

Planning Committee

Wednesday, 11 September 2024 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 9 October 2024 at 2.15 pm

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[Click here to join the meeting](#)

Meeting ID: 348 048 413 25
Passcode: rUYioK

Membership

S J Clist
G Cochran
F J Colthorpe
L J Cruwys
G Czapiewski
G Duchesne
C Harrower
B Holdman
M Jenkins
N Letch
S Robinson

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 - 10*)
To consider whether to approve the minutes as a correct record of the meeting held on 28th August 2024.
- 5 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman may wish to make.
- 6 **WITHDRAWALS FROM THE AGENDA**
To report any items withdrawn from the agenda.
- 7 **THE PLANS LIST** (*Pages 11 - 24*)
To consider the planning applications contained in the list.
- 8 **MAJOR APPLICATIONS WITH NO DECISION** (*Pages 25 - 26*)
To receive a list of major applications and potential site visits.
- 9 **APPEAL DECISIONS** (*Pages 27 - 28*)
To receive a list of recent appeal decisions
- 10 **PERFORMANCE DASHBOARD QUARTER 1** (*Pages 29 - 30*)
To receive a report from the Corporate Performance and Improvement Manager on the Performance Dashboard for Quarter 1.

Guidance notes for meetings of Mid Devon District Council

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If the Council experience technology difficulties at a committee meeting the Chairman may make the decision to continue the meeting 'in-person' only to conclude the business on the agenda.

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You must provide copies of questions to be asked no later than 4pm on the day before the meeting. Please refer to the Planning Committee Procedure Planning Committee Procedure (middevon.gov.uk). This will ensure that your name is on the list to speak 3 and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

5. Meeting Etiquette for participants

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking.
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called “turn on live captions” which provides subtitles on the screen.

6. Exclusion of Press & Public

When considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act. If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed. They will be invited to return as soon as the meeting returns to open session.

7. Recording of meetings

All media, including radio and TV journalists, and members of the public may attend Council, Cabinet, PDG and Committee meetings (apart from items Media and Social Media Policy - 2023 page 22 where the public is excluded) you can view our Media and Social Media Policy [here](#). They may record, film or use social media before, during or after the meeting, so long as this does not distract from or interfere unduly with the smooth running of the meeting. Anyone proposing to film during the meeting is requested to make this known to the Chairman in advance. The Council also makes audio recordings of meetings which are published on our website [Browse Meetings, 2024 - MIDDEVON.GOV.UK](#).

8. Fire Drill Procedure

If you hear the fire alarm you should leave the building by the marked fire exits, follow the direction signs and assemble at the master point outside the entrance. Do not use the lifts or the main staircase. You must wait there until directed otherwise by a senior officer. If anybody present is likely to need assistance in exiting the building in the event of an emergency, please ensure you have let a member of Democratic Services know before the meeting begins and arrangements will be made should an emergency occur.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

MINUTES of a **MEETING** of the **PLANNING COMMITTEE** held on 28 August 2024 at 2.15 pm

Present

Councillors

L J Cruwys (Chairman)
S J Clist, F J Colthorpe, G Czapiewski,
G Duchesne, C Harrower, B Holdman,
M Jenkins, L G J Kennedy, N Letch and
S Robinson

Apologies

Councillor(s)

G Cochran

Also Present

Councillor(s)

S Keable and F W Letch

Also Present

Officer(s):

Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)), Angharad Williams (Development Management Manager), Daniel Sims (Planning Officer), Tim Jarrett (Arboricultural Officer) and Angie Howell (Democratic Services Officer)

Councillors

Online

E Buczkowski, J Buczkowski and A Glover

Officers Online

Adrian Devereaux

33 APOLOGIES AND SUBSTITUTE MEMBERS (00:04:02)

Apologies were received from Cllr G Cochran and Cllr L Kennedy substituted.

34 PUBLIC QUESTION TIME (00:04:20)

Martin Hanns referred to Application No. 24/00001/TPO and asked the following question:-

I would like the officer to explain why these particular trees are any different legally speaking than the rest on the holding as they're part of the same management plan and subject to the same governance as to whether it's expedient to make them subject to a TPO (Tree Preservation Order) given they're already under management and protected under hedgerow legislation.

The Chair advised that the question would be answered when the TPO was discussed on the agenda.

35 DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT (00:09:57)

Members were reminded of the need to declare any interests where appropriate.

No declarations of interest were made.

36 MINUTES OF THE PREVIOUS MEETING (00:10:17)

The minutes of the previous meeting held on 31st July 2024 were agreed as a true record and duly signed by the Chair.

