

PLANNING COMMITTEE AGENDA - 3rd July 2019

Applications of a non-delegated nature

| <u>Item No.</u> | Description |
|-----------------|--|
| 01. | 18/01840/FULL - Change of use of land for the siting of permanent and touring pitches for tents and caravans at Land Adjoining Ruffwell Inn, Thorverton, Exeter. RECOMMENDATION Grant permission subject to conditions. |
| 02. | 18/01935/MFUL - Erection of 2-storey GP Practice at Land at NGR 284429 99439, Joseph Locke Way, Crediton. RECOMMENDATION Grant permission subject to conditions. |
| 03. | 19/00795/FULL - Erection of an extension and alterations to residential home (Revised Scheme) at Ridge House, Church Street, Morchard Bishop. RECOMMENDATION Grant permission subject to conditions. |

Application No. **18/01840/FULL**

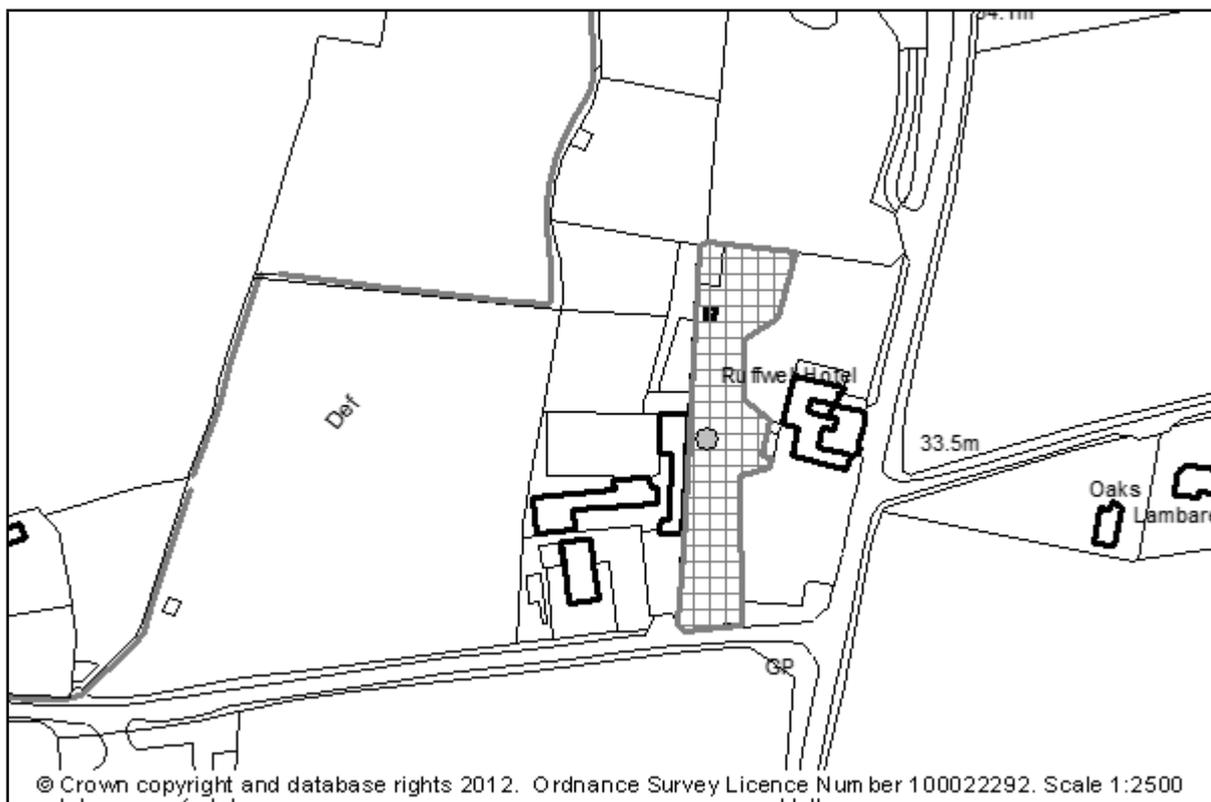
Grid Ref: 294473 : 101677

Applicant: Mr P Cairns

Location: Land Adjoining Ruffwell Inn
Thorverton
Exeter

Proposal: Change of use of land for the siting of permanent and touring pitches for tents and caravans

Date Valid: 9th November 2018



Application No: 18/01840/FULL

Member Call-In

Application called-in for the Planning Committee to consider whether the proposed tourism use would have an unacceptable impact on: the residential amenity of the occupiers of neighbouring properties or the visual amenity of the surrounding rural area.

RECOMMENDATION: Grant planning permission subject to conditions.

PROPOSED DEVELOPMENT

The proposed development is for the change of use of land for the siting of 3 permanent caravans, 5 touring caravans and 2 tent pitches on land that forms part of the Ruffwell Inn, Thorverton. The application site is to the west of the Ruffwell Inn and would extend from the southern boundary of the pub to its northern boundary. It would be adjacent to the western boundary of the site which currently a series of trees and relatively tall hedge. It is proposed to plant a new hedgerow on the eastern boundary of the application site which would separate the caravan and camping pitches from the carpark and the rear of the public house.

APPLICANT'S SUPPORTING INFORMATION

Site location plan
Existing and proposed block plans
Proposed site plan
Proposed elevations
Photographs
Design and access statement
Flood risk assessment
Business plan

PLANNING HISTORY

80/01544/FULL - PERMIT date 24th October 1980

Erection of new lounge bar; conversion of living room to lounge bar; enclosure of part of covered way; relocation of pedestrian access; extension of car parking area to provide 24 additional parking spaces

95/01878/FULL - PERMIT date 23rd January 1996

Repairs and alterations to storm damaged storage barn

97/01031/FULL - PERMIT date 9th September 1997

Alterations and change of use of storage area into three letting bedrooms

03/05385/FULL - PERMIT date 12th January 2004

Erection of single and two storey extensions

04/00299/FULL - PERMIT date 2nd April 2004

Erection of extensions to form bedroom accommodation and functions room

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan Part 1 (Core Strategy)

COR18 – Countryside

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 – High Quality Design

DM8 – Parking

DM24 – Tourism and Leisure

National Planning Policy Framework

CONSULTATIONS

Silverton Parish Council:

05.02.19

The Parish Council does not support the above application on the following grounds:

(a) Although the applicant states in the application that the land is connected to the mains sewer it is believed this is not correct. The Parish Council are informed that the site uses a sewage treatment plant which has historically failed resulting in sewage seeping into adjoining fields and the Parish Council would ask that the Planning Officer clarifies the Applicant's response to this question prior to any decision being made.

(b) The junction on the A396 to Thorverton is adjacent to the Ruffwell Inn and is an accident black spot. Cars using the A396 at this point tend to drive fast and exiting from the "B" road to/from Thorverton is fraught with danger especially when buses are parked a short distance from the junction either dropping off or collecting passengers. The Parish Council have real concerns that vehicles with caravans pulling in/out of this entrance might not be seen and this could increase the accidents in this area.

(c) It is felt there is inadequate screening between the proposed development and neighbours.

(d) Permitting permanent caravans at this site would put additional pressure on what the Parish Council believe to be inadequate services serving the site.

(e) The Parish Council feel permitting the change of use of the land for this purpose would have a negative impact on the local community.

14.05.19

The Parish Council does not support the above application and would reiterate the comments made in the email dated 5th February 2019 supporting its objection to the application.

After further considering the application in light of the revised drawings, the Parish Council also does not consider this is a suitable area for a permanent touring pitch site.

The Parish Council understands there have been two road traffic incidents in the vicinity recently and this only enforces its views set out at paragraph (b) of the email dated 5th February

Rewe Parish Council:

8.02.19

Rewe Parish Council unanimously objects to this planning application.

18.04.19 - Rewe Parish Council unanimously object to this planning application.

Thorverton Parish Council: 14.02.19

Change of use of land for the siting of permanent and touring pitches for tents and caravans the Ruffwell Inn, Thorverton.

'Thorverton Parish Council OBJECTS to this application due to the following reasons:

1) This is an inappropriate site for such a development

2) This site is not adjacent to a settlement limit

3) Such a development should be limited to the edge of a town as the current situation does not respect the appearance and character of the countryside

4) Permission for residential units on this site would be unacceptable especially as it is understood that the site operates on a septic tank system and not mains drainage.

