

## PLANNING COMMITTEE AGENDA - 21st May 2014

### Applications of a non-delegated nature

<u>Item No.</u>	Description
1.	14/00290/FULL - Re-instatement of dwelling; including erection of extension and the re-use of existing structures as ancillary accommodation at Land and Buildings at NGR 304889 115356 (Former Dairy Cottage, Adjacent Higher Ayshford Farm), Westleigh, Devon. <b>RECOMMENDATION</b> Refuse permission.
2.	14/00384/FULL - Erection of extension to bar area and provision of changing facilities and football store at Land at NGR 296191 113827 (Moorhayes Community Centre), Lea Road, Tiverton. <b>RECOMMENDATION</b> Grant permission subject to conditions.

**Application No. 14/00290/FULL**

**Plans List No. 1**

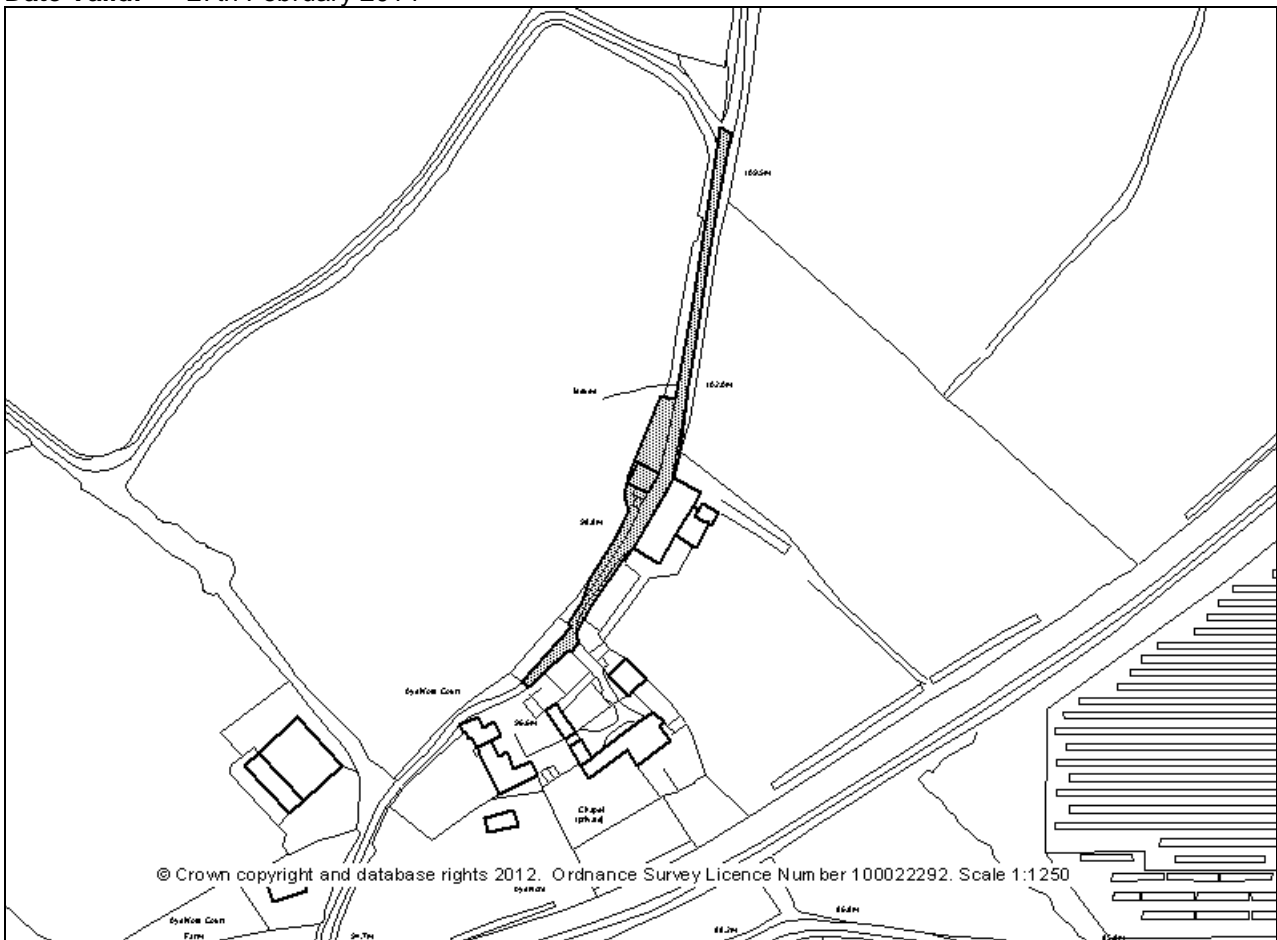
**Grid Ref:** 304825 : 115396

**Applicant:** Mr Simon Caudwell

**Location:** Land and Buildings at  
NGR 304889 115356  
(Former Dairy Cottage,  
Adjacent Higher  
Ayshford Farm)  
Westleigh Devon

**Proposal:** Re-instatement of  
dwelling; including  
erection of extension  
and the re-use of  
existing structures as  
ancillary  
accommodation

**Date Valid:** 27th February 2014



## **Application No. 14/00290/FULL**

### **RECOMMENDATION**

Refuse permission.

### **COUNCILLOR MEL LUCAS HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider Policies DM11 (Conversion of Rural Buildings) and DM12 (Replacement Dwellings in Rural Areas) of the Mid Devon Local Plan Part 3 (Development Management Policies).

### **PROPOSED DEVELOPMENT**

The proposed development is for works to the remains of a property to construct a new 3 bed dwelling in the same location. All that remains of the previous dwelling is some of the external walls and a single internal wall. There is no roof and no first floor. The building has clearly been abandoned and would not have been fit for human habitation for many years. The building could accurately be described as derelict and as such it is not considered to be an existing dwelling. In planning terms, the proposal is therefore for the provision of a new dwelling in the countryside.

The proposal seeks to use the remaining walls of the derelict building on the site as part of the structure for a new dwelling to be located in the same plot. The applicant is seeking to build a new dwelling for use associated with Higher Ayshford Farm - the farmer currently lives off site.

