PLANNING COMMITTEE AGENDA - 6th March 2019

Applications of a non-delegated nature

Item No.	Description
01.	18/00874/FULL - Conversion of artists studios to 3 holiday lets at Cleave Barton, Bickleigh, Tiverton. **RECOMMENDATION - Refuse permission**
02.	18/02024/FULL - Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL at Land and Buildings at NGR 301270 112834, (Orchard House), High Street. **RECOMMENDATION - Grant planning permission subject to conditions**
03.	18/02071/FULL - Retention of Log store at Bradford Farm, Uplowman, Tiverton. **RECOMMENDATION - Grant permission subject to conditions**

Plans List No. 1

Application No. 18/00874/FULL

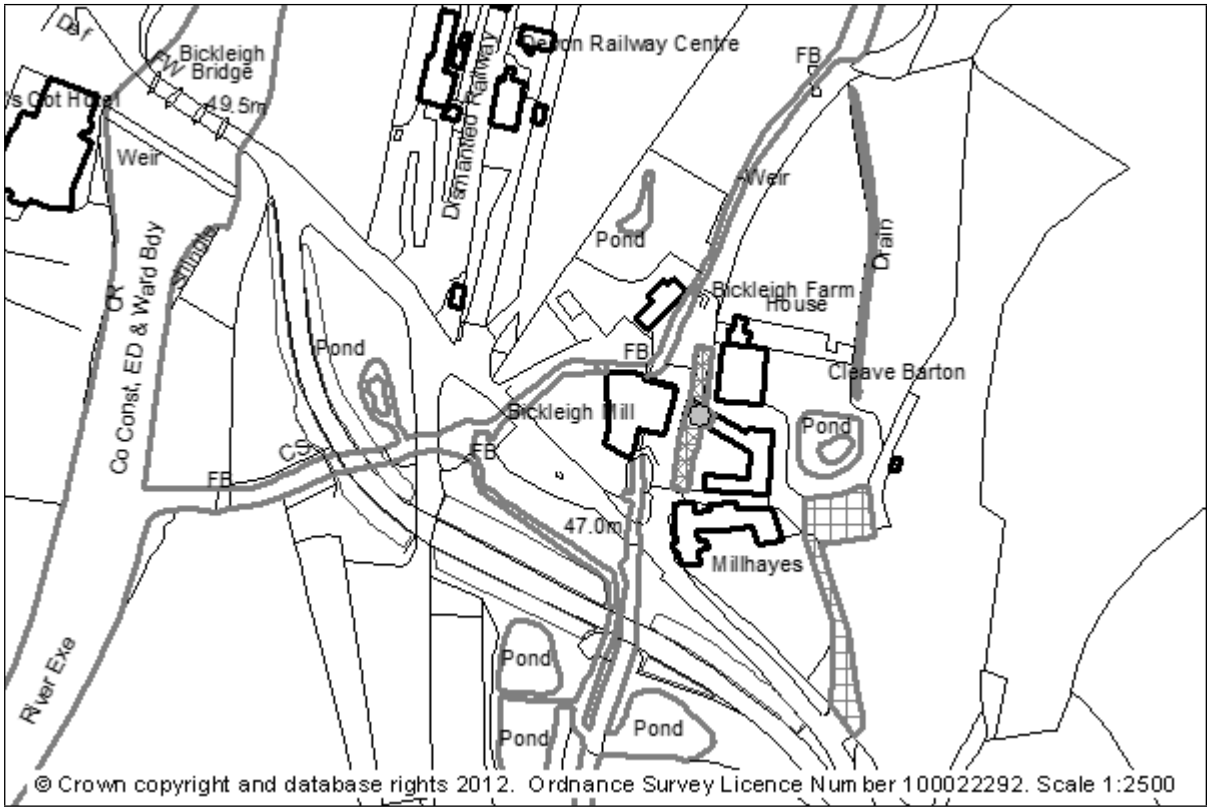
Grid Ref: 293920 : 107454

Applicant: Mrs E Wright, Cleave Barton Partnership

Location: Cleave Barton
Bickleigh
Tiverton
Devon

Proposal: Conversion of artists studios to 3 holiday lets

Date Valid: 25th June 2018



APPLICATION NO: 18/00874/FULL

MEMBER CALL-IN

The application was called in by Cllr Deed in order for the Planning Committee to consider whether further development of this residential property, it being within a flood plain, would create an acceptable risk to the occupants of the property – namely Cleave Barton.

RECOMMENDATION

Refuse permission

PROPOSED DEVELOPMENT

Conversion of artists studios to 3 holiday lets

APPLICANT'S SUPPORTING INFORMATION

Design and access statement
Ecological survey
Foul Drainage Assessment
Heritage Assessment
Structural report
Business plan
Transport Statement
Flood risk assessment
Plans

RELEVANT PLANNING HISTORY

18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
19/00040/DET - PCO date
Licensing application
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets
18/00874/FULL - PCO date
Conversion of artists studios to 3 holiday lets

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 Sustainable communities
COR2 Local distinctiveness
COR9 Access
COR11 Flooding
COR18 Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 Presumption in favour of sustainable development
DM2 High quality design
DM7 Pollution
DM8 Parking
DM11 Conversion of rural buildings
DM24 Tourism and leisure development

National Planning Policy Framework

Planning Practice Guidance 2014 'Flood risk and coastal change'

CONSULTATIONS

Highway Authority - 4th July 2018

Standing advice applies please see Devon County Council document

http://www.devon.gov.uk/highways-standingadvice.pdf

ENVIRONMENT AGENCY – 15.01.2019

Thanks for reconsulting us on this application. Further to the November 2018 Flood Risk Assessment (FRA), and letter dated the 28 November 2018 we make the following comments. This letter should be read in conjunction with our previous responses and national planning policy contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

We maintain our position as laid out in our formal responses. We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime.

1. Access/Egress and Flood Warning and Evacuation Plan

The submissions make no mention, especially in light of specific local circumstances, of the policy requirement for residents and users to safely access and exit a building during a 'design' flood and to evacuate before an 'extreme' flood. Neither do they mention the absolute policy requirement for a Flood Warning and Evacuation Plan to be produced in this instance. There is sufficient evidence available to prove that water would not be 'tranquil on the edge of the floodplain to the immediate east of Cleave Barton' during a 'design' and 'extreme' flood, or indeed more frequent floods. The FRA includes reference, and assumptions, regarding the 1965 flood, including a possible flood level that occurred. It should be recognised that the 1965 flood had an approximate return period of 1 in 50 (2% annual probability). As such water levels in this flood would have been lower than a 'design'

and 'extreme' flood. Available evidence confirms that the combination of depth and velocity of flooding, reference Table 13.1 Ref R&D Technical Report FD2320 TR2 Defra, would pose "Danger for all" including emergency services in future 'design', 'extreme' flood, or indeed more frequent floods.

2. Bickleigh Farm House

In terms of Bickleigh Farm House it should be recognised that there was no change of vulnerability classification when its then established residential usage was changed to holiday let usage in the early 2000's. A change of use from 'less vulnerable' to 'more vulnerable' is being sought regarding the current application.

3. Bickleigh Mill

With regard to the proposed Bickleigh Mill workers accommodation application in 2012 it should be recognised that there was no specific requirement within the National Planning Policy Framework for a 'Flood Warning and Evacuation Plan' for the usage then sought. There is an absolute requirement for such regarding the current application.

4. Cleave Barton Flood Resistance measures

The flood gate at the entrance to Cleave Barton, which forms part of the resistance measures that were instigated when it was converted from an outbuilding to a residence, is approximately 1m high. As such it is very unlikely that Cleave Barton is flood resistant up to a level of 48mA.O.D, as is suggested in the November 2018 FRA, and as such the resistance measures in place do not offer a 1 in 100 year level of protection as is suggested in Mr Milverton's letter of the 28 November 2018.

5. Statement 5 of letter dated 28 November 2018

We take this opportunity to challenge statement 5 of Mr Milverton's letter of the 28 November 2018 that 'The FRA identifies that the depths of flood waters in a 1 in a 1,000 year flood are no different to a 1 in a 100 year flood due to the width of the floodplain and the speed at which flood waters abate;..'.

Flood depths and velocities would be higher in a 1 in 1000 year (extreme flood) flood than a 1 in 100 year (design flood), as shown within the November 2018 FRA, by virtue of the fact that more water would be passing through the narrow, and heavily constricted, floodplain at the application site.

Advice to the LPA

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

ENVIRONMENT AGENCY 29.10.2018

Further to the letter dated 8 October 2018 from Mr Milverton we write to confirm our position and clarify the points raised. This letter should be read in conjunction with our previous responses and national planning policy contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

Environment Agency position

We maintain our position as laid out in our formal responses dated 3 October 2018 and 23 July 2018. We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. Due to the severity of the flood risks in this location we consider that it is unlikely that this objection can be overcome. However, if the Local Planning Authority are minded to approve the application contrary to this advice, we strongly recommend that you consult your emergency planners in respect of emergency evacuation from the building. It will be their role to advise you on whether they consider the proposed arrangements for access/egress to be acceptable in these circumstances.

We provide below clarification on the points raised in Mr Milverton's letter and additional advice in respect of flood insurance and the flood risk Sequential and Exception Tests. We hope this will be sufficient information to enable you to determine this application.

1. The role of the Environment Agency

Our role is to provide technical advice to decision-makers to enable them to make informed decisions based on evidence. We have reviewed the information contained within the submitted Flood Risk Assessment (FRA) dated May 2018 by Dennis Gedge and other flood records to advise the local authority of the flood risks affecting the site. We have advised that, in our view, the evidence indicates that the hazard to the site is very high and that the development would result in unacceptable flood risks to people and property.

We have also advised your Authority that there would be no safe access/egress route to and from the site during the design flood event. Planning policy is clear that a Flood Warning and Evacuation Plan (FWEP) must be submitted in such circumstances. However, it is not our role to consider the adequacy of the FWEP or to make an assessment of the structural stability of the building should a 'stay put' proposal be the only option. Our only role during an emergency will be endeavouring to deliver flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their ultimate decision. We have therefore advised your Authority to consult with your emergency planners before determining the application. It will be their responsibility to advise you on matters of safety relating to emergency evacuation. They will need to consider the technical advice we have given regarding the hazard to the site when reaching their decision.

Given the evidence of the significant flood risks affecting the site, the absence of any information that your Authority's emergency planners consider that the risks to occupants are acceptable and the absence of a report confirming the structural stability of the building, we consider that we have no option but to maintain an objection to this planning application.

