

PLANNING COMMITTEE AGENDA - 11th March 2020

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	19/01862/FULL - Change of use of farm buildings to mixed B1/A2/B8 use and retention of external works at Land and Buildings at NGR 299326 114323, Bradford Farm, Uplowman. RECOMMENDATION Grant permission subject to conditions.
02.	19/01840/FULL - Erection of 3 dwellings and part demolition of garage to 1 Gaters Gardens to provide access at Land at Gaters Orchard and 1 Gaters Gardens, Sandford, Devon. RECOMMENDATION Refuse permission.

Application No. 19/01862/FULL

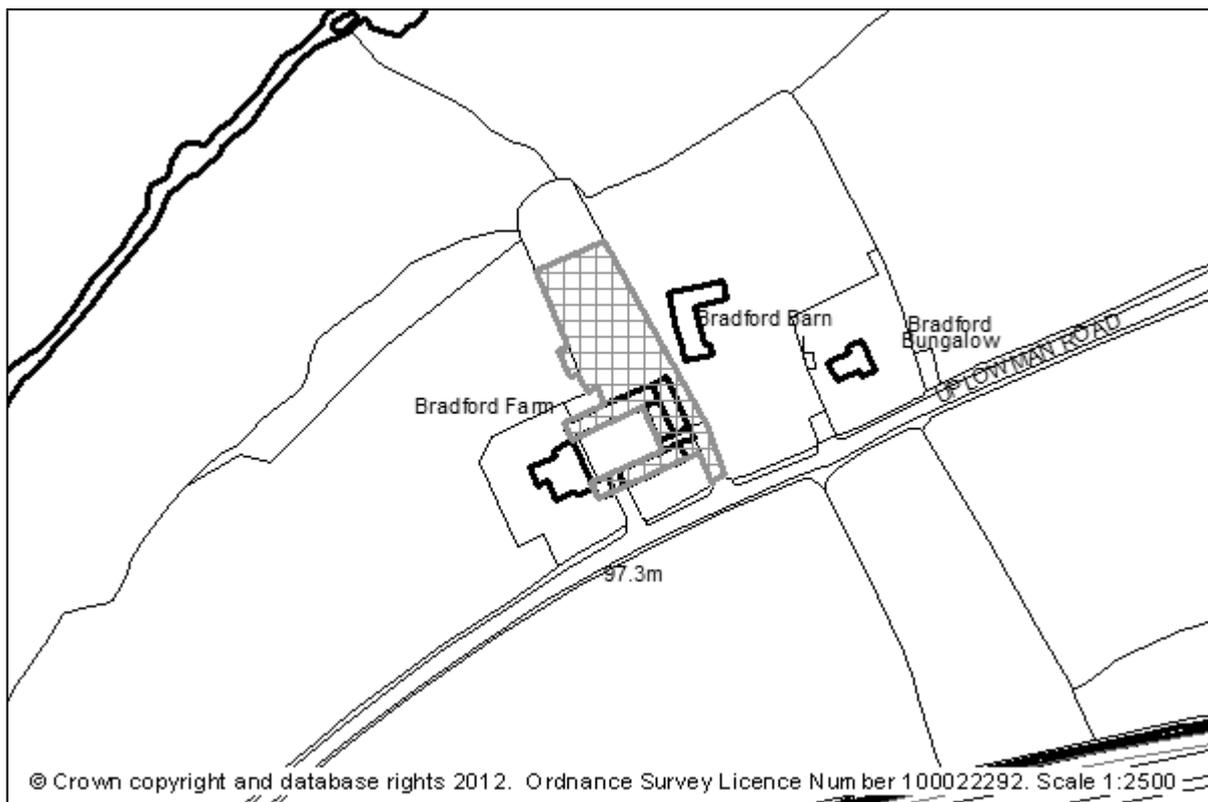
Grid Ref: 299326 : 114323

Applicant: Mr and Mrs A Fields

Location: Land and Buildings at NGR 299326 114323
Bradford Farm
Uplowman
Devon

Proposal: Change of use of farm buildings to mixed B1/B8 use and retention of external works

Date Valid: 12th November 2019



APPLICATION NO: 19/01862/FULL

MEMBER CALL-IN

Called in by Cllr Colin Slade, in order to consider the potential impact of the proposed development on the living qualities of the neighbouring occupiers due to intensification of the existing use leading to increased vehicle movements, noise and light pollution.

RECOMMENDATION

Grant permission subject to conditions

PROPOSED DEVELOPMENT

Change of use of farm buildings to mixed B1/B8 use and retention of external works.

The applicant seeks planning permission for the change of use of a range of existing barns to form six units of flexible commercial space falling within use classes B1 and B8, as well as retrospective planning permission for the retention of external works already carried out in association with the proposed change of use, the retention of car park area, and the retention and refurbishment of a portacabin for the storage of bee keeping equipment.

The buildings that are the subject of these applications are a group of buildings originally in agricultural use. They are located to the west of an existing dwellinghouse occupied by the applicant, and form a horseshoe type barn complex around a central courtyard. The buildings immediately adjoining the dwellinghouse are to be retained for domestic purposes in connection with this property, those to the far east of the site are to be retained for agricultural storage purposes, while the remainder would form six units, over two floors, for the proposed use.

APPLICANT'S SUPPORTING INFORMATION

Application form, site location plan, block plan, existing and proposed floor plans and elevational drawings, planning statement, wildlife trigger list, foul drainage assessment, flood map for planning

RELEVANT PLANNING HISTORY

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

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)

18/00657/FULL - WDN date 16th October 2018

Retention of change of use of an existing agricultural building to office with parking

18/02050/PNCOU - PNP date 23rd April 2019

Prior notification for the change of use of an agricultural buildings to 3 dwellings under Class Q

18/02071/FULL - PERMIT date 4th April 2019

Retention of Log store

19/00652/PNCOU - CLOSED date 24th April 2019

Prior Notification for the change of use of agricultural building to Class R (Flexible Business Use) (Under 150sqm)

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan Part 1): COR1, COR2, COR4, COR9, COR12, COR18

Mid Devon Local Plan Part 3 (Development Management Policies): DM1, DM2, DM7, DM8, DM11, DM20

National Planning Policy Framework

CONSULTATIONS

TIVERTON TOWN COUNCIL - Support

HIGHWAY AUTHORITY - 27th January 2020 - Observations:

I have visited the site and have no objections to the proposal, however the inter visibility between the two accesses is substandard and an improvement to provide visibility 2.4m back along the centre line of both accesses and parallel between the two with no obstruction greater than 1.0m should be imposed. Therefore I would advise the following conditions be imposed:

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. Visibility splays shall be provided, laid out and maintained for that purpose at the site accesses where the visibility splays provide inter visibility between the two accesses at a height of 1.0m metres above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and Parallel between the two.

Reason: To provide adequate visibility from and of emerging vehicles.

PUBLIC HEALTH - Contaminated Land: No objection to the proposals. (16.01.20).

Air Quality: No objection to the proposal. (22.01.20).

Environmental Permitting: No objection to the proposal. (22.01.20).

Drainage: No objection to the proposals. (16.01.20).

Noise & other nuisances: No objection to the proposals. (16.01.20).

Housing Standards: No comment. (15.01.20).

Licensing: No comments. (13.01.20).

Food Hygiene: No comments. (16.01.20).

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.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

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

If mains water is to be used, would have no comment. (13.01.20).

Health and Safety: No comments. (16.01.20).