The site of the former dairy cottage is located on a private lane accessed from Brimstone Lane, 150m north of the Grand Western Canal and adjacent to Ayshford Court. It is approximately 1 mile north of Junction 27 of the M5 motorway. The site lies within the Grand Western Canal Conservation Area and forms part of a grouping of residential and agricultural buildings.

### **APPLICANT'S SUPPORTING INFORMATION**

Ecological Appraisal - dated 6th March 2014  
Additional Photographic Evidence  
Planning and Design Statement  
Building Survey Report  
Schedule of Works  
Foul Drainage Assessment Form (FDA1)  
Drainage Strategy  
Underground Asset Information / South West Water

### **PLANNING HISTORY**

None relevant.

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR3 - Meeting Housing Needs  
COR9 - Access  
COR18 - Countryside

## **Mid Devon Allocations and Infrastructure Development Plan (Local Plan 2)**

AL/IN/3 - Public Open Space

## **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM8 - Parking  
DM10 - Rural workers dwellings  
DM11 - Conversion of rural buildings  
DM12 - Replacement dwellings in rural areas  
DM27 - Development affecting heritage assets

## **CONSULTATIONS**

**HIGHWAY AUTHORITY** - 6th March 2014 - Standing advice applies please see Devon County Council document <http://www.devon.gov.uk/highways-standingadvice.pdf> - Devon County Council standing advice requires that access to the site from the public highway must have adequate visibility splays, adequate room for vehicles to turn and parking to serve.

**BURLESCOMBE PARISH COUNCIL** - 24th March 2014 - No objections.

### **ENVIRONMENTAL HEALTH** - 17th March 2014

Contaminated Land - No objections.  
Air Quality - No objections.  
Drainage - No objections.  
Noise & other nuisances - No objections.  
Housing Standards - No objections.  
Licensing - Not applicable.  
Food Hygiene - Not applicable.  
Private Water Supplies - No objections.  
Health and Safety - No comments on health and safety grounds.

11th April 2014

Contaminated Land - No objections.  
Air Quality - No objections.  
Drainage - No objections.  
Noise & other nuisances - No objections.  
Housing Standards - No objections.  
Licensing - Not applicable.  
Food Hygiene - Not applicable.  
Private Water Supplies - No objections.  
Health and Safety - No objections.