5) Vehicles towing caravans / motorhomes pulling out of or turning into the car park onto/from the busy road would cause safety issues. The entrance to this site is on a cross road and has a bus stop opposite and next to it all of which restricts visibility'.

DCC Historic Environment Team:

24.01.2019

Devon County Historic Environment Team ref: Arch/DM/MD/CDV33771a

The proposed development lies in an area of archaeological potential within a landscape that contains a concentration of prehistoric archaeological sites, ranging from large ditched enclosures, site of settlement and possible funerary activity as well as artefactual material recovered from the plough soil in nearby fields. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with the known prehistoric activity. The impact of development upon the archaeological resource here should be mitigated by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.

The Historic Environment Team recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets and archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.

If a Written Scheme of Investigation is not submitted prior to determination the Historic Environment Team would advise, for the above reasons and in accordance with paragraph 199 of the National Planning Policy Framework (2018) and the supporting text in paragraph 5.3 of the Mid Devon Local Plan Part 3: Development Management Policy DM27 (2013), that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:

'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason

To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development'

This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

I would envisage a suitable programme of work as taking the form of the archaeological supervision of all groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed archaeological or artefactual deposits. The results of the fieldwork and any post-excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.

I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

15.04.19

I refer to the above application and your recent re-consultation. I have no additional comments to make to those already made.

Public Health: 08.01.2019

Contaminated Land: No objection to this proposal

Air Quality: No objection to this proposal

Environmental Permitting: No objection to this proposal

Drainage: No objection to this proposal

Noise & other nuisances: No objection to this proposal

Housing Standards: No comment

Licensing: The applicant has already been advised they will need a licence but should any further information be required then they should contact licensing@middevon.gov.uk 01884 255255

Food Hygiene : No objection to this proposal. If a shop / café or similar food business is open this will require registration with Environmental Health. 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 as amended 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, would have no comment.

Health and Safety: No objection to this proposal

10/4/2019

A septic tank is a complete mini sewage system that uses bacteria to naturally break down the solids from the sewage. Emptying chemical toilets into the septic tank will result in these bacteria being killed off therefore, rendering the septic tank ineffective and increasing the risk of pollution. The chemical toilet waste should be disposed of in a separate Cesspool dedicated for chemical toilet waste only. If they want further advice then they should contact a drainage engineer

Highway Authority:

15.01.19 - No comments.

15.04.19 - The Highway Authority have no further observations to make.

Environment Agency: Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

REPRESENTATIONS

A total of 19 letters of objection have been received in relation to this application. Comments contained in these letters can be summarised as follows:

Not in keeping with character and appearance of the area;
Access and traffic impacts;
Highway safety;

Pedestrian safety;
Connection to sewage systems;
Landscaping queries;
Countryside location;
Existing competition in the area;
Noise impacts and other nuisances.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The National Planning Policy Framework states that to support a prosperous rural economy, a positive approach should be taken to sustainable new development. The framework further states that local planning authorities should promote the development and diversification of agricultural and other land based rural businesses. Support should also be given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in rural service centres.

Policy COR18 of the Core Strategy (Local Plan Part 1) deals with development in the countryside stating that development outside of defined settlements will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. The policy supports the principle of appropriately scaled rural tourism.

Policy DM24 of the Local Plan Part 3 further deals with tourism and leisure development proposals such as this stating that 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. Tourism and leisure development is therefore generally welcomed and supported where possible to provide employment and means of contributing to the rural economy.

Policy DM24 stipulates 3 criteria which the development must comply with:

- a) Respect the character and appearance of the location;
- b) Where possible, involve the conversion or replacement of existing buildings; and
- c) Demonstrate that the need is not met by existing provision within nearby settlements.

A summary assessment of the proposal against these criteria is set out below:

A) The proposed development includes the provision of a total of 10 pitches which incorporates 3 static caravan pitches, 5 touring caravan pitches, 2 tent pitches and a small chemical disposal timber building. The proposals are considered to respect the rural character and appearance of the location subject to an appropriate landscaping scheme being submitted to the Local Planning Authority for consideration. The site would be seen in connection with the existing business on the site (pub) and associated car parking area.

B) The nature of the proposal does not lend itself to the conversion or replacement of existing buildings on the site. The provision of holiday caravan and tent pitches is considered to be acceptable in this instance. The erection of one small timber construction building is considered to be acceptable.

C) The applicants have demonstrated through reasonable means that there is a demand for a camping facility for people passing through Mid Devon, visiting Mid Devon and visitors to the pub on the site. Although there are many other camping facilities provided within Mid Devon, it is

considered that this site would provide a quality tourism product that would meet demand and encourage visitors to stay in Mid Devon.

Access and parking for the site is to remain largely as existing. It is proposed that a cellular reinforced grass system/grasscrete type material will be installed adjacent to each pitch to provide parking for visitors to the accommodation to park alongside their accommodation when weather permits. When weather is poor parking will be provided within the main pub carpark which is considered to be acceptable and in accordance with parking policy DM8 of the Mid Devon Local Plan part 3 (Development Management Policies).

Waste storage and disposal associated with the site is to be as following:

For the permanent static pitches waste will be directed to the existing septic tank which is currently also used by the pub. Waste from the touring pitches, where necessary, will be disposed of via a new cesspool proposed for chemical toilet waste only. It is not envisaged that those using the tent pitches would require use of the chemical disposal point but the facility would be available if required.

The two proposed tent pitches will have access to the amenities inside the adjacent pub which include toilets, sinks and a shower.

The site does not lie within a Flood Zone and is not liable to surface water flooding therefore it is not considered necessary to consider any flood risk to the site.

It is proposed to plant a new hedge along the eastern boundary of the application site. The specification of the hedge has not been submitted however these details are required by condition. The hedgerow would form a visual break between the public house and the existing car park and the area of touring/tent and static pitches. It is proposed to have two gaps within the new hedgerow to allow for access to the pitches and a narrow gap toward the north of the site to provide a footpath to the pub play area.

The site is the same level as the public house. The site and immediately surrounding area is in a low valley area with the land rising to the east toward Silverton. There would be views toward the site when travelling along the A396 which is immediately east of the Ruffwell Inn, however the site would be seen in the context of the garden of the public house with existing trees and hedgerows on the western boundary forming the backdrop of the site. The planting of the hedge, when established, would assist in filtering views of the camping/caravan pitches. It is considered that the given the topography of the site and the surrounding landscape and the nature of the proposal (holiday accommodation) that the development would not result in a significant impact on the visual amenity of the area and that in this respect the application meets with the requirements of policies DM2 and DM24 of Local Plan Part 3.

The nearest off site properties to the proposed development are the telephone exchange to the west and private stables to the west and north west. The nearest residential properties to the east of the site are on the east side of the A396 (The Oaks and Lambarene). These properties are approximately 116m + away with the pub and pub garden and carpark between the site and these dwellings. The nearest residential properties to the north are Old Ruffwell Farm and Ruthfield beyond that. These properties are approximately 100m + from the northern boundary of the site and the pub garden. To the west the nearest residential properties are 1 & 2 The Barns, adjacent to Rudway Barton. These properties are approximately 200m west and are also west of the stables and telephone exchange. The Public Health team have been consulted on the application and have raised no concerns regarding noise. Taking into account the distances between the application site and the residential properties in the nearby area and the existing use of the site as a pub, associated car park and pub garden, it is not considered that the use of the site for 10

caravan/camping pitches would have an adverse impact on the residential amenity of the occupiers of the properties identified above. In this regard the proposed development is in accordance with policy DM2 Local Plan part 3 (Development Management Policies).