While raising no objections to the proposal, as submitted, and not requesting any further improvements, the Environmental Protection Officer has agreed that the replacement of the existing drive and car park surface with a solid material such as resin bound surface, or the erection of an acoustic fence (12kg mass), would certainly address concerns relating to noise. In respect to a request to impose an hours of operation condition up to 19:00hours on weekdays, the Environmental Protection Officer also advised that this would raise no concerns in respect to disturbance to neighbouring amenity, however a restriction to 12:00 hours on Saturdays, with no operation on Sundays and Bank Holidays

REPRESENTATIONS

At the time of writing this report, two letters of objection has been received, the first being from the occupiers of the neighbouring property of Bradford Barn with the objections being summarised as follows:

The objection is not on the basis that development is taking place, there is an expectation that they will be converted someday. It is however felt that the proposed use is the wrong type of use for this location, particularly on the scale proposed, which is twice as large as the previous application.

The application does not identify how much use will be for office, storage or distribution. As such, this leads to uncertainty as to what is actually happening with these buildings, as well as raising further questions in respect to the impact of potential traffic movements, and associated impact on living conditions with the close proximity of the track and car park, which is immediately next to the house, its sitting room and bedroom windows, and outside living space.

It is advised that 15 staff are expected to be employed, which would lead to a minimum of 30 additional vehicle movements passing by the neighbouring property. This does not include deliveries and any visitors. This level of vehicle movements is considered to be excessive in a rural location, impacting adversely on neighbouring living conditions.

If the buildings were intensively farmed, the traffic movements would likely be limited to a couple of tractors and possibly livestock passing by. This would be much less than the proposed levels of traffic.

Why can't car parking be located in the existing courtyard? This would not affect neighbouring amenity. It appears that the applicant's want traffic movements affecting their property as far away as possible.

Policy DM20 states that this type of development should only occur where insufficient alternatives are available. There is no formal business plan indicating why this site is necessary for their business or why other sites are unsuitable. There should be a details assessment of other available sites.

Hours of work could be conditioned, however it is unlikely that these times will be adhered to, especially at weekends. Such a condition is realistically unenforceable as no enforcement officers work at weekends or on bank holidays.

There is no mention of external lighting. If uncontrolled, this could adversely impact on neighbouring amenity.

The works that have taken place are detrimental to the character of the barns with the use of inappropriate materials both on the building and the landscape. This has changed the setting drastically.

The application should have been supported by a wildlife survey. The council has a duty to discharge its obligation under the Wildlife Act to make sure any development will not impact on protected species. The barns are ideal for bat roosts and a report should have been provided.

The other letter of objection was received from a Planning Consultant (XL Planning) acting on behalf of the objector Mr M Blackmore of Bradford Barn with the objections summarised as follows:

- Our client's objection to the proposal still stands from the previous application (18/00657/FULL), which was withdrawn following a recommendation of refusal by the Council's Planning Committee.
- The new agent's explanations with regard to policy justification on the location being suitable for the proposed change of use, is minimal at best and provides no robust information with which to consider against policy DM20.
- The planning statement sets out potential uses of B1, A2 and B8, stating that there are no more than 32 anticipated vehicle movements per day, with only 16 parking spaces being required. The statement, however, does not address the likely potential, within its traffic calculations, that the buildings could be used solely for B8 (storage and distribution use). The application does not set out the areas of use within the buildings or specify quantities within its plans. The B8 use class is a much more intensive use and has the potential to generate many more trips than B1a (office). The applicant may argue that this is not the intention, however the planning statement sets out that they are looking to offer potential users flexible B1/A2/B8 uses. The calculated figure does not take into consideration potential visitor numbers to the building and also does not facilitate parking provision within its layout for any visitors. There is no specific Transport Assessment, the calculated 32 trips should be considered the minimum daily movements, not the maximum. It is felt that the proposal has failed to adequately demonstrate that the change of use meets with criteria a) of Local Policy DM20.
- The statement refers to there being no building within the locality as justification for the location, however it can be clearly demonstrated (as it was in the previous objection letter) that there are sufficient employment locations within Tiverton which would suit this new enterprise. Tiverton Town centre is less than 2 miles from the application site and Tiverton's settlement limit is now only less than one mile away and this would be considered as immediate in policy terms. Having briefly reviewed the commercial property for sale website www.rightmove.co.uk. It shows six properties within Tiverton available for rent or sale which would be suitable and more appropriate than the proposed location at Bradford Farm.
- The location is considered to be inappropriate for this size and type of development. The rural setting has been significantly eroded by the unauthorised works that have taken place, and still not regularised. It is contended that the development proposed will clearly

impact upon the barns themselves and their associated heritage values, both physically and visually. The barns have the potential to be considered important unlisted Heritage Assets.

- It is stated in the planning statement that the proposal is an improvement on the “previously unkempt nature of the former ‘yard’.” Photos of the site taken prior to works taking place show the form and shape of the immediate surrounding land being very much in keeping with the rural character of the location, with the ‘yard’ in question being a field, which is now domesticated through unauthorised works.
- Overall, it is considered that the impact of the proposed development is greater than that of the previous application in that this application is for the change of use of all of the barns, not part of the site, and this will cause a significant and detrimental level harm to the historic and aesthetic values of the buildings due to changes to the setting and the erosion of integrity is unacceptable. The further domestication of the barns will erode their integrity and authenticity and will be irreversible. The proposal to convert these buildings to offices is not considered to be in line with Local Plan Policy DM11 or DM20 and therefore should be refused.

Further correspondence has been received from the Planning Consultant acting on behalf of the objector Mr M Blackmore requesting that in the event of planning permission being approved, the following conditions be applied:

1. The drive and car park area be tarmac, not loose clipping, in order to reduce noise impacts of vehicles next to the residential property.
2. To protect the light and privacy of neighbouring ground floor windows, a solid shiplap fence be erected some 5 metres back from the beech edge and a series of tree planting in the 5m area to re-establish the previous rural aspect of the original paddock and protect the amenity of the neighbouring property.
3. The removal of the shipping container which is not necessary given the amount of buildings available to be converted through the change of use.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

The main material considerations in respect of this proposal are:

- 1) Principle of development
- 2) Parking and access
- 3) Design and impact on the character and appearance of the surrounding area
- 4) Impact on residential amenity
- 5) Other issues

- 1) Principle of development

The proposed development is for the change of use of existing redundant former agricultural barns to business use comprising six flexible commercial units (Use Classes B1 and B8). The proposal also includes retrospective consent for alterations carried out to the buildings, primarily being small scale external works, and for the creation of a gravelled parking area to the rear of the buildings. The proposals also include the retention of an existing temporary cabin for the storing of bee keeping equipment. This also involves timber cladding the structure and providing a pitched roof with slate covering.

This planning application follows an enforcement investigation relating to unauthorised works with the outcome being the submission of previous planning application 18/00657/FULL, which was for

the retention of the change of use of a smaller part of these barns to office with parking at Bradford Farm. That application was ultimately withdrawn following a resolution of the Planning Committee that Members were minded to refuse planning permission and therefore wished to defer the application for consideration of an implications report to consider the following issues:

- Whether the proposal had an unacceptable impact on the neighbouring property (especially the car parking area) and therefore did not comply with policies DM11 and DM20
- The intensification of the use of the premises
- Whether this was an inappropriate location for the proposal
- Was there more appropriate facilities nearby
- The impact of the development on the amenity of the neighbouring property especially with regard to lighting issues

This latest application is submitted to regularise the existing unauthorised works and the status of the building, with consideration given to the concerns raised during the previous application. The applicant contends that they have appropriately addressed these concerns so as to allow the application to be granted planning permission.