### **NATURAL ENGLAND** - 13th March 2014

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

4th April 2014 - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 12 March 2014.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application relate largely to site plans, and are unlikely to have significantly different impacts on the natural environment than the original proposal.

## REPRESENTATIONS

None received.

## MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

- 1. Development in the open countryside.**
- 2. Other impacts**

### Development in the open countryside

The site is part of Ayshford which has no settlement boundary and of the derelict building upon which the applicant seeks to locate a new dwelling is classed as being the open countryside.

The Mid Devon Local Plan Part 3 (Development Management Policies) and Policy COR18 of the Mid Devon Core Strategy (Local Plan Part 1) restricts new dwellings in the open countryside with only limited exceptions. That is, for the provision of an agricultural workers dwelling (see Policy DM10), the conversion of rural buildings (see Policy DM11), and replacement dwellings in rural area (Policy DM12 relates). This report will consider the proposed development against each policy in turn.

### Policy DM10 - Rural workers dwellings

The application states that the proposed dwelling is intended to be used in association with the farm business.

Policy DM10 states that applications for rural workers dwellings will be permitted where 4 key criteria are met. However, the detail of that policy and the specific criteria it sets out are not addressed in the application, nor is this policy discussed in the policy consideration provided by the applicant. No evidence has been presented by the applicant to justify the dwelling agriculturally. The proposal cannot therefore be justified as an exception to the control of new dwellings on this basis and is contrary to Policy DM10.

#### Policy DM11 - Conversion of rural buildings

Policy DM11 allows for the conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential use where 4 criteria are met. While the remains of the original dairy cottage are clearly not in use, the building is derelict and not of substantial or permanent construction. There is little of the building remaining. It is noted that the Building Survey Report submitted as supporting information states:

"These buildings have been neglected in the recent past and have fallen into a state of disrepair with partial collapse and overall are considered to be in dilapidated condition. The older forward part of the building has deteriorated to an extent that, in my opinion, is beyond practical or economic repair."

While the conclusion goes on to say that the remains of the building lend itself to the conversion project with necessary repairs, it also recognises that part rebuilding would be necessary. The conclusion also notes that part of the gable walls would need to be taken down and rebuilt, as well as localised rebuilding of the front wall. The size of the proposed new dwelling is much larger than the extent of the remains of the structure on site. This clearly does not meet with the requirements of Policy DM11 criteria b) which seeks conversion without significant alternation extension or rebuilding. Furthermore, the design of the proposed new dwelling does not, in the case officer's view, reflect the location and setting of the proposed site. The design is ostensibly modern and the elevation drawings provided show a complex arrangement of gable ends, roof pitches and modern fenestration including a Juliet balcony. This does not reflect the built form of the old dairy cottage previously on site, nor the existing agricultural and residential buildings within the Ayshford Court development such that the proposed dwelling bears no resemblance to the original cottage which stood on this site.

While the Building Survey Report states that the proposed conversion could be undertaken without substantial reconstruction, it can only be assumed that this refers to the elements of the structure that remain. It should be noted that much of the original building has collapsed and so the proposed development a significant rebuild in that context.

Beyond the matter of structural stability and the extent of the repairs and works required to establish a habitable dwelling on this site, Policy DM11 also requires that the building as it stands, positively contributes to an area's rural character. Photographs 1-3 in the Ecological Appraisal show the existing state of repair of the structure. What remains of the original building does not, in the case officer's view, make a positive contribution to the rural area. While the proposed development might represent an improvement of the immediate site by effectively removing/concealing the remaining walls, the test in the policy is that the building that is proposed for conversion should already contribute to the rural character of the area. In this respect the policy test is also failed.

The applicant has provided an Ecological Appraisal which does not raise any concerns relating to impact on wildlife at this site. In this regard criteria d) of Policy DM11 is met. Criteria c) relates to the original character of the building - this has already been discussed earlier in this report in relation to the design considerations under Policy DM10.

#### Policy DM12 - Replacement dwellings in rural areas

This policy provides for the construction of replacement dwellings outside defined settlement limits where the replacement dwelling floor space will be no greater than the existing dwelling, taking into account any unspent permitted development rights. In order for a dwelling to be a replacement, there must already be a dwelling to replace. As can be seen from the photographs of the site provided in the planning application, the existing structure is derelict, is not fit for human habitation and as such can no longer reasonably be considered as a dwelling. As such, the proposed development cannot accurately be judged under this policy as there is no dwelling to replace.