2. Significance of the August 1952 and 4 December 1960 floods

We assume that the mention of 'the data released' in Mr Milverton's letter refers to the plans and photographs included on pages 8 to 12 of the FRA report dated May 2018. We refer you to the plans shown on pages 11 and 12 of the FRA which indicate potential flood depths during a 1% annual probability flood (without any allowance for climate change) and 0.1% annual probability flood (without any allowance for climate change). These are derived using the latest best estimate of flood flows, which would have been derived using data from the relevant flow gauges on the River Exe catchment.

Evidence relating to the August 1952 and 4 December 1960 floods, when considered against evidence from more recent floods, for example, the photograph at the top of page 9 of the FRA which shows the aftermath of the 23 Dec 2012 flood, arguably demonstrates that these two floods had the potential to cause risk to life irrespective of their return periods.

Evidence on the Hydrology National River Flow Archive web site, which is freely available, clearly identifies that the 1960 flood was the largest recorded since the Stoodleigh gauge was installed.

In terms of the 1952 flood, we advise that a resident of Bickleigh Cottage, who has been resident at the property since 1933, confirmed several years ago when the EA were carrying out a flood history findings exercise, that the 1952 flood was similar in magnitude to the 23 Dec 2012 flood.

In light of the above, we consider that the August 1952 and 4 December 1960 floods are material factors in this instance.

3. Data from the Centre for Ecology and Hydrology National River Flow Archive

The responsibility of demonstrating compliance with the NPPF rests firmly with the developer. It is normal practice for the developer to supplement any data the Environment Agency may issue with freely available data from other organisations e.g. the Centre for Ecology and Hydrology National River Flow Archive, for the purpose of demonstrating whether or not a development proposal would be acceptable.

4. Structural stability of the building

The potential combination of depths and flood velocity poses a risk of structural damage. We do not consider that this statement is generic or unreasonable, particularly in light of evidence regarding from previous floods in Bickleigh, and risks posed by climate change. For example, the photograph at the top of page 9 of the FRA which shows the aftermath of the 23 Dec 2012 flood, arguably demonstrates the power of flood water in what was not a design event.

If the developer wishes to challenge this assessment, they may wish to submit a structural survey of the building to demonstrate whether it will be safe during the design flood event over the lifetime of the development. As highlighted above, it will be for the local authority to make the final decision in respect of the safety of any residents who remain within the building.

5. Flood Hazard, Warning and Evacuation

Flood Hazard: Danger to all - including the emergency services

We refer you to Table 13.1 of the R&D FRA Guidance for New Developments Study: Phase 2 FD2320/TR2 which, when in consideration of evidence of the 23 Dec 2012 flood and Stoodleigh Gauging Station data, clearly identifies the flood risk around the properties and land in question would, in certain instances (including the 23 Dec 2012 flood) represent 'Danger to all - including the emergency services'. We take this opportunity to reiterate that the 23 Dec 2012 flood was an event that is likely to occur more frequently than a 'design' flood or an 'extreme' flood.

The emergency planners will need to take account of this information when advising you on the adequacy of any procedures proposed on emergency evacuation.

Flood Warnings

The flood warning area that covers Bickleigh is the 'River Exe from Tiverton to Exeter, including Bickleigh'. This Flood Warning Area has approximately 125 properties at risk within it. The threshold for this flood warning area is based on flooding to the first property to flood.

The list of river gauges above Bickleigh, is as follows; Exford, Pixton, Exebridge, Stoodleigh, Tiverton on the River Exe; Bampton Bridge on the Batherm; Craze Lowman and Tiverton Lowman on the River Lowman. Wimbleball on the Haddeo. and Simonsbath and Brushford on the River Barle.

Flood Warnings for the River Exe at Bickleigh are primarily based off our Tiverton River Gauge. This is because we have good level to level correlation between the first property to flood in Bickleigh (that being Bickleigh Cottage) and a level at Tiverton. This relationship, in conjunction with our flood forecasting model, will provide over our National aim of 2 hours lead time before flooding to the first property in Bickleigh occurs.

We use our Thorverton gauge (which is downstream of Bickleigh) as a contingency gauge using our flood forecasting model providing the lead time.

The remainder of the gauges on the list are used to provide warnings on the upper reaches, and tributaries of the River Exe, level data from which does not provide a good level to level correlation between the first property to flood in Bickleigh and, thus, we do not issues flood warnings for Bickleigh from these gauges.

Flood Warnings are used to warn customers that flooding is expected and they should take immediate action to protect themselves and/or their property. Severe Flood Warnings are reserved for exceptional flooding situations where there is significant risk to life or disruption to communities.

There is always a risk warnings may not be issued (due to telemetry failure), received, understood, or acted upon in time especially if evacuation is necessary to render a development as being safe.

FWEP

Flood depths to the east of Cleave Barton, i.e. closest to the edge of the floodplain, would be dangerous in a design flood, and floods of greater frequency (please refer to our reference to Table 13.1 of the R&D FRA Guidance above). Paragraph 7-056-20140306 of the Planning Practice Guidance states that a FWEP is a requirement for sites at risk of flooding used for holiday or short-let caravans and camping and are important at any site that has transient occupants (e.g. hostels and hotels). We consider that the same principles would apply to a holiday let.

However, we need to highlight that the production of a FWEP would not eliminate the flood risks in this location. The risks to people in this location remain very high. The risk of property damage will also remain.

6. Flood depths within the site

With regard to the flood depths that can be expected within the site, this depends what part of the site is being considered. We kindly refer you to the plans included on pages 11 and 12 of the FRA.

We confirm that as well as significant flooding around the building, during the design flood event there will also be flooding within the building. The FRA refers to shallow flooding on the first floor in such an event.

Additional Advice - Flood insurance

It is important that applicants/developers consider whether their proposals will be eligible for insurance against flood damages. The Flood Re scheme is a joint Government and insurance industry initiative to help property owners find affordable insurance in areas at risk of flooding. The scheme only applies to dwellings built before 2009. However, for changes of use to residential, the scheme may be available if there is evidence to demonstrate that the property was built and used as a private residence before 2009.

Additional Advice - Flood risk Sequential and Exception Tests

Given that the proposal appears to be for a conversion of the building rather than a change of use, your Authority will need to consider whether the flood risk Sequential and Exception Tests need to be applied in this instance in accordance with the NPPF. If you consider that these tests are applicable, you will need to determine whether you are content that they have been satisfied before the application is determined. As you will be aware, failure of the Sequential Test or either part of the Exception Test is sufficient justification to refuse a planning application.

It is your Authority's role to consider the Sequential Test and the first part of the Exception Test. If you consider that the Exception Test is applicable, our advice is that insufficient information has been provided to demonstrate that the second part of the Exception Test has been passed.

Advice to the LPA

If you are minded to approve the application at this stage contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

ENVIRONMENT AGENCY – 3rd October 2018

Thank you for reconsulting us via the email and letter from John Milverton dated 6 September 2018

We maintain our position as laid out in our formal response of 23 July 2018. We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. Due to the severity of the flood risks in this location we consider that it is unlikely that this objection can be overcome. However, if the Local Planning Authority are minded to approve the application contrary to this advice, we strongly recommend that you consult emergency planners in respect of emergency evacuation from the building. It will be their role to advise whether they consider the proposed arrangements for access/egress to be acceptable in these circumstances.

The detailed reasons for this position are set out below.

Reason - Flood Risk

As advised previously, the combination of depth and velocity of flood waters pose a real risk to life, structural failure of property, as well as damage to the internal fabric and contents of the buildings in question. Over the lifetime of the development, potential depths of flooding at, or in the vicinity, of the building in question could reach, or possibly exceed, 2m in depth.

This advice is provided on the basis of evidence, including reconnaissance photos following the previous flood events and the data from the Stoodleigh gauging station. In terms of recent flood history at the site we draw your attention to evidence from Stoodleigh gauging station, which is located approximately 7 miles upstream of Bickleigh, which indicates that the statement 'The site is known to have flooded three times in the last 50 years - in 1965, 1994 and 2012', is factually incorrect. We refer you to the Centre for Ecology and Hydrology National River Flow Archive which can be found on-line, which includes flow data for Stoodleigh Gauging Station since 1960.

We also take this opportunity to state that the floods of August 1952 and 4 December 1960 are material factors and should be considered for the purposes of determining the application.

With regard to the content of the letter in the section titled 'Discussion of flood risk' we respond by referring you to our formal response dated the 23 July 2018 which highlights the risks flooding poses including what in this instance the developer should demonstrate to the decision makers.

The NPPF clearly highlights the need to produce a 'flood warning and evacuation plan' given the proposed usage of the site for holiday occupancy. The particular risks as highlighted, to date, indicate that it would not be possible to safely evacuate the site during a 'design' flood ahead of an extreme flood an issue we consider is fundamental given the particular circumstances in this instance. Indeed evidence shows that it would not be possible to safely

evacuate the site ahead of floods that can occur more frequently than a 'design' flood. This will leave any occupants who remain within at significant risk. The evidence suggests that the upper floors of the building may be affected by flooding and the depths and velocity of the water may result in structural failure of the building.

We trust you appreciate that it is not the role of the Environment Agency to comment upon whether or not the measures proposed to date to manage risk to life would render the proposal as being safe. We therefore recommend that you consult with your Authority's Emergency Planners before determining the application so they can advise you further on the matters relating to emergency evacuation of the building in light of the evidence we have presented above.

We object to this proposal because the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. We recommend that the application is not permitted unless the applicant can supply information to demonstrate that the flood risks posed by the development can be satisfactorily addressed.

Reason - Flood risk

The development site lies within Flood Zone 3 (identified as having a high probability of flooding) in accordance with the Environment Agency's indicative flood risk maps. The proposed development would increase the vulnerability category of the site from 'less vulnerable' to 'more vulnerable' in accordance with Table 2 of the Planning Practice Guidance (PPG) associated with the National Planning Policy Framework.

The particular circumstances at Bickleigh mean that the combination of depth and velocity of flood waters pose a real risk to life, structural failure of property, as well as damage to the internal fabric and contents of the buildings in question. The floods on 23 December 2012, which affected the buildings and floodplain in question, and other numerous documented floods, clearly demonstrate the risks. The risks will increase over the lifetime of the development, should permission be granted, when taking climate change into account. Potential depths of flooding at, or in the vicinity, of the building in question could reach, or possibly exceed, 2m in depth.

