

OPEN AGENDA

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Memorandum for Executive Council

SUBJECT

Development Application: Demolition of Existing Single Garage and Construction of a Double Garage, Wood Vale, Blue Hill

Memorandum by the Chief Secretary

ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether FULL Development Permission should be granted, with Conditions for the development application to demolish an Existing Single Garage and Construction of a Double Garage at Wood Vale, Blue Hill as recommended by the Land Development Control Authority (LDCA).**

BACKGROUND & CONSIDERATIONS

2. At the Land Development Control Authority meeting held on 4th November 2020, it was recommended that Full Development Permission be granted to Demolish an Existing Single Garage and Construct a Double Garage, at Wood Vale, Blue Hill, subject to conditions as set out in the Recommendation Section of the reports to LDCA included as Annex A and the Decision Letter in Annex B.

3. In accordance with Section 23(2) (b) (ii) of the Land Planning and Development Control (LPDC) Ordinance, 2013, the Chief Planning Officer is required to refer to the Governor-in-Council all applications for Development Permission for which granting the application would be inconsistent with a Development Plan but that there are material planning considerations which suggest that permission should nevertheless be granted.

4. **Section 17 (a)** reads: Outline Development Permission, the effect of which is to give **Approval in Principle** to the proposed development which is the subject of an application, but not to permit (except to the extent, if any, allowed by conditions attached to the permission) commencement of development to take place, or

(b): full development permission, the effect of which is to permit the development, subject of the terms and conditions of the grant of full development permission.

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5. The following are the relevant Primary Policy clauses from the Land Development Control Plan (LDCP) that are applicable in respect of this development and these include:
 - Green Heartland: Policies GH1, GH3, GH5 and GH6
 - Road and Transport: Policy RT7
6. In respect of the proposed development LDCP policies relating to the Green Heartland are particularly relevant and these are set out below in detail
 - a) **GH1: Primary Policy** There will be a presumption in favour of retaining the undeveloped nature of the Green Heartland and its natural ecology. The grant of development permission will therefore be strictly controlled by the following implementation policies.
 - b) **GH.5** Where development permission is granted in the Green Heartland it shall be subject, in all cases, to the requirement to landscape the site sufficiently to conceal the development or blend it in to the landscape, including a proportion of indigenous species appropriate to the scale and nature of the development.

7. PROPOSED DEVELOPMENT

- a) The application site is a residential property just south west of the junction leading towards High Hill and the Redgate Bus Shelter, see Diagram 1 in Annex C. The plot is designated within the Green Heartland Zone and has no Conservation area restrictions.
- b) Currently there is an existing house as well as two garages on the property. The applicant proposes to demolish the existing garage south of the driveway, due to its very poor condition, see Diagram 2 in Annex C.
- c) Once the old garage has been removed, excavation to create a level platform of approximately 9m x 9m will be undertaken, resulting in an embankment measuring 2.8m. On the level platform, a double garage measuring 40m² will be constructed where it will be constructed out of concrete blockwork, rendered then painted, see Diagram 3 (proposed Floor Layout) in Annex C.

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- d) The roof will be made from IBR sheeting and of a gable design. The apex height will measure approximately 4.5m. The garage will consist of two roller doors on the north elevation and a single fanlight window on the west elevation. Rainwater run-off will be directed into a water storage tank and overflowed onto the existing garden, see Diagram 4 (proposed elevations) in Annex C.

