

# Public Document Pack

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## **MID DEVON DISTRICT COUNCIL**

### **PLANNING COMMITTEE**

**A MEETING** of the **PLANNING COMMITTEE** will be held in the Phoenix Chamber, Phoenix House, Tiverton on Wednesday, 30 March 2022 at 2.15 pm

The next ordinary meeting of the Committee will take place on Wednesday, 20 April 2022 at 2.15 pm in the Phoenix Chamber, Phoenix House, Tiverton

#### **STEPHEN WALFORD**

Chief Executive

22 March 2022

**Councillors:** P J Heal (Chairman), E J Berry, S J Clist, Mrs F J Colthorpe, L J Cruwys, Mrs C P Daw, C J Eginton, B Holdman, D J Knowles, F W Letch and B G J Warren

## **A G E N D A**

### **MEMBERS ARE REMINDED OF THE NEED TO MAKE DECLARATIONS OF INTEREST PRIOR TO ANY DISCUSSION WHICH MAY TAKE PLACE**

#### **1 APOLOGIES AND SUBSTITUTE MEMBERS**

To receive any apologies for absence and notices of appointment of

substitute.

2      **PUBLIC QUESTION TIME**

To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

3      **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

To record any interests on agenda matters.

4      **MINUTES OF THE PREVIOUS MEETING** *(Pages 5 - 14)*

To consider whether to approve the minutes as a correct record of the meeting held on 16<sup>th</sup> March 2022.

5      **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman may wish to make.

6      **DEFERRALS FROM THE PLANS LIST**

To report any items appearing in the Plans List which have been deferred.

7      **THE PLANS LIST** *(Pages 15 - 38)*

To consider the planning applications contained in the list.

8      **MAJOR APPLICATIONS WITH NO DECISION** *(Pages 39 - 40)*

List attached for consideration of major applications and potential site visits.

9      **ACCESS TO INFORMATION PRESS AND PUBLIC**

During discussion of the following item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Cabinet will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

To consider passing the following resolution so that exempt information may be discussed.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 respectively of Part 1 of Schedule 12A of the Act, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

10      **APPEAL UPDATE** *(Pages 41 - 168)*

To consider a report of the Interim Development Management Manager

providing an update and advice to Members with regard to a forthcoming public inquiry and to receive instructions from Committee on how to proceed.

### Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: [REVISEDMeetingProtocolupdateMarch2022.docx.pdf \(middevon.gov.uk\)](#)

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

Tel: 01884 234209

Fax:

E-Mail: [coliphant@middevon.gov.uk](mailto:coliphant@middevon.gov.uk)

Public Wi-Fi is available in all meeting rooms.

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## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **PLANNING COMMITTEE** held on 16 March 2022 at 2.15 pm

### **Present Councillors**

E J Berry, S J Clist, Mrs F J Colthorpe,  
L J Cruwys, Mrs C P Daw, C J Eginton,  
B Holdman, F W Letch and B G J Warren

### **Apologies Councillor(s)**

D J Knowles

### **Also Present Councillor(s)**

P J Heal, R J Dolley and R Evans

### **Present Officers:**

Richard Marsh (Director of Place), Maria De  
Leiburne (Operations Manager for Legal and  
Monitoring), Angharad Williams (Interim  
Development Management Manager),  
Adrian Devereaux (Area Team Leader),  
Christie McCombe (Area Planning Officer),  
Sally Gabriel (Member Services Manager)  
and Carole Oliphant (Member Services  
Officer)

## **166 APOLOGIES AND SUBSTITUTE MEMBERS (0.05.39)**

Apologies were received from Cllr D J Knowles.

Cllr P J Heal attended via ZOOM and the Vice Chairman took the Chair.

## **167 PUBLIC QUESTION TIME (0.06.43)**

Hannah Kearnes, a local resident, referring to no1 on the plans list provided the following questions which were read out by the Vice Chairman.

### **QUESTION 1**

Why does the application submitted by MDDC fail to comply with Building Regulations 2021 Part O – Overheating? This is a regulation that is intended to provide protection to both young children and the medically vulnerable and which recognises both the impacts and subsequent risk of global warming.

### **QUESTION 2**

Why does the application submitted by MDDC fail to comply with Building Regulations 2021 Part L - Thermal Efficiency? Specifically why does the application not provide the required full range of thermal efficiency calculations or detailed information on thermal bridging reduction?

### QUESTION 3

Why is there a requirement for ALL widows on the rear and side elevations overlooking existing properties, gardens and green spaces, to be frosted or the views obliterated with 1.7 meter high frosted screens? Is it not agreed that this requirement seriously impact the new modular home's residents living conditions and well-being?

### QUESTION 4

Are Planning Officers and Members aware that there is an increasing concern about the fire and safety risk of modular homes, in particular multi-story constructions? Are they aware of the fact that in 2020, a 2 story high modular built accommodation unit burnt down very rapidly? The full circumstances are still being investigated with the potential of legal action being taken. Fire experts amongst others are now even suggesting that modular built multi accommodation units are the next Grenfell Tower waiting to happen.

### QUESTION 5

Have MDCC as the "Responsible Entity" undertaken checks on the fire safety design with independent experts including the Devon and Somerset Fire Service, rather than just relying on ZED PODS providing a materials statement etc?

It is understood that the Somerset Fire Service may already have concerns about modular build fire safety.

### QUESTION 6

Having regard to my previous question on fire safety, this question is asked given that the proposed modular development will have 20 car parking spaces beneath it.

Are Planning Officers and Members aware of the reported findings of the very serious multi-story car park fire that occurred in Liverpool in 2018 in which 1400 cars were destroyed? Are they aware of the cause of the fire and the fire spread pattern and the speed of the fire spread?

Mr Paul Elstone, a local resident, referring to No 2 on the plans list provided the following question which were read out by the Vice Chairman:

### QUESTION 1

Can the Planning Officers please explain why the locations of the Self Build Home Sewage and Drainage Lines are NOW being determined This despite the Self Build Homes themselves being and as stated the subject of a future Reserved Matters Planning Application.

### QUESTION 2

Why are the Planning Officers justifying recommending this application for approval yet effectively saying that the drainage and sewage lines are solely being installed by Redrow Homes as part of a contractual agreement with the Landowner i.e. the Chettiscombe Estate and in respect of the Landowners future plans.

### QUESTION 3

Why are the Planning Officers apparently justifying the location of the Sewage and Drainage Lines based the Self Build Homes having driveway access onto Blundells Road?

#### QUESTION 4

Are the Committee Members aware that should Redrow Homes be permitted to use all the road access points to their building development as they have applied for there will be a total of 6 separate points yes 6 access points and all within 400 meters of each other.