Advice - Access/egress

The ability to safely access and exit the buildings in question during a 'design' flood i.e. a flood likely to occur with a 1% annual probability (a 1 in 100 chance each year), or indeed a more frequent flood, would not be possible given the dangerous combination of water velocity and speed to which the Bickleigh floodplain is vulnerable. The FRA states that an extreme flood event will inundate the upstairs of the units. Given the particular circumstances we advise that safe access and egress to high ground ahead of an extreme flood must be provided and you will need to consult internally with your Emergency Planners to determine their views on emergency evacuation. They will need to confirm that they can incorporate the additional occupants into their emergency evacuation plans.

Advice - Flood warning

A 'flood warning and evacuation plan' must be drawn up for any proposed development given that the site is proposed to be used for holiday occupancy. We draw your attention to

paragraphs 56 and 57 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) which highlights this requirement. In this instance the scale of any rescue that might be required will further increase the risk to life.

In addition to the real danger to life, the fabric and contents of the ground floor areas would be subject to an arguably unsustainable frequency of flooding.

ENVIRONMENT AGENCY - Environment Agency position

We maintain our objection as the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. We recommend that the application is not permitted unless the applicant can supply information to demonstrate that the flood risks posed by the development can be satisfactorily addressed.

Reason - Flood risk

We have reviewed the additional information submitted by the agent (John Milverton, 10 August 2018) and confirm that our stance remains unchanged from that laid out in our letter (ref. DC/2018/119898/01-L01 dated 23 July 2018).

Despite the measures detailed in the correspondence the proposed development would be unacceptable in this location and there remains a very real risk to life as a result of this proposal.

BICKLEIGH PARISH COUNCIL - 20th December 2018 - We have read the applicant's latest submisson - the rev'd flood risk assessment etc..

This Parish Council feel that there is much to be said but having also read letter of the 10th Dec. we can only reiterate what they have submitted, for they have covered the matter in considerably more detail and with more expertise than we possibly could have.

10th August 2018 - Please note that this Parish Council object to this proposal and recommend that it be refused. The reasons for our objection are that we have significant concerns regarding possible safety issues in connection with both additional traffic movements it will surely generate and difficulties associated with the question of potential flooding.

The site is within the river Exe flood plain and, going back over just the last 30 or so years, has been flooded on numerous occasions, more than once requiring residents to have to be physically rescued, an act which itself is challenging in what are fast flowing waters.

With regard to the traffic movements question, the access to this site runs through both the access to the Devon Railway Centre and the middle of the car park to Bickleigh Mill business where there are, a good deal of the time, numerous people, including children and the elderly, milling around. This road is also used daily by parents and children on their way to and from school and from time to time by the school children themselves in the form of a 'walking bus' to gain access and from their sports field.

The problem here is that the access to the application site is primarily from the western or Bickleigh bridge end feeding this traffic through the abovementioned area. Access to the site from the eastern, or Bickleigh Village end is only achievable when travelling from a southerly

direction and that is itself fraught with difficulties being right on the outside of a right angle bend in the main road. There have indeed, over the years, been many accidents at this very spot.

It is to be noted that this site is within a conservation area.

FLOOD and COASTAL RISK MANAGEMENT TEAM - 27/07/2018 - Due to this application being a minor we are not a statutory consultee and therefore have made no plans to comment on it. However, if there is a specific need/concern for us to comment please let us know and we may be able to provide comments.

If this is one of these instances, we would be grateful if you could outline your concerns before the consultation request is added to our system

PUBLIC HEALTH - 5th July 2018

Contaminated Land - No objections to these proposals

Air Quality - No objections to this proposal

Environmental Permitting - No objections to this proposal

Drainage - No objections to these proposals

Noise & other nuisances - No objections to these proposals

Housing Standards - No comment

Licensing - No comments

Food Hygiene - No objection to this proposal. Informative: If food or drink is provided, stored, processed this is considered a food business. All new food businesses are required to register with their Local Authority 28 days prior to opening. The appropriate form can be found in this link. https://www.middevon.gov.uk/media/114739/foodregistrationform.pdf

Free advice on requirements can be given by Environmental Health. For structural requirements this is ideally sought before works start. The Food Standards Agency's website is also a useful source of information https://www.food.gov.uk/ .Private Water Supplies If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

Please contact Public Health at Mid Devon District Council on completion of proposal.

If mains water is to be used there would be no comment.

Health and Safety No objection to this proposal enforced by HSE. Informative: There is a foreseeable risk of asbestos being present in the structure. Please review the information in this link, so you are aware of the hazards, risks and your legal obligations with asbestos http://www.hse.gov.uk/asbestos/ . If asbestos may be present a Refurbishment and Demolition Survey following HSG264 available at

http://www.hse.gov.uk/pUbns/priced/hsg264.pdf should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

Constraints Affecting Site:

Area of Special Control of Adverts Area of Special Control of Adverts

Cobbacombe Cross Air Safeguarding Zone Consult on: Consult MOD on all buildings_structures_works over 45.7 m AGL

Conservation Area Bickleigh

Exeter Airport Air Safeguarding Zone Consult on: Consult EASC on all wind turbine development

Exeter Airport Air Safeguarding Zone Consult on: Consult EASC on all buildings_structures_erections_works over 15m

Flood Zone 2 Risk: 0.1% or greater per annum

Flood Zone 3 Risk: 1% or greater per annum

Historic Flood Mapping Risk: Combined extent of known flooding

Hamlet/Open Countryside Outside Settlement

Public Right of Way Type: Footpath

Unclassified Road

River Bank Planning Consultation Zones Consult on: Consult Env. Agency on all works or operations

Strategic Nature Area_Site Site Name:

Strategic Nature Area_River Site Name: Exe

Surface Water Flooding_Intermediate Susceptibility: intermediate

Surface Water Flooding_Less Susceptibility: less

Surface Water Flooding_More Susceptibility: more

NATURAL ENGLAND - 19th July 2018 - No comments

RIGHTS OF WAY OFFICER EAST - 2nd July 2018

It would appear from the documents that the public footpath that runs adjacent to the buildings proposed for development remains unaffected. However, if permission is given to allow the development to proceed, there may be a health and safety risk to users of the public footpath during these works. If this is the case, and the risks cannot be mitigated, then before any works take place a temporary closure must be applied for and made. The application would have to made to this Authority.

REPRESENTATIONS

Three objections have been received as well as one general comment.
The objections received are summarised below:

Flooding

- The site is in Flood zone 3 – flood waters could be 2.3m high with high velocity, enough to lift tarmac and move vehicles
- During the 2012 flood event the emergency services could not reach the site;
- Floods arrive quickly with insufficient time to escape;
- During 2000 flood a woman and baby were rescued from Bickleigh farmhouse;
- In times of flood the driveway to Cleave Barton becomes isolated with no immediate safe escape until flood waters recede;
- The courtyard and buildings flood during a flood event;
- If the buildings are converted then they should only be used outside of the flood season (Holiday accommodation would be uninhabitable after a flood);
- Need evacuation measures during flood event if permission approved;
- 2012 floodwaters were approx. 5ft high in courtyard of Cleave Barton and this was a significant but not design flood event;
- Flooding to Cleave Barton not only as a result of water diverting to mill leat but also comes across the fields;
- The buildings at Cleave Barton and the track between Cleave Barton and Bickleigh Mill have a funnelling effect on flood waters;
- Flood waters that enter Cleave Barton courtyard are impeded by the courtyard gate on western elevation;
- Bickleigh Bridge acts as a dam in a high river event – when at capacity huge volumes of water are held backand spill across land to Bickleigh Mill and Cleave Barton in order to get back to lower flood plain area;
- Flash flooding would occur if the flood bank failed;
- It is necessary to protect the health and safety of holiday makers – to protect them from flooding.

Access

- If approved access to the holiday accommodation should be via the old dairy at Cleave Barton to protect residential amenity of Millhayes;
- Access to southern side of the site is on a blind bend and can only be used to travel south on the A396 from the site, there have been accidents on this bend;
- If using southern access cannot go north, all traffic heading north form the sit would have to go past Bickleigh Mill, Devon Railway Centre and Millhayes;
- Additional use of the access points to get to Cleave Barton would increase traffic and increase risk to visitors;
- Section of access past Millhayes, single track and no pathway which could lead to conflict between pedestrians, horse riders, cyclists and vehicles

Amenity

- Object to flue on west elevation of the holiday accommodation as MIllhayes windows look toward it, it is below head height which is hazardous as daily access is required to property next to the flue, it is unsightly and does not enhance building;
- Cleave Barton buildings and courtyard visible from four windows at Millhayes (neighbours windows).

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The proposed development seeks the conversion of existing buildings to form two self contained units of holiday accommodation. The buildings have previously been used as a craft workshop and gallery. The buildings form part of the complex of buildings at Cleave Barton, Bickleigh and are within a conservation area. The application buildings form the western boundary of the courtyard of Cleave Barton buildings. The applicants dwelling is on site and forms the eastern side of the courtyard. The site is adjacent to Bickleigh Mill and a residential property called Millhayes. There are two points of access from the A396 to the site, however due to local highway alignment the northern access close to Bickleigh bridge is safer in order to access the site and the southern access is more convenient as an exit if travelling south from the site. Parking is proposed to be provided within an existing car parking area to the east of the building complex, accessed from the existing driveway. The parking area also serves the three glamping/safari tent pitches within the applicant's ownership which are located on higher land to the east of the application site. The application buildings have two storeys and are constructed predominantly of stone with areas of horizontal timber cladding with a clay pantile roof. The two units would each have three bedrooms. There is a public right of way along the track that separates Cleave Barton from Bickleigh Mill that's runs immediately adjacent to the west elevation of the application buildings.

The main issues in the determination of this application are:

1. Principle of tourism accommodation in the countryside
2. Flood risk
3. Access and parking
4. Design and impact on historic environment
5. Impact on residential amenity
6. Ecology
7. Other matters

1.Principle of tourism accommodation provision in the countryside

The NPPF (para 83) states that "planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside…" Policy COR18 of the Mid Devon Core Strategy 2026 supports the principle of appropriately scaled tourism accommodation in the countryside, which is reinforced by policy DM24 of the Local Plan Part 3 (Development Management Policies) which notes: Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must: a) Respect the character and appearance of the location b) Where possible, involve the conversion or replacement of existing buildings; and c) Demonstrate the need is not met by existing provision within nearby settlements. The above criterions will be addressed below.

a) As a result of the approach to the design of the proposed conversion and the limited visual change to the wider rural area it is considered that the proposal would respect the character and appearance of the location.
b) The proposal does involve the conversion of an existing substantial building that is capable of being converted without significant alteration or rebuilding.

c) Sustainable tourism is supported by national and local planning policies and the growth of the tourism industry is encouraged in Mid Devon. In all respects, other than in relation to flood risk, the building is considered to be in a suitable location for tourism development close to other tourism facilities and destinations as well as with access to pubic footpaths. The proposal would also be an expansion of a small scale glamping enterprise that is in operation at Cleave Barton.

The NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It goes on to require that "in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)." The proposal does offer more opportunities for sustainable modes of travel than found with most tourism accommodation proposals and these opportunities are discussed below.

Overall it is considered that the proposal is in accordance with the NPPF as well as policy COR18 Mid Devon Core Strategy and policy DM24 Local Plan Part 3 (Development Management Policies)save for the flood risk to the development as discussed below.

2.Flood risk

The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.

The National Planning Policy Framework explains that, "flood risk" is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources.

The current planning policy framework for assessing the risk of flooding to proposed development is provided in section 14 National Planning Policy Framework (NPPF), planning practice guidance 'Flood risk and coastal change' and policy COR11 Mid Devon Core Strategy (MDCS).

Paragraph 163 of 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. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. “

A site specific flood risk assessment has been submitted and the Environment Agency has have been consulted more than once regarding the application. The application has been assessed against the above criteria.

a) The proposal seeks permission for two units of holiday accommodation. Each self-contained unit would comprise of kitchen/sitting and dining spaces on the ground floor and three bedrooms on the first floor. The accommodation and access to it are orientated to face east, into the Cleave Barton Courtyard. The use of the building as holiday accommodation is a ‘more vulnerable’ use as set out in the Planning Practice Guidance’ Flood risk and coastal change 2014. The previous use of the building as a craft workshop and gallery would be classified as a ‘less vulnerable’ use. The whole of the courtyard at Cleave Barton, including the application building and the existing dwelling are considered to be within Flood Zone 3, there are no other areas within the courtyard setting that are at a lower risk of flooding than the application site, albeit the flood risk assessment identifies that the application building may be affected by a deeper level of flooding than the existing dwelling on site. The local planning authority considers that as the proposal would result in the change of use of an existing building that the proposal is not subject to the sequential or exception test as set out in the NPPF and Planning Practice Guidance. However, the NPPF demonstrates an overarching sequential, risk-based approach to the location of development. This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible. The local planning authority conclude that the application cannot demonstrate that the ‘more vulnerable’ use (holiday accommodation) has been proposed in the area with the lowest possible risk of flooding as the whole of the building and associated courtyard is within flood zone 3, in an area that is at risk of flooding.

b) Providing flood resistance involves stopping water entering a building and/or dry-proofing, a building. Flood resilience, or wet-proofing, accepts that water will enter the building, but through careful design will minimise damage and allow the re-occupancy of the building quickly. It would be possible to include elements of flood resistance and flood resilience into the development, however, due to the level of flood risk it is considered unlikely to be able to stop flood water entering the building. The Planning Practice Guidance indicates that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

c) The application form indicates that surface water will be discharged to an existing watercourse. This may reflect the existing arrangements and would be preferable to it being connected to a mains drainage system. Due to the location in flood zone 3 it is perhaps unlikely that another form of sustainable surface water drainage would be achievable.

d) The NPPF indicates that where development that is at risk of flooding is necessary, the development should be made *safe for its lifetime* without increasing flood risk elsewhere. The local planning authority cannot state that the development proposed is ‘necessary’ and therefore the development can be argued to be contrary to paragraph 155 of the NPPF.

For the purposes of residential development a lifetime is considered to be 100 years. The form of development proposed is residential albeit it would be restricted by condition to prevent it being a person’s sole place of residence.

In order to demonstrate that a development is safe the NPPF and Planning Practice Guidance advises that the developer's site-specific flood risk assessment should demonstrate that the site will be safe and that people will not be exposed to hazardous flooding from any source. This includes showing that appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event (refer to discussion under (e) below). The NPPF and PPG suggest that new development may be able to be made safe by:

- designing buildings to avoid flooding by, for example, raising floor levels;
- providing adequate flood risk management infrastructure which will be maintained for the lifetime of the development, for example, using Community Infrastructure Levy or planning obligations, or Partnership Funding where appropriate
- leaving space in developments for flood risk management infrastructure to be maintained and enhanced, and;
- mitigating the potential impacts of flooding through design and flood resilient and resistant construction.

With regards to the proposed development, the floor levels cannot be raised without harm to the buildings historic interest and character, it is not proposed to provide flood risk management infrastructure, but it would be possible to incorporate some flood resilience measures into the overall design of the conversion such as raising cill levels of all first floor windows; replace doors on Mill side of building with windows with a minimum cill height of 500mm but these are not considered to be sufficient to reduce the overall level risk to the development.

The NPPF and PPG advise that when considering safety, specific local circumstances need to be taken into account, including:

- the characteristics of a possible flood event, eg the type and source of flooding and frequency, depth, velocity and speed of onset;
- the safety of people within a building if it floods and also the safety of people around a building and in adjacent areas, including people who are less mobile or who have a physical impairment. This includes the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood;
- the structural safety of buildings, and;
- the impact of a flood on the essential services provided to a development.

The Environment Agency was consulted on the application and has commented that the submitted information fails to demonstrate that the development will be safe from flooding over its lifetime. The Environment Agency have stated that over the lifetime of the development (considered to be 100 years in this instance), potential depths of flooding at, or in the vicinity of the building in question could reach, or possibly exceed 2m in depth. The Environment Agency consider that the combination of depth and velocity of flood waters pose a real risk to life, structural failure of property, as well as damage to the internal fabric and contents of the application building. They state that their advice is provided on the basis of evidence, including reconnaissance photos following the previous flood events and the data from the Stoodleigh gauging station. The Environment Agency have also stated that available evidence confirms that the combination of depth and velocity of flooding (reference Table 13.1 Ref R&D Technical Report FD2320 TR2 Defra) would pose "Danger for all" including emergency services in future 'design', 'extreme' flood, or indeed more frequent floods. They conclude their advice by stating that in their view the evidence indicates that the hazard to the site is very high and that the development would result in unacceptable flood risks to people and property.

A structural report was submitted with the application; however, this does not include details of whether or not the application building would be capable of withstanding the forces upon it in either a design or extreme flood. Some information has been submitted by the Agent indicating that the applicant's dwelling at Cleave Barton has previously been tanked and toughened and would be structurally strong enough to remain standing and dry upstairs during a flood event. Cleave Barton dwelling is the intended refuge point for occupiers of the proposed holiday accommodation and it is proposed to provide a first floor link to the dwelling from the accommodation. While this is helpful it does not provide evidence that the application building nor the link building between the accommodation and Cleave Barton (house) are capable of withstanding stress and forces of flood waters.

Having considered the requirements of the NPPF, the Planning Practice guidance and the advice of the Environment Agency it is considered that the residual flood risk is unlikely to be adequately or safely mitigated through the inclusion of flood resilience measures in the design of the development. It is concluded in accordance with the Environment Agency advice that the proposed development poses an unacceptable risk to life and property. It cannot therefore be concluded that the development is *safe for its lifetime* and is therefore contrary to the NPPF.

e) The NPPF states that development should only be allowed where it can be demonstrated that safe access and escape routes are included, as part of an emergency plan.

The Planning Practice Guidance indicates that access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be functional for changing circumstances over the lifetime of the development. The PPG specifically requires that:

- Access routes should allow occupants to safely access and exit their dwellings in design flood conditions. Vehicular access to allow the emergency services to safely reach the development during design flood conditions will also normally be required.
- Wherever possible, safe access routes should be provided that are located above design flood levels and avoiding flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention).

The Environment Agency have advised that it would not be possible to safely evacuate the site during a 'design' flood ahead of an extreme flood and it would not be possible to safely evacuate the site ahead of floods that can occur more frequently than a 'design' flood. They consider that this will leave any occupants who remain in the buildings at significant risk. The Environment Agency have indicated that the evidence suggests that the upper floors of the application building may be affected by flooding (and this is included in the flood risk assessment submitted with the application) and the depths and velocity of the water may result in structural failure of the application building.

The Planning Practice Guidance states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. It has not been indicated whether or not the emergency services were consulted prior to the submission of the flood warning and emergency plan. In addition to this the Environment Agency has advised that where warning

and emergency response is fundamental to managing flood risk, that the emergency planning and rescue implications of new development should be considered. The LPA does not have an emergency planner/relevant department to provide comments or assessment on an individual flood warning and emergency plan. The Council have a strategic corporate approach to planning for an emergency, but do not provide resources for the assessment of individual private development projects. The Environment Agency will not conclude whether a development is safe or not (taking into account a flood warning and emergency plan) and the LPA does not have access to an emergency planning resource to ascertain whether the conclusions of the Flood Risk Assessment and associated FWEP indicate that the development will be safe for its lifetime. The Environment Agency do state that in considering whether or not a development meets the NPPF test, that the decision maker will need to take the technical advice they have provided regarding the hazard to the site into account when reaching their decision and note that the production of a flood warning emergency plan would not eliminate the flood risks at the application site.

Despite the submission of a FWEP that indicates that the applicants would: sign up to the Environment Agency's Flood Warnings Direct service; keep a record of flood warnings issued, identify any patterns and tailor their bookings accordingly; plan ahead in times of prolonged and heavy rainfall; ensure no sleeping accommodation on ground floor; limit number of occupants to number of bedspaces; provide clear instructions to guests regarding risk of flooding and escape routes; prepare an emergency kit; alert guests of a flood threat; vacate the premises if a flood warning issued for River Exe and/or Bickleigh area and monitor Environment Agency's website, there is always a risk flood warnings may not be issued (due to telemetry failure), received, understood, or acted upon in time especially if evacuation is necessary to render a development as being safe and that mitigation measures would not be safeguarded and maintained effectively through the lifetime of the development. In addition, these warnings may not cover exceptional events or circumstances.

Overall, given the evidence from the Environment Agency of the significant flood risks affecting the site, the absence of a report confirming the structural stability of the application building being able to withstand the forces and stresses of flood waters and the absence of consultation with the emergency services regarding the FWEP, the local planning authority cannot conclude that the risks to occupants are acceptable. When combined with the previous findings that the residual flood risk to the development cannot be safely managed it is concluded that the development cannot demonstrate that it would be *safe for its lifetime* and is therefore contrary to the NPPF and the Planning Practice Guidance.