In determining this application, 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 NPPF), is noted as one such material consideration.

Of the six units identified on the submitted plans, one of these (Suite 3A) is already in use as flexible commercial use B1/B8, being so permitted by rights exercised under Schedule 2 Part 3 Class R of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO). The business being carried out within this part of the building is the applicant's own business. The other five proposed suites would be newly created with the intention to provide opportunities for businesses carrying out B1 and B8 operations. This may be an office for a designer/architect, financial advisor, or similar 'professional' user, light industrial use, or a low-key storage use such as storage of documents, antiques, household items, seasonal goods, etc. Following further discussions with the applicant, it is agreed that it would be appropriate to limit any B8 use to storage, without associated distribution, to encourage a smaller scale use than may be potentially operated under a full B8 use.

As a starting point, the site is located to the north east of Tiverton, to the north of the A361, and approximately 400m from the most north easterly edge of the Tiverton Eastern Urban Extension allocated site. As this is an open countryside location, Policy COR18 of the Mid Devon Local Plan (Core Strategy) applies. This seeks to restrict development to that which would enhance the character, appearance and biodiversity of the countryside whilst promoting sustainable diversification of the rural economy. Furthermore, COR18 states that detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria, which includes: *"appropriately scaled retail, employment, farm diversification and tourism related development (including conversion of existing buildings)."*

Policy DM20 of the Development Management Policies (Part 3 of the Mid Devon Local Plan) supports the principle new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. It is stated that proposals must demonstrate that:

- a) *The development would not lead to an unacceptable impact on the Local road network.*

- b) *There would not be an unacceptable adverse impact to the character and appearance of the countryside; and*
- c) *There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.”*

This particular policy consideration is referred to in the objections received, which raise concerns over the suitability of the site for new employment use, also questioning whether it has been appropriately demonstrated that there are no alternative sites that could provide for the need identified, as required by policy DM20. This matter was also raised in consideration of the previous application, being one of the reasons members were minded to refuse.

Notwithstanding the above concern, the proposed development is not proposing ‘new build’ commercial development, in this case seeking to make use of existing redundant buildings, which is supported in principle by policy DM11 of the Local Plan Part 3 (Development Management Policies). Policy DM11 is worded as follows:

“The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area’s rural character for residential, tourism or employment 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.”*

In this case, the buildings are a range of stone built barns in excellent condition, which can be viewed prominently from the public highway to the south. They are of very substantial and permanent construction and do contribute to the area’s rural character. As such, they are buildings suitable to be considered in accordance with policy DM11. The above criteria will be considered in the more detailed assessment of the scheme below.

The retention of the existing temporary building is submitted as part of this application, however is not proposed for commercial purposes. It is currently used for the storage of bee keeping equipment by a local bee keeping group. This is used in connection with bee keeping activities taking place on land immediately to the north of this building. On the basis that this is a small scale non-commercial activity, there are no objections in principle subject to assessment of the impacts of this element of the development against relevant local and national planning policy considerations. The contributor has objected on the grounds that this building has been sited without the necessary planning consent, and therefore should be removed, however the purpose of this application is to seek to regularise this unauthorised development, in which case any harm will be assessed.

2) Parking and access

The proposed development seeks to make use of an existing former agricultural access, which leads to the car park area. In addition, limited parking will be made available for electric car charging within the existing courtyard, which is accessed via a second access point to the west. Otherwise the courtyard parking will be restricted to use of the applicant’s household.

In considering the proposed use, the Highway Authority initially advised that Standing Advice should be applied. Noting the sensitivity of the site, previous and current concerns raised, more

detailed comments were requested. As a result, the Highway Officer has visited the site and provided further comment. In this response, no objections are raised from a highway safety point of view, with the access and parking arrangements, including sufficient parking provision, considered to be appropriate subject to improvements to visibility. Specifically it is requested that there is no obstruction to visibility above 1 metre, set back 2.4m between the two existing access. The applicant has agreed to these improvement, which would be required to be provided proper to any of the new units being occupied, should planning permission be required. Consideration will also need to be given to the visual impact of these works, which will be discussed in more detail below.

In order to ensure that the parking numbers remain appropriate for the proposed uses, and that there isn't a further increase in usage of the access, it is considered necessary to impose conditions restricting the type of uses that may be carried out. These would be limited to B1 use and B8. In respect to B8, as discussed earlier, this would be limited to storage use only, with distribution from site restricted to encourage small scale storage use rather than a larger distribution-based enterprise. A2 use, which would have visiting members of the public is not included within the use recommended for approval.

Taking the comments of the Highway Authority into account, and noting that appropriate conditions can be imposed to require necessary improvements to visibility, as well as limiting the type of business that can be carried out

Overall, the proposed development is deemed to be acceptable from a highway safety point of view, according with policy COR 9 of the Core Strategy and policies DM8 and DM11 of the Development Management Polices (Local Plan Part 3).

3) Design and impact on the character and appearance of the surrounding area

The commercial element of the development involves the reuse of the existing buildings, with some minor external alteration consisting primarily the replacement of existing windows and provision of roof lights facing into the central courtyard, in addition to the formation of the car parking area to the rear of the site.

The works that have been carried out to the building are considered to be acceptable. No new windows openings have been created with the new frames inserted into already present openings. New roof lights have been added to serve the first floor areas, however these are discreetly located within the enclosed courtyard area where they are not readily visible from public vantage points. The buildings are not listed, or identified as being locally listed heritage assets on the Devon Historic Environment Record. Nonetheless they are of very high quality. Overall the works have been carried out sensitively, respecting the key characteristics of these traditional buildings.

The creation of the gravelled car parking area is one of the primary concerns of the contributor, with objections principally citing its visual impact and the impact on living conditions of the occupiers of the neighbouring house, Bradford Barn, as a result of vehicle movements close to this property. In considering wider visual impact of the proposal, this does represent a change to the adjoining agricultural land, however it is not considered cause demonstrable harm so as to warrant recommending refusal. These works are now complete, with landscaping works carried out on the land immediately to the north, which include grassing and tree planting, with the car park edge defined with rail stock fencing with shrub planting in front. This will create defined boundary between the car park and adjoining countryside. In terms of the spread of development, this is noted but is not readily perceivable from wider public views. Similarly, it is noted that it does not extend as far as the built development comprising the converted barn and wider residential site immediately to the north east (Bradford Barn). Due to the close proximity of the two sites, and the

presence of similar gravel drive and parking areas present at this adjoining property, it is not considered that the car park works adequately respect the character of the surrounding area, without harming the rural context.

The drive and access point are existing and despite the change in appearance due to the resurfacing, which in itself would not require planning permission, there is no change proposed that would be harmful to visual character. In discussing highway safety issues above, it is noted that the Highway Authority requested improvements to visibility between the two existing access on to the site by removing any obstruction higher than 1 metre above the adjoining carriageway, at a point 2.4m back from the carriageway edge. At present the existing roadside wall is approximately 1 metre in height, with higher sections of stonework adjoining the accesses. There would be a need to lower the higher sections and possibly a small part of the roadside wall to provide this visibility, however this is not considered to be harmful to the character of the area, or the traditional character of the building and wider site. With the exception of the higher sections, the roadside boundaries of both the application site, and adjoining residential property, are characterised by their low stone walls. The required alterations would have a limited visual impact, respecting the existing character sufficiently. It is considered appropriate to impose a condition requiring details of these works, including details of repointing, coping stones, etc, to be provided and agreed prior to the works being carried out.