Each access point would be joining an increasingly busy arterial road with bad safety records.

#### QUESTION 5

Given serious road safety concerns will the MDDC Area Planning Officer confirm that Redrow Homes will not use the access point opposite Long Meadow on Blundells Road for construction traffic access for the Attenuation Pond and to install the various drainage and sewer pipelines.

This in full recognition that there is a totally suitable and far safer access point already available off the new Linking Road to the north of Blundells Road.

Very importantly an access point which would run across the field owned by the Landowner i.e., the Chettiscombe Estate and therefore easily get approval given they want the work done. Surely this cannot be permitted and for very sound, justifiable and well proven road safety reasons?

#### QUESTION 6

Will the MDDC Planning Officers confirm that they will not give permission and as requested in Redrow's Condition 14 Application for the entrance opposite Long Meadow on Blundells Road or be permitted to use West Manley Lane solely to create to a building development storage areas, workers car parking or for site office buildings.

This in full consideration that there is already a safer and more suitable access point available from the newly constructed Linking Road to the north of Blundells Road. And the spur road to the South.

This in full consideration that there is already a far more suitable and safe access point from the newly constructed Spur Road to the south of Blundells Road available and already in use.

Also, in full recognition that Redrow Homes have acquired more land from the Chettiscombe Estate allowing the far safer location of the storage areas etc.

The Vice Chairman indicated that the answers would be provided when the application was considered.

### 168 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (0.15.52)**

The following declarations were made:

Cllrs C Daw and C Eginton made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to application 21/01957/FULL Shapland Place, Tiverton

Cllrs S J Clist, L J Cruwys, C Daw, B Holdman and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to application 21/0214/MARM Land at NGR 297844 113446, Blundells Road, Tiverton

Cllrs S J Clist and B G J Warren made declarations in accordance with the Protocol of Good Practice for Councillors dealing with planning matters as they had received correspondence with regard to application 21/02113/FULL Newcombes Surgery, Crediton

Cllr F W Letch made a personal declaration with regard to application 21/02113/FULL Newcombes Surgery, Crediton as he was the ward member.

**169 MINUTES OF THE PREVIOUS MEETING (0.15.55)**

The Minutes of the meeting held on 2<sup>nd</sup> March 2022 were agreed as a true record and duly **SIGNED** by the Vice Chairman.

**170 CHAIRMAN'S ANNOUNCEMENTS (0.16.33)**

The Vice Chairman reminded Members that the next scheduled meeting was on 30<sup>th</sup> March 2022

**171 DEFERRALS FROM THE PLANS LIST (0.16.49)**

There were no deferrals from the Plans List

**172 THE PLANS LIST (0.17.11)**

The Committee considered the applications on the \*Plans List

Note: \*List previously circulated and attached to the minutes.

- a) ***Application 21/01957/FULL - Demolition of garages, erection of a two-storey block of 8 dwellings, raised above a podium structure atop car parking level with associated soft and hard landscaping works at Garages and Forecourt, Shapland Place, Tiverton.***

The Area Team Leader provided responses to public questions and explained that the fire safety concerns raised were a building regulations issue and were not a material planning consideration. The building would be alongside adopted roads for access and that the applicant had provided further details of the fire strategy. He confirmed that only the east elevation had obscure windows and privacy screens.

In response to questions raised by Members on a site visit he confirmed that Tiverton was not in an air quality management area and there had been no concerns from Public health in relation to air pollution in the car parking area. Any development must meet fire safety standard though building regulations and that the scheme provided 3 electric vehicle charging points which was in excess of the required standard.



The Area Team Leader then outlined the application by way of a presentation which highlighted the location plan, site plan, ground and first floor plans, second floor plans, elevations, section plans, landscaping plan, 3D views of the west elevation and photographs of the site.

Consideration was given to:

- The application site was in flood plain 3 but there had been no objections from the Environment Agency
- The views of the Town Council who highlighted the impact on existing residents, impact on new residents, potential overheating and mechanical ventilation and a potential modular fire risk
- The views of the Ward Member who stated that he supported the scheme but he noted concerns of neighbours with regard to overlooking and potential flood issues
- Members concerns that the design of the scheme made it inaccessible to wheelchair users
- That the scheme was accessible for other disabilities and included disabled parking but that as it was a modular scheme it would be difficult to adapt for wheelchair access as the ground floor was designated for car parking
- Members concerns that condition 10 should remove the option of an alternative timeframe for the installation of the 3 electric charging points

It was therefore:

**RESOLVED** that planning permission be granted subject to conditions and the signing of a S106 agreement as recommended by the Interim Development Management Manager subject to an amendment to condition 10 to remove the option of an alternative timeframe for the installation of the 3 electric charging points

(Proposed by Cllr F W Letch and seconded by Cllr Mrs C P Daw)

**Reason for the decision:** As set out in the report

Notes:

- i. Cllr P Elstone provided a statement on behalf of the Town Council
- ii. Cllr R J Dolley spoke as ward member

***b) Application 21/02014/MARM - Reserved Matters in respect of (appearance, landscaping, layout and scale) for the area associated with the attenuation pond, drainage infrastructure and related details including level changes required for the initial phases of development, following Outline approval 14/00881/MOUT at Land at NGR 297844 113446 (North of Putson Cottages), Blundells Road, Tiverton.***

Consideration was given to:

- The views of the objector who stated he had objections to the routing and drainage of the self-build homes and that no access should be granted from the attenuation pond site from Blundells Road

- The views of the agent who stated that the application had been approved at outline and that as developers they were obliged to provide services to the self-build plots

The Area Planning Officer then gave an overview of the application by way of a presentation which highlighted the site location plan, illustrative framework plan, an aerial view, the infrastructure planning layout, general arrangements, cross sections, landscape details and photographs of the site.

The Area Planning Officer then responded to public questions and stated that the location of the attenuation pond would not determine the location or layout of the self-build plots or their driveway access. The application in front of Members was for one access point into the site and that no construction traffic would access the site directly from Blundell's Road as confirmed when the agent spoke at Committee.

Further consideration was given to:

- The frequency of visits by South West Water to the attenuation pond would be set out in the S104 agreement and was not determined by the Planning Authority
- The application provided a detailed landscape plan including the provision of young sapling trees
- The entrance to the site on Blundells road would cease once the land had been approved and constructed for employment use

It was therefore:

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager

(Proposed by Cllr C J Eginton and seconded by Cllr F W Letch)

**Reason for the decision:** As set out in the report

Notes:

- Mr Elstone provided a statement as the objector which was read out by the Vice Chairman
- Mr Cattermole spoke as the agent

**173 21/02113/FULL - NEWCOMBES SURGERY, CLIFFORD GARDENS, CREDITON (1.47.28)**

The Committee had before it a \*report of the Interim Development Management Manager presenting further information for application 21/02113/FULL - NEWCOMBES SURGERY, CLIFFORD GARDENS, CREDITON.