Policy COR1 Mid Devon Core Strategy and COR11 Mid Devon Core Strategy also require development to ensure that flood risk is managed and to reduce the risk of flooding to life and property where possible. Policy COR11 follows the overarching approach of guiding development to areas least likely to be affected by flooding and ensuring that development in areas of higher risk of flooding only occur where the benefits outweigh the risk of flooding. It has been demonstrated in the discussion above that the development is at risk of flooding and a potential risk to life and it has not been demonstrated that it would be safe for its lifetime. The development is also, therefore, contrary to policies COR1 and COR11 Mid Devon Core Strategy.

3.Access and parking

Policy COR9 Mid Devon Core Strategy and policy DM2 Local Plan Part 3 (Development Management Policies) require development to create safe, attractive and accessible environments while enhancing road safety through managing traffic and car parking. They also require development to encourage sustainable modes of travel such as walking and cycling.

There are two access points to the application site from the A396 which is both south and west of the site. Due to the alignment of the A396 road close to the site, the access to the west of the site, close to Bickleigh bridge has better visibility of oncoming traffic and is therefore preferable in order to access the site whether approaching from the north or the south. To reach the application site, traffic using the access to the west would then pass the Devonshire Railway Centre, Bickleigh Mill and Millhayes before turning into the shared driveway that serves both Cleave Barton and Millhayes. When exiting Cleave Barton vehicles heading south would be likely to use the southern access from the site onto the A396, and vehicles heading north would use the western access where the access alignment and visibility provides an easier exit route for northern bound traffic.

Policy DM8 requires a development of two holiday accommodation units to demonstrate the provision of 4 parking spaces. There is an existing car park east of Cleave Barton that serves the existing 3 glamping pitches owned by the applicants that would also serve the proposed holiday accommodation. There is sufficient space in the car park to accommodate the additional vehicles that would be associated with the proposed development. The development is therefore in accordance with policy DM8 Local Plan Part 3.

The highway Authority was consulted on the application and has raised no objections to the proposed development.

Policy DM2 includes within its requirements that new development creates safe and accessible places. The vehicular accesses to the site have been described and commented on above and their use to access the proposed development has not been objected to by the Highway Authority. In addition to this, the site is within a short walking distance of Bickleigh Mill, Devonshire Railway Centre and a public house. It is also possible to reach Tiverton (to north) and Exeter (to south) by bus, with bus stops also within a short walking distance of the application site. There are public footpaths close to the site, one of which runs alongside the western elevation of the application building and into the farmland to the north.

Concerns have been raised regarding the number of vehicular movements that would be associated with the holiday accommodation and the increased use of the two access points from the A396. The access point to the west of the application site (close to Bickleigh bridge) is already used to access the Devonshire railway centre, Bickleigh Mill as well as to provide an onward access to Millhayes and Cleave Barton. There is also a Devon County Council car park that is accessible from this access. The additional use of the access to serve the holiday units would be minimal in comparison to the number of vehicles that are likely to already use this access to reach the current business premises, tourist attraction and the Devon County Council car park.

Concerns have been raised that the increased use of the narrower and more private access road past Millhayes and into Cleave Barton would lead to conflict between vehicles and other road users including pedestrians, cyclists and horseriders. In particular it has been mentioned that parents and school children often park close to Bickleigh Mill to walk to Bickleigh Primary as parking within the vicinity of the school is difficult. While it is likely that the use of the building for holiday accommodation would result in additional traffic being attracted to the site, traffic speeds on this stretch of the lane would be expected to be low and additional traffic movements at school arrival and departure times also expected to be low. Holiday accommodation is often considered to generate fewer additional trips than a full residential use as holidaymakers tend to go out for a day rather than making frequent, shorter journeys. They also generate fewer incidental trips associated with deliveries etc.

Overall the development is considered to be able to demonstrate the provision of safe and accessible accommodation that could also encourage sustainable modes of travel such as walking in a location where there is also some access to public transport. The proposal is therefore in accordance with policy DM2 Local Plan part 3 (Development Management Policies).

Overall, it is considered that the development would be in accordance with the requirements of policies COR9 Mid Devon Core Strategy and policies DM2 and DM8 Local Plan Part 3 (Development Management Policies) as acceptable access can be provided to serve the development, sufficient car parking can be provided and sustainable modes of travel can be encouraged in association with the development without having a significant impact on the access, parking or amenity of neighbouring properties or other road and carpark users.

4. Design and impact on the historic environment

The NPPF (para 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting; 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; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health.

These national policies are reinforced by policy COR2 Mid Devon Core Strategy which requires high quality sustainable design which reinforces the character and legibility of Mid Devon's built environment and creates attractive places, as well as policy DM2 Local Plan Part 3 (Development Management Policies) which requires new development to be high quality showing understanding of the characteristics of the site, its context and area; efficient and effective use of the site; positive contribution to local character including heritage assets; creation of safe and accessible places; create visually attractive places that are well integrated with surrounding buildings, streets and landscapes.

In addition to the above policies, policy DM11 guides the conversion of rural buildings. It states that redundant or disused rural buildings of substantial permanent construction which positively contribute to an area's rural character for tourism uses will be permitted where:

a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;

b) The building can be converted without significant alteration, extension or rebuilding;

c) The design will retain the original character of the building and its surroundings;

d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.

The proposed development has been assessed against this policy below.

a) As described above there is a suitable access to the buildings that is already in place. No further work is proposed to the access in order to accommodate the proposed development. The Highway Authority have not objected to the development or suggested that the road network cannot support the proposed use. The proposed use is sited adjacent to two other tourism businesses in a location where there is some access to public transport and ability to walk to some tourism facilities and to reach public footpaths.

b) A structural report was submitted with the planning application along with existing and proposed plans which indicate that the buildings can be converted to form holiday accommodation with limited rebuilding, or extension and with an acceptable number and form of alterations. It is proposed that existing openings will be reused, mostly to be glazed to form windows. Some additional openings are proposed but these are considered to be acceptable.

c) The buildings that are proposed for conversion are two storey and have been previously used for storage, craft workshops and a gallery. The southern building is constructed of stone and horizontal timber boarding and has a clay pantile roof. The external appearance of this building would retain the current mix of materials. The northern building is partly open on the ground floor with a room at first floor. The external appearance of this building is proposed to be altered with a ground floor element of the building to have a stone façade similar to the adjoining buildings horizontal boarding above and a new standing seam metal roof covering. Existing openings will be reused and new openings minimised. It is proposed to add two flues to serve proposed log burners. An objection has been received regarding the position and height of the flue on the southern gable end stating that it is a safety risk as access is required past the flue. There is no current evidence that the flue is not acceptable in its current location and this is likely to be assessed as part of any future Building Regulations assessment. Revised plans are expected that will show the flues within the building rather than being attached to the outside of the building, improving the overall design. It is considered that the design approach does demonstrate an understanding of the site and the surrounding area and would result in a place that would be well integrated with surroundings buildings. The external

appearance, layout, fenestration and external materials are all considered to be acceptable subject to the receipt of the revised plans.

The building is not listed but is within a conservation area. The conservation area is a heritage asset which the NPPF states are irreplaceable resources, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Advice in the NPPF indicates that the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; and the desirability of new development making a positive contribution to local character and distinctiveness should all be taken in to account. It goes on to say that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this into account when considering the impact of a proposal on a heritage asset. Paragraph 193 states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This policy approach is reinforced by policies DM2 (c) and DM27 Local Plan Part 3 (Development Management Policies) which apply a presumption in favour of preservation in situ in respect of the most important heritage assets and require proposals to consider the significance, character, setting and local distinctiveness of heritage assets. A heritage statement was submitted with the application. This identified the key character areas within the conservation area and identified the contribution of the application buildings to the character of the conservation area. It concludes that the proposal will not have an adverse impact on the conservation area and that there would be little to no harm to the heritage asset.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF 196). It is agreed that the proposals will not significantly alter the envelope of the buildings and that the buildings can accommodate the proposed changes. However, the alterations to the external appearance will result in an element of harm to the appearance of the buildings and consequently to the conservation area. However, securing a future use of the buildings is important to ensure their upkeep and therefore to preserve the wider interest of the groupings of older buildings at Cleave Barton, Millhayes and Bickleigh Mill and their relationship to one another. The public, in the form of holiday makers, would have access to the buildings as a result of the proposed development and the change of use and conversion would be likely to result in the future maintenance and preservation of these buildings. It is therefore considered that the limited harm to the external appearance of the buildings is acceptable and that the overall character of the conservation area would be preserved in accordance with the NPPF and policy DM27.

d) At the time of writing it cannot be concluded that the development will retain biodiversity interest associated with the building as bat emergence surveys are required. Please see the discussion below regarding ecology and protected species.

While the physical alterations to the building are considered to be acceptable overall and the character of the buildings and conservation area would be retained (in accordance with policy COR1, policy DM27) the proposal cannot be considered to be wholly in accordance with policy DM11 as questions remain regarding the impact of the development upon protected species.

5. Impact on residential amenity

Policy DM2 states that proposals should demonstrate that development will not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses. The application site has three residential properties in close proximity. The dwelling at Cleave Barton is on the east side of the courtyard onto which the holiday accommodation would look. The building (as well as the proposed fenestration) is orientated to look into the courtyard. Although the courtyard would become a shared space between the applicants dwelling and the holiday accommodation, it is not considered that the provision of the holiday accommodation would have any unacceptably adverse impacts on the amenity of the occupiers of Cleave Barton and that sufficient privacy would be provided for the occupiers of the holiday accommodation.

To the west of the site lies Bickleigh Mill. While a majority of Bickleigh Mill is a commercial property there is a managers flat at first floor level on the north side of the property. Bickleigh Mill buildings and the application building effectively have their backs to one another. There is no direct relationship between the buildings. The proposed conversion of the application building would result in some openings on the west facing elevation of the building. A vast majority of the openings already exist and would be glazed to provide light into the accommodation. It is not considered that the proposed windows on the west elevation of the building would result in any loss of privacy to the occupiers of the flat at Bickleigh Mill due to the height difference between the buildings and the intervening building elements between the two sites.

To the south of the application site there is a residential property (not associated with the application site) called Millhayes. Millhayes shares an entrance driveway with Cleave Barton, albeit it is not considered that the additional traffic associated with the two units of holiday accommodation would have any significant impacts on the access or parking facilities for Millhayes.. The occupiers of Millhayes have highlighted that their property has 4 windows that look toward the application site and the courtyard at Cleave Barton. The plans demonstrate that in places the rear of Millhayes is within 4/5m of the application site. The application building and the rear of Millhayes are in close proximity to one another with a private pathway indicated on to the plans between the two properties. However, although the buildings are close, any views from Millhayes would be either into the courtyard at Cleave Barton or of the gable end of the application building within which there are no windows currently or proposed. It is not considered that the conversion of the building would have any significant detrimental effects on the amenity of the occupiers of Millhayes.