37 CHAIR'S ANNOUNCEMENTS (00:10:33)

The Chair made the following announcements:-

- There would be a National Planning Policy Framework update at the Policy Planning Advisory Group meeting tomorrow. Tristan Peat would be providing an update on consultation changes and how Mid Devon District Council would respond to it. This would be the first item on the agenda and the meeting would start at 10.00am.
- The Committee wished the Development Management Manager all the best as this would be her last Planning Committee before beginning her maternity leave. Proceedings were underway to fill the vacancy to cover the period of maternity leave.

38 WITHDRAWALS FROM THE AGENDA (00:14:00)

There were no withdrawals from the Agenda.

39 THE PLANS LIST (00:14:06)

The Committee considered the applications in the *Plans List.

- a) 24/00533/FULL - Siting of containers to provide equipment storage, cooking, washing and changing facilities at Land at NGR 284406 100511, Lords Meadow Leisure Centre, Commercial Road.

The Planning Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- The Application was for the siting of containers to provide equipment storage, cooking, washing and changing facilities on Mid Devon District Council (MDDC) land at Lords Meadow Leisure Centre, Crediton.

- The site was used for the Community Youth Football Teams for ages under 7 to under 16 boys and under 11 to under 15 girls' teams. There was also training times for disabled teams.
- The pitch played a vital part of the community for all those years and did not currently benefit from any facilities.
- The club had finally decided it was now time to invest and bring the club up to date with new facilities.
- There were residential properties to the north of the site.
- The exterior of the storage and tractor sheds would be timer clad with timber clad fencing fixed to posts.
- Two storage containers would have direct access to the playing fields.
- There would be fencing to the east and tree planting.
- A slight issue had been raised by the Ecology Officer with regard to Biodiversity Net Gain (BNG). Devon County Council (DCC) were consulted on the application to ensure 10% BNG could be achieved. The tree planting shown in the report appeared to be just outside of the red line boundary on the site plan submitted. This had now been amended by extending the red line boundary to include the trees and was now deemed acceptable by the Ecology Officer.

Discussion took place regarding:-

- The effect that the buildings could have on the tree roots. It was explained that as it was just containers this would not cause any impact on the tree roots and the Ecologist had not raised any concerns.
- The species of trees to be planted and the distance of planting between the trees. The Committee were informed that the distance between trees would be approximately 1.8 metres. The species of trees were yet to be agreed.

It was **RESOLVED** that planning permission be granted subject to conditions.

(Proposed by Cllr S Clist and seconded by Cllr C Harrower)

Reason for the Decision – as set out in the report.

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

40 **TREE PRESERVATION ORDER - 24/0001/TPO WYLLSPRING FARM, CREDITON (00:37:33)**

The Committee considered the Tree Preservation Order (TPO)

Tree Preservation Order 24/00001/TPO – for a group of 4 oak trees within a hedge line land at Wyllspring Farm, Penstone, Colebrooke, Crediton.

In response to the public question raised the Arboriculture Officer answered as follows:-

The hedgerow legislation protects important hedgerows in the countryside, by controlling their removal through a system of notification. The hedgerow legislation does not control the pruning or cutting of important hedges or trees within them. The cutting of hedgerows is clearly necessary undertaking, whether this is cyclical maintenance or ad hoc. Though it is generally not viewed as expedient to offer tree protection orders to the majority of trees in hedgerows there are some situation where it is. In this instance it was felt expedient to serve a tree protection order due to the screening value provided of the large storage barns, permitted under the application 22/01693/FULL, particularly from Colebrook. It is recognised the oak trees were likely to require crown management periodically in relation to the outbuilding. Such crown management could impact the screening value provided and potentially be detrimental to the oak trees in question. A tree protection order would ensure potential future pruning works are reasonable and justifiable, particularly if the screening of the storage barns would be reduced as a result and help safeguard the local amenity value as well as public local interest with the trees too.

The Arboriculture Officer outlined the contents of the report by way of a presentation and highlighted the following:-

- A TPO was made on 22nd May 2024 following previous discussions with the land owner.
- The new TPO was for 4 oak trees situated within a hedgerow that acted as a field boundary.
- The area was abundant with trees and hedgerows which were under a DEFRA (Department for Environment Food & Rural Affairs) Management Plan.
- The TPO was due to the importance of protecting the screening of the farm.
- Any crown work would significantly reduce the screening of the barn and the wider landscape.

Discussion took place regarding:-

- The distinction between the DEFRA Management Plan and the TPO. It was explained that the TPO ensured that the trees remained as they were and could not largely be touched unless an application was submitted. A DEFRA Management Plan was committed to pruning hedgerows.
- Whether a TPO could be revoked? It was explained that a TPO could be revoked if there was reason to do so.