It is noted that the Parish Councils in the area (Silverton and Thorverton and Rewe) are not supportive of the proposed on the grounds of impact on the character and appearance of the rural area, foul sewage issues, highway issues, landscaping issues, justification for the proposal, impact on local community and countryside location of the site.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed change of use of land for the siting of permanent and touring pitches for tents and caravans on land adjoining the Ruffwell Inn, Thorverton is considered to be acceptable in policy terms, subject to the proposed conditions. The camping business is considered to be of an appropriate scale, respectful of the character and appearance of the rural location and demonstrates that the need of the facility is not met by existing provision within nearby settlements. A landscaping scheme is required to be submitted by condition to ensure that the development can successfully integrate with the character and appearance of the area. The accommodation to be provided is considered to be a sufficient distance from the neighbouring properties so as not to cause issues with regard to noise. Overall the proposal is considered to be in accordance with policies COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2, DM8 and DM24 of the Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3.
 - i) The accommodation hereby approved by this application shall be occupied for holiday purposes only.
 - ii) The accommodation hereby approved by this application shall not be occupied as a person's sole or main place of residence.
 - iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual tents and caravans on the site, their arrival and departure dates and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
4. Prior to the first use of the site for the use hereby permitted, a landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority to include details of: any changes proposed in existing ground levels and all planting, seeding, turfing or earth reprofiling. Once details are approved, the landscaping shall be carried out within the next planting season. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.
5. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the

approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. The site is outside defined settlement limits in the open countryside, where unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with policy DM24 of the Local Plan Part 3 (Development Management Policies) relating to tourism and leisure development proposals.
4. To ensure that the development makes a positive contribution to the rural character of the area in accordance with policies DM2 and DM24 of the Local Plan 3 (Development Management Policies).
5. To ensure, in accordance with Policy DM27 and paragraph 199 of the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development. This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.

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

Application No. 18/01935/MFUL

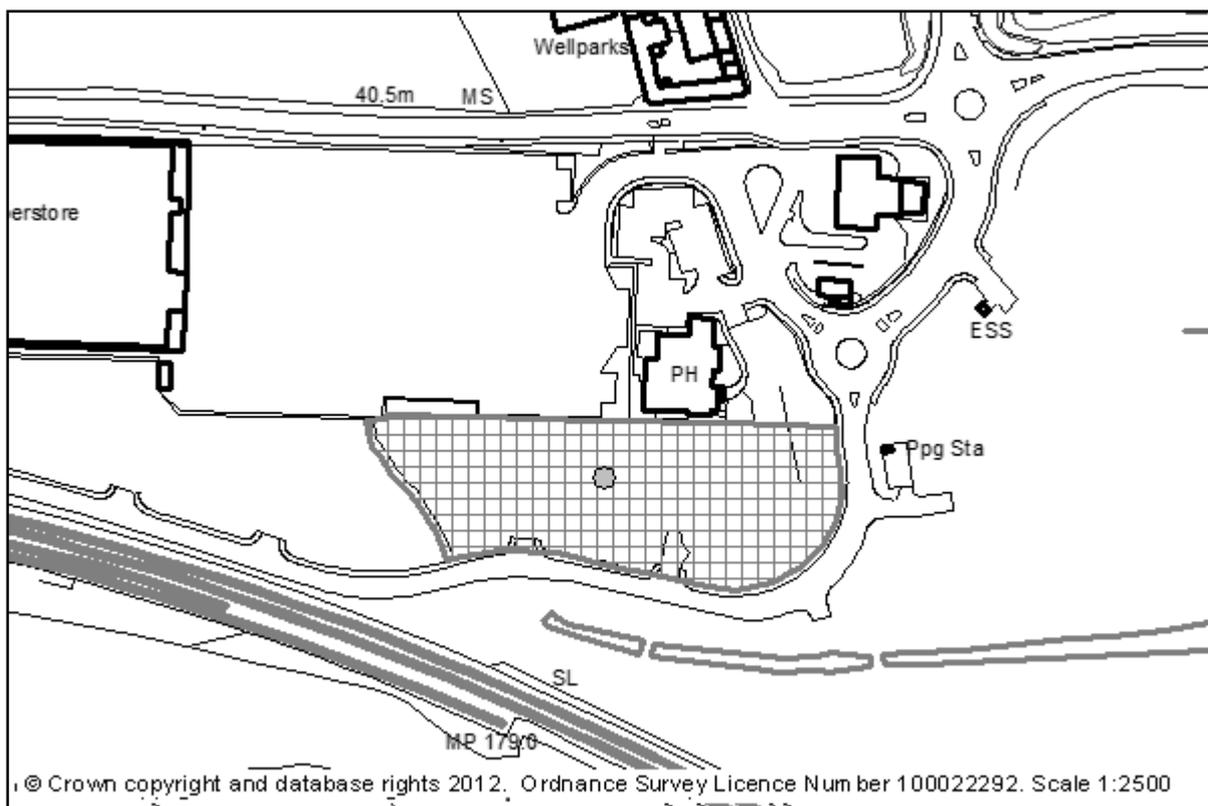
Grid Ref: 284429 : 99439

Applicant: Miss Shelly Oliver, Grainge Architects

Location: Land at NGR 284429 99439
Joseph Locke Way
Crediton
Devon

Proposal: Erection of 2-storey GP Practice

Date Valid: 27th November 2018



APPLICATION NO: 18/01935/MFUL

MEMBER CALL-IN

This planning application has been called in by Members as a result of discussions held on planning applications appearing on the majors list.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The applicant seeks planning permission for the erection of 2-storey GP Practice on land at NGR 284429 99439, Joseph Locke Way, Crediton. The proposed Crediton Hub is to be a GP Practice arranged over 2 storeys consisting of public, clinical, and staff zones with a total gross internal floor area of 1,271.7 square metres. The building is configured as an 'L' shape, with main public entry to the south-east and separate staff entry to the north-east.

In respect to materials, walls are to be horizontal timber cladding and blue engineering brick plinth with the roof being timber cladding to run up to create a parapet with metal flashing around flat single ply membrane roof. Balcony and external staircase roof are to be corrugated metal and windows and doors would be green powder coated aluminium frames.

The proposed Crediton Hub is to be a strategic and integrated Primary Care Facility, designed to provide a sustainable primary care service for the next 30 years within Crediton, including:

- The co-location of services to support integrated working
- Extended primary care teams
- Extended hours working towards seven-day provision
- Prevention and well-being services
- Same day access to primary care (minor illness : minor injury)
- Community and specialist clinics; remote monitoring
- GP and medical staff training
- Shared back office and training functions for the Mid Devon Federation
- Meeting the population increase from the current 14,370 patient list to 18,100 within the next 5 to 10 years
- Better physical access for the frail and elderly
- Recruitment and retention of medical staff in the future
- Selecting a site with excellent bus, road and rail connections, and with space for access and parking for patients and staff.

The Chiddenbrook & New Valley GP surgeries in Crediton with associated NHS ETTF (Estates and Technology Transformation Fund) seek relocation to a permanent, shared new-build facility to provide clinical GP primary care. The proposed Crediton Hub GP Practice would serve Crediton and the wider locality area, in the region of 15,000 patients. A same-day service is intended to be offered for weekend / out-of-hours use.

APPLICANT'S SUPPORTING INFORMATION

Completed Application Form and plans
Flood Risk Assessment

Design and Access Statement
Wildlife Trigger List/Survey
Arboricultural appraisal
Site Section Plans

RELEVANT PLANNING HISTORY

09/00244/MOUT – Permit 1st October 2010

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and Outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping (revised foodstore design and minor changes to car park) on land South of Exeter Road Wellparks, Crediton

06/02670/OUT – 19th September 2008

Mixed use development comprising full details relating to foodstore, petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping on land to South Of Exeter Road Wellparks, Crediton

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1 – Sustainable Communities
COR2 – Local Distinctiveness
COR4 – Meeting Employment Needs
COR7 – Previously Developed Land
COR8 – Infrastructure Provision
COR9 – Access
COR11 – Flooding
COR12 – Development Focus
COR15 – Crediton

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High Quality Design
DM3 – Sustainable design
DM4 – Waste Management
DM6 – Transport and Air Quality
DM7 – Pollution
DM8 – Parking
DM17 – Development outside Town centres
DM21 – Protection of employment land
DM25 – Community Facilities
DM28 – Green Infrastructure in Major Development

National Planning Policy Framework

CONSULTATIONS

Crediton Town Council – 9th January 2019

It was resolved to recommend approval and request:

- That the boundary fencing is sympathetic to the environment and preferably a greened boundary and;
- For a pond to be created and managed on site, as an environmental opportunity for surface water management.