Overall the proposed development is not considered to have an unacceptably adverse effect on the amenity of occupiers of nearby properties and is in accordance with policy DM2 Local plan Part 3 (Development Management Policies).

6. Ecology

The NPPF (para 174) indicates that local plans should promote the conservation , restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. This national policy requirement is reiterated in Policy DM2 Local plan Part 3 (Development Management Policies) which states that development should demonstrate a positive contribution to biodiversity assets. An ecological survey which was

as submitted with the application that was carried out in November 2017 concludes that three bat surveys comprising two dusk emergence surveys and one dawn re-entry survey should be undertaken between May and September with at least one undertaken between May and August to identify any further species, the numbers of bats using the buildings and the roost types and to ascertain whether the proposed works i.e. the conversion of the buildings will cause the destruction/damage of a bat roost and result in killing and injuring bats. The report found evidence that the building had been used by bats. The emergence surveys do not appear to have been carried out although the original report indicates that the additional surveys had been booked in for commencement of the 2018 bat survey season. The results of these additional surveys, if they have been carried out have not been submitted to the local planning authority for consideration. Without this additional information it is not possible to conclude that the conversion would not have an adverse impact on protected species and the development is considered to be contrary to the NPPF and policy DM2 (c) of the Local Plan Part 3 (Development Management Policies).

7. Planning balance and conclusion

The application has demonstrated that aspects of the proposed development are inaccordance with planning policies.. However, the site is in flood zone 3 and it is at risk of flooding and the local planning authority consider that it has not been demonstrated that the development would be flood resistant, that any risk associated with flooding could be safely managed for the lifetime of the development or that safe access and escape routes can be provided. It has not been demonstrated that the risk of flooding of the development would not present a risk to life. The proposal is therefore considered to be contrary to paragraph 163 NPPF, planning practice guidance “Flood and coastal change” and policies COR1 and COR11 Mid Devon Core Strategy. Additionally the local planning authority have concluded insufficient evidence has been submitted to demonstrate that the development will not have an adverse impact on protected species and is therefore contrary to the NPPF and policies DM2 (c) and DM11(d) of the Local Plan Part 3 (Development Management Policies). The proposal cannot therefore be concluded to be a sustainable form of development and is contrary to both national and local planning policies. It has therefore been recommended for refusal.

REASON FOR REFUSAL

1.The application site is in flood zone 3 and it is at risk of flooding. The application proposes the conversion of the buildings into two units of holiday accommodation which is a ‘more vulnerable’ use as set out in the ‘Flood risk and coastal change’ planning practice published by the MHCL 6th March 2014. The local planning authority consider that it has not been demonstrated that the development would be flood resistant, that any risk associated with flooding could be safely managed for the lifetime of the development or that safe access and escape routes can be provided. It has not been demonstrated that the risk of flooding of the development would not present a risk to life. The proposal is therefore considered to be contrary to paragraph 163 NPPF, planning practice guidance “Flood and coastal change” and policies COR1 and COR11 Mid Devon Core Strategy.

2. The NPPF (para 174) indicates that local plans should promote the conservation , restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species and identify and pursue opportunities for securing measurable net gains for biodiversity. This national policy requirement is reiterated in Policies DM2 and DM11 Local Plan Part 3 (Development Management Policies) which states that development should demonstrate a positive contribution to biodiversity assets. An ecological survey which was as submitted with the application that was carried out in November 2017

concludes that three bat surveys comprising two dusk emergence surveys and one dawn re-entry survey should be undertaken between May and September with at least one undertaken between May and August to identify any further species, the numbers of bats using the buildings and the roost types and to ascertain whether the proposed works i.e. the conversion of the buildings will cause the destruction/damage of a bat roost and result in killing and injuring bats. The results of these additional surveys, if they have been carried out, have not been submitted to the local planning authority for consideration. Without this additional information it is not possible to conclude that the conversion would not have an adverse impact on protected species and the development is considered to be contrary to the NPPF and policies DM2 (c) and DM11(d) of the Local Plan Part 3 (Development Management Policies).

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.

Plans List No. 2

Application No. 18/02024/FULL

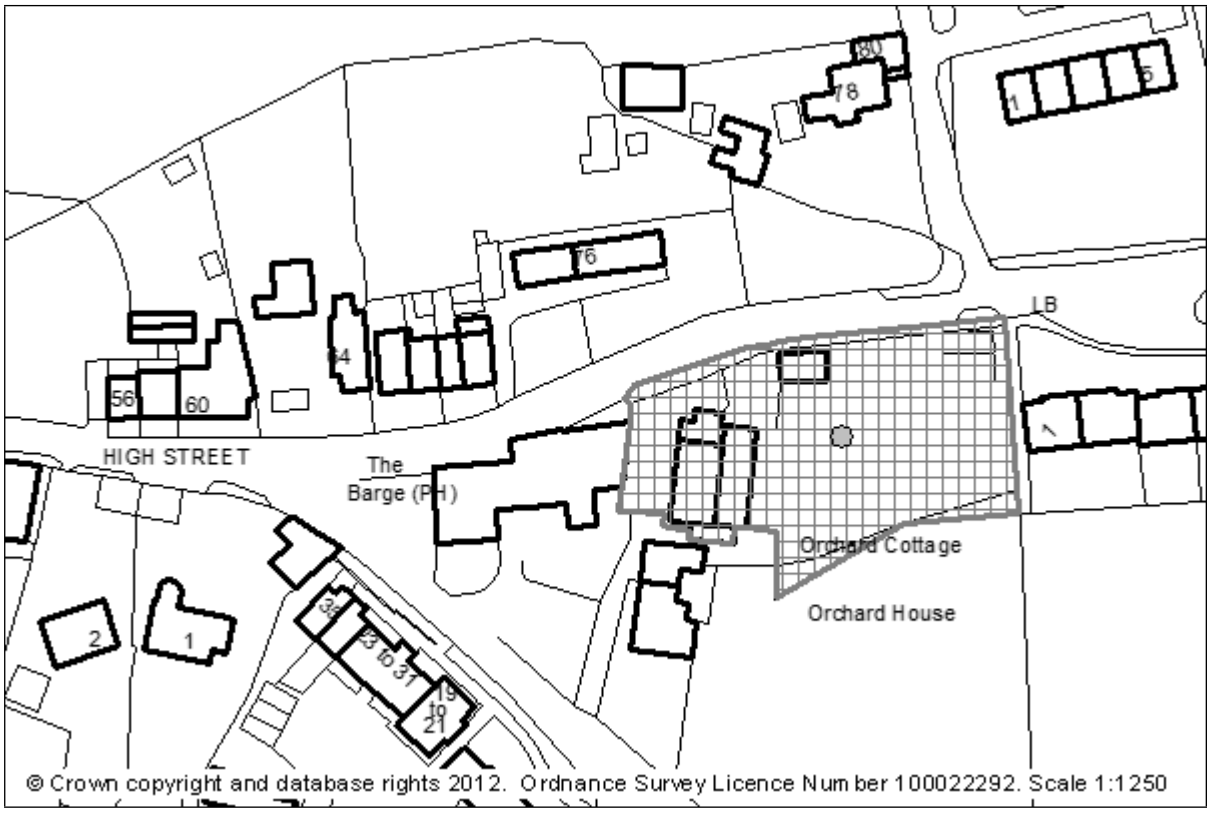
Grid Ref: 301270 : 112835

Applicant: 3 Rivers Developments Ltd

Location: Land and Buildings at NGR 301270 112834
(Orchard House)
High Street
Halberton

Proposal: Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL

Date Valid: 12th December 2018



APPLICATION NO: 18/02024/FULL

RECOMMENDATION

Grant planning permission subject to conditions

PROPOSED DEVELOPMENT

Planning permission 17/00711/FULL granted consent for the erection of 4 dwellings, conversion of barn to dwelling, parking and formation of new vehicular access on a site located to the east of the public house in Halberton with access off High Street. This is a s73 application for variation of conditions 2, 5, 7, 8, 9, 10 and 15 of that planning permission. The conditions relate to:
Condition 2: approved plans
Condition 5: submission of boundary treatment
Condition 7: requirement for a sample panel of stonework to be provided on site
Condition 8: Submission of materials for external surfaces and hardsurfacing
Condition 9: Requirement for further land contamination assessment
Condition 10: Requirement for a land remediation scheme for contamination
Condition 15: Programme of archaeology work

The application seeks to vary details on the plans which affects conditions 2, 5, 7 or submit information discharging the conditions which affects conditions 8, 9, 10 and 12. The effect of a grant of planning permission is to issue a new planning permission.

The amendments to the approved scheme relate to the erection of a rendered wall along the site frontage and round the rear boundaries of the properties, in place of a stone wall along the site frontage and brick wall round the rear boundaries. There are minor changes to some of the detailing on the elevations of the properties including detailing of the ridge tiles, bargeboards and canopies over the doors.

With regards to condition 7, the application seeks to remove this in its entirety as they no longer propose a stone wall

With regards to conditions 8, 9, 10 and 12, the applicant has submitted the required details, land contamination and archaeology assessments with this current application and seeks discharge of the conditions

APPLICANT'S SUPPORTING INFORMATION

Applicants covering letter dated 11th December 2018
Amended plans
Archaeology assessment
Phase 2 Geotechnical Investigation and contamination assessment report

RELEVANT PLANNING HISTORY

17/00711/FULL - PERCON date 4th July 2017
Erection of 4 dwellings, conversion of barn to dwelling, parking and formation of new vehicular access
18/02024/FULL - PCO date
Variation of conditions 2, 5, 7, 8, 9, 10 and 15 of planning permission 17/00711/FULL

OTHER HISTORY

None

INFORMATIVES
None

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1)
COR1 - Sustainable Communities
COR2 - Local Distinctiveness
COR3 - Meeting Housing Needs
COR9 - Access
COR11 - Flooding
COR12 - Development Focus
COR17 – Villages

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)
AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)
DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM3 - Sustainable design
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets

CONSULTATIONS
HIGHWAY AUTHORITY - 13.12.18
No Comments

HALBERTON PARISH COUNCIL - 09.01.2019
Halberton Parish Council considered this application at their meeting on 8th January 2019. The Council objects to the proposals in this application, with the exception of the amendments to the tactile paving made after the applicant took advice from Devon Highways. In particular the Council objects to:
the proposal to render the wall as the Council believes the stone faced wall in the orginal application is more in keeping with the vernacular and with the Conservation Area status.
the proposal for the neighbourhood parking area to be changed from tarmac to gravel/shingle. The applicant themselves state the ground has poor permeability and dismisses permeable solutions as not being "an effective solution" (para 6 to their letter of 11 December 2018) so a gravel/shingle surface on this parking area will cause it to become waterlogged.
The Council notes the objections of local residents regarding the neighbourhood parking and is making enquiries as to the future of the space, as the Council agrees this should be a residents parking area.