It was therefore **AGREED** to grant consent.

(Proposed by Cllr L G Kennedy and seconded by C Harrower)

Reason for the Decision – as set out in the report.

Notes:-

- (i) Cllr S Clist abstained from voting

Note: * Previously circulated and attached to the minutes.

41 **MAJOR APPLICATIONS WITH NO DECISION (01:01:15)**

The Committee had before it, and **NOTED**, a list *of major applications with no decision.

The Committee agreed that the applications remained as per the report.

Note: *List previously circulated, copy attached to the minutes.

(The meeting ended at 3.16 pm)

CHAIR

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PLANNING COMMITTEE AGENDA - 11th September 2024

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	24/01034/FULL - Change of use of building to a mixed use of residential for a one-bedroom flat (Use Class C3) and a ground floor independent community room (Use Class F2) at Wellclose, Ham Place, Tiverton. RECOMMENDATION Grant permission subject to conditions.

Application No. 24/01034/FULL

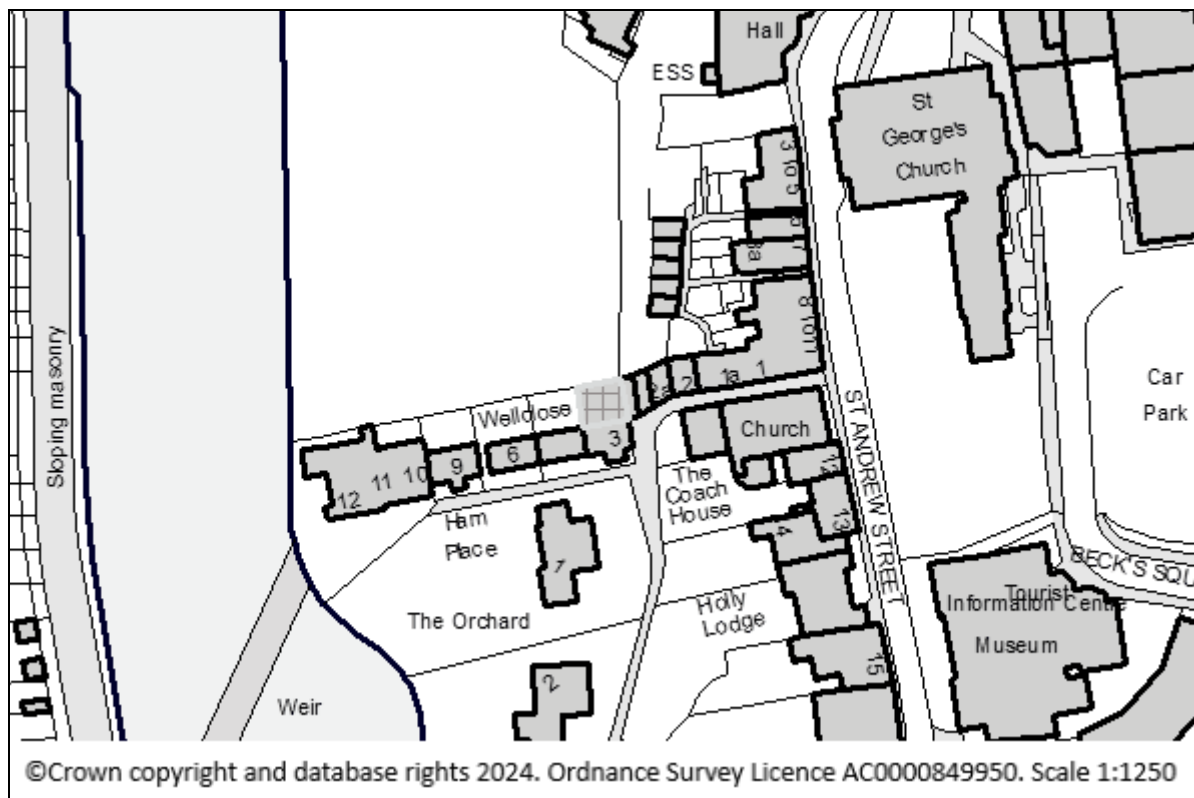
Grid Ref: 295376 : 112416

Applicant: Mr Mitchell Frost, Mid Devon District Council

Location: Wellclose
Ham Place
Tiverton
Devon

Proposal: Change of use of building to a mixed use of residential for a one-bedroom flat (Use Class C3) and a ground floor independent community room (Use Class F2)

Date Valid: 8th July 2024



APPLICATION NO: 24/01034/FULL

REASON FOR REFERRAL TO COMMITTEE

This application is required to be considered by the Planning Committee, in line with the Council's adopted Scheme of Delegation, as Mid Devon District Council is the applicant.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Change of use of building to a mixed use of residential for a one-bedroom flat (Use Class C3) and a ground floor independent community room (Use Class F2)

The proposed development relates to a two storey former dwelling that has most recently been used as an office and staff meeting/welfare facilities for workers employed in the construction and management of the adjoining St George's Court residential development. The building is of brick construction with tile roof and located within the Tiverton Conservation area. There is access from Ham Place to the south and St George's Court to the north.