Furthermore, the explanatory text accompanying Policy DM12 gives examples of situations which this policy seeks to address e.g. "where a replacement dwelling is sought because the cost of repairing or altering an existing building exceeds the cost of its total replacement." This is clearly quite a different scenario to the case in hand in this application.

## **2. Other impacts**

Policy DM27 seeks to protect heritage assets and their settings, including Conservation Areas, recognising that they are an irreplaceable resource. The planning application makes the argument that the redevelopment of this site will improve the immediate surroundings "and the setting of the listed buildings near by". However, no assessment of the impact on setting has been provided by the applicant as required by criteria e) of Policy DM27.

While the site is located close to existing listed buildings, it is also separated by mature vegetation which provides some separation between the proposed dwelling and the existing buildings which form part of the Conservation Area. However, the proximity of the proposed dwelling, which is very modern in its design, to more traditional buildings protected for their design features and historic interest, is considered to be a material planning consideration. The development would form part of the cluster of agricultural and residential buildings in this discrete location. It is the view of the case officer that the proposed design is discordant with the existing built form in the immediate site context and does not respond sensitively to its setting and the setting of the heritage assets close by.

It is accepted that there is a suitable access to the site and adequate space within the site boundary to provide parking to serve the property - accordingly Policy DM8 and criteria a) of Policy DM11 (Mid Devon Local Plan Part 3 (Development Management Policies) are satisfied.

No negative impact upon nature conservation interests is identified in the submitted Ecological Appraisal and so criteria d) of policy DM11 is also satisfied.

Policy AL/IN/3 of the Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2) and the Council's Supplementary Planning Document (SPD) on 'The Provision and Funding of Open Space through Development' requires new dwellings to make a contribution toward such provision. The applicant has paid this contribution and so if the development is refused, that payment will be returned.

If New Homes Bonus is distributed across the Council Tax bands in the same way as last year, the award for each market house is estimated to be £1,028 per year, paid for a period of 6 years. There is an additional annual premium of £350 for each affordable house provided on a site. The amount of New Homes Bonus that would be generated from this proposal over a period of 6 years if it were approved is therefore estimated to be £6,168.

## **Summary**

The proposed development is located outside settlement limits, in the countryside where new development is strictly controlled. The application has not addressed and does not meet the requirements of Policies DM10, DM11 or DM12 of the Mid Devon Local Plan Part 3 (Development Management Policies) which allow for limited development where it meets strict criteria. As such the proposal is considered to be contrary to Policies COR1, COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM10, DM11, DM12 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies).

## **REASON FOR REFUSAL**

1. The site is located in the countryside where policies and in particular paragraph 55 of the National Planning Policy Framework seek to avoid new homes in the countryside unless there are special circumstances. The building's use as a dwelling has been abandoned, it is derelict with little of the structure remaining. In the opinion of the Local Planning Authority the proposal is therefore for the erection of a new dwelling for which no special circumstances exist that would override the policy objection:

- (i) There is no essential need for it to be occupied by a rural worker to live near their place of work
- (ii) The proposed development is not of substantial and permanent construction and does not positively contribute to the area's rural character, is not capable of conversion without significant alteration, extension or rebuilding and the proposed design does not retain the original character of the building and its surroundings.

The proposal is therefore considered to be contrary to Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM11, DM12 and DM27 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.