The Interim Development Management Manager explained that the application had been approved by the Committee at its meeting on 2<sup>nd</sup> March 2022 and she was bringing it back to clarify the legislation and some further information received.

The Officer clarified that in some instances domestic dwellings could revert to C3 use without a further change of use permission required. She also confirmed that the applicant had provided a landscaping plan which included refuse storage and cycle provision. These additions were provided to Members by way of a presentation.

Consideration was given to:

- The views of the objector who stated that there was a concern with residents that the site could be used for unregulated supported housing without the need to apply for a change of use
- The objectors request to condition a restriction on use not to allow supported living would be unreasonable in planning terms

It was therefore:

**RESOLVED** that planning permission be granted subject to conditions as recommended by the Interim Development Management Manager and subject to:

- a) A legal agreement with DCC to secure the education contribution of £17,097 towards primary education infrastructure;

The conditions would be as set out on the update sheet and the works prior to commencing were not required now, as the plans had been received.

(Proposed by Cllr Mrs F J Colthorpe and seconded by Cllr C J Eginton)

**Reason for the decision:** As set out in the report

Notes:

- i. Mr Howells spoke in objection to the application;
- ii. Cllr F W Letch requested that his vote against the decision be recorded;
- iii. \*Report previously circulated and attached to the minutes
- iv. The following late information was provided:

In light of the concerns raised by members regarding the level of information required by conditions 5-8, additional details have been received (10th March 2022) providing further details in respect of the landscaping proposals, cycle stores, refuse and recycling store and car parking. The additional plans are;

NV SK27 A proposed landscape layout

NV SK28 A proposed cycle stores

NV SK27 A propose recycling store

The additional plans are available on the file and will be added to the presentation should members wish to view these items at the meeting.

The landscape layout demonstrates that the existing trees on the site would be retained, with two new specimen trees provided in the garden to the east of the building (1 x Cherry Blossom and 1 x Silver Birch). The gardens would be separated

by 1.8m high timber close board fencing. The new hedgerow is proposed to be a mix of beech, purple beech and hazel. It is your officer's view that the landscaping details are considered to be acceptable, providing a positive contribution to the character and biodiversity of the site. Condition 5 is proposed to be amended (as below) to reflect that suitable details have now been received and to secure the implementation within an appropriate time frame.

Four separate cycle stores (accommodating 4 cycles each) are proposed, the stores for units 1-3 are located at the edge of the parking area as previously indicated. The store for unit 4 is provided within its garden area. The stores are a Dancover Proshed, made of zinc coated steel in Anthracite grey colour. The submitted details confirm that these have double door with a cylinder lock providing each dwelling with a private, secure cycle store area. The details are considered to be acceptable and would not adversely impact the character and appearance of the area. Condition 6 is proposed to be amended (as below) to ensure the facilities are provided in a timely manner.

The proposed bin store is a communal facility providing sufficient space for storage of 2 24 litre wheelie bins per dwelling and two 55 litre recycling boxes above. The store is proposed to be constructed from sawn timber walls and with a grey profiled metal sheet roof, maximum height 2.5m. The submitted details are considered to be acceptable and condition 7 is proposed to be amended accordingly (as below) to ensure the approved facility is provided in a timely manner.

Condition 8 requires details of the allocation of parking spaces to be provided for approval. In light of the increased area given over to cycle storage, 13 parking spaces are now proposed (compared to 14 previously proposed). The submitted landscaping plan demonstrates that 2 spaces would be given over to each dwelling with 5 spaces for use by visitors. The parking provision is still considered to be in excess of the minimum requirements established by DM5 and this proposed layout is considered to be acceptable. Condition 8 is proposed to be amended accordingly.

The conditions as proposed to be amended are set out below, the reasons for these conditions as previously set out in the officer report and are not proposed to be amended.

5. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping (as shown on drawing number NV SK27 A proposed landscape layout received by the Local Planning Authority on 10th March 2022) shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained. The proposed boundary treatments shall be provided in accordance with the approved details prior to occupation of the proposed dwellings and shall be so retained.

6. The cycle stores shall be provided in accordance with the approved details as shown on drawing number NV SK28 A proposed cycle stores (received by the Local Planning Authority on 10th March 2022) and made available for use by residents prior to first occupation of the dwellings hereby approved and retained as such thereafter.

7. Prior to first occupation of any of the dwellings hereby approved the proposed refuse and recycling arrangements shall be provided in accordance with the approved details, as shown on drawing number NVSK27 A and retained as such thereafter.

8. Prior to occupation of any of the dwellings hereby approved the proposed parking shall be laid out in accordance with the approved details and shall be maintained in accordance with the approved plan for the lifetime of the development.

(The meeting ended at 4.32 pm)

**CHAIRMAN**

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## PLANNING COMMITTEE AGENDA - 30th March 2022

### Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	<p>21/01998/FULL - Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.</p> <p><b>RECOMMENDATION</b> Grant permission subject to conditions.</p>
02.	<p>21/02001/LBC - Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.</p> <p><b>RECOMMENDATION</b> Grant Listed Building Consent subject to conditions.</p>