The proposal is made to formally convert the building into a one-bedroom flat that will form part of Mid Devon District Council's social rented housing stock, and a separate community room. The community room is proposed to be used by adjoining residents living within Mid Devon District Council's housing in the St George's Court development, St Andrew Street and Ham Place. It is primarily intended for the use of residents over the age of 55, and those who are less mobile. The majority of works are internal, other than the replacement of a north facing ground floor window with a door to provide access to the proposed community room.

APPLICANT'S SUPPORTING INFORMATION

Existing and proposed plans, design and access statement, wildlife trigger table, air quality check list, Devon BNG statement for validation.

RELEVANT PLANNING HISTORY

90/00065/OUT - PERMIT date 3rd July 1990

Outline for the erection of offices and parking and construction of new and alteration to existing vehicular access

01/01555/FULL - WITHDRAWN date 2nd April 2002

Change of use from residential to office use

Other relevant history

17/01509/MFUL – PERMIT date 8th December 2017

Erection of 39 dwellings following demolition of existing garages and adjacent substructure, together with bike storage, underground car parking, landscaping and associated works

22/00672/FULL - DECLINED TO DETERMINE date 12th September 2022

Formation of residential parking area and landscaping works: APPEAL ALLOWED - PLANNING PERMISSION GRANTED 09.06.23

22/01718/MFUL - PERMIT date 3rd November 2022

Variation of condition 2 of planning permission 17/01509/MFUL (Erection of 39 dwellings following demolition of existing garages and adjacent substructure, together with bike storage, underground car parking, landscaping and associated works) to allow substitute plans relating to external materials and colours and basement car park screens

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities
S2 - Amount and distribution of development
S3 - Meeting housing needs
S4 - Ensuring housing delivery
S9 - Environment
S10 - Tiverton
DM1 - High quality design
DM3 - Transport and air quality
DM4 - Pollution
DM5 - Parking
DM23 - Community facilities
DM25 - Development affecting heritage assets

Tiverton Neighbourhood Plan 2020 to 2033

T1 - Location and scale of development in Tiverton
T2 - Meeting local housing needs
T3 - Providing lifetime affordable housing
T4 - Character of development
T5 - Design of development
T16 - Encouraging safe and sustainable movement

National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS

TIVERTON TOWN COUNCIL

Feel that the property should be returned to full domestic use

DCC HIGHWAY AUTHORITY

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.

MDDC PUBLIC HEALTH

31st July 2024: This former dwelling has been used as first floor offices and a ground floor meeting room for some time. The proposal is for change to unspecified community use, although the plans just show a conference table. Conversion of a single two storey dwelling into a first floor flat with public community use below is always problematic and there is potential for noise impacts, both on

the residents above in what were former bedrooms, and immediately adjacent residences. There is potential for the meeting room to be let out for children's parties, small scale entertainment (bingo etc) and therefore it is likely that adjacent residents will be affected by noise from music and people noise, both inside and outside the building.

We would therefore request clarification of exactly what the room is intended to be used for, together with details of the sound insulation properties of the ground floor ceiling/first floor dwelling and the party walls with neighbouring dwellings. If necessary an enhanced sound insulation scheme will be required, or the conversion may not be acceptable/appropriate and adaptation back to a dwelling may be preferable.

17th August 2024: That's fine. The hours don't need to be too restrictive, bearing in mind the community benefit this will provide so suggest 9am to 7pm on any day.

SOUTH WEST WATER

South West Water has no comment.

REPRESENTATIONS

This planning application has been advertised by means of a site notice erected by the Planning Officer, by notifying immediately adjoining neighbours in writing and by advertising in a local newspaper in accordance with the legal requirements for publicity on planning applications, and the Council's Adopted Statement of Community Involvement July 2020.