In considering the existing temporary building, which is proposed to be retained, this is closely related to the existing buildings and also does not represent a significant expansion of built form into adjoining countryside that would be considered reasonable to recommend refusal. The building at present is clearly in a state of deterioration and does not respect the character of the area. It is however proposed to clad in timber and roof in slate, which would significantly improve its appearance. These materials would match those used in an adjoining wood store building, thereby appropriately mitigating against the current harm caused by this building. In order to ensure a satisfactory outcome and speedy resolution to this current enforcement issue, it is considered appropriate to impose a condition requiring these works to be carried out in a reasonable period of time, say 3 months following any approval.

The use of the bee keeping storage building is a very small-scale use with very limited vehicle movements associated with it. A condition would be sensible to exclude its use for business purposes, thereby limiting its use in connection with a higher intensity use on site.

Overall, the works as carried out and proposed, are considered to be acceptable, complying with policy DM2 (high quality design) and criteria c) of policy DM11 of the Local Plan Part 3 (Development Management Policies).

4) Impact on residential amenity

The site is in a sparsely developed countryside location just beyond the edge of Tiverton, with two neighbouring properties to the east, Bradford Bungalow that is well separated from the site, and Bradford Barn, which immediately adjoins the access track and car parking area. The occupier of Bradford Barn has objected to the development for several reasons, however one of the main reasons for objecting to this particular scheme, is the impact that the use, particularly as a result of vehicle movements close to their property, will have on their living conditions. Concerns include the generation of noise disturbance as a result of vehicles moving close to the property, especially over the loose gravel, and headlights shining into the main sitting room and some bedrooms. There are also concerns about the potential for increased vehicle movements depending on the use of the buildings as there is some ambiguity over the end use with 'flexible use' referred to in the planning statement, which could potentially include B1, A2 and B8.

In respect to the use of the units, this has been clarified, and discussed further in the 'parking and access' section of this report. With the exception of Suite 3A, which already benefits from a flexible use, which includes full B1 and B8 use, it is proposed to limit the use of the other five units to a B1 use, which would include office, light industrial, and research and development, and B8 storage, with distribution use excluded. This would allow for 'professional' users such as a designer/architect, financial advisor, etc, or a low-key storage use such as storage of documents, antiques, household items, seasonal goods, etc. Such uses are considered to be acceptable and would be compatible with a residential setting. As such, the actual use of the buildings is not considered to be harmful to residential amenity. It is also noted that the buildings nearest the neighbouring property are not included within the change of use application, allowing a degree of separation between the two sites.

In respect to disturbance from vehicle movements, the Public Health team have raised no objections to the proposal. Further discussion have taken place with the Council's Environmental Protection Officer, specifically in relation to the comments received from the neighbouring occupier. Despite the increase in scale of development from the previous application (18/00657/FULL), the Environmental Protection Officer has advised that he does not consider the level of usage proposed would cause such disturbance that this would be sufficient to represent an unacceptably adverse impact on neighbouring amenity to justify refusing planning permission. No improvements are considered necessary, however it is suggested that the installation of an acoustic fence along the neighbouring boundary would adequately address the concerns in relation to noise from the car park, and light from headlights. The replacement of the gravel with a hard surface such tarmac or resin bound gravel would also reduce noise from vehicles accessing the site and manoeuvring in the car parking area.

While it is noted that improvements are not considered necessary, the applicant has agreed to make improvements in the form of replacement of the gravel or the installation of an acoustic fence, in accordance with the Environmental Protection Officer's suggested specification. A condition to this effect may be imposed on any consent granted. It is also noted that it is the applicant's own desire that any users of the site are limited in the time that they can work on the site. As such, they are agreeable to a condition limiting hours of operations. Following consultation with the Environmental Protection, a condition restricting hours to between 8am to 7pm on weekdays and 8am to 1pm on Saturdays, with no operation on Sundays or Bank Holidays. Such a condition would limit the use of the site in unsociable hours, also restricting how late any business could operate, thereby removing the opportunity for headlights to cause disturbance through shining into the adjoining house at unreasonable times. It is also noted that there is a planted boundary between the two properties that would further reduce this impact.

Taking the above into account, it is not considered that the living conditions of occupiers of Bradford Barn, or other nearby properties, would be unacceptably harmed as a result of the proposed development. The proposal is therefore considered to comply with policy DM2 of the Local Plan Part 3 (Development Management Policies), in respect to not having an unacceptably adverse effect on the privacy or amenity of neighbouring properties.

5) Other issues

In regard to other planning matters, with respect to ecology, there is an objection that the application should have been supported by a wildlife survey as the barns are ideal for bat roosts. Despite these concerns, this is not something that is necessary for this application. The works to the roof space of these buildings has already been carried out. With the exception of the change of use, for which this application seeks permission, internal works are also not classed as development and therefore can be carried out without the need for planning permission. This does not relieve the applicant of their legal obligations in respect to protected species and other wildlife,

however this is dealt with outside of the planning process as these works have already taken place. When these works were considered in the previous application, it was noted at the time that a survey had been carried out prior to works being carried out and no protected species were noted.

On this basis, with no physical works proposed to the building and only the proposed change of use being considered, it is not necessary to require an ecology survey. In carrying out the works however, it is noted that some biodiversity improvements have been implemented, including the provision of a range of nesting boxes for birds.

Questions have been raised about the efficiency of the enforcement process in dealing with existing breaches, however this application is received in response to those investigations, seeking to regularise all of the outstanding matters. Should permission be granted, these will have been appropriately resolved. If refused, a decision will need to be taken about proceeding with the next stages of the enforcement process.

CONCLUSION

Overall, despite the objections received, the proposed change of use of these traditional buildings and the associated works to the site, and the retention and improvement of the temporary building, are considered to be appropriate in this location, will have no adverse impact on local landscape character or highway safety and will cause no unacceptable harm to residential amenity.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The change of use and conversion of this existing range of buildings for business purposes is considered to be acceptable as the works involve an existing building of satisfactorily substantial and permanent construction which positively contributes to the area's rural character, and which has been converted without significant alteration, extension or rebuilding. The associated works, including the retention of the car parking area, and the other part of the scheme comprising the retention of the temporary building for use in connection with bee keeping activities is considered to be acceptable too, appropriately respecting and relating to the character of the site and its surroundings. Notwithstanding the relationship with a neighbouring property, it is not considered that the development would lead to an unacceptably adverse effect on the amenity of the occupiers of this or any other property. Furthermore the site is of sufficient size to accommodate adequate parking and turning facilities, as necessary, and is served by a suitable access. It is considered appropriate to recommend approval with conditions necessary to ensure the success of the development in this location. As such, it is considered that the proposed development satisfactorily accords with policies DM1, DM2, DM7, DM8, DM11 and DM20 of the Mid Devon Local Plan Part 3 (Development Management Policies), COR1, COR2, COR4, COR9 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

1. The date of commencement of this development shall be taken as 12th November 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.