Highway Authority – 10th December 2018

The proposed development is accessed from Joseph Locke way which is currently an unadopted highway but subject to a Highway Legal agreement. The road is suitable for the volumes of traffic generated by the development and is well served by public transport. The Highway Authority are happy with the proposal and the layout drawing 1232/PL03/Rev - should be conditioned for Access parking and turning.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, recommends that the following conditions shall be incorporated in any grant of permission

1. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway

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

Public Health – 4th January 2019

Contaminated Land - No objection to this proposal

Air Quality - No objection to this proposal

Environmental Permitting - No objection to this proposal

Drainage - No objection to this proposal

Noise & other nuisances - No objection to this proposal

Housing Standards - No comment

Licensing - No comments

Food Hygiene - Not applicable

Private Water Supplies - Not applicable

Health and Safety - No objection to this proposal enforced by HSE

Environment Agency – 7th June 2019

We consider that sufficient information has been submitted to resolve our concerns and demonstrate that the finished floor levels are appropriate to ensure that the development will be safe over its lifetime. You may wish to include a condition within any permission granted to ensure that finished floor levels are no lower than 38.300mA.O.D.

Before determining the application your Authority will need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test is sufficient justification to refuse a planning application.

Advice – Flood Risk

We have reviewed the submitted Flood Risk Assessment & Drainage Strategy – Addendum

Report by Airey & Coles, dated 21.05.2019. It is our understanding that additional modelling work has been carried out by RMA environmental that incorporates the latest site levels and Devon Hydrology Study flows. The findings of the modelling suggest that the site is located within Flood Zone 1 albeit the current published Flood Zones identifies the site as being within Flood Zone 2 (the outline of which is a record of the 1960 flood).

With the above in mind we can confirm that the proposed finished floor level of 38.300mA.O.D, and the other proposed levels as shown on drawing 11053-FRA5 'Flood Risk Assessment Proposed Site Levels' Rev P1 dated 21.05.19, would result in the proposal conforming with the aims and policies contained within the National Planning Policy Framework and its associated Planning Practice Guidance.

Advice – Flood Resilience

In view of the potential flood risks in this locality, we would also recommend that flood resilient construction practices and materials are incorporated in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

The applicant should also prepare a flood plan which outlines how they will respond to a flood. Further advice on this can be found in the following links:

<https://www.gov.uk/prepare-for-a-flood>

Flood Risk Team D.C.C – 22 May 2019

Recommendation:

At this stage, we have no in-principle objections to the above planning application, from a surface water drainage perspective, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Statement (Ref. 11053; Rev. P1; dated 16th October 2018), Causeway Drainage Design Report (dated 1st February 2019) and the Maintenance Plan (Ref. 11053-Crediton GP Hub; 1st February 2019).

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Reason for being a pre-commencement condition: A detailed permanent surface water drainage management plan is required prior to commencement of any works to demonstrate that the plan fits within the site layout, manages surface water safely and does not increase flood risk downstream.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

- No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

Observations:

It is understood that this site was taken into account when designing the wider surface water management system for planning application 09/00244/MOUT. At the detailed design stage the applicant will need to demonstrate that the surface water drainage from this site meets the requirements of the wider surface water management system. An assessment of the areas and flow rates accounted for from this site within the model outputs of the wider surface water drainage system needs to be made, possibly through the assessment of as-built drawings and final model outputs.

Surface water sewer connections may have been left in place for this site to connect to. The existing surface water sewer, which is understood to drain to 'Swale 2' within the wider surface water management system, should be assessed for connections.

It has been clarified that permeable paving will be underdrained and surface water will flow from the permeable paving into the detention basin.

The applicant should be aware that 63mm (the proposed size of the outfall) is a small orifice and could be prone to blockage. The applicant should ensure that regular monitoring of this orifice is achieved to prevent blockage occurring.

A plan depicting exceedance routes from the site (including the detention basin) needs to be submitted at the detailed design stage to demonstrate how exceedance flows shall be managed safely both on-site and within the context of the wider site.

The applicant should clarify at the detailed design stage whether the detention basin will be 'normally dry' or whether the basin will be an attenuation pond (containing a permanent water level).

REPRESENTATIONS

None received

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application seeks permission for the erection of 2-storey GP Practice on land at NGR 284429 99439, Joseph Locke Way, Crediton. The proposed site (1.2 ha) is unoccupied and located along Joseph Locke Way to the south east of Crediton town centre, accessible via the A377 road nearby to the north and Crediton Railway Station (400m distance) to the west.

In terms of the context of the site and surrounding area, this area of Crediton is experiencing growth of new development, including the Tesco Superstore to the north-west, the Red Deer Pub and the recently constructed Mole Avon flagship store opposite the site. Moreover the residential housing development Tarka View of 185 homes to the north is under construction.

The main issues in the determination of this application are:

- 1. Policy**
- 2. Loss of employment land**
- 3. Transport, access and parking issues**
- 4. Flooding and drainage**
- 5. Design and appearance of development and visual impact on the landscape**
- 6. Living conditions of the occupiers of nearby residential properties**
- 7. Ecology**
- 8. Sustainable development balance**

1. Policy

The NPPF sets out the Government's planning policies for England and it sets out a presumption in favour of sustainable development. It sets out the three objectives to sustainable development which are economic, social and environmental and seeks positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. Since the introduction of the NPPF in 2012 and its latest revision in 2019, full weight can continue to be given to policies in Local Plans adopted in accordance with the Planning and Compulsory Purchase Act 2004. These policies are those in the Mid Devon Core Strategy (LP1), the Allocations and Infrastructure DPD (LP2) and those within the Local Plan Part 3 Development Management Policies. Less weight can be given to policies that are considered out of date (i.e. not adopted in accordance with the Planning and Compulsory Purchase Act 2004), particularly where these policies are in conflict with the NPPF.

It is considered that this development should be assessed in terms of policies COR1, COR2, COR4, COR6, COR7, COR8, COR9, COR11, COR12 and COR15 of the Mid Devon Local Plan Part 1 (Core Strategy). COR1 (Sustainable Communities) stresses the need for development to meet sustainability objectives, Policy COR2 seeks development which will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets, Policy COR4 (meeting employment needs) states that employment space in Mid Devon is covered by Use Classes B1 (business), B2 (general industry) and B8 (storage and distribution), COR7 (Previously Developed Land) seeks to guide development towards the most sustainable locations available, COR9 (Access) aims to reduce the need to travel by car and increase public transport, COR11 (Flooding) outlines the need ensure that development does not increase flooding to properties elsewhere, COR12 (Development Focus) states that development should be concentrated at Crediton where of an appropriate scale and Policy COR15 further deals with development within the settlement of Crediton.

With regard to the Development Management Policies, Policy DM1 picks up on sustainable development principles, Policy DM2 requires design of new development to be high quality and

demonstrate a clear understanding of the characteristics of the site, its wider context and surrounding area and create attractive places. Policy DM3 focuses on sustainable design of a major commercial development whereas Policy DM4 deals with waste management. Policy DM6 relates to transport and air quality considerations for any development and Policy DM7 outlines the assessment required on pollution. Policy DM8 states the required parking levels for a use, Policy DM17 on development outside of town centres. Policy DM21 deals with the protection of employment land, Policy DM25 outlines support for community facilities and Policy DM28 focuses on green infrastructure.

An assessment of the proposed development is carried out in line with the above policies through the rest of this report.

2. Loss of employment land

Outline planning permission 09/00244/MOUT approved the mixed use development comprising full details relating to foodstore (Tesco), petrol filling station and change of use/refurbishment of redundant Class B8 building to provide 4 residential units; and Outline proposals for family pub/restaurant, residential development (36 units), class B1a office use; Class B1c light industrial use, drainage works, highway works and landscaping (revised foodstore design and minor changes to car park) on land South of Exeter Road Wellparks, Crediton.

It was noted that the indicative plans for 09/00244/MOUT showed this part of the site (for new GP Practice) allocated for light industrial units but with respect to the outline planning permission in terms of this application site, there was a requirement for the remainder of the development applied for in outline to be begun before the expiration of three years of the date of permission which would have been the 15th October 2013 and therefore this part of the permission has now lapsed.