Three letters of objection have been received from local residents. The main points raised are summarised below:

- The building, and its location, are unsuitable for a community room.
- Conversion of a family house into a flat and a community room is a waste of taxpayer money. It should be made available on the open market for young people to renovate, rather than at the Council's expense.
- There are other unused spaces in Tiverton that could accommodate community facilities.
- Use of part of the building as a community room open to all residents of Tiverton could adversely impact on the residential amenity of neighbours. There are concerns that the use could cause disturbance through loud music, troublesome behaviour and undesirable people coming through Ham Place at any time of the day and night.
- Concerns that the provision of a toilet to serve the community room could lead to vermin affecting the neighbouring property following an issue where rats penetrated the neighbouring property's cupboard and kitchen a few years ago after they had entered via a blocked off lavatory.
- It was initially understood that the community room would be just for use of elderly residents of St George's Court, however have since been advised that it would be a drop-in centre for anyone, which raises concerns about unsociable behaviour associated with its use.
- Concerns that the use of the community room would lead to overlooking of neighbouring gardens.
- It is requested that the windows on the west elevation of the property be fitted with vertical or venetian blinds.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1. Principle of development**
- 2. Design and impact on the character and appearance of the surrounding area**
- 3. Flooding and drainage**
- 4. Residential amenity**
- 5. Highways, parking and access**
- 6. Ecology and Biodiversity Net Gain**
- 7. Planning obligations**
- 8. Planning balance**

1. Principle of Development

- 1.1 S.38[6] of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework is noted as one such material consideration. The National Planning Policy Framework outlines three dependant objectives of sustainable development; economic, social and environmental.
- 1.2 The National Planning Policy Framework (2023) outlines that development should be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The Mid Devon Local Plan 2013-2033 was adopted in 2020 and sets out the growth strategy for the District that seeks to balance social, environmental and economic objectives. Policy S1 states that development will be concentrated at Tiverton, Cullompton, and Crediton. Policy S10 (Tiverton) which recognises proposals will provide for approximately 2,358 dwellings, of which 660 will be affordable.
- 1.3 The National Planning Policy Framework (NPPF) seeks to make the most efficient use of land with the assessment to be made as to whether the layout and density of the residential development is appropriate and fits into the context of the site and surrounding area.
- 1.4 With respect to other relevant policies within the saved Development Plan, Policy S1 (Sustainable development priorities) of the Mid Devon Local Plan 2013-2033 seeks to manage growth in a sustainable way to support the diverse needs of communities, including the provision of affordable housing and making the most efficient use of land. Policy S3 (Meeting housing needs) seeks to meet the diverse housing needs of the community, including the provision of affordable dwellings across the District.
- 1.5 Policy T1 (location and scale of development) of the Tiverton Neighbourhood Plan states that development in the neighbourhood area will be focused within the settlement boundary, established through Local Plan policy and shown on the Policies Map. Policy T2 (meeting local housing need) outlines that other than in development designed to meet an identified specialist housing need, the mix of housing sizes, types and tenures in proposed development should, in so far as is reasonably practicable and subject to viability considerations, assist in meeting needs identified in the most recently available Strategic Housing Market Assessment and/or the Tiverton Local Housing Needs Assessment.
- 1.6 The site is within the Tiverton defined settlement boundary where residential development is permitted in principle by policies S1 and S10 of the Mid Devon Local Plan 2013. The development of the one bedroom flat would contribute to meeting the housing needs of the

District as set out in policy S3 of the Local Plan, and housing needs data identifying the highest need and demand for residential dwellings in Tiverton being one bedroom units. It is also noted that the property is proposed to be used for social rented housing, in line with the adjoining St George's Court development, and other Mid Devon housing properties in St Andrew Street and Ham Place.

1.7 Despite the concerns raised by local residents, it has been confirmed that the purpose of the community room is to provide a space for Mid Devon Housing tenants, in the neighbouring developments, primarily to provide a meeting space for the over 55 year olds and less mobile residents. It is not intended to be open to other members of the public. It is advised that this is an essential part of the development and would be a much needed space for these residents in particular. The agent has advised that the community room is likely to be used no more than two times a week and would only be used in daytime hours. On this basis, the proposed community use is considered to be acceptable. The applicant has agreed to the imposition of conditions to restrict the use to residents only, and to also limit the hours of use.

1.8 The further relevant planning matters of the development are considered further below.

2. Design and impact on the character and appearance of the surrounding area, including heritage impact

2.1 Policy DM1 of the Local Plan seeks high quality design that demonstrates a clear understanding of its context. This policy also requires that the development does not have an unacceptable impact on the privacy and amenities of neighbouring uses.

2.2 The proposed development does not include the extension of the existing building, with internal changes proposed to form the living accommodation and subdivide the property to form the community room. The only external change is the removal of a ground floor window to provide an external door to access the community room from the St George's Court development. The change proposed would be in keeping with the other doors.