3. The business use hereby permitted shall not be operated outside of the hours of 08:00 to 19:00 Monday to Friday and 0800 to 13:00 Saturday and shall not be operated on Sundays and Bank Holidays.
4. The areas allocated for parking on the approved plans shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.
5. No means of external illumination/lighting shall be installed within the application site unless details have first been submitted to and agreed in writing by the Local Planning Authority. Any external lighting installed shall be in accordance with the agreed details.
6. Visibility splays shall be provided, laid out and maintained for that purpose between the two accesses serving Bradford House and the application site, where the visibility splays provide inter visibility between the two accesses at a height of 1.0 metre above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway shall be 2.40 metres and parallel between the two. Such visibility shall be fully provided before any of the business units hereby permitted are first occupied and shall thereafter be maintained at all times. Prior to any works being carried out on in relation to the provision of the visibility splays, details of the works required in relation to the lowering of the existing stone boundary wall shall first be submitted to and approved in writing by the Local Planning Authority. Such details shall include identification of the area of wall requiring removal and details of making good including the specification of mortar mix and capping. The works shall thereafter be constructed in accordance with the approved details.
7. The bee keeping storage building hereby approved, comprising the retained temporary building, shall be clad and roofed in accordance with the details indicated on the approved plans, within three months of the date of this decision.
8. Prior to any of the business units hereby permitted first being occupied, noise reduction and mitigation measures shall be provided in the form of the erection of an acoustic fence (2m high with a mass of at least 12kg) along the eastern boundary of the site, forming the boundary with the neighbouring property (Bradford Barn), or the replacement of the existing gravel track and car park serving the development hereby permitted with a properly consolidated surface (not loose stone or gravel), as agreed in correspondence dated 12th February 2020 (email from Ian Firth to John Millar). Prior to their installation, details of the noise reduction and mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. Such measures shall be carried out in accordance with the agreed details and shall thereafter be maintained at all times.
9. The business unit referred to as 'Suite 3A' on the approved plans shall be used for purposes falling within Use Classes B1 and B8 only and for no other purpose (including any other purpose in any Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), or any other use permitted under the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification).
10. The business units referred to as 'Suites 1, 2A, 2B, 2C and 3B' on the approved plans shall be used for purposes falling within Use Classes B1 and B8 (storage) only and for no other purpose (including for use as a B8 distribution place or other purpose in any Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision

equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), or any other use permitted under the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification).

11. The bee keeping storage building hereby approved shall at all times be used for purposes ancillary to the bee keeping activities taking place on site and shall not be used for any commercial activity.

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.
3. In the interests of residential amenity in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
4. In the interests of highway safety, in accordance with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
5. In the interests of residential amenity in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
6. In the interests of highway safety, in accordance with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
7. To safeguard the visual amenities of the area, in accordance with policies COR2 of the Mid Devon Core (Local Plan Part 1) and DM2 of the Local Plan Part 3 (Development Management Policies) and the aims and objectives of the National Planning Policy Framework.
8. In the interests of residential amenity in accordance with Policy DM2 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
9. In the interests of residential amenity and in the interest highway safety and of assuring adequate parking remains available for any alternative use to accord with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
10. In the interests of residential amenity and in the interest highway safety and of assuring adequate parking remains available for any alternative use to accord with policies DM2, DM8 and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of the National Planning Policy Framework.
11. In the interests of residential amenity and in the interest highway safety and of assuring adequate parking remains available for any alternative use to accord with policies DM2, DM8

and DM11 of the Local Plan Part 3 (Development Management Policies), and the aims and objectives of 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.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

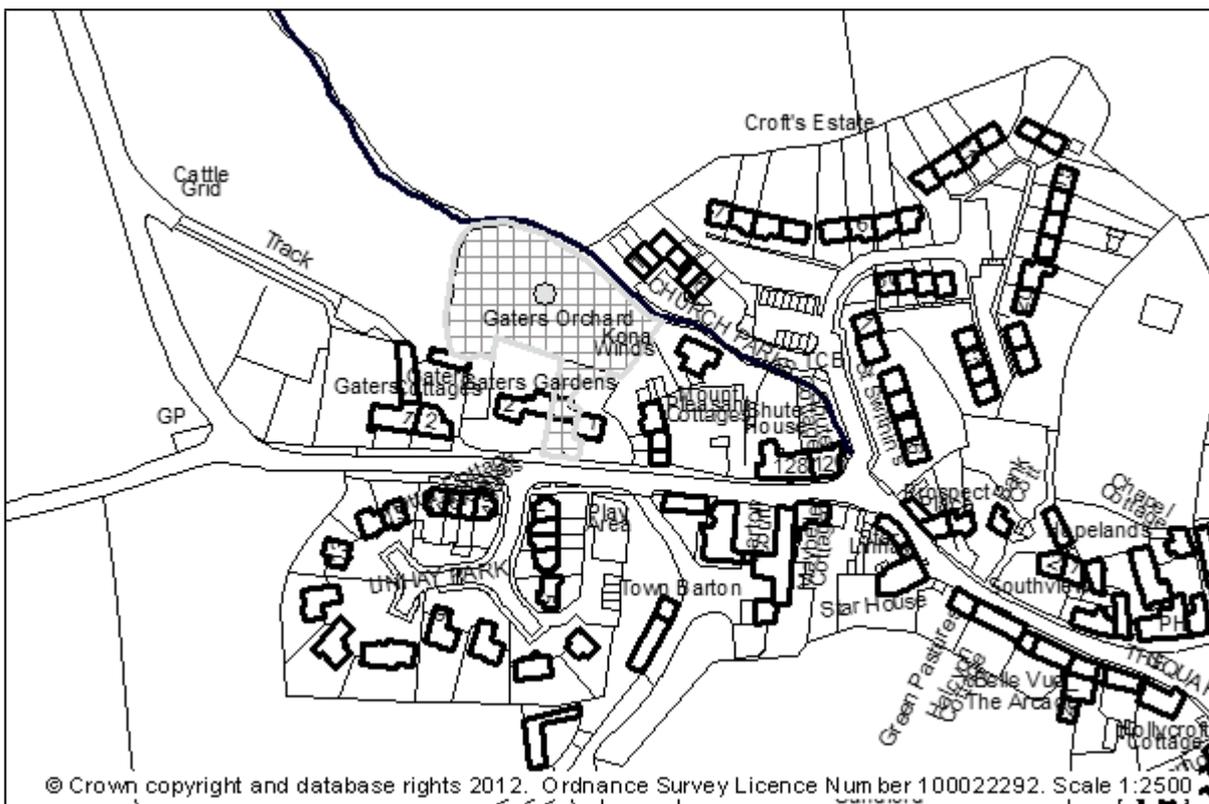
Application No. 19/01840/FULL

Applicant: Ms E Cole

Location: Land at Gaters Orchard and 1 Gaters Gardens
Sandford
Devon

Proposal: Erection of 3 dwellings and part demolition of garage to 1 Gaters Gardens to provide access

Date Valid: 23rd October, 2019



APPLICATION NO. 19/01840/FULL

MEMBER CALL-IN

Called in by Cllr Margaret Squires for the following reasons:

1. To consider the proposed development within the settlement of Sandford in relationship to the conservation area, given the proximity of the listed buildings but also with the relationship of modern development on either side.
2. To consider if the number proposed is right for the site
3. To consider the access width and alignment with the road in connection with the amount of traffic be generated.

RECOMMENDATION

Refuse planning permission.