Application No. 21/01998/FULL

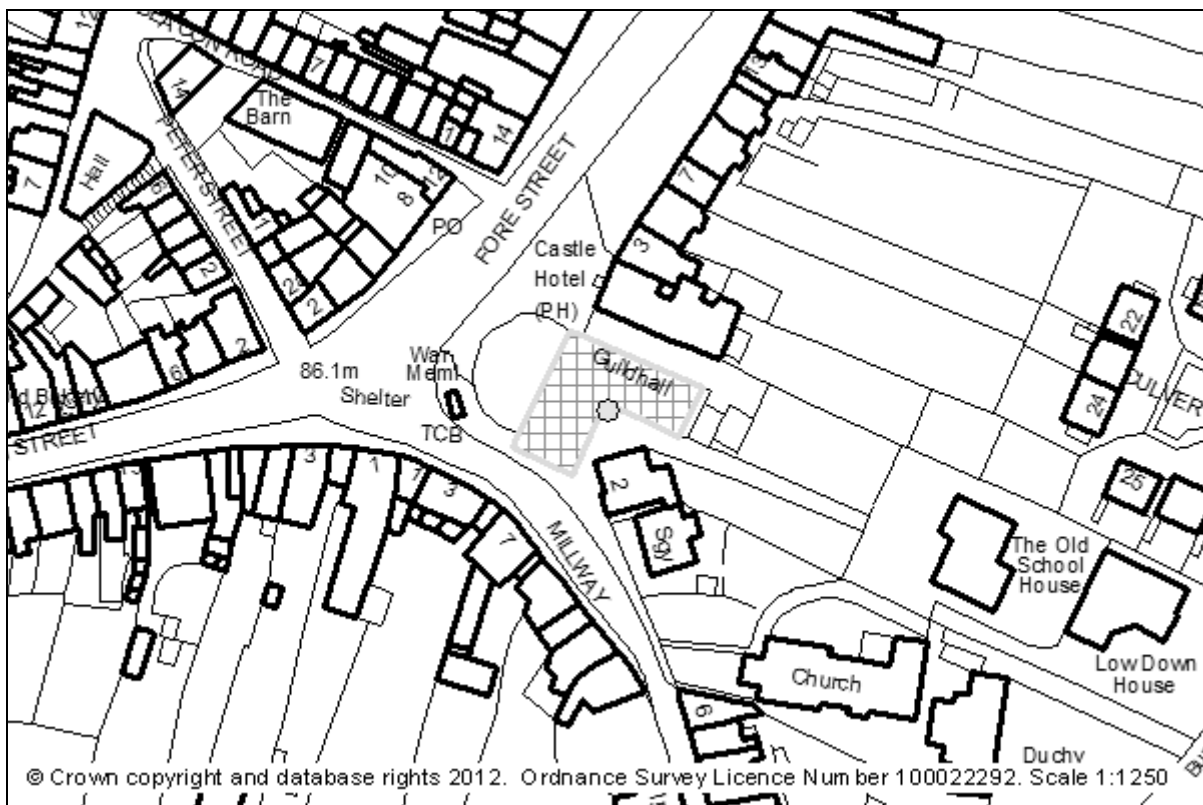
Grid Ref: 299973 : 103991

Applicant: Bradninch Town Trust

Location: The Guildhall  
Fore Street  
Bradninch  
Exeter

Proposal: Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

Date Valid: 10th November 2021





## **APPLICATION NO: 21/01998/FULL**

**Site Visit: Yes      Date of Site Visit: 2.2.2022**

**Decision Delayed Reason:** Further information and consultations required.

### **MEMBER CALL-IN**

Cllr Luke Taylor called in the applications for the following reasons:

1. The new development will severely impact the access for the residents of the Old School, due to angles they will not be able to have their mobile caravan and it will be a health and safety concern for those visiting the site.
2. The Old School properties are served by oil delivery vehicles and cesspit emptying vehicles - these could be drastically impeded if the development were to go ahead.

Whilst these reasons largely relate to this full planning application, a listed building consent application is being considered concurrently and the Council's Legal Department have advised that both applications should be considered by the Planning Committee.

### **RECOMMENDATION**

Grant permission subject to conditions

### **PROPOSED DEVELOPMENT**

Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.

The site is within the Bradninch Settlement Boundary and Conservation Area. The building is on the corner of Fore Street and Millway and is Grade II listed. As such, both full planning consent and listed building consent are required for the works.

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

In support of the application, the submission includes:

Heritage Statement, Planning Statement, Structural Report and Photographs, Site Location Plan, Block Plan, Existing Plans and Proposed Plans.

### **RELEVANT PLANNING HISTORY**

**81/01793/LBC** - PERMIT date 11th December 1981 Listed Building Consent for the provision of external door

**89/02533/LBC** - PERMIT date 8th December 1989 Listed Building Consent for internal alterations

**93/00795/LBC** - PERMIT date 31st May 1995 Listed Building Consent for the installation of floodlights

**01/01960/FULL** - PERMIT date 8th March 2002 Installation of CCTV system (Revised proposal)

**01/01961/LBC** - PERMIT date 8th March 2002 Listed Building Consent for installation of CCTV system (Revised proposal)

**01/02104/LBC** - PERMIT date 8th January 2002 Listed Building Consent for internal & external remedial works in vicinity of main stairwell, ground floor wc's and the flat roof.

**06/02015/CAT** - PERMIT date 19th October 2006 Notification of intention to fell 3 no. Cherry Trees within a Conservation Area

**06/02398/LBC** - PERMIT date 14th February 2007 Listed Building Consent for replacement of window frames in Council Chamber

**07/01342/LBC** - PERMIT date 23rd August 2007 Listed Building Consent for replacement windows and external alterations

**07/02220/LBC** - PERMIT date 19th December 2007 Listed Building Consent for the demolition of part of extension to rear (redundant public toilets)

**09/01808/FULL** - DELETE date 19th January 2010 Installation of access ramp and hand rails

**09/01809/LBC** - DELETE date 19th January 2010 Listed Building Consent for installation of access ramp and hand rails

**10/00776/FULL** - PERMIT date 9th July 2010 Construction of access ramp for disabled and installation of hand rails

**10/00778/LBC** - PERMIT date 9th July 2010 Listed Building Consent for the construction of access ramp for disabled and installation of hand rails

**77/00509/LBC** - PERMIT date 10th August 1977 Listed Building Consent and planning permission for alterations to Guildhall's sanitary accommodation to provide public toilets

**19/00830/LBC** - PERMIT date 31st July 2019 Listed Building Consent for the re-positioning of the flag pole and repairs to roof

**21/01998/FULL** - PCO date Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Review 2013 – 2033**

S1 (Sustainable Development)

S13 (Villages)

DM1 (High Quality Design)

DM5 (Parking)

DM3 (Transport and Air Quality)

DM23 (Community Facilities)

DM25 (Heritage Assets)

### **The National Planning Policy Framework.**

## **CONSULTATIONS**

### **Conservation Officer, 17<sup>th</sup> December 2021:**

You will be aware that I have undertaken a pre application here with the same agent - see 21/00655 and 21/01150.

The applicant has taken on my comments with the exception of the proposed demolition and removal of the chimney. In this respect I do not see the justification within the application to do this. I can support it being taken down to rebuild it to insert a lead tray and improve its weather resistance, but it part of the historic form and should be retained.

Otherwise it is good to see adaptations to the building to allow for access for all. The applicants approach is sensitive and improves the building for its original use in an appropriate way. The proposals are also acceptable in the context of the conservation area, and the setting of the adjacent listed buildings

Please condition:

No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

All new windows shall be painted white unless agreed in writing by the LPA.

No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will

only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Conservation Officer, 26<sup>th</sup> January 2022:**

Thank you for consulting me on the further information we have received.

I have nothing to add to my previous comments other than to note that the chimney is still proposed to be removed.