8. OFFICER ASSESSMENT

- a) The Green Heartland policy GH2 states that ‘No development permission will be granted for development which includes the construction of buildings above the contour line of 550m, except for;
 - i) development required for the conservation, interpretation, study and appreciation of the natural ecology of the area (e.g. walk-ways, interpretation centre, etc),
 - ii) tourism relation development within established forest areas in the form of eco-lodges that will, as an element of the development proposal, remain forested sufficiently to conceal the development from any viewpoint within the Diana’s Peak National Park or visible in any view towards the National Park from a public road or public place, and
 - iii) tourism-related development in the area of Broad Bottom below the contour line of 600m that will, as the first principle of its design, detail, and operation (including transport) be an example of international best practice of a sustainable development with the minimum of disturbance to the natural ecology of the area and the principal method of grassland maintenance to remain pasture grazing.’
- b) Furthermore policy GH3 states that; ‘Except as provided in policy GH2, permission will not be granted in the Green Heartland for development, which includes the creation of sleeping or catering facilities or new dwellings; save that permission will be granted for the extension of existing buildings and re-use, reconstruction and extension of existing derelict buildings ...’
- c) The proposed development will be situated on 605m contour line, therefore it contravenes the aforementioned policies. However, should the proposed development be considered to be acceptable in this location, then the assessment must be as material considerations to whether development permission should be granted as an exemption to these policies.

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- d) As a starting point, the proposed development is located within a previously established parcel of land used for residential purposes, with a dwelling house and number of other out-buildings. The proposed development of a garage is to replace one of the old out-buildings (structure) that is detrimental to the amenity of the area, due to its condition, material and its position. The proposed development will be positioned within the vicinity of the existing structure, albeit the new building will be larger than the existing, both in terms of floor area and its height. The benefit of the excavation is to provide an improved turning circle for the vehicle to enter and exit the garage. In terms of the design, the building will share characteristics of the existing house as well as neighbouring developments, such as the materials to be used along with the gable roof design. With regards to the visual impact, there is an existing tree line on the northern side of the driveway, which will ensure that the building is not visible to any neighbouring development and from other higher view or vantage points. This would be in compliance with the objective of the policy, ensuring that the building is not visible in the landscape.
- e) The current main dwelling house and the two out-buildings, which are already above the 550 contour line, had been constructed many years ago before the adoption of the LDCP. The out-building, which will be replaced is in a very poor condition due to its age, construction and material, therefore would not be feasible to repair and restore. Given the secluded position of the land parcel and the tree coverage on the boundary, the new building will not be visible within the landscape. This meets with overall principle objective of ensuring that developments are not visible within the landscape. The main house is more visible within the wider landscape of this area, as well as a number of other buildings than the proposed garage building. As a material consideration, there is justification in this instance to consider favourably the proposed development as it will be well shielded by the trees and other vegetation and is therefore not visible in the landscape.

9. CONSULTATION

- a) The Environmental Management Team has raised no objection to the proposed development application and has stated that; although the site is within the Green Heartland, the proposed development is within a residential plot and

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within an existing residential area and consider that the overall impact will therefore be minimal.

10. CONCLUSION AND OFFICER RECOMMENDATION

- a) In view of the justification provided for the material consideration to depart from the Green Heartland Zone policies of the Land Development Control Plan 2012-20 and also supported by the LDCA Members following decision, it is concluded that the Governor-in-Council grant development permission in respect of the development proposed in accordance with Section 23(2)(b)(i) of the Land Planning and Development Control Ordinance as set out above.

FINANCIAL IMPLICATIONS

11. Executive Council acts as the Planning Authority in this case.

ECONOMIC IMPLICATIONS

12. N/A

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

13. N/A

PUBLIC/SOCIAL IMPACT

14. This development will improve the facilities for owner of the residential accommodation.

ENVIRONMENTAL IMPACT

15. The impact on the natural environment of the area will be minimal.

PREVIOUS CONSULTATION/ COMMITTEE INPUT

16. There was consultation on the development application and no representation was received from the community.

PUBLIC REACTION

17. None

PUBLICITY

18. The decision will be mentioned in the ExCo Radio Briefing following the meeting.

SUPPORT TO STRATEGIC OBJECTIVES

19. The development improvement of residential accommodation.

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**LINK TO
SUSTAINABLE
ECONOMIC
DEVELOPMENT
PLAN GOALS**

20. N/A

**IMPLEMENTATION
OF POLICY/
LEGISLATION**

SO'B

**OPEN/CLOSED
AGENDA ITEM**

21. Recommended for the Open Agenda.

Corporate Support
Corporate Services

8th December 2020

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