**Application No. 14/00384/FULL**

**Plans List No. 2**

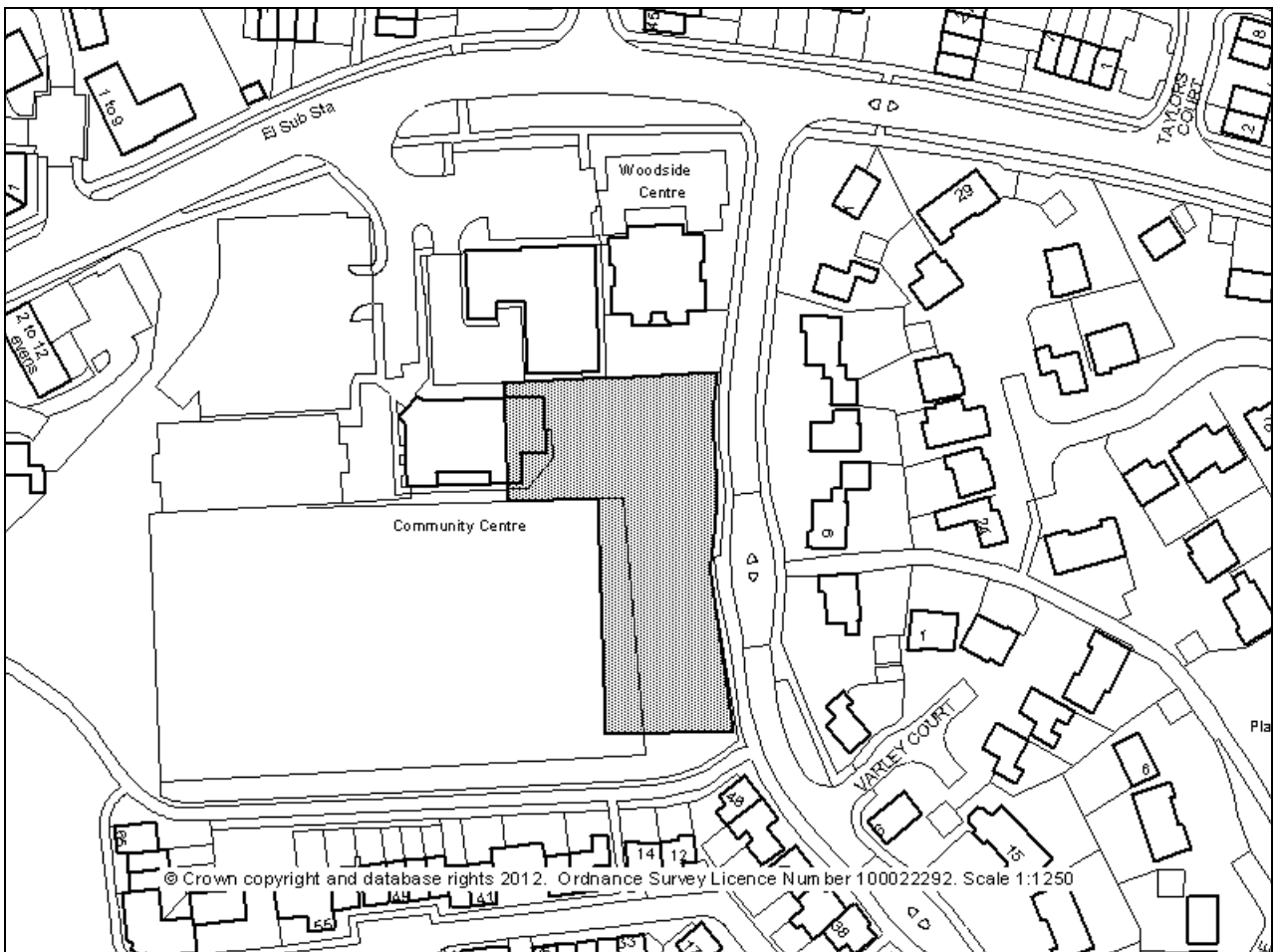
**Grid Ref:** 296191 : 113827

**Applicant:** Mr P White

**Location:** Land at NGR 296191  
113827 (Moorhayes  
Community Centre)  
Lea Road Tiverton

**Proposal:** Erection of extension  
to bar area and  
provision of changing  
facilities and football  
store

**Date Valid:** 17th March 2014



## **Application No. 14/00384/FULL**

### **RECOMMENDATION**

Grant permission subject to conditions.

### **COUNCILLOR NEAL DAVEY HAS REQUESTED THAT THIS APPLICATION BE DETERMINED BY THE PLANNING COMMITTEE FOR THE FOLLOWING REASON:**

To consider the potential impact on occupiers of nearby dwellings.

### **PROPOSED DEVELOPMENT**

The application is for the erection of an extension on the east side of the existing Moorhayes Community Centre, Tiverton, to provide a larger and relocated bar area, kitchen, additional toilets, football store and provision of changing facilities. The proposal originally included the provision of additional parking spaces but this element of the application has now been removed.