PROPOSED DEVELOPMENT

This planning application proposes the creation of three dwellings, to be accompanied by parking and amenity spaces, along with shared access arrangements, on land that mostly sits outside the settlement limits of Sandford. The three dwellings would be detached, two-storey, pitch-roofed structures built into a hill-side. The two eastern-most units would be single-storey on their southern sides and double-storey on their northern sides, reflecting the changing ground levels. The western-most unit would be the largest of the three and would be accompanied by a garage.

The site is located on land that rises up from the north and east, and sits 2-6m above existing development located to the north and east, with the highest ground being located at western end of the site. The site is undeveloped and contains a number of mature trees. It is located within the Sandford conservation area, and adjoins open land to the west and north, and existing residential development to south, north, and east. Two of the adjoining properties to the south are Grade II Listed.

APPLICANT'S SUPPORTING INFORMATION

Application Form, plans, and supporting information.

PLANNING HISTORY

There are no previous planning decisions of particular relevance to the proposal.

DEVELOPMENT PLAN POLICIES

Mid Devon Core Strategy (Local Plan 1)

- COR1 - Sustainable Communities
- COR2 - Local Distinctiveness
- COR3 - Meeting Housing Needs
- COR7 – Previously Developed Land
- COR9 - Access
- COR12 - Development Focus
- COR17 - Villages
- COR18 – Countryside

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

AL/IN/3 - Public Open Space
AL/CRE/8 – Crediton Air Quality

Mid Devon Local Plan Part 3 (Development Management Policies)

DM1 - Presumption in favour of sustainable development
DM2 - High quality design
DM7 - Pollution
DM8 - Parking
DM14 - Design of housing
DM15 - Dwelling sizes
DM27 - Development affecting heritage assets

National Planning Policy Framework (“the NPPF”)

CONSULTATIONS

Sandford Parish Council – 18th November 2019

The Parish Council recently held a site Meeting to discuss this application with the Applicants and Architect.

We understand that Consultation has been ongoing regarding the proposed Development with MDDC since 2018, with Simon Trafford (MDDC Planning Office) prior to his departure.

Whilst the Parish Council in principle are IN FAVOUR of the proposal there are a number of issues that we wish to highlight:-

Eco Friendly/Energy Efficiency - We are aware of the current Climate Crisis debate and the need for Eco Friendly new homes to be constructed. It is not obvious from the application what/if any Environmentally Friendly features have been incorporated above those required by building regulations. Will the new homes be Energy Efficient?

Access of increased traffic on to the busy West Sandford Road - This is a busy road and a bus route. Cars are permanently parked against the pavement on the other side of the road, and the proposed access is directly opposite the entrance to the 16 homes at Linhay Park. The Parish Council would like confirmation that the Highway Authority are happy with the proposal for more vehicles to exit on to the West Sandford road at this location?

Could we request that provision is included, if permission is granted, that two parking spaces are provided in front of 1 Gaters Gardens prior to the Garage being demolished. Also could additional parking spaces be incorporated within the curtilage of the Development?

The Parish Council are also concerned at the increase in "On street parking", particularly during the construction period, and thereafter, which will inevitably occur if the application is approved.

Disposal of surface water - We were told that this has yet to be decided. As to whether this will be dealt with by being sent off the site down on to the Stream at the bottom of the Site, or taken away from the front of the current property. We would like to recommend that whatever is deemed to be the "Greenest" Option is adopted. We already have problems, and concerns over the increased flow of water that feeds into the Shute Stream at the bottom of Crofts which does flood on

occasions. Any new homes are inevitably going to add to the volume of the water entering the Shute Stream.

Parking during Construction - We are also concerned over the high volume of traffic that will occur during the time of construction of the new homes, given that Building suppliers' lorries etc. will need to access the site to offload materials, notwithstanding the provisions of the Control of Pollution Acts. Has a Construction Phase Site Management Plan been drawn up for material deliveries and contractor parking, as these elements have the potential to cause significant impact with inconvenience for Residents and difficulty for through traffic, particularly agricultural traffic and public transport ? If a Plan has been produced can we please see a copy or request that one is produced if not. Additionally could deliveries be prohibited before say 8.30 and after 16.30 hrs?

Highway Authority – 28th November 2019

The site is accessed from a private drive and the Highway Authority has no objection to the concept. However the access should be minimum of 4.5m for the first 10 m to allow two vehicles to pass. In addition given the narrow nature of the road fronting the site and its use as a bus route parking should be suitable and the Highway Authority would seek 2 spaces for each dwelling, this can be achieved by a realignment of the plots.

Also there are downstream issues with surface water and the Highway Authority would seek details of the surface water proposals. Therefore the Highway Authority would seek an amended plan and additional detail to address these issues.

Recommendation:

The Head of Planning, Transportation and Environment, on behalf of Devon County Council, as Local Highway Authority, may wish to recommend conditions on any grant of planning permission

Public Health – 13th November 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 - Before the commencement of development, 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 and manage Heavy/Large Goods Vehicle access to the site. 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.

Housing Standards - No comment

Licensing - No comments

Food Hygiene – Not applicable

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. You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

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 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.

Historic Environment Team – 2nd December 2019

Devon County Historic Environment Team Ref: Arch/DM/MD/34918a

I refer to the above application. The proposed development site lies in an area of archaeological potential. Possible prehistoric or Romano-British activity is recorded within 150 metres to the northwest of the application area in the form of cropmarks identified through aerial photography. Further evidence of prehistoric activity is located to the east of the site, evidenced by another cropmark of which its form pertains to a possible ring ditch. As such, groundworks for the construction of the proposed development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. 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 with 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 a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to determine the presence and significance of any heritage assets with archaeological interest that will be affected by the development. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or the monitoring and recording of 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.

Natural England - 22nd November 2019

No comments

Conservation Officer – 23rd January 2020

Following my initial response on 10th December 2019 and undertaking a site visit with architects on 23rd January 2020 which included viewing the site from local vantage points to the west on the access lane down to No 1 Gater Cottages and on the road above Sandford toward Kennerleigh.

As previously commented the orchard site is recognised formerly in the Conservation Area designation as an important green space to the north of the valley that's runs down into the Sandford village from the west. In addition there are two listed thatched cottages on the north side of lane that runs west out of the village that abut the orchard site. Mount Pleasant Cottage to south east and Gater Cottages to the south west.

The site has a flat terrace about 12 m x 40 m that appears to have been created between 5 – 10 years ago to the centre of the site immediately behind the garden area to No. 2 Gater and it slopes steeply down from the terrace to the north and north east toward the stream at the boundary. The site is used informally as garden space by the owners of No. 1 Gater Gardens.

The historic mapping shows the orchard was related to Mount Pleasant Cottage along with the small field now occupied by Gater Gardens No. 1 & 2.

The proposal is to create an access sharing the existing access to No.1 Gater Gardens and making access through to the terrace at the rear of the garden by demolition of the double garage. A new two storey side extension is proposed to No. 1 Gater Cottage adjoining the new access.

Three new dwellings are proposed on the orchard. A large detached dwelling to the far end of the terrace and cut into the bank immediately below the cob outbuilding to 2 Gater Cottages. The house would appear as single storey from the terrace level and two storey to the north and garden area where the ground would continue to slope away to the valley. The outlook and orientation from the dwelling is to the north and west across the valley. This dwelling will have a separate double garage block on the terrace edge.

Two smaller detached dwellings separated by a steep set of concrete steps are cut into the edge of the terrace so that they would be single storey to the terrace and full two storey to the north elevation with an orientation to the north and the valley. A single parking space each is indicated for the two dwellings.