2.3 Policy DM1 of the Local Plan sets standards for new housing, including internal floor space standards by way of the Nationally Described Space Standards. Housing should achieve adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows; and suitably sized rooms and overall floor space which allows for adequate storage and movement within the building together with external space for recycling and refuse.

2.4 The proposed dwelling meets the minimum floor space requirements set out in the Nationally Described Space Standards, with a floor area over the two floors of approximately 78 square metres and would achieve adequate levels of daylight, sunlight and privacy. There is no external amenity space, however noting the previous use of the property as a dwelling, it is not considered that it would be reasonable to refuse planning permission on these grounds. It is also acknowledged that there are similar properties in the immediate vicinity. Notwithstanding this, the size of the property does exceed the Nationally Described Space Standards by around 20 square metres, and there is a large cupboard and potentially under stair storage, where there would be sufficient storage space to accommodate bins and recycling boxes.

2.5 The site is located within the Tiverton Conservation Area. Paragraph 203 of the NPPF advises that "in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

2.6 The above requirements in respect to heritage assets are echoed in policy S9 of the Mid Devon Local Plan, which includes the requirement that “development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through...the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance, such as listed buildings, conservation areas, scheduled monuments and local heritage assets.” Policy DM25 also states that “heritage assets and their setting which are irreplaceable resources accordingly the Council will:

- a) Apply a presumption in favour of preservation in situ in respect of the most important heritage assets
- b) Require development proposals likely to affect heritage assets and their settings, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting and local distinctiveness, and opportunities to enhance them.
- c) Only approve proposals that would be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of the NPPF are met.
- d) Where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use; and
- e) Require developers to make a proportionate but sympathetic assessment of the impact on setting and thereby the significance of heritage asset(s)”

2.7 In coming to this decision the council must also be mindful of the duty as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the decision 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.

2.8 In this case, the proposed development involves mainly internal alterations with the only external change being the replacement of a ground floor window with a door. On this basis, the proposed development is considered to preserve the character and appearance of the conservation area and cause no harm the setting or significance of this heritage asset.

2.9 Overall, it is considered that the proposal is acceptable and accords with policies S9, DM1 and DM25 of the Mid Devon Local Plan.

3. Flooding and Drainage

3.1 The NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications

should be supported by a site-specific flood-risk assessment. Policy S9 of the Mid Devon Local Plan 2013-2033 guides development to locations with the lowest flood risk and seeks to ensure development does not increase the risk of flooding elsewhere.

- 3.2 The site is located within Flood Risk Zone 1, which includes areas at the lowest risk of flooding. The proposal does not include any extension of the property or any external alteration that would increase surface water runoff, or the risk of flooding.
- 3.3 Foul drainage would remain as existing, with discharge direct to the local sewage network.
- 3.4 Overall, there will not be any impact on flood risk.

4. Residential amenity

- 4.1 Paragraph 135 of the NPPF outlines that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.2 This is reflected in policy DM1 of the Mid Devon Local Plan 2013 - 2033 which sets out that new development should respect the privacy and amenity of neighbouring residents.

- 4.3 It has previously been noted that there are neighbour concerns about the use of the community room, with worries that it could be open to any users, with the possibility of loud music, anti-social behaviour and general disturbance. The Council's Environmental Health Officer also raised concerns, mainly due to the ambiguity over the proposed use of this element of the development. It has since been confirmed that the use of the community room is intended for residents of Mid Devon Housing properties in the vicinity only and is considered necessary to provide a meeting place for those residents that are over 55 years of age and less mobile. It is not intended to be used for parties, or other social gatherings, or to be used by the wider public. The Council's Environmental Health Officer is satisfied with this and no longer has any objections to the proposed community room. The applicant is

happy for conditions to be imposed restricting the use to such residential use and limiting the hours of use. The Environmental Health Officer is of the view that use between 09:00 and 19:00 on any day would be acceptable, which exceeds the suggested usage, with the agent indicating that the community room would be unlikely to be used more than twice a week and most likely only within working hours.

