waste management
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV35 Managing flood risk and Water Quality Impacts
DEV36 Coastal Change Management Areas
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Emerging SPD.

Neighbourhood Plan

Until adopted the Tavistock Neighbourhood Plan cannot hold significant weight.

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.