The access road and turning area will effectively take up the existing terrace area with the new dwellings cut into the sloping land to the edge. The applicant has indicated the extent of a retaining wall required for the larger dwelling but it is also expected that similar retaining walls would be cut into the slope to form the level patio garden spaces to the back garden (north) of the other two dwellings.

The extent of this level of development including a new access, three large detached dwellings hardstanding, turning areas, retaining walls and levelling and domestication of additional garden /patio spaces would have a substantial harmful impact on the character of the existing open slopes of the orchard and would be considered an overdevelopment.

The three dwellings would be considered an incongruous and harm the character of the Conservation Area directly and would not achieve the minimal requirement to preserve the character.

It would also affect the wider views especially in the winter with a group of three dwellings extending the village edge out across this important open edge to the Conservation Area. There is existing trees and hedgerow boundary screening treatments but especially in the winter the visual incursion is considered harmful to the character of the Conservation Area.

The proposed development of three dwellings is also considered to affect the setting of the two listed buildings. Gater Cottage and its outbuilding setting would be directly affected by the large detached dwelling which would sit within 10 m from the curtilage listed outbuilding. While Mount Pleasant would be harmed by the detached pair of new dwellings and by the modifications to the existing 1. Gater Garden in the street scene.

It is considered that the pair of dwellings at Gater Gardens are of some significance as an architectural pair in the street scene and the loss of the garage block and the large extension and remodelling of 1. Gater Gardens would be detrimental to the existing street character of the Conservation Area and setting of the listed building either side. As too would any alteration to the stone retaining wall along the lane to provide the access.

The proposal needs to be substantial revisited any as the site is outside the development boundary for the development there is an in principle objection to any development. In terms of harm to designated heritage assets and their setting it is considered the only potential for development would be a single detached building located on the existing terrace and this would need to be explored carefully in design terms through a pre- app process, if there is scope for this in the context of wider planning polices to consider such a development.

Conservation Officer – 10th December 2019

The site lies within the Sandford Conservation Area. There is no Appraisal for the CA.

The site would be created by removing the existing link garage and forming a new access route to the site, a separate orchard, accessed through the rear garden area.

The orchard forms an important green space and the north side of the valley running down into the village of Sandford. The open character of the orchard forms an important sloping green edge to the setting of the Conservation Area.

There are two listed buildings Mount Pleasant Cottages to the east and Gater Cottages to the west that sit on a ridge of the valley and both have settings that include the orchard sloping away from them to the north.

It appears on historic mapping the orchard was related to the listed Mount Pleasant Cottage as was the area where 1 and 2 Gater Gardens have been in filled into a former walled field /market garden area between the two listed properties Gaters Cottages to the west and Mount Pleasant to the east in the 1960's.

1 and 2 Gater Gardens with their link garage form a visual continuous development pair and form part of the Conservation Area. Of particular significance is the street frontage that is formed by a an historic retaining stone wall that connects with the walling that runs all the way down the road toward the village connecting the garden frontages from Gater Cottage to Mount Pleasant. The wall has been adapted when Gater Gardens were built to form a visibility splay.

In terms of the proposed three new dwellings located in the orchard. The orchard has a natural sloping profile but has an existing but recent terrace feature cut into the slope and located to the north of 2 Gater Gardens. The orchard is used informally as garden by No1 Gater Gardens. The terrace feature does not appear in aerial photographs until 2015 (2010 has the area used a vegetable garden). The development is to locate an access road on the terrace and have three dwellings cut partly into the natural slope of the land from the terrace.

Two of the new dwellings appears as a pair with a steep set of steps between them and a larger detached dwelling at the west end of the orchard adjacent to the outbuildings at the rear of listed Gater Cottage.

The proposed dwellings are considered to appear incongruous in views into and across this part of the Conservation Area and would be detrimental to the open character of the orchard and valley and the setting of North West edge of the Conservation Area and village of Sandford.

It is considered that the pair of dwellings at Gater Gardens are of some significance as an architectural pair in the street scene and the loss of the garage block and the large extension and remodelling of 1. Gater Gardens would be detrimental to the existing street character of the Conservation Area and the street setting of the listed building either side. As too would any alteration to the retaining wall.

The proposed development of three dwelling is considered to affect the setting of the two listed buildings to less than substantial harm. Gater Cottage directly by the large detached dwelling while Mount Pleasant would be harmed by the detached pair of new dwellings and by the modifications to the existing 1. Gater Garden.

I would therefore strongly object to the proposal.

REPRESENTATIONS

Representations have been received from three neighbouring occupiers objecting to the proposal on the following grounds:

- Poor access arrangements;
- Loss of trees and harm to wildlife;
- Harm to the conservation area;
- The site is located outside settlement limits;
- The effect on surface water drainage;
- The height of the proposed buildings;
- Harm to amenity during the construction process;
- Potential impacts in relation to ground stability;
- Potential damage to property as a result of construction traffic.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

1) Principle of Development:

Policy COR7 of the Core Strategy states that development will be guided towards the most sustainable locations available, including previously developed or underused land in settlements. The site is mostly located beyond the settlement limits of Sandford, and the proposal would result in the creation of three residential properties in the open countryside. Policy COR18 of the Local Plan stipulates the circumstances in which development in the open countryside will be supported; the proposed open market housing does not meet the criteria of this policy.

Whilst Mid Devon is able to demonstrate more than a five year supply of housing land, as a number of its strategic policies, including COR18, are out of date, the tilted balance applies and, as per the NPPF, there is a presumption in favour of permitting sustainable development where up-to-date policies do not indicate otherwise.

The site straddles the settlement boundary of the village and is within walking distance of a bus stop, village post office and shop, and a public house. In light of the above circumstances, in terms of its location, the proposal is considered to be sustainable, in accordance with the guidance contained in the NPPF, and acceptable in principle. However, in order for the proposal to constitute sustainable development, the three objectives being economic, social and environmental would all need to be achieved and this matter is considered further on within this report.

2) Impact on Character and Heritage Assets

Policy DM2 of the Local Plan states that the design of new development must be of high quality and demonstrate a number of principles, including efficient and effective use of the site, an understanding of the local context, and appropriate siting, layout, scale, and other design characteristics to ensure visually attractive and well integrated development. Policy DM14 states that new housing should be designed to deliver high quality, taking account of context, local character, density, and land use mix. Policy DM27 refers to the importance of heritage assets and their settings, and includes criteria for their preservation and enhancement.

The application site is located within the Sandford Conservation Area and, whilst not mentioned in the Conservation Area Appraisal, is considered by the Council's Conservation Officer to make a positive contribution to its character. Local Planning Authorities have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Council's Conservation Officer has objected to the proposal on the grounds that it would result in unacceptable harm to the settings of two listed buildings and because it would not, as a minimum, preserve the character or appearance of the conservation area. The application site is an open green space containing a number of trees and is on raised ground in relation to the north and east. The western-most proposed dwelling would be located around 9m from the curtilage area and listed outbuilding relating to Gaters Cottages (Grade II listed). Whilst the eastern-most proposed dwelling would be located within 7m of the curtilage of Mount Pleasant Cottages (Grade II listed) and 17m of the buildings themselves. The proposal would result in the creation of a vehicular access between the two existing dwellings known as Gaters Gardens, which currently present a symmetrical appearance within the street-scene located, as they are, between the two aforementioned listed sites.