PUBLIC HEALTH – 06.02.19

The contaminated land assessment identified asbestos fibres on the site and that further investigations were required. These could be conditioned as follows:

Following the demolition of the barn the front and side amenity areas to plot 1 require shallow soil sampling to assess for the presence of asbestos fibres.

Additional testing must be carried out in the area of TP1 in order to determine the presence or absence of volatile organic compounds and semi-volatile organic compounds.

Where contamination is identified a remediation statement shall be submitted for approval to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

Following completion of any required remediation works, a validation report shall be submitted to the Local Planning Authority for consultation with Environmental Health Services (and other agencies if required).

DCC HISTORIC ENVIRONMENT TEAM - The Historic Environment Team has received from AC archaeology a copy of the report for planning application 17/00711/FUL, Land at Orchard House, High Street, Halberton. I recommend that the condition be signed off by the LPA.

REPRESENTATIONS

2 letters of objection have been received raising the following issues:
-parking surface needs to be usable to all
- parking needs to be reserved for residents
- what provision will be made for residents parking during construction?
- concerned that the residents parking area will be boggy
- inadequate replacement provision

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:
1)Policy and procedure
2) Impact of proposed changes on the character and appearance of the area including the Conservation Area
3) Impact of proposed changes on the nearby residents

1)Policy and procedure

The application site is located within the settlement limit of Halberton and also within its Conservation Area. The site was granted planning permission in July 2017 and therefore it is not proposed to repeat the whole policy background here, as that permission is still valid and it is minor changes which are proposed. Since that time, a revised NPPF has been issued but this does not fundamentally change the policies against which the development was assessed.

The main issue therefore is the impact that the proposed changes have on the character and appearance of the area, the Conservation Area and the living conditions of the residents adjacent

2) Impact of proposed changes on the character and appearance of the area including the Conservation Area

With regards to the impact on the character and appearance of the area and therefore the Conservation Area, the proposal has been discussed with the Conservation Officer. The current site boundary with High Street is a concrete block wall. The approved scheme

replaces this with a lower stone wall, which picks up on the material of construction of many boundary walls in the Conservation Area. The proposed amendment to a rendered block wall is unfortunate but this is still considered to be an improvement over the existing concrete block wall at the site and therefore the character and appearance of the Conservation Area is still enhanced. The provision of new boundary walls to the barn conversion and the dwellings at the rear are considered acceptable in block and render rather than brick. These are set well back from the road with limited visibility of them and in any event, rendered boundary walls are a feature of many dwellings in Halberton

The application seeks to remove condition 7 which required a sample panel of stone to be agreed on site before its use in the construction of the boundary wall. As a stone wall no longer forms part of the proposals, this condition is no longer necessary and can be removed

With regards to the changes to some of the detailing on the properties (intricate bargeboards on main roofs and porch roofs and crested ridge tiles and finials on main roofs and porch roofs) the Conservation Officer has advised that he has no objection to these amendments as whilst there are these details within the Conservation Area, there are many buildings with much plainer detail and subject to the depth of the bargeboards and the soffit detailing being correct (amended details awaited at the time of writing this report), it is not considered that these alterations would detract from the Conservation Area

Details of external and hardsurfacing materials were required by condition 8 and would normally be dealt with via a discharge of condition request but have been submitted with this application. The choice of brickwork, window detailing, roof material, chimney detail etc are all considered acceptable in the context of the scheme and its location in the Conservation Area

The application includes with it a Land contamination/geophysical report to seek to discharge condition 9. The Public Health team are satisfied with the content but are advising that further assessment is still required and this will need to be subject to further conditions on any consent issued

The application also includes the submission of an archaeological assessment which DCC Historic Environment Services have advised is acceptable to discharge the condition.

3) Impact of proposed changes on the nearby residents

The main issue raised in the 2 letters of objection received, relate to the car parking provision.

The previous application included the provision of a parking area for existing residents, who currently park on the road frontage in the vicinity of the site.
The proposed development provides additional parking over and above that required by the proposed development itself. Therefore in granting consent back in 2017, the LPA noted that the creation of the neighbourhood parking area was not to mitigate the proposed development but rather a community benefit. The previous proposals included a tarmac surface to the parking area but the current application seeks to amend this to gravel/shingle. Given that it will be located behind a 1m high wall and located approx. 1m lower than the pavement outside the site, it is not considered that the change in material will have an adverse impact on the character and appearance of the conservation area. The objections received also refer to the gravel surface becoming waterlogged and unusable. However, a porous material will assist with natural drainage of the surface and should prevent this from happening

Summary
Therefore, whilst some of the changes proposed appear to be a slight ‘watering down’ of the agreed detail, it is not considered that the proposed changes are such that the development would detract from the character and appearance of the Conservation Area. The proposal therefore remains in conformity with policy DM27 and the other policies considered at the time of the previous application in 2017

CONDITIONS
1. The development hereby permitted shall be begun before 4th July 2020.
2. Subject to the effect of any condition of this permission, the development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Before the development hereby permitted is first brought into use, the access and its associated visibility splays, parking and turning areas shall be provided and surfaced to avoid surface water discharge onto the highway. Following their provision these details shall be so retained and maintained.
4. All telephone, electricity and mains gas services to the building shall be placed underground.
5. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order with or without modification) no development of the types referred to in Classes A, B, C, D, E and F of Part 1, or Class A of Part 2 of Schedule 2 relating to the enlargement, improvement or other alteration of a dwellinghouse, addition or alteration to the roof, erection of a porch outside any external door, provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, container for domestic heating purposes for storage of oil of liquid petroleum gas, provision of a hard surface or the erection of a gate, fence wall or other means of enclosure, shall be undertaken within the application site without the Local Planning Authority first granting planning permission.
6. The materials to be used for all the external surfaces of the buildings and hardsurfaced areas shall be as shown on the approved drawings and set out in the letter submitted with the application dated 11th December 2018.
7. Following the demolition of the barn in the north east corner of the site, shallow soil sampling in the areas identified as amenity space for plot 1 shall be carried out to assess for the presence of asbestos fibres. Additional testing shall also be carried out in the area marked TP1 in the Phase 2 Geotechnical Investigation and Contamination Assessment report carried out by Ruddlesden geotechnical dated December 2018, in order to determine the presence or absence of volatile organic compounds and/or semi-volatile organic compounds. Where contamination is identified a remediation statement shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing on site to erect any of the approved dwellings. The approved remediation scheme shall be carried out in accordance with its terms. The Local Planning Authority shall be given two weeks' written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, and before any dwelling is first occupied, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority.

8. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local

Planning Authority in writing before their construction begins, such details to include plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction.

9. No part of the development hereby approved shall be commenced until:
A) The access road has been laid out, kerbed, drained and constructed up to base course level for the first 20 metres back from its junction with the public highway
B) The ironwork has been set to base course level and the visibility splays required by this permission laid out
C) The footway on the public highway frontage required by this permission has been constructed up to base course level
D) A site compound and car park have been constructed to the written satisfaction of the Local Planning Authority

10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme and shall be fully operational before any dwelling is first occupied.
11. No work shall be carried out on the site on any Sunday, Christmas Day or Bank Holiday or
other than between the hours of 0730 and 1900 hours on Monday to Fridays and 0730 and 1300 on Saturdays.
12. No development shall begin on the conversion of the barn until a schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include:
(a) Details of any demolition or removal of any building fabric and any rebuilding or repairing works required to convert the building;
(b) Details of all measures required to support any wall, floor, roof or other vertical or horizontal surface
(c) Details of measures required to provide protection for the building against the weather during the conversion works.
The agreed schedule shall be strictly adhered to during the course of the conversion works.
13. The mitigation and enhancements proposed in the Ecological Appraisal (February 2017) prepared by Green Ecology shall be implemented and completed before any dwelling is first occupied and shall be retained in accordance with the requirements of that report.

REASONS FOR CONDITIONS:
1. This is a s73 application and therefore the date for implementation is unchanged from the original consent granted.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure adequate facilities are provided and retained for vehicles attracted to the site in accordance with policies DM2 and DM8 of the Mid Devon Local Plan Part 3 (Development Management Policies).
4. In order to safeguard the historic visual amenity of area - Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM27.
5. To protect the privacy and amenities of future and neighbouring occupiers and to ensure adequate parking and turning areas and amenity space are maintained for the proposed dwelling in accordance with policies DM2 and DM14 of the LP3 DMP
6. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Core Strategy (Local Plan 1)

policy COR2 and Local Plan Part 3: (Development Management Policies) DM2, DM14, DM27.
7. In the interests of public health and the protection of the environment.
8. To ensure that adequate information is available for the proper consideration of the detailed
proposals.
9. To ensure that adequate on site facilities are available for all traffic attracted to the site during
the construction period, in the interest of the safety of all users of the adjoining public highway and to protect the amenities of the adjoining residents.
10. To protect water quality and minimise flood risk in accordance with Flood Management Act.
11. To protect the privacy and amenities of neighbouring occupiers in accordance with policies
DM2 and DM14 of the LP3 DMP.
12. To ensure the character of the building is retained and to protect the building during conversion works in accordance with policy DM11.
13. To ensure the protection of any ecological interests at the site in accordance with policy DM11.

REASON FOR GRANTING PLANNING PERMISSION
The proposal is acceptable in principle as the site is within the defined settlement limit of Halberton and there is an extant planning permission on the site. The proposal would bring important social benefits in terms of delivering market housing and it would also promote economic activity. The proposed development will reasonably complement the appearance of the street scene and would have an acceptable impact on the character and appearance of the Halberton Conservation Area. Adequate onsite parking with access thereto can be provided to serve this proposal. There is sufficient distance and intervening topography and landscaping between the proposed dwelling and the neighbouring properties not to adversely affect the living conditions of the occupiers of those dwellings. The proposal is therefore in accordance with policies COR9, COR2, and COR13 of the Mid Devon Core Strategy 2007, together with policies DM1, DM2, DM3, DM8, DM14 and DM27. Therefore no environmental harm has been identified which is not capable of being mitigated through the use of planning conditions and a S106.