The changing rooms are provided through internal re-arrangements and using the existing bar area.

The main part of the extension measures 21m long and 11.7m wide. The football store is a smaller element of the proposals, it is attached to the eastern end of the extension and measures 5m long and 6.4m wide. The extension would cover 480 square metres of land to the east of the existing building. The extension is single storey and has a dual pitched roof, the roof height is two metres lower than the roof of the existing building.

The extension would be constructed of external materials that match the existing building, brick with a concrete tile roof. The windows and doors are proposed to be upvc whereas the existing doors and windows in the community centre are stated to be timber.

### **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement  
Application Form  
Layout Plans and Elevations

### **PLANNING HISTORY**

90/01600/OUT - Outline for residential development, access roads, public open space, landscaping, primary school, district centre and construction of vehicular access - Granted July 1993.

02/01832/FULL - Reprofiling of land prior to facilitate construction of community centre and formation of playing field - Granted April 2003.

04/02546/FULL - Erection of community and sports centre, provision of football pitch and multi-use games area with ancillary parking - Granted March 2005.

05/00675/ARM - Reserved Matters for the erection of 163 no. apartments and houses with associated garages, parking places, roads, footpaths, cycleways, sewers, drainage, and public open space - Refused September 2005, Dismissed on Appeal May 2006.

07/02188/DET - Licence.

### **DEVELOPMENT PLAN POLICIES**

#### **Mid Devon Core Strategy (Local Plan 1)**

COR1 - Sustainable Communities  
COR2 - Local Distinctiveness  
COR13 - Tiverton

### **Mid Devon Local Plan Part 3 (Development Management Policies)**

DM1 - Presumption in favour of sustainable development  
DM2 - High quality design  
DM7 - Pollution  
DM8 - Parking  
DM24 - Tourism and leisure development  
DM25 - Community facilities

### **CONSULTATIONS**

#### **ENVIRONMENTAL HEALTH - 1st April 2014**

Contaminated Land - Not applicable.

Air Quality - Not applicable.

Drainage - No objections.

Noise & other nuisances - No objections.

Housing Standards - Not applicable.

Licensing - If granted will need to apply to vary the premises licence under the Licensing Act 2003.

Food Hygiene - No objections to this proposal however the applicant is advised to ensure the new bar and kitchen both have separate wash hand basins in addition to any sinks designated for washing food utensils and equipment.

Private Water Supplies - No objections.

Health and Safety - No objections.

**HIGHWAY AUTHORITY - 21st March 2014 - Observations -** The Highway Authority has visited the site and has no objection in principal to the above proposal and a suitable access can be formed onto the Public highway. In detail the Highway Authority would seek the following criteria for the access and should be included in a detailed design which should be submitted to and approved by the Local Planning Authority prior to the use of the development. The access should be a minimum of 4.8m wide to allow for two way traffic and should be splayed at 45 degrees from the rear of the footway, (The applicant will be required to apply for a footway crossing licence from the Highway Authority and the works undertaken by an accredited contractor). The drive way should be hard surfaced for the first 6.0m in a bound material, and the Highway Authority would advise that the parking is marked out on site to maximise the use of the area. The spaces will need to comply with those in the County design guide of 2.4m by 4.8m for normal spaces and 3.0m by 4.8m for disabled. The access will need to be drained so as to prevent surface water entering the public highway and the topography of the site would indicate that it will fall towards the pitches but this should be confirmed. Any gates that may be erected should be hung to open inwards.

The access has sufficient visibility over the footway for both vehicle and pedestrians and is acceptable to the Highway Authority.

Therefore should consent be granted the following conditions should be imposed.

Recommendation: The Local Highway Authority recommends that the following conditions shall be incorporated in any grant of permission:-

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.00 metres back from its junction with the public highway.

REASON: To prevent mud and other debris being carried onto the public highway.

2. In accordance with details that shall previously have been submitted to, and approved by, the Local Planning Authority, provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

REASON: In the interest of public safety and to prevent damage to the highway.

3. No part of the development hereby approved shall be brought into its intended use until the access, parking facilities, and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.

REASON: To ensure that adequate facilities are available for the traffic attracted to the site.