The proposed use as a GP practice is considered complimentary to the existing commercial uses in the immediate surroundings and will bring a vacant site into an active use, in accordance with the aims of COR7. The application form outlines that with respect to the GP Practice, 50 full time jobs would be associated with this development albeit this would include staff relocated from Chiddenbrook and New Valley GP Surgeries. The plans submitted also show a possible expansion to the practice so this number could grow further in the future. The proposal is considered to be an appropriate use for this location and is a form of employment use that will generate employment opportunities, in accordance with policies DM17 and DM21. The Economic Development Team are supportive of the proposals and it is noted that employment land is allocated nearby.

3. Transport, access and parking issues

The existing access arrangements onto the site would be utilised and with respect to parking spaces be provided on site, 45 car parking spaces are shown, 9 disability spaces, 1 ambulance space and 12 cycle spaces. Under policy DM8 the required car parking for D1 uses is half of the requirement for A1 units, at 1 parking space per 40 square metres. On this basis, the unit requires 30 parking spaces. The Local Highway Authority has raised no objections to the proposals recommending conditions.

Therefore the access and parking arrangements are considered acceptable for this development and it is noted that bus stops are located within walking distance, as well as other services. Therefore the development would be in accordance with policies COR9 and DM8.

4. Flooding and drainage

The application site is shown as being located within flood zone 2 although the Environment Agency has commented that they have reviewed the submitted Flood Risk Assessment & Drainage Strategy – Addendum Report by Airey & Coles, dated 21.05.2019 whereby additional modelling work was carried out by RMA environmental that incorporates the latest site levels and Devon Hydrology Study flows and as such the findings of the modelling suggest that the site is located within Flood Zone 1 albeit the current published Flood Zones identifies the site as being within Flood Zone 2 (the outline of which is a record of the 1960 flood).

Policy COR11 outlines that the risk of flooding to life and property should be reduced where possible with development guided to sustainable locations with the lowest flood risk by applying a sequential test and to locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding and also ensure that development does not increase the risk of flooding of properties elsewhere. Policy DM2 requires appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

With respect to flood risk, a topographic survey of the existing site was undertaken and overall it was found that the site is flat with an approximate elevation of 38.0m AOD, ranging from 38.5m AOD to 37.7m AOD. Slopes across the site do not appear to fall in any general direction but undulate over the site, resulting in slightly higher elevations along the western and northern boundaries. The eastern and southern boundaries follow a berm which again has slightly raised elevations.

Taking the worst case scenario that this site is mainly located within Flood Zone 2 (low risk) according to the Environment Agency's flood risk mapping for planners which covers fluvial (river) and tidal flood risk for the site, this has between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. Furthermore, the area is also shown to be at low risk from surface water flooding according to the EA surface water flood risk mapping.

Initially concern was raised from the Environment Agency that fluvial flooding information held by them was of a greater magnitude than identified on the flood map for planning. As such, the applicant investigated the fluvial flood risk with respect to greater flood zone extents and the full analysis and measures have been detailed within the full FRA and Addendum Report. The Environment Agency now have no objections to the proposal confirming that the proposed finished floor level of 38.300mA.O.D, and the other proposed levels as shown on drawing 11053-FRA5 'Flood Risk Assessment Proposed Site Levels' Rev P1 dated 21.05.19, would result in the proposal conforming with the aims and policies contained within the National Planning Policy Framework and its associated Planning Practice Guidance. However they have noted that the Local Authority may wish to include a condition within any permission granted to ensure that finished floor levels are no lower than 38.300mA.O.D. A condition has been included in respect to the finished floor levels as stated within the addendum report.

With respect to a flood risk Sequential Test being satisfied in accordance with the NPPF, as noted above the submitted Flood Risk Assessment & Drainage Strategy – Addendum Report by Airey & Coles, dated 21.05.2019 following the findings of the modelling suggest that the site is located within Flood Zone 1 and on this basis would be in an area with the lowest flood risk. In any event, there are not considered to be any alternative locations within the settlement limits of Credition for an area at lower flood risk to provide for a community facility of this scale with potential to expand and within an optimum location to access by public transport and within close proximity to other community services. Therefore the sequential test is considered to be met.

With respect to surface water drainage, the Lead Local Flood Authority (D.C.C) have confirmed that they have no in principle objections to the proposals but recommend conditions for the final details of the permanent surface water drainage management system and system during construction to be provided and approved. Conditions have been recommended in line with the response from the Lead Local Flood Authority. As such it is considered that a surface water drainage strategy for this development that complies with current best practices can be provided in accordance with adopted policy.

5. Design and appearance of development and visual impact on the landscape

The proposed design and appearance of the two storey building in an 'L' shape and the materials, whilst of a more contemporary design is considered to be acceptable within this location where there are a mix of commercial buildings of varying design, and will not be detrimental to the visual amenities of the area and/or result in detriment to the general amenities of the area in terms of noise pollution. The proposed use is considered to be compatible with surrounding mixed commercial units and will increase the self-sufficiency of the town by increasing the services available.

There are landscape proposals to provide a hedgerow along the front of the site which is in line with one of the requests of the Town Council and the Council's Tree Officer is happy with the proposed works to trees on and adjoining the site. Final landscape details are to be conditioned and it is not considered that the proposal would have a significant detrimental impact on the landscape and on balance; it is considered that the design and layout of the commercial development would be acceptable in accordance with policies COR2 of the Mid Devon Core Strategy and policies DM2, DM7 and DM28 Local Plan Part 3 (Development Management Policies).

6. Living conditions of the occupiers of nearby residential properties

The NPPF indicates that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. No concerns have been raised from any nearby neighbours on the grounds of concerns over lighting, noise etc through the planning process and the Public Health Team has raised no objections to the proposals.

The nearest building to the proposed GP Practice is that of the Red Deer Public House and it is noted that there is living accommodation for the manager on the first floor which is to the side closest to the application site. It is considered that the positioning of the proposed GP Practice building off set to the public house would ensure that there would be no overbearing impact or loss of light with the car park area positioned directly to the south of the public house. However, there are a number of first floor windows within the public house and in order to protect privacy it is considered that a privacy screen will need to be installed to the northern side of the proposed outside first floor terrace/balcony area of the GP Practice. In addition to this, the first floor window on the north elevation serving Pod 6 should have obscure glazing and a condition has been recommended to ensure this occurs. The proposal on the basis of inclusion of conditions is considered to comply with policy DM2 of LP3 DMP not having a significant detrimental impact on the amenity of occupiers of neighbouring residential properties.

7. Ecology

In order to provide the necessary information to the Council to demonstrate compliance with the ecological/biodiversity aspects of policies DM1 and DM28 of the Development Management

Policies document, a Preliminary Ecological Appraisal Report prepared By Acorn Ecology Limited dated October 2018 has been submitted with this application. Measures are recommended to avoid, mitigate and compensate for potential ecological impacts relating to providing a means of escape from trenches for badgers and other wildlife, sensitive lighting plan for bats, timing of works to avoid harm to nesting birds and a precautionary approach to works to avoid killing or injuring other species such as hedgehogs and toads. A Conservation Action Statement was included.

A condition is recommended for these mitigation/enhancement measures to be implemented as part of the development. Therefore subject to these conditions, the proposal would be in accordance with policy DM2 of the Local Plan Part 3 [DMP].

8. Sustainable development balance

The NPPF sets a strong emphasis on the delivery of sustainable development. The site is within the settlement limits of Crediton close to public transport links, close to services and in an area where new housing and employment uses are proposed. The development is to provide an improvement of a community use and is not considered on balance to result in significant harm to the environment, resulting in employment opportunities thereby meeting economic and social objectives.

Other matters put forward in favour of the development include an absence of harm to ecology, visual amenity, highway safety and a limited impact on the living conditions of the occupiers of nearby residential properties. Mitigation measures are to be implemented to address flooding and drainage. Nonetheless, these are mitigating factors rather than benefits and the weight to be given to them is therefore limited.

Other matters:

As the proposal relates to a D1 Use Class, representing a community facility, there is no requirement to provide a contribution towards air quality improvements. Approval is recommended.