- 4.4 The building does contain four windows in the western elevation, which overlook a neighbouring garden. These are ground floor windows that will serve the community room, and first floor windows that will serve the flat's living and dining rooms. Ordinarily this would not be seen as an ideal situation, however in this case it has to be acknowledged that this is an existing building with existing uses. The windows are already in place and as such would already have had a similar impact as will result from the proposed use. Consideration could be given to adding obscure glazing, however this is not ultimately considered to be reasonable as this would create poor living conditions within the building, and again the previous use as a dwellinghouse and recent use as an office and staff welfare space would have led to usage of these windows. It is also noted that the use of the community room is unlikely to be a regular occurrence, in which case the harm as a result of use of this room is unlikely to be significant.
- 4.5 One immediately adjoining neighbour has raised concerns about the possibility of a new toilet at ground floor level leading to access of their property by rats following a similar incident a few years ago. It is understood however this related to a discussed lavatory, which had been blocked off. There is no reason that this should be an issue in this case. Notwithstanding this, it is not considered to be a material planning consideration.
- 4.6 Overall, it is considered that the proposed development would not lead to unacceptable harm to residential amenity, in accordance with Local Plan policy DM1 and the aims and objectives of the NPPF.

5. Highways, parking and access

- 5.1 Policy DM1 of the Local Plan states that new development should be safe and accessible and policy DM3 of the Local Plan requires development to ensure safe access to the transport network. Policy DM5 states that sufficient vehicle parking and bicycle storage must be provided.
- 5.2 At present the building does not have any off street parking and none is proposed.
- 5.3 The Highway Authority have commented on the application advising that Standing Advice should be applied. As there is no access to be provided, the Standing Advice in respect to accesses and visibility is not relevant, however policy DM5 of the Mid Devon Local Plan stipulates that the development must provide an appropriate level of parking, taking into account the accessibility of the site, including the availability of public transport and the type, mix and use of development. In respect of parking provision, Policy DM5 requires an average of 1.7 spaces per dwelling. While it is acknowledged that the proposal would not be served by any off-street parking, it is noted that this is consistent with the existing situation, with no parking being available when previously used as a larger dwellinghouse, or in its most recent use as an office and staff welfare building. Furthermore, the site is within the designated town centre within very close walking distance of shops, facilities and public transport required for day to day living and it would not be essential to use a car in this location. There are also several public car parks in close proximity to the proposed

dwellings. It is therefore considered that a car free development can be justified in this location.

- 5.4 Overall, the proposed development is deemed to be acceptable from a highway safety point of view, and there are no objections to the proposed variation to the standard requirements of policy DM5 of the Mid Devon Local Plan.

6. Ecology and Biodiversity Net Gain

- 6.1 Policy S9 of the Local Plan relates to the environment and clause f) states that development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through the protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species, populations and linking habitats. Policy DM1 Clause c) requires new development to demonstrate a positive contribution to local character including biodiversity assets.
- 6.2 The application relates to an existing building that will be reused in a manner that will not have any impact on roof space of the building, or on any other features of ecological value.
- 6.3 Due to the scale of development, with no material impact on any habitat, the development is exempt from mandatory requirements for 10% Biodiversity Net Gain (BNG).
- 6.4 There is no identified harm to local ecology and the scheme appropriately accords with policies S9 and DM1 of the Local Plan.

7. Planning obligations

- 7.1 Policy S5 (Public Open Space) states that within Tiverton, public open space is required from residential development of 11 or more dwellings. In this case however, the development is for solely affordable housing, and otherwise fall below the threshold, in which no financial contributions would be required.
- 7.2 The development also does not meet the threshold for contributions towards education due to less than four family (2+ bed) houses being proposed.

8. Planning balance

- 8.1 The application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Mid Devon Local Plan, taken as a whole. The application is in full and there are no technical reasons why the application should not be approved. The proposal respects the character, scale, setting and design of the existing adjacent dwellings and will not result in over-development of the site. The proposed development will not significantly impact on any neighbouring properties or adversely affect ecological interests, highway safety interests, flood risk or surface water management. Despite the lack of off-street parking, the site is within walking distance of public transport and other services and facilities.
- 8.2 The delivery of one additional one-bedroom affordable home for social rent, weighs in favour of approval of the application, as well as the provision of a community space for more vulnerable housing tenants. Taking all the above into consideration, it is considered that the

balance weighs in favour of approval of the application. Other matters put forward in favour of the development include an absence of harm to ecology, flooding, drainage and highway safety. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited. The proposed development is acceptable in principle subject to the imposition of conditions under Local Plan policies S1, S3, S9, S10, DM1, DM2, DM3, DM5 and DM25

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". No persons that could be affected by the development have been identified as sharing any protected characteristic.

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. The community room hereby permitted shall only be used for purposes incidental to the residential occupation of the Mid Devon Housing properties in the local vicinity (social housing in St George's Court, St Andrew Street and Ham Place) and shall be used for no other purpose (including for any other local community use falling within Use Class F2 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or any other change of use or flexible use permitted under the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), or to the Town and Country Planning (General Permitted Development) (England) Order 2015, or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting those Orders.
4. The community room hereby permitted shall not be used except between the hours of 07:00 to 19:00 on any day.