**TIVERTON TOWN COUNCIL** - 8th April 2014 - Support.

## **REPRESENTATIONS**

### **Car Parking Issues**

Objecting to the size of the new car park, rather than use the existing field area for this - 2

Increased traffic on Rooks Way - 7

An access in Rooks Way will encourage parking on the street which will cause obstruction - 1

The new car park is unnecessary in light of the existing car park - 10

Access to the new car park will cause a danger to the public - 5

The new car park will take away a green field space - 9

Increased traffic on Lea Road - 1

Increased traffic on Gardenia Drive - 1

### **Extension to bar Issues**

Visual effects on the area - 2

Concerns the community centre will turn into a pub - 3

Possible anti-social behaviour issues created by the bar - 2

Possible privacy issues created with the nursery - 1

Effect views from Rooks Way

### **Pollution**

Increase in noise caused by a larger bar - 8

Site access will result in car lights shining through residential windows - 1

Noise pollution caused by people accessing the site - 5

Increase in air pollution to Rooks Way - 2

### **Issue with plans**

The plans do not show changing facilities (which may result in them not being built at all) - 6

### **Environmental issues**

Increase water run-off from car park will effect the pitches drainage - 2.

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

The main issues in the determination of this application are:

- 1. Design of the extension to community centre**
- 2. Impacts on amenity of nearby residents**
- 3. Other issues - parking and access**

### **1. Design of the extension to community centre**

The extension would be to the east side of the existing Moorhayes Community Centre. The extension would provide a larger and relocated bar area, associated kitchen, additional toilets, football store and provision of changing facilities through internal re-arrangements. The proposal originally included the provision of additional parking spaces but this element of the application has now been removed.

The main part of the extension measures 21m long and 11.7m wide. The football store is a smaller element of the proposals, it is attached to the eastern end of the extension and measures 5m long and 6.4m wide.

The extension would have a footprint of 480 square metres. The extension is single storey and has a dual pitched roof, the roof height is two metres lower than the roof of the existing building. The extension would be flush to the north elevation of the existing building but as it is considerably narrower than the existing building it would be set back from the southern elevation by 6m. The football store is set back even further and is recessed 11m from the southern elevation of the existing building. As the roof of the extension would be significantly lower than the original building and the building itself would be constructed at a ground level substantially lower than dwellings in Rooks Way, it is considered that the extension will not be overbearing on the residents of these nearby properties. Woodside Childrens Nursery is immediately north of the proposed extension. The extension, although to the south of the nursery, will have a limited impact on sunshine and light to the nursery garden as only the eastern most part of the extension would be parallel to the southern boundary of the nursery. This part of the extension is the football store and is the lowest section of the proposed extension.

The extension would be constructed of external materials that match the existing building, brick with a concrete tile roof. Although the windows and doors are proposed to be upvc whereas the existing doors and windows in the community centre are stated to be timber. The new wide, concertina doors to the bar area would provide access onto a new patio area allowing views across the existing football pitch.

The extension would not utilise existing play area or encroach on the football pitch. The area to the east of the building is not currently landscaped and has been used for temporary storage with a storage container present during a visit to the premises. This part of the community centre site is unattractive and not currently providing a useful function. The provision of the extension will not therefore remove any particularly useful space and provides an opportunity to improve the appearance of this part of the site.

Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and Part 7 of the National Planning Policy Framework require development to be high quality design, and to demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and to form visually attractive places. The design of this community centre extension is considered to be acceptable as the proposed materials, scale and proportions are in keeping with the external modern yet functional appearance of the existing building. The design is therefore in accordance with Policy COR1 of the Mid Devon Core Strategy (Local Plan Part 1), Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and Part 7 of the National Planning Policy Framework.

## **2. Impacts on amenity of nearby residents**

The extension to the community centre would result in the building being closer to residential properties in Rooks Way to the east and bring the building closer to the rear boundary of Woodside Childrens Nursery to the north east. At the closest point the extension would be approximately 37m from the nearest residential property to the east. Other residential properties would be 75m + from the building.

A number of objections have been received to the application and while a vast majority of these relate to the proposal to provide a second car park (which is no longer proposed), there are a number of objections to the extension to the bar area based on noise impact on nearby residents.

Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies) requires applications for development that risks negatively impacting on the quality of the environment through noise (odour, light, air, water, land etc), pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. In this instance Environmental Health were consulted on the application and have raised no concerns regarding the proposed development or requested the provision of a noise impact assessment. Environmental Health's considerations include assessing if the proposal is likely to generate unacceptable noise. At the time of writing this report, the planning department understand that no complaints have been received regarding noise from the existing bar facilities within the community centre. The representations received have been taken into account, however although there may be occasional disturbance connected to the use of the facilities at the Community Centre, it is not considered that the replacement bar area will have an unacceptable negative impact on health or general amenity. The development is therefore in accordance with Policy DM7 of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Practice Guidance.

The proposals would provide for a larger bar area and there would be access to a patio area which in turn would be adjacent to the playing field/football pitch. The existing bar area would then become the changing rooms. Due to the changes proposed to the premises, a new premises licence would be required.

It is understood that the bar would be accessible on the same basis as it is currently, no changes have been stipulated. It would therefore remain a publicly accessible community facility, designed and located in order to maximise the accessibility of this leisure development by residents in the local area. While some concern has been raised regarding noise generated from the existing community centre facilities and the extension would bring the building closer to residential properties in Rooks Way, no complaints have been received until this application was received and Environmental Health have not objected to the proposal. There is currently little evidence to indicate that the extension would result in unacceptable noise pollution that would affect the amenity of nearby residents and the development would enable improvements to the leisure facilities available at a community centre. The proposal is therefore considered to be in accordance with Policies DM7, DM24 and DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies) the National Planning Policy Framework and the National Planning Practice Guidance.

### **3. Other issues - parking and access**

The community centre currently has a large unsurfaced car park with access from Lee Road to the north. The car park is considered to be of an adequate size to accommodate vehicles visiting the community centre at most times. While additional parking was originally being proposed as part of this application, to the east of the community centre - to be accessed from Rooks Way - this element of the proposals has now been deleted from the application.

The existing car park could be used more efficiently if it were surfaced and car parking spaces marked out. This could include the provision of designated disabled spaces close to the main entrance to the community centre building.

The existing car parking provision for the community centre is acceptable and in accordance with Policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies).

### **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. No hard landscaping works in the areas shown on the approved plans shall begin until details of the surfacing materials to be used in those areas have been submitted to, and approved in writing by, the Local Planning Authority. Such approved works shall then be carried out before the development hereby permitted is first brought into its permitted use, and shall be so retained.
4. No development shall begin until working details of the new external doors, door frames and windows, including sections, mouldings and profiles, finishes and glazing have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors, door frames and windows shall be in accordance with these approved details, and be so retained.
5. The external doors, door frames and windows hereby approved shall be recessed into the walls in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details and be so retained.
6. Prior to the new hardstanding/patio area adjoining the relocated bar first being brought into use, details of screening on the eastern boundary of the patio/hardstanding, of a minimum height of 2 metres, shall be submitted to and approved in writing by the Local Planning Authority. The approved screening, once provided will be permanently retained.

## **REASONS FOR CONDITIONS**

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the building in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. To ensure the use of materials and detailing appropriate to the development, in order to safeguard the character and appearance of the building in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
5. To ensure the use of materials and detailing appropriate to the development in order to safeguard the character and appearance of the building in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
6. To protect the residential amenity of the occupiers of properties in Rooks Way in accordance with the Mid Devon Local Plan Part 3 (Development Management Policies).

## **REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT**

The application will allow an extension to an existing community centre. The bar area will be extended, with an associated kitchen area provided. Additional toilets, changing rooms and a football store will also be added to the facilities already available. The external appearance of the extension will be similar to that of the original building, this is acceptable and in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) Policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies) and part 7 of the National Planning Policy Framework. The use of the building will not change other than enhancing existing facilities. While some concerns have been raised about the increased use of the bar area and the noise associated with this, consultees have not raised any objections to the proposal. In these regards the extension is in accordance with Policies DM7, DM24 and DM25 of the Mid Devon Local Plan Part 3 (Development Management Policies), part 8 of the National Planning Policy Framework and the National Planning Practice Guidance. The parking area is no longer proposed to be extended and the existing parking area while capable of improvement, is adequate to serve the building in accordance with Policy DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies). The application has therefore been recommended for approval.

Jonathan Guscott  
Head of Planning and Regeneration