SUMMARY

The proposed erection of a two storey GP Practice (Use Class D1) with associated parking, landscaping and access arrangements is considered to be supportable in policy terms. The proposal is in an acceptable location, will not adversely impact on the amenity of the occupiers of nearby properties; will be served by an appropriate access and parking facilities and will not present an unacceptable floor risk. The proposed appearance, design and scale of the building are considered to be acceptable and should not result in any concerns in terms of noise pollution. Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Overall, the proposal is considered to be in accordance with policies DM1, DM2, DM7, DM8, DM17, DM21 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR7, COR9, COR11, COR12 and COR15 of the Mid Devon Core Strategy and the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. The site access road shall be hardened, surfaced, drained and maintained thereafter to the satisfaction of the Local Planning Authority for a distance of not less than 6.0 metres back from its junction with the public highway
4. Before the commencement of any building works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once approved the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
5. Prior to their use on site, details and/or samples of the materials to be used for all the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such approved materials shall be so used and retained.
6. Notwithstanding the details as submitted, the first floor window on the north elevation serving Pod 6 hereby approved shall be glazed with translucent (obscure) glass below a height of 1.7m measured from the floor level of the room served and non-opening, above this level clear glazing can be used with windows able to open. This area of glazing shall be implemented in accordance with the requirements of this condition prior to occupation of the GP Practice and retained in accordance with the requirements of this condition thereafter.
7. Prior to first use of the GP Practice hereby approved, a 1.7m high privacy screen shall be erected along the north elevation of the balcony walkway area in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall thereafter be permanently retained. For the avoidance of doubt, the privacy screens shall be the form of a solid barrier such as that of a timber or obscure glazed panel.
8. Prior to the first occupation of the GP Practice hereby approved, details of external lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority with external lighting installed in accordance with the agreed details. For the avoidance of doubt, new lighting on site shall be directed away from existing vegetation with the mature trees on site to be kept as dark as possible without compromising safety on site. Lights in the car parks shall be the minimum required for safety and security, security lights will be on a short duration timer and lights shall be hooded and directional to prevent light spill onto the surrounding habitat.
9. The development hereby approved shall be carried out in accordance with the measures outlined to avoid, mitigate and compensate for potential ecological impacts within the Preliminary Ecological Appraisal Report prepared By Acorn Ecology Limited dated October 2018. These measures relate to providing a means of escape from trenches for badgers and other wildlife, sensitive lighting plan for bats, timing of works to avoid harm to nesting birds and a precautionary approach to works to avoid killing or injuring other species such as hedgehogs and toads. These

measures are outlined within the Conservation Action Statement with the Igloo Hedgehog Home and Sparrow nest boxes to be installed prior to occupation of the GP Practice building and maintained thereafter.

10. The GP Practice hereby approved shall not be occupied until the access, parking and turning areas associated with that development have been provided in accordance with the approved plans. Following their provision these facilities shall be so retained.

11. Prior to the erection of the GP Practice hereby approved a landscaping scheme identifying existing trees to be retained throughout the construction of the development and tree and hedge planting proposed on and around the perimeter of the site shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding, turfing or earth reprofiling comprised in the approved details of landscaping shall be carried out within 9 months of the substantial completion of the development or first planting season (whichever is sooner). Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Once provided, the landscaping scheme shall be so retained.

12. The proposed finished floor level of 38.300mA.O.D for the GP Practice building, and the other proposed levels as shown on drawing 11053-FRA5 'Flood Risk Assessment Proposed Site Levels' Rev P1 dated 21.05.19, submitted within the Flood Risk Assessment & Drainage Strategy – Addendum Report by Airey & Coles, dated 21.05.2019 shall be adhered to with the development constructed in accordance with these levels.

13. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Preliminary Drainage Statement (Ref. 11053; Rev. P1; dated 16th October 2018), Causeway Drainage Design Report (dated 1st February 2019) and the Maintenance Plan (Ref. 11053-Crediton GP Hub; 1st February 2019).

14. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

REASONS FOR CONDITIONS

1. RD1 In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. RD7a For the avoidance of doubt and in the interests of proper planning.

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

4. To safeguard the amenities of the occupiers of neighbouring property in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).

5. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with policy DM2 of the Local Plan Part 3 [Development Management Policies].
6. To protect the amenity of occupiers of neighbouring property from overlooking in accordance with Policy DM2 of the Local Plan Part 3: (Development Management Policies).
7. To safeguard the amenities and privacy of the occupiers of neighbouring property in accordance with policy DM2 of the Local Plan Part 3: (Development Management Policies).
8. To safeguard the amenity levels enjoyed by the occupiers of neighbouring properties and to protect wildlife in accordance with policy DM2 of the Mid Devon Local Plan Part 3 (Development Management Policies).
9. To ensure the protection of endangered species, under the European Habitats Directive and the Conservation of Natural Habitats and of Wild Fauna and Flora [Council Directive 92/43/DDC] which is implemented in the UK by the Conservation [Natural Habitats & Conservation] Regulations 1994 [Statutory Instrument No 2716] amended in 2007 and in accordance with policy DM2 of Mid Devon Local Plan Part 3 [Development Management Policies].
10. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM8 of Local Plan Part 3: [Development Management Policies].
11. To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with policy DM2 of Local Plan Part 3: [Development Management Policies].
12. To ensure that the proposal conforms to the aims and policies contained within the National Planning Policy Framework and its associated Planning Practice Guidance relating to the mitigation against flood risk.
13. To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.
14. To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

INFORMATIVES:

1. The Environment Agency advises that in view of the potential flood risks in this locality, they would recommend that flood resilient construction practices and materials are incorporated in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see the link below:

<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

The applicant should also prepare a flood plan which outlines how they will respond to a flood. Further advice on this can be found in the following links:

<https://www.gov.uk/prepare-for-a-flood>

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The proposed erection of a two storey GP Practice (Use Class D1) with associated parking, landscaping and access arrangements is considered to be supportable in policy terms. The proposal is in an acceptable location, will not adversely impact on the amenity of the occupiers of nearby properties; will be served by an appropriate access and parking facilities and will not present an unacceptable floor risk. The proposed appearance, design and scale of the building are considered to be acceptable and should not result in any concerns in terms of noise pollution. Having regard to all material considerations, it is concluded that the application does accord with the presumption in favour of sustainable development. When tested against Paragraph 11 of the Framework the Local Planning Authority consider that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Overall, the proposal is considered to be in accordance with policies DM1, DM2, DM7, DM8, DM17, DM21 and DM28 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR7, COR9, COR11, COR12 and COR15 of the Mid Devon Core Strategy 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.