**Conservation Officer, 7<sup>th</sup> February 2022:**

I have previously commented on this application.

I am happy with the proposal to rebuild the chimney.

Not it is missing from the proposed rear elevation.

**Bradninch Town Council, 15<sup>th</sup> December 2021:**

At Monday evening's Town Council meeting it was resolved to submit the following comment to MDDC with regards to the planning application for The Guildhall, Bradninch: Whilst the Town Council is in support of the Town Trust improving the Guildhall building for the use of the community, the Town Council objects to the application as it cannot support a design that might restrict or hinder access to the neighbouring properties in general, and for emergency vehicles, as stated in the planning conditions of the 2007 application.

**Bradninch Town Council, 2<sup>nd</sup> February 2022:**

It was resolved to submit the following comment to MDDC: 'As there does not appear to be any new material difference within the added information to enable the Council to change its position, its previous comments on the matter still stand'.

**Highway Authority, 15<sup>th</sup> December 2021:**

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

**Highway Authority, 25<sup>th</sup> January 2022:**

Observations:

The County Highway recommended Standing Advice for this application for the effect on the public highway.

The Planning officer has since asked me to visit the site and put forward my observations on this application.

I therefore have visited the which is accessed off an unclassified County Route which is restricted to 30 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

The County Highway Authority understand the intention of the condition recommended from the previous Highway Officer for the School House Application 07/02219/FULL and for this access to be retained at all times.

The proposal in this application shows this access will still be retained and there still to be widening on the bend. And on the rare occasion that two vehicles were to meet on this driveway and a vehicle would need to reverse on to the unclassified County Road would be acceptable and would be similar to what happens with the off street parking bedside the Guild Hall several times a day.

Therefore the County Highway Authority would have no objections to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

**Environment Agency:**

Operational development less than 1 ha within Flood Zone 1 - no EA consultation required  
- see surface water management good practice advice - see standard comment.

**REPRESENTATIONS**

A total of 2 letters of support and 67 letters of objection have been received at the time of writing this report. Some of these letters are from the same households and individuals and a significant majority refer to the same concerns. However, all considerations raised have been summarised below:

- Detrimental impact to vehicular access for neighbouring properties (Old School House & Low Down House), particularly for larger service vehicles, vehicles carrying disabled people and emergency vehicles.

- Safety concerns regarding the access following the proposed development.
- Application 07/02219/Full found it necessary to demolish a building in this position to maintain the access. There is a condition to this regard on the decision notice
- Accuracy of easement line shown on the submitted plans
- Clarity of submitted plans more broadly
- Impact on value of surrounding properties
- Impact of the extension on the listed building

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this application are:**

1. Policy, Procedure and Principle of Development
2. Visual Impact and Neighbourhood Amenity
3. Impact on the Listed Building and Conservation Area
4. Highway Safety and Parking
5. Other Matters

### **1. Policy, Procedure and Principle of Development**

Policy S13 of the local plan deals with development within defined settlements such as Bradninch. It supports appropriately scaled development within defined settlements, particularly those which allow the settlement to be self-sufficient.

More specifically, Policy DM23 states that the development of community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement and that proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

The proposal is for the erection of a two storey extension as well as alterations internally and to the front door which are proposed to ensure the enhancement of the community facility. The site is in a central village location and relates to an existing building. It is considered that these amendments are appropriate for the viability of the community facility and therefore in accordance with S13 and DM23 in principle.

### **2. Visual Impact and Neighbourhood Amenity**

DM1 of the local plans seeks to ensure high quality design that shows an understanding of the site and avoids unacceptable impacts on the amenity of residents of nearby properties.

The design of the alterations are considered acceptable. The extension is modest in scale and appears subservient to the host building, it is generally in-keeping with the wider building and street scene. Owing to the scale and position of the proposal, there will not be any impacts on neighbours in terms of loss of light, overlooking or overbearing impacts. Overall, the development is considered to accord with the design principles of policy DM1.

It is noted that the building is Grade II listed and within a Conservation Area, therefore the

design and its impact has been considered in more detail in the following section of this report. Similarly, there have been some matters raised regarding the amenity of neighbours being impacted as a result of the extension impacting the access, this is also fully considered in a later section of this report.

### 3. Impact on the Listed Building and Conservation Area

As set out above, the site is both within the Bradninch Conservation Area and Grade II listed. In coming to this decision the council must be mindful of the duty as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses. It must also be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and have given it importance and weight in the planning balance. Similarly, DM25 of the local plan refers to heritage assets stating that they are irreplaceable resources. The policy seeks to preserve and enhance designated assets and their settings.

The Council's Conservation Officer has been consulted on the proposal who notes that they have previously engaged in pre application discussion with the applicant. The Conservation Officer states that their advice at pre application stage has been followed and they have no objection to the works. Initially, the Conservation Officer was concerned about the removal of the chimney but the plans have been amended to show the chimney will be retained.

Given the importance of the listed building and its prominent location within the Bradninch Conservation Area, a number of conditions are proposed in order to control the materials and finishes that will be used. Subject to these conditions, the development is considered to preserve the historic building and conservation area in accordance with DM25 of the local plan.

### 4. Highway Safety and Parking

Policy DM3 of the local plan states that development must ensure safe access to the transport network whilst DM1 supports the creation of safe and accessible places. The Guildhall building is sited on the corner of Fore Street and Millway. Fore Street is a Class III highway whilst Millway is unclassified. There is an existing access point to the rear of the Guildhall, off of Millway which serves dwellings currently known as The Old School House and Low Down House. As the extension is proposed to the rear of the building, significant concern has been raised by the local community regarding the access point off of Millway which serves the 2 dwellings. This forms the main reason for the application being called into committee.

Initially, the County Highway Authority issued standing advice for the proposal. The standing advice indicates that domestic accesses and drives should be 3m wide. In the locations immediately adjacent to the proposed extension, the submitted plans show the width of the drive to be reduced to 5m and 5.1m. One section of the drive is shown to be

3.2m, however, this is an area not impacted as a result of the development and is already 3.2m wide. Therefore, the proposed development is not contrary to the DCC Highways Standing Advice.

However, given the significant public interest in the development, the Planning Officer further consulted DCC Highways, requesting they undertook a site visit. Following their site visit the Highway Officer concluded that they had no objections, stating:

“The proposal in this application shows this access will still be retained and there still to be widening on the bend. And on the rare occasion that two vehicles were to meet on this driveway and a vehicle would need to reverse on to the unclassified County Road would be acceptable and would be similar to what happens with the off street parking bedside the Guild Hall several times a day.

Therefore the County Highway Authority would have no objections to this application.”