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.

Plans List No. 3

Application No. 18/02071/FULL

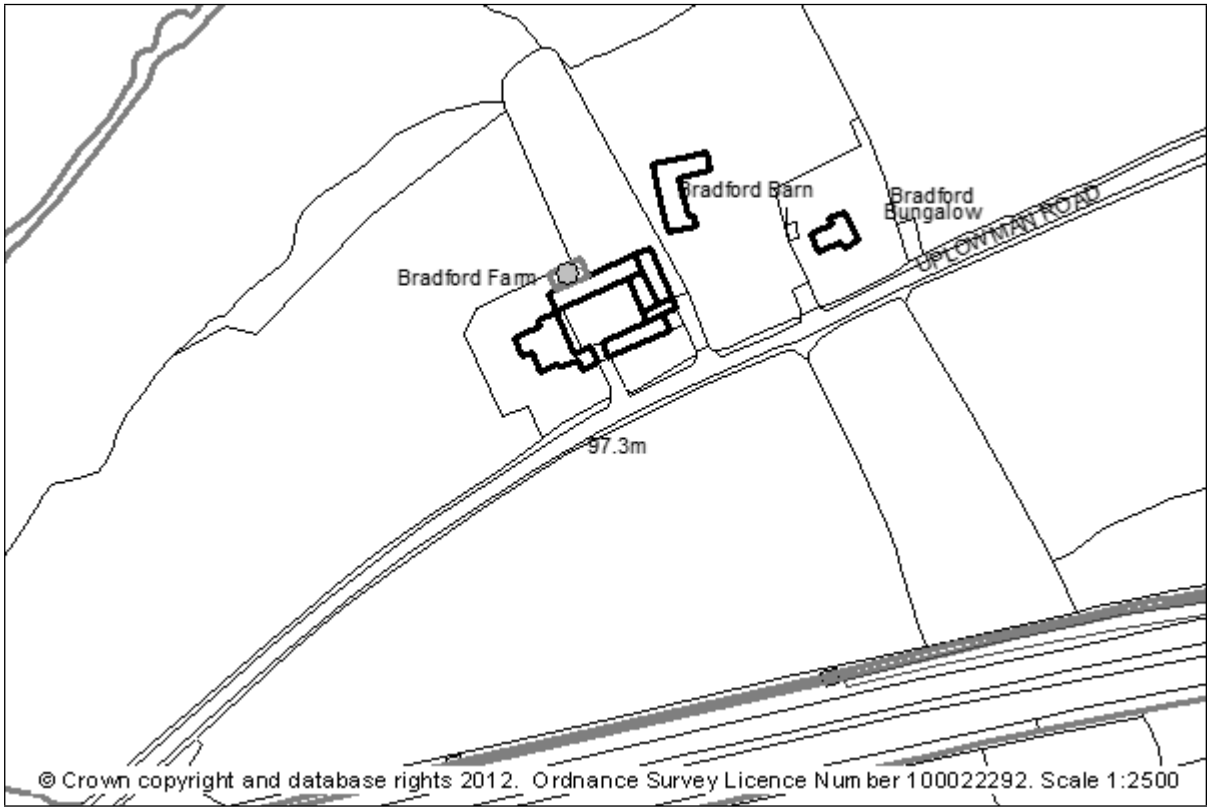
Grid Ref: 299312 : 114301

Applicant: Mr Andy Fields

Location: Bradford Farm
Uplowman
Tiverton
Devon

Proposal: Retention of Log store

Date Valid: 8th January 2019



APPLICATION NO: 18/02071/FULL

MEMBER CALL-IN

Called in by Councillor Slade to consider:

1. Whether there is a planning justification for the need for the log store and whether there are adequate buildings on site to accommodate the storage or logs.
2. Whether the design and materials for the log store are of an acceptable quality and appearance taking into account the quality of the stone barns and their setting.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the retention of log store at Bradford Farm, Uplowman. The building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The log store constructed incorporated part of a previous building utilising existing stone walls within the build.

APPLICANT'S SUPPORTING INFORMATION

Application form, Site Location Plan, Block Plan, Elevations Plan, Floor Plan, Roof Plan and Historic Aerial Photograph taken of Bradford Farm.

RELEVANT PLANNING HISTORY

00/01037/FULL - PERMIT date 31st January 2001
Conversion of barn to dwelling (amended scheme to that approved for unit 4 under planning permission reference number 4/52/94/536)

94/00536/FULL - PERMIT date 3rd November 1995
Conversion of redundant farm buildings into four dwellings and formation of new access

94/02187/FULL - PERMIT date 26th January 1995
Erection of two storey extension comprising of sitting room, bedroom and bathroom

18/00657/FULL - WDN date 16th October 2018
Retention of change of use of an existing agricultural building to office with parking

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)
COR2 – Local Distinctiveness
COR9 – Access
COR12 – Development Focus
COR18 – Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)
DM1 – Presumption in favour of sustainable development
DM2 – High Quality Design

DM3 – Sustainable design
DM8 – Parking
DM13 – Residential extensions and ancillary development
DM20 – Rural Employment Development

National Planning Policy Framework

CONSULTATIONS

Tiverton Town Council - 5th February 2019
No objections

Environment Agency - Operational development less than 1 ha within Flood Zone 1 - no EA consultation required

REPRESENTATIONS

One letter received from occupiers of Bradford Barn noting that the works undertaken are those of a new build and not repairs to an existing building with photographs provided to demonstrate this and raising concern to the materials used and overall need for the building.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. **Policy and procedure**
2. **Design of the works and the impact on the character of the area**
3. **Impact on amenity of occupiers of residential property**
4. **Other planning matters**

1. Policy and procedure

This planning application follows an enforcement investigation relating to authorised works with the outcome being the submission of this application seeking planning permission for the retention of the log store building erected at Bradford Farm. 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 (the Framework), published by the Government in July 2018, is noted as one such material consideration.

In addition to the NPPF, the Local Authority needs to determine this proposal on the basis of a number of policies contained within the Development Plan. The adopted Core Strategy seeks to guide development to provide sustainable development and sustainable communities and protecting the countryside under COR18. Policy DM2: High Quality Design of the Local Plan Part 3 - Development Management Policies is particularly relevant to this application. This policy states:

Designs of new development must be of high quality, based upon and demonstrating the following principles:
a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
b) Efficient and effective use of the site, having regard to criterion (a);
c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;

d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;
e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
i) Architecture
ii) Siting, layout, scale and massing
iii) Orientation and fenestration
iv) Materials, landscaping and green infrastructure
f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Policy DM13 to a lesser degree is also considered relevant in that it relates to ancillary development to the main farmhouse being used to store logs and a secure store. The requirement of this condition is that it should respect the character, scale, setting and design of the existing dwelling, will not result in over-development of the dwelling curtilage and will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.

The above criteria relating to policies DM2 and DM13 are considered in further detail below.

2. Design of the works and the impact on the character of the area

Bradford Farm is not a listed building with the structure of the log store being single storey located centrally to the rear of the existing barn complex not easily visible from public vantage points given its position and the existing boundary treatments adjacent the road. There was an existing building to the rear of the existing barn complex which has been incorporated into the log store building, so it is not a completely new structure. There is no foul drainage associated with this building and the overall size of the building is 13.7m wide with a projection of 5.8m from the rear barn wall and overall height of 3.3m. The materials are predominately stone and timber cladding for walls with corrugated fibre cement for the roof covering. The materials are not considered to be out of keeping for a rural building within a rural setting especially as existing stone walls of an existing structure having been incorporated into the log store building with timber cladding installed above an area of stone wall.

The layout of the log store is separated into two parts, with an open log store to one side and an enclosed store to the other with a central access which leads into the inner courtyard and on to the entrance to the main property. The open log store is being used to store logs with no windows within this part of the building facing any neighbouring property. The enclosed store is being used to store machinery and equipment having a window in the rear elevation overlooking land in the control of the applicant. It is noted that there is a wood burner within this room with the associated flue extending up through the roof. The applicant's agent has been asked to amend the plans to show this flue but the wood burner is used to heat the room when in use by the applicant.

In respect to the need for the development which is a concern raised by the Ward Member and the occupier of the neighbouring property, need is not a requirement of Policy DM2 or DM13 and but it is noted that the log store is being fully utilised for the storage of logs and this part of the log store has been designed to be an open area. The area to the side is just a covered access leading through an existing area between the barns into the internal courtyard. The other part of the log store is the enclosed store which utilises an existing structure so cannot be claimed to be a completely new building. Having visited the site it is noted that other barns are used for storage purposes with the remaining empty barns being

subject to the previous change of use application to office accommodation which was withdrawn.

3. Impact on amenity of occupiers of residential property

The occupiers of the nearest neighbouring property reside at Bradford Barn further to the east with the distance from the log store to the boundary being approximately 25 metres and as commented above has no windows directly facing the neighbouring property. Therefore it is not considered that the log store building as erected would result in a significant adverse impact on the amenity of the occupiers of the neighbouring property.

4. Other planning matters

I would note that there are a number of enforcement matters outstanding on this site mainly relating to the siting of a shipping container to the north of the log store building and the creation of the rear car parking area to the east of the log store which is currently being used by tradespeople working on repairs to the existing barn structures. The fact that this is a retrospective application alone would not be sufficient reason to warrant a refusal of this application and I would comment that the determination of this planning should not be assessed in addition with these other matters which are currently being pursued and are to be dealt with separately.

The development of the log store in itself is not considered to result in a significant increase in traffic to the site with access arrangement into the site already existing with ample parking facilities within the inner courtyard.

CONDITIONS

1. The date of commencement of this development shall be taken as 8th January 2019, the date the application was registered by the Local Planning Authority.

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

REASONS FOR CONDITIONS

1. In order to establish a legal commencement date for the development to enable the development to be monitored by the Local Planning Authority.

2. For the avoidance of doubt in the interests of proper planning.

REASON FOR/ APPROVAL OF PERMISSION/GRANT OF CONSENT

Given the position, overall design and appearance of the log store constructed on site at Bradford Farm and the relative distance between this site and the nearby neighbouring residential property, it has been concluded that there would not be a significant detrimental impact on the living conditions of any occupants of nearby residential properties nor the visual amenity of the locality harmed as a result of the proposal to an extent that would justify withholding planning permission. It is not considered that the proposal would result in any significant adverse environmental or highway impacts. Having regard to all material considerations the application is in accordance with the requirements of policies COR2 and COR18 of the Mid Devon Core Strategy; policies DM2 and DM13 of the Mid Devon Development Management Policies; 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.