Application No. 19/00795/FULL

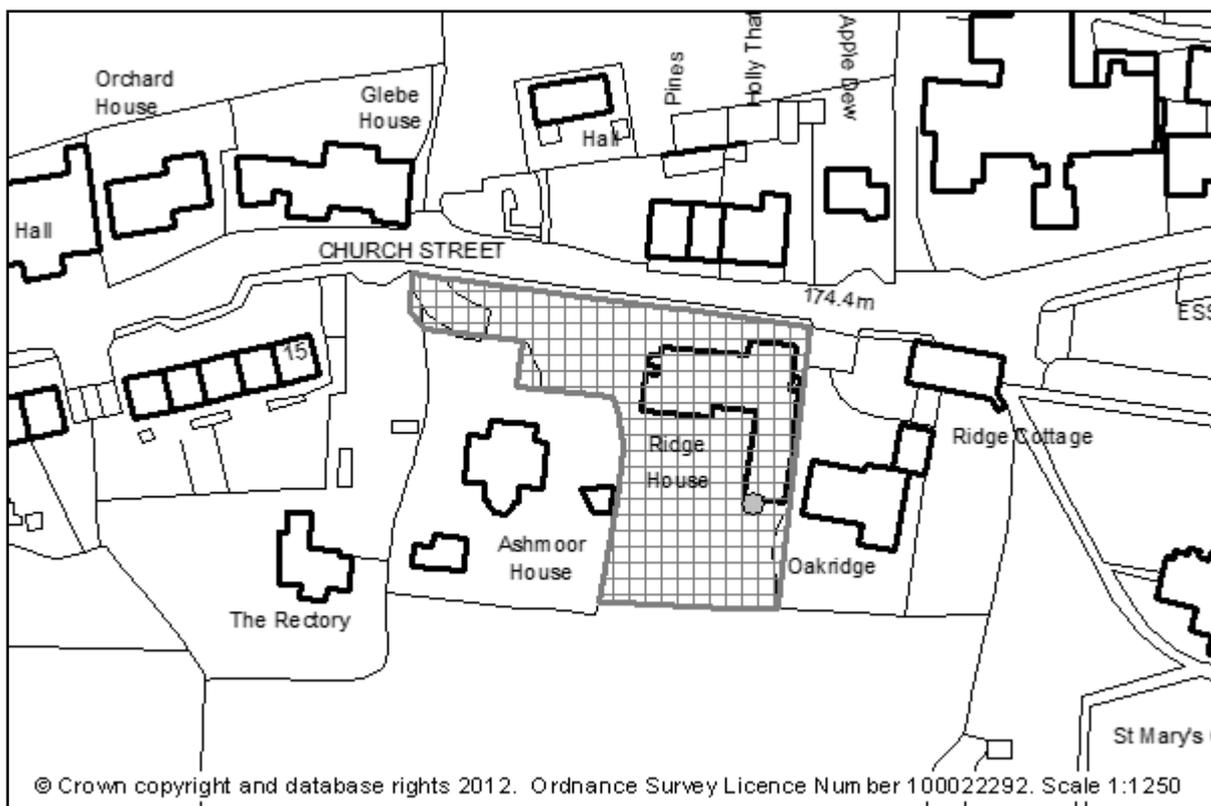
Grid Ref: 277225 : 107522

Applicant: Mr Z Shaikh

Location: Ridge House
Church Street
Morchard Bishop
Credton

Proposal: Erection of an extension and alterations to residential home (Revised Scheme)

Date Valid: 7th May 2019



APPLICATION NO: 19/00795/FULL

MEMBER CALL-IN

Cllr Squires has called in the application to consider the amenities of the neighbours and the loss of their evening sun.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

The proposal is for the erection of an extension and alterations to a residential home (Revised Scheme) at Ridge House, Church Street, Morchard Bishop. Ridge House is a 15 bed, residential care home located within Morchard Bishop and within the conservation area. The site is accessed directly from Church Street, with a parking area enclosed by a large stone wall along the frontage of the site. To the rear there is a garden area which slopes away to the south. The building has a traditional appearance, the material palette comprises face brick and decorated render walling, concrete tile roof and black leaded double glazed uPVC windows.

The application seeks consent for the erection of extension and alterations to provide five bedrooms, a laundry/store area and a therapy room with internal lift and stair access. The proposal results in the loss of one of the existing bedrooms by virtue of the revised design of the scheme. The extension is proposed to the south of the existing building, extending the footprint into the garden area adjacent to the east boundary of the plot. The extension extends by 4.7m from the existing elevation of the building. The extension turns at a right angle back into the garden area to run parallel with the rear of the main property and form a U shaped footprint in a courtyard style arrangement. It would provide accommodation over two levels with an overall ridge height of 7.9m. The material palette is proposed to emulate the existing building, as listed above.

APPLICANT'S SUPPORTING INFORMATION

Application form
Supporting statement
Plans
Travel plan

RELEVANT PLANNING HISTORY

19/00359/FULL - WDN date 1st May 2019
Erection of extension and alterations

06/02706/TPO - WDN date 23rd January 2007
Application to fell 1 Sycamore under Tree Preservation Order ref. TPO No 7 (2005)

06/02193/FULL - PERMIT date 12th February 2007
Erection of a dwelling

06/01566/FULL - WD date 18th August 2006
Erection of 1 no. dwelling

05/00885/CAT - SPLIT date 7th June 2005

Application of intention to fell 8 trees and reduce 2 trees within a Conservation Area

02/01736/OUT - PERMIT date 15th April 2004

Erection of dwelling

02/02158/CAT - NOBJ date 7th November 2002

Notification of intention to carry out works to 2 no. trees within a Conservation Area

00/02111/FULL - REFUSE date 10th July 2001

Erection of a detached single storey dwelling; alterations to vehicular access (Appeal Allowed)

00/02112/LBC - REFUSE date 10th July 2001

Listed Building Consent for the erection of a detached single storey dwelling (Appeal Allowed)

94/02109/FULL - PERMIT date 15th February 1995

Alteration and extension to residential home to provide two additional bedrooms, day and respite care facilities

89/01885/FULL - PERMIT date 1st November 1989

Change of use of existing ancillary residential accommodation into further residential home accommodation

88/01900/OUT - PERMIT date 19th May 1989

Outline for the erection of a split level dwelling

85/01972/FULL - PERMIT date 17th February 1986

Change of use from residential to part residential (one dwelling) to part residential home for the elderly and alterations to vehicular access

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

COR1- Sustainable communities

COR2- Local distinctiveness

COR17- Villages

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1- Presumption in favour of sustainable development

DM2- High quality design

DM8- Parking

DM27- Development affecting heritage assets

CONSULTATIONS

MORCHARD BISHOP PARISH COUNCIL- 4th June 2019

Morchard Bishop Parish Council discussed this revised application at their meeting on 3rd June 2019, there is still concern for the neighbours at Oakridge about their Right to Light, particularly their loss of light in the evening when they like to dine on their patio. The Council did not support this application: Proposed Keith Davies, Seconded Steve Watson, with the following comments: Whilst it is appreciated that there have been substantial changes, there is still a loss of light to the

neighbouring patio and loss of amenity to the neighbours. This means that we continue to object. Vote taken: 8 for the proposal not to support the application with 1 abstention.

HIGHWAY AUTHORITY- 23rd May 2019- Standing advice applies (no direct objections received on highway grounds).

CONSERVATION OFFICER- 30th May 2019 - Additional Conservation Officer response to representation:

The Morchard Bishop Conservation Area Appraisal identifies The Old Rectory (Ridge House), on Church Street, as an important unlisted building with tall and striking chimneys which are visible and rather distinctive.

The former Rectory now Care Home building is in Arts and Crafts style and makes a positive contribution to the Conservation Area.

Following my previous email comments on 24 April 2019 I would support the redesign of the extension which is substantial improvement to the proposed extension. The architectural language now responds to the host building reflecting the Arts and Crafts form of Ridge House with steep roofs gables and low eaves and architectural details to window and door openings.

The massing and plan layout has changed so that the extension has truncated the existing extension taking off the end bedroom and accommodating this within the new extension. This brings it nearer to the host building and it is turned right angles to the existing extension to be parallel with the rear of the main property to form a courtyard style development.

The proposals also responds better to the change in ground levels stepping down along the existing grassed bank where the garden drops down from the upper terrace to a lower section of garden.

I note the additional representations regarding the size, orientation setting and siting of the new extension, loss of garden space and impact on neighbours amenity.

I consider that the revised proposal is a significant improvement on the previous proposal, more sensitive and responsive to the architecture of the existing building and less harmful to the amenity of neighbours. The siting of the new extension is at right angles to the existing extension running away from the neighbours with a reduced elevation to the east adjoining the neighbours and is less impacting as it uses the architecture of the steep sloping roof to assist in taking the impact of the bulk of the extension away from the boundary.

In addition it is located running along the line of the sloping terrace which connects upper and lower sections of garden and as it slopes this area of garden is not well used as a garden space.

The new addition runs parallel to the main house and is set back around 12m from the south elevation of the main building at the same time it is set down with the slope of the terrace so that it is single storey onto the courtyard.

The result of these substantial changes is the extension although large and very much at the edge of what can be considered suitable to extend a building of this scale and massing it does now work better as its design, layout and massing respond appropriately to the good quality Arts and Crafts designed host building and I remove my objection to the extension design and its impact on the Conservation Area.

REPRESENTATIONS

At the time of writing this report one letter of representation has been received in relation to the application, the main points are summarised below:

1. This is a very large development in a small amount of garden space.
2. The increasing number of residents will enjoy much less garden space and cuts off their views out of the site.
3. The extension will cut off the view of Ridge House from the roads to the south.
4. The extension will cut out afternoon and evening sun for the patio of the neighbouring property.
5. It will create a building site for two years, impacting the quality of life for Ridge House residents.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main issues in the determination of this application are:

1. Policy and principle of development
2. Design and impact on the conservation area
3. Impact on the amenity of neighbouring occupiers
4. Highway and parking issues

1. Policy and principle of development

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This is achieved through three overarching objectives which are interdependent and need to be pursued in mutually supportive ways; economic, social and environmental.