It is acknowledged that the access is narrowed and there may be some issues for larger vehicles. However, given that it is in accordance with standing advice and there is no objection from the Highway Authority, the recommendation is one of approval. Notwithstanding this, a tracking plan has been received which shows that a fire engine can enter the site, the main pinch point being an area which is already narrow and not impacted as a result of the development. In addition, at the time of the site visit, the case officer noticed a number of accesses and drives in Bradninch which appeared to be of similar or in some cases narrower widths. This is particularly the case towards the northern end of Fore Street and the southern end of Millway.

Concern was also raised regarding Condition 2 of application reference 07/02219/FULL which reads:

*“No other part of the development hereby approved shall be commenced until the improvements to the access have been provided in accordance with details indicated on Drawing NO.640/PO2 Rev A and such improvements shall be retained for that purpose at all time”*

These details included the removal of a toilet block in the same location as the extension proposed under this application. This application would effectively override the previous condition. In making their recommendation of ‘no objection’ to this application, the Highway Officer confirmed that they were aware of this condition and understood the reason for it at the time. Notwithstanding this, they have raised no objection to the current proposal. As previously mentioned in this report, it is also notable that parts of the existing access are narrower than the parts directly adjacent to the proposed extension.

There has also been significant correspondence relating to the accuracy of the easement line drawn on the submitted plans. The objectors are concerned that this easement line is not accurately drawn. However, notwithstanding the accuracy of this line, the above recommendations have been made on the basis of the access width following the erection of the proposed extension and therefore the position of this line would not alter these recommendations. Should the easement line be inaccurate and/or should there be a



covenant indicating that the extension cannot be built in this location, this would be a civil matter as opposed to a material planning consideration. It is understood that the objectors are aware of this and have engaged legal advice to potentially pursue a civil case.

Given the above, the access is considered acceptable and the scheme is in accordance with DM1 and DM3 of the local plan.

Policy DM5 refers to parking provision and sets out the required levels of parking per development. The extension is not proposed on an area of land currently used for parking and the existing parking provision will not be impacted upon. As such, there are no concerns regarding parking.

## 5. Other Matters

The letters of objection submitted raised two further matters. These related to the clarity of the plans and the value of local properties. Property value is not a material planning consideration and with regards to the clarity of plans, they are to scale and appear to be accurate. The letters mentioning the plans referred to their clarity in terms of fonts, appearance and the scales chosen. Since the plan are accurate and to scale, these are not valid considerations in this instance.

## 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 work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.
4. No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
5. All new windows shall be painted white unless agreed in writing by the LPA.
6. No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
7. No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
8. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building

Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

9. No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
10. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.
11. No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
12. No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
13. No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

1. In accordance with provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt in the interests of proper planning.
3. To protect the character and appearance of the listed building in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).
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## **INFORMATIVES**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". It has been noted that some of the letters of objection raise the point that a wider access may be required for vehicles used by disabled people. Disability is a protected characteristic and therefore this has been noted and carefully considered in the determination of this application.

## **REASON FOR APPROVAL**

The proposed development for the erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch is considered acceptable as a matter of principle. The overall scale and design of the works are considered acceptable and would not result in significant adverse impacts on the amenity of neighbouring properties, the listed building or conservation area. The access to the rear of the building is also considered to be of an acceptable width following the development. As such the scheme complies with policies S1, S13, DM1, DM3, DM5, DM23 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Application No. 21/02001/LBC

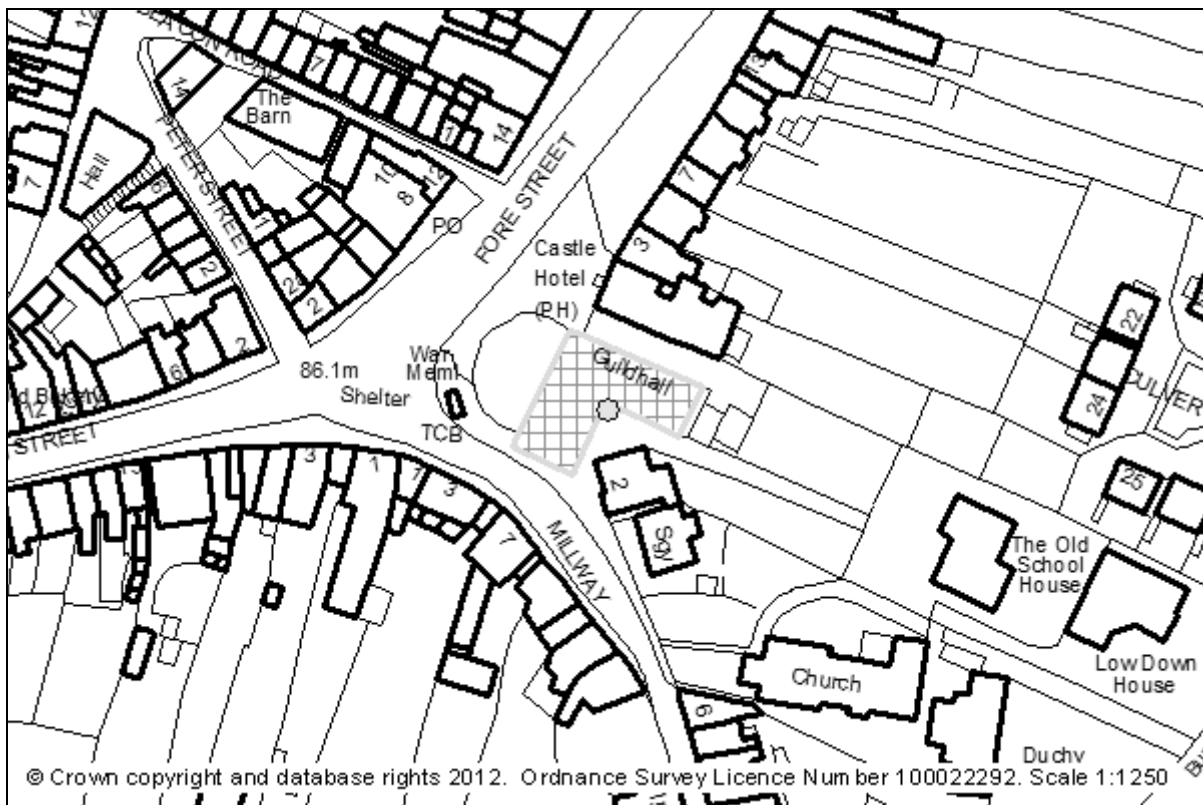
Grid Ref: 299973 : 103991

Applicant: Bradninch Town Trust

Location: The Guildhall  
Fore Street  
Bradninch  
Exeter

Proposal: Listed Building Consent for erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

Date Valid: 10th November 2021



## **APPLICATION NO: 21/02001/LBC**

**Site Visit: Yes      Date of Site Visit: 2.02.2022**

**Decision Delayed Reason:** Further information and consultations required.

### **MEMBER CALL-IN**

This listed building consent application has been considered concurrently with the full planning application, reference 21/01998/FULL.