The proposal would result in the part-demolition of No.1 Gaters Gardens, and the erection of a two-storey side extension in relation to that dwelling, to replace the double garage to be sacrificed for the creation of the proposed access to the site. The addition of a large, two-storey side extension and the loss of symmetry would result in a visually incongruous effect that would be harmful to the character of the street-scene, the conservation area, and the settings of the two listed buildings either side of Gaters Gardens. The introduction of three, two-storey dwellings and associated development, within what is currently an open and verdant site, would also be visually harmful, and being in close proximity to two listed buildings, would be harmful to the settings of those buildings along with the character of the conservation area. The harm to the setting of the conservation area would be particularly evident when viewed from the north and east, where two-storey dwellings, built into the hill side, would sit on raised ground above the existing village located to the north and east.

For the reasons discussed above, it is considered that the proposal would result in less than substantial harm to heritage assets and public benefits, that outweigh the identified harm, have not been demonstrated.

Given the proposal's siting, scale, and design, it is considered that it would result in an over-development of the site. The three two-storey buildings and associated development, including an access road running between two existing properties, vehicle parking, fencing, domestic garden areas, and retaining structures, necessitating the removal of trees, on what is a well vegetated, greenfield site would result in a crowded, harsh and visually intrusive form of development particularly when viewed from the lower ground located to the north and east.

The proposal would result in unacceptable harm to the character of the area and to heritage assets and is therefore contrary to Policies DM2, DM14, and DM27 of the Local Plan, and the guidance contained in the NPPF.

3) Amenity and Quality of Accommodation

Policy DM2 of the Local Plan states that proposals should not result in unacceptable impacts on the privacy and amenities of those occupying existing or proposed dwellings. Policy DM14 states that new housing should be designed to provide adequate internal living space and room for various types of storage, including for refuse and bicycles; adequate levels of natural light and privacy in relation to internal and external spaces; and suitable amounts of private amenity space. Policy DM15 stipulates the required internal space standards for new dwellings. Policy DM7 of the Local Plan states that development will be permitted where the effects of pollution would not have unacceptable impacts in relation to health, the natural environment, and general amenity.

The proposal would provide adequate amounts of internal living space and outdoor amenity areas and therefore an acceptable standard of living accommodation for the enjoyment of future occupiers.

Given the proposal's siting, scale, and design, and its relationship to neighbouring properties, it is considered that the proposed dwellings would not result in unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy or access to light. However, it is considered that the introduction of a new access and road serving three properties, to be located in between Nos.1 and 2 Gaters Gardens, would be harmful to neighbouring amenity. The proposed access road would have a 'tight' relationship to these two properties, running alongside the dwellings and their curtilage areas. The comings and goings of vehicles associated with the proposed development is likely to result in an unacceptable level of disturbance to the occupiers of the Gaters Gardens properties.

As such, the proposal is contrary to Policy DM2 of the Local Plan.

4) Access Arrangements

Policy DM2 of the Local Plan states that new development should be safe and accessible. Policy DM8 states that sufficient vehicle parking and bicycle storage must be provided.

The Highway Authority has raised no objections to the proposal in principle but has stated that, given the limitations of the public highway where the site access would be located, that the proposed access road should be 4.5m in width for a length of 10m back from the highway, to allow two vehicles to pass one another, and that two parking spaces per dwelling should be provided. Whilst Unit 3 would be served by at least two parking spaces, the other two units would only be served by one off-street parking space each, and this falls below the requirements of Policy DM8. Moreover, the width of the access road would be around 3.5m in width, rather than the 4.5m required by the Highway Authority. This will prevent two vehicles being able to pass one another, and possibly result in vehicles waiting in, or even reversing into, the public highway. The insufficient number of parking spaces may result in overspill parking in the highway. These factors, along a narrow part of the highway where there is a bus stop and on-street parking is likely to compound existing congestion, and result in unacceptable harm to highway safety and amenity. As such, the proposal is contrary to Policies DM2 and DM8 of the Local Plan.

5) Legal Agreement

In accordance with Policy AL/IN/3 of the Allocations and Infrastructure Development Plan Document, the grant of any planning permission should be subject to the completion of a legal agreement to secure financial contributions towards open space, calculated at 3 x £1205. In addition to this, in line with Policy AL/CRE/8 (Crediton Air Quality) a financial contribution towards Air Quality mitigation in the Parish of Crediton based on the calculation of 3 x £4434 would be required. However given the concerns to the principle of the development, these contributions have not been pursued but would be in the event of any planning appeal submitted.

6) Other Considerations

Archaeology

The County Historic Environment Team has raised no objections to the proposal, subject to the use of a planning condition to secure a scheme of archaeological investigation and works. This condition can be imposed should planning permission be granted.

Ecology

The submitted ecological assessment has concluded that the proposal would not result in unacceptable harm to protected species, and that further survey work is not required, but does recommended the use of mitigation and enhancement measures, such as the installation of bat boxes, which can be secured through the use of a planning condition, should planning permission be granted.

Drainage Arrangements

The proposed method of foul drainage would be to the mains sewer, whereas the surface water drainage arrangements would make use of soakaways. There is a lack of detailed information available about the proposed means of surface water drainage, however, it is envisaged that an acceptable scheme can be achieved to ensure that the proposal would not result in unacceptable

surface water run-off. Should planning permission be granted, a condition should be imposed to secure an acceptable scheme of surface water drainage at the site.

7) Conclusion

The proposal is considered unacceptable, having regard to the Development Plan and all other material considerations, and planning permission should therefore be refused.

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between different people when carrying out their activities. This is called the Public Sector Equality Duty or "PSED". No persons that could be affected by the development have been identified as sharing any protected characteristic.

DECISION REASON

Unacceptable harm has been identified in terms of the effects the proposal would have on the character of the area, heritage assets, neighbouring amenity, and highway safety and amenity. The proposal is therefore considered to be contrary to Policies DM2, DM8, and DM27 of the Mid Devon Local Plan. In the absence of a completed legal agreement to secure financial contributions towards the provision of public open space, the proposal is also contrary to Policy AL/IN/3 and AL/CRE/8 of the Mid Devon Local Plan.

REFUSAL REASONS

1. Given its siting, scale, and design, the proposal would result in a crowded and visually incongruous development on an open and verdant site, which occupies a prominent position within the village, and therefore unacceptable harm to the character of the area. The proposal would also result in less than substantial harm to heritage assets where sufficient public benefits, outweighing this harm, have not been demonstrated. As such, the proposal is contrary to Policies DM2 and DM27 of the Mid Devon Local Plan, and the guidance contained in the National Planning Policy Framework.
2. The proposed access road, intended to serve the three new residential properties, which would straddle two existing residential properties, would result in an unacceptable level of disturbance to the amenities of those occupying Nos.1 and 2 Gaters Gardens, contrary to Policy DM2 of the Mid Devon Local Plan.
3. The narrowness of the proposed access road, which would not allow two vehicles to pass one another off the highway, and an insufficient number of parking spaces in relation to proposed Units 1 and 2, is likely to exacerbate congestion along the public highway near to the site, and cause unacceptable harm to highway safety and amenity, contrary to Policies DM2 and DM8 of the Mid Devon Local Plan.
4. In the absence of a completed legal agreement to secure financial contributions towards public open space and towards Air Quality mitigation in the Parish of Crediton, the proposal is contrary to Policies AL/IN/3 and AL/CRE/8 of the Mid Devon Local Plan adopted Allocations and Infrastructure Development Plan Document.

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.