Policy COR17 of the Mid Devon Core Strategy (LP1) states that within villages development will be limited to minor proposals within their defined settlement limits and to allocations for affordable housing meeting a local need, small scale employment and tourism, services and facilities serving the locality; and other very limited development which enhances community vitality or meets a local social or economic need. The NPPF is supportive of the growth and expansion of businesses in rural areas.

As an expansion of an existing care home facility within this rural settlement it is considered to be supportable in principle in accordance with policy COR17.

The relevant development management policies are discussed further below.

2. Design and impact on the conservation area

The site is located within the Morchard Bishop Conservation Area and in reasonably close proximity to the Grade I listed St Marys Church which is located approximately 60m to the east of the site. Section 66 and 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework seeks to conserve and enhance the historic environment. Paragraph 193 requires 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. Paragraph 196 requires that 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 securing its optimum viable use.

Policy DM27 of the Local Plan part 3 (Development Management Policies) recognises that the historic environment is an asset of great cultural, social, economic and environmental value and heritage assets and their setting are an irreplaceable resource. It reflects the tests as set out by paragraph 196 of the National Planning Policy Framework which requires that where a development proposal would lead to less than substantial harm, that harm will be weighed against any public benefit, including securing optimum viable use.

The design has been amended to reflect the concerns of the Conservation Officer at the time of the previous application, his comments in relation to this application are set out above. Ridge House is considered as an important and unlisted building within the conservation area, and is of Arts and Crafts form with steep roof gables, low eaves and striking chimney features. The revised design is considered to provide a more sympathetic response to the architecture of the existing building and the design, layout and massing is considered to respond appropriately to the host building. The Conservation Officer has not raised any objection to the design and its impact to the Morchard Bishop Conservation Area or the setting of the grade I listed church. On this basis it is considered that the proposed development is acceptable in accordance with policy DM27 of the Mid Devon Local Plan and government guidance in the NPPF.

Whilst the comments of the neighbour are noted in respect of the impact to the amenity of existing occupants of the care home, it is considered that the property would retain an acceptable level of amenity for existing and future residents taking into account both the internal and external facilities proposed. It is recognised that the construction of the extension is likely to create some disruption to the enjoyment of the existing property, however this will be for a temporary period only and this will be a matter for the applicants to manage particularly given their interest in minimising disruption to their existing residents.

3. Impact on the amenity of neighbouring occupiers

Policy DM2 requires design of new development to be of high quality and which does not have an unacceptable adverse effect on the privacy and amenity of neighbouring properties and uses.

The site has neighbouring residential dwellings to both the east and west, these are set back from the highway and therefore sit further south in their plots than the original building of Ridge House. In terms of the impact on the amenity of occupiers of the property to the west, it is noted that the revised design now protrudes towards them, however the gable end has no openings and having regard to the separation distance it is not considered that it would result in any unacceptable impacts to their amenity.

The proposed extension sits close to the eastern boundary of the plot and therefore will be in close proximity to the neighbour to the east at Oakridge. The case officer has been to site and visited the neighbouring occupier to assess the impact on their amenity. The extension protrudes by approximately 4.7m beyond the southern wall of the existing building and this extent of building mass will be clearly visible from the neighbouring property given that it is parallel with their patio area. The extension is set back off the boundary by approximately 1m further than the existing building and the ridge height is approximately 1.3m lower. Although the extension is over two floors, the ground level is lower within the site area than the adjacent property. The design proposes a blank elevation to the east such that the proposal is not likely to raise concerns in terms of loss of privacy or overlooking. A condition is proposed to ensure there are no new window openings within this elevation that would directly overlook the neighbouring property.

In addition to the observations made on site relating to any potential loss of light, the proposal has

been assessed utilising the guidance provided by the BRE Site Layout Planning for Daylight and Sunlight document which establish a 25 degree and 45 degree “rule of thumb”. On this basis, whilst it is recognised that the proposed extension will have some impact on the amenity of neighbouring occupiers, it is not considered there would be a significant loss of light or overshadowing that would result in unacceptable harm to the amenity of neighbouring occupiers.

Overall, whilst it is recognised that the proposed development will be in close proximity to neighbouring properties, it is not considered that the proposal is likely to result in a significant adverse impact to the amenity of neighbouring occupiers that would warrant refusal of the application and the proposal is therefore considered to be supportable in accordance with policy DM2.

4. Highway and parking issues

The access arrangements as set out above are not proposed to be amended as part of the proposals. Policy DM8 of the Mid Devon Local Plan part 3 (Development Management Policies) requires development to provide an appropriate level of parking, taking into account:

- a) The accessibility of the site, including the availability of public transport;
- b) The type, mix and use of development;

In relation to C2 uses policy DM8 suggests a parking requirement of 1 space per bedroom, which in this case would require provision of 4 additional spaces to serve the increase in bedroom facilities as proposed. The proposed block plan demonstrates that there is sufficient room within the site for parking of 12 vehicles as well as space for turning, the parking provision is less than the policy target for both the existing scale of development and the proposed expanded facility. Although no additional space is proposed for car parking it is proposed to formalise the existing provision including marking out additional bays adjacent to the access drive to encourage more effective use of the space available.

At the time of the previous application the level of parking was discussed with the applicant’s agent and it was explained that the manager lives in at the site and there are three other members of staff on shift at any one time. Although the proposal will increase the number of bedrooms, the applicant intends that the number of staff on duty at any one time will not increase. However the number of visitors to the site is likely to increase. At present there are an average of 4 visitors to the site per day, as such even if all these arrived by car at the same time, there is sufficient provision to meet this demand.

The applicant has submitted a travel plan in support of the application. The plan designates the duty manager as co-ordinator for the travel plan to implement measures to encourage sustainable travel including; providing information to staff, customers and visitors to promote sustainable modes of travel including bus, walking and car sharing. Given its central village location the site is accessible by visitors/ staff who may live in the village and walk to the site, the applicant’s agent states that approximately 20% of staff live within walking distance. The village is served by a regular bus route which provides services to Exeter five times daily.

Although the proposed level of parking does not meet the policy target established by DM8, having regard to the location of the site, public transport options and likely limited number of visitors to the site, it is considered that the proposed level of parking and access arrangements are adequate to serve the expanded facilities proposed without unacceptable impact to the highway network. The principle of providing an extension was discussed with the Highway Authority at the time of the previous application and they were supportive of this view, it is not considered that the revised

design of the extension raises any further issues in respect of the parking and highway arrangements.

REASON FOR APPROVAL OF PERMISSION

The application for the erection of extension and alterations to this existing residential care home facility is considered to be supportable in policy terms. As an expansion of an existing care home facility within this rural settlement it is considered to be supportable, in principle, in accordance with policy COR17. The extension is relatively substantial in terms of its scale but is proposed to be set into the existing ground level which will help to reduce its visual impact. The design, including the proposed material palette, is considered to be in keeping with the existing building. Having regard to the siting, scale and design of the proposed extension it is not considered that it would result in harm to the character and appearance of the Morchard Bishop Conservation Area or the nearby listed church building. It is recognised that the extension will have some impact on the amenity of neighbouring occupiers, however it is not considered that this impact would result in detrimental harm to their amenity that would justify refusal of the application. Although the proposed level of parking does not meet the policy target established by DM8, having regard to the location of the site, public transport options and likely limited number of visitors to the site, it is considered that the proposed level of parking is adequate to serve the expanded facilities proposed without unacceptable impact to the highway network. Overall it is considered that the proposal is supportable in accordance with policies COR1, COR2 and COR17 of the Mid Devon Core Strategy (LP1), DM1, DM2, DM8 and DM27 of the Local Plan part 3 (Development Management Policies) and Government advice in the National Planning Policy Framework.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. There shall be no openings, including roof lights, provided within the east elevation, or the gable end of the west elevation, of the extension hereby approved unless otherwise agreed in writing by the Local Planning Authority.
4. The parking spaces as shown on the 'Block Plan - As Proposed' drawing number 1488.1-02 rev C shall be provided, retained and made available for vehicular parking at all times.

REASONS FOR CONDITIONS

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the amenity of neighbouring occupiers in accordance with policy DM2 of the Mid Devon Local Plan part 3 (Development Management Policies).
4. To ensure sufficient parking facilities are retained within the site in accordance with policy DM8.

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.