Cllr Luke Taylor called in the applications for the following reasons:

3. The new development will severely impact the access for the residents of the Old School, due to angles they will not be able to have their mobile caravan and it will be a health and safety concern for those visiting the site.
4. The Old School properties are served by oil delivery vehicles and cesspit emptying vehicles - these could be drastically impeded if the development were to go ahead.

Whilst these reasons largely relate to the full application as opposed to the listed building application, the Council's Legal Department have advised that both applications should be considered by the Planning Committee.

### **RECOMMENDATION**

Grant Listed Building Consent subject to conditions

### **PROPOSED DEVELOPMENT**

Listed Building Consent for the erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch.

The site is within the Bradninch Settlement Boundary and Conservation Area. The building is on the corner of Fore Street and Millway and is Grade II listed. As such, both full planning consent and listed building consent are required for the proposed extension. Alterations to the door and internal alterations required listed building consent.

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

In support of the application, the submission includes:

Heritage Statement, Planning Statement, Structural Report and Photographs, Site Location Plan, Block Plan, Existing Plans and Proposed Plans.

## **RELEVANT PLANNING HISTORY**

**81/01793/LBC** - PERMIT date 11th December 1981 Listed Building Consent for the provision of external door

**89/02533/LBC** - PERMIT date 8th December 1989 Listed Building Consent for internal alterations

**93/00795/LBC** - PERMIT date 31st May 1995 Listed Building Consent for the installation of floodlights

**01/01960/FULL** - PERMIT date 8th March 2002 Installation of CCTV system (Revised proposal)

**01/01961/LBC** - PERMIT date 8th March 2002 Listed Building Consent for installation of CCTV system (Revised proposal)

**01/02104/LBC** - PERMIT date 8th January 2002 Listed Building Consent for internal & external remedial works in vicinity of main stairwell, ground floor wc's and the flat roof.

**06/02015/CAT** - PERMIT date 19th October 2006 Notification of intention to fell 3 no. Cherry Trees within a Conservation Area

**06/02398/LBC** - PERMIT date 14th February 2007 Listed Building Consent for replacement of window frames in Council Chamber

**07/01342/LBC** - PERMIT date 23rd August 2007 Listed Building Consent for replacement windows and external alterations

**07/02220/LBC** - PERMIT date 19th December 2007 Listed Building Consent for the demolition of part of extension to rear (redundant public toilets)

**09/01808/FULL** - DELETE date 19th January 2010 Installation of access ramp and hand rails

**09/01809/LBC** - DELETE date 19th January 2010 Listed Building Consent for installation of access ramp and hand rails

**10/00776/FULL** - PERMIT date 9th July 2010 Construction of access ramp for disabled and installation of hand rails

**10/00778/LBC** - PERMIT date 9th July 2010 Listed Building Consent for the construction of access ramp for disabled and installation of hand rails

**77/00509/LBC** - PERMIT date 10th August 1977 Listed Building Consent and planning permission for alterations to Guildhall's sanitary accommodation to provide public toilets

**19/00830/LBC** - PERMIT date 31st July 2019 Listed Building Consent for the re-positioning of the flag pole and repairs to roof

**21/01998/FULL** - PCO date Erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation

## **DEVELOPMENT PLAN POLICIES**

### **Mid Devon Local Plan Review 2013 – 2033**

S1 (Sustainable Development)

S13 (Villages)

DM1 (High Quality Design)

DM3 (Transport and Air Quality)

DM23 (Community Facilities)

DM25 (Heritage Assets)

## **The National Planning Policy Framework.**

## **CONSULTATIONS**

### **Conservation Officer, 17<sup>th</sup> December 2021:**

You will be aware that I have undertaken a pre application here with the same agent - see 21/00655 and 21/01150.

The applicant has taken on my comments with the exception of the proposed demolition and removal of the chimney. In this respect I do not see the justification within the application to do this. I can support it being taken down to rebuild it to insert a lead tray and improve its weather resistance, but it part of the historic form and should be retained.

Otherwise it is good to see adaptations to the building to allow for access for all. The applicants approach is sensitive and improves the building for its original use in an appropriate way. The proposals are also acceptable in the context of the conservation area, and the setting of the adjacent listed buildings

Please condition:

No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

All new windows shall be painted white unless agreed in writing by the LPA.

No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

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No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Conservation Officer, 26<sup>th</sup> January 2022:**

Thank you for consulting me on the further information we have received.

I have nothing to add to my previous comments other than to note that the chimney is still proposed to be removed.

**Conservation Officer, 7<sup>th</sup> February 2022:**

I have previously commented on this application.

I am happy with the proposal to rebuild the chimney.

Not it is missing from the proposed rear elevation.

**Bradninch Town Council, 15<sup>th</sup> December 2021:**

At Monday evening's Town Council meeting it was resolved to submit the following comment to MDDC with regards to the planning application for The Guildhall, Bradninch: Whilst the Town Council is in support of the Town Trust improving the Guildhall building for the use of the community, the Town Council objects to the application as it cannot support a design that might restrict or hinder access to the neighbouring properties in general, and for emergency vehicles, as stated in the planning conditions of the 2007 application.



**Bradninch Town Council, 2<sup>nd</sup> February 2022:**

It was resolved to submit the following comment to MDDC: 'As there does not appear to be any new material difference within the added information to enable the Council to change its position, its previous comments on the matter still stand'.

**Highway Authority, 15<sup>th</sup> December 2021:**

The County Highway Authority recommends that the Standing Advice issued to Mid Devon District Council is used to assess the highway impacts, on this application.

**Highway Authority, 25<sup>th</sup> January 2022:**

Observations:

The County Highway recommended Standing Advice for this application for the effect on the public highway.

The Planning officer has since asked me to visit the site and put forward my observations on this application.

I therefore have visited the which is accessed off an unclassified County Route which is restricted to 30 MPH.

The number of personal injury collisions which have been reported to the police in this area between 01/01/2016 and 31/12/2020 is none.

The County Highway Authority understand the intention of the condition recommended from the previous Highway Officer for the School House Application 07/02219/FULL and for this access to be retained at all times.

The proposal in this application shows this access will still be retained and there still to be widening on the bend. And on the rare occasion that two vehicles were to meet on this driveway and a vehicle would need to reverse on to the unclassified County Road would be acceptable and would be similar to what happens with the off street parking bedside the Guild Hall several times a day.