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 as the development hereby proposed and in the interests of proper planning.
3. In the interests of residential amenity in accordance with policy DM1 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.
4. In the interests of residential amenity in accordance with policy DM1 of the Mid Devon Local Plan 2013 and the aims and objectives of the National Planning Policy Framework.

INFORMATIVES

1. 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 to enable the grant of planning permission.

BNG – Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will **not** require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

REASON FOR APPROVAL OF PERMISSION

The proposed development comprising the formation of one bedroom flat and community room within the Tiverton defined settlement limits, is considered to be acceptable. The proposal by virtue of its siting and design will appropriately respect and relate to the character and appearance of the surrounding development and would have no unacceptable impact on the private amenities of the occupiers of neighbouring properties. The property created will be of a suitable size for its future occupants, and is not considered that the overall development would cause demonstrable harm to highway safety and local ecology or increase the risk of flooding locally. It is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. As such, it is considered that the proposed development is in accordance with policies S1, S3, S9, S10, DM1, DM3 and DM25 of the Mid Devon Local Plan 2013 and 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.

Item No.	Weeks	TARGET DATE	REFVAL	PROPOSAL	LOCATION	NAME	Expected Decision Level	
							Delegated	Committee
1	0	27/11/2024	24/01107/MFUL	Siting of 4 log cabins for use as holiday lets	Land at NGR 271242 108982 (South Of Nymet Mill Farm) Nymet Rowland Devon	Miss Helen Govier	DEL	
2	1	10/12/2024	24/01208/MOUT	Outline application for the demolition and clearance of existing buildings and structures; creation of a principal vehicular access onto Honiton Road; erection of residential dwellings; provision of up to 1,000 sq. m. of Class E commercial and / or Class F2 community uses; and associated open space, landscaping, surface water attenuation and other infrastructure with some matters reserved	Land at NGR 303232 107054 (East Culme House) Cullompton Devon	Ms Tina Maryan	DEL	

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LIST OF APPEAL DECISIONS FROM 13th August 24 to 29th August 24

Application No	Description	Location	Officer Recommendation	Committee or Delegated	Decision	Appeal Type	Inspector Decision
23/01196/FULL	Retention of land as domestic garden, including the erection of play equipment and fence	Land at NGR 284534 100658 (81 Willow Walk) Crediton Devon	Refuse permission	Delegated Decision	Refuse permission	Written Representations	Appeal Dismissed

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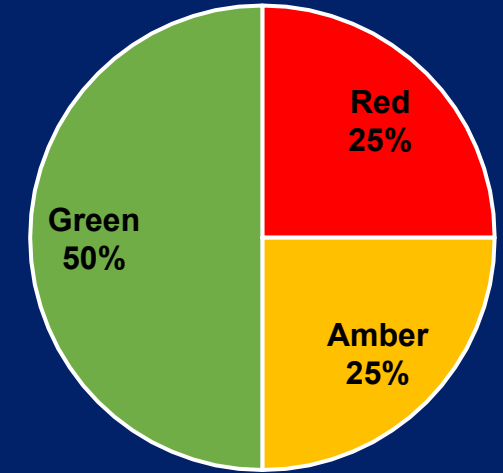
Planning Dashboard – Quarter 1 2024/25

Performance Measures	Performance	Annual Target	RAG
Major applications overturned at appeal (YTD)	1.2 %	10%	G
Minor applications overturned at appeal (YTD)	0.4 %	10%	G
Planning applications determined within 26 weeks (YTD)	98 %	100%	A
Planning applications determined within 8 weeks (YTD)	100 %	80%	G
Planning applications over 13 weeks without a decision (YTD)	71	45	R
Planning Enforcement: Total Open Cases (Current)	375	N/A	
Planning Enforcement: New Cases received in quarter	87	N/A	
Planning Enforcement: Cases Closed in quarter	38	N/A	

Finance Measures	Performance	Annual Target	RAG
Cost of Planning Appeals (YTD)	£0	£0	G
Planning fees income – Statutory	(£142k)	(£908k)	R
Planning fees income – Discretionary	(£42k)	(£175k)	A
S106 income	(£4,660)	N/A	
S106 spend	£4,800	N/A	

Corporate Risk	Risk Rating (Trajectory)
Quality of Planning Committee Decisions	9 (no change)
Building Control Service Viability	9 (no change)

Overall Performance Q1



In Focus

The development management team were shortlisted for the Local Authority of the Year Award, in this year's South West Planning Excellence Awards. Whilst not winning the award, the judges were impressed with the way the Council appeared to devote time and energies into its staff first.

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