Therefore the County Highway Authority would have no objections to this application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT.

**Environment Agency:**

Operational development less than 1 ha within Flood Zone 1 - no EA consultation required - see surface water management good practice advice - see standard comment.

**REPRESENTATIONS**

A total of 2 letters of support and 67 letters of objection have been received at the time of writing this report. Some of these letters are from the same households and individuals whilst a significant majority only refer to the full application and not this listed building

consent application. However, in the interests of clarity and transparency, all considerations raised have been summarised below:

- Detrimental impact to vehicular access for neighbouring properties (Old School House & Low Down House), particularly for larger service vehicles, vehicles carrying disabled people and emergency vehicles.
- Safety concerns regarding the access following the proposed development.
- Application 07/02219/Full found it necessary to demolish a building in this position to maintain the access. There is a condition to this regard on the decision notice
- Accuracy of easement line shown on the submitted plans
- Accuracy of submitted plans more broadly
- Impact on value of surrounding properties
- Impact of the extension on the listed building

## **MATERIAL CONSIDERATIONS AND OBSERVATIONS**

**The main issues in the determination of this listed building consent application are:**

1. Policy, Procedure and Principle of Development
2. Impact on the Listed Building
3. Other Matters

- 1. Policy Procedure and Principle of Development

Policy S13 of the local plan deals with development within defined settlements such as Bradninch. It supports appropriately scaled development within defined settlements, particularly those which allow the settlement to be self-sufficient.

More specifically, Policy DM23 states that the development of community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement and that proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.

The proposal is for the erection of a two storey extension as well as alterations internally and to the front door which are proposed to ensure the enhancement of the community facility. Given that the building is Grade II listed, listed building consent is required for these changes.

- 2. Impact on the Listed Building

In coming to this decision the council must be mindful of the duty as set out in section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting and features of special architectural or historic interest which it possesses.

Similarly, DM25 of the local plan refers to heritage assets stating that they are irreplaceable resources. It seeks to preserve and enhance designated assets and their settings.

The Council's Conservation Officer has been consulted on the proposal who notes that they have previously engaged in pre application discussion with the applicant. The Conservation Officer states that their advice at pre application stage has been followed and they have no objection to the works. Initially, the Conservation Officer was concerned about the removal of the chimney but the plans have been amended to show the chimney will be retained.

Given the importance of the listed building and its prominent location within Bradninch, a number of conditions are proposed in order to control the materials and finishes that will be used. Subject to these conditions, the development is considered to preserve the historic building in accordance with DM25 of the local plan.

### - 3. Other Matters

A number of concerns have been raised regarding the impact the proposed access may have on the access which serves dwellings currently known as Old School House and Low Down House. This application is purely for listed building consent and the impacts on the listed building have been found to be acceptable. The impacts relating to access and other material planning considerations are assessed within the report for the concurrent full application (reference

## **CONDITIONS**

14. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
15. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
16. No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.
17. No work shall be carried out to fit any new or alter any existing doors unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
18. All new windows shall be painted white unless agreed in writing by the LPA.
19. No work shall be carried out in relation to new or replacement rainwater goods until details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.
20. No work shall be carried out in relation to roof parapet unless the design details of all parapet and abutments, including detail drawings at a scale of 1:5, and all new cast metal guttering, down pipes, other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

21. The area(s) of rebuilding shall be restricted to that defined on the approved plan(s) and shall not be enlarged without the prior express grant of Listed Building Consent. In the event that completion strictly in accordance with such approved plans shall become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when consent has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.
22. No work shall be carried out to block any openings unless details of the method of the blocking of all doorways and windows shown on the approved plans are to be submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
23. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.
24. No work shall be carried out to fit any new WCs or Kitchens unless details of all new services to such rooms, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
25. No work shall be carried out to the existing building unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc., including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the format of a room by room schedule as necessary. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.
26. No work shall be carried out to alter the front steps until full details including materials, shape and profile of the steps has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

## **REASONS FOR CONDITIONS**

14. RD3 in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
15. For the avoidance of doubt in the interests of proper planning.
16. To protect the character and appearance of the listed building in accordance with DM1 and DM25 of the Mid Devon Local Plan (2013-2033).
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## **INFORMATIVES**

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". It has been noted that some of the letters of objection raise the point that a wider access may be required for vehicles used by disabled people. Disability is a protected characteristic and therefore this has been noted and carefully considered in the determination of this application.

## **REASON FOR GRANT OF LISTED BUILDING CONSENT**

Listed building consent for the erection of two storey rear extension to replace existing flat roof section and alterations to improve accessibility including reinstating existing central door on front elevation at The Guildhall, Fore Street, Bradninch is considered acceptable as a matter of principle. The overall scale of the design of the works are considered acceptable and they would not adversely impact the character or appearance of the Grade II listed building. As such, the scheme complies with policies S1, S13, DM1, DM23 and DM25 of the Mid Devon Local Plan (2013-2033) and guidance in the National Planning Policy Framework.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report

has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

## Major Applications with no Decision (Since last Committee Close Date)

Members are asked to note that some major applications will be dealt with under the delegation scheme. Members are also requested to direct any questions about these applications to the relevant case officer. It was resolved at the meeting of Planning Committee on 21st March 2018 that with the exception of small scale proposals, applications for ground mounted solar PV arrays recommended for approval be brought before the Committee for determination.

Application No	Target Date	Location	Proposal	Name	Expected Decision Level
22/00495/MFUL	31 <sup>st</sup> May 2022	Land at NGR 304334 114640 (Holbrook Barton) Sampford Peverell	Erection of 1 agricultural storage building (864sqm) and 1 agricultural livestock building (864sqm) and associated works	Mr Jake Choules	DEL
22/00420/MARM	19 <sup>th</sup> May 2022	Land at NGR 292294 101802 (South of Broadlands) Thorverton	Variation of condition 2 of Reserved Matters application 19/01527/MARM to allow substitution of plans for additional double garage to Plot 2	Mr John Millar	DEL
22/00406/MFUL	1 <sup>st</sup> June 2022	Land at NGR 305146 112110 (South of Hitchcocks Business Park) Uffculme	Erection of warehouse and office and welfare unit to include yard areas, associated landscaping and infrastructure	Mr James Clements	DEL
22/00398/MFUL	16 <sup>th</sup> June 2022	Land at NGR 297202 113154 (Blundells School) Blundells Road, Tiverton	Erection of swimming pool building, conversion of squash court into a PE department, external services compound and associated landscaping	Mr John Millar	DEL

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